



## ZA3962 - STAFF REPORT

### PROJECT SUMMARY:

Applicant is requesting to rezone from Commercial Business District (CBD) to Highway Business District (HB) on 1.524 acres with a Conditional Use Permit (CUP) for a major automobile services establishment and a vehicle sales dealership in existing buildings totaling 7,857 sq. ft. with 10 parking spaces.

### CONCURRENT REQUESTS (E.G. VARIANCES/CUPS):

Applicant is requesting a variance to 1. Reduce the front setback adjacent to the existing structure only from 40 ft. to 6.5 ft. (UDC Table 12.2); 2. Reduce the side setback along the eastern property boundary adjacent to the northernmost existing structure only from 15 ft. to 14 ft. (UDC Table 12.2); 3. Reduce the zoning setback along the eastern property boundary adjacent to the southernmost existing structure only from 50 ft. to 36 ft. (UDC Table 12.2); 4. Reduce the zoning buffer along the eastern property boundary adjacent to the southernmost existing structure only from 40 ft. to 36 ft. (UDC Table 12.2); 5. Reduce the front landscape strip from 10 ft. to 0 ft. (UDC Table 12.2).

### IMPORTANT DATES:

#### APPLICATION FOR ZONING REVIEW

**Date Submitted:** 12/06/2019  
**Zoning Review Meeting Date:** 01/02/2020

#### PROPOSAL FOR BOARD CONSIDERATION

**Date Submitted:** 01/16/2020  
**Planning Commission Public Hearing:** 02/25/2020  
**BOC Final Decision (estimated):** 03/19/2020

### CONTACT INFORMATION:

#### APPLICANT

Lazaros Papadopoulos and Lee  
Economy  
1955 Wilkie Road  
Alpharetta GA 30004

#### ATTORNEY REPRESENTATION

Lipscomb, Johnson, Sleister, Dailey &  
Smith, LLP  
Sean Courtney - Attorney  
112 North Main Street  
Cumming GA 30040

#### OWNER(S)

Lazaros Papadopoulos  
Lee Economy

### PROPERTY INFORMATION:

#### **LOCATION:**

The property is located at 2393 Canton Highway, Cumming, GA 30040. This property is also located south of property known as 2393 Canton Highway.

#### **SITE CHARACTERISTICS:**

Existing structures

**BOC District:** 1

**DRI:** No

**Current Zoning:** CBD

**Watershed:** Big Creek

**Tax Map & Parcel #'s (PINs):**

076-009,076-179

### REQUESTED ACTION:

**Proposed Zoning:** HB

**Proposed # of Lots:**

**Min Lot Size:**

**Units or Lots /Acre:**

**# Apt./Condo Units:**

**Min. Heated Floor Area:**

**Total Acreage:** 1.5240

**Proposed # of Parking:** 10

**Commercial Square**

**Footage:** 7,857

**Method of Sewage Disposal:**

Septic

**Location & Distance to**

**Sewer/Septic Access:**

On subject property

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## ADJACENT ZONING/LAND USE:

### DIRECTION: ZONING:

**NORTH:** CBD  
**SOUTH:** A1/R1R  
**EAST:** CBD/A1  
**WEST:** CBD

### LAND USE:

Commercial  
Detached Single Family Residential  
Undeveloped  
Undeveloped

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## STAFF COMMENTS:

### PLANNING COMMENTS:

This property is designated within the Campground Character Area partially inside the Highway 20 Community Node.

The property is located within the Buford Highway Overlay District as well as the Peachtree Parkway-Bethelview Road Overlay District. The subject property must comply with the Buford Highway Overlay District regulations.

It shall be a violation to park vehicles for sale, rent, or lease in customer parking or unloading areas. Outside loudspeakers shall not be permitted (UDC 16-4.4).

The outside storage or display of vehicles, equipment, and merchandise to be rented, leased, or sold, shall be visible along no more than thirty percent (30%) of the frontage of the property abutting the highway or major street, excluding approved driveway entrances and exits (UDC 12-10.9).

City of Cumming: Applicant will be required to purchase sewer capacity and tie onto the City's sewer system if the existing septic system is not adequate.

Building Inspections: Building plans are required per the procedure outlined on our website; this project will require a Commercial Plan Review.

Business License: Future businesses will need to apply for a business license.

Health Department: Applicant will need to contact the Environmental Health office at 770-781-6909 for an existing septic system evaluation.

Board of Education: None.

### LONG RANGE PLANNING COMMENTS:

#### NATURAL RESOURCES

The subject property is within the Big Creek watershed, which necessitates a 25% impervious surface limitation. The impervious surface area requirement shall be calculated based upon that portion of the water supply watershed within unincorporated Forsyth County; discrete parcels or projects will not be required to independently satisfy the impervious surface area limitations set forth above.

The subject property is within a groundwater recharge area where impervious surfaces should be minimized.

#### CULTURAL RESOURCES

The Cultural Resources inventory does not identify any historic resources.

#### BIKE AND PEDESTRIAN FACILITIES

The subject property is landlocked, so the 2025 Bicycle and Pedestrian Walkway Plan does not apply.

The North Subarea Trails Master Plan does not indicate any future improvements.

### ARBORIST COMMENTS:

None.

### ENGINEERING COMMENTS:

Review Date: 01/02/20

Road Name: S.R. 20 (Canton Highway) Classification: Major Arterial  
Existing R/W: 100' Proposed R/W: Per GDOT Road Improvement Project PI-0002862

Traffic Considerations:  
Anticipated Traffic Generation Rates from S/D: N/A

No traffic study will be required unless recommended improvements are not incorporated into construction plans .

Recommended Improvements: As required by Georgia DOT and/or Forsyth County Ordinance #101.

Stormwater Considerations: All developments must comply with Ordinance 75, Stormwater Management and Ordinance 55, Flood Damage Prevention.

**STATE WATERS COMMENTS:**

There are no state waters present.

**WATER & SEWER COMMENTS:**

Review Date: 12 December 2019  
Road Name: 2393 Canton Highway  
Water Service and Location: City Service Area.  
Receiving Sewer WRF: City Service Area.  
Comments: None.

**NRCS COMMENTS:**

Property contains Cecil soils. If no land disturbance this rezoning should have no negative impact on our natural resources.

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**STAFF ANALYSIS:**

**CRITERION 1: Does this rezoning proposal conform with the policy and intent of the adopted Forsyth County Comprehensive Plan?**

The proposed use is in conformity with the Forsyth County Comprehensive Plan.

**CRITERION 2: Does the rezoning proposal permit a use that is suitable in the view of the use and development of adjacent and nearby property?**

This property was previously rezoned from Single Family Residential District (R1) to Commercial Business District (CBD) on 3/11/85 per ZA830.

The subject property is adjacent to the north and west by Commercial Business District (CBD), a contractor's establishment, a convenience store with gas pumps and undeveloped. To the east, the property is adjacent to Commercial Business District (CBD) and Agricultural District (A1), undeveloped. To the south, the property is adjacent to Agricultural District (A1) and Single Family Residential Restricted District (R1R). The proposed use would be suitable in view of the zonings of the surrounding properties.

**CRITERION 3: Does the rezoning proposal adversely affect the existing use or usability of adjacent or nearby property?**

The proposed rezoning would not affect the usability of the adjacent properties.

**CRITERION 4: Will the rezoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?**

The following comments pertain to infrastructure information and necessary improvements as related to the current proposal:

A traffic study is not required for the proposed use unless recommended improvements are not incorporated into the construction plans. All road and intersection improvement comments are provided by the Engineering Department in this analysis.

**CRITERION 5: Are there existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?**

The proposed use is in conformity with the Forsyth County Comprehensive Plan.

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**STAFF RECOMMENDATION:**

Based upon the above analysis, the Department of Planning & Community Development is:

Supportive.

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**RECOMMENDED STAFF ZONING CONDITIONS:**

After reviewing all relevant information, including, but not limited to the information contained in this technical review and the information presented in the public hearing process, should the Board of Commissioners approve this rezoning request, County Staff recommend the following conditions:

**PLANNING CONDITIONS:**

1. Development shall be substantially in accordance with the site plan on file in the Department.
2. A Site Development permit shall be obtained prior to the use of the property as a vehicle sales dealership and a major automobile services establishment.
3. All vehicles on the subject property shall be parked in designated parking spaces.

**WATER & SEWER CONDITIONS:**

None.

**ENGINEERING CONDITIONS:**

1. Owner/Developer shall dedicate right of way on S.R. 20 (Canton Hwy.) per GDOT Road Improvement Project PI-0002862 or when needed for road improvement projects as determined by GDOT and/or Forsyth County Department of Engineering. Contact Tim Evans, GDOT District 7B Project Manager, for current right-of-way information.  
tievans@dot.ga.gov , 404-631-1555