



**Action Requested/Required:**

- Vote/Action Requested
  - Discussion or Presentation Only
  - Public Hearing
- Report Date: 5/29/24  
Hearing Date: 6/6/24  
Voting Date: 7/11/24

**Department:** Community Development      **Presenter(s) & Title:** Steve Green, Zoning Administrator

**Agenda Item Title:**

MPA2404-001 - Request to amend the allowed uses in Pod B of the Riverstone development - Applicant seeks to have residential uses added to Pod B - Jesse Gunnin

**Summary:**

The applicant seeks to amend the allowed uses in Pod B of the Riverstone development. The applicant seeks to add residential as an permitted use in order to construct four duplex buildings for a total of eight living units. The applicant also requests to reduce the fifty foot buffer along the side and rear property lines to a ten foot buffer/setback line.

The Community Input Meeting is being held May 29, 2024. The summary of that meeting will be forwarded to the Mayor and Council once it is received.

**Budget Implications:**

Budgeted?  Yes  No  N/A

Total Cost of Project:       Check if Estimated

Fund Source: General Fund     Water & Sewer     Sales Tax     Other:

**Staff Recommendations:**

The staff recommends approval of this application. Possible conditions are contained in the staff report.

**Reviews:**

Has this been reviewed by Management and Legal Counsel, if required?     Yes     No

**Attachments:**

Application  
Site plan  
Staff report



**Land Use Petition: MPA2404-001**

**Date of Staff Report Preparation: May 28, 2024**

**Mayor and City Council Public Hearing Date: June 6, 2024**

**Mayor and City Council Action Date: July 11, 2024**

**Project Name/Applicant: MPA2404-001 – Jesse Gunnin**

**Property Location: Center Street (address not assigned)**

**Parcel ID: Tax Map Book Number, 14N22A, Parcel 060**

**District/Land Lot: 14<sup>th</sup> District, Land Lot 193**

**Acreage: .89 (38, 768 square feet)**

**Existing Zoning District: PD-MU (Planned Development- Mixed Use)**

**Existing Land Use: Vacant/Undeveloped**

**Future Development Map Designation: Traditional Neighborhood Redevelopment Area**

**Proposed Development: Four duplex buildings, eight living units**

**Owner/Petitioner: Bright-Sasser, LLC / Jesse Gunnin**

**District Standards:**

__ Zoning District Standards (Primary Street)			
Impervious Surface (max.)	46%	Front Yard Setback (min.)	15'
Open Space (min.)*	45%	Side Yard Setback (min.)	0'
Building Height (max.)	35'	Rear Yard Setback (min.)	10'
Building Height (min.)	N/A	Buffer Planting (min.)	50'
Zoning Buffer	50'	Overlay Zone	N/A

**\*9% of the parcel contains a utility easement. This area was not included in the open space.**

**Surrounding Land Uses and Zoning:**

North – Residential – RA-6  
 South – Commercial – PD-MU  
 East – Residential – RA-6  
 West – Vacant – RA-6



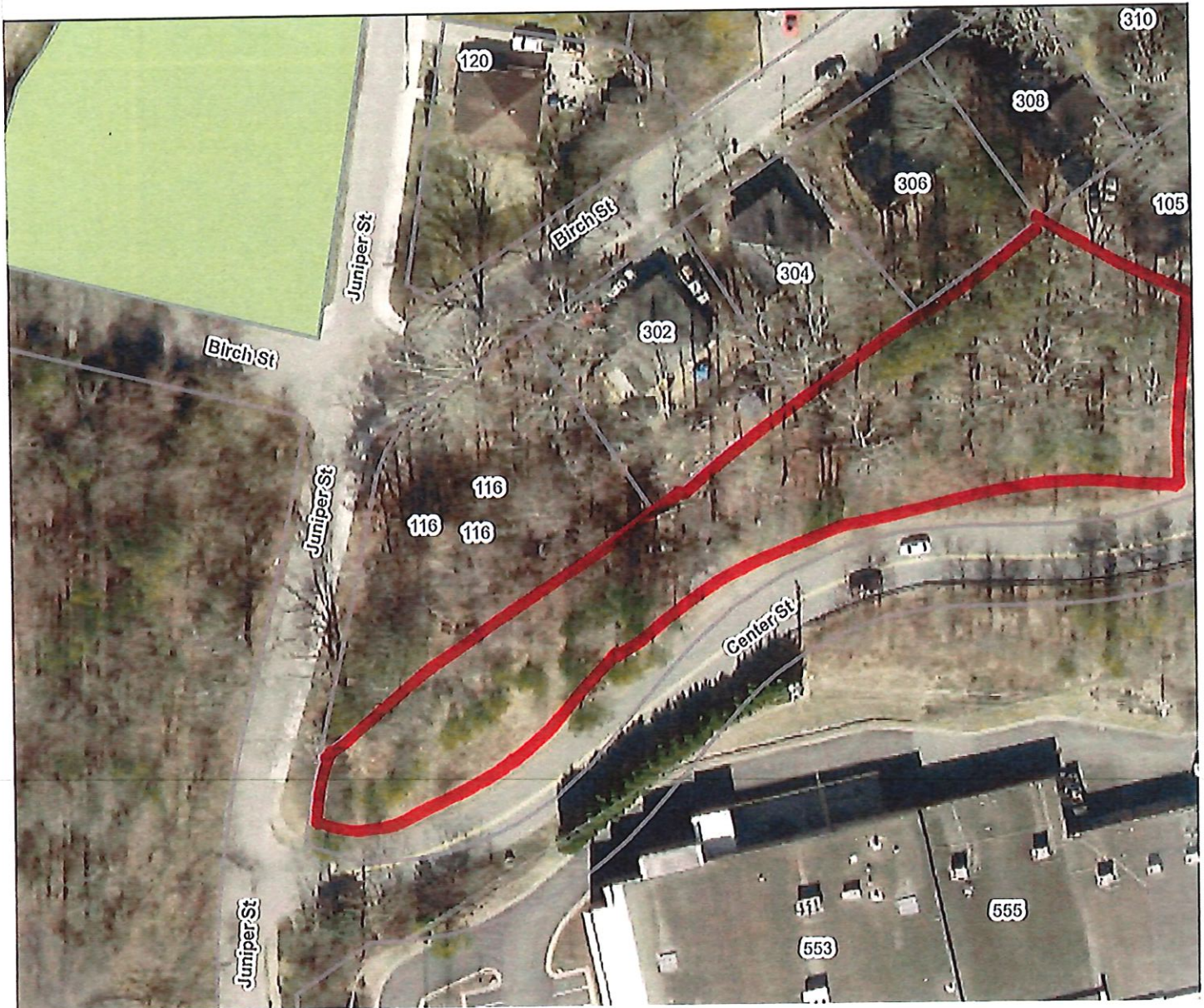
**Location Map**

**City of Canton Map**



## Existing Land Use Map

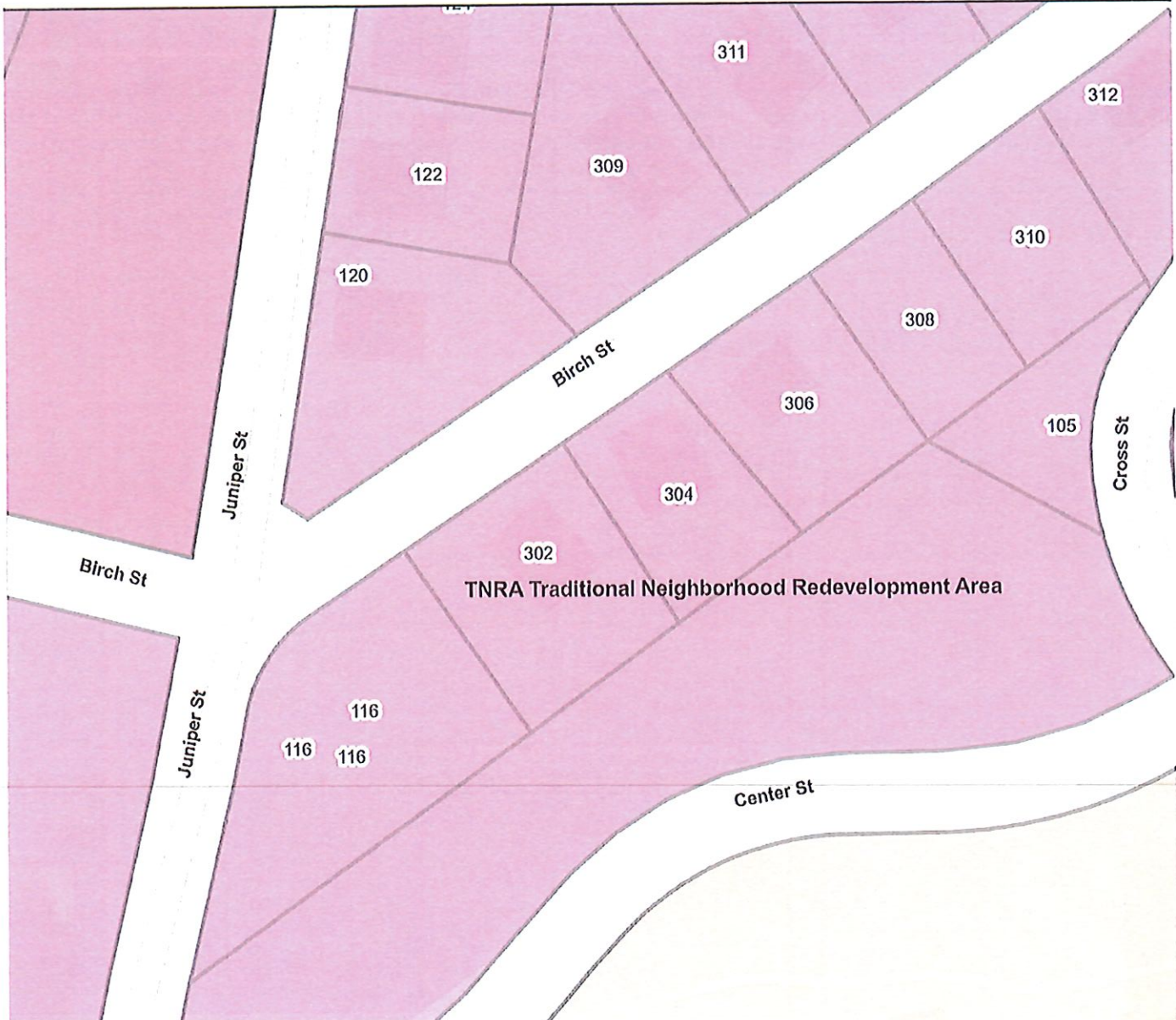
### City of Canton Map





Future Development Map

# City of Canton Map





**Site Description:** The property is currently wooded and undeveloped.

**Site History:** The property has been considered as part of Pod B of the Riverstone development. The owner, Bight-Sasser, LLC was approached in the recent past to see if he was interested in donating the property to the City for an affordable housing project. The owner asked the city to take ownership of two detention ponds and when the city declined, he decided not to donate the property. The applicant now has the property under contract pending approval of the Master Plan Amendment.

**CRITERIA TO BE APPLIED – LAND USE PETITION (MASTER PLAN AMENDMENT)**

- 1. Whether the amendment proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties; **The existing uses along Center Street are all residential.****
  
- 2. Whether the amendment proposal will adversely affect the existing use or usability of adjacent or nearby property; **Except for the property across Center Street all of the adjacent and nearby uses are residential.****
  
- 3. Whether the property to be affected by the amendment proposal has a reasonable economic use as currently zoned; **The property is too small and oddly shaped to have any commercial or office use value. In addition Center Street is a residential street.****
  
- 4. Whether the amendment proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; **The development of the property with four (4) duplex buildings will not result in a excessive or burdensome use of the existing streets, transportation facilities, utilities or schools.****
  
- 5. Whether the amendment proposal is in conformity with the policy and intent of the Comprehensive Plan and Future Development Map; **The use of the property is in conformity in terms of use of the property. The suggested density is 4-6 dwelling units per acre. The requested density is 9 dwelling units per acre.****



6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the amendment proposal. **The Riverstone development has been stable over the last several years. The uses have been relatively stable with commercial, office and residential being the major developments. The area around Center Street has seen several new homes built in the last three to four years.**
  
7. Whether the amendment proposal will adversely affect historic buildings, sites, districts, or archaeological resources. **No historic buildings, sites, districts or archaeological resources will be impacted.**
  
8. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the Character Areas, and any Overlay Districts. **If approved the structures will go before the Canton Design Review Team for approval of the exterior appearance and materials.**

**CRITERIA TO BE APPLIED – CONDITIONAL USE PERMIT [N/A](#)**

- a. Whether the proposed use is consistent with the comprehensive plan and other adopted policies of the City;
  
- b. Whether the proposed use complies with the requirements of this zoning ordinance;
  
- c. Whether public services, public facilities and utilities are adequate to serve the proposed use;
  
- d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of:
  1. Noise, smoke, order, dust or vibration generated by the proposed use;
  
  2. Hours or manner of operation of the proposed use; and
  
  3. Traffic volumes generated by the proposed use;



- e. **Whether the proposed use would result in an over-concentration of the subject use type within the area of the proposed use;**
  
- f. **Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the comprehensive plan, the character areas, and all applicable zoning ordinance regulations; and**
  
- g. **Whether the proposed use is compatible with adjacent properties and land uses, based on consideration of the size, scale and massing of proposed buildings and the overall site design.**

#### **DEPARTMENT COMMENTS**

##### BUILDING AND SAFETY SERVICES

- BUILDING SERVICES:
  
- SAFETY SERVICES:
  
- International Building Code, 2018 Edition, with Georgia Amendments ([2020](#)), ([2022](#)), ([2024](#))
- International Residential Code, 2018 Edition, with Georgia Amendments ([2020](#)), ([2024](#))
- International Fire Code, 2018 Edition (Contact State Fire Marshal Below)
- International Plumbing Code, 2018 Edition, with Georgia Amendments ([2020](#)), ([2022](#)), ([2023](#)), ([2024](#))





- International Mechanical Code, 2018 Edition, with Georgia Amendments ([2020](#)), ([2024](#))
- International Fuel Gas Code, 2018 Edition, with Georgia Amendments ([2020](#)), ([2022](#))
- National Electrical Code, 2020 Edition, with Georgia Amendments ([2021](#))
- International Energy Conservation Code, 2015 Edition, with Georgia Supplements and Amendments ([2020](#)), ([2022](#)), ([2023](#))
- International Swimming Pool and Spa Code, 2018 Edition, with Georgia Amendments ([2020](#))

The City of Canton has an automatic sprinkler system ordinance. All multi-family residential construction (three family dwellings or more) requires an NFPA 13R automatic sprinkler system. For commercial development, any structure over 3,500 square feet shall require an NFPA 13 automatic sprinkler system.

This project may require two or more entrances based on the number of dwelling units constructed. This requirement is in the City of Canton Unified Development Code (UDC), section 109.03.12 - Development access and the 2018 International Fire Code Appendix "D".

The minimum diameter fire main size is 8". Fire hydrant placement is based on both the City of Canton UDC, section 110.02.02 (f)- Design criteria and appendix B and C of the 2018 International Fire Code which has been adopted as law in the City of Canton.

Mail Kiosks shall meet the 2010 Federal ADA standard and USPS-STD-4C. A van accessible handicap parking space and access aisle is required to serve an accessible route to the mail kiosk.

Specific 2018 IFC requirements for civil plans:

1. The 2018 International Fire Code, appendix "D" requires fire apparatus access roads not exceed 10% grade and for local Cherokee County fire apparatus requirements, access road cross grades may not exceed 5%.



2. Roads throughout the development must be at minimum made of asphalt or concrete capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.

3. Turn radiuses for all streets shall be 35' minimum for development entrances and 25' for interior streets. Proof of turning radius compliance shall be demonstrated using software analysis such as "AutoTURN" or other clearance/swept path analysis software. For tire curb clearances, bumper swing clearances or inside crimp angles, contact Cherokee County Fire & Emergency Services.

4. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided an approved area for turning around fire apparatus.

5. Aerial fire apparatus streets are required where the vertical distance between the grade plane and the highest roof surface exceeds 30'. The required width of an aerial apparatus road shall be 26' minimum and constructed as noted in note #2 above. One or more of the aerial access routes meeting the building height condition shall be located not less than 15' and not greater than 30' from the building and shall be positioned parallel to one entire side of the building. Overhead utilities and power lines shall not be located over the aerial apparatus road.

#### Conditions for Consideration

#### COMMUNITY DEVELOPMENT

The subject parcel is considered part of Pod B of the Riverstone development. Pod B was approved for commercial uses in the original approval in October of 1998. The applicant is asking to amend Pod B to permit residential uses. Specifically, he is asking for approval to construct 4 duplex buildings which will result in 8 living units. The property is .89 acres (38,768 square feet) in size. The requested number of living units on this parcel will result in a density of 9 dwelling units per acre. The Future Land Use Plan recommends residential uses be at a medium density, 4 to 6 dwelling units per acre. The FLUP does not specify what type of residential living units. Included in the staff report is the Traditional Neighborhood Redevelopment Area section of the Future Land Use Plan. This section has areas highlighted in which the proposed development is compatible with the Future Land Use Plan with the exception of the requested density.

Due to the shape of the property and access point (Center Street) it is not suited for commercial use. Additionally Center Street is a residential street and is not suited for commercial traffic.



The applicant is also requesting the required 50' buffer (where PD-MU zoned property abuts RA-6 zoned property) be reduced to a 10' buffer/setback line.

The Community Development Department recommends **approval** of this application.

Conditions for Consideration

- 1) The owner/developer shall install a eight (8) foot tall screening fence adjacent to the RA-6 zoned properties.
- 2) The requested number of living units (8) be reduced to 6. This will keep the development within the suggested dwelling units per acre as recommended by the FLUP.
- 3)

DEVELOPMENT SERVICES

Comments from Engineering:

A small portion of the project is in the Flood Plain, so it may or may not require a Flood Study depending on final design.

There is no access sewer located adjacent to the property. Sewer extensions will be at the cost of the developer/property owner.

Developer may be responsible for water line extension depending on needs of the developer. Currently there is a 6" DI line on Cross Street, larger line is nearby but will require extension.

Conditions for Consideration

POLICE DEPARTMENT

Conditions for Consideration

PUBLIC WORKS

Conditions for Consideration



UTILITY ENGINEER

[See comments from Development Services](#)

Conditions for Consideration

CHEROKEE COUNTY SCHOOL SYSTEM

Conditions for Consideration

**CHEROKEE COUNTY (AS NEEDED)**

CHEROKEE COUNTY PLANNING AND ZONING DEPARTMENT

Conditions for Consideration

CHEROKEE COUNTY ENGINEER

Conditions for Consideration

CHEROKEE COUNTY FIRE MARSHALL

Conditions for Consideration

**STAFF CONDITIONS FOR CONSIDERATION**