



Planning & Zoning Commission

2024 Members

Chris Adams Adrian Dekker (C) Mike Grayeski (VC)
Eric Huminski Andy Norris

April 25, 2024

AGENDA

- I. CALL TO ORDER- 7:00 PM**
 - II. ROLL CALL**
 - III. PUBLIC HEARING RULES**
 - IV. PUBLIC HEARING**
 - (1) V-01-2024**, applicants Michael P. and Kristen A. Corrigan request a variance from the Holly Springs Zoning Ordinance and Development Regulations for property located at 335 Peninsula Pointe, Holly Springs, GA, tax parcel 101 of tax plat 15N19C
 - (2)** Approve / deny the February 8, 2024 Meeting Minutes
 - V. ANNOUNCEMENTS FROM STAFF**
 - VI. ITEMS FROM COMMISSION MEMBERS**
 - VII. ADJOURNMENT**
-

Meeting Location:
3235 Holly Springs Parkway



STAFF ANALYSIS

FROM: Nancy Moon

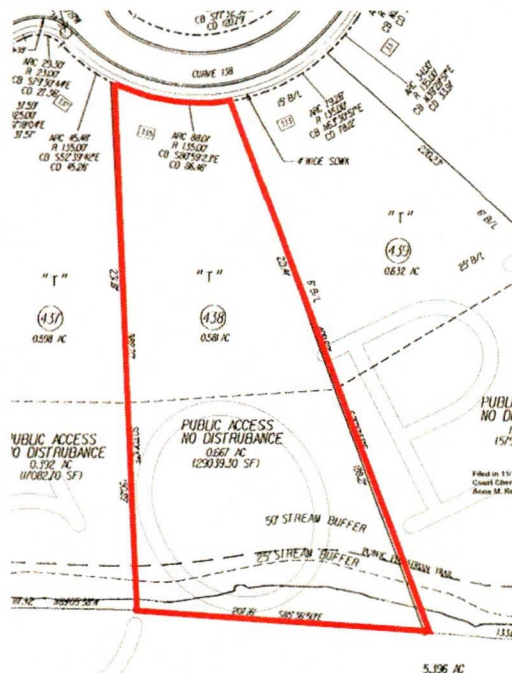
SUBJECT: V-01-2024, applicants Michael P. and Kristen A. Corrigan request a variance from the Holly Springs Zoning Ordinance and Development Regulations for property located at 335 Peninsula Pointe, Holly Springs, GA, tax parcel 101 of tax plat 15N19C

DATE: April 19, 2024 **PLANNING COMMISSION MEETING DATE:** April 25, 2024

BACKGROUND/REQUEST

Michael and Kristen Corrigan, applicants, seek a variance from the requirements of the approved site plan to allow the removal of up to 10 trees located within the tree save area in order to construct a pool. The property is located at 335 Peninsula Pointe, tax parcel 101 of tax plat 15N19C. See attached location map. The property is currently zoned PDR, Planned Development Residential.

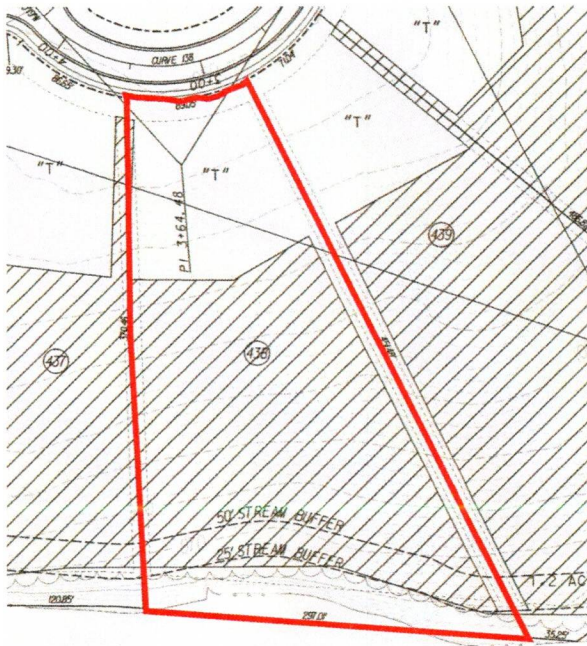
The final plat visually shows an area in the lot labeled, "Public Access No Disturbance." Each lot in this area surrounding the lake contains this designated area.



The final plat also contains a statement as follows:

10. THE AREA ADJACENT TO LOTS WITH A "T" SYMBOL SHALL BE PROTECTED AS A TREE SAVE AREA. REFER TO APPROVED CONSTRUCTION PLANS FOR THE LIMITS OF TREE SAVE.

The approved construction plans display the tree save area as a much larger area than the platted non-disturbance area.



The trees requested to be removed are located between the non-disturbance area line and the existing house. All trees to be removed are outside of the non-disturbance area as designated by the final plat.

Per the stipulations of zoning:

Tree clearing shall be limited to infrastructure and footprint of home. Any deviation of this stipulation would require submittal of a replanting schedule and landscape plan for the approval of the Zoning Administrator on a per lot basis.

The applicants have stated a willingness to replant after construction of the pool.

VARIANCE REQUIREMENTS

The Zoning Ordinance requires the Planning Commission to only issue a variance if the conditions listed below exist:

1. **That the special circumstances or conditions applying to the building, structure or land in question are peculiar to such premises and do not apply generally to other building, structures, or land in the vicinity.**

A significant amount of the lot is included within the tree save area; however, this is the case for a number of lots within the subdivision.

2. **That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.**

The property owners wish to install a swimming pool for extended use and enjoyment of the property.

3. **Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.**

Any property owners who wish to remove trees from the tree save area would be required to follow the same process. Each case would be evaluated on an individual basis.

4. **That the condition from which relief or a variance is sought did not result from willful action by the applicant.**

The variance is being requested prior to installation of the swimming pool.

5. **The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.**

The variance requested is the minimum necessary to achieve the installation of the swimming pool.

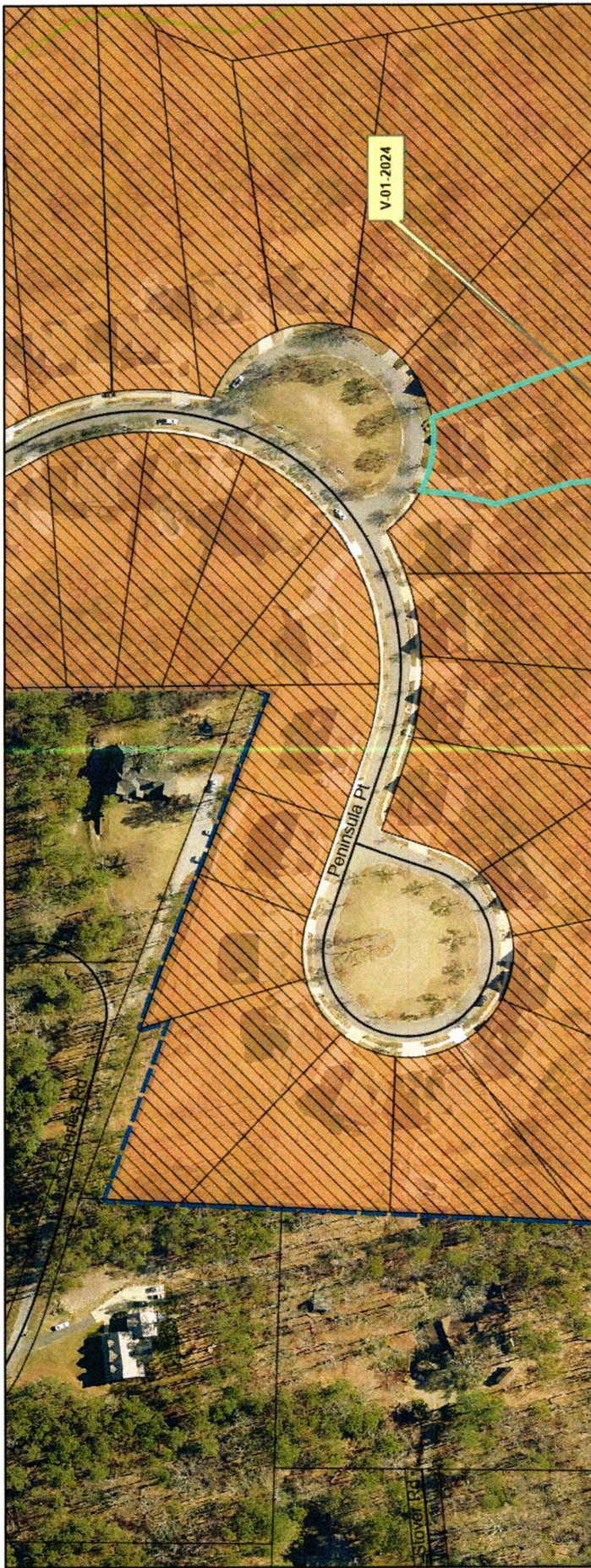
6. **The variance is not a request to permit a use of land, buildings or structures, which is not permitted by right in the district involved.**

A swimming pool is a valid accessory use within this zoning district.

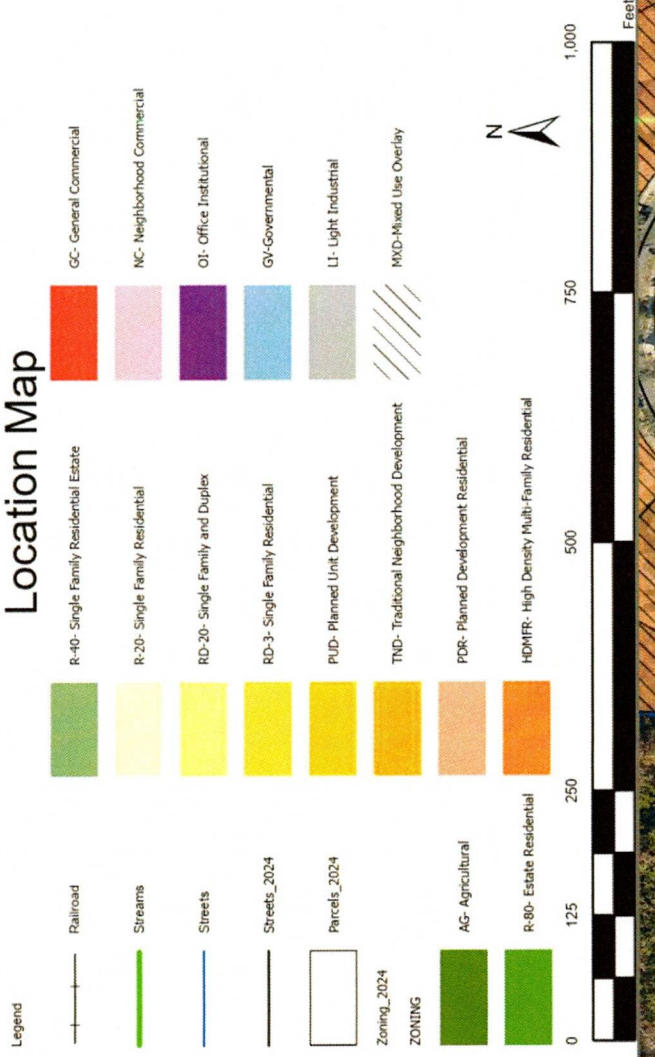
7. **That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.**

No negative impacts are anticipated from the variance as proposed.

** The recommendations made herein are the opinions of the City of Holly Springs Staff and do not constitute a final decision. The Holly Springs City Council makes the final decision on all rezoning applications at their regularly scheduled meeting. Any site plan submitted as a part of this application is not considered approved and must go through the normal civil site plan review by the City of Holly Springs Community Development Department to ensure compliance with City regulations.



V-01-2024 Location Map





VARIANCE/APPEAL/SPECIAL EXCEPTION APPLICATION

City of Holly Springs, Georgia

V-01-2024

SE-

AP-

Hearing Date April 25, 2024

Date of Application April 3, 2024

Applicant Michael P & Kristen A Corrigan

Owner _____
(If other than Applicant)

Address 335 Peninsula Court
Holly Springs GA

Address _____

Zip Code 30115 Phone [REDACTED]

Zip Code 30115 Phone [REDACTED]

Email imagine pools and landscaping@gmail.com

Email [REDACTED]

Signature Mike Corrigan

Signature Kristy Corrigan

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

Present Zoning District PDR Acreage 1.29 ac
Land Lot(s) 244 & 245 District(s) 15 Section(s) 2nd
Map Number 15N19C Parcel Number 101
Address/Location of Property 335 Peninsula Court, Holly Springs, GA 30115

Description/Type of Request (Variance, Appeal, Special Exception)
Request to remove up to 10 trees (outside of the .667 acre NO
disturbance zone)

Justification/Reason for Request (please also respond to the attached conditions)
Preliminary construction plans for Harmony on the Lakes showed
a large tree save area limiting backyard usage. Final
plat for Pod E phase 2 did not show anything but the
.667 ac no disturbance zone at the rear of the property.

- ☒ Two (2) copies of the plat or drawing illustrating the appeals request; please provide a pdf of the plat if available.
- ☒ Warranty Deed or similar conveyance;
- ☐ Documentation verifying that ad valorem taxes are current; N/A
- ☒ Filing fee of \$500.00, check payable to the City of Holly Springs. Check# 1024

Do Not Write Below Line

Board of Appeals Decision

Approved

Denied

Tabled

Please respond to the following conditions:

Variance Procedures, Article 15.3-1

No variance shall be authorized unless the Planning Commission finds that all of the following conditions exist:

1. That the special circumstances or conditions applying to the building, structure or land in question are peculiar to such premises and do not apply generally to other building, structures or land in the vicinity. *More than 52% of applicant's lot is in a no disturbance area. (1.667 acres of a 1.29 acre lot). Applicant has no intention to encroach or remove any trees from this no disturbance area.*
2. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant. *Granting is necessary to allow property owner the full use of their property allowing them to construct a swimming pool and to remove up to 10 trees.*
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located. *Applicant only seeks to be able to use their property to its fullest. Please see the attached pool plans & location of trees to be removed.*
4. That the condition from which relief or a variance is sought did not result from willful action by the applicant. *It does not.*
5. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. *It is. In order to build a pool up to 10 trees will need to be removed. Applicant's agree to a replanting schedule per City schedule.*
6. The variance is not a request to permit a use of land, buildings or structures which is not permitted by right in the district involved. *It is not.*
7. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City. *No adverse impact is expected. The new high end pool with extensive landscaping will enhance the proper value and contribute to the tax base.*

Cherokee County Geocortex Viewer

Description



TIN: 15N19C 101

PIN: 15-0261-0007

Current Owner: CORRIGAN MICHAEL P &

Lot Number: 438

Acreage: 1.29

[Run parcel report](#)

Hyperlinks

[View historic parcel cards](#)

[Landmark Plat Link](#)

[Landmark Deed Link](#)

[Municode Search Syntax](#)

Details

TIN

15N19C 101

PIN

15-0261-0007

Lot #

438

Tract

N/A

Land District

15

Land Lot

0261

Subdivision

Harmony On The Lakes

Acreage

1.29

Search...

Sign in

1 I want to...

1...

Tools



15N19C 100

15N19C 101

15N19C 102



Basemaps

WKID: 4326 Lat/Long ▲

Lat: 34.17941° N

Lon: 84.45397° W

0 50 100ft

Layers



LOT AREA DATA

LOT	SQ.FT	BUILDABLE LOT AC	GREEN SPACE/ H.O.A. ACCESS	TOTAL LOT AC
119	21124.82	0.636	0.286	0.922
120	22116.53	0.508	-----	0.508
121	25936.50	0.595	-----	0.595
122	25745.50	0.591	-----	0.591
123	23671.52	0.543	-----	0.543
124	22854.83	0.525	-----	0.525
125	21372.04	0.491	-----	0.491
126	18264.53	0.435	-----	0.435
127	26400.12	0.606	-----	0.606
128	51785.21	1.189	-----	1.189
129	31811.24	0.730	-----	0.730
130	25824.91	0.685	-----	0.685
131	26372.58	0.605	0.643	1.248
132	13429.20	0.308	0.676	0.984
133	16328.62	0.375	0.478	0.853
134	25032.52	0.575	0.002	0.577
135	24180.28	0.569	0.569	1.138
136	24176.89	0.569	0.421	0.99
137	26066.35	0.598	0.392	0.99
138	25318.46	0.581	0.667	1.248
139	21525.01	0.632	1.331	1.963
140	28644.37	0.658	1.331	1.989
141	25657.33	0.589	0.431	1.02
142	22793.03	0.523	0.265	0.788
143	23076.24	0.530	0.393	0.923
144	24267.5	0.556	0.672	1.228
145	24846.12	0.570	0.376	0.946
146	20066.52	0.461	1.011	1.472

CD 55.99
CB S47°59'55"W

CURVE 129
ARC 186.06
R 110.00'
CD 164.66'
CB S161°29'E

CURVE 138
ARC 203.30'
R 110.00'
CD 175.58'
CB S85°12'50"W

CERTIFICATE OF CHEROKEE COUNTY WATER &
TO ALL REQUIREMENTS OF THE CHEROKEE
AUTHORITY HAVING FULFILLED, THIS PLAT IS A

GENERAL NOTES:

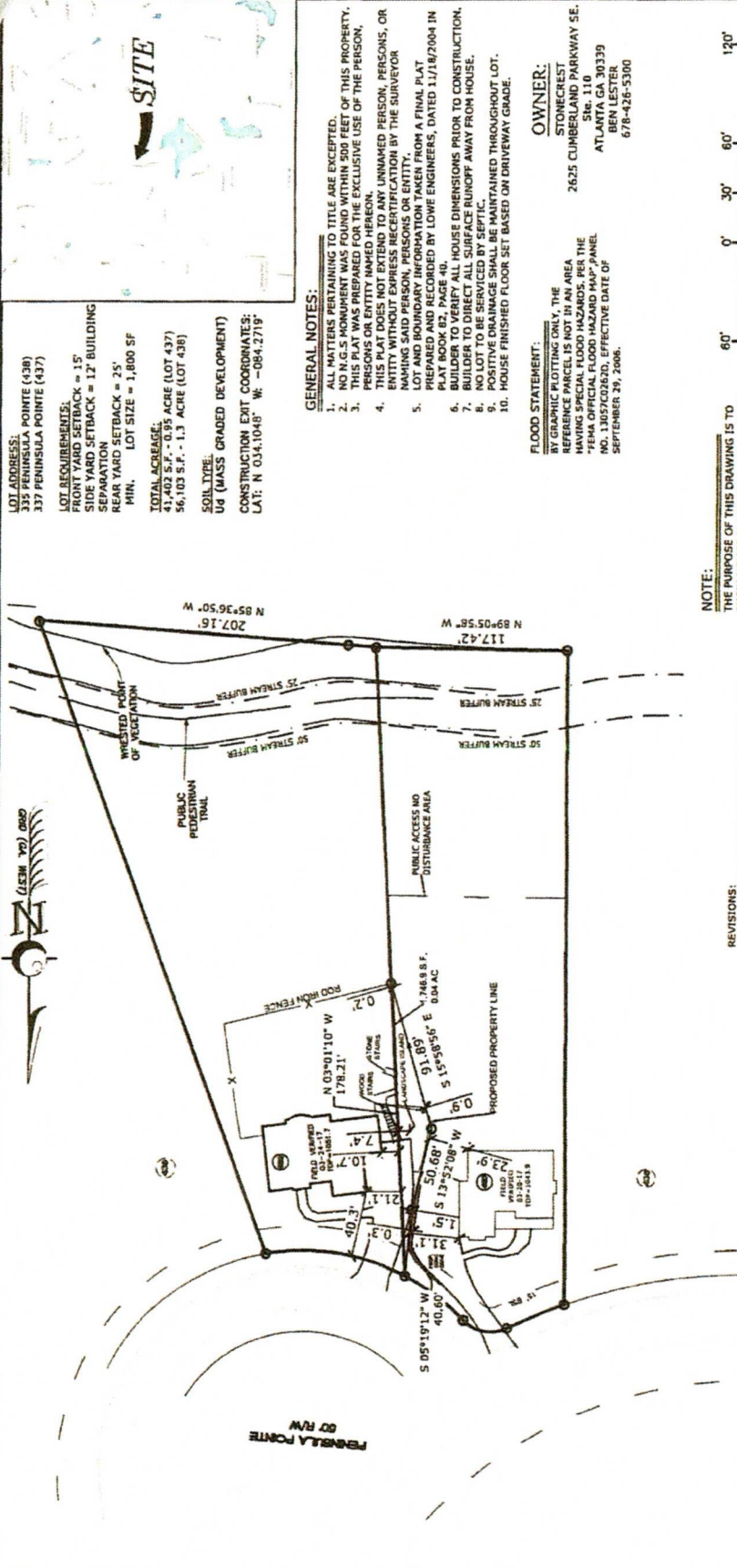
1. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH ANY LAND-DISTURBING ACTIVITIES.
2. EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.
3. 24 HOUR CONTACT RICHARD THOMPSON (404) 863-4965
4. PROJECT DESCRIPTION - A PRIVATE SUBDIVISION TO BE BUILT ON 540.373 ACRES (TOTAL). PCD A WILL CONSIST OF APPROXIMATELY 431.3 ACRES. CURB AND GUTTER IS PROPOSED FOR THIS SUBDIVISION AND GRAVITY FLOW SANITARY SEWER WILL BE PROVIDED. PHASE 1A CONSISTS OF 97.8 ACRES AS SHOWN. ALL UTILITIES WILL BE UNDERGROUND.
5. MINIMUM SETBACKS: 10' FRONT, 15' REAR, AND 3' SIDE-YARD SETBACK.
6. NOTE: FINISHED FLOOR ELEVATIONS ON ALL LOTS TO BE A MINIMUM OF THREE (3) FEET ABOVE THE DAN BRECH ZONE/100 YR FLOOD ELEVATION.
7. LOTS UPSTREAM OF CULVERT ROAD CROSSINGS FINISHED FLOOR ELEVATIONS SHALL BE NO LESS THAN ONE FOOT ABOVE THE LOW POINT IN THE ROAD. PROPOSED DRIVEWAY CULVERTS AND SIZES SHALL BE INDICATED BY A " ".
8. NOTE: IN THE EVENT THAT UNDERGROUND STORM WATER STORAGE IS BEING PROVIDED FOR THE DEVELOPMENT THE MAINTENANCE OF THE UNDERGROUND DETENTION FACILITIES IS THE RESPONSIBILITY OF THE OWNER AND THE OWNER AGREES TO PERFORM ANNUAL INSPECTIONS AND PROVIDE ANY NECESSARY MAINTENANCE.
9. NOTE: NO PORTION OF THIS PROPERTY IS LOCATED IN A F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE COUNTY OF CHEROKEE, STATE OF GA. MAP NUMBER 130424 0240 B, PANEL 240 OF 335, REVISED JULY 15, 1988.
10. THE AREA ADJACENT TO LOTS WITH A "T" SYMBOL SHALL BE PROTECTED AS A TREE SAVE AREA. — REFER TO APPROVED CONSTRUCTION PLANS FOR THE LIMITS OF TREE SAVE.
11. THIS DEVELOPMENT IS SUBJECT TO COVENANTS RECORDED IN DEED BOOK 6070, PAGE III IN THE CHEROKEE COUNTY RECORDS, RECORDED APRIL 23, 2003.

Conflicts with
lot area data

ATTACHMENT (A)

MA-02-03 Stipulations of Zoning

1. Owner/developer shall be limited to no more than 1,250 residential homes, 23% shall be a minimum of 1800 square feet, 22%, 1600 square feet, 22% 1400 square feet, and 33% 1200 square feet.
2. 122 acres are to be permanently protected as open space.
3. Street trees shall be installed every 35' to 40' of roadway.
4. The single family detached residential component of the community shall include the following except for perimeter lots, which shall adhere to stipulation 5.
 - a) Twelve foot side separation between structures.
 - b) Fifteen foot front setback.
 - c) Twenty-five foot rear setback.
5. A 15' undisturbed buffer shall be utilized around perimeter of entire project. A 25' undisturbed buffer with 40' rear setback is required where the development adjoins an existing residential subdivision.
6. Owner/developer shall establish at least one mandatory homeowners association for the project, and shall submit all restrictive covenants and homeowner's documents for review by the Zoning Administrator prior to final plat approval of the first phase of the development.
7. Owner/developer shall provide a landscape plan for all subdivision entrances and all open space. Landscape plan to be approved by the Zoning Administrator.
8. Owner/developer shall coordinate with the City of Holly Springs regarding open space, parks, recreation areas, and trail/pathway design.
9. First phase of community clubhouse, walking trails, and amenity area as delineated on site plan dated January 20, 2003, shall be started before the issuance of the 200th Certification of Occupancy and shall be completed before the issuance of the 600th certification of occupancy.
10. Perimeter buffer requirements may be waived for the installation of underground utilities as long as a landscape plan including replanting schedule is provided and approved by the Zoning Administrator.
11. Tree clearing shall be limited to infrastructure and footprint of home. Any deviation of this stipulation would require submittal of a replanting schedule and landscape plan for the approval of the Zoning Administrator on a per lot basis.
12. Multi-family component shall be limited to town home units and loft living quarters above commercial structures holding a current business license.
13. The town home component of the development will be limited to 1 pad, internal to the community and shall not exceed 18 town home attached units.
14. To mitigate sewer line improvement, per offer by developer, a lot charge of \$360.00 will be due at time of issuance of a building permit.
15. To mitigate impact to the school system, per offer by developer, a lot charge of \$656.00 shall be assessed at time of issuance of certification of occupancy for each residential lot. This fee shall be assessed upon written assurance from the Cherokee County School Board to the City of Holly Springs in regard to allocation of such funds and for where the children of this development will attend school.
16. For improvements requested by the Georgia Regional Transportation Authority (GRTA) in regards to transportation improvements at Newlight and Hickory Road, per offer by developer, a lot charge of \$200.00 shall be assessed for the first 500 homes at the time of issuance of a building permit.
17. Signage for the proposed development shall be ground-based, monument style signage and shall be consistent with the architectural tenor of the section of the community in which said signage is located. Signage on State Route 140 and Hickory Road shall consist of a heavy concentration of ground-based, monument-



LOT ADDRESS:
335 PENINSULA POINTE (438)
337 PENINSULA POINTE (437)

LOT REQUIREMENTS:
FRONT SETBACK = 15'
SIDE YARD SETBACK = 12' BUILDING
SEPARATION
REAR YARD SETBACK = 25'
MIN. LOT SIZE = 1,800 SF

TOTAL ACRES:
41,402 S.F. - 0.95 ACRE (LOT 437)
56,103 S.F. - 1.3 ACRE (LOT 438)

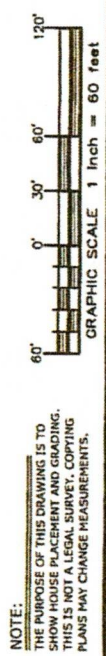
SOIL TYPE:
Ud (MASS GRADED DEVELOPMENT)

CONSTRUCTION EXIT COORDINATES:
LAT: N 034.1048° W: -084.2719°

- GENERAL NOTES:**
1. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
 2. NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.
 3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITIES SPECIFICALLY NAMED HEREON.
 4. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITIES WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR.
 5. NAMING SAID PERSON, PERSONS OR ENTITY.
 6. LOT AND BOUNDARY INFORMATION TAKEN FROM A FINAL PLAT PREPARED AND RECORDED BY LOWE ENGINEERS, DATED 11/18/2004 IN BOOK 110 PAGE 40. HOUSE DIMENSIONS PRIOR TO CONSTRUCTION.
 7. BUILDER TO VERIFY ALL HOUSE DIMENSIONS PRIOR TO CONSTRUCTION.
 8. NO LOT TO BE SERVICED BY SEPTIC.
 9. POSITIVE DRAINAGE SHALL BE MAINTAINED THROUGHOUT LOT.
 10. HOUSE FINISHED FLOOR SET BASED ON DRIVEWAY GRADE.

FLOOD STATEMENT:
BY GRAPHIC PLOTTING ONLY, THE REFERENCE PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS, PER THE "FEMA OFFICIAL FLOOD HAZARD MAP" PANEL NO. 13057C0262D, EFFECTIVE DATE OF SEPTEMBER 29, 2006.

OWNER:
STONECREST
2625 CUMBERLAND PARKWAY SE.
ATLANTA, GA 30339
BEN LESTER
678-426-5300



NOTE:
THE PURPOSE OF THIS DRAWING IS TO SHOW HOUSE PLACEMENT AND GRADING. THIS IS NOT A LEGAL SURVEY. COPIING PLANS MAY CHANGE MEASUREMENTS.

REVISIONS:
1. 09/14/2017 UPDATE PROPOSED PROPERTY LINE

EXHIBIT FOR:
STONECREST
LOT 437 & 438
HARMONY ON THE LAKES
CITY OF HOLLY SPRINGS
CHEROKEE COUNTY, GEORGIA

DATE: AUGUST 04, 2017

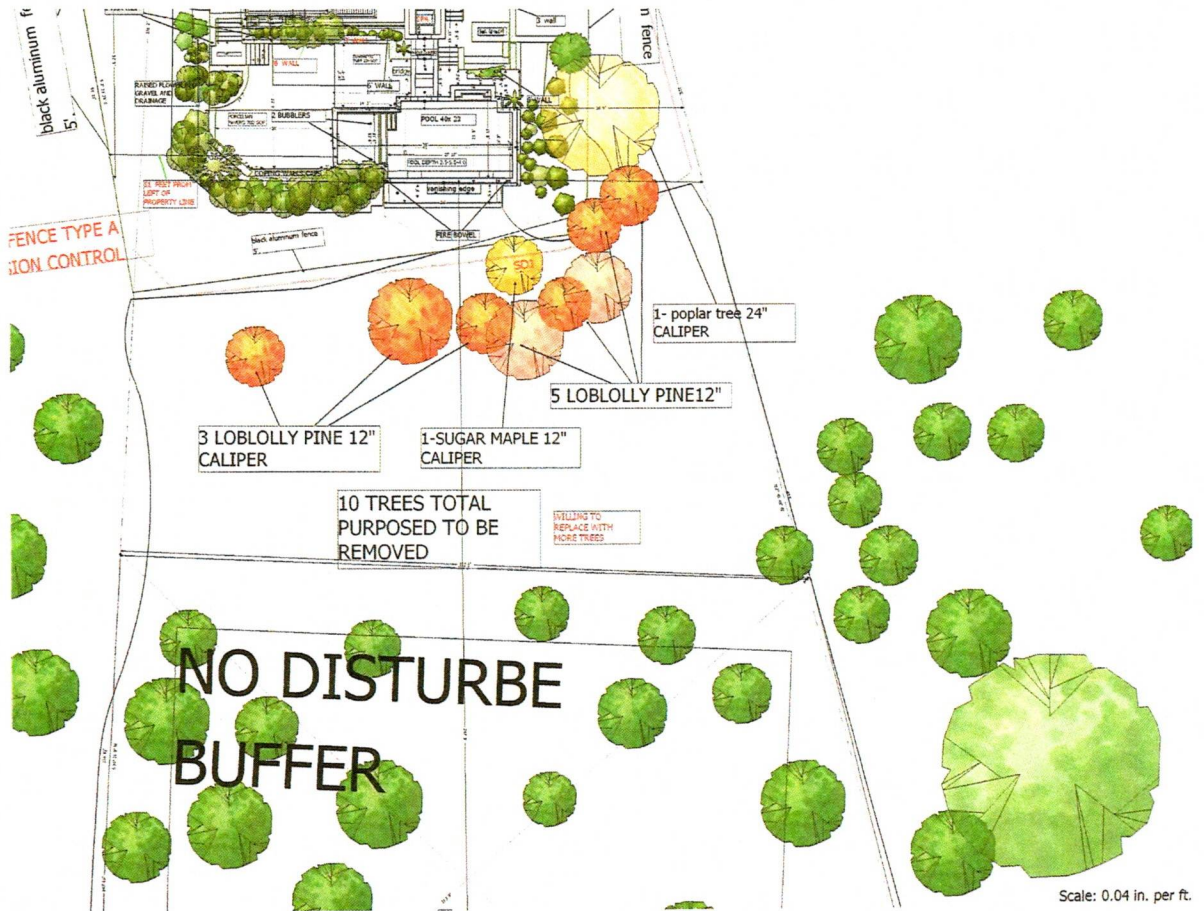
OWNER/BUILDER:
(TERTIARY PERMITTEE)
STONECREST
2625 CUMBERLAND PKWY SE, SITE 110
ATLANTA GA 30339
24-HOUR CONTACT
BEN LESTER 678-426-5300

GEORGIA811
Utilities Protection Center, Inc.
Know what's below.
Call before you dig.

SEI
SOUTHEASTERN ENGINEERING, INC.
1218 Maple Ridge Road, Marietta, Georgia 30066
770-321-1533, fax 770-321-1533
www.seiengineering.com



Tree Removal list







**City of Holly Springs
Planning and Zoning Commission Meeting Minutes
February 8, 2024**

Commission Members Present: Chris Adams, Adrian Dekker (C), Mike Grayeski (VC), Eric Huminski, and Andy Norris

Staff and Elected Officials Present: City Manager Robert H. Logan, Community Development Director Nancy Moon, Laura Rollins with the City Attorney's Office, Captain Casey Barton, Officer Carson Warner, and Community Development Coordinator Tracey Chambers.

I. Call to Order

Chairman Dekker call the meeting to order at approximately 7:00 PM.

II. Roll Call

All Commissioners Present

III. BUSINESS/PUBLIC HEARING

Vice Chairman Grayeski read the Public Hearing rules.

Commissioner Huminski made a motion to revise the agenda to hear case CUP-01-2024 first. Vice Chairman Grayeski seconded the motion. Motion carried 5-0.

- (1) **CUP-01-2024**, applicant Yaseen Alnuzaili requests a conditional use permit for a CBD and/or Tobacco Specialty Store for property located at 2210 Holly Springs Parkway, Holly Springs, GA, tax parcel 038 of tax plat 15N14

Attorney Mitch Skandalakis spoke representing the applicant. Mr. Skandalakis stated that his client wished to withdraw his application. Mr. Skandalakis said that the business would only sell tobacco products and no CBD products.

- (2) **A-07-2023**, applicant Windsong Properties requests annexation of 18.5 +/- acres located off of Hickory Flat Highway, Cherokee County, GA, tax parcel 204 of tax plat 15N19

- (3) **MA-13-2023**, applicant Windsong Properties requests rezoning of 18.5 +/- acres located off of Hickory Flat Highway, Holly Springs, GA, tax parcel 204 of tax plat 15N19, from AG, Agricultural (County), to TND, Traditional Neighborhood Development, (City)

Adam Rozen, attorney for Windsong Properties, presented an updated site plan to the Commission that showed the density reduced from the original plan and a neighborhood entrance coming off of Univeter Road. Mr. Rozen stated that the entrance change would give additional space to be used for road improvements which would benefit the community. Mr. Rozen said that this is an

age targeted community, but not age restricted. Mr. Rozen pointed out that the property is within the city's growth boundary map.

Mark Carruth, the owner of Windsong Properties explained details of the development which will have 70 one-story single-family ranch style homes. Mr. Carruth stated that the HOA will maintain the clubhouse and open spaces in the development.

Chairman Dekker made a motion to extend the Public Hearing an additional five minutes. Vice Chairman Grayeski seconded the motion. Motion carried 5-0.

Community Development Director Nancy Moon stated that the developer would be working with the Georgia Department of Transportation regarding Hickory Flat Highway and with Cherokee County regarding Univeter Road. Cherokee County did not object to the development but had some concerns that Ms. Moon addressed with the Commission. Ms. Moon also stated that staff recommends approval with stipulations of the rezoning request. Ms. Moon reviewed the stipulations with the Commission.

Cherokee County resident Paul Stanford of 3745 Univeter Road voiced concerns regarding traffic volume and safety.

Mr. Rozen and City staff addressed the concerns.

Public hearing closed.

Commissioner Adams made a motion to approve A-07-2023. Commissioner Huminski seconded the motion. Motion carried 5-0.

Vice Chairman Grayeski made a motion to approve MA-13-2023 with staff stipulations. Commissioner Adams seconded the motion. Motion carried 5-0.

- (4) CUP-02-2024**, applicant Israel Ortega Grippa requests a conditional use permit for an Equipment Repair Establishment for property located at 2271 Holly Springs Parkway, Holly Springs, GA, tax parcel 026A of tax plat 15N14C

The applicant, Mr. Israel Ortega Grippa addressed the Commission. Mr. Grippa stated that he received a conditional use permit three years ago for the current location of his business and would like to move elsewhere in the city, and he is requesting the permit for the new location. Mr. Grippa explained the types of machinery that he repairs and the methods that he uses to do his repairs.

Community Development Director Nancy Moon stated that the property is zoned GC, General Commercial, which does not allow for this type of business; however, the ordinance allows a request for a conditional use permit be applied for projects that do not meet the requirements for GC zoning. Ms. Moon stated that the current location of the business is in a building zoned LI, Light Industrial, and the new business location is in a store front location with multiple adjacent tenants. Ms. Moon said that staff recommends denial of this case. Ms. Moon read a statement from the Fire Marshal regarding the requirements of necessary fire walls, storing of flammable liquids, and testing of gas-powered motors.

Public hearing closed.

Chairman Dekker made a motion to deny CUP-02-2024. Vice Chairman Grayeski seconded the motion. Motion carried 4-1 with Commissioner Huminski opposed to the motion.

- (5) **CUP-03-2024**, applicant Paola Bates requests a conditional use permit for a CBD and/or Tobacco Specialty Store for property located at 2210 Holly Springs Parkway, Holly Springs, GA, tax parcel 038 of tax plat 15N14

Applicant Paulo Bates addressed the Commission. Ms. Bates stated that the Miracle Leaf business is a health center and retail store with state certified doctors that would determine if a patient has a need for medical marijuana. The physicians would issue a medical marijuana card for the patients that are determined to require the cards. Ms. Bates went on to describe the business and stated the patients that qualified for the medical marijuana cards would obtain the product from one of five dispensaries in Georgia, not her business as it is not a dispensary.

Ms. Bates was further represented by the owner of a Miracle Leaf located in Macon, Georgia. The representative stated that the business is registered with the Department of Health for the state of Georgia, and they submit the patient information into the database for the state, the state then prints the patient's medical card, and sends it to the local health department where the patient resides and picks up his card.

Community Development Director Nancy Moon stated that this business does fall under the ordinance approved last year by the City Council regarding the selling of CBD products. Ms. Moon pointed out that that the ordinance states a CBD / Tobacco Specialty store cannot be within 5000 feet from another CBD / Tobacco Specialty store and this location is within 2000 feet of another CBD / Tobacco Specialty store that was grandfathered to sell the products previously.

Public hearing closed.

Commissioner Adams made a motion to approve CUP-03-2024. Commissioner Huminski seconded the motion. Motion carried 5-0.

- (6) Approve/deny the January 11, 2024 Meeting Minutes.

Commissioner Adams motioned to approve the January 11, 2024 meeting minutes. Commissioner Huminski seconded the motion. Motion carried 5-0.

- (7) Approve/deny the January 25, 2024 Meeting Minutes.

Commissioner Adams motioned to approve the January 25, 2024 meeting minutes. Vice Chairman Grayeski seconded the motion. Motion carried 5-0.

IV. Announcements from Staff

No announcements from Staff

V. Items from Commission Members

Commissioner Dekker spoke to staff regarding future CBD / Tobacco Specialty store cases.

VI. Adjournment

Chairman Dekker motioned to adjourn. Vice Chairman Grayeski seconded the motion.
Motion carried 5-0.

Respectfully Submitted.

**Approved and Adopted by the Planning
and Zoning Commission**

Adrian Dekker, Chairman

Date

Attest:

Tracey Chambers
Community Development Coordinator