

**City of Cumming Planning Commission Meeting
Meeting Agenda
September 17, 2024**

1. Call meeting to Order-Ralph Webb, Chairman.
2. Adoption of Agenda
3. Approval of August 20, 2024 meeting minutes
4. Old Business
 - A. Virtue Investment Annexation #2024124- Postponed until 10/15/24
 - B. E-15, LLC Annexation #2024127-Public hearing
5. New Business
 - A. 14905 Hopewell Group, LLC-PUD Amendment-public hearing
 - B. Hollywood Properties, LLC Annexation #2024184-public hearing
 - C. Fast Easy Offer, LLC Rezoning #2024191- public hearing
 - D. Cameron LR Dev, LLC Rezoning #2024194- public hearing
6. Announcements
7. Adjourn.

**CITY OF CUMMING
PLANNING COMMISSION MINUTES
SEPTEMBER 17, 2024**

I. There was a regular meeting of the Planning Commission of the City of Cumming on Tuesday, September 17, 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 August 20, 2024: A motion was made by Commissioner Otwell and seconded by Commissioner Noles to approve the Minutes of the August 20, 2024, meeting as presented. The motion carried unanimously.

IV. Old Business: A. Virtue Investment Annexation #2024124- postponed to 10/15/2024.

B. E-15, LLC Annexation #2024127- 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. Ethan Underwood with the Law Firm of Miles and Hansford, LLC. Mr. Underwood explained that plans were to annex 2.00 acres and rezone from County Office & Institutional (O & I) to City Office Professional (OP). No proposed site plan or conditions are provided at this time. 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 applicant, on behalf of the property owner, has filed a petition to annex 2.00 acres, more or less, and rezone from County Office & Institutional (O & I) to City Office Professional (OP). The subject property is vacant, located on Turner Road, west of the intersection of with Market Place Boulevard, across from the Westshore development, which creates continuity with the existing City boundary. The adjacent City zoning is PUD and the future land use designation is mixed use-suburban, so the proposed OP

zoning, as a transitional district, is in conformance with the City's Comprehensive Plan.

Forsyth County has stated they have no objection to this proposed annexation.

However, there is no proposed site plan and the draft zoning conditions require revision. Therefore, staff recommends postponing any action on this item, until the October 15, 2024 meeting.

A motion was made by Chairman Webb and seconded by Commissioner Noles to postpone any action on this proposed annexation until the October 15, 2024 meeting.

V. New Business: A. 14905 Hopewell Group, LLC PUD Amendment #2024263-

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 of Lipscomb Johnson, LLP. Mr. Courtney explained that the applicant is requesting to amend their Planned Unit Development approved by the Council on April 20, 2021. Plans are to reduce the density of the project down to 7.28 units per acres. No opposition to the amendment was 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 property owner has made application, to the proper authorities, to amend a Planning Unit Development (PUD), approved by the City on April 20, 2021. The subject property is 43.24 acres and is located on both sides of SR 20, at 519 and 521 Canton Highway. The development plan has been revised from 160 townhomes and 144 condominiums, to approximately 247 townhomes and 68 single-family detached homes. The applicant has submitted twenty (20) revised PUD conditions, along with the revised development plan.*

In reviewing these revised PUD amendment documents, staff has determined this proposed development no longer meets the requirements of a PUD, according to the land use and design guidelines of the PUD Ordinance. Therefore, staff recommends approval of this development proposal as Multi-Family Residential (R-3) rezoning, with conditional use approval for the church and a density variance to allow the 7.28 residential units per acres. The residential density of this proposed development will

actually be decreasing, due to the replacement of the condominiums, with townhomes and single-family detached homes, as well as the elimination of freestanding and vertical mixed-use units. The revised site plan, conditions and elevations, as submitted, will be utilized for this rezoning. Advertising requirements for a rezoning have been met, because our advertising regulations are the same, as for a PUD amendment.

A motion was made by Chairman Webb and seconded by Commissioner Otwell to postpone any action on PUD Amendment #2019263 until the October 15, 2024 meeting. The motion carried unanimously.

B. Hollywood Properties, LLC Annexation #2024184- 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. Phil Beniamino, with Hollywood Properties, LLC. Mr. Beniamino explained that plans were to annex and rezone 9.98 acres to construct ten (10) single-family detached homes. No opposition to the annexation/rezoning was 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 property owner has filed a petition, to the proper authorities, to annex 9.98 acres, more or less, and rezone from County Agricultural (A1) to City Single-Family Residential (R-1), for the purpose of constructing ten (10) single-family detached homes. The subject property located at 1630 Bettis Tribble Gap Road and has contiguity with the existing City boundary. City zoning and future land use in the area is single-family residential, therefore, the property, if annexed and rezoned residential, will conform to the City's Comprehensive Plan. The County has not officially stated whether or not they will object to the proposed annexation. The owner has submitted zoning conditions, as part of this proposed annexation.*

Staff recommends approval of this annexation and rezoning, with conditions, as presented, contingent upon on official objection by the County.

A motion was made by Chairman Webb and seconded by Commissioner Noles to approve Annexation #2024184-Hollywood Properties, LLC pending the non-objection by

Forsyth County and adding Condition #8 that the Final Site Plan be approved by the Council. The motion carried unanimously.

C. Fast Easy Offer, LLC Rezoning Application #2024191- 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. Samuel R. Bagwell of Kim and Bagwell, LLC. Mr. Bagwell explained that the request is to rezone 0.69 acres at 1480 Bettis Tribble Gap 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 property owner has made application, to the proper authorities, to rezone 0.69 acres, more or less, from Single-Family Residential (R-1A) to Office Professional (OP), in order to reestablish the use of the existing structure as an office. This location has been used by The Place, a non-profit, community assistance service, for a number of years, but is currently vacant. This rezoning is necessary in order to continue what was a legal, nonconforming use, in residential zoning. As part of the rezoning request, there are requested variances from the front, rear and side building setbacks, to accommodate the existing deck, porch and sheds. There will be improvements made to the existing structure and paving, for new parking spaces. OP zoning is a proper transitional district, relative to the surrounding residential land use. For the above-mentioned reasons, staff recommends approving, including the variances, with the provided conditions.

A motion was made by Chairman Webb and seconded by Commissioner Noles to approve Rezoning Request #2024191- by Fast Easy Offer, LLC with the revised five (5) conditions (see attached). The motion carried unanimously.

D. Cameron LR Dev. LLC-Rezoning #2024194-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. Ethan Underwood, with the Law Firm Miles Hansford, LLC. Mr. Underwood explained that plans were to rezone from Highway Business to Multiple-Family Residential to construct

191 townhome units. No opposition was 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 made application, on behalf of the property owner, to rezone 31.90 acres, more or less, from Highway Business (HB) to Multiple-Family Residential (R-3), to construct a 191-unit townhome development. The application also includes multiple variance requests to City buffers and building setbacks. Zoning of the adjacent properties is HB and Planned Unit Development (PUD). Future land use of the property is designated commercial, so this rezoning does not conform to the City's Comprehensive Plan. For the above-mentioned reasons, staff recommends denial of the rezoning, as presented.*

A motion was made by Chairman Webb and seconded by Commissioner Noles to postpone any action on Rezoning Request #2024194- Cameron LR Dev. LLC until the October 15, 2024 meeting. 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 15th day of October, 2024.

Chairman Webb

Commissioner Noles

Commissioner Otwell

Attest:

City Clerk