Action Requested/Required:

- ☐ Vote/Action Requested
- ☑ Public Hearing
- ☐ For Discussion Only
- ☐ Presentation Only

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

Agenda Item Title:

Annx2509-003 / RZON2509-008 - Request to annex and rezone +/- 4.85 acres for the purposes of developing a single family detached subdivision - Legacy Design and Development, LLC

Summary:

The applicant has submitted applications for the annexation and rezoning of +/- 4.85 acres to construct a single family detached subdivision. They have also requested a concurrent variance to reduce the required 50' buffer where property within the city limits abuts property in unincorporated Cherokee County and when R-4 property abuts PD zoned propoerty (Park Village subdivision). The requested zoning is R-4 (Single family residential, 4,000 square foot lots). The proposal is to closely match the existing lots in the Park Village subdivision. The applicants Letter of Intent seeks to construct up to 28 homes.

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 recommendation will be presented at the action meeting.

Reviews:

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

Attachments:

Application(s)
Site plan
Community Input Meeting Report

Land Use Petitions: ANNX2509-003, RZON2509-008
Date of Staff Report Preparation: October 28, 2025
Mayor and City Council Public Hearing Date: November 6, 2025
Mayor and City Council Action Date: December 4, 2025

Project Name/Applicant: Legacy Design and Development, LLC

Property Location: 3632 Fate Conn Road

Parcel ID: Parcel 045, Tax Map Book Number 14N21

District/Land Lot: 14th District, Land Lot 210

Acreage: +/- 4.85 acres

Existing Zoning District: AG (Cherokee County)

Proposed Zoning District: R-4 (City of Canton)

Existing Land Use: Single family home

Future Development Map Designation: SDA Suburban Development, Cherokee County/City of Canton

Proposed Development: Twenty-eight (28) single family detached homes

Owner/Petitioner: Legacy Design and Development, LLC

District Standards:

___ Zoning District Standards (Primary Street)			
Impervious Surface (max.)	50%	Front Yard Setback (min.)	20′
Open Space (min.)	50%	Side Yard Setback (min.)	0′/10′ separation
Building Height (max.)	2.5/40′	Rear Yard Setback (min.)	15′
Building Height (min.)		Buffer Planting (min.)	50′
Zoning Buffer	50′	Overlay Zone	N/A

Surrounding Land Uses and Zoning:

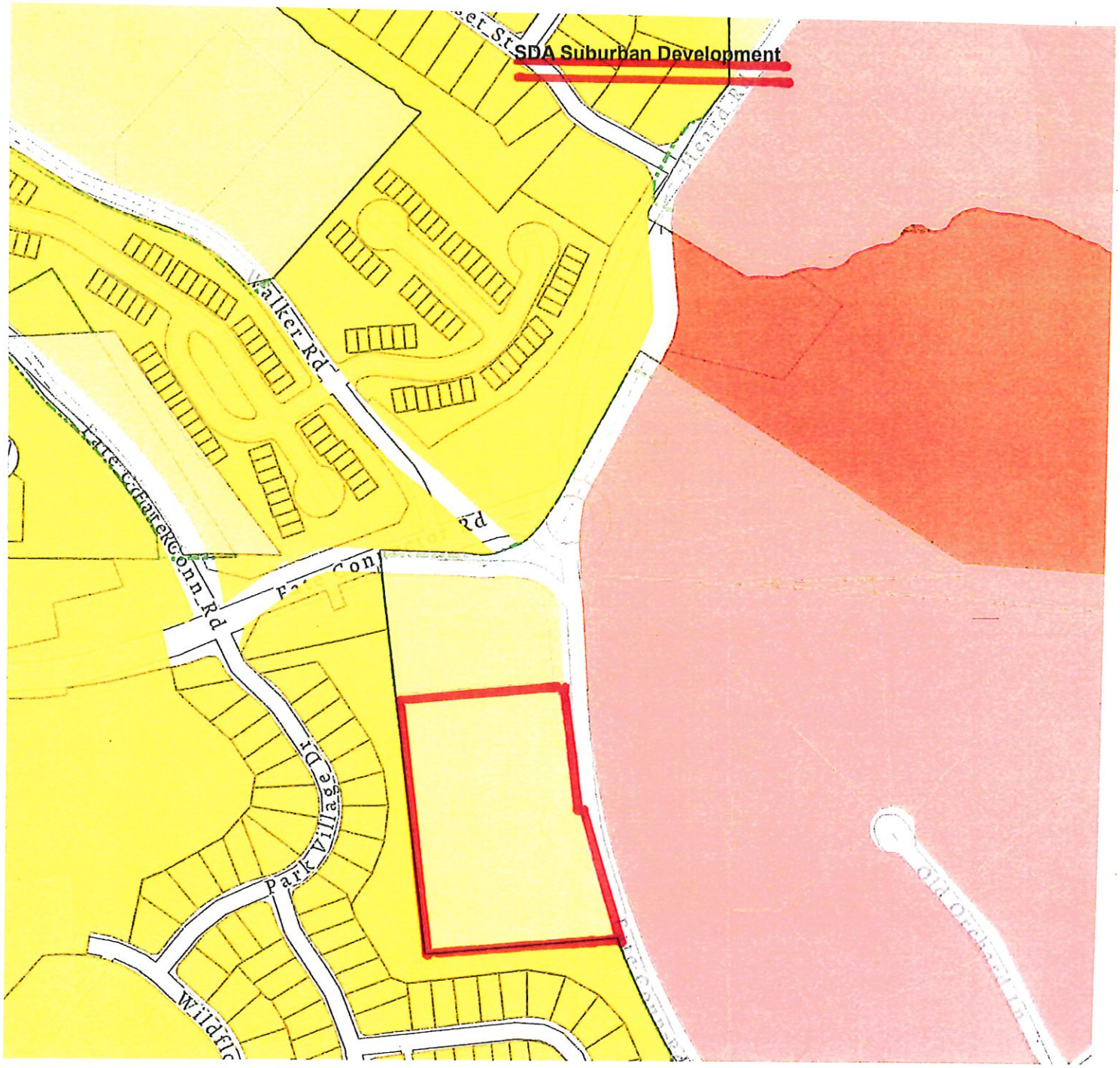
North – Vacant – AG, Cherokee County
South – Single family detached – PD-MU, Canton
East – Single family detached – R-80, Cherokee County

West – Single family detached, PD-MU, Canton

Location Map

Existing Land Use Map

Future Development Map



CANTON

CITERIA 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**; One of the adjacent properties, Park Village subdivision, is a small lot development approved in 2002. The proposed lots will be similar in size.

2. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**
   The proposed development will not adversely affect the existing use or usability of adjacent or nearby property.

3. **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;** The current county zoning is AG (Agriculture). The minimum lot size is 2 acres. A total of two homes could be built on the property with the current County zoning.

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 development will not cause an excessive or burdensome use of existing street, transit infrastructure or utilities. The school system has not responded to this request.

5. **Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and Future Development Map;** The proposed density is not in conformity with the Comprehensive Plan. The Comp Plan suggests low density (1-3 du/a) single family detached homes. The proposed density is 5.77 du/a.

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 adjacent subdivision (Park Village) is a small lot single family detached development that was approved in 2002. To the north is a recently completed townhome development.

7. **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources**. No adverse affects.

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.** In terms of proposed density the project does not meet the Comp Plan suggestion. There are no Overlay Districts involved.

Site Description: The parcel is currently covered with a mixture of hardwoods and pines. A single family home sits on the property.

Site History: To staffs knowledge the property has always been used as residential.

CRITERIA TO BE APPLIED – LAND USE PETITION (ANNEXATION)

1. **Whether the property(ies) considered for annexation are within the City of Canton's Service Delivery Strategy Area. The parcel is not within Canton's service delivery area.**

2. **Whether the property considered for annexation are within the City of Canton's Growth Boundary Agreement Area. The parcel is within the Growth Boundary Area.**

DEPARTMENT COMMENTS

BUILDING AND SAFETY SERVICES

- BUILDING SERVICES:

No comments received.

- SAFETY SERVICES:

Regarding the above cases, the following codes and information 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 – 27 May 2025)*

- Life Safety Code, 2024 Edition *(GA 120-3-3 Amendments – 27 May 2025)*

- *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 amendments*

- *International Energy Conservation Code, 2015 Edition, with Georgia Supplements and Amendments*
  - ***2020***
  - **2022**
  - **2022**
  - **2023**

- *International Swimming Pool and Spa Code, 2018 Edition, with Georgia Amendments*
  - **2020**

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

This project may require two or more fire apparatus access roads (entrances) based on the number of dwelling units constructed, the height of the structure or the square footage of the structure. This requirement is in the

2018 International Fire Code Appendix "D" and the City of Canton Unified Development Code (UDC), section 109.03.12 - Development access.

Approved fire apparatus access roads shall be provided within 150 feet of the exterior walls of all buildings or facilities at grade level as measured along an approved route around the exterior of the building. The distance may be extended to 200 feet on one side of the building or facility when equipped with a full NFPA 13 fire sprinkler system and when approved by the fire code official.

Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING – FIRE LANE signs and red painted curbs. All sign locations must be *approved* by the fire code official.

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 of asphalt or concrete capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.

3. Turn radiuses for all streets shall be 35' minimum for development entrances and 25' for interior streets. Proof of turning radius compliance shall be demonstrated using software analysis such as "AutoTURN" or other clearance/swept path analysis software for a 50' emergency vehicle. For tire curb clearances, bumper swing clearances or inside crimp angles or break over/Break under 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 positioned parallel to one entire side of the building. Overhead utilities and power lines shall not be located over the aerial apparatus road.

6. Aerial fire apparatus access roadways shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The location of the aerial fire apparatus road must be *approved* by the *fire code official.*

7.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.

8. Fire Department Connections (FDC) serving commercial properties shall be remote. All FDC's shall be within 100' of a fire hydrant.

9. PIVs, or other approved indicating valves, serving buildings 40 feet or more in height shall be located a minimum of 40 feet from the building. For buildings less than 40 feet tall, the valve shall be located no closer than the height of the building.

10. FDCs and PIVs, shall be painted OSHA safety red.

11. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING – FIRE LANE signs complying with Figure D103.6 below and red painted curbs. All sign locations must be *approved* by the fire code official.

12. Private gates for single family homes, multi-family complexes or commercial properties shall be installed with back-up batteries that are programmed to fail safe (open completely) during a power outage. This applies to all gate configurations.

Conditions for Consideration

COMMUNITY DEVELOPMENT

The applicant intends to construct up to 28 single family detached homes much like the ones in the adjacent development, Park Village. The applicant is also requesting the elimination of the required 50' buffer when R-4 zoned property abuts property zoned PD-MU.

Conditions for Consideration

DEVELOPMENT SERVICES

This project is in CCWSA Water and Sewer service area, however, there is no CCWSA sewer nearby. Therefore a relinquish request from Cherokee County will be required.

Entrance and road improvements on Fate Conn to be approved by Cherokee County

Hydrology Study required at LD Application.

Conditions for Consideration

POLICE DEPARTMENT

Conditions for Consideration

PUBLIC WORKS

Conditions for Consideration

UTILITY ENGINEER

See Development Services comments

Conditions for Consideration

CHEROKEE COUNTY SCHOOL SYSTEM

We have not received any correspondence from the school system at this time.
Conditions for Consideration

CHEROKEE COUNTY (AS NEEDED)

CHEROKEE COUNTY PLANNING AND ZONING DEPARTMENT

The Board of Commissioners voted unanimously (4-0) to express their concerns about the project relative to density, transportation, and fire and emergency services. The following requests are outlined:

1) Develop the parcel similar to Park Village Subdivision to the west.
2) Maintain the 35-foot buffer to the existing AG zoned parcel to the north and eliminate the buffer from the existing lots.
3) Fate Conn Road is a minor arterial and a 65-foot setback is required. The county requests that a five-foot no access easement be placed along the frontage of Fate Conn Road and the installation of a deceleration lane.
4) Fire and emergency services comments will be addressed by the City of Canton.

Conditions for Consideration

CHEROKEE COUNTY ENGINEER

Conditions for Consideration

CHEROKEE COUNTY FIRE MARSHAL

Conditions for Consideration

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

PUBLIC HEARING APPLICATION

Project #(s): ANNX2509-003

3632 FITE CONN ANNEXATION + RE-ZONING WITH VARIANCE

This Application is for:

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

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: LEGACY DESIGN + DEVELOPMENT, LLC
Address: 327 DAHLONEGA ST. #104
City: CUMMING
State: GA ZIP Code: 30040
Telephone: 706-203-1510
Email Address: EDDIE@legacydd.com

Owner Information:

Name: LEGACY DESIGN + DEVELOPMENT, LLC
Address: 327 DAHLONEGA ST #104
City: CUMMING
State: GA ZIP Code: 30040
Telephone: 706-203-1510
Email Address: EDDIE@legacydd.com

I, EDDIE VARGAS, 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, EDDIE VARGAS, have received and thoroughly read the Public Hearing Procedures.

This 2ND day of SEPTEMBER, 20 25.

Applicant Signature: _____ **Print Name:** EDDIE VARGAS

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

AUTHORIZATION OF OWNER AND APPLICANT

Project #(s): ANNX2509-003

3632 FATE CONN RD ANNEXATION & RE-ZONING WITH VARIANCE

This form is to be executed under oath. I, EDDIE VARGAS, **do solemnly swear and attest, subject to criminal penalites 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 theron.**

This 2ND **day of** SEPTEMBER, **20** 25.

Owner Signature: _____ **Print Name:** EDDIE VARGAS

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

Name of Authorized Applicant: EDDIE VARGAS

Signature: _____

Mailing Address: 327 DAHLONEGA ST. #104

City: CUMMING

State: GA **Zip Code:** 30040

Telephone: 706-203-1510

E-mail: EDDIE@LEGACYGLD.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 2ND **Day Of** SEPTEMBER, **20** 25.

Notary Signature: _____

KIMBERLY DAWN CRAIG NOTARY PUBLIC FORSYTH COUNTY, GEORGIA MY COMMISSION EXPIRES MAY 20, 2028

(Seal)

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

DISCLOSURE FORM

Project #(s): ANNX2509-003
3632 FATE CANN RD ANNEXATION & RE-ZONING WITH VARIANCE

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: EDDIE VARGAS - LEGACY DESIGN & DEVELOPMENT

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

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
$	
$	
$	

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

PROPERTY INFORMATION

Project #(s): ANNX2509-003

3632 FATE COMM RD ANNEXATION & RE-ZONING WITH VARIANCE

Address: 3632 FATE COMM RD.

Land Lot(s): 210 District: 14TH Section: 1ST Parcel ID(s) 14-0245-0004

Existing Zoning Of Property: CHEROKEE ☐ City ☑ County Total Acreage Of Property: 4.85

Proposed Zoning Of Property: R-4 Existing Use(s) Of Property Single Family Residential.

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	DARSIT PATEL / 14-0245-0003	CHEROKEE COUNTY	UNDEVELOPED
SOUTH	PARK VILLAGE COMM ASSOC. / 14-0245-0147	PD	Single Family Residential
EAST	BRANDON SHAMSABADI / 14-0245-001	Cherokee County	UNDEVELOPED.
WEST	PARK VILLAGE COMM ASSOC. / 14-0245-0147	PD	Single Family Residential
OTHER			
OTHER			
OTHER			

UTILITY INFORMATION:

How is sewage from this development to be managed? TIE INTO CITY SEWER

Proposed managing jurisdiction: City of Canton

How will water be provided to the site? Cherokee County Sewer & Water Authority

Proposed managing jurisdiction: _____ Size Limit: _____

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

PUBLIC SCHOOL INFORMATION

Project #(s): ANNX2509-003

3632 Fate Conn Rd Annexation + Re-Zoning with Variance

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

ZONED SCHOOLS: *(circle one each)*

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

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

REVIEW CRITERIA

Project #(s): ANNX2509-003

3632 FATE COMM RD ANNEXATION + REZONING VARIANCE

How will this proposal be compatible with surrounding properties? PROPOSED DEVELOPMENT WILL SUPPORT SURROUNDING PROPERTIES WITH A SINGLE FAMILY RESIDENTIAL THAT COMPLIMENTS EXISTING DEVELOPMENTS.

How will this proposal affect the use and value of surrounding properties? THE PROPOSAL WILL SUPPORT & EVEN POTENTIALLY INCREASE THE VALUE OF SURROUNDING PROPERTIES AS SINGLE FAMILY PRODUCT REMAINS IN SUCH NEED + DEMAND.

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

IT CANNOT, IT IS NOT CURRENTLY APART OF THE CITY + IS ZONED AGRICULTURAL WITHIN CHEROKEE COUNTY.

What would be the increase to population and traffic if the proposal were approved? THE PROPOSAL WE COULD INCLUDE UP TO 120 RESIDENTS + 60 VEHICLES.

What would be the impact to schools and utilities if the proposal were approved? THE PROPOSAL COULD HAVE MINIMAL IMPACT TO SCHOOLS + UTILITIES WITH SUCH A LIMITED SIZE DEVELOPMENT.

How is the proposal consistent with the Comprehensive Plan and the Future Land Use Map? PROPOSAL PROPERTY IS WITHIN THE CITY CHARACTER AREA DESIGNATED AS SUBURBAN DEVELOPMENT.

How is the proposal consistent with the City of Canton Roadmap of Success? PROPOSAL LOOKS TO ADD ADDITIONAL ATTAINABLE SINGLE FAMILY HOUSING PRODUCT THAT WILL SUPPORT PROFESSIONAL & WORKING FAMILIES.

Are there existing or changing conditions which affect the development of the property and support the proposed request? CHANGING CONDITIONS ALIGN WITH THE CITY OF CANTON SUBURBAN DEVELOPMENT PLAN & FUTURE USE MAP.

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

Letter Of Intent

3632 Fate Conn Rd. Annexation

Land Lot: 245, 14th District, 2nd Section
Owner/Applicant: Legacy Design & Development

Letter of Intent

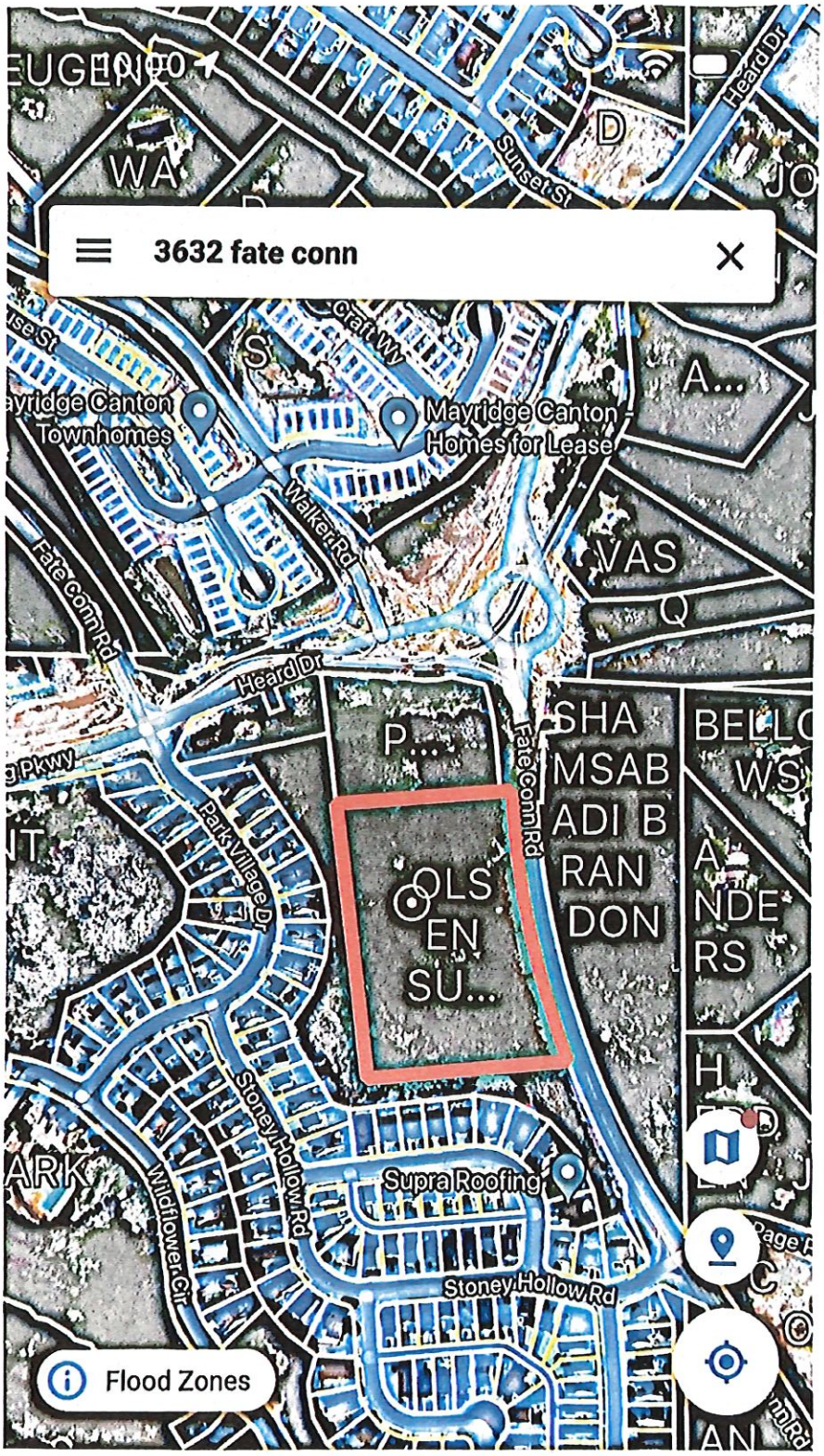
Submission for Annexation & Rezoning w/Landscape Buffer Variance

It is the intent of Legacy Design & Development, LLC, the applicant/owner, to request annexation and rezoning with variance of the above stated property. We, the applicant are requesting R-4 zoning with a variance to the landscape buffer requirements in an effort to provide a more attainable fee simple single family housing product to the local community.

The property is approximately 4.85 acres and contains an existing single family structure on septic which was built in 1984 but has been in a state of disrepair prior to Legacy's purchase. The property and home seem to have only been owned by a couple generations of the Olsen family up until our acquisition in July of 2024.

The intent is to ultimately facilitate up to 28 fee-simple single family residences ranging from 1,600sf-2,000sf with 3-4 bedrooms and 2-3 bathrooms. The homes will consist of two story buildings with attached garages which would complement the architecture of the surrounding communities. Each home would be accessed by a new street which would branch off of Fate Conn Road and would be built to meet City standards. With the exception of a landscape buffer variance request, any proposed development plans would conform with the City of Canton's current developmental regulations including but not limited to minimum building standards, general landscaping and signage requirements. We believe a request for variance to the landscape buffers is reasonable as the existing community bordering our property already has a land buffer owned by the association in place which meets or exceeds the 50' requirement between a PD & R-4 zoned property. Additionally, while the neighboring property is zoned PD it appears to have been developed in a fashion which would be highly similar to R-4's requirements and if both properties were zoned PD or R-4 there would be no landscape buffer requirement.

We believe that the impact of our proposed land use and future development to the adjoining land uses would be minimal and more likely positive as they are complimentary. The property is bordered on 2 sides (East & South) by an existing Planned Development (PD) of which most lots are just over 4,000sf and the North side of the property is bordered by a smaller undeveloped parcel which is also within the City's future growth area for suburban development. The East side of the property borders up to Fate Conn Road with approximately 564' of road frontage. A traffic study has not been done as of this time but will be provided if requested by the City Engineer.



OLSEN SUSAN L
Owner

3632 Fate Conn
Address

14-0245-0004
Parcel ID

CANTON

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

PUBLIC HEARING APPLICATION

Project #(s): RZON2509-008

3632 FATE CONN ANNEXATION + RE-ZONING WITH VARIANCE

This Application is for:

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

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: LEGACY DESIGN + DEVELOPMENT, LLC
Address: 327 DAHLONEGA ST. #104
City: CUMMING
State: GA ZIP Code: 30040
Telephone: 706-203-1510
Email Address: EDDIE@legacydd.com

Owner Information:

Name: LEGACY DESIGN + DEVELOPMENT, LLC
Address: 327 DAHLONEGA ST #104
City: CUMMING
State: GA ZIP Code: 30040
Telephone: 706-203-1510
Email Address: EDDIE@legacydd.com

I, EDDIE VARGAS, 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, EDDIE VARGAS, have received and thoroughly read the Public Hearing Procedures.

This 2ND day of SEPTEMBER, 20 25.

Applicant Signature: _____ **Print Name:** EDDIE VARGAS

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

AUTHORIZATION OF OWNER AND APPLICANT

Project #(s): RZON2509-008

3632 FATE CONN RD ANNEXATION + RE-ZONING WITH VARIANCE

This form is to be executed under oath. I, EDDIE VARGAS, **do solemnly swear and attest, subject to criminal penalites 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 theron.**

This 2ND **day of** SEPTEMBER, **20** 25.

Owner Signature: _____ **Print Name:** EDDIE VARGAS

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:

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

Name of Authorized Applicant: EDDIE VARGAS

Signature: _____

Mailing Address: 327 DAHLONEGA ST. #104

City: CUMMING

State: GA **Zip Code:** 30040

Telephone: 706-203-1570

E-mail: EDDIE@LEGACYGLD.COM

Applicant Status:

- [x] **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 2ND **Day Of** SEPTEMBER, **20** 25.

Notary Signature: _____

KIMBERLY DAWN CRAIG NOTARY PUBLIC FORSYTH COUNTY, GEORGIA MY COMMISSION EXPIRES MAY 20, 2028

(Seal)

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

DISCLOSURE FORM

Project #(s): RZON2509-008

3632 FATE CONN RD ANNEXATION & RE-ZONING WITH VARIANCE

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: EDDIE VARGAS - LEGACY DESIGN & DEVELOPMENT

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

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
$	
$	
$	

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

PROPERTY INFORMATION

Project #(s): RZON2509-008

3632 FATE COMM RD ANNEXATION & RE-ZONING WITH VARIANCE

Address: 3632 FATE COMM RD.

Land Lot(s): 210 District: 14TH Section: 1ST Parcel ID(s) 14-0245-0004

Existing Zoning Of Property: CHEROKEE ☐ City ☑ County Total Acreage Of Property: 4.85

Proposed Zoning Of Property: R-4 Existing Use(s) Of Property Single Family Residential.

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	DARSIT PATEL / 14-0245-0003	CHEROKEE COUNTY	UNDEVELOPED
SOUTH	PARK VILLAGE COMM ASSOC. / 14-0245-0147	PD	Single Family Residential
EAST	BRANDON SHamsabadi / 14-0245-001	Cherokee County	UNDEVELOPED.
WEST	PARK VILLAGE COMM ASSOC. / 14-0245-0147	PD	Single Family Residential
OTHER			
OTHER			
OTHER			

UTILITY INFORMATION:

How is sewage from this development to be managed? TIE INTO CITY SEWER

Proposed managing jurisdiction: City of Canton

How will water be provided to the site? Cherokee County Sewer & Water Authority

Proposed managing jurisdiction: _____ Size Limit: _____

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

PUBLIC SCHOOL INFORMATION

Project #(s): RZON2509-008

3632 Fate Conn Rd Annexation + Re-Zoning with Variance

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

ZONED SCHOOLS: *(circle one each)*

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

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

REVIEW CRITERIA

Project #(s): RZON2509-008

3632 FATE COMBS RD ANNEXATION & REZONING ~~VARIANCE~~

How will this proposal be compatible with surrounding properties? PROPOSED DEVELOPMENT WILL SUPPORT SURROUNDING PROPERTIES WITH A SINGLE FAMILY RESIDENTIAL THAT COMPLIMENTS EXISTING DEVELOPMENTS.

How will this proposal affect the use and value of surrounding properties? THE PROPOSAL WILL SUPPORT & EVEN POTENTIALLY INCREASE THE VALUE OF SURROUNDING PROPERTIES AS SINGLE FAMILY PRODUCT REMAINS IN SUCH NEED & DEMAND.

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

IT CANNOT, IT IS NOT CURRENTLY APART OF THE CITY & IS ZONED AGRICULTURAL WITHIN CHEROKEE COUNTY.

What would be the increase to population and traffic if the proposal were approved? THE PROPOSAL ~~WOULD~~ COULD INCLUDE UP TO 120 RESIDENTS & 60 VEHICLES.

What would be the impact to schools and utilities if the proposal were approved? THE PROPOSAL COULD HAVE MINIMAL IMPACT TO SCHOOLS & UTILITIES WITH SUCH A LIMITED SIZE DEVELOPMENT.

How is the proposal consistent with the Comprehensive Plan and the Future Land Use Map? PROPOSAL PROPERTY IS WITHIN THE CITY CHARACTER AREA DESIGNATED AS SUBURBAN DEVELOPMENT.

How is the proposal consistent with the City of Canton Roadmap of Success? PROPOSAL LOOKS TO ADD ADDITIONAL ATTAINABLE SINGLE FAMILY HOUSING PRODUCT THAT WILL SUPPORT PROFESSIONAL & WORKING FAMILIES.

Are there existing or changing conditions which affect the development of the property and support the proposed request? CHANGING CONDITIONS ALIGN WITH THE CITY OF CANTON SUBURBAN DEVELOPMENT PLAN & FUTURE USE MAP.

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

Letter Of Intent

3632 Fate Conn Rd. Annexation

Land Lot: 245, 14th District, 2nd Section
Owner/Applicant: Legacy Design & Development

Letter of Intent

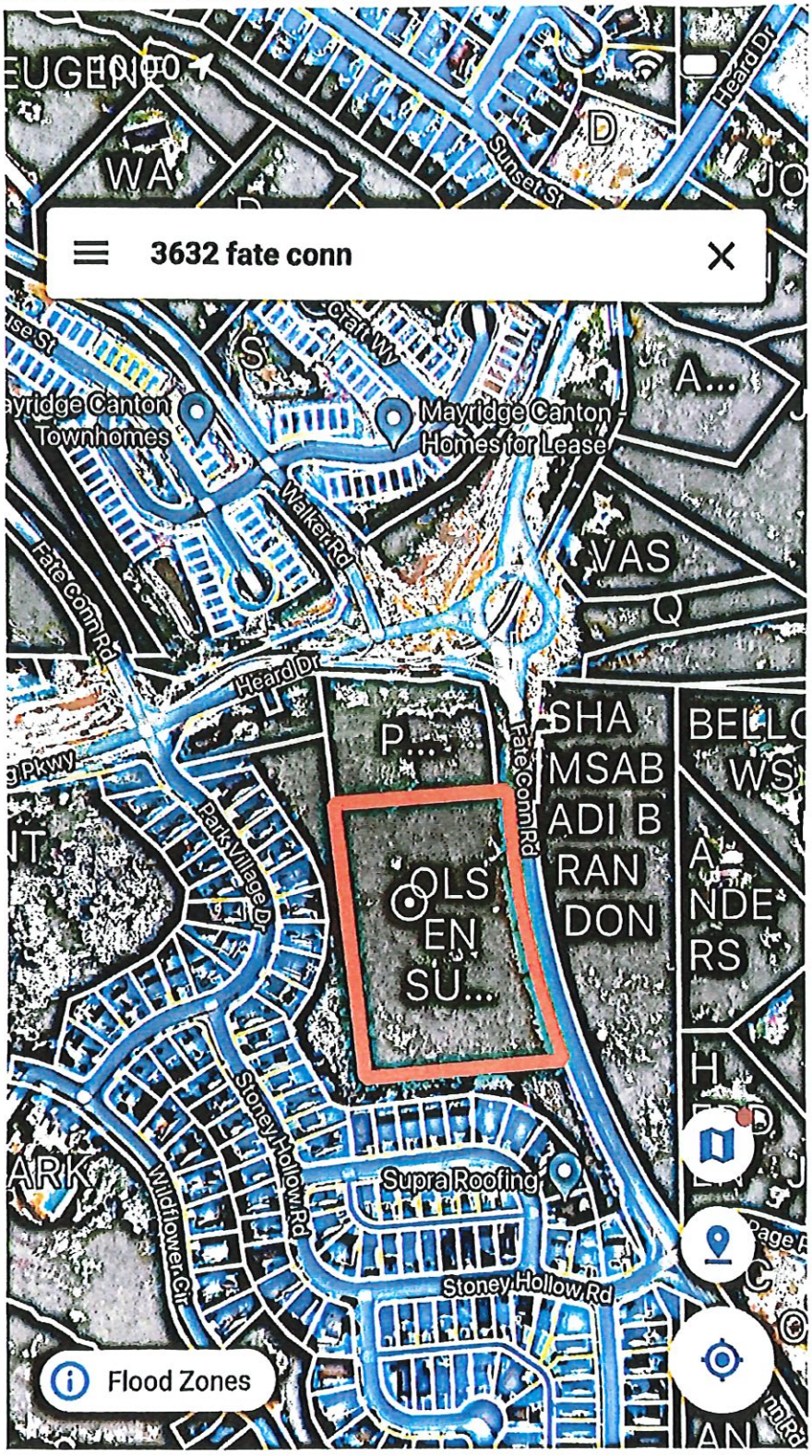
Submission for Annexation & Rezoning w/Landscape Buffer Variance

It is the intent of Legacy Design & Development, LLC, the applicant/owner, to request annexation and rezoning with variance of the above stated property. We, the applicant are requesting R-4 zoning with a variance to the landscape buffer requirements in an effort to provide a more attainable fee simple single family housing product to the local community.

The property is approximately 4.85 acres and contains an existing single family structure on septic which was built in 1984 but has been in a state of disrepair prior to Legacy's purchase. The property and home seem to have only been owned by a couple generations of the Olsen family up until our acquisition in July of 2024.

The intent is to ultimately facilitate up to 28 fee-simple single family residences ranging from 1,600sf-2,000sf with 3-4 bedrooms and 2-3 bathrooms. The homes will consist of two story buildings with attached garages which would complement the architecture of the surrounding communities. Each home would be accessed by a new street which would branch off of Fate Conn Road and would be built to meet City standards. With the exception of a landscape buffer variance request, any proposed development plans would conform with the City of Canton's current developmental regulations including but not limited to minimum building standards, general landscaping and signage requirements. We believe a request for variance to the landscape buffers is reasonable as the existing community bordering our property already has a land buffer owned by the association in place which meets or exceeds the 50' requirement between a PD & R-4 zoned property. Additionally, while the neighboring property is zoned PD it appears to have been developed in a fashion which would be highly similar to R-4's requirements and if both properties were zoned PD or R-4 there would be no landscape buffer requirement.

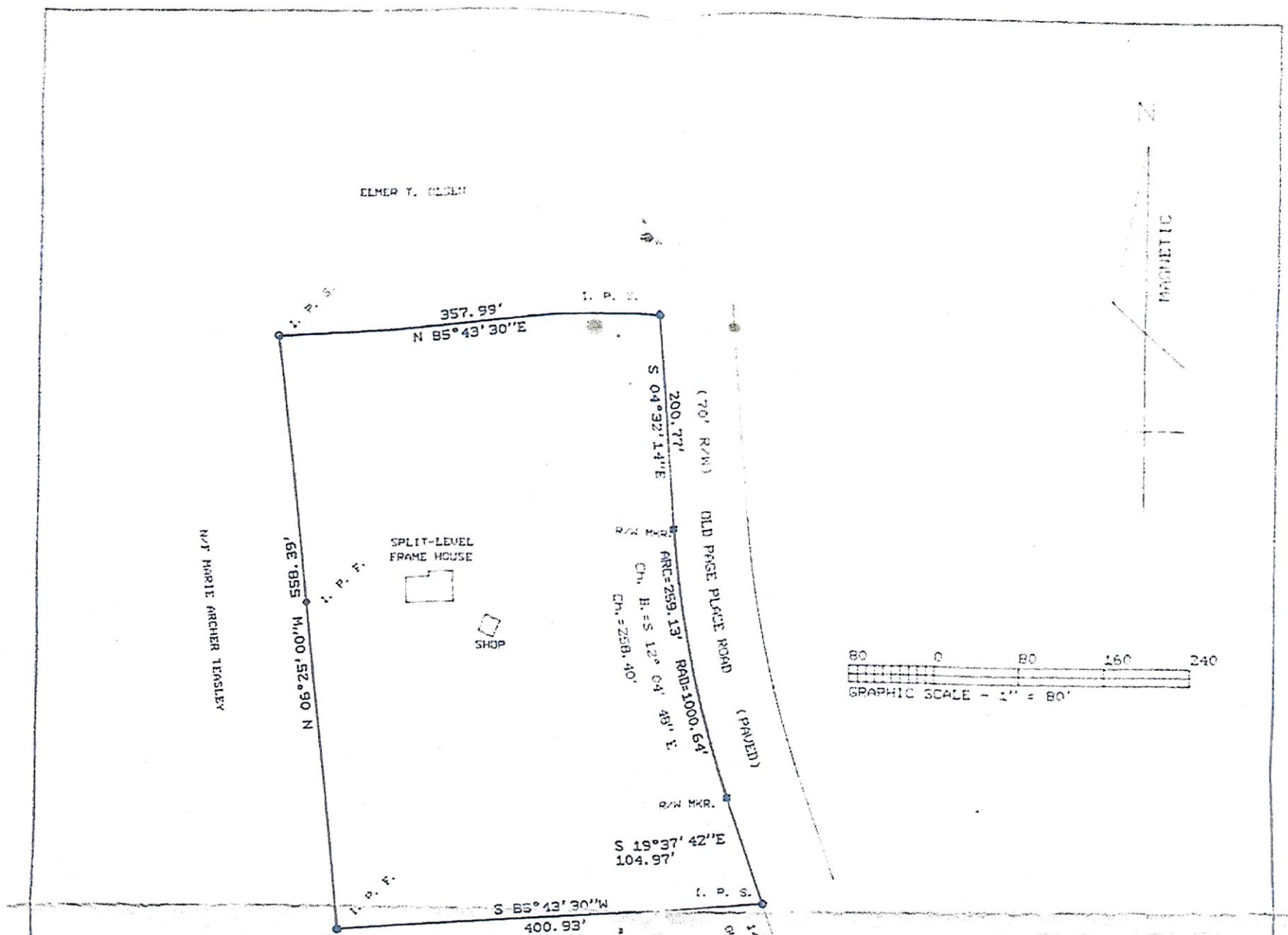
We believe that the impact of our proposed land use and future development to the adjoining land uses would be minimal and more likely positive as they are complimentary. The property is bordered on 2 sides (East & South) by an existing Planned Development (PD) of which most lots are just over 4,000sf and the North side of the property is bordered by a smaller undeveloped parcel which is also within the City's future growth area for suburban development. The East side of the property borders up to Fate Conn Road with approximately 564' of road frontage. A traffic study has not been done as of this time but will be provided if requested by the City Engineer.



OLSEN SUSAN L
Owner

3632 Fate Conn
Address

14-0245-0004
Parcel ID



NOTES-

1) REFERENCE: GA. D. O. T. R/W PLAN, FEDERAL AID PROJECT I-575-1(9), SHEET NOS. 3 & 3A

2) REFERENCE: PLAT OF SURVEY OF PROPERTY OF JACK A. & MARGIE S. BOWERMAN BY MICHAEL C. MARTIN, R. L. S.

3) ALL IRON PINS FOUND ARE 1/2" REBAR UNLESS OTHERWISE STATED.

LEGEND

TELEPHONE POLE	I. P. F. IRON PIN FOUND
POWER POLE	I. P. S. IRON PIN SET (5/8" REBAR)
FENCE LINE	M. M. F. MARBLE MONUMENT FOUND
L. L. L. LAND LOT LINE	R/W RIGHT-OF-WAY
N. T. S. NOT TO SCALE	

ROY D. WILSON, JR., R. L. S. # 2081
438 WHITE OAK DRIVE
JASPER, GEORGIA 30143
TELEPHONE (404) 692-5058
Member of Surveying and Mapping Society of Georgia

SURVEY FOR

ELMER T. OLSEN

AREA: 4.65 ACRES

SUBDIVISION:

LOT: BLOCK: UNIT:

LAND LOT(S): 245

DISTRICT: 14 SECTION: 2nd

CITY: COUNTY: CHEROKEE

STATE: GEORGIA

ERROR OF CLOSURE (field data): 1:30,400

ERROR OF CLOSURE (plat data): 1:100,000

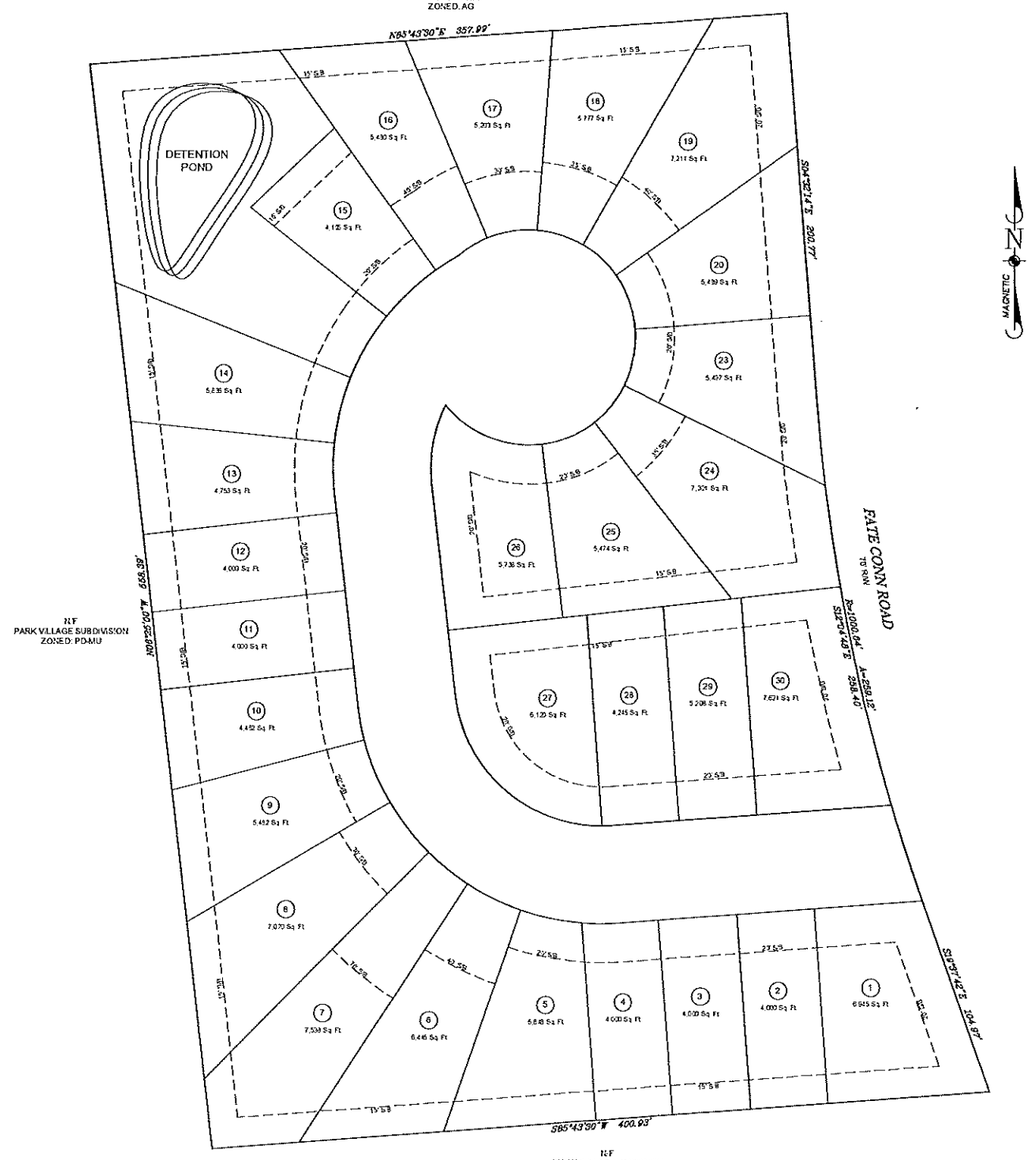
ANGULAR ERROR: 5" per angle pt.

ADJUSTED BY COMPASS RULE

EQUIPMENT USED: TOPCON GTS 5

DATE: MARCH 14, 1987

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED



NOTES:

Site layout shown hereon is for conceptual purposes only and is not an engineered document.

No portion of this property is located in a Flood Hazard Area as indicated on F.I.R.M. No. 13057C0162E, effective date 09-07-2019

Current Zoning - AG
Proposed Zoning - R4
Total Area - 4.65± Acres
Total Lots - 30
Density - 6.5 Lots/Ac.
Maximum Density - 8 Lots/Ac

R4 SETBACKS:
Front - 20'
Side - 0', 10' Separation between structures
Rear - 15'
Minimum Lot Size - 4,000 Sq. Ft.
Minimum Lot Width - 80'

The adjacent zonings are PD-MU and AG. A variance will be required for buffers.

NOT FOR CONSTRUCTION

REVISIONS

DATE:

Preliminary Site Plan for
LEGACY DESIGN AND DEVELOPMENT
Land Lot 210, 14th District, 1st Section
City of Canton, Cherokee County, Georgia
08-20-2025

McWhorter & Anderson
LAND SURVEYING & CIVIL ENGINEERING
416 Pirkle Ferry Road
Building H, Unit 300
Cumming, GA 30040
(770) 889-9430
www.mga-se.com

SHEET TITLE:
PRELIMINARY SITE PLAN

SHEET:
P-2.0

FILE: 13961_P02

Cherokee County

GEORGIA 1831

PLANNING AND ZONING

October 27, 2025

Steve Green
Zoning Administrator
City of Canton
110 Academy Street
Canton, GA 30114

RE: ANNX2509-003 – 3632 Fate Conn Rd

Dear Mr. Green:

The annexation case ANNX2509-003 was on the agenda of the Cherokee County Board of Commissioners regular meeting on October 21, 2025. The applicant is requesting to annex and rezone a parcel totaling 4.85 +/- acres (14N21 045) along Fate Conn Rd from AG (Cherokee County) to R-4 (City of Canton). The proposed development is the construction of 28 'for sale' single-family detached homes. The applicant is requesting a variance to eliminate the landscape buffer between the Park Village Subdivision on the west from 50' to 0'.

The Board of Commissioners voted unanimously (4-0) to express their concerns about the project relative to density, transportation, and fire and emergency services. The following requests are outlined:

1. Develop the parcel similar to Park Village Subdivision to the west.
2. Maintain the 35-foot buffer to the existing AG zoned parcel to the north and eliminate the buffer from the existing lots.
3. Fate Conn Road is a minor arterial and a 65-foot setback is required. The county requests that a five-foot no access easement be placed along the frontage of Fate Conn Road and the installation of a deceleration lane.
4. Fire and emergency services comments will be addressed by the City of Canton.

The staff analysis is included as an attachment and provides further details. Please reach out should you have any questions.

Sincerely,

Catherine Long

Catherine Long
Planning Division Manager

Cherokee County GEORGIA

STAFF REVIEW AND ANALYSIS OF ANNEXATION REQUEST

10/2025

Per O.C.G.A. § 36-3613 (set forth in full at the end of this document for your ease of reference), a land use objection can be made by majority vote of the Board of Commissioners in the event of a material increase in burden upon the County which is quantifiable and otherwise meets the requirements of the statute. In order for a land use objection to be considered timely, it must be completed in time for the BOC to vote upon it in open session and served upon the annexing municipality within 45 days of receipt of notice of annexation via statutory overnight delivery or certified mail, return receipt requested.

City		Canton	
Case Number	ANNX2509-003	Applicant	Legacy Design & Development, LLC
Receipt of Certified Annexation Notice			09/22/2025
Canton City Council Public Hearing			11/06/2025
Meeting date the Board of Commissioners must decide whether to object (45 days)			11/05/2025
Canton City Council Decision			12/04/2025

Staff is requested to review the application for annexation and provide a response to the following questions.

		Yes	No
Is the property to be annexed contiguous to city jurisdictional boundary?		X	
Future Development Map designation	Suburban Growth		
Surrounding / Contiguous City Future Development Map	Suburban Development		
Surrounding County Future Development Map	Suburban Growth		
Does this annexation create an "island" of unincorporated land?			X

1) If the application is granted will there be a material increase in burden upon the County directly related to:

	Yes	No
a) the proposed change in zoning or land use?		X
b) the proposed increase in density?		X
c) infrastructure demands related to the proposed change in zoning or land use?		X

	Yes	No
2) Will delivery of services be affected by the annexation?		X

Cherokee County GEORGIA 1831

STAFF REVIEW AND ANALYSIS OF ANNEXATION REQUEST

10/2025

If the answer to (2) is yes, is the affect on delivery of services directly related to

a) the proposed change in zoning or land use?

b) the proposed increase in density?

c) infrastructure demands related to the proposed change in zoning or land use?

Note: Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in items (a), (b), and/or (c) of Section 1 above.

	Yes	No
3) If there is a material increase in burden caused by items (a), (b), and/or (c) of Section 1 above, can your department provide evidence of any financial impact?		
If the answer to (3) is yes, please provide the evidence		

	Yes	No
4) Does the proposed change in zoning or land use result in a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use?		X
If the answer to (4) is no, does the proposed change in zoning or land use result in:	Yes	No
a) a use which significantly increases the net cost of infrastructure?		X
b) a use which significantly diminishes the value or useful life of a capital outlay project, as such term is defined in O.C.G.A. 48-8-110, which is furnished by the county to the area to be annexed?		X
If the answer to 4(a) or 4(b) is yes, then:	Yes	No

c) Does the proposed change in zoning or land use differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan?

d) Does the proposed change in zoning or land use differ substantially from the existing uses permitted for the property pursuant to the county's zoning ordinance or its land use ordinances?

Comments:

Planning and Zoning

- 5.7 dwelling units per acre
- Within the Growth Boundary
- Applicant is requesting a variance to eliminate the landscape buffer between the Park Village Subdivision on the west from 50' to 0'
- Maintain the 35-foot buffer to the existing AG zoned parcel to the north and eliminate the buffer from the existing lots

Transportation

- Because Fate Conn Rd is a minor arterial there must be a minimum setback of 65 feet
- A deceleration lane needs to be installed
- The County requests a 5-foot no access easement along the frontage of Fate Conn Rd.

Fire

- The fire requirements will be managed by the City of Canton.

Cherokee County GEORGIA 1831

STAFF REVIEW AND ANALYSIS OF ANNEXATION REQUEST

10/2025

O.C.G.A. § 36-36-113. Reasons for objection to annexation

(a) The county governing authority may by majority vote object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:

(1) The proposed change in zoning or land use;

(2) Proposed increase in density; and

(3) Infrastructure demands related to the proposed change in zoning or land use.

(b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.

(c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.

(d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:

(1) Result in:

(A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or

(B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and

(2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

3632 Fate Conn Rd.

Community Information & Input Meeting

October 21st, 2025 6:15pm

Location: Thrive Jones Hall Canton, GA

Questions & Comments

1. One resident asked what we intended to build –
    a. we responded that there are no definite plans but that the intent is to closely match Park Village.1,600sf-2,000sf and likely 2 stories.
2. Resident asked about plans to improve Fate Conn Rd.
    a. We responded that we had no plans to improve the road other than what the City required for the development. And that the City could require a traffic study.
3. Resident asked why our variance was so small and that it looked like it was only 5'.
    a. It seems that the resident was referring to the rear 15' lot setback line on our concept plan which is within current regulations. We responded that the variance we are seeking is with respect to the landscape buffer requirement since we would have differing zoning classifications with Park Village being PD and out proposed community being R-4. We mentioned that our proposed lots closest to any other individual lots within Park Village would be separated by about 50' of Park Village Community Association property at their closest points. We also covered the fact that the buffer would not be required if we were able to apply for a PD.
4. Resident made a comment about Park Village lots who could look up out of their backyard towards our property at a new house indicating that we should offer some sort of compensation to those owners because no one would want to buy those homes.
    a. We indicated that our property is elevated and that the association property between us is densely wooded. We also mentioned that while we could build as close as 15' to the rear property lines it would be our intent to build as close to the new road frontage as possible for cost purposes.
5. Resident asked about the variance request from 50' landscape buffer to 0' and if that would mean his lot would butt up to one of our new lots.
    a. We explained that our lots would abut to land owned by the association but no new lots would border any existing residents lots. The resident clarified

that they considered the association property directly behind them an extension of their backyard.

6. Resident asked if the proposed development was at the roundabout or further down
    a. I clarified that there is another parcel between us and the roundabout. Another resident on the park village board spoke up and indicated that our property starts where their sidewalk ends.
7. Resident asked about what plan would be in place that as we start clearing and building that all that wash is not coming into their backyards
    a. We indicated that any runoff would be mitigated via approved erosion control measures which would likely be phased. We touched on processes with the EPD and City of Canton.
8. Resident asked where intended on putting a detention pond
    a. We showed where it's currently proposed on the Northwest corner of the property. We also indicated that the site and it's storm water management system would ultimately be designed to achieve appropriate storm water quality management and runoff mitigation.
9. Resident asked if when Park Village was originally built that all the water was supposed to go away from the properties. Indicating that they had an existing storm water issue where water flows towards their home.
    a. We shared that this could have been the responsibility of their builder/developer but most likely would've needed to be addressed within the first year of the home being initially purchased/built.
    b. The resident asked if anyone was obligated to address his existing water issue. We indicated that we would be expected to provide a design which mitigates and water runoff issues from the new proposed development
10. Resident asked how we intended on tying into the sewer line
    a. We stated that it would be dependent on where the City would approve us to tie in. With the 2 locations we were aware of being just North of Bluffs Parkway and at the South entrance of Park Village on Stoney Hollow Road.
    b. We also indicated that if we were tying in at Stoney Hollow Road we would likely plan the work around peak traffic times and would be expected to provide traffic control. Maybe disruption for a 1-2 weeks.
11. Resident asked about the property being brought off the market for sale yesterday.
    a. We expressed that what they may have seen the property recently still listed on could have been inaccurate as it was our understanding that the property had been taken off market last month. Resident's partner expressed that she was a realtor and could confirm. We expressed that we had asked for it to be taken down previously and were not aware that the property was still listed

as of yesterday. Then went a little more in depth on why we had listed the property initially including the possibility to attract potential partners/investors. Also that it was our intent to perform in the development of the property as much as possible.

12. Resident who said they live across the road off Page Pl indicated that it was difficult to see traffic coming from the roundabout to the North. And that cars come down the hill fast. Asked about some sort of speed control.
    a. We mentioned that we'd bring these concerns to the City for ideas and discuss some clearing with the property owner across the street about possibly cutting some trees for better line of site once we are developing.
13. Resident asked about what would happen with all the trees on our property butting up to Park Village.
    a. We discussed that we would clear most of them but may leave some within the 5'-10' of the property line to avoid having to clear everything.
14. More residents raised concerns about Fate Conn Rd traffic and "the way people drive". Fate Conn Rd gets very backed up from Ballground Hwy and 2 people were killed this year south of the bridge and before Ballground Hwy.
    a. We mentioned that the City could ask for a traffic study.
15. Resident asked why the City hasn't adopted Fate Conn Rd.
    a. We indicated that we would ask.
16. Resident asked if the property was a part of the City's plan for future growth.
    a. We shared the comprehensive plan map which shows the property within the character area for future suburban development.
17. Resident asked if there was any plan for an HOA at the proposed development.
    a. We answered yes, it is our intent to implement an HOA and furthermore that we intended on collaborating with Park Village to explore the possibility of joining their association if it would be mutually beneficial.
18. Resident asked if we knew the value of the homes we would be proposing.
    a. We discussed the intent to provide a product which would match Park Village but should be valued higher being a new product and would in theory support or boost the values of homes within Park Village.
19. Park Village resident asked about the possibility of us bringing on an investor who is interested in a for rent development.
    a. We indicated that it is our intent to have an investor with a minority stake and that we are not interested in anything other than fee-simple sales. Also that we have not entertained the for rent model in and don't want to do it. Resident indicated that rentals would could bring their values down.

20. Resident mentioned their concern with us asking to go from a 50' landscape buffer to 0' landscape buffer and asked if the proposed houses would have a backyard.
    a. We stated that our goal was to push the homes as close to the front setback as possible to create as much backyard as possible also keeping structures further away from the park village association property. We also discussed how most if not all homes would be 2-story to reduce pervious surface as much as possible.
21. Resident asked about the 15' setback.
    a. we informed them that it indicates the extent of which we could possibly have impervious surface but that we would likely build closer to the road and most likely would leave some wooded areas in the last 5-10' within that setback.
22. Resident asked if every lot would be 5,000sf-6,000sf.
    a. We indicated that most would just as the lots in Park Village are.
23. Resident who we understand sits on the Park Village HOA board asked if we were considering putting a fence around the Park Village property.
    a. We indicated that we could study the cost and consider it. But it is not something we had planned on.
24. The same resident mentioned that the their other big concern is the water run off indicating that everyone is concerned about any water run off getting worse. They asked us to confirm that the water from the front of the house would go to the street and the water from the backyards along the Park Village Association property would just run off the back towards the residents lots.
    a. We indicated that the backyards would be grassed and should absorb some water but that we would lean on our engineers to provide a storm water system design which should mitigate excessive runoff. Such a design could possibly include drains in the back yards of some of the lots which would feed into the stormwater system for the property. We also discussed some of the processes our design would go through such as needing approvals by the state EPD and the City prior to an LDP being issued. We expressed that our submittals would be public information and could be made available to them if/when that time comes.
25. This same resident's next comment was "Let's go one step further, you've already said, you would love for our association to take over the complex basically, as a possible goal".
    a. We then expressed how we are open to the idea if it's beneficial to the community but that it's easy enough to form our own association. We just thought it may be beneficial to the community by adding members who

would contribute to the HOA's fund. The resident asked us to keep them informed and seem very open to the idea.

26. Another resident asked if we were proposing any sort of amenities such as a clubhouse.
    a. We expressed that the development was too small on its own to support any large amenities. But that we would have a mailbox kiosk and could possibly put a small pavilion and/or playground if feasible.
27. Resident asked about our timeline.
    a. We indicated that if our proposal was approved in December we would move forward with design and engineering which could be a 3-6 month process, and then we would go through permitting which could take a couple months with comments. So we likely wouldn't break ground for 6-9 months and it could be about a year and a half from now before the first home was completed and sold.
28. Resident asked if anyone has reviewed our concept to make sure another exit/entry point wouldn't be required.
    a. We shared that we felt one point of exit/entry would be best but that this decision could ultimately be up to the City.
29. Resident asked about another meeting if they wanted to discuss further with us.
    a. We indicated that the next meeting is the public hearing on November 6th but asked the residents to take our contact information and reach out regarding any updates or other concerns they may have as it's our intent for a continued collaboration. Resident asked if a vote would be taken then. We shared that it is the Public Hearing and a vote to take action could take place during the December 4th meeting.
30. Resident asked about what we were thinking the price points would be at for the new homes.
    a. We expressed that we were exploring products that would be right around $400k. The resident who seemed to reside at park village expressed deep concern and indicated that anything below $400k would likely be harmful to their values. We expressed that we were having a difficult time building financial models around a smaller product with values around $400k and would likely need to build a slightly larger product than originally anticipated for the majority of the development with a few homes still being in the originally intended range.

Summary

Overall, we feel that the meeting went very well. We were able to hear the resident's concerns/remarks and offer our own feedback while avoiding a contentious environment. Most of the attendees were from Park Village and had the most questions. Below is a list of what we believe to be the key concerns residents discussed during the meeting along with our intents to address them or not.

1. Storm Water Runoff – residents are concerned that the development could create or contribute to storm water runoff issues
    a. It is our intent to provide a design which mitigates the potential of any runoff substantial enough to be an issue and is within current state and local regulations.

2. Traffic on Fate Conn Rd. – Several residents expressed concern over existing and additional traffic on Fate Conn Rd.
    a. We expressed that we would collaborate with the City on the following questions/concerns they had while we don't particularly believe they are the sole responsibility of the proposed development.
        i. Does the City have any plans to acquire Fate Conn Rd. as it is currently a county road?
        ii. Any future plans for the intersection of Fate Conn Rd. and Ballground Hwy?
        iii. Can any sort of improvements be done to slow vehicles down?

3. Home Values – Multiple Park Village residents expressed their concern over the new homes being priced low enough to negatively impact their current home values.
    a. We expressed that there would likely be a mix of home sizes/values with the majority being slightly greater in size and value than what we originally intended. Which could in theory improve or at least support the value of their homes.

4. Landscape Buffer Variance- we believe most of the concern here is the potential of visibility from Park Village lots on the other side of the Association-owner property.
    a. We indicated that the area between Park Village lots and the proposed lots is densely wooded association land. Also with our property being at a higher elevation and the intent to build as close to the road as possible should help keep the new homes less visible.
    b. We will explore the idea of fencing between the Association property and our lots and also consider leaving a portion of the back of lots uncleared.
    c. We will also be studying potential lines of site in the coming weeks to see how much exposure might be realistic

5. Community Association – Multiple members of the Park Village community expressed interest in whether or not we would implement a community association
    a. We indicated our intent for the community to have an association with covenants
    b. Received positive feedback from residents when mentioning the idea of the proposed development possibly becoming an extension of the Park Village community
    c. After the meeting, the president of the Park Village HOA had passed his business card along to one of our associates who was present at the meeting and expressed that they wanted to been in touch and discuss working together.