



# COUNCIL AGENDA REPORT

**FROM:** Community Development Department  
Prepared by: Ken Patton

**CC:** City Clerk  
Public Information

**SUBJECT:** Recommendation made by the Planning Commission concerning rezoning application Z1604-001 –  
8260, 8268 and 8274 Knox Bridge Highway

**DATE:** May 23, 2016

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## RECOMMENDATION

The Canton Planning Commission held a public hearing on May 16, 2016 and recommended approval of rezoning case Z1604-001 to rezone the property located at 8260, 8268 and 8274 Knox Bridge Highway from GC (General Commercial, Cherokee County) to GC (General Commercial, City of Canton) with conditions if the property is annexed into the city limits.

## REPORT-IN-BRIEF

The Planning Commission heard a request filed by Mountain Express Oil Company to rezone 5.28 acres from GC (Cherokee County) to GC (City of Canton). The applicant wishes to develop the property with a coffee shop, a convenience store with gas pumps and 24,950 square foot retail center. The staff provided the Planning Commission with six possible conditions for their consideration. The suggested conditions are as follows: 1) The submitted site plan is conceptual in nature only. All development requirements and any approved conditions must be complied with.; 2) Prior to the issuance of a land disturbance permit the property must be consolidated into a single lot of record or the appropriate variances must be applied for and approved.; 3) There shall be a 25 foot undisturbed buffer along the entire southern property line (with the exception of approved curb cuts). This buffer shall be enhanced where sparsely vegetated as approved by the Department of Community Development.; 4) Roadway improvements along the entire frontage of Pope Circle shall be constructed. These improvements include but are not limited to the dedication of right of way to provide for 50' r-o-w along Pope Circle, the installation of curb and gutter and the proper stripping of Pope Circle; 5) All proposed curb cuts along the northern property line shall comply the Georgia Department of Transportation requirements and 6) There shall be no wall mounted security lights on the rear of any building abutting Pope Circle. The Planning Commission added an additional condition which requires the applicant to resolve and encroachment issues along the western property line prior to the issuance any land disturbance permits. This rezoning request is a partner application of an annexation request filed by Mountain Oil Express Company. The annexation application does not require a public hearing.

The County was notified of the rezoning and annexation requests and to date I have not received any correspondence from them.

During the public hearing there was no one in attendance that spoke either for or against this request.

## DISCUSSION

## CONCURRENCES

## FISCAL IMPACT

## ALTERNATIVES

## Attachments



A map of the Atlanta metropolitan area showing the locations of Canton, Woodstock, and Acworth. A red dot is placed on the road between Canton and Woodstock, indicating the study area. The map shows major roads and geographical features like the Chattahoochee River.



752.2	0	376.08	752.2 Feet
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

1: 4,513



Gene Hobgood, *Mayor*  
William Peppers, *City Manager*  
Susan C. Stanton, *City Clerk*



# City of Canton

151 Elizabeth Street  
Canton GA 30114  
Phone 770-704-1500  
Fax 770-704-1538  
[www.canton-georgia.com](http://www.canton-georgia.com)

Sandy McGrew, Ward I, *City Council*  
Jo Ellen Wilson, Ward I, *City Council*  
Jack Goodwin, Ward II, *City Council*  
Bill Grant, Ward II, *City Council*  
John R. Rust, Ward III, *City Council*  
Farris Yawn, Ward III, *City Council*

May 17, 2016

Mountain Express Oil Co.  
5333 Bells Ferry Road  
Suite 201  
Acworth, GA 30102

Subject: AX1604-001 and Z1604-001 – Request to annex and rezone 8260, 8268 and 8274 Knox Bridge Hwy.

Dear Mr. Frady:

Please be advised the Planning Commission for the City of Canton recommend approval with conditions on your rezoning request for the above referenced properties. The recommended conditions are as follows: 1) The submitted site plan is conceptual in nature. All required development requirements and zoning conditions must be complied with upon submission of any Land Disturbance Permits; 2) Prior to the issuance of a Land Disturbance Permit the properties must be consolidated into a single lot of record; 3) There shall be a 25' undisturbed buffer along the entire southern property line, adjacent to Pope Circle with the exception of where approved cuts are located. This buffer shall be enhanced in areas of sparse vegetation as approved by the Department of Community Development; 4) Roadway improvements along the entire frontage of Pope Circle shall be constructed as required. These improvements may include but are not limited to dedication of right-of-way to provide for a 50' right-of-way along Pope Circle, the installation of curb, gutter and sidewalks and proper stripping of Pope Circle; 5) All proposed cuts along Knox Bridge Highway shall be as approved by the Georgia Department of Transportation; 6) There shall be no wall mounted security lights on the rear of any building abutting Pope Circle and 7) The area of driveway and fence encroachment along the western property line shall be corrected prior to the submission of any Land Disturbance Permits.

The annexation and rezoning request shall go before the Mayor and Council on June 2, 2016 for discussion purposes only and final action may be taken during the June 16, 2016 meeting of the Mayor and City Council.

Should you have any questions please contact my office at 770-704-1530.

Sincerely,



Steve Green, Zoning Administrator  
City of Canton

Cc AX1604-001  
Z1604-001

**ORDINANCE #Z1604-001**  
**ORDINANCE #AX1604-001**

**REZONING/ANNEXATION**

**CITY OF CANTON**

Applicant: Mountain Express Oil Company

An Ordinance approving the annexation and rezoning of the following described property:

**ALL THAT TRACT OR PARCEL OF LAND** lying and being in Land Lot 91 of the 14<sup>th</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and being more particularly described on Map Book Page 14N12B, Parcels 019 and 020 and the attached legal description and survey labeled as Exhibit "A".

**WHEREAS**, it is hereby found and determined that a petition to annex the above referenced property into the corporate limits of the City of Canton and an application to change the zoning of the above-described property from GC (Cherokee County) to GC (City of Canton) was filed with the City of Canton and a public hearing was held on May 16, 2016 at the Canton City Hall, located at 151 Elizabeth Street, Canton, Georgia.

**PROPOSED USE: Commercial area consisting of a coffee shop, convenience store with gas pumps and retail strip center**

**WHEREAS**, the Planning Commission of the City of Canton recommended approval of the rezoning application with the following conditions: 1) The submitted site plan is conceptual in nature. All required development requirements and zoning conditions must be complied upon submission of any Land Disturbance Permits; 2) Prior to the issuance of a Land Disturbance Permit the properties must be consolidated into a single lot of record; 3) There shall be a 25' undisturbed buffer along the entire southern property line adjacent to Pope Circle except where curb cuts are approved. This buffer shall be enhanced in areas of sparse vegetation as approved by the Department of Community Development; 4) Roadway improvements along the entire frontage of Pope Circle shall be constructed as required. These improvements may include but are not limited to the dedication of right of way to allow for a 50' right-of-way along Pope Circle, the installation of curb and gutter, the installation of sidewalks and proper stripping of Pope Circle; 5) All proposed curb cuts along Knox Bridge Highway shall be as approved by the Georgia Department of Transportation; 6) There shall be no wall mounted security lights on the rear of any structure abutting Pope Circle and 7) The area of driveway and fence encroachment along the western property line shall be corrected prior to the submission of any Land Disturbance Permits and the City of Canton Mayor and City Council APPROVED the rezoning application and annexation request on June 16, 2016.

**NOW THEREFORE**, be it resolved that the Mayor and City Council of the City of Canton does hereby amend the Official Zoning Map to reflect the above referenced property being zoned to GC (General Commercial) and does hereby amend the corporate limits of the City of Canton by annexing the above referenced property.

Adopted this 16th day of June 2016.

\_\_\_\_\_  
Gene Hobgood, Mayor

Attest: \_\_\_\_\_  
Susan Stanton, City Clerk

Approved as to Form and Content:

\_\_\_\_\_  
Robert M. Dyer, City Attorney

First Reading: June 2, 2016

Adopted by Council: June 16, 2016

Approved by Mayor: \_\_\_\_\_

Veto by Mayor: \_\_\_\_\_

Second Vote by Council: \_\_\_\_\_

Effective Date: \_\_\_\_\_