

**City of Cumming Planning Commission Meeting
Meeting Agenda
August 20, 2024**

1. Call meeting to Order-Ralph Webb, Chairman.
2. Adoption of Agenda
3. Approval of July 16, 2024 meeting minutes
4. Old Business
 - A. Virtue Investment Annexation #2024124- Postponed until 09/17/24
 - B. E-15, LLC Annexation #2024127-Postponed until 09/17/24
5. New Business
 - A. Cumming Leasing, LLC Variance #2024156-public hearing
 - B. City of Cumming Variance #2024182-public hearing
 - C. Micter Enterprises, LLC Rezoning #2024173- public hearing
 - D. Ford's Place, LLC CUP #2024176- public hearing
 - E. Boxville Storage, LLC Rezoning #2024177- public hearing
6. Announcements
7. Adjourn.

**CITY OF CUMMING
PLANNING COMMISSION MINUTES
AUGUST 20, 2024**

I. There was a regular meeting of the Planning Commission of the City of Cumming on Tuesday, August 20, 2024, at 5:00 P.M., at City Hall in Cumming, Georgia. All Commission members were present. Chairman Webb called the meeting to order.

II. Consider Agenda for Adoption: A motion was made by Commissioner Noles and seconded by Commissioner Otwell to adopt the agenda as presented. The motion carried unanimously.

III. Consider for adoption the following meeting minutes: A. Meeting of July 16, 2024: A motion was made by Commissioner Otwell and seconded by Commissioner Noles to approve the Minutes of the July 16, 2024, meeting as presented. The motion carried unanimously.

IV. Old Business: A. Virtue Investment Annexation #2024124- postponed to 9/17.

B. E-15, LLC Annexation #2024127- postponed to 9/17.

V. New Business: A. Cumming Leasing, LLC Variance #2024156-public hearing:

Chairman Webb stated he needed to abstain from voting due to conflict of interest. A motion was made by Commissioner Noles and seconded by Commissioner Otwell to open the public hearing. The motion carried 2-0. Representing the applicant was Ms. Linda Webb. Ms. Webb explained that the variance request was to reduce the number of parking spaces from twenty-four (24) down to eighteen (18). No public comments were recorded. A motion was made by Commissioner Noles and seconded by Commissioner Otwell to close the public hearing. The motion carried 2-0. Planning Director Scott Morgan read into the record the following staff report: *The property owner has made application, to the proper authorities, for a variance to the City's off-street parking requirements. The proposed size of the building under construction, at 135 Samaritan Drive, requires a minimum of twenty-four (24) parking spaces and the variance request is to lower that number of spaces to eighteen (18). The building is under contract with a private non-profit agency, which assists homeless people transitioning to permanent living situations. A majority of the agency services are accomplished offsite, in the community. The reduction of parking spaces will not adversely affect surrounding*

property owners or businesses, all of which have adequate off-street parking. Staff has reviewed this request and recommends approval of the variance, as requested.

A motion was made by Commissioner Noles and seconded by Commissioner Otwell to approve Variance Request #2024156 by Cumming Leasing, LLC. The motion carried 2-0.

B. City of Cumming Variance #2024182- public hearing: A motion was made by Commissioner Noles and seconded by Commissioner Otwell to open the public hearing. The motion carried unanimously. Planning Director Scott Morgan represented the Downtown Development Authority/City of Cumming and read into the record the following staff report: *The City of Cumming has applied, to the proper authorities, for two stream buffer variances, in association with site work to be done at the Cumming City Center. The first variance is relative to site preparation at the future location of the new City Police Department and Courthouse building. The second variance is relative to site preparation for the future pad of the residential component at the City Center. In both cases, disturbance is limited to impervious use within the seventy-five-foot (75") buffer and land disturbance within the fifty-foot (50") buffer. In both cases, most of the disturbance is within an area that, per the State Erosion & Sedimentation Control Act, would be considered exempt (perpendicular stream crossings and storm outlet works). The remainder of the areas are necessary for the construction of retaining walls, which will further limit both encroachment and soil erosion into the stream buffers. Staff has reviewed these variance requests and recommends approval, as submitted.*

No public comments were recorded. A motion was made by Commissioner Otwell and seconded by Commissioner Noles to close the public hearing. A motion was made by Chairman Webb and seconded by Commissioner Noles to approve Variance Request #2024182 by City of Cumming.

C. Mictor Enterprises, LLC Rezoning Application #2024173- public hearing: A motion was made by Commissioner Otwell and seconded by Commissioner Noles to open the public hearing. The motion carried unanimously. Representing the applicant was Mr. Sean Courtney with the Law Firm of Lipscomb Johnson, LLP. Mr. Courtney explained that the request is to rezone 0.935 acres at 223 Kelly Mill Road, from Single-

Family Residential (R-1A) to Office Professional (OP), to convert the existing structure to an office use. No public comments were made. A motion was made by Commissioner Noles and seconded by Commissioner Otwell to close the public hearing. The motion carried unanimously. Planning Director Scott Morgan read into the record the following staff report:

The agent has made application, on behalf of the property owner, to rezone 0.935 acres, more or less, at 223 Kelly Mill Road, from Single-Family Residential (R-1A) to Office Professional (OP), to convert the existing structure to an office use. The adjacent properties are zoned OP and future land use in the area is designated office-professional and public-institutional, as this corridor is transitioning from residential use. Therefore, the rezoning request conforms with the City's Comprehensive Plan. The agent has submitted zoning conditions, as part of the application package. Staff recommends approval of the rezoning as requested, with the revised conditions.

A motion was made by Chairman Webb and seconded by Commissioner Noles to approve Rezoning Request #2024173- Micter Enterprises, LLC with the revised six (6) conditions (see attached). The motion carried unanimously.

D. Ford's Place, LLC-CUP #2024176-public hearing: A motion was made by Commissioner Noles and seconded by Commissioner Otwell to open the public hearing. The motion carried unanimously. Representing the Applicant was Mr. Sean Courtney, with the Law Firm Lipscomb Johnson, LLP. Mr. Courtney explained that the applicant already operates an automotive repair establishment at this location and requests to establish a wrecked motor vehicle compound. No other public comments were recorded.

A motion was made by Commissioner Otwell and seconded by Commissioner Noles to close the public hearing. The motion carried unanimously. Planning Director Scott

Morgan read into the record the following staff report: *The agent has submitted, on behalf of the property owner, a Conditional Use Permit (CUP) request, to establish a wrecked motor vehicle compound, in the Highway Business (HB) zoning district, at 529 Canton Highway. The applicant already operates an automotive repair establishment at this location and the vehicle compound would be utilized as a supplemental use for that business. The agent has submitted CUP conditions, as part of*

the application package. Staff recommends approval of the CUP, as requested, with the conditions, as submitted.

A motion was made by Chairman Webb and seconded by Commissioner Noles to approve CUP Request #2024176- Ford's Place, LLC with the three (3) conditions submitted with the application and adding Condition #4 that only the lot in the rear of the property be used for the compound. The motion carried unanimously.

E. Boxville Storage, LLC Rezoning #2024177: A motion was made by Commissioner Otwell and seconded by Commissioner Noles to open the public hearing. The motion carried unanimously. Representing the applicant was Mr. Sean Courtney with the Law Firm of Lipscomb Johnson, LLP. Mr. Cortney explained that the request is to rezone 3.697 acres from Planned Shopping Center (PSC) to Highway Business (HB) to construct a climate-controlled storage facility, at the corner of Market Place Boulevard and Mary Alice Park Road. No other public comments were recorded. A motion was made by Commissioner Noles and seconded by Commissioner Otwell to close the public hearing. The motion carried unanimously. Planning Director Scott Morgan read into the record the following staff report: *The agent has made application, on behalf of the property owner, to rezone 3.697 acres, more or less, from Planned Shopping Center (PSC) to Highway Business (HB), to construct a climate-controlled storage facility, at the SE corner Market Place Boulevard and Mary Alice Park Road. The adjacent properties are zoned HB and future land use designation for the area is commercial, therefore, the rezoning request conforms with the City's Comprehensive Plan. The agent has submitted rezoning conditions, as part of the application package. Staff recommends approval of the rezoning as submitted, with the revised conditions.*

A motion was made by Chairman Webb and seconded by Commissioner Noles to approve Rezoning Application #2024177- Boxville Storage, LLC with the revised twelve (12) conditions submitted with the application. (see attached) The motion carried unanimously.

VI. Announcements- none

VII. Adjourn: A motion was made by Commissioner Otwell and seconded by Commissioner Noles to adjourn the meeting. The motion carried unanimously.

Approved this 17th day of September, 2024.

Chairman Webb

Commissioner Noles

Commissioner Otwell

Attest:

City Clerk