



Planning & Zoning Commission

2024 Members

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

February 8, 2024

AGENDA

I. CALL TO ORDER- 7:00 PM

II. ROLL CALL

III. BUSINESS/PUBLIC HEARING

- (1) 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
- (2) 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)
- (3) 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
- (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
- (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
- (6)** Approve/deny the January 11, 2024 Meeting Minutes
- (7)** Approve/deny the January 25, 2024 Meeting Minutes

IV. ANNOUNCEMENTS FROM STAFF

V. ITEMS FROM COMMISSION MEMBERS

VI. ADJOURNMENT

Meeting Location:
3235 Holly Springs Parkway



STAFF ANALYSIS

FROM: Nancy Moon

SUBJECT: A-07-2023, applicant requests annexation of 18.5 +/- acres located off of Hickory Flat Highway, Cherokee County, GA, tax parcel 204 of tax plat 15N19

MA-13-2023, applicant 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)

DATE: February 2, 2024

PLANNING COMMISSION MEETING DATE: February 8, 2024

STAFF ANALYSIS

Applicant, Windsong Properties, has requested annexation of 18.5 +/- acres located on Hickory Flat Highway and Univeter Road, specifically tax parcel 204 of tax plat 15N19. In addition, the applicant has requested rezoning of the 18.5 +/- acres from AG, Agricultural(County) to TND, Traditional Neighborhood Development (City).

The applicant plans to construct a single-family age-targeted residential detached home community consisting of 70 units with a density of 3.79 units per acre. Access to the property is located off of Univeter Road. Typical elevations are included within the packet.

A. Existing Land Use and Zoning Classification of Nearby Property

ADJACENT ZONING		ADJACENT DEVELOPMENT	
NORTH:	R-80 (County) GC (County)	NORTH:	SFR Cherokee Tire/Auto Doctor
SOUTH:	TND (City) AG (County)	SOUTH:	Owen Preserve SFR
EAST:	GC (County) R-40 (County)	EAST:	Undeveloped SFR
WEST:	R-80 (County)	WEST:	SFR/Indian Knoll Elementary School

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?

Adjacent properties are primarily residential with a mixture of densities; however, nearby properties also include a preschool, a church, restaurants, and other associated commercial uses. The proposed use and density is similar to that of other nearby areas. The northern part of Harmony and Holly Commons are between 4 and 5 units per acre, while directly across from this property, a small subdivision, Province, is under development at 4.88 units per acre. Directly south of this property is Owen Preserve, at 4.85 units per acre.

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

The development of the property for the proposed use would not negatively impact the existing uses of adjacent and nearby property as there is a mixture of uses and residential density.

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

The property is zoned AG, Agricultural (County). The property could be developed with the uses associated with the AG zoning district. Existing use of the property consists of undeveloped property.

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?

Any improvements along Hickory Flat Highway will be determined and approved by the Georgia Department of Transportation. Cherokee County and GDOT have a number of road improvements planned for the area. Currently GDOT is making improvements to Hwy 140 just north of Univeter Road. Coordination through Cherokee County resulted in the applicant modifying the original request for 73 lots to 70 lots, making accommodations for the additional right-of-way that may be required by the County. Cherokee County Water and Sewerage Authority has provided a letter stating the availability of water and sewer for the development. The Cherokee County School District has stated that the 73 units would impact the school district by 21 students and/or one classroom at a cost of \$28,570 or \$392 per residential unit. Reducing the unit count to 70 would change the cost per residential unit to \$408 per residential unit. Schools impacted would be Indian Knoll ES (72% current capacity), Dean Rusk MS (90% current capacity), and Sequoyah HS (88% current capacity).

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

This property is planned for development within the Parkway Corridor character area for the 2018 Comprehensive Plan. 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 multifamily residential

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

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

The 2023 Comprehensive Plan, not finalized and adopted, shows this property as Neighborhood Center and Suburban Neighborhood. The areas shown as “Neighborhood Center” on the future development map are very similar to traditional neighborhoods. One noteworthy distinction between traditional neighborhoods and neighborhood center is that “neighborhood centers” are likely to have higher compositions of nonresidential (civic, office, neighborhood-serving retail) uses than “traditional neighborhoods.” Included within this character area is the area along Highway 140 at the eastern border of the city. This area may have reduced densities to more closely align with the recommendations for property located within unincorporated Cherokee County. For those parcels west of Hwy 140, residential density may be approved up to six (6) units per acre while development of the area on the east side of Hwy 140 follows the procedure as identified in the Growth Boundary (GB) Agreement with Cherokee County.

Application: Existing and new single-family residential neighborhoods with a mixed-use component.

Primary Future Land Uses: Neighborhood commercial, office, and government uses, and parks, recreation, greenways, and trails included as part of a traditional neighborhood.

Zoning Districts: PD-R, TND, NC, OI, GV, MXD-1, MXD-2

The Suburban Neighborhood character area corresponds with conventional suburban subdivisions with approximately 1/3 acre to 1-acre lots that have curvilinear streets. Houses are set back from the road, and lots are spacious. Streets are built to a relatively wide standard when compared with traditional neighborhoods. Connectivity is not necessarily provided, although an objective of this character area is to provide for pedestrian activity and connections among subdivisions to provide more of a true “neighborhood” feel, as opposed to each tract being developed without consideration of connecting to abutting properties.

Another key objective for this character area is the provision of connected open spaces that are permanently protected. With such protected open space, it is possible for this character area to preserve a more rural, open-space feel if conservation lands are set aside and scenic view analyses are incorporated into development plans. Acceptable uses include single-family residences, stick-built (excluding manufactured homes), along with supportive civic, institutional, and recreational uses. These areas are served by public water supply but not necessarily sanitary sewer service.

Application: Existing and new single-family residential neighborhoods.

Primary Future Land Uses: Single-family detached residential

Zoning Districts: R-40, R-30, R-20, PD-R, TND

Cherokee County's Future Development Map shows this property being planned with the Suburban Growth and Transitional Corridor character areas.

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?

The request for annexation and zoning proposal meets a number of policies, as well as, the intent of the Comprehensive Plan. Furthermore, the proposal is in compliance with the vision and objectives of the Community Agenda, primarily as follows:

- a) **Residential Uses. Use the character areas and the Future Development Map (FDM) to guide residential growth, steering appropriate densities to suitable locations. (8.1, #3)**
- b) **Traditional Neighborhood Development. Promote traditional neighborhood and mixed-use developments in appropriate areas, which could include commercial, multi-family, and single-family sections within the same project area. (8.1, #4)**
- c) **Density. Consider increased residential densities for property adjacent to arterials and urban collectors. As properties are distanced further from arterials, urban collectors, and more intense uses, residential densities should decrease. (8.1, #8)**
- d) **Annexation. Consider municipal boundary expansion opportunities as unincorporated property owners petition for annexation. (8.1, #9)**
- e) **Architectural Requirements. Utilize the adopted architectural requirements for the various character areas of the city, seeking to refine and enhance these requirements, as needed. Consistently enforce architectural regulations to promote a uniform and harmonious quality of development within respective character areas (8.1, #11).**

- f) Environmentally Sensitive Areas. Encourage development to use environmentally sensitive areas as buffers between differing land uses where appropriate (8.1, #15).**
 - g) Land Use Decisions. Use the Future Land Use Map (FLUM) as a guide when making land use decisions (map amendment requests) and reviewing other development proposals (8.1, #22).**
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?

The development of the property will be held to the environmental development standards for all local, state, and federal requirements.

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?

Area growth has consisted of both commercial and residential uses in recent developments. Multiple developments in the area are higher in density than that of the proposed project.

C. Summary

The proposed request seeks to develop a single-family fee simple age-targeted development with a density of 3.79 units per acre. The comprehensive plan also encourages higher densities along arterials and collector roads. The proposed use is consistent with the development in the general area.

D. Cherokee County Board of Commissioners

This case was on the agenda of the November 21, 2023 meeting of the Cherokee County Board of Commissioners. At this meeting, the Board did not voice any formal objections to the land use; however, they had the following concerns/suggestions:

1. The proposed density is significantly higher than what is called for in the Suburban Growth/Corridors and Nodes character areas. The Board recommends the density be more consistent with the County Future Development Map.
2. This project should leave necessary Right-of-Way to accommodate upcoming road improvements at the intersection of Univeter Road and Hickory Flat Highway.
3. The applicant should ensure the annexation does **not** create an unincorporated island, per state standards.
4. The developer should continue to work with our Transportation staff to determine best

access point for the proposed development.

E. Staff Recommendation

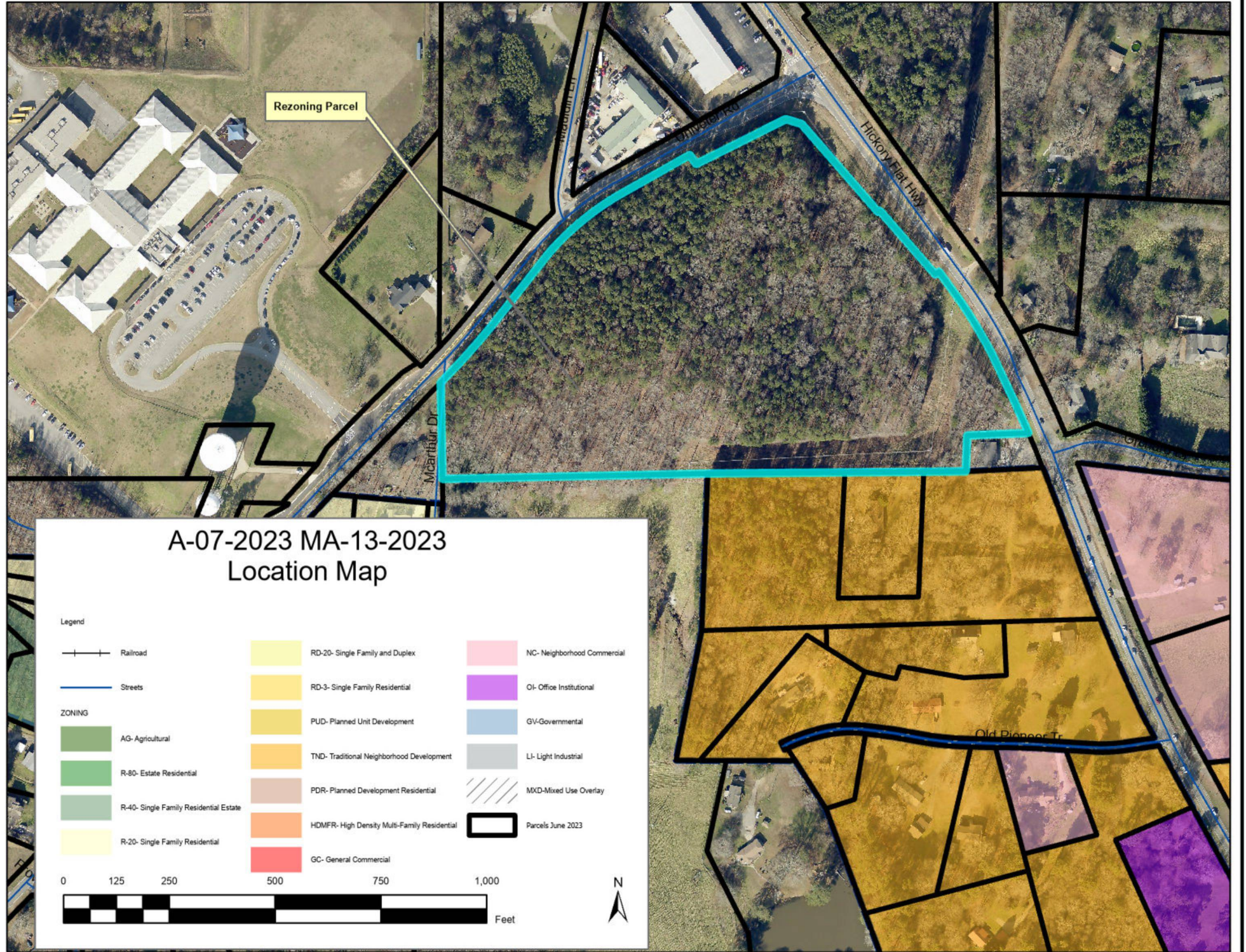
Staff recommends **APPROVAL** to **ANNEX** the property consisting of 18.5+/- acres.

Staff recommends **APPROVAL** to **REZONE** the property consisting of 18.5+/- acres to **TND, Traditional Neighborhood Development** with the following stipulations.

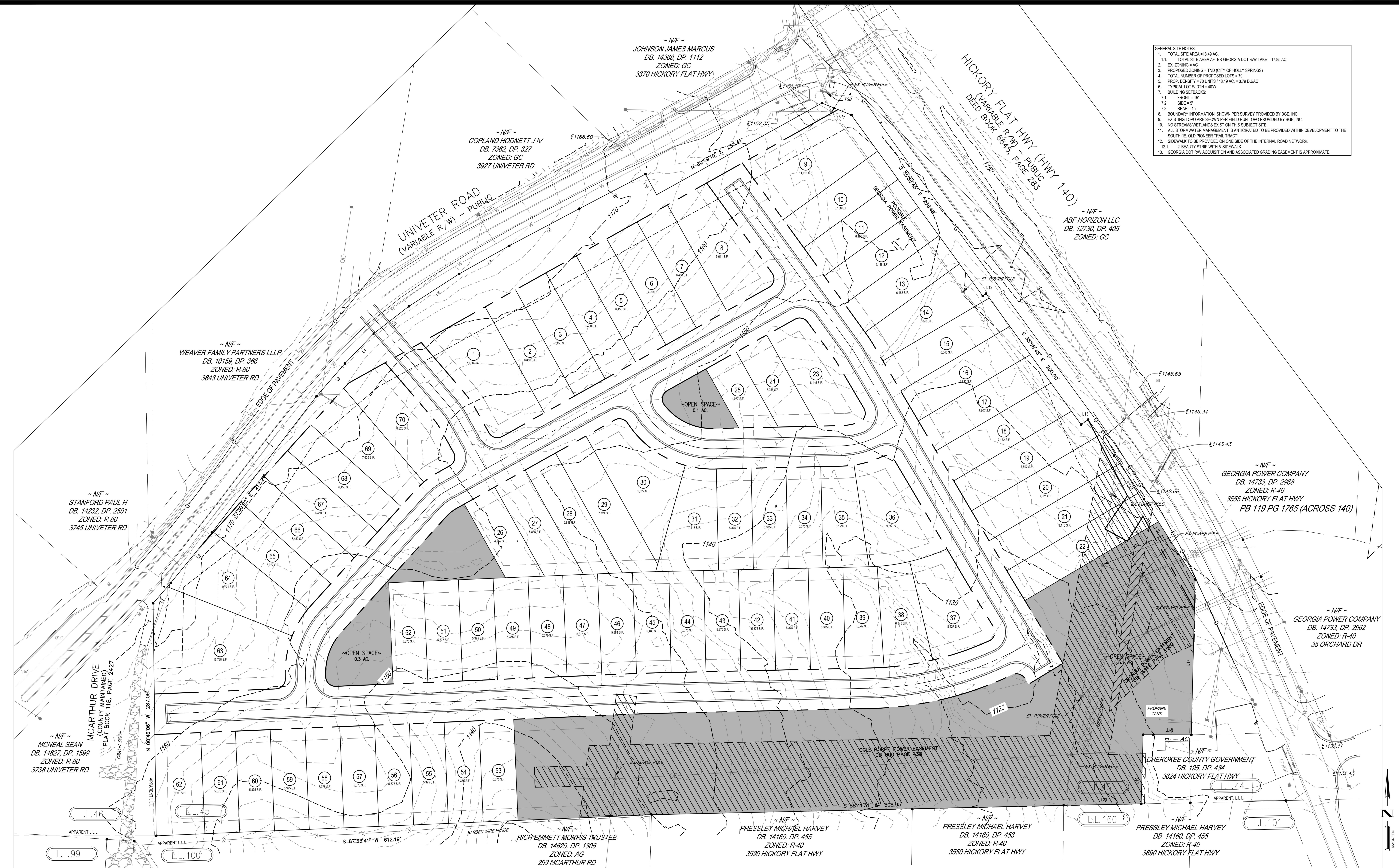
1. A master association shall be formed which shall include all component parts of the project. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, signage, private infrastructure, detention areas, mail kiosk, amenity areas, common areas, open space areas, other common recreational areas, and all landscaping and plantings contained within the community.
2. The master association to be formed hereunder shall have architectural design regulations which shall control and coordinate all principal and accessory buildings within the project, as well as items such as project entrance signage, signage for individual units, signage within amenity areas, common areas, open space areas, other common recreational areas and the like to protect and maintain the quality and integrity of the development. The yard areas around each unit shall be fully sodded/landscaped and maintained by the mandatory homeowners' association.
3. All restrictive covenants and association documents shall be submitted for review by the Community Development Director prior to final plat approval.
4. All units within the proposed community shall be "for sale" units. The Declaration of Restrictive Covenants shall restrict the number of units which can be leased at any one time to no more than twenty percent.
5. Density shall be limited to a maximum gross density of 3.79 units per acre, or a maximum of 70 fee simple single-family residential detached dwelling units.
6. The minimum lot width, measured at the minimum front building setback, may be reduced to 40 feet. Building setbacks shall be as follows: Front-15 feet, Side-5 feet, and Rear-15 feet.
7. Signage at the entrance point shall be ground based, monument style. The entrance areas shall be professionally designed, landscaped and maintained. All project signage will be consistent with the architectural design regulations established for the principal and accessory buildings within the project and shall comply with Article 19, Design Guidelines for Model Zoning Districts of the Holly Springs Zoning Ordinance.
8. The architectural style shall be of craftsman type and the exterior facade shall consist of brick, stone, stacked stone, cedar shake type and/or Hardi-plank and combinations thereof, one of which must be brick or stone, and follow the design guidelines as outlined in the Holly Springs Zoning Ordinance, Article 19, Design Guidelines for Model Zoning Districts.

9. Gutters shall blend with the architectural style of the buildings, consistent with the building design as established by the owner/developer and approved by the City of Holly Springs.
10. Asphalt roof shingles shall be architectural grade with a dimensional textured surface and shall be algae resistant.
11. Garage doors shall be setback a minimum of 20 feet from the back of sidewalks.
12. Lighting shall be environmentally sensitive, with developer making every effort to ensure that lighting is as unobtrusive as possible, utilizing fully-shielded LED lamps in compliance with the International Dark Sky Association, or equivalent organization.
13. Owner/developer shall coordinate with the Community Development Director and the City Arborist regarding landscaping.
14. As requested by the Cherokee County School District, the developer shall provide a School Mitigation Fee of \$408 per residential unit constructed and such fee shall be paid prior to the issuance of each building permit.
15. Entrance design and improvements to Hwy 140 and Univeter Road shall be provided as per determination and recommendation of the Georgia Department of Transportation and the County Engineer.
16. Owner/developer shall be responsible for the installation of sidewalks (5' sidewalk with a 5' beauty strip), decorative street lamps, accel/decel lanes and curb and gutter along the entire road frontage of Hickory Flat Highway, as approved by Georgia Department of Transportation, and Univeter Road, as applicable and approved by the County Engineer, as well as, all interior roads as approved by the City Engineer, and shall conform to the design of the Holly Springs LCI Project 0008961, Pedestrian Improvements, as well as, the requirements of the Holly Springs Parkway District, as stated in Article 19, Design Guidelines for Model Zoning District.
17. All construction and employee vehicles and equipment shall be parked, and otherwise located, on the property during development of infrastructure and construction of residences and shall not be parked on or along Hwy 140 or Univeter Road. There shall be no stacking of vehicles along any roadway waiting for entry onto the property.
18. Owner/developer shall provide a plat showing that an unincorporated island is not created from the annexation of this property or show that the appropriate property, per Georgia state law, is left in unincorporated Cherokee County to ensure that an unincorporated island is not created.

*** 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.*



G:\GA\Projects\Windsong_Properties\12026-00-Univeter_Rd_Tract\LS01_Engineer\01_Zoning\240119 - Univeter Rd Tract - Zoning Plan.dwg



- GENERAL SITE NOTES:
1. TOTAL SITE AREA = 18.49 AC.
 2. EX. ZONING = AG
 3. PROPOSED ZONING = TWO (CITY OF HOLLY SPRINGS)
 4. TOTAL NUMBER OF PROPOSED LOTS = 70
 5. PROP. DENSITY = 70 UNITS / 18.49 AC. = 3.79 DU/AC
 6. TYPICAL LOT WIDTH = 40'W
 7. BUILDING SETBACKS:
 - 7.1. FRONT = 15'
 - 7.2. SIDE = 5'
 - 7.3. REAR = 15'
 8. BOUNDARY INFORMATION SHOWN PER SURVEY PROVIDED BY BGE, INC.
 9. EXISTING TOPO ARE SHOWN PER FIELD RUN TOPO PROVIDED BY BGE, INC.
 10. NO STREAMS/WETLANDS EXIST ON THIS SUBJECT SITE.
 11. ALL STORMWATER MANAGEMENT IS ANTICIPATED TO BE PROVIDED WITHIN DEVELOPMENT TO THE SOUTHEAST (OLD PIONEER TRAIL TRACT).
 12. SIDEWALK TO BE PROVIDED ON ONE SIDE OF THE INTERNAL ROAD NETWORK.
 - 12.1. 2' BEAUTY STRIP WITH 5' SIDEWALK
 13. GEORGIA DOT RW ACQUISITION AND ASSOCIATED GRADING EASEMENT IS APPROXIMATE.

"LEGACY DOWNS" SUBDIVISION - ZONING PLAN (40'W LOTS)











City of Holly Springs, Georgia

Petition for Annexation

100% Method

Please completed one petition per parcel; duplicate this form as needed. Please print or type.

APPLICANT INFORMATION

Date: 10/06/2023

Applicant's Name: John Tatum, Director of Land Development for Windsong Properties

Corporation Name: Windsong Properties

Mailing Address: 120 Colony Center Drive, Suite 300, Woodstock GA 30188

Phone: 770-516-3409

Email: _____

PROPERTY OWNER INFORMATION

Property Owner(s): Marsand Univeter, LLC

Mailing Address: 1040 Crown Pointe Parkway, Suite 900, Atlanta, GA 30338

Phone: _____

Email: _____

PROPERTY INFORMATION

Tax Map #: 15N19 Parcel #: 204

Land Lot(s)/District: 44 & 45, 15th District

Physical Address: SW Intersection of Univeter Road and Hickory Flat Highway

Property Location Description: SW Intersection of Univeter Road and Hickory Flat Highway

Current Zoning: AG

(Attach additional sheets, if necessary)

Has an application for rezoning, special use, or variance been applied for in the County within the past five (5) years? No. If "yes," please provide complete explanation and details in the space below:

(attach additional sheets, if necessary)

Describe the proposed development for the property in question should the annexation be approved, including the appropriate City zoning classification desired. (NOTE: Any annexation request requiring a rezoning in the City will need to be made on the appropriate rezoning request forms for the City of Holly Springs. This annexation petition does not complete the requirements for making a rezoning request).

Windsong develops age-targeted neighborhoods in Cherokee County. As a local company they have a track record of building successful neighborhoods that provide quality housing for seniors and those wanting to downsize. Windsong proposes to build 73 homes on 18 acres at the intersection of Univeter Road and State Route 140. The neighborhood will have a strong HOA that will provide comprehensive landscape maintenace. The for-sale homes will all be detached with two-car garages. The property to the south was recently annexed into the city for a Piedmont Residential neighborhood. The subject property is located in the recently approved growth boundary agreement so the annexation is appropriate.

(attach additional sheets, if necessary)

SUBMITTAL CHECKLIST

The following exhibits must be attached to this Annexation Petition:

- ☒ A copy of the most recent warranty deed or equivalent conveyance of ownership for the property to be annexed;
- ☒ A copy of the Cherokee County Tax Plat, illustrating the property to be annexed;
- ☒ Complete the Applicant & Property Owner(s) Signature Sections, following page;
- ☐ Any additional information requested by City Officials.

APPLICANT & PROPERTY OWNERS SIGNATURE SECTION

John Tatum
Applicant Name (Please Print)

Windsong Properties
Corporation Name (Please Print)

[Signature]
Applicant Signature

Director of Land Development
Title (Please Print)

10/4/23
Date

ALL PROPERTY OWNERS (GRANTEES) MUST SIGN BELOW AS INCLUDED ON THE ATTACHED DEED OR CONVEYANCE.

Marsand Univeter, LLC
Property Owner Name (Please Print)

See the attached Signature Pages
Property Owner Signature

Date

Property Owner Name (Please Print)

Property Owner Signature

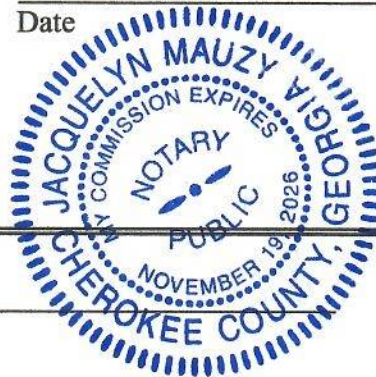
Date

Property Owner Name (Please Print)

Property Owner Signature

Date

[Signature]
Notary (form must be notarized)



Received by: Nancy Moon
City of Holly Springs, Georgia

Date: 10/23/2023

ATTACHMENT TO APPLICATION FOR ANNEXATION AND REZONING

Applicant: Windsong Properties

Titleholder: Marsand Univeter, LLC

TIN: 15N19 204
PIN: 15-0045-0008

The undersigned below, or as attached, is the owner of the property considered in this application.

MARSAND UNIVETER, LLC

Signed: SGH

Printed Name: Steven G. Horn

Its: Manager

Date: 10/4/23

Leah J Formby
Signature of Notary Public

10/4/23
Date

(Notary Seal)

Leah J Formby
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 10/25/2026

CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE REZONING AND ANNEXATION

1.

My name is Steven G. Horn. I am the officer who is delegated the responsibility for authenticating records of **MARSAND UNIVETER, LLC**. (the "Titleholder Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the filed Rezoning and Annexation Application ("Application") regarding certain real property owned by the Titleholder Company located in Cherokee County, Georgia.

2.

In accordance with the Requirements for completing a Holly Springs Rezoning and Annexation Application, I hereby attest on behalf of the Titleholder Company that an authorized representative of Titleholder Company has reviewed the Application and related documents which are being filed simultaneously therewith on behalf of the Applicant to which this Certificate is attached and hereby certify:

- (a) That the officer or other representative of the Titleholder Company who executed the Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the Titleholder Company, and that the signature of said officer or other representative is genuine; and
- (b) That the execution of the Application and the filing of the Application on behalf of the Titleholder Company by the officer or other representative of the Applicant has been duly authorized by the Titleholder Company.

MARSAND UNIVETER, LLC

By: SDG.H

Print Name Steven G. Horn

Its: Manager


Signature of Notary Public

10/4/23
Date

Notary Seal

Leah J Formby
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 10/25/2026

**CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE REZONING AND
ANNEXATION**

1.

My name is John Tatum. I am the officer who is delegated the responsibility for authenticating records of *Windsong Properties*. ("the Applicant Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Application for Rezoning and/or Annexation ("Application") regarding certain real property located in the City of Holly Springs, Cherokee County, Georgia.

2.

In accordance with the Requirements for completing a City of Holly Springs Application, I hereby attest on behalf of the Applicant Company that I have reviewed the Application and related documents which are being filed simultaneously therewith on behalf of the Applicant to which this Certificate is attached and hereby certify:

- (a) That corporate seal or facsimile affixed to the Application is in fact the seal of the Applicant Company or a true facsimile thereof; and
- (b) That the officer or other representative of the Applicant Company who executed the Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the Applicant Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Application and the filing of the Application on behalf of the Applicant Company by the officer or other representative of the Applicant Company has been duly authorized by the Applicant Company.

Windsong Properties

Signed: _____

John Tatum, Director of Land Development

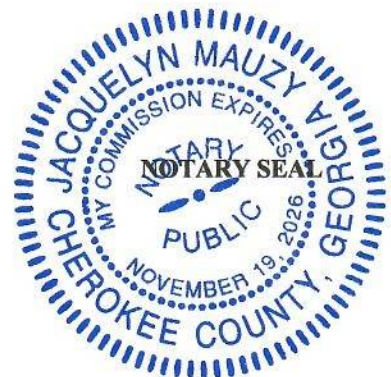
Date 10/4/23

Jacquelyn Mauzy

Signature of Notary Public

10/4/2023

Date





MAP AMENDMENT (REZONING) AND CONDITIONAL USE PERMIT APPLICATION

For Application Procedures, See p. 7

APPLICATION MA- 13-2023 APPLICATION CUP- _____

HEARING DATE _____ DATE OF APPLICATION _____

APPLICANT Windsong Properties OWNER Marsand Univeter, LLC
John Tatum, Director of Land Development (If other than applicant)

ADDRESS 120 Colony Center Drive, Suite 300 ADDRESS 1040 Crown Pointe Parkway, Suite 900
Woodstock, GA Atlanta, GA

ZIP CODE 30188 PHONE 770-156-3409 ZIP CODE 30338 PHONE 770-512-0500
CEyl@windsonglife.com; Shorn@wbicpa.com
EMAIL phuff@samlarkinhuff.com

SIGNATURE _____ SIGNATURE see attached signature pages

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

PRESENT ZONING DISTRICT(S) AG (county) REQUESTED ZONING DISTRICT TND

REQUESTED CONDITIONAL USE(S) N/A.

PROPERTY LOCATION/ADDRESS Intersection of Univeter Road and Hickory Flat Hwy. (Hwy. 140)

MAP NUMBER 15N19 204 PARCEL NUMBER(S) 15-0045-0008

LAND LOT(S) 44 and 45 DISTRICT(S) 15th SECTION(S) 2nd

ACREAGE 18.5± SEWAGE DISPOSAL TYPE sewer UTILITIES AVAILABLE sewer

DESCRIPTION OF PROPOSED DEVELOPMENT AND/OR CONDITIONAL USE REQUEST: _____
Annexing an 18.5± parcel into the City of Holly Springs and rezone from AG (county) to TND (Traditional
Neighborhood Development)

(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:

APPROVED _____ STIPULATIONS _____

DISAPPROVED _____

CITY COUNCIL DECISION:

APPROVED _____ STIPULATIONS _____

DISAPPROVED _____

FILING FEES _____ RECEIPT# _____ CHECK# _____

**CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE REZONING AND
ANNEXATION**

1.

My name is John Tatum. I am the officer who is delegated the responsibility for authenticating records of *Windsong Properties*. ("the Applicant Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Application for Rezoning and/or Annexation ("Application") regarding certain real property located in the City of Holly Springs, Cherokee County, Georgia.

2.

In accordance with the Requirements for completing a City of Holly Springs Application, I hereby attest on behalf of the Applicant Company that I have reviewed the Application and related documents which are being filed simultaneously therewith on behalf of the Applicant to which this Certificate is attached and hereby certify:

- (a) That corporate seal or facsimile affixed to the Application is in fact the seal of the Applicant Company or a true facsimile thereof; and
- (b) That the officer or other representative of the Applicant Company who executed the Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the Applicant Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Application and the filing of the Application on behalf of the Applicant Company by the officer or other representative of the Applicant Company has been duly authorized by the Applicant Company.

Windsong Properties

Signed: _____

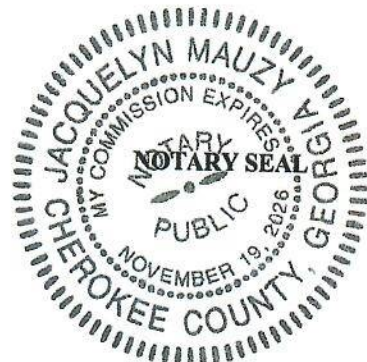
John Tatum, Director of Land Development

Date 10/4/23

Jacquelyn Maury

Signature of Notary Public

10/4/2023
Date



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Titleholder: Marsand Univeter, LLC

TIN: 15N19 204
PIN: 15-0045-0008

The undersigned below, or as attached, is the owner of the property considered in this application.

MARSAND UNIVETER, LLC

Signed: SGH

Printed Name: Steven G. Horn

Its: Manager

Date: 10/4/23

Leah J Formby
Signature of Notary Public

10/4/23
Date

(Notary Seal)

Leah J Formby
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 10/25/2026

CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE REZONING AND ANNEXATION

1.

My name is Steven G. Horn. I am the officer who is delegated the responsibility for authenticating records of **MARSAND UNIVETER, LLC**. (the "Titleholder Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the filed Rezoning and Annexation Application ("Application") regarding certain real property owned by the Titleholder Company located in Cherokee County, Georgia.

2.

In accordance with the Requirements for completing a Holly Springs Rezoning and Annexation Application, I hereby attest on behalf of the Titleholder Company that an authorized representative of Titleholder Company has reviewed the Application and related documents which are being filed simultaneously therewith on behalf of the Applicant to which this Certificate is attached and hereby certify:

- (a) That the officer or other representative of the Titleholder Company who executed the Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the Titleholder Company, and that the signature of said officer or other representative is genuine; and
- (b) That the execution of the Application and the filing of the Application on behalf of the Titleholder Company by the officer or other representative of the Applicant has been duly authorized by the Titleholder Company.

MARSAND UNIVETER, LLC

By: SDG. Horn

Print Name Steven G. Horn

Its: Manager

Leah J Formby
Signature of Notary Public

10/4/23
Date

Notary Seal

Leah J Formby
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 10/25/2026

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? The property to the south was recently annexed into Holly Springs for a 111 home TND neighborhood at 4.85 Units Per Acre. South of this development is the Harmony on the Lakes neighborhood. The proposed 3.95 DUA neighborhood is a suitable zoning and density given the surrounding developments.

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property? The Windsong neighborhood will not adversely affect surrounding properties. The subject property is only contiguous to other properties in a limited area. If needed Windsong will agree to appropriate buffers.

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned? The AG zoning is not reasonable given the property's proximity to the intersection of two arterial roads.

(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? Windsong buyers often have smaller house sizes and produce less traffic per house than a typical single-family home. There is a big demand in the area for Windsong product. Harmony and Carmichael Farm homeowners that are empty nesters have limited options in the area.

(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 Holly Springs Comprehensive Plan places the subject property in the Parkway Corridor which anticipates medium and higher density residential development. The proposal fits within the goals of the Comprehensive Plan.

(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? The proposed zoning meets the policy and goals contained in the Community Agenda.

(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? The proposed development will comply with the city and state environmental requirements ensuring that there will not be a negative impact on the environment.

(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 proposal is a natural extension of the city boundary in conformity with the Growth Boundary Agreement. The proposal is consistent with the city's land use plan and existing development in the area.

Per 14.5-7 of the City of Holly Springs Zoning Ordinance, **Applicant Report for Rezoning and Conditional Use Permit Requests**, as relevant and determined by the Zoning Administrator, all applicants must submit the following in addition to any standing requirements for requests for zoning changes*:

1. A plan of the general location of the proposed buildings by reference to a plan or drawing and an indication of the use to be made of each and every building;
2. Architectural, façade and materials to be utilized as compared to the zoning requirements for the current and proposed zoning district;
3. The percentage of development maintained as open space and/or recreation areas and impervious surfaces;
4. If application exceeds 150 residential units and/or exceeds 100,000 square feet of commercial area, the applicant is required to submit a transportation impact study to be designed by an appropriate transportation professional;
5. Preliminary tree protection plan and buffer standards;
6. Preliminary storm water retention plan.

*Per 14.5-8 of the City of Holly Springs Zoning Ordinance, **Application Submittal Requirements Waived**, When determined by the Community Development Director to be unnecessary or irrelevant to the application submitted, the requirements listed in this section may be waived; however, if determined to be of significant importance to the decision process at any time after the application has been accepted, the Community Development Director, Planning Commission, or City Council may request the submission of these items or other information as deemed relevant during the decision making process.

Complete the following section, if applicable.

Residential

Minimum house size: TBD sq. ft.

Exterior façade: Traditional fiberboard

Maximum number of units: 73

Anticipated start date: Q4 2024

Anticipated completion date: Q4 2025

Commercial

Number of buildings: _____

Maximum square footage: _____ sq. ft.

Number of stories: _____

Total number of employees: _____

Exterior façade: _____

Anticipated start date: _____

Anticipated completion date: _____

Cherokee County Water & Sewerage Authority

October 5, 2023

RE: Water & Sewerage Availability (Tax Map 15N19, Parcel 204)

To Whom It May Concern:

Please be advised that Cherokee County Water & Sewerage Authority presently has a 36" DIP water main on the West side of Hickory Flat Highway East of the subject property. Also, there is a 36" DIP water main on the North side of Univeter Road North of the subject property. In addition, there is a 12" DIP water on the East side of Hickory Flat Highway East of the subject property. Finally, there is a 12" DIP water main on the South side of Univeter Road North of the subject property.

Sewer is available to the Southwest of the subject property. The acquisitions of easements to manholes or lift stations will be the responsibility of the developer.

The capacity for Rose Creek Wastewater Treatment Facility is 6.0 MGD and the Authority is presently treating 3.5 MGD. The Fitzgerald Creek Treatment Facility is 6.0 MGD and the Authority is presently treating 5.0 MGD.

There is presently no moratorium for water or sewer connections on the Authority System. Sewer connections are available on first pay, first serve basis. However, plans for any development must be submitted and approved by the Authority prior to any water or sewer connection application being accepted for processing. Also, existing infrastructure, size and location, must be verified by developer/engineer/contractor prior to submittal to Cherokee County Water and Sewerage Authority.

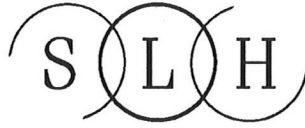
If you have any questions, please don't hesitate to call me.

Sincerely,



Bradley M. Payne
Construction Office Supervisor

CC: Dwayne Fowler
Garry Hensley
Keith Allen
Jeff Hooper



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

December 1, 2023

VIA E-MAIL

Ms. Nancy Moon, Community Development Director
City of Holly Springs
3237 Holly Springs Pkwy.
Holly Springs, GA 30115

Re: Application of Windsong Properties for Rezoning & Annexation of an 18.49±
acre parcel located in Cherokee County, Georgia; Parcel No. 15N19 204.

Dear Nancy:

On October 30, 2023, I conducted a public input meeting regarding the above-referenced application at the Hickory Flat Fire Station Community Room. A letter including the proposed site plan was mailed under Certificate of Mailing to all property owners with 1,000 feet according to the Cherokee County Tax Assessor's office giving the location, date and time of the meeting. A list of the attendees who signed in for the meeting is attached to this letter. None of the attendees filled out comment cards.

A significant percentage of the attendees were Cherokee County residents who spent a substantial amount of the time arguing that the property should be developed in the County instead of being annexed into the City. Those residents were not moved by the fact that the County and City have jointly determined in the most recent growth boundary agreement that the property would logically be included in the City's boundary.

Several attendees also expressed concern that there have been a number of recent rezoning applications in the immediate area of the subject property which will lead to a fairly substantial number of new residents in the area. Their primary concern was that the increased number of new residents will adversely impact traffic in the immediate area. In response to these concerns, the Applicant explained its long history of developing age-targeted projects and its experience with the traffic patterns that result. As a general rule, residents of this type of development are able to time their trips in such a manner as to minimize their a.m. and p.m. peak trips, which results in a much-reduced impact on traffic.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Ms. Nancy Moon
Community Development Director
Holly Springs
December 1, 2023
Page 2

One of the County residents identified proposed traffic improvements which are planned to take place in the area and inquired if the site plan has taken those proposed improvements into account. Additionally, a question was posed about the possibility of providing access through the proposed new development for residents of the recently zoned project just south of this Property.

Finally, there were several questions about the proposed product. The Applicant provided renderings of the product that they anticipate building and the renderings were generally well-received.

On balance, my assessment of the meeting is that it went well with those in attendance who were truly interested in learning about the proposed project and as expected with those who had a contrary agenda.

Please contact me at your earliest convenience should you have any questions regarding the meeting.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Joel L. Larkin
Attorney for the Applicant
JLarkin@samlarkinhuff.com

JLL/jcc
Attachment

Rezoning Case Impact Report

Jurisdiction		Rezoning Case Number		Applicant Name	
City of Holly Springs		MA-13-2023		Windsong Properties	
Acreage	Number Of Lots	Housing Type		Current Zoning	Proposed Zoning
18.5	73	Single-Family		AG	TND
Estimated Student Impact ⁽¹⁾		Additional Capacity Needed		Additional Capacity Cost ⁽²⁾	Annual Student Cost ⁽³⁾
21	Students	1	Classroom(s)	\$28,570	\$182,148
Planning Commission Meeting Date		County Commission/City Council Meeting Date		Map & Parcel Number(s)	
				15N19-204	
Property Description					
Univeter Road and Hickory Flat Highway					

Affected Schools Capacity Information

Elementary School	ES Enrollment	ES Capacity	% Capacity
Indian Knoll ES	866	1,200	72%
Middle School	MS Enrollment	MS Capacity	% Capacity
Dean Rusk MS	1,477	1,675	90%
High School	HS Enrollment	HS Capacity	% Capacity
Sequoyah HS	2,079	2,400	88%

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

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

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

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

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

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

(3) - Annual Cost is calculated using the General Fund Operating Expenditure cost per pupil of \$8,694.

Cherokee County



PLANNING AND ZONING

December 7, 2023

Nancy Moon
Community Development Director
City of Holly Springs
3237 Holly Springs Parkway
Holly Springs, GA 30115

RE: A-07-2023 – Univeter Road and Hickory Flat Highway

Dear Nancy:

The annexation case A-07-2023 – Univeter Road and Hickory Flat Highway was on the agenda of the regular meeting of the Cherokee County Board of Commissioners on November 21, 2023. The applicant is requesting to annex and rezone a 18.49+/- acre parcel (15N19 204) at Univeter Road and Hickory Flat Highway from AG to TND, for the development of 73 single-family homes.

The Board of Commissioners voted unanimously for staff to communicate the following concerns and suggestions:

1. The proposed density is significantly higher than what is called for in the Suburban Growth/Corridors and Nodes character areas. The Board recommends the density be more consistent with the County Future Development Map.
2. This project should leave necessary Right-of-Way to accommodate upcoming road improvements at the intersection of Univeter Road and Hickory Flat Highway.
3. The applicant should ensure the annexation does **not** create an unincorporated island, per state standards.
4. The developer should continue to work with our Transportation staff to determine best access point for the proposed development.

Please find our complete staff analysis attached. Feel free to contact to me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Greenberg", with a stylized flourish at the end.

David Greenberg
Senior Planner

Per O.C.G.A. § 36-36-113 (set forth in full at the end of this document for your ease of reference), a land use objection can be made by majority vote of the Board of Commissioners in the event of a material increase in burden upon the County which is quantifiable and otherwise meets the requirements of the statute. In order for a land use objection to be considered timely, it must be completed in time for the BOC to vote upon it in open session and served upon the annexing municipality within 45 days of receipt of notice of annexation via statutory overnight delivery or certified mail, return receipt requested.

City	Holly Springs
Case Number A-07-2023	Applicant John Tatum of Windsong Properties
Receipt of Annexation Notice Date	10/27/23
Holly Springs Planning Commission Public Hearing	12/14/23
Meeting date the Board of Commissioners must decide whether to object.	11/21/23
45 day period to object expires on	12/11/23
City Council Review & Decision	1/18/24

Staff is requested to review the application for annexation and provide a response to the following questions.

	Yes	No
Is the property to be annexed contiguous to city jurisdictional boundary?	X	
Development Map designation	Suburban Growth	
Surrounding / Contiguous City Future Development Map	Parkway Corridor	
Surrounding County Future Development Map	Suburban Growth/Country Estates	
Does this annexation create an "island" of unincorporated land?		X

1) If the application is granted will there be a material increase in burden upon the County directly related to :

	Yes	No
a) the proposed change in zoning or land use?		
b) the proposed increase in density?		

c) infrastructure demands related to the proposed change in zoning or land use?

2) Will delivery of services be affected by the annexation?

Yes No

X

If the answer to (2) is yes, is the affect on delivery of services directly related to

a) the proposed change in zoning or land use?

b) the proposed increase in density?

c) infrastructure demands related to the proposed change in zoning or land use?

Note: Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in items (a), (b), and/or (c) of Section 1 above.

3) If there is a material increase in burden caused by items (a), (b), and/or (c) of Section 1 above, can your department provide evidence of any financial impact?

Yes No

X

If the answer to (3) is yes, please provide the evidence

4) Does the proposed change in zoning or land use result in a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use?

Yes No

X

If the answer to (4) is no, does the proposed change in zoning or land use result in:

Yes No

a) a use which significantly increases the net cost of infrastructure?	X	
b) a use which significantly diminishes the value or useful life of a capital outlay project, as such term is defined in O.C.G.A. 48-8-110, which is furnished by the county to the area to be annexed?	X	
If the answer to 4(a) or 4(b) is yes, then:	Yes	No
c) Does the proposed change in zoning or land use differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan?		
d) Does the proposed change in zoning or land use differ substantially from the existing uses permitted for the property pursuant to the county's zoning ordinance or its land use ordinances?		

Comments:

Planning and Zoning

The applicant wishes to annex an 18.49 +/- acre parcel into the City of Holly Springs for the development of 73 age-targeted single-family detached homes. The parcels currently lie in Cherokee County's Suburban Growth Character Area and Holly Spring's Parkway Corridor Character Area. The property falls within the Holly Springs Growth Boundary.

Engineering

The proposed development is located at the southwest corner of the intersection of State Route 140 and Univeter Road. Cherokee County in coordination with the Georgia Department of Transportation currently has in intersection improvement project for that intersection (P.I. No. 0017804). The Preliminary Field Plan Review for this project was held in August 2023. The project includes improvements to capacity and safety at the intersection. Cherokee County coordinated with development engineer and our intersection project engineer to identify any proposed conflicts that the development will have with the intersection project. An exhibit has been included that shows the intersection project layout on the proposed development layout and there are some significant impacts. If the proposed development is to go forward, they would have to submit to Cherokee County for access on Univeter Road or to GDOT for access onto State Route 140. It would be anticipated that the access location would have a right turn deceleration lane as well as a left-turn lane given the volume of traffic on Univeter Road combined with the proposed 73 lot development. Cherokee County and the applicant would have to work together to find the best possible location for the entrance that fits the intersection improvement project.

Fire Marshal

No comments.

Legal Review

No comments.

O.C.G.A. § 36-36-113. Reasons for objection to annexation

(a) The county governing authority may by majority vote object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

(b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.

(c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in [Code Section 36-36-111](#).

(d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:

- (1) Result in:

(A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or

(B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in [Code Section 48-8-110](#), which is furnished by the county to the area to be annexed; and

(2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.



STAFF ANALYSIS

FROM: Nancy Moon

SUBJECT: CUP-01-2024, applicant Yaseen Al-Nuzaili 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

DATE: February 2, 2024

PLANNING COMMISSION MEETING DATE: February 8, 2024

STAFF ANALYSIS

Applicant, Yaseen Al-Nuzaili, Spring Express Vape Shop Inc., has requested 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. 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. The business recently sold and the new owner is requesting to add CBD sales to the permitted uses on the Occupational Tax Certificate. This use was not listed on the previous Occupational Tax Certificate. 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.

A. Existing Land Use and Zoning Classification of Nearby Property

ADJACENT ZONING		ADJACENT DEVELOPMENT	
NORTH:	GC	NORTH:	Walmart
SOUTH:	LI	SOUTH:	Retail/Office/Motel
EAST:	GC	EAST:	Vacant
WEST:	PD-Mixed Use (Canton)	WEST:	Power Substation/Residential

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 extension 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. Only the CBD 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)?

Both the 2018 adopted and the 2023 proposed 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 not 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 at 2271 Holly Springs Parkway (shopping center located at Pinecrest Road and Holly Springs Parkway).



- 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.

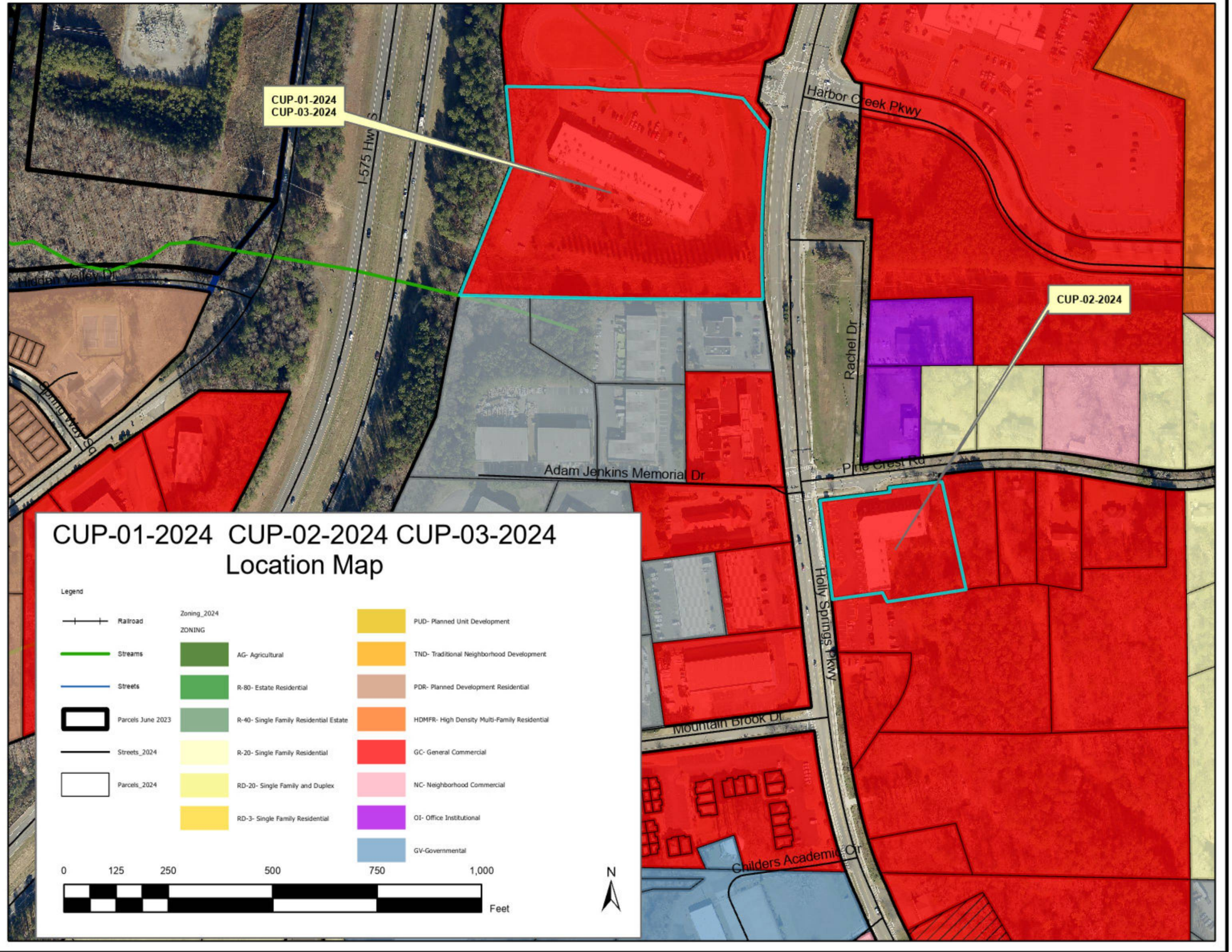
D. Summary

The existing use, tobacco store, may continue under the previously approved occupational tax certificate. The addition of the CBD sales changes the 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.

E. Staff Recommendation

Based on the preceding analysis, Staff recommends **DENIAL** of the Conditional Use Permit for a CBD and/or Tobacco Specialty Store.

*** 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.*





MAP AMENDMENT (REZONING) AND CONDITIONAL USE PERMIT APPLICATION

For Application Procedures, See p. 7

APPLICATION MA- _____

APPLICATION CUI- 01-2024

HEARING DATE _____

DATE OF APPLICATION 1-3-2023

APPLICANT Spring Express vape Shop Inc.

OWNER KDP2U, LLC
(If other than applicant)

ADDRESS 2210 Hollyspring Pkwy
Canton Ga 30115

ADDRESS 800 Mt. Vernon Hwy NE
Suite 425, Atlanta, GA

ZIP CODE 30115 PHONE [REDACTED]

CODE 30328 PHONE [REDACTED]

EMAIL [REDACTED]

MAIL [REDACTED]

SIGNATURE [Signature]

SIGNATURE [Signature]

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

PRESENT ZONING DISTRICT(S) Holly Springs REQUESTED ZONING DISTRICT Holly Springs

REQUESTED CONDITIONAL USE(S) Tabacco Shop

PROPERTY LOCATION/ADDRESS 2210 Hollyspring pkwy #112 Canton Ga 30115

MAP NUMBER 141332 PARCEL NUMBER(S) 141332

LAND LOT(S) 232 and 233 DISTRICT(S) 15th SECTION(S) 2nd

ACREAGE _____ SEWAGE DISPOSAL TYPE _____ UTILITIES AVAILABLE yes

DESCRIPTION OF PROPOSED DEVELOPMENT AND/OR CONDITIONAL USE REQUEST:
Tabacco Shop

(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:

APPROVED _____ STIPULATIONS _____

DISAPPROVED _____

CITY COUNCIL DECISION:

APPROVED _____ STIPULATIONS _____

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? yes

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

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

(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

(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)?

(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?

yes

(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?

(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? _____

Complete the following section, if applicable.

Residential

Minimum house size: _____ sq. ft.

Exterior façade: _____

Maximum number of units: _____

Anticipated start date: _____

Anticipated completion date: _____

Commercial

Number of buildings: _____

Maximum square footage: _____ sq. ft.

Number of stories: _____

Total number of employees: _____

Exterior façade: _____

Anticipated start date: _____

Anticipated completion date: _____

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF INCORPORATION

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

SPRING EXPRESS VAPE SHOP INC.

a Domestic Profit Corporation

has been duly incorporated under the laws of the State of Georgia on **10/05/2023** by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta
and the State of Georgia on **10/10/2023**.



Brad Raffensperger

Brad Raffensperger
Secretary of State

ARTICLES OF INCORPORATION

Electronically Filed

Secretary of State

Filing Date: 10/5/2023 10:43:34 AM

BUSINESS INFORMATION

CONTROL NUMBER	23211292
BUSINESS NAME	SPRING EXPRESS VAPE SHOP INC.
BUSINESS TYPE	Domestic Profit Corporation
EFFECTIVE DATE	10/05/2023
SHARES	1000

PRINCIPAL OFFICE ADDRESS

ADDRESS	2210 HOLLY SPRINGS PKWY UNIT 112, CANTON, GA, 30115, USA
----------------	--

REGISTERED AGENT

NAME	ADDRESS	COUNTY
YASEEN AL-NUZAILI	2210 HOLLY SPRINGS PKWY, UNIT 112, CANTON, GA, 30115, USA	Cherokee

INCORPORATOR(S)

NAME	TITLE	ADDRESS
YASEEN AL-NUZAILI	INCORPORATOR	2210 HOLLY SPRINGS PKWY, UNIT 112, CANTON, GA, 30115, USA

OPTIONAL PROVISIONS

N/A

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE	YASEEN AL-NUZAILI
AUTHORIZER TITLE	Incorporator



STAFF ANALYSIS

FROM: Nancy Moon

SUBJECT: 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

DATE: February 2, 2024

PLANNING COMMISSION MEETING DATE: February 8, 2024

STAFF ANALYSIS

Applicant, Israel Ortega Grippa, has requested a Conditional Use Permit for an Equipment Repair Establishment, for property located on Holly Springs Parkway, parcel 026A of tax plat 15N14C. The property is zoned GC, General Commercial. The applicant wishes to rent space from the owner in order to operate his business for repair of construction equipment. The location is a suite within the shopping center located on this parcel. The use requested by the applicant is for repair of construction equipment. This proposed use is not listed as a permitted use or a conditional use within the GC district. Per Article 5, Section 5.2-8.C of the Holly Springs Zoning Ordinance:

Certain uses proposed that cannot be classified as a permitted use in the General Commercial Zoning District, or any other zoning district, must receive a conditional use permit from Mayor and Council, prior to the issuance of an occupational tax license.

In addition to being located within the GC zoning district, the property is also located within the Town Center District and is subject to the Commercial Corridor Design Overlay District Guidelines. This ordinance specifically states that, "Projects that do not meet the abovementioned criteria for mixed-use developments shall be allowed only the permitted uses stipulated in the underlying zoning district." (The previous section referred to encourages a mix of retail, restaurants, cultural activities, entertainment, and similar services uses.) In addition, neither ordinance allows outdoor storage.

A. Existing Land Use and Zoning Classification of Nearby Property

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

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. The use is not consistent with the uses in the surrounding area and is not consistent with the Town Center guidelines.

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 may adversely impact the other tenants through unwanted noise and fumes.

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. This use is most suitable for the LI (Light Industrial) Zoning District.

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 Town Center. This character area consists of a compact area corresponding with the City's downtown. Acceptable uses include residences, businesses, offices, civic buildings and uses, entertainment space, institutional, and mixed-use developments. In addition, this character area is proposed to incorporate redevelopment and revitalization objectives of a compact, pedestrian-friendly downtown. Within this character area, participation of other agencies such as the Downtown Development Authority and/or the Planning and Zoning Commission will be required in terms of development planning.

Application: Holly Springs Town Center

Primary Future Land Uses: Mix of uses including commercial, office, government, residential, and park.

Zoning Districts: PD-C, NC, GC, OI, GV, MXD-1, MXD-2

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?

This zoning proposal and conditional use permit request is not in conformity with the policies and intent of the Comprehensive Plan. The request is not consistent with the City's "Future Development Map" that projects a more pedestrian-friendly service-oriented development pattern. Furthermore, the proposal is not in compliance with the vision and objectives of the Community Agenda, primarily as follows:

- a) **Commercial Uses.** Use the character areas and the Future Development Map (FDM) to guide commercial growth and expansion for office/institutional, general commercial, and industrial opportunities. (8.1, #1)
- b) **Land Use Decisions.** Use the Future Development Map (FDM) as a guide when making land use decisions (map amendment requests) and reviewing other development proposals. (8.1, #22)
- c) **Desirable Businesses.** Encourage the location of additional service-oriented businesses, such as doctors, accountants, attorneys and other small practitioners, especially in the town center. (8.3, #2)
- d) **Protect and enhance the community's unique qualities.** This may be achieved by maintaining the downtown as a focal point of the community; fostering compact, walkable, mixed-use development; protecting and revitalizing historic areas of the community; encouraging new development that is compatible with the traditional features of the community; or protecting scenic and natural features that are

important to defining the community's character. (Quality Community Objective, #5)(9.1, #1)

e) Automobile-related facilities and services are not appropriate in the Holly Springs Town Center because they do not facilitate pedestrian friendly design, and thus, new highway business uses are discouraged in that area. (9.1, #6)

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. The future development and redevelopment of other town center properties are currently underway with uses that are consistent with those uses permitted within the Town Center.

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. The applicant has completed these questions and they are attached in the Conditional Use Permit application.

The ordinance does not have any regulations listed for this specific use.

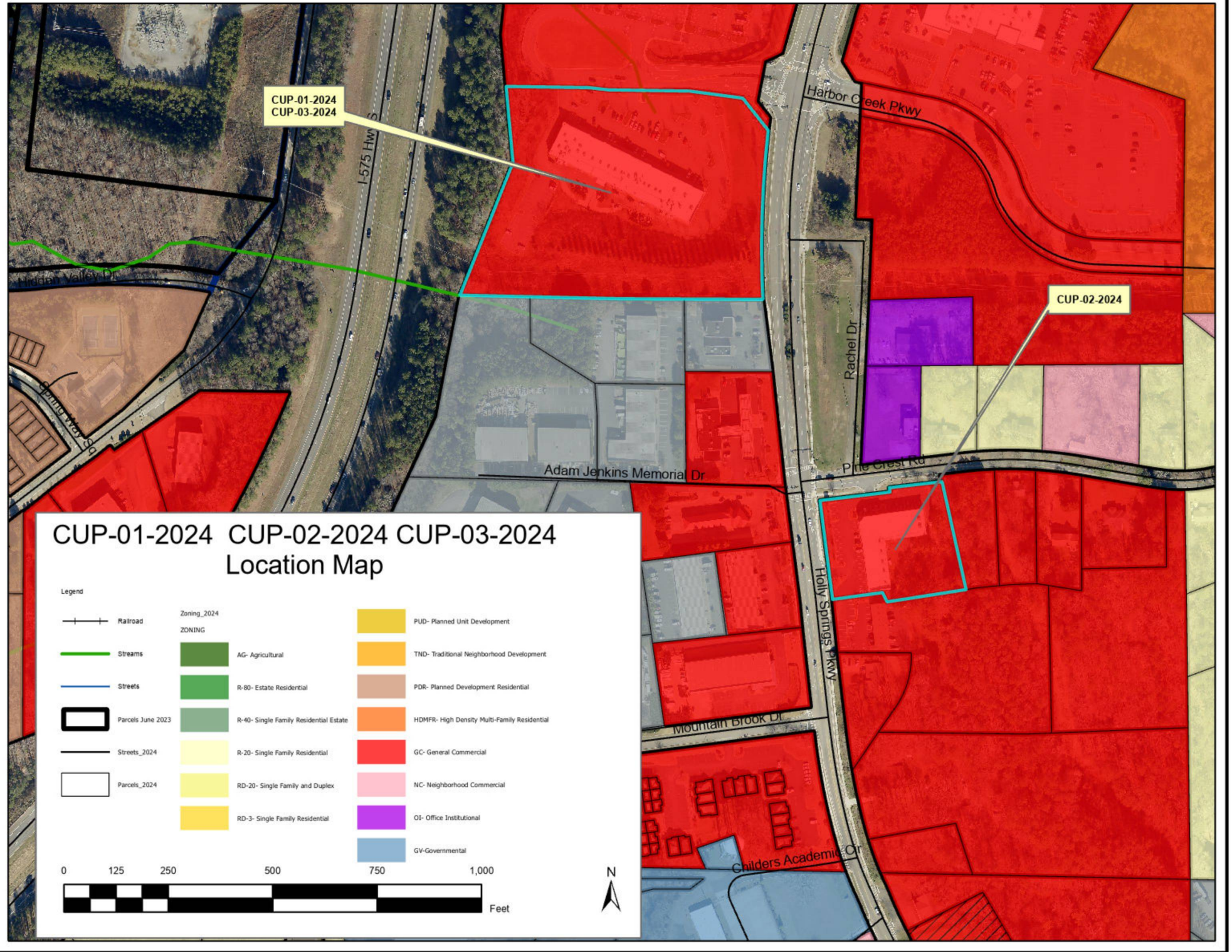
D. Summary

This applicant was previously approved in 2020 for this use at a separate location within the Town Center district; however, the circumstances were different with existing uses already on the property that were more consistent with the proposed use. The proposed conditional use permit request for an Equipment Repair Establishment at this location does not meet the intention of the Town Center district as defined in the Zoning Ordinance, Commercial Corridor Design Overlay District Guidelines, or the Comprehensive Plan.

E. Staff Recommendation

Based on the preceding analysis, Staff recommends **DENIAL** of the Conditional Use Permit for an Equipment Repair Establishment.

*** 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.*



CUP-01-2024 CUP-02-2024 CUP-03-2024 Location Map

Legend

Railroad

Streams

Streets

Parcels June 2023

Streets_2024

Parcels_2024

Zoning_2024

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

0 125 250 500 750 1,000

Feet

N



MAP AMENDMENT (REZONING) AND CONDITIONAL USE PERMIT APPLICATION

For Application Procedures, See p. 7

APPLICATION MA- _____ APPLICATION CUP- 02-2024

HEARING DATE _____ DATE OF APPLICATION _____

APPLICANT Ismael Ortega Gueppa OWNER Ramresh Hurkhami
(If other than applicant)

ADDRESS _____

ADDRESS 2 _____

ZIP CODE _____

ZIP CODE 30115

STATE _____

STATE GA

SIGNATURE _____

SIGNATURE Ramresh Hurkhami

SEVERAL COPIES OF THIS APPLICATION WILL NOT BE CONSIDERED

EXISTING ZONING DISTRICT GC

REQUESTED ZONING DISTRICT _____

REQUESTED CONDITIONAL USE GC

PROPERTY LOCATION ADDRESS 4088 Holly Springs Pkwy, Ste 104, 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

Repair and maintenance of construction equipment for residential, sale of accessories, parts, supplies, power tool repairs.

(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:

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.
Atlanta Machines & Services, LLC.
3. Explain in detail what services the proposed conditional use business will provide.
Repair and Maintenance of construction equip. for residential, power tools, Accessories, parts sales.
4. Has a business plan or model been completed for this proposed conditional use business?
Yes
5. Why was this specific location chosen for this proposed establishment?
Exposure from previous location that is in the market for sale
6. What is the projected date that the proposed conditional use business will open?
As soon as we receive the permit and license.
7. How many employees are expected to work at the proposed conditional use business?
3
8. What are the expected hours of operation for the proposed conditional use business?
8:30 to 5pm
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?
Yes. Corporate registration and state tax identification number.
10. Does the proposed conditional use business conform with the nearby uses already in existence? *NO*
11. Was a feasibility study conducted that provides evidence that the local market demands such a business use? Or is such a study available? *Yes, no study available*
12. Will the proposed conditional use business create a nuisance or disturbance to nearby or adjacent properties? *NO*
13. Is the proposed conditional use business a service that is similar or will overlap a nearby establishment already in existence? *NO*
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? *Yes*
15. Will the business have adequate facilities and parking to accommodate the proposed use? *Yes*
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? *NO*



STAFF ANALYSIS

FROM: Nancy Moon

SUBJECT: 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

DATE: February 2, 2024

PLANNING COMMISSION MEETING DATE: February 8, 2024

STAFF ANALYSIS

Applicant, Paola Bates, Miracle Leaf, has requested 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. 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 proposed use will supply sales of medical CBD and THC retail products, as well as, provide in-person and tele-medicine services of the alternative and holistic nature. 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.

A. Existing Land Use and Zoning Classification of Nearby Property

ADJACENT ZONING		ADJACENT DEVELOPMENT	
NORTH:	GC	NORTH:	Walmart
SOUTH:	LI	SOUTH:	Retail/Office/Motel
EAST:	GC	EAST:	Vacant
WEST:	PD-Mixed Use (Canton)	WEST:	Power Substation/Residential

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 and clinic/service 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 provide the services of a clinic and/or retail store.

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.

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)?

Both the 2018 adopted and the 2023 proposed 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 and clinic services are 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. The applicant has completed these questions and they are attached in the Conditional Use Permit application.

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 at 2271 Holly Springs Parkway (shopping center located at Pinecrest Road and Holly Springs Parkway).



- 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.

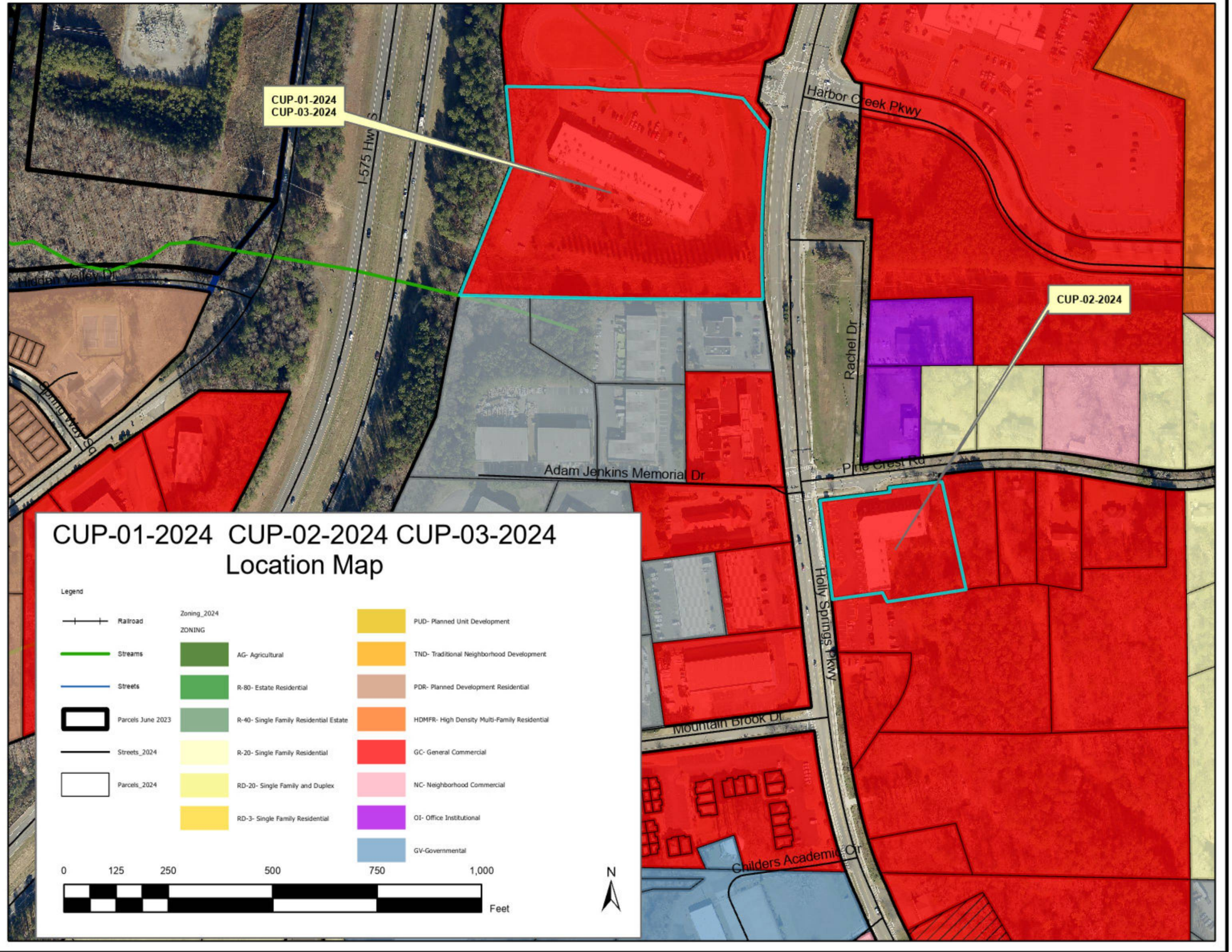
D. Summary

The existing use, tobacco store, may continue under the previously approved occupational tax certificate. The addition of the CBD sales changes the 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.

E. Staff Recommendation

Based on the preceding analysis, Staff recommends **DENIAL** of the Conditional Use Permit for a CBD and/or Tobacco Specialty Store.

*** 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.*



CUP-01-2024
CUP-03-2024

CUP-02-2024

CUP-01-2024 CUP-02-2024 CUP-03-2024 Location Map

Legend



Railroad



Streams



Streets



Parcels June 2023



Streets_2024



Parcels_2024

Zoning_2024

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





MAP AMENDMENT (REZONING) AND CONDITIONAL USE PERMIT APPLICATION

For Application Procedures, See p. 7

APPLICATION MA- _____ APPLICATION CUP- 03-2024
HEARING DATE _____ DATE OF APPLICATION _____
APPLICANT Paola Bates OWNER _____
(If other than applicant) _____
ADDRESS 2210 Holly Springs Pkwy ADDRESS _____
Holly Springs, GA _____
ZIP CODE 30115 PHONE [REDACTED] ZIP CODE _____ PHONE _____
EMAIL [REDACTED] EMAIL _____
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) Hemp/CBD retail establishment
PROPERTY LOCATION/ADDRESS 2201 Holly Springs Parkway 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: _____

(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
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- ____ 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# _____

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

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property? No, the zoning proposal will not adversely affect the existing use or usability of nearby property. Our business features medical consultation from a qualified Georgia physician, which will be very beneficial to the Holly Springs community.

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

(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, the zoning proposal will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, public safety or schools.

(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)? Yes, the zoning proposal is in conformity with the policy and intent of adopted Future Development Map and Future Land Use Map.

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

(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, there is no foreseeable impact expected on the environment, including, but not limited to, drainage, soil erosion, and sedimentation, air quality, and water quality and quantity.

(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, to our knowledge there are no other existing or changing conditions affecting the use and development of the property or zoning proposal.

Complete the following section, if applicable.

Residential

Minimum house size: N/A sq. ft.

Exterior façade: N/A

Maximum number of units: N/A

Anticipated start date: N/A

Anticipated completion date: N/A

Commercial

Number of buildings: 1

Maximum square footage: 1600 sq. ft.

Number of stories: 1

Total number of employees: 3

Exterior façade: _____

Anticipated start date: 10/29/2023

Anticipated completion date: 10/01/2029



Date

Paola Bates
Miracle Leaf - Holly Springs
2210 Holly Springs Parkway
Holly Springs, GA 30115
Re: Conditional Use Permit Application

Answers to Conditional Use Permit Application

To whom it may concern, please see the answers below regarding the conditional use permit request for attachment B. Please let us know if additional information is needed regarding our business.

Attachment B

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.
 - Miracle Leaf Health Centers, Corp - Franchisor
 - Plant for Spiritual Wellness LLC / Miracle Leaf Holly Springs - Paola Bates Franchise
3. Explain in detail what services the proposed conditional use business will provide.
 - Miracle Leaf Health Centers is a leading provider of high-quality alternative medicine services, including medical cannabis recommendations, dedicated to improving the lives of patients through the power of natural healing. Since our inception, we have been at the forefront of the medical cannabis industry, pioneering innovative approaches and setting new standards for patient-centered care. Our vision is to create a world where holistic & alternative medicine is recognized & accessible to all, promoting optimal health & balance in mind, body & soul. We believe in the healing potential of alternative medicine, including medical cannabis and its ability to provide relief to individuals suffering from a wide range of medical conditions. Our company is a franchisor with over 50 locations nationwide, of which many are in operation with some under development. Our CBD & THC retail products as well as our national medical cannabis telemedicine program have made us a household name and a national sensation.

4. Has a business plan or model been completed for this proposed conditional use business?
 - Yes, business plan available upon request.
5. Why was this specific location chosen for this proposed establishment?
 - After much search around the state of Georgia, it was determined that Holly Springs was a good community who would greatly benefit from our products and services just as other communities have.
6. What is the projected date that the proposed conditional use business will open?
 - The Business is now in the final stages of buildout and is projected tentatively to be open by February 2024.
7. How many employees are expected to work at the proposed conditional use business?
 - 3-4 employees are expected to work including the business owner.
8. What are the expected hours of operation for the proposed conditional use business?
 - The expected hours of the clinic will be 10AM - 6PM, daily however this is subject to change based on the needs of the community.
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?
 - Yes, Miracle Leaf is a national franchise that has been in operation since 2017. Any other licenses that are needed will be proprietary to the franchise location in Holly Springs Georgia. Will will include a license from the Department of Health for the physician and may include a license from the department of Agriculture.
10. Does the proposed conditional use business conform with the nearby uses already in existence?
 - Yes, the business use does not affect any surrounding businesses.
11. Was a feasibility study conducted that provides evidence that the local market demands such a business use? Or is such a study available?
 - Yes, it has been determined that a service for medical cannabis evaluations are needed for the state of Georgia and furthermore any local city municipality.
12. Will the proposed conditional use business create a nuisance or disturbance to nearby or adjacent properties?
 - No, the proposed conditional use business will not 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?
- No, the proposed conditional business is not 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?
- Yes, all Miracle Leaf locations have proven over time to blend will into any community offering alternative medicine services to patients in need. We have also worked well with other related businesses including dispensaries, local smoke shops, CBD stores and more.
15. Will the business have adequate facilities and parking to accommodate the proposed use?
- Yes, there is more than enough parking for the proposed business.
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?
- Yes, the proposed business is located in a nearby neighborhood where residents and local pedestrians could visit without the use of an automobile.

City of Holly Springs
Planning and Zoning Commission Meeting Minutes
January 11, 2024

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

Elected Officials and Staff members present: Mayor Steven Miller, City Councilman Jeff Wilbur, City Manager Robert H. Logan, Community Development Director Nancy Moon, City Chief Building Official Jonathan Page, City Stormwater Inspector Justin Dupree, Laura Rollins with the City Attorney's Office, Sargent Mike Sheehan, and Community Development Coordinator Tracey Chambers.

I. Call to Order

The meeting was called to order by Chairman Dekker at approximately 7:00 PM.

II. Oath of Office Ceremony

Mayor Steven Miller administered the Oath of Office.

III. Election of Officers

Commissioner Adams made a motion to elect Commissioner Dekker as Chairman. Commissioner Huminski seconded the motion. Motion carried 5-0.

Chairman Dekker made a motion to elect Commissioner Grayeski as Vice Chairman. Commissioner Huminski seconded the motion. Motion carried 5-0.

IV. Roll Call

All present

V. Public Hearing Rules

Commissioner Huminski read the public hearing rules.

VI. BUSINESS/PUBLIC HEARING

- (1) 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 - **REQUEST TO TABLE**

Commissioner Grayeski made a motion to table A-07-2023. Chairman Dekker seconded the motion. Motion carried 5-0.

- (2) 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) - **REQUEST TO TABLE**

Commissioner Huminski made a motion to table MA-13-2023. Commissioner Adams seconded the motion. Motion carried 5-0.

(3) ORD-01-2024, proposed adoption of the Official Holly Springs Zoning Map

Community Development Director Nancy Moon reviewed the Official Holly Springs Zoning Map and addressed any questions that the Commission had. It was noted that one correction was needed and will be made.

Commissioner Adams made a motion to approve ORD-01-2024 with a correction. Commissioner Grayeski seconded the motion. Motion carried 5-0.

(4) Commissioner Huminski made a motion to approve the November 30, 2023 meeting minutes. Vice Chairman Grayeski seconded the motion. Motion carried 5-0.

(5) Chairman Dekker made a motion to approve the December 14, 2023 meeting minutes. Commissioner Huminski seconded the motion. Motion carried 5-0.

VII. Announcements from Staff

Community Development Director Moon announced that there will be a Planning and Zoning work session meeting on January 25, 2024.

VIII. Items from Commission Members

No items from Commission Members.

IX. Adjournment

Chairman Dekker made a motion to adjourn. Commissioner Grayeski seconded the motion. Motion carried 5-0.

Meeting adjourned.

Respectfully Submitted.

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

Adrian Dekker, Chairman

Date

Attest:

Tracey Chambers
Community Development Coordinator

City of Holly Springs
Planning and Zoning Commission Meeting Minutes
January 25, 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, Audrey Conley with the City Attorney's Office, Captain Jeff Lance, 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. Discussion

- (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
- (2) 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
- (3) 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

Community Development Director Nancy Moon discussed cases CUP-01-2024 and CUP-03-2024 together with the Commission. Ms. Moon explained that CUP-01-2024 is an existing smoke shop that is now requesting to sell CBD items which does require a conditional use permit. Ms. Moon stated that CUP-03-2024 is a new business that considers itself to be a medical CBD establishment that also requires a conditional use permit. Ms. Moon spoke about the location of each case and the surrounding area.

Audrey Conley with the City Attorney's office addressed any further questions and concerns that the Commission had with the two cases.

Ms. Moon spoke regarding case CUP-02-2024 reminding the Commission that the applicant had previously been granted a CUP for a different location within the city to have his small engine repair business. Ms. Moon informed the Commission of the new location that the applicant is requesting this CUP for the same small engine repair business and discussed the type of equipment that is used in the applicant's business.

IV. Announcements from Staff

No announcements from Staff

V. Items from Commission Members

No items from Commission Members

VI. Adjournment

Vice Chairman Grayeski motioned to adjourn. Commissioner Adams 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