

**City of Cumming
Planning and Zoning Minutes
February 19, 2019**

There was the regularly held meeting of the Cumming Planning and Zoning Commission on February 19, 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 stated that Item 5-C under new business was requested to be postponed. A motion was made by Randy Murphy, seconded by Brent Otwell, and unanimously passed amending the agenda to postpone New Business, Item 5-C Mashburn Family Trust Annexation #20191106 and adopt the remainder of 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 January 15, 2019 Commission meeting.

The first item of New Business was **A. Moss Walker Properties, LLC Annexation #2019102**. A motion was made by Randy Murphy, seconded by Brent Otwell, and unanimously passed to open the Public Hearing. Representing the applicant was Mr. William Hansard with Lipscomb, Johnson, Sleister, Dailey & Smith, LLP. Mr. Hansard explained that their intent was to annex and rezone 3.10 acres to Office Professional along with a Conditional Use Permit to construct a senior housing/ assisted living facility on the property. The property is located at 930 Sanders Road. No one spoke in opposition of the Annexation, Rezoning or the Conditional Use Permit. A motion was made by Brent Otwell, seconded by Randy Murphy, and unanimously passed to close the Public Hearing.

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

The property owner has made application to the proper authorities to annex 3.10 acres, more or less and rezone to Office Professional (OP), along with a Conditional Use Permit request, to construct a senior housing/assisted living facility on the subject property. The property currently zoned Office & Institutional in the County and has a vacant residence located on it, which will be demolished. The City's Future Land Use map shows OP on the adjacent properties, therefore; this annexation and rezoning is in conformance with our Comprehensive Plan. The applicant has submitted zoning

conditions along with the annexation petition and CUP request, since the proposed facility will serve eighteen (18) or more persons.

Staff has reviewed the proposed annexation/rezoning/ CUP and recommends approval, with the applicant's attached conditions, as well as the following City conditions:

- 1. The proposed facility build-out must occur within thirty-six (36) months.*
- 2. Forsyth County must provide written notice of no-objection to the proposed annexation, prior to the March 19, 2019 City Council meeting, in order for the proposed annexation to be acted upon at that meeting.*

A motion was made by Ralph Webb, seconded by Randy Murphy, and unanimously passed to approve **Moss Walker Properties, LLC Annexation #2019102, Rezoning to Office Professional (OP) and Conditional Use Permit.**

The next item of Business was the public hearing for: **B. James Mullins Annexation #2019103.** A motion was made by Brent Otwell, seconded by Randy Murphy, and unanimously passed to open the public hearing. The applicant, Mr. James Mullis, explained that his request was annex his 1.58 acres, private, single-family home located at 1415 Pilgrim Road into the City Limits. No one present spoke in opposition to the annexation and rezoning to Single-Family Residential. A motion was made by Randy Murphy, seconded by Brent Otwell, and unanimously passed to close the public hearing.

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

The property owner has made application to the proper authorities to annex and rezone 1.58 acres, more or less, to Single-Family Residential (R-1), for the purpose of maintaining a private, single-family residence. The property is currently zoned Single-Family Residential in the County and there is one residence located on it, which the owner will continue to occupy. The City's Future Land Use map shows R-1, up to 1.5 units per acre on the adjacent properties, therefore; this annexation and rezoning is in conformance with the City's Comprehensive Plan.

Staff has reviewed the proposed annexation/rezoning and recommends approval with the following conditions:

- 1. Any expansion, renovation of the existing residence, or additional building(s) constructed on the subject property, must be approved and permitted by the Department of Planning and Zoning.*

2. *Forsyth County must provide written notice of no-objection to the proposed annexation, prior to the March 19, 2019 City Council meeting, in order for the proposed annexation to be acted upon at that meeting.*

A motion was made by Ralph Webb, seconded by Brent Otwell, and unanimously passed to approve Annexation/Rezoning Request #2019103 by James Mullins with the conditions recommended by the Planning and Zoning staff.

The next item of business was the public hearing for **Meadow Walk, LLC Conditional Use Permit #2019107**. A motion was made by Randy Murphy, seconded by Brent Otwell, and unanimously passed to open the public hearing. The applicants, Sam and Maija Giganti, explained that their intent was to open their clinical massage therapy business, Pure Fitness and Health LLC, at 101 Meadow Drive, Unit D. No one present spoke in opposition of the Condition Use Permit. A motion was made by Brent Otwell, seconded by Randy Murphy, and unanimously passed to close the public hearing.

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

The applicant, on behalf of the property owner, has made application, to the proper authorities, for a Conditional Use Permit (CUP) to establish a clinical massage therapy business, to be known as Pure Fitness and Health, at 101 Meadow Drive, Unit D, of the Meadow Walk Shopping Center. The owners/Operators are Sam and Maija Giganti. Mr Giganti has been a licensed Clinical Massage Therapist in Georgia for 16 years and Mrs. Giganti is a certified Health Coach. They have been residents in Forsyth County since 2003.

Staff has reviewed their credentials, which are attached, and recommend granting the CUP with the following condition:

1. *This CUP is issued specifically to the Giganti's, operating as Pure Fitness and Health, LLC and cannot be transferred or utilized by any other owner/operator.*

A motion was made by Ralph Webb, seconded by Randy Murphy, and unanimously passed to approve Conditional Use Permit #2019107 by Meadow Walk, LLC with the recommended conditions.

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

Ralph Webb, Chairman

Randy Murphy, Vice Chairman

Brent Otwell, Member

ATTEST:

Jeffery Honea, City Clerk