

**Action Requested/Required:**

- ☒ Vote/Action Requested  
☐ Discussion or Presentation Only  
☐ Public Hearing  
Report Date: 11/28/25  
Hearing Date: 11/6/25  
Voting Date: 12/4/25

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

**Agenda Item Title:**

RZON2503-001 - 100 Cherokee Street - Request to rezone property from R-20 (single family residential) to CBD (Central Business District) with concurrent variances in order to operate a restaurant - Fiorella Soto

**Summary:**

The applicant is requesting to rezone the subject property from R-20 (Single family residential) to CBD (Central Business District) in order to operate a restaurant. The applicant is requesting two concurrent variances, 1) to use the existing gravel surface as the parking lot and 2) to encroach into the required stream buffer.

**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 denial of this application. If approved suggested conditions can be found in the staff report.

**Reviews:**

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

**Attachments:**

Application  
Staff report  
Site plan  
Letter of Intent  
Applicant response letter.



**Land Use Petition: RZON2503-001**

**Date of Staff Report Preparation: 11/21/25**

**Mayor and City Council Public Hearing Date: 11/6/25**

**Possible Action Meeting: 12/4/25**

**Project Name/Applicant: Fiorella Soto**

**Property Location: 100 Cherokee Street**

**Parcel ID: Parcel 001, Tax Map Number 91N21**

**District/Land Lot: 14<sup>th</sup> District, Land Lot 166/195**

**Acreage: +/- .692 acres**

**Existing Zoning District: R-20, Single family detached**

**Existing Land Use: The existing building is currently vacant**

**Future Development Map Designation: Historic/Traditional Neighborhood Stable**

**Current Use: The property has one vacant building.**

**Proposed Development: Restaurant**

**Owner: Juan Velasquez Loarca**

**Petitioner's Intent: Operate a restaurant**

**Proposed District Standards:**

___ Zoning District Standards (Primary Street)			
Impervious Surface (max.)	Conditional	Front Yard Setback (min.)	Conditional
Open Space (min.)	Conditional	Side Yard Setback (min.)	Conditional
Building Height (max.)	Conditional	Rear Yard Setback (min.)	Conditional
Building Height (min.)	4 story/60'	Buffer Planting (min.)	50'
Zoning Buffer	50'	Overlay Zone	Historic

**Surrounding Land Uses and Zoning:**  
Quadplex

home

North – R-4, single family homes and RA-8,

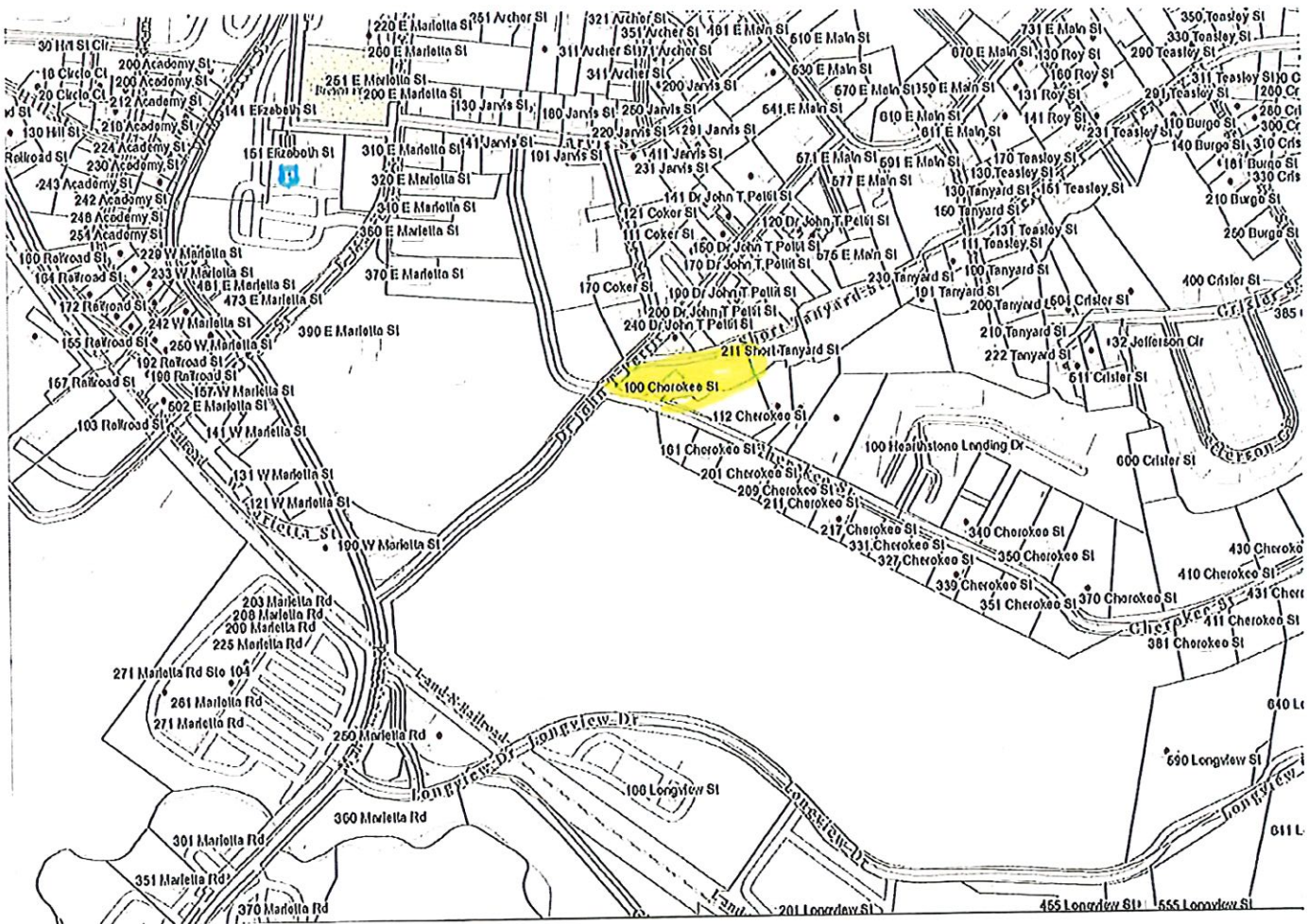
South – PD-R, vacant and R-20, single family

East – R-20, single family home

West – R-4, vacant



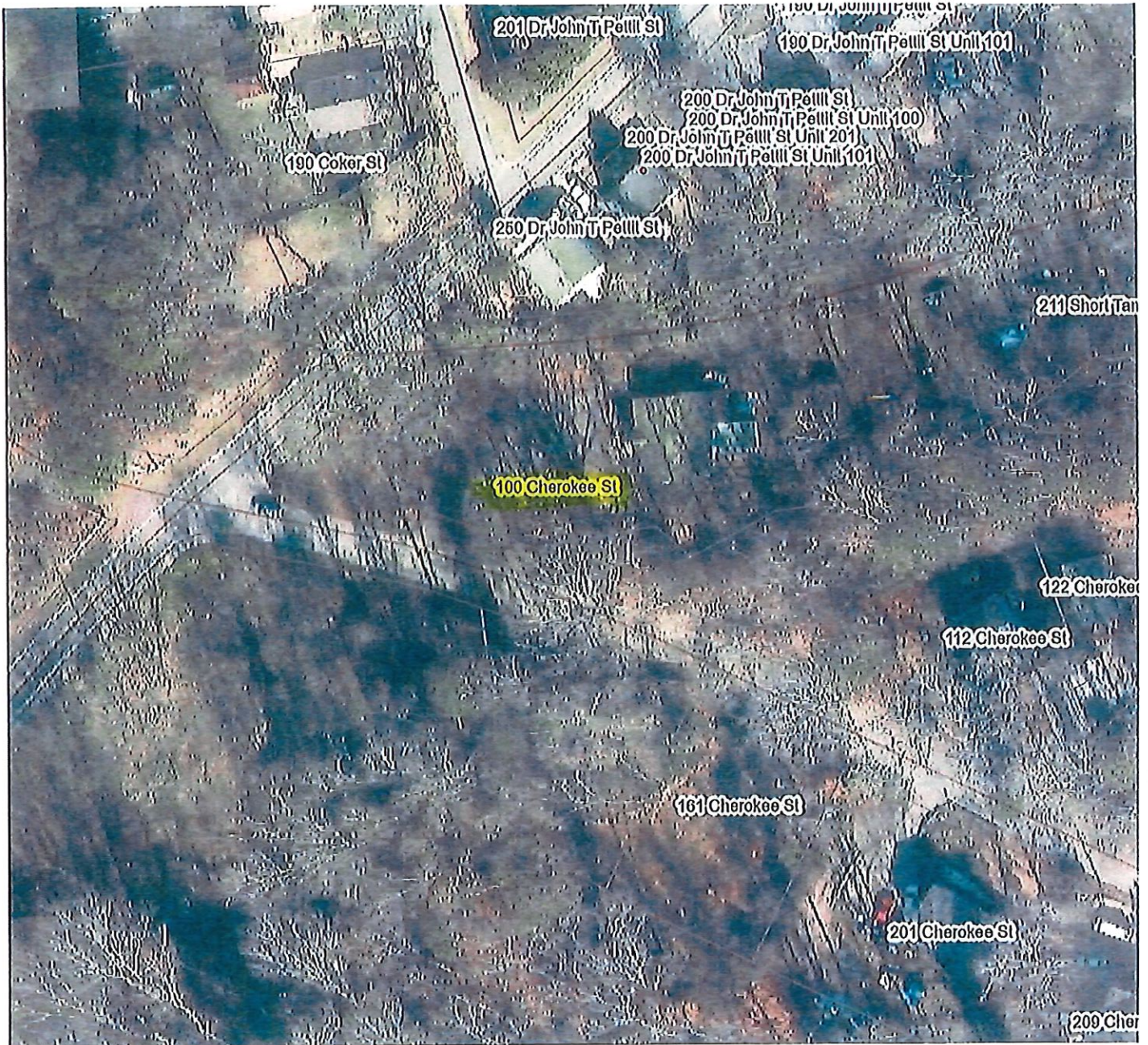
## Location Map





# CANTON

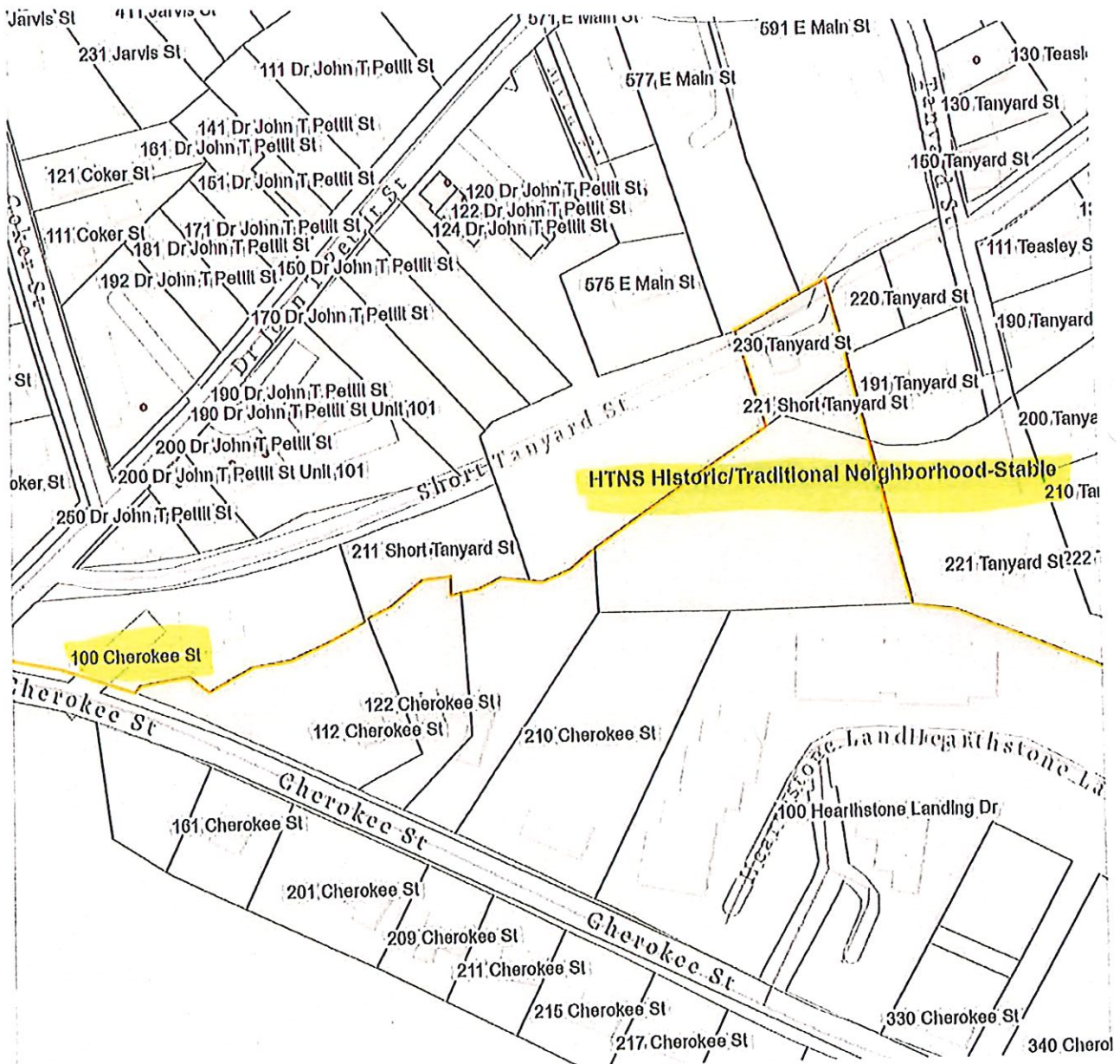
## Existing Land Use Map







### Future Development Map





**Site Description:** The property contains one structure which was most recently used as the office for D & S Surveying. There is a gravel parking area out front with a mixture of trees to the rear. Tanyard Creek makes up part of the southern property line.

**Site History:** The property was originally constructed as a single family home. The last occupant was the surveying company, D & S Surveying. The structure has been vacant for the last few years.

**CRITERIA TO BE APPLIED – LAND USE PETITION (REZONING)**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties; The majority of the neighborhood consist of residences. 23 ½ Hour Locksmith is to the north at the intersection of John T. Petitt and East Main Street. There is a auto repair shop to the south at the intersection of John T. Petitt and West Marietta Street.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; The proposed zoning/use of the property is inconsistent with the adjacent uses.
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; The property has reasonable economic use as currently zoned.
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 of the property could cause excessive or burdensome use of the streets if the restaurant is s success. Transportation facilities, schools or utilities would not be affected.
5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and Future Development Map; The property lies within the Historic Area/Traditional and Stable Neighborhood Area. Compatible land uses for this area are medium density residential (4-6 du/a), Traditional Neighborhood Development, senior housing, parks/recreation/green space, and institutional. The proposed use is not consistent with the 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 area has remained largely residential for the last several years. There is a proposal for a 143 residential development to the south of the subject property.





7. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources. **The proposed zoning/use of the property would not adversely affect any historic buildings, sites, districts or archaeological resources.**
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. **The property now lies within the Historic District. Any modifications or changes to the structure will require review and approval by the Historic Preservation Commission.**

**CRITERIA TO BE APPLIED – CONDITIONAL USE PERMIT**

- 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:**

No comments received.

#### **- SAFETY SERVICES:**

- 100 Cherokee Street Jay Kula Wed, Jul 2, 2025 at 10:17 AM To: Steve Green Cc: Bethany Watson , Eric Fortner , Todd Gregory , Kevin Turner , Scott Hooper Steve, Regarding the above cases, the following information and codes will be pertinent to these projects: International Building Code, 2018 Edition, with Georgia Amendments (2020), (2022), (2024), (2025) • International Residential Code, 2018 Edition, with Georgia Amendments (2020), (2024) • International Fire Code, 2018 Edition (GA 120-3-3 Amendments) Life Safety Code, 2018 Edition (GA 120-3-3 Amendments) • 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, 2023 Edition, No Georgia State Amendments • 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 multifamily residential construction (three family dwellings or more) requires an NFPA 13R automatic sprinkler system. For commercial development, any <https://mail.google.com/mail/u/0/?ik=e8fd1210cf&view=pt&search=all&permmsgid=msg-f:1836545093654733285&simpl=msg-f:1836545093654733285> 1/3 7/7/25, 6:10 AM City of Canton Mail - RZON2503-001 - 100 Cherokee Street 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 exceeding 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 a minimum, made asphalt or concrete capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds. 3. Turn radii 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 with 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

<https://mail.google.com/mail/u/0/?ik=e8fd1210cf&view=pt&search=all&permmsgid=msg-f:1836545093654733285&simpl=msg-f:1836545093654733285> 2/3 7/7/25, 6:10 AM City of Canton Mail - RZON2503-001 - 100 Cherokee Street positioned parallel to one entire side of the building. Overhead utilities and power lines shall not be located over the aerial apparatus road. 6. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. In addition to this information, I have attached a document that should assist the developer/ owner with requirements related to fire apparatus access and construction site safety regulations. [Quoted text hidden] CANTON Jay Kula, CFI I/II, CFO, CFESI, HMTI - Fire Marshal Phone: 770-704-1509 Mobile: 470-725-4789 jay.kula@cantonga.gov 110 Academy Street | Canton, GA 30114 | cantonga.gov [Quoted text hidden] 2 attachments Canton BSS Fire Department Access.pdf 1856K Canton BSS Construction Site Safety Plan.pdf 3873K <https://mail.google.com/mail/u/0/?ik=e8fd1210cf&view=pt&search=all&permmsgid=6545093654733285&simpl=msg-f:1836545093654733285> 3/3 7/7/25, 6:07 AM City of Canton Mail - Re: RZON2503-001 - 100 Cherokee Street - ADA Compliance - Surface Requirements for Accessible Parking a.. CANTON Steve Green Re: RZON2503-001 - 100 Cherokee Street - ADA Compliance - Surface Requirements for Accessible Parking and Routes Jay Kula Sat, Jul 5, 2025 at 10:39 AM To: Steve Green Cc: Bethany Watson , Eric Fortner , Todd Gregory , Kevin Turner , Scott Hooper Steve, Following up on this matter, please be advised that the use of gravel as a surface material for ADA-accessible parking spaces, access aisles, or accessible routes to the restaurant entrance is not compliant with applicable accessibility standards. In accordance with the 2010 ADA Standards for Accessible Design, surfaces for accessible parking spaces, access aisles, and accessible routes must be firm, stable, and slip-resistant. Gravel does not meet these criteria, as it lacks the necessary surface integrity and presents an increased risk of instability and slippage, particularly for individuals utilizing wheelchairs, walkers, or other mobility aids. To ensure compliance, acceptable surface materials include—but are not limited to—concrete or asphalt, which provide the required firmness, stability, and slip resistance. Please let me know if you have any questions or require additional clarification regarding these regulatory requirements.





## Conditions for Consideration

### COMMUNITY DEVELOPMENT

This application seeks to rezone .692 acres from R-20 (single family residential) to CBD (Central Business District) for the purpose of operating a restaurant. The previous occupant of the parcel was D & S Surveying. The earliest business that we have on file dates back to 2009. The structure has been vacant for the last few years. With this submittal the applicant also seeks two variances, 1) To use the existing gravel area for parking and 2) to encroach into the stream buffer. The City Engineer has expressed support for the gravel parking area provided an asphalt/concrete apron is installed to help control gravel from getting on the street. The Fire Marshal has also noted the need for a concrete/asphalt area to meet the ADA requirements. When the structure was constructed the stream buffers were not as large as they are today and it MAY have been in compliance at that time. With the expansion of the required stream buffers and possible stream meandering the structure is now encroaching the current buffer requirement.

The requested zoning of CBD would be considered as "spot zoning". This practice is generally frowned upon.

The Comprehensive Plan does not support this request. The character area for this parcel is Historic Area/Traditional and Stable Neighborhood Areas. The compatible land uses for this area are medium density residential (4-6 du/a), Traditional Neighborhood Development, senior housing, parks, recreation and green space and institutional.

The Community Input Meeting was held on October 27<sup>th</sup>. The attendance sheet provided indicated there were two attendees other than the applicant. One was from Woodstock and the other lives at 201 Cherokee Street. No comments were provided.

The applicant provided answers to the following questions:

- 1) How many food trucks will be on the property? **On (assuming the answer is one).**
- 2) Will there be a grease trap for the restaurant and truck? **Yes for both.**
- 3) Will the food truck be permanent or moveable ? **Will be moved for events and parties.**
- 4) Will gravel remain for the parking lot ? **No, once permits are ready the owner will place either asphalt or concrete.**
- 5) What about morning traffic ? **The restaurant will open at 11 am Monday through Saturday and on Sundays at 8.**
- 6) There are too many commercial properties, why add more ? **There are two major construction events happening, adding more than 200 units of houses in the city which raises the population and we need more commercial sites per units of residential that are being added and approved by the city. There are other CBD that are very close by. In fact, there were several letters sent out to many companies and LLC's that are less than 1,000 feet from the subject touching the property.**
- 7) What is the estimation of the customers dining inside? **There will be two tables inside the restaurant which will sit about 8 people total. This will encourage people to not dine in. The restaurants goal is to carry-out food only.**





- 8) Parking space? The owner would like 6 parked spaces on the property. Per Cherokee County Real Estate Search the building contains 1,854 square feet. A restaurant of this size will require 25 parking spaces per code (minimum parking – 1 space per each 75 s.f. of GFA).

The question was also asked the distance to the nearest commercial businesses. The three selected are: 1) the auto repair shop at the intersection of west Marietta Street and Dr. John T. Pettit Street, +/-857', 2) 23 ½ Hour Lock and Key at the intersection of East Main Street and Dr. John T. Pettit Street, +/-686' and 3) Sosebee's Funeral Home on Jarvis Street, +/- 493'. These distances are measured "as the crow flies".

#### Conditions for Consideration

The staff recommends denial of this application due to the request not being compatible with the Future Land Use Plan and the absence of adjacent commercial businesses. This would be an example of spot zoning.

If the application is approved staff offers the following possible conditions:

- 1) Approval of the requested stream buffer variance as the encroachment is not due to measures taken by the owner but rather ordinance change.
- 2) The owner/applicant install concrete or asphalt parking area as required by code.
- 3) The food truck be allowed on the property but only for storage/parking purposes. The UDC only allows food trucks to be parked on a vacant lot/parcel.

#### DEVELOPMENT SERVICES

It appears that the area they are wanting to gravel is already cleared. With that being said, my suggestion would be that we allow the gravel parking and in exchange ask that they put in a concrete or asphalt apron to mitigate gravel in the main road due to the additional traffic flow.

#### Conditions for Consideration

#### POLICE DEPARTMENT

#### Conditions for Consideration

#### PUBLIC WORKS

#### Conditions for Consideration



UTILITY ENGINEER

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 MARSHAL

Conditions for Consideration

**STAFF CONDITIONS FOR CONSIDERATION**





**Staff recommendation and suggested conditions will be presented with staff report for the action meeting.**



## Community Development Department

110 Academy Street, Canton, Georgia 30114  
770-704-1500

### Public Hearing Application

Project # RZON 2503-001

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. Please make your check payable to "City of Canton."
3. If you have questions regarding this form please contact the Department of Planning and Zoning by calling (770) 704-1530.

This form is to be executed under oath. I, Juan Velasquez Lora, 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, Juan Velasquez Lora, have received and thoroughly read the Public Hearing Procedures.

This 3<sup>rd</sup> day of April, 2025  
Applicant: Fiorella Soto Print Name: Fiorella Soto

#### Applicant Information:

Name: Fiorella Soto  
Address: 922 Rabun Drive  
City: Lilburn  
State: GA Zip Code: 30047  
Telephone: 678 542 0348  
Fax Number: \_\_\_\_\_  
Email Address: Furyruiz05@gmail.com

#### Owner Information:

Name: Juan Velasquez Lora  
Address: 221 Tanyard St  
City: Canton  
State: GA Zip Code: 30114 - 3154  
Telephone: 404 578 2547  
Fax Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_

#### This Application For (Check Only One):

- |  |  |
|--|--|
| <input type="checkbox"/> A Annexation                          | <input type="checkbox"/> I Temporary Use Permit            |
| <input checked="" type="checkbox"/> B Rezoning                 | <input type="checkbox"/> J Zoning Ordinance Text Amendment |
| <input type="checkbox"/> C Master Plans                        | <input type="checkbox"/> K Variance : Pre-Construction     |
| <input type="checkbox"/> D Master Plan Revisions               | <input type="checkbox"/> K Variance : Post-Construction    |
| <input type="checkbox"/> E Conditional Use Permit              | <input type="checkbox"/> Appeal                            |
| <input type="checkbox"/> F Land Use Modification               |  |
| <input type="checkbox"/> G Zoning Condition Amendment          | <input type="checkbox"/> Adjustment                        |
| <input type="checkbox"/> H Density Transfer within Master Plan | <input type="checkbox"/> Special Exception                 |

#### Fee Schedule:

Application Type \_\_\_\_\_  
Base Fee \_\_\_\_\_ + (#Acres \_\_\_\_\_ x \$25.00 = \_\_\_\_\_) = \_\_\_\_\_  
+ (#Acres \_\_\_\_\_ x \$50.00 = \_\_\_\_\_) = \_\_\_\_\_  
Advertising Fee \_\_\_\_\_ = \_\_\_\_\_

#### Staff Use Only

Amount Due: \_\_\_\_\_  
Amount Due: \_\_\_\_\_  
Total Fee: \_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Amount Paid: \_\_\_\_\_





Community Development Department

110 Academy Street, Canton, Georgia 30114

770-704-1500

## Authorization Of Property Owner

This form is to be executed under oath. I, Juan Velasquez<sup>Loarca</sup>, 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 3<sup>rd</sup> day of April, 20 25.

Owner Signature: Juan Velasquez Print Name: Juan Velásquez

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton:

- |   |  |
|---|--|
| <input type="checkbox"/> A Annexation             | <input type="checkbox"/> G Zoning Condition Amendment          |
| <input checked="" type="checkbox"/> B Rezoning    | <input type="checkbox"/> H Density Transfer within Master Plan |
| <input type="checkbox"/> C Master Plans           | <input type="checkbox"/> I Temporary Use Permit                |
| <input type="checkbox"/> D Master Plan Revisions  | <input type="checkbox"/> J Zoning Ordinance Text Amendment     |
| <input type="checkbox"/> E Conditional Use Permit | <input type="checkbox"/> K Variance                            |
| <input type="checkbox"/> F Land Use Modification  |  |

Sworn To and Subscribed Before Me This 3<sup>rd</sup> Day Of April, 20 25.

Notary Signature: [Signature]

Fiorella Soto  
NOTARY PUBLIC  
Gwinnett County, GEORGIA  
My Commission Expires 10/05/2026



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

## Authorization Of Applicant

This form is to be executed under oath. I, Juan Velasquez Lopez, 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 3<sup>rd</sup> day of April, 20 25.

Owner Signature: Juan Velasquez Print Name: Juan Velasquez

I, the above signed legal owner of the subject property, do hereby authorize the person named below to act as applicant in the pursuit of a request for:

- |   |  |
|---|--|
| <input type="checkbox"/> A Annexation             | <input type="checkbox"/> G Zoning Condition Amendment          |
| <input checked="" type="checkbox"/> B Rezoning    | <input type="checkbox"/> H Density Transfer within Master Plan |
| <input type="checkbox"/> C Master Plans           | <input type="checkbox"/> I Temporary Use Permit                |
| <input type="checkbox"/> D Master Plan Revisions  | <input type="checkbox"/> J Zoning Ordinance Text Amendment     |
| <input type="checkbox"/> E Conditional Use Permit | <input type="checkbox"/> K Variance                            |
| <input type="checkbox"/> F Land Use Modification  |  |

Name of Authorized Applicant: Fiorella Soto

Signature: [Signature]

Mailing Address: 922 Robin Dr

City: Lilburn

State: GA Zip Code: 30047

Telephone: 678 542 0348

Fax Number: \_\_\_\_\_

E-mail: Furyruiz205@gmail.com

### Applicant Status:

- ☐ Owner  
☐ Option to Purchase  
☐ Leasee  
☐ Area Resident  
☒ Other (Explain): Friend of owner

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

Sworn To and Subscribed Before Me This 3<sup>rd</sup> Day Of April, 20 25

Notary Signature: [Signature]







## Community Development Department

110 Academy Street, Canton, Georgia 30114  
770-704-1500

### Disclosure Form

*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.*

1. Name of Applicant/Opponent: Fiorella Soto

#### 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 Planning Commission or the City of Canton Mayor and 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

1. 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):*
- \_\_\_\_\_
2. 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
\$ <input type="text"/>	_____
\$ <input type="text"/>	_____
\$ <input type="text"/>	_____

Note: Complete a separate form for each authorized applicant.



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

## Property Information:

Address: 100 Cherokee Street  
Land Lot(s): 0195 & 166 District: 14 Section: 2 Map #: 9/15 Parcel #: 14-0195-001  
Existing Zoning Of Property: R20 ☒ City ☐ County Total Acreage Of Property: 0.85  
Proposed Zoning Of Property: CBD Existing Use(s) Of Property: Storage  
Directions to property from Main Street in downtown Canton:  
Right on Dr John T Pettit St, Left on E Main St

**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/ADDRESS	CURRENT ZONING	CURRENT LAND USE
NORTH	<u>Davis Walter / 274 Hadloway Drive</u>	<u>R-4</u>	<u>250 Dr John T Pettit St</u>
SOUTH	<u>Gamesa Properties LLC</u>	<u>PD-R</u>	
EAST	<u>Weathers Joseph &amp; Lorraine</u>	<u>R-20</u>	<u>112 Cherokee St</u>
WEST	<u>Johnson Charles / 541 Main street</u>	<u>R-4</u>	
OTHER	<u>Next to West - Sosebee Funeral Home INC</u>	<u>CBD</u>	<u>191 Jarvis Street</u>

## UTILITY INFORMATION

How is sewage from this development to be managed? City of Canton  
Proposed managing jurisdiction: City of Canton  
How will water be provided to the site? City of Canton  
Proposed managing jurisdiction: Same Size Limit: Same





## Community Development Department

110 Academy Street, Canton, Georgia 30114  
770-704-1500

### 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 Board 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. Therefore, developers whose projects consist of 25 or more residential units shall contact the Cherokee County School Board and communicate with a school board representative to discuss their intent. 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. (Section 8-8-B-37) (Amended: 12/07/00)

County Schools serving this development:

HIGH Cherokee High School

MIDDLE Teasley Middle School

ELEMENTARY William C. Hasty Sr. Elementary School

### TRAFFIC INFORMATION

Road/Street providing access: Cherokee Street

Width at property: (Road) 24 feet (Right-of-way) No

Distance to nearest major thoroughfare: 300 feet Thoroughfare Name: Dr John T. Pettit St

Description of Road accessing property (Classification): Cherokee Street

In support of this request, I submit the following items, which are attached and made a part of this application:

☒ Boundary Survey

☒ Legal Description

☒ Letter of Intent

☐ Traffic Analysis Report

☒ Master Plan / Site Plan

☒ Location Map

☐ Hydrology Study

(Guidelines available from Planning & Zoning Dept.)

☐ Board of Appeals Review Criteria Response

☐ Elevation Plans

☐ Petition Requesting Annexation

☒ Other (please explain) Taxes Paid / Pictures / Property deed / Zoning Map / Site plan



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

## Review Criteria

(Applications Type A - J: ONLY)

How will this proposal be compatible with surrounding properties? There are other CBD on Dr. John T Pettit Street General Business District and General Commercial along with General commercial mix with residential.

How will this proposal affect the use and value of surrounding properties? Since there is already General commercial on the same street and surrounds, will generate more pedestrian activity in the city's historic downtown core.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not. No because currently is being zoned as Residential only. Under residential, it is not Permissible to have a restaurant, with CBD it is Permissible to have a restaurant.

What would be the increase to population and traffic if the proposal were approved? Slight more since there already, is GC and CBD around the same street that the property touches.

What would be the impact to schools and utilities if the proposal were approved? It would not impact the schools since there are other business there already expect property taxes would change and there would be higher taxes to be paid.

The water utility is already with the city of Canton so no impact on any utilities.

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

Since the Future Land use map will provide more population traffic, need more restaurants for the population.

Are there existing or changing conditions which affect the development of the property and support the proposed request? Only with fix the inside of the building which provided a site plan. Also the outside lot will have concrete and parking lot lights. Another other change requests are manageable.

Provide a Letter of Intent, which provides the necessary information to support your application.





# LETTER OF INTENT

6/10/2025

JUAN VELASQUEZ LOARCA

Owner of 100 Cherokee Street

Case #



Dear Canton City Hall:

The property of 100 Cherokee Street is currently in R-20 zone. We are respectfully requesting to rezone of the property of 100 Cherokee Street from R-20 to CBD (General Business District). There are other CBD on Dr. John T Pettit Street and General Commercial along with General Commercial mix with residential. Since there is already General commercial on the same street and surrounding, it will generate more pedestrian activity in the city's historic downtown core. The owner would like to turn the property into a restaurant and since it is currently R-20 it is not permissible to have a restaurant, however with a CBD it's permissible. We will have a family restaurant which will open at decent hours of the day and closes in the evening to make sure we keep the peace around residents. Since there are other GC and CBD around the same street that the property touches it would blend in. We are also asking for a buffer variance of 34 feet of forgiveness. For the land use of 100 Cherokee Street, there is clear documentation that the land did take place continuously without any breaks lasting two years or more. Occupational Tax Certificates (OTC) or "business licenses" were the primary method which shows continuous operation of commercial land use at this location. We have included a future site plan for the inside of the building and outside of the parking lot.

We are willing to make any changes with the property to help with your decision making.

Therefore, I am respectfully seeking for my rezoning to be approved. To support this case, I have attached serval documents.

Respectfully,

*FIORELLA SOTO*

Fiorella Soto

-Applicant





Steve Green &lt;steve.green@cantonga.gov&gt;

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**(no subject)**

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**Fiore Ruiz** <furyruiz05@gmail.com>

Tue, Nov 18, 2025 at 6:41 PM

To: Steve Green &lt;steve.green@cantonga.gov&gt;, perezdamian0810@gmail.com

Sir,

These are the following questions that came up at the hearing and the owner would like to answer them:

1. How many food trucks will be at the property? **on**
2. Will there be a grease trap for the restaurant and food truck? **Yes for both**
3. Will the food truck be permanent or moveable? **Will be moved for events and parties**
4. Will the gravel remain for the parking lot? **No, once the permits are ready, the owner will place either asphalt or concrete.**
5. What about morning traffic? **The restaurant will open at 11am Monday through Saturday and on Sundays at 8 am. Traffic is gone around 945am.**
6. There are too many commercial properties, why add more? **There are two major construction events happening, adding more than 200 units of houses in the city which raises the population and we need more commercial sites per units of residential that are being added and approved by the city. There are other CBD that are very close by. In fact, there were several letters sent out to many companies and LLC's that are less than 1,000 feet from the subject touching the property.**
7. What is the estimation of customers dining inside? **There will be two tables inside the restaurant which will sit about 8 people total. This will encourage people to not dine in. The restaurant's goal is to carry-out food only.**
8. Parking Space? **The owner would like 6 parked spaces on the property.**

**Sir, When is the next final hearing for the vote of approval? Can I get the time and date for it please?**

[Quoted text hidden]