



Planning and Zoning Commission Public Hearing

Holly Springs Public Safety Building, Council Chambers
3235 Holly Springs Pkwy, Holly Springs, GA 30115
Thursday, June 12, 2025 | 7:00 PM

Chris Adams | Adrian Dekker - Chair | Mike Grayeski - Vice Chair | Eric Huminski | Andy Norris

AGENDA

I. CALL TO ORDER

II. PUBLIC HEARING RULES

III. OLD BUSINESS/PUBLIC HEARING

IV. NEW BUSINESS/PUBLIC HEARING

- A. **A-01-2025**, applicant requests annexation of 20.11 +/- acres located off of Lower Union Hill Road, Cherokee County, GA, tax parcel 158 of tax plat 15N26.
- B. **MA-03-2025**, applicant, Garrard Development, Inc., requests rezoning of 20.11 +/- acres located off of Lower Union Hill Road, Holly Springs, GA, tax parcel 158 of tax plat 15N26, from NC, Neighborhood Commercial (County), and AG, Agricultural (County), to TND, Traditional Neighborhood Development (City), and MXD, Mixed Use (City).
- C. **MA-04-2025**, applicant, Idletown Development, Inc., requests an amendment to the stipulations of rezoning case MA-07-2020 for 15.72 +/- acres located off of Palm Street, Holly Springs, GA, tax parcels 094 and 095 of tax plat 15N15 and tax parcel 082A of tax plat 15N15A.
- D. **CUP-01-2025**, applicant requests a conditional use permit for a CBD and/or Tobacco Specialty Store for property located at 2271 Holly Springs Pkwy, Suite 105, Holly Springs, GA, tax parcel 026A of tax plat 15N14C.
- E. **ORD-4-2025**, amendment to the Holly Springs Zoning Ordinance, Article 2: Interpretations and Definitions to amend definitions and Article 5: District Uses and Regulations to amend permitted uses and conditional uses.
- F. March 13, 2025 Planning and Zoning Public Hearing Meeting minutes.
- G. May 29, 2025 Planning and Zoning Work Session Meeting minutes.

V. REPORTS/COMMENTS

VI. ADJOURNMENT

ITEM REPORT

AGENDA ITEM NUMBER: IV.A.



FROM: Nancy Moon, Community Development Director

MEETING DATE: June 12, 2025

AGENDA ITEM: A-01-2025, applicant requests annexation of 20.11 +/- acres located off of Lower Union Hill Road, Cherokee County, GA, tax parcel 158 of tax plat 15N26.

EXECUTIVE SUMMARY:

Applicant, Parks Huff, representing Garrard Development, requests annexation of 20.11 +/- acres located off of Lower Union Hill Road, Cherokee County, GA, tax parcel 158 of tax plat 15N26. The property is currently zoned NC, Neighborhood Commercial and AG, Agricultural. The applicant is proposing to develop the property as a mixed-use development consisting of medical office, retail, and residential uses. The proposed zoning is TND, Traditional Neighborhood Development and MXD, Mixed Use.

The applicant has requested to continue this case until the arbitration process is complete.

FISCAL IMPACT:

N/A

ATTACHMENTS:

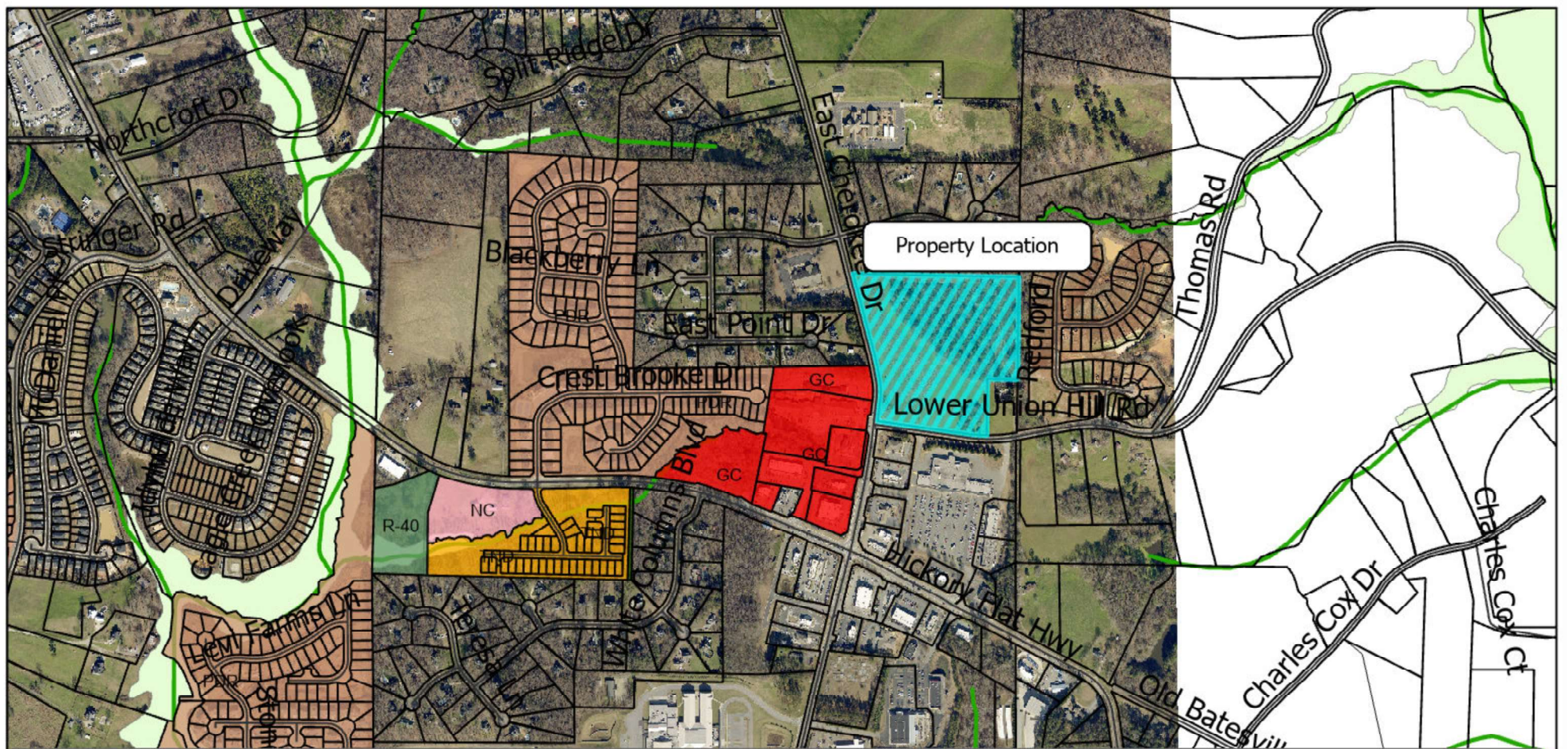
1. Location Map
2. Survey
3. Site Plan

RECOMMENDATION:

The staff recommendation is to continue the case.

CONCURRENCES:

City Manager



A-01-2025 MA-03-2025 Location Map

—+— Railroad

□ Parcels_2025

— Streets_2025

Zoning 2025

ZONING

AG- Agricultural

R-80- Estate Residential

R-40- Single Family
Residential Estate

R-20- Single Family
Residential

RD-20- Single Family and
Duplex

RD-3- Single Family
Residential

PUD- Planned Unit
Development

TND- Traditional
Neighborhood
Development

PDR- Planned
Development Residential

HDMFR- High Density
Multi-Family Residential

GC- General Commercial

NC- Neighborhood
Commercial

OI- Office Institutional

GV- Governmental

LI- Light Industrial

MXD- Mixed Use Overlay





ITEM REPORT

AGENDA ITEM NUMBER: IV.B.



FROM: Nancy Moon, Community Development Director

MEETING DATE: June 12, 2025

AGENDA ITEM: MA-03-2025, applicant, Garrard Development, Inc., requests rezoning of 20.11 +/- acres located off of Lower Union Hill Road, Holly Springs, GA, tax parcel 158 of tax plat 15N26, from NC, Neighborhood Commercial (County), and AG, Agricultural (County), to TND, Traditional Neighborhood Development (City), and MXD, Mixed Use (City).

EXECUTIVE SUMMARY:

The applicant, Garrard Development, Inc., requests rezoning of 20.11 +/- acres located off of Lower Union Hill Road, Holly Springs, GA, tax parcel 158 of tax plat 15N26. The property is currently zoned NC, Neighborhood Commercial and AG, Agricultural. The applicant is proposing to develop the property as a mixed-use development consisting of medical office, retail, and residential uses. The office/retail uses are projected to occupy 60,000 square feet of space, while the residential component will consist of 92 townhomes with an overall proposed density for the project of 4.57 units per acre. The proposed zoning is TND, Traditional Neighborhood Development and MXD, Mixed Use. The proposed site plan and elevations are attached.

The applicant has requested to continue this case until the arbitration process is complete.

FISCAL IMPACT:

N/A

ATTACHMENTS:

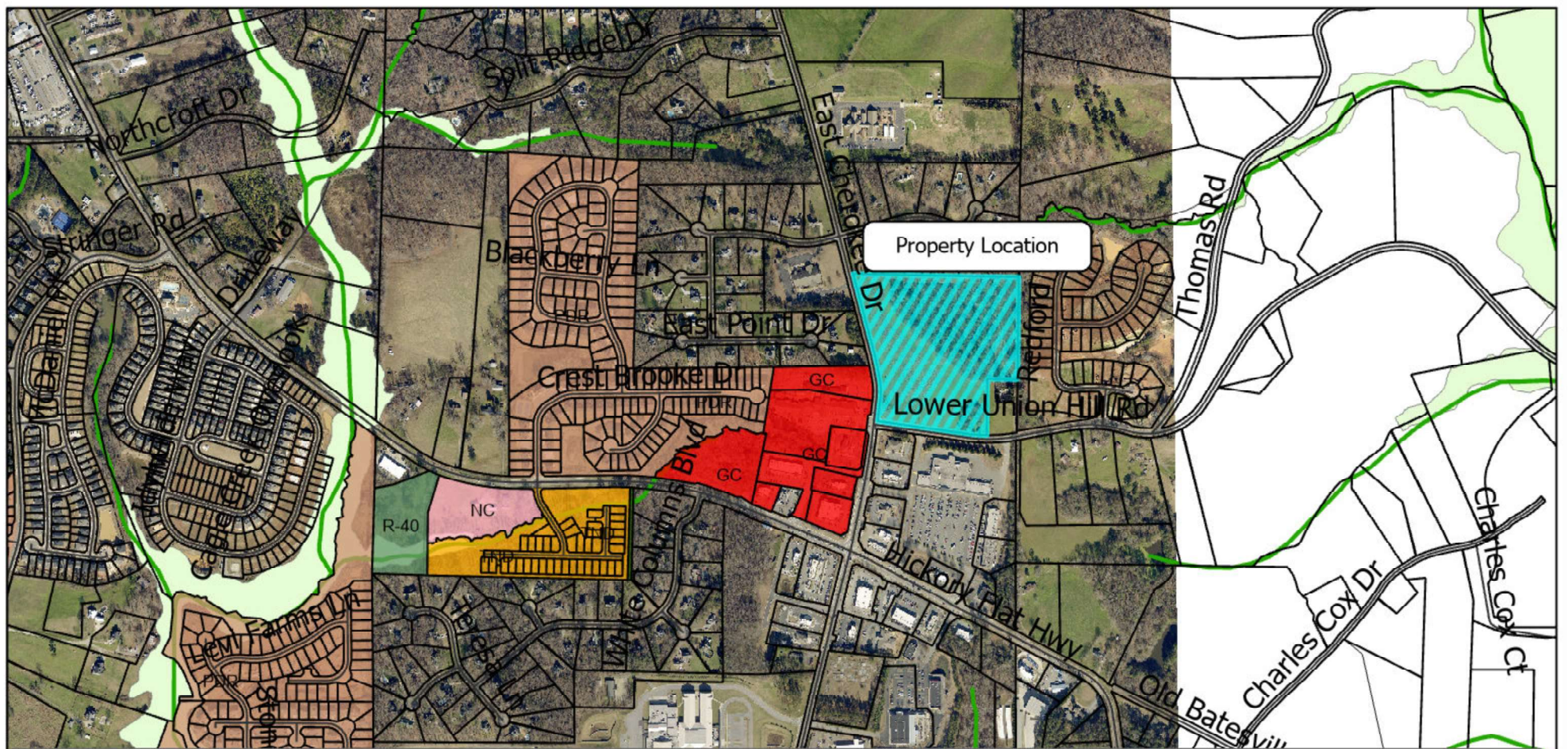
1. Location Map
2. Survey
3. Site Plan
4. Elevations

RECOMMENDATION:

The staff recommendation is to continue the case.

CONCURRENCES:

City Manager



A-01-2025 MA-03-2025 Location Map

+ Railroad
 □ Parcels_2025
 — Streets_2025

Zoning 2025

ZONING

AG- Agricultural
 R-80- Estate Residential

R-40- Single Family Residential Estate
 R-20- Single Family Residential
 RD-20- Single Family and Duplex
 RD-3- Single Family Residential

PUD- Planned Unit Development
 TND- Traditional Neighborhood Development
 PDR- Planned Development Residential
 HDMFR- High Density Multi-Family Residential

GC- General Commercial
 NC- Neighborhood Commercial
 OI- Office Institutional
 GV- Governmental
 LI- Light Industrial
 MXD- Mixed Use Overlay









ITEM REPORT

AGENDA ITEM NUMBER: IV.C.



FROM: Nancy Moon, Community Development Director

MEETING DATE: June 12, 2025

AGENDA ITEM: MA-04-2025, applicant, Idletown Development, Inc., requests an amendment to the stipulations of rezoning case MA-07-2020 for 15.72 +/- acres located off of Palm Street, Holly Springs, GA, tax parcels 094 and 095 of tax plat 15N15 and tax parcel 082A of tax plat 15N15A.

EXECUTIVE SUMMARY:

Applicant, Idletown Development, Inc., requests an amendment to the stipulations of rezoning case MA-07-2020 for 15.72 +/- acres located off of Palm Street, Holly Springs, GA, tax parcels 094 and 095 of tax plat 15N15 and tax parcel 082A of tax plat 15N15A. The development, consisting of 63 homes, is known as Idletown Subdivision and is located on Palm Street. It is currently under site development. Stipulation #14 of rezoning case MA-07-2020, states as follows:

Entrance design and improvements to Palm Street shall be provided as per determination and recommendation of the City Engineer. There shall be no public access to Palm Lake Drive. However, an emergency vehicle access shall be provided on Palm Lake Drive equipped with a gate and "Knox Box".

The applicant is requesting that the provision of emergency vehicle access on Palm Lake Drive, as highlighted above, be eliminated from the approved stipulations. At the time this rezoning case was approved, based on the number of lots (63), the secondary access was required. The Fire Safety Code has changed since this rezoning was approved for subdivisions to be developed with up to 120 units before the emergency access road is required. The Fire Marshal has approved the elimination of the secondary access road (see attached email).

FISCAL IMPACT:

N/A

ATTACHMENTS:

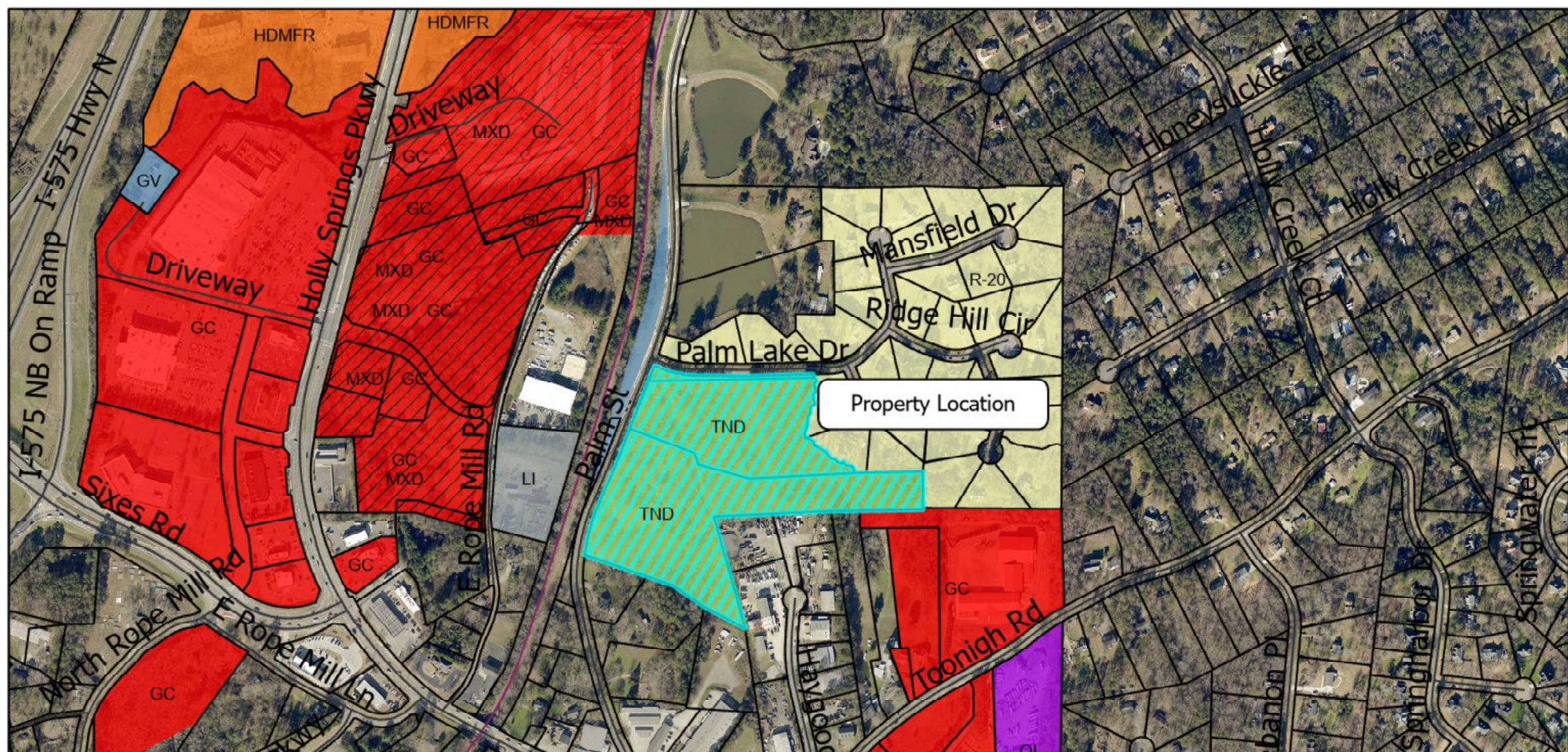
1. Location Map
2. Site Plan
3. Application
4. Fire Marshal Approval

RECOMMENDATION:

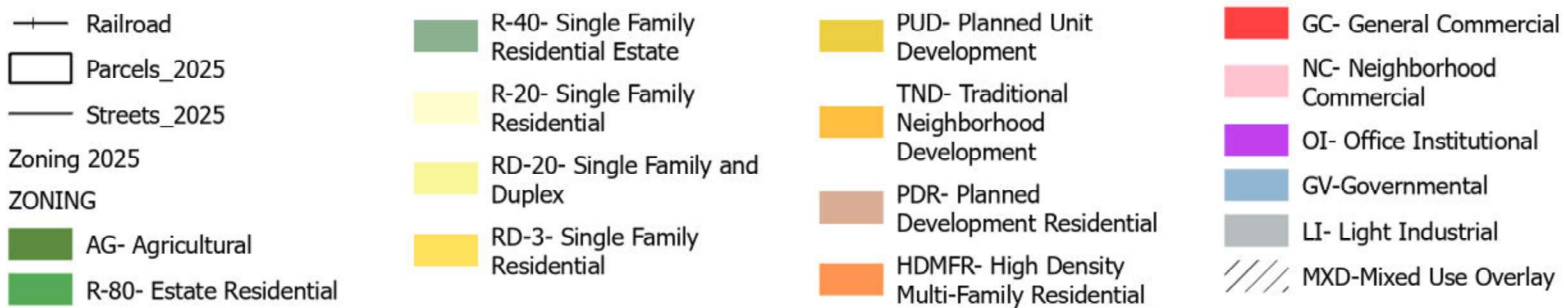
The staff recommendation is approval of the request to remove the emergency access from stipulation #14.

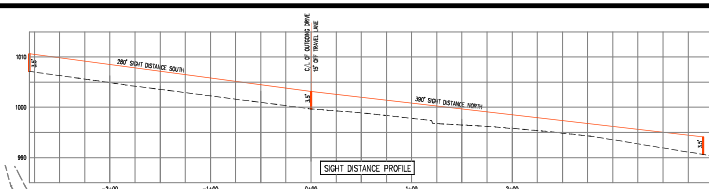
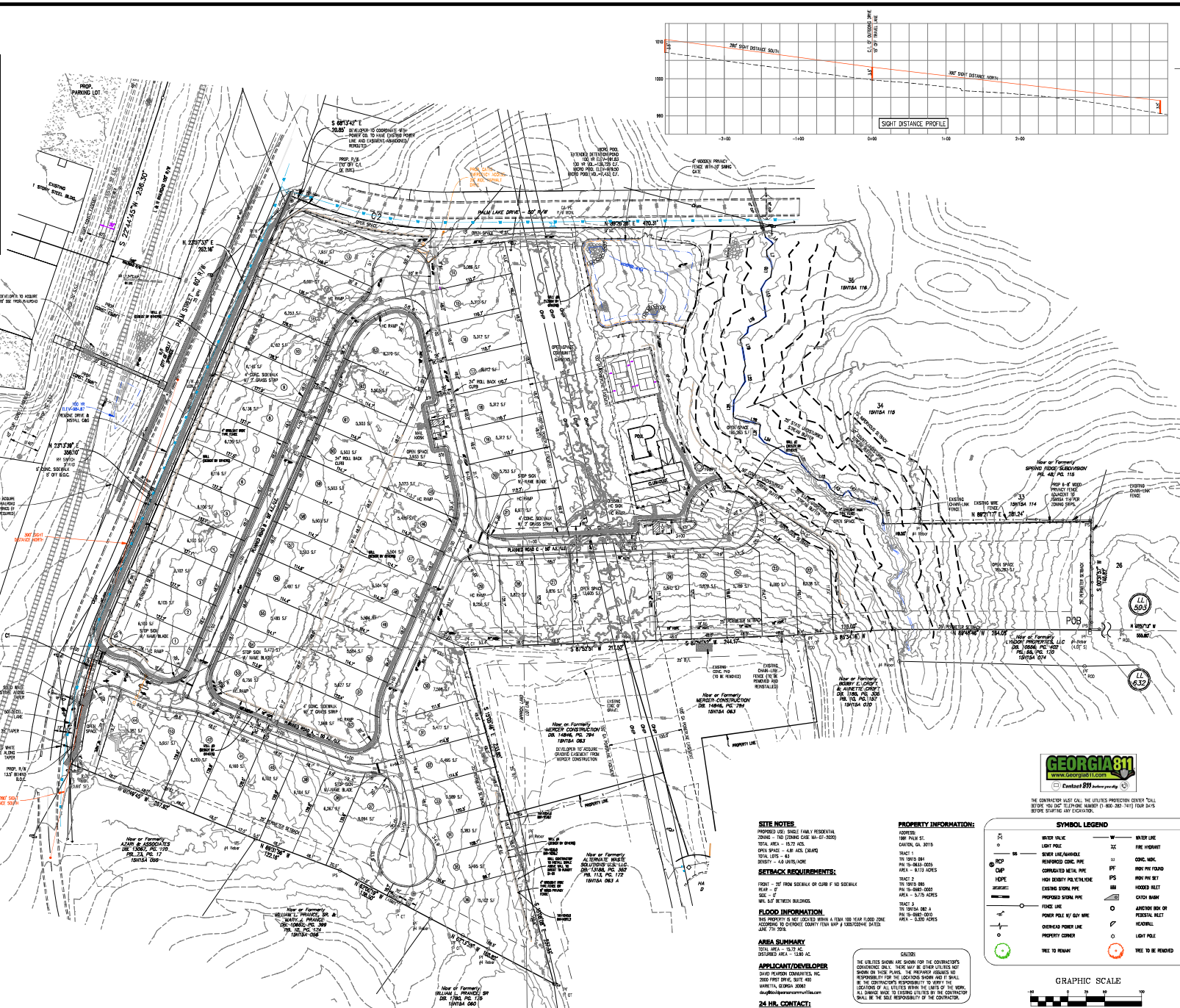
CONCURRENCES:

City Manager
Fire Marshal



MA-04-2025 Location Map





FREY LAND PLANNING
SITE DESIGN, SURVEYING, CONSULTING
1860 SANDY PLAINS RD. SUITE 204 MARIETTA, GA 30062
MATT@FREYLANDPLANNING.COM



SITE PLAN FOR:
IDLETOWN
LAND LOT 592, 593, 632, 633, 15TH DISTRICT, 2ND SECTION
CITY OF HOLLY SPRINGS, CHEROKEE COUNTY, GA
TAX PARCEL NO. 15N15 094 & 15N15 095

[illegible]

DRAWN BY: MSF
CHECKED BY: MSF
DATE: 3-1-22
SCALE: 1" = 50'
PROJECT No.:
IDLETOWN

SHEET No. **3.0**

3.0



MAP AMENDMENT (REZONING) AND CONDITIONAL USE PERMIT APPLICATION

For Application Procedures, See p. 7

APPLICATION **MA-04-2025** APPLICATION CUP-_____

HEARING DATE _____ DATE OF APPLICATION 4-9-25

APPLICANT Idle-town Development Inc. OWNER SAME
(If other than applicant)

ADDRESS 2000 1st Drive Suite 400 ADDRESS _____
Marietta, GA

ZIP CODE 30062 PHONE 770.321.5032 ZIP CODE _____ PHONE _____

EMAIL Doug@davidpearsoncommunities.com EMAIL _____

SIGNATURE [Signature] SIGNATURE _____

APPLICANT OR REPRESENTATIVE MUST ATTEND MEETING OR APPLICATION WILL NOT BE CONSIDERED

PRESENT ZONING DISTRICT(S) TND REQUESTED ZONING DISTRICT No Change

REQUESTED CONDITIONAL USE(S) N/A

PROPERTY LOCATION/ADDRESS 1903 + 1991 Palm Street

MAP NUMBER 15N15A PARCEL NUMBER(S) 094 + 095, 082A

LAND LOT(S) 592, 593 + 633 DISTRICT(S) 15A SECTION(S) 2

ACREAGE 15.724 SEWAGE DISPOSAL TYPE CCWSA UTILITIES AVAILABLE Yes

DESCRIPTION OF PROPOSED DEVELOPMENT AND/OR CONDITIONAL USE REQUEST:
CHANGE IN CONDITIONS

Remove zoning condition that requires emergency access on Palm Lake Drive (SECTION 2) STR. 1A)
(COMPLETE ON ATTACHED PAPER IF NECESSARY)

The following information must be provided with completed application:

- ☐ WARRANTY DEED
- ☐ TAX DOCUMENTATION
- ☐ SURVEY PLAT BY REGISTERED SURVEYOR
- ☐ 1 LARGE COPY (22" x 34") OF SITE DEVELOPMENT PLAN BY REGISTERED SURVEYOR ☐ 1 PDF COPY OF SITE DEVELOPMENT PLAN BY REGISTERED SURVEYOR
- ☒ CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT (ATTACHMENT A)
- ☒ ATTACHMENT B (CONDITIONAL USE PERMIT REQUESTS ONLY)
- ☐ WATER/SEWER AVAILABILITY LETTER FROM CCWSA (CHEROKEE COUNTY WATER AND SEWERAGE AUTHORITY)

(APPLICANT DO NOT WRITE BELOW THIS LINE)

PLANNING COMMISSION RECOMMENDATION:	CITY COUNCIL DECISION:
APPROVED _____ STIPULATIONS _____	APPROVED _____ STIPULATIONS _____
DISAPPROVED _____	DISAPPROVED _____

FILING FEES _____ RECEIPT# _____ CHECK# _____

Application Information

Please print or type answers, using additional paper or a separate sheet of paper, if necessary.

(1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property? No Change

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property? No Change

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned? No Change

(4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, public safety, or schools? No Change

(5) Whether the zoning proposal is in conformity with the policy and intent of the adopted Future Development Map (FDM) and Future Land Use Map (FLUM)? No Change

(6) Whether the zoning proposal is in conformity with the policies, objectives, and vision set forth by the Community Agenda (Comprehensive Plan) and other adopted policy documents? No Change

(7) Whether an impact is expected on the environment, including, but not limited to, drainage, soil erosion, and sedimentation, flooding, air quality, and water quality and quantity?

No Change

(8) 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 zoning proposal? No Change

Complete the following section, if applicable.

Residential

Minimum house size: _____ sq. ft.

Exterior façade: _____

Maximum number of units: _____

Anticipated start date: _____

Anticipated completion date: _____

*NO CHANGE
FROM APPROVED
ZONING*

Commercial

Number of buildings: _____

Maximum square footage: _____ sq. ft.

Number of stories: _____

Total number of employees: _____

Exterior façade: _____

Anticipated start date: _____

Anticipated completion date: _____

Doug Patten

From: Chad Arp <carp@cherokeecountyga.gov>
Sent: Thursday, April 3, 2025 4:59 PM
To: Doug Patten
Subject: Re: [EXTERNAL] Idletown

Hey Doug!

I can support that request. We have found those emergency only gates create issues long term.

Will you be submitting a final as-built survey of the development? If so, you can show that change on the as-built. If not, how can it best be documented?

Regards,

Chad Arp, CFPS | Fire Marshal-Division Chief
Cherokee County Fire & Emergency Services | Community Risk Reduction Division | Fire Marshal's Office
1130 Bluffs Parkway | Canton, Georgia 30114 | 678-493-6290 office | 678-614-8973 mobile
www.cherokeecountyfire.com



From: Doug Patten <doug@davidpearsoncommunities.com>
Sent: Thursday, April 3, 2025 4:54:38 PM
To: Chad Arp <carp@cherokeecountyga.gov>
Subject: [EXTERNAL] Idletown

Chief, Good Afternoon. When we permitted the Idletown community in Holly Springs we had an Emergency access as a second entrance off Palm Lake Dr. because at the time the rule for the 63 lots we proposed required a second entrance. As I understand now that has been changed to 120 lots that would trigger the need for the second entrance. Our question is can we eliminate that from our plans. We are wrapping up our development of the 63 lots. It is a gated community with Knox box of course and 16 ft gate clearance The City didn't really want us to access Palm Lake Drive but that requirement was the exception. You know Fire Dept. rules. Would you be able to support waiving that entrance based on the new guidelines? See attached for your review

Doug Patten, CPESC/CESSWI
Director of Land Development

David Pearson Communities, Inc.
2000 First Drive, Suite 400
Marietta, Georgia 30062
Office 770-321-5032, Cell 770-294-1974
Doug@DavidPearsonCommunities.com

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the

ITEM REPORT

AGENDA ITEM NUMBER: IV.D.



FROM: Nancy Moon, Community Development Director

MEETING DATE: June 12, 2025

AGENDA ITEM: CUP-01-2025, applicant requests a conditional use permit for a CBD and/or Tobacco Specialty Store for property located at 2271 Holly Springs Pkwy, Suite 105, Holly Springs, GA, tax parcel 026A of tax plat 15N14C.

EXECUTIVE SUMMARY:

The applicant, Bhavinkvmar Patel, has requested a conditional use permit for a CBD and/or Tobacco Specialty Store for property located at 2271 Holly Springs Pkwy, Suite 105, Holly Springs, GA, tax parcel 026A of tax plat 15N14C. The property is zoned GC, General Commercial and the proposed location for the business is a suite within the shopping center located on this parcel. The site is that of an existing retail tobacco shop, that was permitted prior to the change in ordinance requiring the conditional use permit. As such, the existing permitted uses may continue as a legal nonconforming use. The business recently sold, and the new owner is requesting to sell legal vapes, THC products, hookahs and accessories. He also states an intent to apply for tobacco and hemp licensing through the state once this license is granted. THC and Hemp products were not listed on the previous Occupational Tax Certificate and the additional products would be considered an expansion of the nonconforming use, hence the requirement for approval of a Conditional Use Permit. Per Article 5, Section 5.2-8.D of the Holly Springs Zoning Ordinance, a CBD and/or Tobacco Specialty Store may be permitted by the approval of a Conditional Use Permit.

FISCAL IMPACT:

N/A

ATTACHMENTS:

1. Staff Analysis
2. Location Map
3. Application

RECOMMENDATION:

The staff recommendation is denial of the conditional use permit.

CONCURRENCES:

City Manager

Staff Analysis

A. Existing Land Use and Zoning Classification of Nearby Property

ADJACENT ZONING		ADJACENT DEVELOPMENT	
NORTH:	OI/R-20	NORTH:	Power Substation/Office/SFR
SOUTH:	GC	SOUTH:	Motel
EAST:	GC	EAST:	Vacant/SFR
WEST:	GC	WEST:	Gas Station/Retail/Office

B. Zoning Proposal Review Standards; Study Required for Amendment

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

The use is permitted only by the issuance of a Conditional Use Permit in the GC zoning district. While retail uses in general are consistent with those in the general area, there specific guidelines for this proposed use that have not been met and which will be discussed later in this report.

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

The proposed use will occur in an existing shopping center and be an expansion of the existing legal nonconforming use.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?

The property is zoned GC and this use may be permitted only with the approval of a conditional use permit. As currently zoned, all permitted uses within the GC zoning district would be allowed. In addition, the existing use is grandfathered and may continue. The THC and hemp sales would not be permitted at this time without the approval of the Conditional Use Permit.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, public safety, or schools?

This request will not result in a use that would cause an excessive or burdensome use of utilities, streets, or other public services. The site is already developed and will have no impact on the local school system.

5. Whether the zoning proposal is in conformity with the policy and intent of the adopted Future Development Map (FDM) and Future Land Use Map (FLUM)?

The Future Development Map identifies this area as Parkway Corridor. This character area follows Holly Springs Parkway and also encompasses land around interchanges of I-575. The Parkway Corridor is intended to provide primarily a commercial service function, i.e. retail sales, services, and offices, while maintaining quality development standards and sensitive transition to the Holly Springs Town Center. It also includes a high-density multi-family residential component.

Application: Existing and new commercial and high-density multi-family residential

Primary Future Land Uses: office, retail, service, high-density multi-family residential

Zoning Districts: HDMFR, PD-C, NC, GC, OI, GV

6. Whether the zoning proposal is in conformity with the policies, objectives, and vision set forth by the Community Agenda (Comprehensive Plan) and other adopted policy documents?

As stated previously under zoning, the retail sales use is not the issue for a location within this corridor. Additional regulations exist for the proposed use and will be discussed in a subsequent section.

7. Whether an impact is expected on the environment, including, but not limited to, drainage, soil erosion, and sedimentation, flooding, air quality, and water quality and quantity?

No further development is planned with the approval of this application.

8. 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 zoning proposal?

The site is already developed with office and retail uses. However, guidelines/regulations adopted by City Council may restrict this particular use as discussed in Section C below.

C. Conditional Use Proposal Review Standards

Under Attachment B in the application, the City asks each CUP applicant to complete 16 questions related to the proposed use. This information was received.

Per Article 2, Interpretations and Definitions, Section 2.2: Definitions, a CBD and/or Tobacco Specialty Store is defined as the following:

CBD and/or Tobacco Specialty Store: Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of cannabinoid (CBD) or tobacco products including but not limited to CBD or tobacco paraphernalia, vape products, or any combination thereof. Products include the following: pipes, punctured metal bowls, bongs, water bongs, electric

pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookah, any devices for holding burning material, any electronic smoking device, and any substances that may be aerosolized or vaporized by such device. Lighters and matches shall be excluded from the definition of CBD and tobacco paraphernalia. Any grocery store, supermarket, convenience store or similar retail use that offers, as an ancillary use, conventional cigars, cigarettes, tobacco, or CBD retail products for sale shall not be defined as a "CBD and/or Tobacco Specialty Store" and shall not be subject to the Conditional Use Permit restrictions of Article 5, Section 5.4-11A CBD and/or Tobacco Specialty Store.

Section 5.4-11A CBD and/or Tobacco Specialty Store states the following:

5.4-11A CBD and/or Tobacco Specialty Store. Retail stores defined under Article 2: Interpretations and Definitions of the Holly Springs Zoning Ordinance as "CBD and/or Tobacco Specialty Store" must satisfy the following requirements prior to the acceptance of a conditional use permit. Distances required for the issuance of a conditional use permit shall be measured in lineal feet by the most direct route of travel on the ground as detailed below:

- a.) Proposed premises of the retail CBD and/or Tobacco Specialty Store establishment is greater than one thousand (1,000) feet from a religious institution, greater than one thousand (1,000) feet from a day care center, greater than one thousand (1,000) feet from a school, and greater than five thousand (5,000) feet from another retail CBD and/or Tobacco Specialty Store with an approved business license by the City of Holly Springs.

Distance from existing land use in feet	Religious Institution	Day Care Center	School	CBD and/or Tobacco Specialty Store
CBD and/or Tobacco Specialty Store	>1,000 ft.	>1,000 ft.	>1,000 ft.	>5,000 ft.

- b.) Means of measurement are further defined below:
1. *Church:* Measured from the front door of the proposed premises of a licensed retail CBD and/or Tobacco Specialty Store to the front door of the church.
 2. *School:* Measured from the front door of the proposed premises of a licensed retail CBD and/or Tobacco Specialty Store to the nearest property line of the real property being used for school or educational purposes.
 3. *Day Care:* Measured from the front door of the proposed premises of a licensed retail CBD and/or Tobacco Specialty Store to the nearest property line of the real property being used for day care services.

4. *Existing retail CBD and/or Tobacco Specialty Store:* Measured from the front door of the proposed premises of a licensed retail CBD and/or Tobacco Specialty Store to the front door of the existing retail CBD and/or Tobacco Specialty Store.

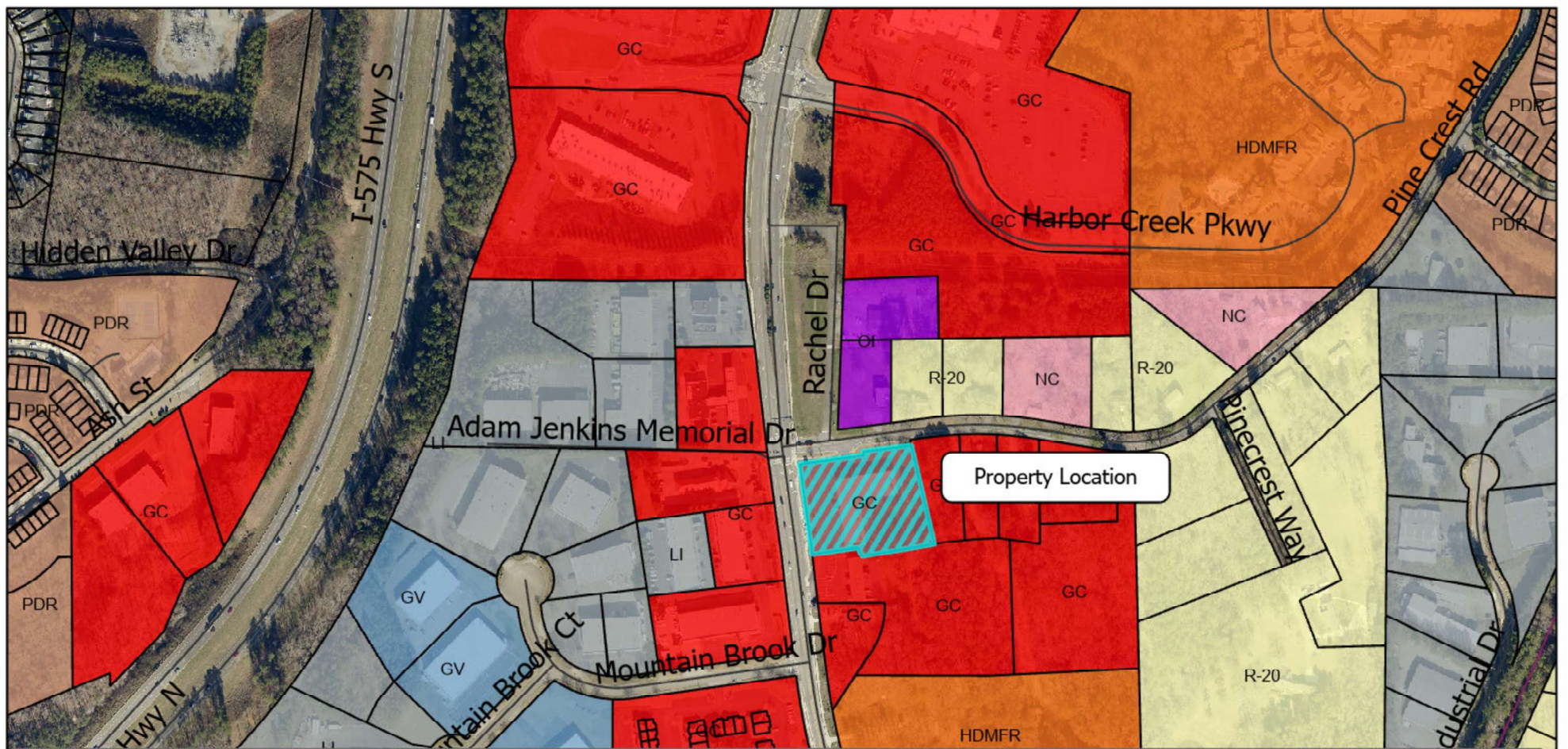
The proposed location is approximately 2000 feet, using the most direct route of travel, from the front door of the proposed building to that of an existing grandfathered CBD/Tobacco Store located in the Walmart shopping center .



- c.) A scale drawing from a registered surveyor identifying the location of the proposed premises and the distance to the nearest religious institution, school, day care center, and other business uses defined as a Retail CBD and/or Tobacco Specialty Store. Distance shall be measured in lineal feet by the most direct route of travel on the ground from premise to premise.
- d.) City Council, in its sole discretion, may consider a variance to reduce distance requirements using the standards set forth in Article 15: Variances, Appeals, and Special Exceptions of the Holly Springs Zoning Ordinance, in addition to the information provided in the application.

D. Summary

The existing uses as identified under the previously approved occupational tax certificate may continue. The addition of the THC and hemp sales changes the identified business uses and therefore must comply with the current ordinance and be approved for a conditional use permit. As such, the proposed use does not meet the conditional use permit criteria for this use as stated in Section C of this report.



CUP-01-2025 Location Map

- Railroad
- Parcels_2025
- Streets_2025

Zoning 2025

ZONING

- AG- Agricultural
- R-80- Estate Residential

- R-40- Single Family Residential Estate
- R-20- Single Family Residential
- RD-20- Single Family and Duplex
- RD-3- Single Family Residential

- PUD- Planned Unit Development
- TND- Traditional Neighborhood Development
- PDR- Planned Development Residential
- HDMFR- High Density Multi-Family Residential

- GC- General Commercial
- NC- Neighborhood Commercial
- OI- Office Institutional
- GV-Governmental
- LI- Light Industrial
- MXD-Mixed Use Overlay





MAP AMENDMENT (REZONING) AND CONDITIONAL USE PERMIT APPLICATION

For Application Procedures, See p. 7

APPLICATION MA- _____ APPLICATION CUP- _____
HEARING DATE _____ DATE OF APPLICATION _____
APPLICANT BHAVINKUMAR PATEL OWNER Ramesh Harkhani
(If other than applicant)
ADDRESS 4020 OLEANDER CT. ADDRESS 2271 Hollysprings Pkwy
KENNESAW GA unit 101, Hollysprings
ZIP CODE 30152 PHONE [REDACTED] ZIP CODE 30115 PHONE [REDACTED]
EMAIL [REDACTED] EMAIL onestop-package@yahoo.com.
SIGNATURE [Signature] SIGNATURE [Signature]

APPLICANT OR REPRESENTATIVE MUST ATTEND MEETING OR APPLICATION WILL NOT BE CONSIDERED

PRESENT ZONING DISTRICT(S) _____ REQUESTED ZONING DISTRICT _____
REQUESTED CONDITIONAL USE(S) _____
PROPERTY LOCATION/ADDRESS 2271 HOLLY SPRINGS PKWY, UNIT 105, HOLLY SPRINGS GA,
30115
MAP NUMBER _____ PARCEL NUMBER(S) _____
LAND LOT(S) _____ DISTRICT(S) _____ SECTION(S) _____
ACREAGE _____ SEWAGE DISPOSAL TYPE _____ UTILITIES AVAILABLE _____

DESCRIPTION OF PROPOSED DEVELOPMENT AND/OR CONDITIONAL USE REQUEST: WE ARE
REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A SMOKE & VAPE
RETAIL STORE OFFERING LEGAL TOBACCO & VAPING PRODUCTS. THE STORE
WILL OPERATE WITHIN AN EXISTING COMMERCIAL SPACE AND WILL
COMPLY WITH ALL LOCAL, STATE & FEDERAL REGULATIONS AND SELL
(COMPLETE ON ATTACHED PAPER IF NECESSARY) LEGAL THC PRODUCTS
The following information must be provided with completed application:

- ___ WARRANTY DEED
- ___ TAX DOCUMENTATION
- ___ SURVEY PLAT BY REGISTERED SURVEYOR
- ___ 1 LARGE COPY (22" x 34") OF SITE DEVELOPMENT PLAN BY REGISTERED SURVEYOR ___ 1 PDF
- ___ COPY OF SITE DEVELOPMENT PLAN BY REGISTERED SURVEYOR
- ___ CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT (ATTACHMENT A)
- ___ ATTACHMENT B (CONDITIONAL USE PERMIT REQUESTS ONLY)
- ___ WATER/SEWER AVAILABILITY LETTER FROM CCWSA (CHEROKEE COUNTY WATER AND SEWERAGE AUTHORITY)

(APPLICANT DO NOT WRITE BELOW THIS LINE)

PLANNING COMMISSION RECOMMENDATION:

APPROVED _____ STIPULATIONS _____

DISAPPROVED _____

CITY COUNCIL DECISION:

APPROVED _____ STIPULATIONS _____

DISAPPROVED _____

FILING FEES _____ RECEIPT# _____ CHECK# _____

ATTACHMENT B

For Conditional Use Permit Requests, please answer the following questions on a separate sheet of paper.

1. Please verify that the proposed use complies with all of the additional stipulations by use, if any, as set forth by Section 5.4, Article 5.
2. State the proposed business name, brand, flag, and/or franchise.
3. Explain in detail what services the proposed conditional use business will provide.
4. Has a business plan or model been completed for this proposed conditional use business?
5. Why was this specific location chosen for this proposed establishment?
6. What is the projected date that the proposed conditional use business will open?
7. How many employees are expected to work at the proposed conditional use business?
8. What are the expected hours of operation for the proposed conditional use business?
9. What licensing requirements, if any, are mandated by the state for this business to operate? Do the proprietors of this business already possess these credentials?
10. Does the proposed conditional use business conform with the nearby uses already in existence?
11. Was a feasibility study conducted that provides evidence that the local market demands such a business use? Or is such a study available?
12. Will the proposed conditional use business create a nuisance or disturbance to nearby or adjacent properties?
13. Is the proposed conditional use business a service that is similar or will overlap a nearby establishment already in existence?
14. Will the services provided by the proposed conditional use business complement and correspondent well with the intended character of the respective zoning district area?
15. Will the business have adequate facilities and parking to accommodate the proposed use?
16. If in the Neighborhood Commercial District (NC), could nearby neighborhood residents and local pedestrians be expected to frequent this proposed business establishment without the use of an automobile?

- 1) YES
- 2) SMOKE SUM VAPE + SMOKE.
- 3) SELLING LEGAL VAPES, ^{THC PRODUCTS,} HOOKAHS & ACCESSORIES, COMPLYING WITH ALL STATE & FEDERAL REGULATIONS INCLUDING ID CHECKS & AGE RESTRICTIONS
- 4) N/A
- 5) THIS LOCATION WAS CHOSEN BECAUSE IT IS IN COMMERCIAL AREA WITH ACCESS TO MAJOR ROADS & PROXIMITY TO OTHER RETAIL BUSINESSES MAKING IT IDEAL FOR BUSINESS SUCCESS
- 6) BEGINNING OF JUNE
- 7) 2-3
- 8) MONDAY TO SATURDAY 10-10PM & SUNDAY 12 PM - 8 PM
- 9) TOBACCO LICENSE & HEMP LICENSE, WILL APPLY AFTER BUSINESS LICENSE IS APPROVED
- 10) YES
- 11) YES
- 12) NO
- 13) NO
- 14) YES
- 15) YES
- 16) NO

ITEM REPORT

AGENDA ITEM NUMBER: IV.E.



FROM: Nancy Moon, Community Development Director

MEETING DATE: June 12, 2025

AGENDA ITEM: ORD-4-2025, amendment to the Holly Springs Zoning Ordinance, Article 2: Interpretations and Definitions to amend definitions and Article 5: District Uses and Regulations to amend permitted uses and conditional uses.

EXECUTIVE SUMMARY:

In 2023, the City added a definition for a CBD and/or Tobacco Specialty Store, as well as, regulations regarding this type of commercial use. The proposed amendment to the Holly Springs Zoning Ordinance, Article 2: Interpretations and Definitions and Article 5: District Uses and Regulations to amend permitted uses and conditional uses, clarifies the previous amendment. Staff proposes the following amendments to Article 2, Interpretations and Definition, Section 2.2: Definitions:

CBD, **Hemp, THC** and/or Tobacco Specialty Store: Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of cannabinoid (CBD), **hemp, tetrahydrocannabinol (THC)** or tobacco products including but not limited to CBD, **hemp, THC** or tobacco paraphernalia, vape products, or any combination thereof. Products include the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookah, **hemp-infused products**, any devices for holding burning material, any electronic smoking device, and any substances that may be aerosolized or vaporized by such device. Lighters and matches shall be excluded from the definition of CBD and tobacco paraphernalia. Any grocery store, supermarket, convenience store or similar retail use that offers, as an ancillary use, conventional cigars, cigarettes, tobacco, or CBD, **hemp, or THC** retail products for sale shall not be defined as a "CBD, **Hemp, THC** and/or Tobacco Specialty Store" and shall not be subject to the Conditional Use Permit restrictions of Article 5, Section 5.4-11A CBD, **Hemp, THC** and/or Tobacco Specialty Store. **The ancillary use may occupy no more than 10% or 1,000 square feet, whichever is smaller, of the retail area of the establishment. Additional square footage beyond the authorized amount must be approved through the Conditional Use Permit process.**

Staff proposes the following changes with regards to conditional uses to Article 5: District Uses and Regulations, Section 5.2-B General Commercial, GC (D): CBD, **Hemp, THC** and/or

Tobacco Specialty Store.

Staff proposes the following changes with regards to the regulations for these types of establishments to Section 5.4-11A CBD, **Hemp, THC** and/or Tobacco Specialty Store:

5.4-11A CBD, **Hemp, THC and/or Tobacco Specialty Store.** Retail stores defined under Article 2: Interpretations and Definitions of the Holly Springs Zoning Ordinance as "CBD, **Hemp, THC** and/or Tobacco Specialty Store." must satisfy the following requirements prior to the acceptance of a conditional use permit. Distances required for the issuance of a conditional use permit shall be measured in lineal feet by the most direct route of travel on the ground as detailed below:

a.) Proposed premises of the retail CBD, **Hemp, THC** and/or Tobacco Specialty Store establishment is greater than one thousand (1,000) feet from a religious institution, greater than one thousand (1,000) feet from a day care center, greater than one thousand (1,000) feet from a school, and greater than five thousand (5,000) feet from another retail CBD, **Hemp, THC** and/or Tobacco Specialty Store with an approved business license by the City of Holly Springs.

Distance from existing land use in feet	Religious Institution	Day Care Center	School	CBD, Hemp, THC and/or Tobacco Specialty Store
CBD, Hemp, THC and/or Tobacco Specialty Store	1,000 ft.	1,000 ft.	1,000 ft.	5,000 ft.

b.) Means of measurement are further defined below:

1. *Church:* Measured from the front door of the proposed premises of a licensed retail CBD, **Hemp, THC** and/or Tobacco Specialty Store to the front door of the church.
2. *School:* Measured from the front door of the proposed premises of a licensed retail CBD, **Hemp, THC** and/or Tobacco Specialty Store to the nearest property line of the real property being used for school or educational purposes.
3. *Day Care:* Measured from the front door of the proposed premises of a licensed retail CBD, **Hemp, THC** and/or Tobacco Specialty Store to the nearest property line of the real property being used for day care services.
4. *Existing retail CBD, **Hemp, THC** and/or Tobacco Specialty Store:* Measured from the front door of the proposed premises of a licensed retail CBD, **Hemp, THC** and/or Tobacco Specialty Store to the front door of the existing retail CBD and/or Tobacco Specialty Store.

c.) A scale drawing from a registered surveyor identifying the location of the proposed premises and the distance to the nearest religious institution, school, day care center, and other business uses defined as a Retail CBD, Hemp, THC and/or Tobacco Specialty Store. Distance shall be measured in lineal feet by the most direct route of travel on the ground from premise to premise.

d.) City Council, in its sole discretion, may consider a variance to reduce distance requirements using the standards set forth in Article 15: Variances, Appeals, and Special Exceptions of the Holly Springs Zoning Ordinance, in addition to the information provided in the application.

FISCAL IMPACT:

N/A

ATTACHMENTS:

None

RECOMMENDATION:

The staff recommendation is approval of the amendment.

CONCURRENCES:

City Manager

**City of Holly Springs
Planning and Zoning Commission Public Hearing Minutes
March 13, 2025**

Commission Members Present: Chairman Adrian Dekker, Commission Member Chris Adams, Commission Member Eric Huminski, Commission Member Andy Norris, Vice Chairman Mike Grayeski.

Commission Members Not Present: None.

Elected Officials Present: City Council Member Jeff Wilbur.

Staff Present: City Manager Robert H. Logan, Community Development Director Nancy Moon, Seth Stroud with the City Attorney's Office, Captain Casey Barton, Corporal Davis Snider, Officer Eric Bastress and Community Development Coordinator Tracey Chambers.

I. CALL TO ORDER

Chairman Dekker called the Planning and Zoning Meeting to order.

II. PUBLIC HEARING RULES

Commission Member Norris read the public hearing rules.

III. OLD BUSINESS/PUBLIC HEARING

No Old Business.

IV. NEW BUSINESS/PUBLIC HEARING

- A. **MA-02-2025**, applicant, Holly Street Land Development, LLC, requests rezoning of 17.34 +/- acres located off of Holly Street, Holly Springs, GA, tax parcel 032 of tax plat 15N14, from R-40, Single Family Residential Estate and GC, General Commercial, to TND, Traditional Neighborhood Development.

Benson Chambers, attorney representing the applicant, Holly Street Land Development, addressed the Commission. Mr. Chambers stated that the applicant purchased three tracts of land, but only the one larger tract will be developed. Mr. Chambers said that the development will consist of 78 single-family townhomes that will be for sale and not for rental. Access to the development will be through Holly Street. The price points for the townhomes are expected to start at \$300K.

Community Development Director Nancy Moon spoke and described the zoning pertaining to the surrounding neighborhoods. Ms. Moon also reviewed the concerns that were brought up at the public meeting held by the developer. Ms. Moon said that staff recommends approval with stipulations.

City of Holly Springs resident Austin Mason of 2260 Holly Lynn Court had concerns regarding the proposed zoning. Mr. Mason would prefer that the property remain zoned as R-40.

City of Holly Springs resident Debbie Proctor of 144 W. Mountain Oak Street had concerns regarding traffic and possible accidents on Holly Street, construction trucks in the area, and environmental impact.

City of Canton resident Jenna Tibbetts of 218 Springs Crossing had concerns regarding traffic and possible accidents on Holly Street, and the effects on wildlife.

Cherokee County resident Jeremy Edmondson of 610 Garnet Court stated that he is in favor of the development, but would like the impact fees to be taken so that they can be applied to infrastructure for road improvements.

City of Holly Springs resident Amber Williams of 2260 Holly Lynn Court had concerns regarding traffic.

City of Canton resident Charles Grimsley, Jr. of 349 Springs Crossing had concerns regarding the line of site at the proposed entrance to the development, possible traffic accidents, and the buffer that will be between the development and his property.

Chairman Dekker made a motion to extend the public hearing an additional ten minutes. Vice Chairman Grayeski seconded the motion. Motion carried. Yes 5, No 0, Abstained 0.

City of Holly Springs resident Ann Stanford of 2281 Holly Lynn Court had concerns regarding traffic and possible traffic accidents.

Attorney Chambers and staff addressed the concerns.

Public hearing closed.

Chairman Dekker made a motion to approve with staff stipulations. Commission Member Adams seconded the motion. Motion carried. Yes 4, No 1, Abstained 0. Commission Member Eric Huminski voted no. None abstained.

- B. **V-01-2025**, applicant, Brad LaSelva, requests a variance from the Holly Springs Zoning Ordinance, Article 3: General Provisions, Section 3.16: Building Design, for property located off of Palm Ridge Court, Holly Springs, GA, tax parcel 028 of tax plat 15N15E.

Applicant Brad LaSelva addressed the commission and said that he is asking for the variance to build a metal storage shed on his property. Mr. LaSelva stated that there is only one space on the property to build the storage shed. Mr. LaSelva stated his reasons that he believes metal would be the best choice for the siding, and he provided examples of other homes in the area that have metal storage buildings. Mr. LaSelva said that he plans to have the metal siding the

same color as his home on the property. Mr. LaSelva described for the Commission the type of metal that he planned to use. Mr. LaSelva also said that he would fill in a trash pit area that was originated by the builder of the home.

Community Development Director Nancy Moon said that the applicant is planning to build a 1500 sq.ft. accessory structure on his property. Ms. Moon read the ordinance that states metal siding is prohibited in residential zoning districts. Ms. Moon said a variance is required for this case due to the non-compliance of the ordinance. Ms. Moon advised the Commission that anything over 120 sq. ft requires a building permit.

Public hearing closed.

Chairman Dekker made a motion to approve with staff stipulations: 1) Natural vegetative screening will be placed at the property line and at the roadway and 2) The vegetative screening will be approved by the City Arborist. Vice Chairman Grayeski seconded the motion. Motion carried. Yes 5, No 0, Abstained 0.

C. January 9, 2025 Planning and Zoning Public Hearing Meeting minutes.

Chairman Dekker made a motion to approve the minutes. Vice Chairman Grayeski seconded the motion. Motion carried. Yes 5, No 0, Abstained 0.

D. January 30, 2025 Planning and Zoning Work Session Meeting minutes.

Commission Member Adams made a motion to approve the minutes. Commission Member Adams seconded the motion. Motion carried. Yes 5, No 0, Abstained 0.

E. February 27, 2025 Planning and Zoning Work Session Meeting minutes.

Chairman Dekker made a motion to approve the minutes. Commission Member Adams seconded the motion. Motion carried. Yes 5, No 0, Abstained 0.

V. REPORTS/COMMENTS

No reports or comments were given.

VI. ADJOURNMENT

Commission Member Norris made a motion to adjourn the meeting. Chairman Dekker seconded the motion. Motion carried. Yes 5, No 0, Abstained 0.

Respectfully submitted.

Adrian Dekker, Chairman

Attest:

Tracey Chambers
Community Development Coordinator

DRAFT

**City of Holly Springs
Planning and Zoning Commission Work Session Minutes
May 29, 2025**

Commission Members Present: Chairman Adrian Dekker, Commission Member Chris Adams, Commission Member Eric Huminski, Commission Member Andy Norris, Vice Chairman Mike Grayeski.

Commission Members Not Present: None.

Elected Officials Present: None.

Staff Present: City Manager Robert H. Logan, Community Development Director Nancy Moon, Audrey Conley with the City Attorney's Office, Captain Jeff Lance and Community Development Coordinator Tracey Chambers.

I. CALL TO ORDER

Chairman Dekker called the Planning and Zoning Meeting to order.

II. WORK SESSION GUIDELINES

Chairman Dekker read the work session guidelines.

III. OLD BUSINESS

No Old Business.

IV. NEW BUSINESS

- A. **A-01-2025**, applicant requests annexation of 20.11 +/- acres located off of Lower Union Hill Road, Cherokee County, GA, tax parcel 158 of tax plat 15N26.

Community Development Director Nancy Moon addressed the Commission and said that this property is currently within the county, but the applicant would like to annex it into the City of Holly Springs.

- B. **MA-03-2025**, applicant requests rezoning of 20.11 +/- acres located off of Lower Union Hill Road, Holly Springs, GA, tax parcel 158 of tax plat 15N26, from NC, Neighborhood Commercial (County), and AG, Agricultural (County), to TND, Traditional Neighborhood Development (City), and MXD, Mixed Use (City).

Community Development Director Nancy Moon informed the Commission that the applicant is proposing to develop the property as a traditional neighborhood development and mixed-use consisting of a medical office, retail, and residential uses. The residential component will consist of 92 townhomes with an overall proposed density of the project of 4.57 units per acre. The proposed zoning is TND, Traditional Neighborhood Development and MXD, Mixed Use.

- C. **MA-04-2025**, applicant requests an amendment to the stipulations of rezoning case MA-07-2020 for 15.72 +/- acres located off of Palm Street, Holly Springs,

GA, tax parcels 094 and 095 of tax plat 15N15 and tax parcel 082A of tax plat 15N15A.

Community Development Director Nancy Moon stated that when the applicant's previous rezoning case was approved to build a development, Idletown, off of Palm Street. At the time of approval, the Fire Safety Code required emergency vehicle access on Palm Lake Drive. The requirement for access was based on the number of 63 lots in the development. The Fire Safety Code has changed since the previous case was approved and now requires emergency vehicle access only if there are 120 lots or more in the development. The applicant would like this requirement to be taken out of the stipulations. The Fire Marshal approved of removing the stipulation.

- D. **CUP-01-2025**, applicant requests a conditional use permit for a CBD and/or Tobacco Specialty Store for property located at 2271 Holly Springs Pkwy, Suite 105, Holly Springs, GA, tax parcel 026A of tax plat 15N14C.

Community Development Director Nancy Moon explained to the Commission that an existing CBD / Tobacco Specialty Store in the City would like to sell THC products. Ms. Moon said that the ownership has recently changed, and the new owner would like to sell the THC products, which require an approved conditional use permit. The previous owner did not list THC on his Occupation tax application; therefore, it is not grandfathered to be sold at the store.

- E. **ORD-4-2025**, amendment to the Holly Springs Zoning Ordinance, Article 2: Interpretations and Definitions to amend definitions and Article 5: District Uses and Regulations to amend permitted uses and conditional uses.

Community Development Director Nancy Moon stated that staff would like to amend the previously approved ordinance regarding CBD and/or Tobacco Specialty Stores. The amendment would clarify the interpretations, definitions, District Uses, regulations and associated required conditional use permits. The amendment would also include hemp and tetrahydrocannabinol (THC) products.

V. REPORTS/COMMENTS

Community Development Director Nancy Moon told the Commission that the City will hold a Planning and Zoning Public Hearing on June 12, 2025.

VI. ADJOURNMENT

Commission Member Adams made a motion to adjourn the meeting. Vice Chairman Grayeski seconded the motion. Motion carried. Yes 5, No 0, Abstained 0.

Respectfully submitted.

Adrian Dekker, Chairman

Attest:

Tracey Chambers
Community Development Coordinator

DRAFT