

**Action Requested/Required:**

- ☐ Vote/Action Requested
☒ Discussion or Presentation Only
☐ Public Hearing
Report Date: 8/26/05
Hearing Date: 10/2/25
Voting Date: 11/6/25

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) - Fiorella Soto

Summary:

The applicant is requesting to rezone the subject property from R-20 (SFR) to CBD (Central Business District) in order to operate a restaurant. There are two concurrent variances requested with this submittal; 1) To use gravel as the parking surface; 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:

Staff recommendations will be made in the staff report for the public hearing.

Reviews:

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

Attachments:

Application
Letter of Intent (revised)
Site plan



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 3rd 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 = _____) = _____
Advertising Fee _____ + (#Acres _____ x \$50.00 = _____) = _____

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^{Loarca}, 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 3rd 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 3rd 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 3rd 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 3rd Day Of April, 20 25

Notary Signature: [Signature]





Community Development Department

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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 & 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



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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



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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.

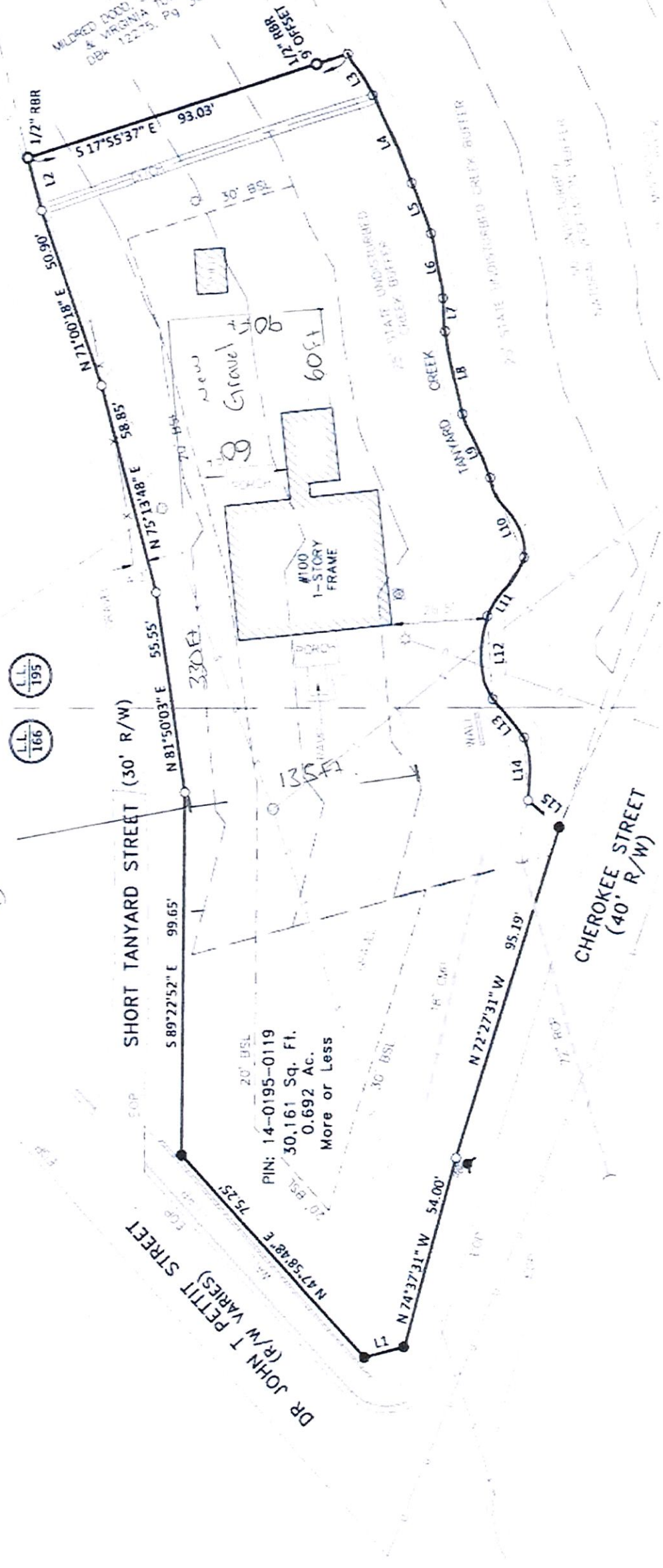
Respectfully,

FIORELLA SOTO

Fiorella Soto

-Applicant

N/E
MILBRED DODD, SARAH MOLL
& VIRGINIA TURNER
DBA 12275, Pg 363



Buffer
2175
2175

Property:
100 Cherokee Street
Outside Gravel
parking lot.

REVISED
6.10.25

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE, CREATE A NEW PARCEL OR MAKE CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



FOR THE FIRM
BOUNDARY ZONE, INC.
LSF #839
NOT VALID WITHOUT
ORIGINAL SIGNATURE

Stephen Calder
STEPHEN CALDER
PLS #2906
03-04-25
DATE

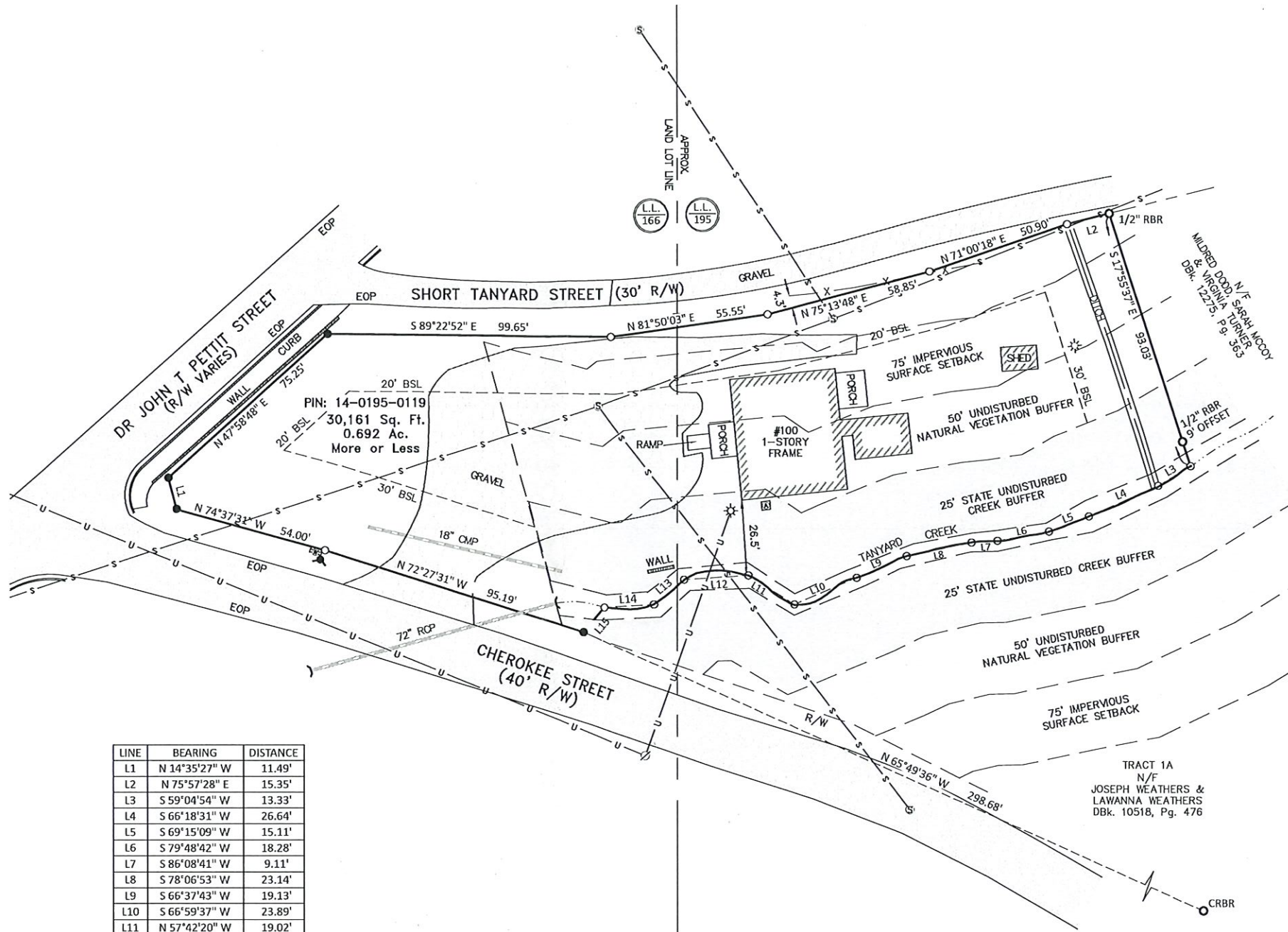
ZONING & STREAM SETBACK INFORMATION:

R-20 (SINGLE-FAMILY RESIDENTIAL)

FRONT: 30'
SIDE: 10'
20' (CORNER)
REAR: 30'

ZONING AND SETBACK DESIGNATIONS WERE DERIVED FROM CITY OF CANTON, GA PLANNING AND ZONING DEPARTMENT ON 02-24-2025.

ZONING, SETBACK AND STREAM BUFFER DETERMINATIONS ARE OFTEN OPEN TO INTERPRETATION. THEIR DEPICTION ON THIS SURVEY PLAN IS NEITHER AUTHORITATIVE NOR CONCLUSIVE. THE OWNER OR BUILDING-PERMIT HOLDER ALONE HAS THE RESPONSIBILITY TO CONFIRM FROM THE RELEVANT PLANNING AND ZONING AUTHORITY COMPLIANCE WITH THE ZONING, SETBACK AND STREAM BUFFER REGULATIONS PRIOR TO ANY DEVELOPMENT WORK.



LINE	BEARING	DISTANCE
L1	N 14°35'27" W	11.49'
L2	N 75°57'28" E	15.35'
L3	S 59°04'54" W	13.33'
L4	S 66°18'31" W	26.64'
L5	S 69°15'09" W	15.11'
L6	S 79°48'42" W	18.28'
L7	S 86°08'41" W	9.11'
L8	S 78°06'53" W	23.14'
L9	S 66°37'43" W	19.13'
L10	S 66°59'37" W	23.89'
L11	N 57°42'20" W	19.02'
L12	S 86°21'49" W	22.78'
L13	S 50°31'39" W	13.64'
L14	S 86°24'11" W	17.36'
L15	S 40°53'58" W	11.40'

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE EXAMINATION. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST WHICH BURDEN OR BENEFIT THIS LAND PARCEL.

LEGEND:

○ PROPERTY CORNER FOUND (AS NOTED)
● 1/2" REBAR WITH CAP SET "LSF# 839"
□ R/W MONUMENT
RBR REBAR
CRBR CAPPED REBAR
OTP OPEN TOP PIPE
CTP CRIMP TOP PIPE

⚡ POWER POLE
⚡ POWER/LIGHT POLE
— GUY WIRE
⊞ POWER METER
⊞ POWER BOX
⊞ A/C UNIT
⊞ GAS METER
⊞ GAS VALVE
⊞ TELEPHONE BOX

⚡ FIRE HYDRANT
⊞ WATER METER
⊞ WATER VALVE
C.B. CATCH BASIN
⊞ MANHOLE
⊞ JUNCTION BOX
⊞ DRAINAGE INLET
⊞ CLEAN OUT
⊞ SIGN

OH OVERHANG
—W WATER LINE
—S SEWER LINE
—G GAS LINE
—T TEL. LINE
—X OVERHEAD UTIL.
—X FENCE LINE
⊞ UTILITY MARKERS
W/G/T WATER/GAS/TELECOM

BSL BUILDING SETBACK
N/F NOW OR FORMERLY
R/W RIGHT-OF-WAY
PBK. PLAT BOOK
DBK. DEED BOOK
Pg. PAGE
L.L. LAND LOT
D.E. DRAINAGE EASMT.
S.S.E. SAN. SEWER EASMT.

BOUNDARY REFERENCES: DBK. 13701, Pg. 80; P/BK. 40, Pg. 127

THE FIELDWORK WAS COMPLETED ON 02/11/2025.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 80,199 FEET.

FIELD EQUIPMENT USED FOR THIS SURVEY INCLUDES A TRIMBLE S SERIES 3" TOTAL STATION AND eGPS 201 DUAL FREQUENCY GNSS RECEIVERS.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF 0.02 FEET.

BOUNDARY
zone, inc.
SURVEYORS, ENGINEERS
AND LAND PLANNERS
800 SATELLITE BLVD., SUWANEE, GA 30024
WWW.BOUNDARYZONE.COM (770) 271-5772
INFO@BOUNDARYZONE.COM

PROVIDING SERVICES
FOR METRO ATLANTA,
RALEIGH-DURHAM &
CENTRAL FLORIDA.



GRID NORTH
GA. WEST NAD 83

SCALE: 1" = 30'

DATE

REVISION

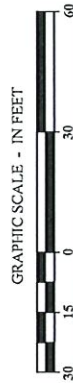
No.

1

2

3

4



BOUNDARY SURVEY
Prepared for: JUAN VELASQUEZ LOARACA
100 CHEROKEE STREET, CANTON, GA 30114
LAND LOTS 166 & 195 of the 14th DISTRICT, 2nd SECTION
CHEROKEE COUNTY, GEORGIA - 02/24/2025

© COPYRIGHT 2025
BOUNDARY ZONE, INC.
ALL RIGHTS RESERVED.

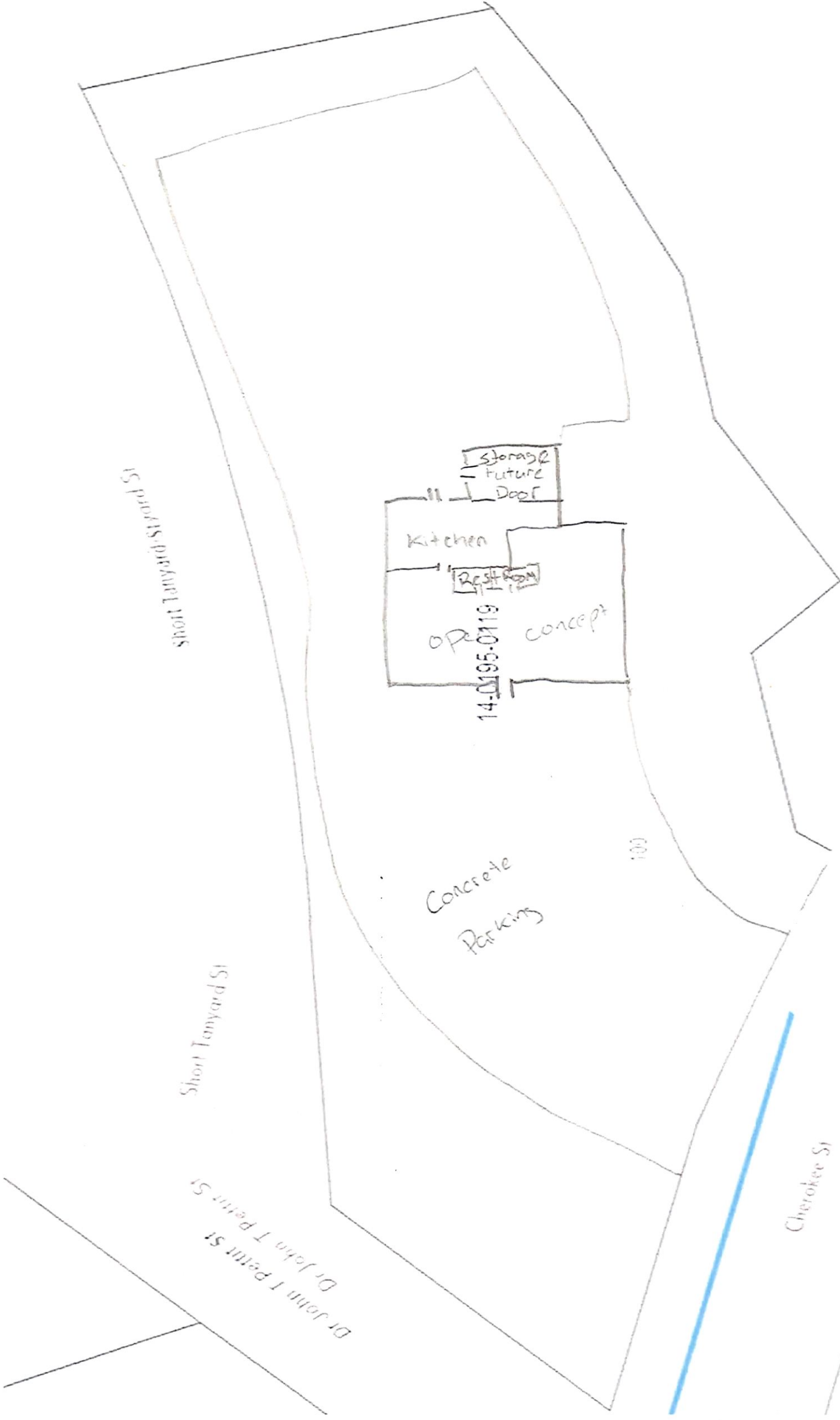
THIS PLAT WAS PREPARED
FOR THE USE OF THE
PERSON, PERSONS OR
ENTITY NAMED HEREON.

PROJECT
27244-01

SHEET
1 OF 1

DWN: PT

Site Plan



100 Cherokee Street Future Plans.

