



Planning & Zoning Commission

2024 Members

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

January 25, 2024

AGENDA

I. CALL TO ORDER- 7:00 PM

II. ROLL CALL

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

IV. ANNOUNCEMENTS FROM STAFF

V. ITEMS FROM COMMISSION MEMBERS

VI. ADJOURNMENT



STAFF ANALYSIS

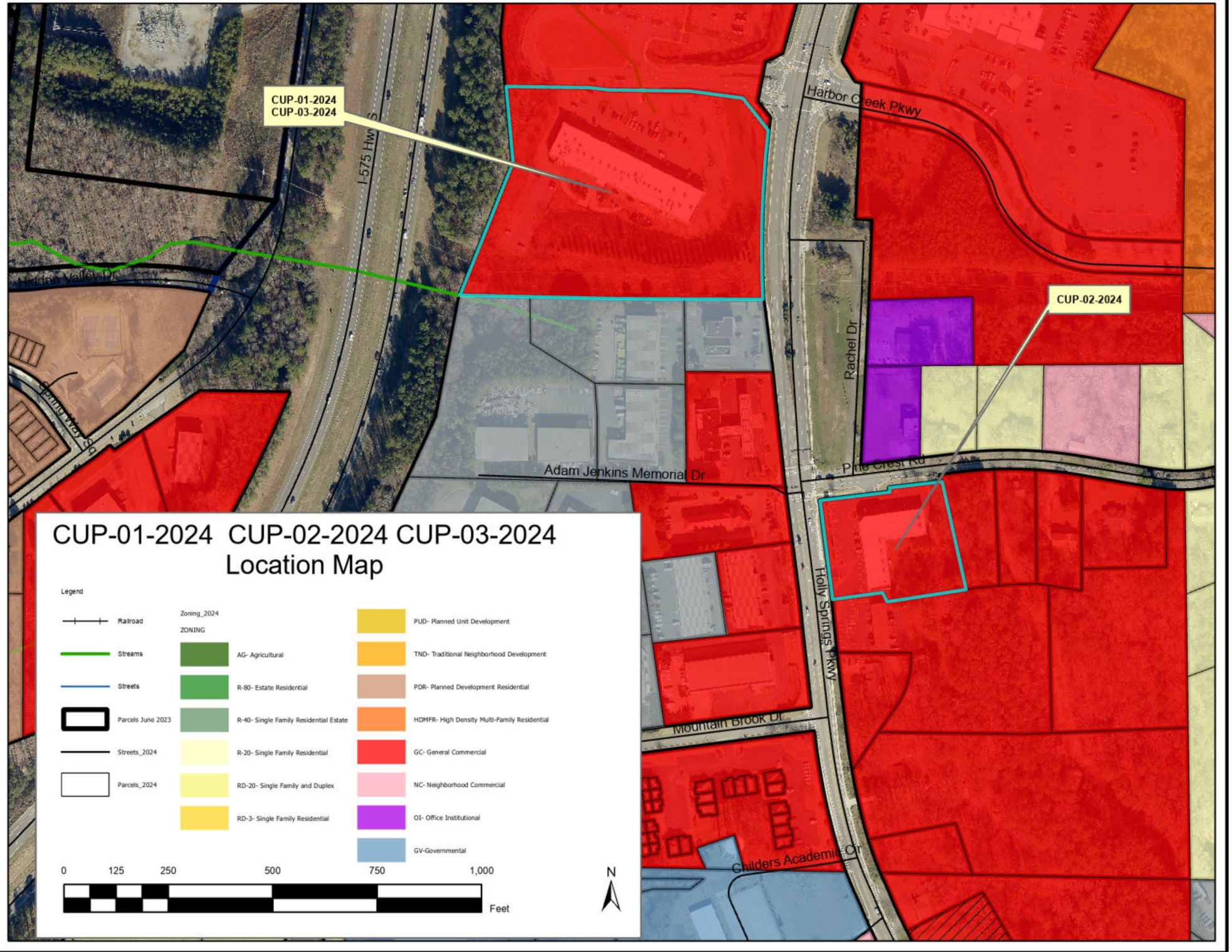
FROM: Nancy Moon

SUBJECT: Work Session

DATE: January 19, 2024 **PLANNING COMMISSION (WS) MEETING DATE:** January 25, 2024

Three conditional use permit applications have been received for the February public hearing. Two cases, CUP-01-2024 and CUP-03-2024, are pertaining to “CBD and/or Tobacco Specialty Stores.” Last year, the zoning ordinance was changed to provide a definition for this category, as well as, regulations under the conditional use permit category. As such, any new business meeting the definition of this category must apply for a conditional use permit. The two applications, CUP-01-2024 (existing permitted tobacco store adding CBD sales) and CUP-03-2024 (new business with CBD sales), are considered to both be retail sales of CBD products. In addition, both businesses are requesting to be in the same shopping center, 2210 Holly Springs Parkway (Shopping Center next to Walmart). I have attached the regulations for this type of business. Please review prior to the meeting.

The third case, CUP-02-2024, is requesting a conditional use permit for small engine repair. Typically, this use is allowed by right within the LI Zoning district. The applicant previously requested a conditional use permit for this use on another parcel, zoned GC, located at 2610 Holly Springs Parkway (behind Southwind Motorcycles fka Bikes and Spikes). The applicant is requesting a conditional use permit for the shopping center at the intersection of Holly Springs Parkway and Pinecrest Road. It is also zoned GC.



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	



AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HOLLY SPRINGS, GEORGIA, AS AMENDED, INTERPRETATIONS AND DEFINITIONS, ARTICLE 2 AND DISTRICT USES AND REGULATIONS, ARTICLE 5 OF THE HOLLY SPRINGS ZONING ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The Council of the City of Holly Springs hereby ordains that:

Section 1. That the following definition for “CBD and/or Tobacco Specialty Store” be added to Article 2, Interpretations and Definitions, Section 2.2: Definitions:

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 2. That Article 5, District Uses and Regulations, Section 5.2-8, GENERAL COMMERCIAL, GC, be amended by adding the following to D) Conditional Uses:

CBD and/or Tobacco Specialty Store

Section 3. That Article 5, District Uses and Regulations, Section 5.4, Additional Requirements by Use, be amended by adding 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.

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.

Section 2. If any Section, sub-section, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the City Council to provide for separable and divisible parts and he does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Section 3. This Ordinance shall become effective immediately upon approval by the Mayor and Council.

SO ORDAINED, this 17th day of July, 2023.

CITY OF HOLLY SPRINGS



Steven W. Miller, Mayor

Attest:



Karen Norred, City Clerk
(Seal)

