

**City of Cumming
Planning and Zoning Minutes
June 18, 2019**

There was the regularly held meeting of the Cumming Planning and Zoning Commission on June 18, 2019 at City Hall in Cumming, Georgia. All Commission members were present. Chairman Ralph Webb presided over the meeting and called the meeting to order.

Chairman Ralph Webb announced that he needed to recuse from voting on New Business, Item A. Carcraft, LLC CUP #2019308. As the first item of business a motion was made by Randy Murphy, seconded by Brent Otwell, and unanimously passed adopting the agenda as presented. A motion was made by Brent Otwell, seconded by Randy Murphy, and unanimously passed approving as presented the minutes of the May 21, 2019 Commission meeting.

There was no Old Business. The first item of New Business was **A. Carcraft, LLC CUP #2019308**. A motion was made by Randy Murphy and seconded by Brent Otwell to open the Public Hearing. The motion carried 2-0 with Chairman Ralph Webb recused. Representing the applicant was Mr. Philip Genetempo, owner of Carcraft, LLC. Mr. Genetempo explained that he planned to operate a non-traditional vintage auto brokerage at 321 Canton Road. No one spoke in opposition of the Conditional Use Permit. A motion was made by Brent Otwell and seconded by Randy Murphy to close the Public Hearing. The motion carried 2-0 with Chairman Ralph Webb recused.

Planning Director Scott Morgan read the staff report into the record as follows:

The applicant has made application, to the properties, for a Conditional Use Permit (CUP), to operate a vintage automobile broker business, at 321 Canton Road. This business has been located at 465 Tolbert Street for the past four years and we have received no complaints regarding its operation. Their vehicles are typically stored indoors and they rarely have customers on-site. They primarily do business via the internet and ship the vehicles directly to their customers. The Planning Staff recommends approval of the CUP as requested.

A motion was made by Brent Otwell and seconded by Randy Murphy to approve Conditional Use Permit (CUP) #2019308 by Carcraft, LLC. The motion carried 2-0 with Chairman Ralph Webb recused.

The next item of business was **B. THKV, LLC CUP #2019327-** A motion was made by Randy Murphy, seconded by Brent Otwell, and unanimously passed to open the Public Hearing. Representing the applicant was Attorney, Mr. William Hansard who explained that his client planned to build a Dunkin Donuts restaurant with a drive-thru which requires a Conditional Use Permit (CUP). No one present spoke in opposition to the CUP. A motion was made by Brent Otwell, seconded by Randy Murphy, and unanimously passed to close the public hearing.

Planning Director Scott Morgan read into the record the following staff report: *The property owner, through their applicant, has made application to the proper authorities for a Conditional Use Permit (CUP), to establish a drive-thru facility for a Dunkin Donuts restaurant, within the Central Business District (CBD). The location for this proposed restaurant is at the intersection of Canton Road (SR 20) and Samaritan Drive. When developed, the primary point of ingress/egress for the restaurant will be on Samaritan Drive and the drive-thru will be located on the south side of the building, at the furthest point away from the Samaritan Drive entrance. The applicant has provided conditions and elevations for both the restaurant, and the professional office building, proposed to be developed adjacent to the restaurant, on the subject property. Staff recommends approval of the CUP with the following conditions:*

1. The exterior building elevations and materials for the proposed 2,000 sq. ft. Dunkin Donuts facility should be substantially similar to the rendering attached hereto as Exhibit "A" and incorporated herein by this reference. Notwithstanding the previous sentence however, the Mayor and or his representative shall approve the final exterior building elevations prior to any issuance of a building permit for this building and should the Mayor and or his representative determine that an alternate design is required which is different than the attached exhibit, the Mayor and or his representative's determination shall control

2. Exterior building elevations and materials for the propose 2,100 sq. ft. professional office building shall be approved by the Mayor or his representative prior to the issuance of any building permit for this building.

A motion was made by Ralph Webb, seconded by Randy Murphy, and unanimously passed to approve THKV, LLC CUP #2019327 with the conditions recommended by the Planning Staff and submitted by the Developer.

The next item of business was **C. Annexation #2019328**- A motion was made by Brent Otwell, seconded by Randy Murphy, and unanimously passed to open the public hearing. One of the applicants, Mr. Curtis Williams, stated that his request was to annex his 72 acres and rezone the property to the City's Annexed Property (AP) category. Mr. Joey Cochran also spoke requesting to annex his 7.25 acres and rezone to Highway Business (HB). No one spoke in opposition to Annexation #2019328. A motion was made by Randy Murphy, seconded by Brent Otwell, and unanimously passed to close the public hearing.

Planning Director Scott Morgan read in the record the following staff report:

The property owners have made application, to the proper authorities, to annex eight (8) parcels, totaling 125.41 acres, more or less, into the City of Cumming. The parcels are PIN'S 194-001, 104-049, 194-783, C31-013, C31-012, 172-025, 172-026 and 172-027 and are more commonly know as 1785 Pilgrim Road, 1735 Pilgrim Road, Pilgrim Road, Dahlonaga Highway, 1390 Dahlonaga Highway, 1405 Dahlonaga Highway, 1415 Dahlonaga Highway, and 1435 Dahlonaga Highway, respectively.

Three parcels, 1785 and 1735 Pilgrim Road, an unaddressed parcel at 1785 Pilgrim Road and 1415 Dahlonaga Highway, are currently zoned County Agricultural (A1) and will be rezoned to City Annexed Property (AP), and 1415 Dahlonaga Highway, is currently zoned County A1 and will be rezoned to City Single-Family Residential (R-1), upon annexation. Three parcels, 1390 Dahlonaga Highway and an unaddressed parcel adjacent to 1390, which combined make up Sawnee View Memorial Gardens Cemetery, and 1415 Dahlonaga Highway, are zoned County Single Family Residential (R-1), and will be rezoned City R-1, upon annexation. One parcel, 1435 Dahlonaga Highway, is currently zoned a combination of County Highway Business (HB) and R1, will be rezoned to City Highway Business (HB), upon annexation.

The County has been notified of these annexation requests and has sent confirmation of the notification (attached).

Our current zoning and future land use in this area is HB, Institutional (INST) and R-1, which INST is an appropriate transitional district between commercial and residential. Therefore, these proposed annexations and rezonings are in conformance with our Comprehensive and Future Land Use Plans. Staff recommends approval as requested, with the condition of receiving a no-objection letter from the County, prior to the City Council meeting of July 16, 2019.

A motion was made by Ralph Webb, seconded by Brent Otwell, and unanimously passed to approve Annexation Request #2019328 along with the requested rezoning with the condition recommended by the Planning Staff and adding an additional condition that “any future improvements to any of these annexed properties need to be approved by the Mayor and Council, or their designated representative, before the issuance of any building permits”.

Then there being no further business to come before the Commission, a motion was made by Ralph Webb and seconded by Randy Murphy to adjourn.

Ralph Webb, Chairman

Randy Murphy, Vice Chairman

Brent Otwell, Member

ATTEST:

Jeffery Honea, City Clerk