

**Action Requested/Required:**

- ☐ Vote/Action Requested
☐ Discussion or Presentation Only
☒ Public Hearing
Report Date: 7/27/26
Hearing Date: 8/6/26
Voting Date: 9/3/26

Department: Community Development**Presenter(s) & Title:** Jakob AllenCity Planner**Agenda Item Title:**

Public Hearing for Cases CUP2605-008, RZON2605-009 and VAR2607-003 - Request to Rezone + / - 0.741 Acres Located at 109 Railroad Street from L-I to CBD, Conditional Use Permit Request to Operate a Religious Facility and Concurrent Variance Request to UDC 104.03.18.A and UDC 104.03.18.C

Summary:

Dana Mallet has filed rezoning, conditional use permit and concurrent variance requests for the property located at 109 Railroad Street. The Applicant seeks to rezone the property from L-I to CBD and to acquire a conditional use permit to operate a religious facility. The Applicant also seeks to vary 1) UDC 104.03.18.A to reduce religious facility building setbacks from streets and property lines from 50' to 0' and 2) UDC 104.03.18.C to reduce outdoor activity / recreational areas setbacks from residentially used properties from 75' to 0' and to eliminate outdoor lighting restrictions.

Budget Implications:Budgeted? ☐ Yes ☐ No ☒ N/ATotal Cost of Project: Check if Estimated ☐Fund Source: General Fund ☐ Water & Sewer ☐ Sales Tax ☐ Other: **Staff Recommendations:**

A staff recommendation will be provided at the action meeting on September 3, 2026.

Reviews:Has this been reviewed by Management and Legal Counsel, if required? ☐ Yes ☐ No**Attachments:**

- 1) Staff report
2) Applications
3) Letters of intent
4) Site plan
5) Public hearing notice



PLANNING & ZONING STAFF REPORT

July 27, 2026

Case Numbers:	CUP2605-008, RZON2605-009 and VAR2607-003
Applicant:	Dana Mallett
Property Address:	109 Railroad Street Canton, GA 30114
Council Ward:	Ward 2 – Roach / Tolan
Parcel Number:	14N17 025 (14-0167-0094)
Current Zoning:	L-I (Light Industrial)
Character Area / Future Land Use:	Downtown / Urban Center
Acreage:	+ / - 0.741 acres
Proposed Use:	Religious facility on the first floor with office space on the second floor

REQUEST

The Applicant is seeking to rezone the property at 109 Railroad Street from L-I (Light Industrial) to CBD (Central Business District) and requests a conditional use permit to operate a religious facility on the existing building's first floor with office space on the second floor. The Applicant also seeks a concurrent variance to:

- UDC 104.03.18.A, which states that "buildings shall be located not less than 50 feet from any street and not less than 50 feet from all property lines." The Applicant seeks to reduce these setbacks to zero feet.
- UDC 104.03.18.C, which requires that "outdoor activity or recreational areas shall be no closer than 75 feet from any property zoned or used for residential purposes. Outdoor lighting shall be directed and shielded to avoid illumination of properties used or zoned for residential purposes and shall be turned off not later than 9:00 p.m." The Applicant seeks to reduce these setbacks to zero feet and to eliminate the lighting restrictions.

SITE

The subject property is located along Railroad Street within the City of Canton's Historic District. It is currently zoned L-I (Light Industrial) and has a Downtown / Urban Center character area / future land use per the City of Canton Comprehensive Plan. Please note that a GIS map error

shows this property with the PD-MU (Planned Development – Mixed Use) zoning. This + / - 0.741-acre site consists of a single building home to a custom furniture business.

SURROUNDING USES

North	Indoor games facility	PD-MU
South	Commercial / office	PD-MU
East	Commercial / office	SU
West	Multiple-family dwelling	PD-MU

CONDITIONAL USE PERMIT CRITERIA

Consider the following criteria for conditional use permit requests:

- 1) Whether the proposed conditional use complies with the regulations of the applicable standards in the City of Canton Unified Development Code and the City of Canton Comprehensive Plan.
Per the City of Canton Comprehensive Plan, parks, recreation and other gathering areas are compatible land uses in the Downtown / Urban Center character area. The City of Canton Unified Development Code categorizes religious facilities as a type of public assembly and recreation use.
- 2) Whether the proposed conditional use conforms to the character of the neighborhood within the same zoning district in which it is located.
The subject property is surrounded on three sides by the mixed-use development the Mill on Etowah. Its list of approved uses includes religious facilities.
- 3) Whether adequate measures will be taken to provide ingress and egress so as to minimize traffic hazards and traffic congestion on public roads.
The proposed use is active fewer days during the week compared to the current use and will utilize existing commercial entrances on a day when other businesses are often closed or have shortened hours of operation. No entrance improvements are planned at this time.
- 4) Whether the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
The proposal is less use-intensive than the permitted uses under the L-I (Light Industrial) zoning district and is not anticipated to be a nuisance.
- 5) Whether the proposed use will not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
There are existing religious facilities near the subject property, both within the Mill on Etowah and within Downtown Canton. As such, the proposed use is not anticipated to impact the enjoyment of others and their property.
- 6) Whether the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
The proposed use is conditionally permitted in the CBD (Central Business District) zoning district. The surrounding properties are developed and occupied.
- 7) Whether the establishment, maintenance or operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
The proposal is consistent with the surrounding properties and uses and is not anticipated to endanger the public health, safety, morals, comfort or general welfare.

- 8) Whether the public interest and welfare supporting the proposed use will be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.
The proposed use is consistent with the surrounding properties and uses and is not anticipated to be detrimental to the individual interests of others.

REZONING CRITERIA

Consider the following criteria for rezoning requests:

- 1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
Religious facilities are conditionally allowed in all zoning districts except for MHP (Manufactured Home Park) and are also a permitted use per the master plan for the Mill on Etowah, which surrounds the subject property.
- 2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
Rezoning from L-I (Light Industrial) to CBD (Central Business District) will result in a less-intensive zoning for the subject property. There are no anticipated adverse effects on adjacent properties.
- 3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
The areas surrounding the subject property have experienced rezonings away from the former industrial nature of the area. This shift indicates a transition towards pedestrian-focused zonings and uses. The proposed rezoning aligns with this trend.
- 4) Whether the zoning 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 proposed use is active fewer days during the week compared to the current use and will utilize existing commercial entrances on a day when other businesses are often closed or have shortened hours of operation. No entrance improvements are planned at this time.
- 5) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan and future development map.
The subject property is located within the Downtown / Urban Center character area, which allows parks, recreation and other gathering areas. The proposed religious facility is classified as a public assembly and recreation use per the City of Canton Unified Development Code and conforms to the policy and intent of the City of Canton Comprehensive Plan.
- 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 zoning proposal.
The surrounding area's recent transition to a pedestrian-oriented, mixed-use development suggests a general land-use trend for the subject property's area.
- 7) Whether the zoning proposal will adversely affect historic buildings, site, districts or archaeological resources.
The proposal is solely a change in zoning and use with an interior scope of work. There are no projected adverse effects on the building, site, district or archaeological resources. Any future, material changes in appearance to the building's exterior will require a Certificate of Appropriateness (COA) from the City of Canton's Historic Preservation Commission (HPC).

- 8) Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the City of Canton Comprehensive Plan, the character area and any overlay districts.

There are no proposed exterior changes to the existing building on-site. Any future, material changes in appearance to the building's exterior will require a Certificate of Appropriateness (COA) from the City of Canton's Historic Preservation Commission (HPC).

VARIANCE CRITERIA

Consider the following criteria for variance requests:

- 1) The granting of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements.
- 2) The variance request is based on conditions that are a) unique to the subject property and b) not generally applicable to other properties in the same zoning district.
- 3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of the City of Canton Unified Development Code would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners.
- 4) The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations of other similarly situated properties.
- 5) The literal interpretation and strict application of the applicable provisions or requirements of the City of Canton Unified Development Code would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience.
- 6) The requested variance would be consistent with the spirit and purpose of the City of Canton Unified Development Code and the City of Canton Comprehensive Plan.

DEPARTMENT COMMENTS

Fire:

The change of occupancy will require a full life safety review, including occupant load determination; means of egress evaluation; exit capacity analysis; emergency lighting; fire alarm system; exit door panic hardware additions; and any required fire protection system upgrades or modifications to the existing automatic sprinkler system.

Accessibility compliance will also be evaluated as part of this change, including accessible parking.

Since this building exceeds 12,000 sq. ft., it will be evaluated and tested for Emergency Responder Radio Coverage Signal (ERRCS). Should it fail, it may require a distributed antenna system (DAS) or other engineered solution.

Planning and Zoning:

This property is located within the City of Canton's Historic District. Any future, material change in appearance will require a Certificate of Appropriateness (COA).

The Applicant held their community input meeting on Tuesday, July 7, 2026. No citizens were in attendance.

RECOMMENDATION

Staff will provide a recommendation at the action meeting on September 3, 2026.



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

PUBLIC HEARING APPLICATION

Project #(s):

AIM6C1

CUP2605-008

This Application is for:

- | | |
|---|---|
| ☐ A Annexation | ☐ I Temporary Use Permit |
| ☐ B Rezoning | ☐ J Zoning Ordinance Text Amendment |
| ☐ C Master Plans | |
| ☐ D Master Plan Amendment | |
| ☒ E Conditional Use Permit | ☐ Appeal |
| ☐ F Land Use Modification | ☐ Adjustment |
| ☐ G Zoning Condition Amendment | ☐ Special Exception |
| ☐ H Density Transfer within Master Plan | |

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State **N/A**, where Not Applicable.
2. If you are not paying online, please make your check payable to "**City of Canton.**"
3. If you have questions regarding this form, please contact the Community Development Department by calling (770) 704-1500.

Applicant Information:

Name: Dana Mallett
Address: 225 Reformation Pkwy
Canton, GA 30114
City: _____
State: _____ ZIP Code: _____
Telephone: 404-788-6146
Email Address: dana@mxiep.org

Owner Information:

Name: Meadows Station Partners, LLC
Address: 225 Reformation Pkwy
Canton, GA 30114
City: _____
State: _____ ZIP Code: _____
Telephone: 404-788-6146
Email Address: dana@mxiep.org

I, Dana Mallett, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in the Application for Public Hearing is true and correct and contains no misleading information. I, Dana Mallett, have received and thoroughly read the Public Hearing Procedures.

This 1st day of June, 20 26.

Applicant Signature:

Dana Mallett

Print Name:

Dana Mallett



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

AUTHORIZATION OF OWNER AND APPLICANT

Project #(s):

ALM6C1

CUP2605-008

This form is to be executed under oath. I, Penn Hodge, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 18 day of June, 20 26.

Owner Signature: [Signature] Print Name: Penn Hodge

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton and do hereby authorize the following person named below to act as Applicant in the pursuit of a request for:

This Application is for:

- | | |
|--|--|
| ☐ A Annexation | ☐ I Temporary Use Permit |
| ☐ B Rezoning | ☐ J Zoning Ordinance Text Amendment |
| ☐ C Master Plans | |
| ☐ D Master Plan Amendment | ☐ Appeal |
| ☒ E Conditional Use Permit | ☐ Adjustment |
| ☐ F Land Use Modification | ☐ Special Exception |
| ☐ G Zoning Condition Amendment | |
| ☐ H Density Transfer within Master Plan | |

Name of Authorized Applicant: Dana Mallett

Signature: [Signature]

Mailing Address: 225 Refarmation Pkwy

City: Canton

State: GA Zip Code: 30114

Telephone: 404-788-6146

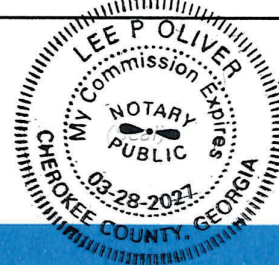
E-mail: dana.e.moriepg.com

Applicant Status:

- ☒ Owner
☐ Option to Purchase
☐ Leasee
☐ Area Resident
☐ Other (Explain): _____

This Authorization of Owner and Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 1st Day Of June, 20 26.

Notary Signature: [Signature]





Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

DISCLOSURE FORM

Project #(s):

Al Mallett

CUP2605-008

O.C.G.A. § 36-67A-2 / O.C.G.A. § 36-67A-3 requires disclosure of campaign contributions to government officials by an Applicant or opponent of a Public Hearing petition. Applicants must file this form with the Department of Community Development. Please complete a separate form for each authorized Applicant.

Name of Applicant/Opponent:

Dana Mallett

Section 1

If the answer to any of the following questions is "Yes," complete Section 2.

- A) Are you, or anyone else with a property interest in the subject property, a member of the City of Canton Mayor and City Council?
☐ YES ☒ NO
- B) Does an official of such public bodies have any financial interest in any business entity which has a property interest in the subject property?
☐ YES ☒ NO
- C) Does a member of the family of such officials have an interest in the subject property as described in (A) and (B)?
☐ YES ☒ NO
- D) Within Two (2) years of immediately preceding this application have you made campaign contributions(s) or given gifts to such public officials aggregating \$250 or more?
☐ YES ☒ NO

Section 2

- Name and the official position of the Canton Official to whom the campaign contribution was made **(Please use a separate form for each official to whom a contribution has been made in the past (2) years):**
- List the dollar amount/value and description of each campaign contribution made over the past two (2) years by the Applicant/Opponent to the named Canton Official:

\$	
\$	
\$	

Description



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

PROPERTY INFORMATION

Project #(s):

QFLJAJ

CUP2605-008

Address: 109 Railroad Street

Land Lot(s): 167 District: 14th Section: 2nd Parcel ID(s)

Existing Zoning Of Property: LI ☒ City ☐ County Total Acreage Of Property: 0.74

Proposed Zoning Of Property: CBD Existing Use(s) Of Property: Warehouse

ADJACENT PROPERTY/OWNER INFORMATION:

Please provide the following information for all adjacent properties, including property connected by public rights-of-way. Attach additional sheets as necessary.

	OWNER NAME AND ADDRESS/PARCEL ID	CURRENT ZONING	CURRENT LAND USE
NORTH	Canton Mill Venture, LLC	PD	Retail
SOUTH	Canton Mill Venture, LLC	PD	Retail
EAST			
WEST	Distinction Eblan, LLC	PD	multifamily
OTHER			
OTHER			
OTHER			

UTILITY INFORMATION:

How is sewage from this development to be managed? Existing

Proposed managing jurisdiction: City

How will water be provided to the site? Existing

Proposed managing jurisdiction: City Size Limit:



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

PUBLIC SCHOOL INFORMATION

Project #(s):

A1MGC1

CUP2605-008

PUBLIC SCHOOL POLICY STATEMENT:

"The Mayor and Council of the City of Canton hereby recognize that growth and development can, at times, have an effect on school capacity within the county and therefore recognize the need to share information on developments that have regional impact. In an effort to cooperate with the Cherokee County School [District] and share information on residential rezoning requests, master plan applications, and land use modifications to the comprehensive land use plan, the Mayor and Council hereby encourage open dialogue and meeting between the Applicant and the appropriate school board representative." (105.10.04)

- **Developers whose projects consist of 25 or more residential units shall contact the Cherokee County School District and communicate with a school board representative to discuss their intent.**
- **This communication between the Applicant and the school board should take place, at a minimum, prior to the Informational Item meeting in Month Two (see Pages iii and iv).**
- The Applicant should be prepared to address such communication if requested by the Mayor and Council at the meeting in which final action is to be taken.

The current Cherokee County School District contact regarding any potential mitigation required for this application and proposal is:

Mitch Hamilton
Director of Planning, Facilities, and Compliance
200 Mountain Brook Court
Canton, GA 30115
(770) 721-8429
mitch.hamilton@cherokeek12.net

N/A

ZONED SCHOOLS: (circle one each)

<u>HIGH:</u>	CHEROKEE	CREEKVIEW	ETOWAH	SEQUOYAH
<u>MIDDLE:</u>	CREEKLAND	DEAN RUSK	FREEDOM	TEASLEY
<u>ELEMENTARY:</u>	AVERY	BALL GROUND	CLAYTON	HASTY
	INDIAN KNOLL	KNOX	R.M. MOORE	SIXES



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

REVIEW CRITERIA

Project #(s):

ALM6CI

CUP2605-008

How will this proposal be compatible with surrounding properties? this property is surrounded by retail uses on 2 sides by the same owner & will further improve economic development of this corridor with retail & office use adj. to the mill.

How will this proposal affect the use and value of surrounding properties? increase with retail and office uses instead of woodworking & manufacturing

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

N/A - applying for conditional use permit

What would be the increase to population and traffic if the proposal were approved? traffic will increase minimally on sundays

What would be the impact to schools and utilities if the proposal were approved? No impact to school. Water/sewer usage would be increased minimally, primarily on sundays

How is the proposal consistent with the Comprehensive Plan and the Future Land Use Map?

see addtl answers

How is the proposal consistent with the City of Canton Roadmap of Success?

see addtl answers

Are there existing or changing conditions which affect the development of the property and support the proposed request?

will need to work with the city on the trail connection from west main through the north side of the property - site plan/parking improvements

(These criteria should additionally be addressed in the required Letter of Intent.)

Notes about Survey:

Our surveyor is separating this parcel on its own survey boundary drawing- will upload it as soon as we receive it. It's all combined with Canton Mill Venture, LLC right now, as we closed on all the parcels at the same time in 2018.

Additional response to Review Criteria questions.

How is the proposal consistent with the Comprehensive plan and Future Land Use Map?

The proposed conditional use for a church at 109 Railroad Street is consistent with the goals and policies of the Canton 2045 Comprehensive Plan. The Comprehensive Plan encourages reinvestment in existing developed areas, adaptive reuse of existing structures, and the creation of destinations that strengthen community connections and enhance quality of life. The proposed use advances these objectives by activating an existing building with a community-oriented use that serves residents throughout the week.

How is the proposal consistent with the City of Canton Roadmap of Success?

The proposed conditional use for a church at 109 Railroad Street is consistent with the City of Canton's Roadmap for Success and its vision for creating a vibrant, connected, and inclusive community. The church will contribute to the City's goal of Creating Great Neighborhoods by providing a gathering place that fosters community engagement, relationships, volunteerism, and civic involvement.

In addition, the church represents an investment in an existing commercial building and supports the City's goal of Advancing Regional Economic Success through the productive reuse of an existing structure. The continued occupancy and maintenance of the property will contribute to the long-term vitality of the surrounding area while encouraging activity and investment within an established commercial corridor.

-Dana



City Council - City of Canton
110 Academy Street
Canton, GA 30114

May 27, 2026

RE: Letter of Intent – 109 Railroad Street (Main Level)

Dear City Council,

We are excited about the opportunity for Local Church Canton (LCC) relocate into the main level of 109 Railroad Street.

Since our launch in October 2020, LCC has been deeply connected to The Mill and Downtown Canton community. We have been grateful not only to serve in this area through ministry, but also to actively participate in the life and growth of this remarkable community. Downtown Canton has truly become home to our church.

Over the past six years, LCC has experienced significant growth. What began as a church of approximately 50 people has grown to nearly 450. As a result, we are outgrowing our current space at The Mill and have been preparing for the possibility that we may eventually need to leave the downtown area.

Because of our strong connection and sense of calling to this community, the opportunity to remain downtown while also creating space to welcome more people feels incredibly meaningful to us.

Our primary intent for this space is to use it as a church facility. At the same time, we hope to continue finding ways for the space to serve and benefit the broader downtown community throughout the week. While we are still discerning exactly what that will look like, we are committed to ensuring the space contributes positively to the continued growth, connection, and vitality that make Downtown Canton so unique.

Thank you for your consideration and for the ways you continue to serve our city and community.

Sincerely,

Leonard Akers - Associate Pastor



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

PUBLIC HEARING APPLICATION

Project #(s):

QFLJAJ

RZON2605-009

This Application is for:

- | | |
|--|--|
| ☐ A Annexation | ☐ I Temporary Use Permit |
| ☒ B Rezoning | ☐ J Zoning Ordinance Text Amendment |
| ☐ C Master Plans | ☐ Appeal |
| ☐ D Master Plan Amendment | ☐ Adjustment |
| ☐ E Conditional Use Permit | ☐ Special Exception |
| ☐ F Land Use Modification | |
| ☐ G Zoning Condition Amendment | |
| ☐ H Density Transfer within Master Plan | |

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State **N/A**, where Not Applicable.
2. If you are not paying online, please make your check payable to "**City of Canton.**"
3. If you have questions regarding this form, please contact the Community Development Department by calling (770) 704-1500.

Applicant Information:

Name: Dana Mallett
Address: 225 Reformation Pkwy
City: Canton
State: GA ZIP Code: 30114
Telephone: 404-788-6146
Email Address: dana@morepg.com

Owner Information:

Name: Meadows Station Partners, LLC
Address: 225 Reformation Pkwy
City: Canton
State: GA ZIP Code: 30114
Telephone: 404-788-6146
Email Address: _____

I, Dana Mallett, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in the Application for Public Hearing is true and correct and contains no misleading information. I, Dana Mallett, have received and thoroughly read the Public Hearing Procedures.

This 1st day of June, 2020.

Applicant Signature:

Dana Mallett

Print Name:

Dana Mallett



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

AUTHORIZATION OF OWNER AND APPLICANT

Project #(s):

QFLJAT

RZON2605-009

This form is to be executed under oath. I, Penn Hodge, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 1st day of June, 20 26.

Owner Signature: [Signature]

Print Name: Penn Hodge

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton and do hereby authorize the following person named below to act as Applicant in the pursuit of a request for:

This Application is for:

- | | |
|--|--|
| ☐ A Annexation | ☐ I Temporary Use Permit |
| ☒ B Rezoning | ☐ J Zoning Ordinance Text Amendment |
| ☐ C Master Plans | ☐ Appeal |
| ☐ D Master Plan Amendment | ☐ Adjustment |
| ☐ E Conditional Use Permit | ☐ Special Exception |
| ☐ F Land Use Modification | |
| ☐ G Zoning Condition Amendment | |
| ☐ H Density Transfer within Master Plan | |

Name of Authorized Applicant: Dana Mallett

Signature: [Signature]

Mailing Address: 225 Reformation Pkwy

Suite 200

City: Canton

State: GA

Zip Code: 30114

Telephone: 404-788-6146

E-mail: dana@maxiepg.com

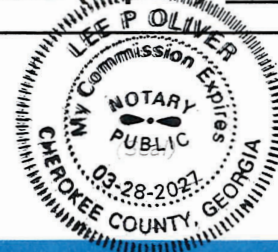
Applicant Status:

- ☒ Owner
☐ Option to Purchase
☐ Leasee
☐ Area Resident
☐ Other (Explain): _____

This Authorization of Owner and Applicant Form has been completed and the property owner's signature is

Sworn To and Subscribed Before Me This 1st
Day Of June, 20 26.

Notary Signature: [Signature]





Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

DISCLOSURE FORM

Project #(s):

QFLJAJ RZON2605-009

O.C.G.A. § 36-67A-2 / O.C.G.A. § 36-67A-3 requires disclosure of campaign contributions to government officials by an Applicant or opponent of a Public Hearing petition. Applicants must file this form with the Department of Community Development. Please complete a separate form for each authorized Applicant.

Name of Applicant/Opponent: Dana Mallett

Section 1

If the answer to any of the following questions is "Yes," complete Section 2.

- A) Are you, or anyone else with a property interest in the subject property, a member of the City of Canton Mayor and City Council?
☐ YES ☒ NO
- B) Does an official of such public bodies have any financial interest in any business entity which has a property interest in the subject property?
☐ YES ☒ NO
- C) Does a member of the family of such officials have an interest in the subject property as described in (A) and (B)?
☐ YES ☒ NO
- D) Within Two (2) years of immediately preceding this application have you made campaign contributions(s) or given gifts to such public officials aggregating \$250 or more?
☐ YES ☒ NO

Section 2

- Name and the official position of the Canton Official to whom the campaign contribution was made **(Please use a separate form for each official to whom a contribution has been made in the past (2) years):**
- List the dollar amount/value and description of each campaign contribution made over the past two (2) years by the Applicant/Opponent to the named Canton Official:

\$	
\$	
\$	

Description



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

PROPERTY INFORMATION

Project #(s):

QFLJAJ

RZON2605-009

Address: 109 Railroad Street

Land Lot(s): 167 District: 14th Section: 2nd Parcel ID(s)

Existing Zoning Of Property: LI ☒ City ☐ County Total Acreage Of Property: 0.74

Proposed Zoning Of Property: CBD Existing Use(s) Of Property: Warehouse

ADJACENT PROPERTY/OWNER INFORMATION:

Please provide the following information for all adjacent properties, including property connected by public rights-of-way. Attach additional sheets as necessary.

	OWNER NAME AND ADDRESS/PARCEL ID	CURRENT ZONING	CURRENT LAND USE
NORTH	Canton Mill Venture, LLC	PD	Retail
SOUTH	Canton Mill Venture, LLC	PD	Retail
EAST			
WEST	Distinction Eblan, LLC	PD	multifamily
OTHER			
OTHER			
OTHER			

UTILITY INFORMATION:

How is sewage from this development to be managed? Existing

Proposed managing jurisdiction: City

How will water be provided to the site? Existing

Proposed managing jurisdiction: City Size Limit:



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

PUBLIC SCHOOL INFORMATION

Project #(s):

RZON2605-009

PUBLIC SCHOOL POLICY STATEMENT:

"The Mayor and Council of the City of Canton hereby recognize that growth and development can, at times, have an effect on school capacity within the county and therefore recognize the need to share information on developments that have regional impact. In an effort to cooperate with the Cherokee County School [District] and share information on residential rezoning requests, master plan applications, and land use modifications to the comprehensive land use plan, the Mayor and Council hereby encourage open dialogue and meeting between the Applicant and the appropriate school board representative." (105.10.04)

- **Developers whose projects consist of 25 or more residential units shall contact the Cherokee County School District and communicate with a school board representative to discuss their intent.**
- **This communication between the Applicant and the school board should take place, at a minimum, prior to the Informational Item meeting in Month Two (see Pages iii and iv).**
- The Applicant should be prepared to address such communication if requested by the Mayor and Council at the meeting in which final action is to be taken.

The current Cherokee County School District contact regarding any potential mitigation required for this application and proposal is:

Mitch Hamilton
Director of Planning, Facilities, and Compliance
200 Mountain Brook Court
Canton, GA 30115
(770) 721-8429
mitch.hamilton@cherokeek12.net

N/A

ZONED SCHOOLS: (circle one each)

<u>HIGH:</u>	CHEROKEE	CREEKVIEW	ETOWAH	SEQUOYAH
<u>MIDDLE:</u>	CREEKLAND	DEAN RUSK	FREEDOM	TEASLEY
<u>ELEMENTARY:</u>	AVERY	BALL GROUND	CLAYTON	HASTY
	INDIAN KNOLL	KNOX	R.M. MOORE	SIXES



Community Development Department
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REVIEW CRITERIA

Project #(s):

QFLJAJ RZON2605-009

How will this proposal be compatible with surrounding properties? Surrounding properties are already mixed uses of retail, multifamily, and office. This will allow the whole corridor to be consistent.

How will this proposal affect the use and value of surrounding properties? Increase value with higher uses of retail and office

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

No, light industrial doesn't allow reasonable redevelopment that fits w/ the surrounding area and properties that Applicant manages

What would be the increase to population and traffic if the proposal were approved? Minimal traffic impact; would include more on Sundays for church

What would be the impact to schools and utilities if the proposal were approved? None

How is the proposal consistent with the Comprehensive Plan and the Future Land Use Map? See addtl pages

How is the proposal consistent with the City of Canton Roadmap of Success? See addtl pages

Are there existing or changing conditions which affect the development of the property and support the proposed request? n/A

(These criteria should additionally be addressed in the required Letter of Intent.)



June 1st, 2026

To Whom It May Concern:

The Applicant requests the rezoning of the property located at 109 Railroad Street from Light Industrial (LI) to Central Business District (CBD). The purpose of the request is to allow the continued transition of the surrounding area from historic industrial and warehouse uses into a cohesive mixed-use district consisting of retail, office, restaurant, entertainment, and community-oriented uses.

The subject property is an existing warehouse building located on 0.74 acres within the broader "The Mill on Etowah" development area, where the Applicant owns and operates many of the surrounding properties. Over the past several years, the area has evolved significantly through substantial public and private investment, transforming former industrial properties into an active mixed-use destination that serves residents and visitors alike. As redevelopment has occurred, the existing Light Industrial zoning designation on the subject property has become inconsistent with the character and development pattern of the surrounding area.

There will be no new structures built, only rehab and upfit of the existing 32,000 SF, 2 story building with a proposed church on the first floor and office or retail use on the second floor.

The proposed rezoning and associated uses are not anticipated to create any significant adverse traffic impacts on the surrounding roadway network. The Applicant currently owns, leases, and manages numerous retail, restaurant, office, and mixed-use properties along Railroad Street and within the Mill on Etowah district, and the proposed uses are consistent in character and intensity with the existing activity patterns already present in the area. The proposed church tenant is expected to generate the majority of its activity during weekends, particularly Sundays, when surrounding office and commercial traffic is reduced. In addition, the proposed second-floor office use is expected to operate similarly to existing office tenants located at 141 Railroad Street and other nearby commercial properties. The site will continue utilizing existing parking resources located on both sides of the building, which have historically accommodated similar mixed-use activity in the district. In addition, the City's planned West Main Corridor improvements, including the addition of a three-way traffic stop at the entrance to the parking area, are expected to improve traffic flow, access, and overall vehicular safety in the immediate vicinity of the property.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dana Mallett", with a long horizontal flourish extending to the right.

Dana Cox Mallett
Director of Development, Moxie Property Group
As agent for Meadows Station Partners, LLC



Community Development Department
110 Academy Street, Canton, Georgia 30114
770-704-1500

VARIANCE APPLICATION

Project # VAR2607-003

1. **Application Requirements:** All applications must be complete and include required support materials (listed on the reverse side of this application form). Incomplete applications will not be forwarded to the Canton Board of Appeals (BOA) for review. Applications shall be submitted through the City's online permitting portal system found here: <https://canton.onlama.com/>. Two (2) paper copies should also be furnished to the Community Development Department.
2. **Pre-Submittal Meeting:** A Pre-Submittal Meeting with Community Development Staff must be scheduled by the Applicant prior to submittal of the application.
3. **Application Deadline:** Applications and support materials must be submitted by the last Monday of the month, subject to change based on City Holidays. Please refer to the schedule listed on the reverse side of this application form for deadlines and meetings.
4. **Application Representation:** The Applicant or authorized representative of the Applicant must be present at the Public Hearing to support the application.
5. **Building Permit Requirements:** If a previously submitted building permit is being held pending variance action, the building permit will only be issued upon submittal of an action letter confirming variance approval.
6. **Perpetuity:** Unless otherwise conditioned by the Canton Board of Appeals or Mayor and City Council, an approved variance is held in perpetuity with the subject property so long as the property remains in its current configuration. Future modification to the subject property as a result of assemblage or subdivision may possibly deem an approved variance null and void.
7. **Adjacent Property Notification:** Applicants are required to notify adjacent property owners of the proposed variance as required by the City of Canton Unified Development Code Section 105.10.03. Such notification shall be forwarded to all contiguous property owners and their respective homeowner's association utilizing the City of Canton formatted notification letter located in this Application. Applicants should furnish a copy of each forwarded notification letter and one copy of a certified Certificate of Mailing from the United States Postal Service to the Community Development Department no later than fifteen (15) days prior to the Public Hearing meeting.
8. **Extension and Withdrawal:** The Applicant is allowed two (2) requests for extensions beyond the scheduled Public Hearing. If the request for extension is received after the Notice of Public Hearing is published, a \$500.00 readvertising fee will be assessed for each extension. An application may be withdrawn without prejudice (no waiting time to re-file) at any time prior to the Public Hearing. A request for withdrawal without prejudice must be made in writing.
9. **Appeal:** Any party aggrieved by any decision of the Board of Appeals may appeal the decision by submitting a Letter of Appeal to the Community Development Department no later than ten (10) days after the Board of Appeals decision has been rendered. The City Council will determine whether or not to hear the appeal, and if heard, will act accordingly on the appeal. Please refer to Section 105.14.02 of the Unified Development Code for more details regarding the appeals process. Any aggrieved party of the decision of the City Council may appeal the final decision to the Cherokee County Superior Court via writ of certiorari, submitted within thirty (30) days of the final decision.

If there are any questions about the Variance application process, procedures, or policies, please contact the Community Development Department at (770) 704-1559.

BY SIGNING BELOW, I ACKNOWLEDGE THAT I HAVE FULLY READ AND UNDERSTAND THE ABOVE POLICIES AND PROCEDURES OF SUBMITTING A VARIANCE APPLICATION WITH THE CITY OF CANTON.

X 
APPLICANT SIGNATURE

X Dana Cox Mallett
PRINT NAME



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

VARIANCE PUBLIC HEARING APPLICATION

Project #(s):

VAR2607-003

This Application is for a:

☐ Pre-Construction Variance

☒ Post-Construction Variance

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State **N/A**, where Not Applicable.
2. If you are not paying online, please make your check payable to "**City of Canton.**"
3. If you have questions regarding this form, please contact the Community Development Department by calling (770) 704-1559.

Applicant Information:

Name: Dana Cox Mallett
Address: 225 Reformation Pkwy
Suite 200
City: Canton
State: GA ZIP Code: 30114
Telephone: 404-788-6146
Email Address: dana@maxiepg.com

Owner Information:

Name: Meadows Station Partners, LLC
Address: 225 Reformation Pkwy
Suite 200
City: Canton
State: GA ZIP Code: 30114
Telephone: 678-742-9950
Email Address: pennhodge@gmail.com

I, Dana Cox Mallett, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in the Variance Application is true and correct and contains no misleading information. I, Dana Cox Mallett, have received and thoroughly read the Public Hearing Procedures.

This 8th day of July, 2026.

Applicant Signature:

Dana Cox Mallett

Print Name:

Dana Cox Mallett



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

AUTHORIZATION OF OWNER AND APPLICANT

Project #(s):

VAR2607-003

This form is to be executed under oath. I, D. Pendleton Hodge, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 8th day of July, 20 20.

Owner Signature: [Signature]

Print Name: D. Pendleton Hodge

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton and do hereby authorize the following person named below to act as Applicant in the pursuit of a request for a:

☐ Pre-Construction Variance

☒ Post-Construction Variance

Authorized Applicant Name:

Dana Cox Mallett

Signature:

[Signature]

Mailing Address:

225 Reformation Pkwy

City: Canton

State + ZIP: GA 30114

Email: danae.mallett@city-cm

Telephone: 404-788-6146

Applicant Status:

- ☒ Owner
☐ Option to Purchase
☐ Lessee
☐ Area Resident
☐ Other (explain: _____)

This Authorization of Owner and Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 8th Day Of July, 20 20.

Notary Signature: [Signature]





Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

PROPERTY INFORMATION

Project #:

VAR2607-003

Address(es):

109 Railroad Street

Land Lot(s): 167 District: 14th Section: 2nd Parcel ID(s): 14N17025

Existing Zoning Of Property: L1 ☐ City ☐ County Total Acreage Of Property: 0.74

Existing Use(s) Of Property: Storage / Warehouse

ADJACENT PROPERTY/OWNER INFORMATION:

Please provide the following information for all adjacent properties, including property connected by public rights-of-way. Attach additional sheets as necessary.

	OWNER NAME AND ADDRESS/PARCEL ID	CURRENT ZONING	CURRENT LAND USE
NORTH	Canton Mill Venture	PUD	Retail
SOUTH	Canton Mill Venture	PUD	Retail
EAST	Cherokee Co. Water & Sewerage		office
WEST	District on the Etowah	PUD	Multifamily
OTHER			
OTHER			
OTHER			

Ordinance section(s) for which a variance is requested: 104.03.18A & 104.03.18.C

Please explain the reasoning for the requested variance:

These sections restrict a religious facility to be allowed on ~~on property~~ ^{in buildings} that aren't 50' from the property line. This historic building is closer than 50'. Local Church Canton is looking to occupy 50% of the building.

(This should additionally be addressed in the required Letter of Intent)



Community Development Department
110 Academy Street, Canton, GA 30114
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VARIANCE REVIEW CRITERIA

Project #:

VAR2607-003

Are there any extraordinary or exceptional conditions pertaining to the subject property because of its size, shape, or topography? NO

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Yes, we couldn't lease the property to an existing Downtown Canton religious facility

Does a literal interpretation of the Zoning code deprive the Applicant of any rights that others in the same district are allowed? NO

Has the condition from which relief or variance is sought been a result from action by the Applicant? NO! Built in 1920

Are there conditions peculiar to the subject property? Historic property build against the property lines in 1920

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Specifically, would the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare or the inhabitants or the City? NO

(These criteria should additionally be addressed in the required Letter of Intent.)



June 1st, 2026

To Whom It May Concern:

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We are also seeking a variances to:

- *UDC 104.03.18 A. [For religious facilities] Buildings shall be located not less than 50 feet from any street and not less than 50 feet from all property lines.*
- *UDC 104.03.18 C. [For religious facilities] Outdoor activity or recreational areas shall be no closer than 75 feet from any property zoned or used for residential purposes. Outdoor lighting shall be directed and shielded to avoid illumination of properties used or zoned for residential purposes and shall be turned off not later than 9:00 p.m.*

This property was built in 1920 and operated as Canton Wholesale Company and is much closer to the property lines than required.

The subject property is an existing warehouse building located on 0.74 acres within the broader "The Mill on Etowah" development area, where the Applicant owns and operates many of the surrounding properties. Over the past several years, the area has evolved significantly through substantial public and private investment, transforming former industrial properties into an active mixed-use destination that serves residents and visitors alike. As redevelopment has occurred, the existing Light Industrial zoning designation on the subject property has become inconsistent with the character and development pattern of the surrounding area.

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Thank you for your consideration.

Sincerely,

Dana Cox Mallett
Director of Development, Moxie Property Group
As agent for Meadows Station Partners, LLC

[illegible]

[illegible][illegible]

PROJECT INFORMATION	
PROJECT NAME	LOCAL CHURCH CANTON BUILDING RENOVATION
PROJECT ADDRESS	THE MILL ON STOWMAN, 109 RAILROAD STREET, CANTON, GA 30116
CHURCH NUMBER	CHEROKEE COUNTY GA # 1617029
OWNER NAME	SEACON'S STATION PARTNERS LLC
LAND SIZE	0.76 ACRES
ZONING / LEGAL	U1 / L1 167 147 147H D

PUBLIC HEARING NOTICE

The City of Canton shall hold
a public hearing concerning this property

TYPE: Rezoning, Conditional Use, Variance

CASE #: RZON2605-009, CUP2605-008

DATE: 8/6/2026 TIME: 6:00 PM

DATE: _____ TIME: _____

REQUEST: Rezone +/- 0.74 acres
from L-1 to GBD and condi-
tional use permit request to operate
a religious facility. Concurrent Variance
to reduce setbacks and to remove
restrictions on outdoor lighting.

THE PUBLIC HEARING WILL BE HELD AT CANTON CITY HALL,
110 ACADEMY STREET, CANTON, GEORGIA 30114
FOR FURTHER INFORMATION CALL: 770-704-1500.