

**Action Requested/Required:**

- ☐ Vote/Action Requested
☐ Discussion or Presentation Only
☒ Public Hearing
Report Date: 1/29/25
Hearing Date: 2/6/25
Voting Date: 2/20/25

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

Agenda Item Title:

ZCA2412-002/MPA2412-001/CUP2501-001 - Request for Zoning Condition Amendment, Master Plan Amendment and Conditional Use Permit - Broekhuijsen Capital Holdings, LP

Summary:

The applicant seeks approval for a Zoning Condition Amendment, Master Plan Amendment and Conditional Use Permit to amend the previously approved Zoning Condition Amendment which was approved in 2022, to add 4.81 acres to the previously approved Park Village Master Plan and gain approval of a Conditional Use Permit to construct multi-family buildings on the north side of Technology Ridge Parkway

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:

Conditions for consideration will be provided for the action meeting staff report.

Reviews:

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

Attachments:

Application, site plan, survey, preliminary staff report



Land Use Petition: ZCA2412-002, MPA2412-001 and CUP2501-001

Date of Staff Report Preparation: 01/29/2025

Mayor and City Council Public Hearing Date: 02/06/2025

Possible action date 02/20/2025

Project Name/Applicant: Broekhuijsen Capital Holdings, LLC

Property Owner: Broekhuijsen Capital Holdings, LLP

Property Location: Fate Conn and Heard Road (No address assigned), Part of the Park Village development

Tax Map and Parcel Number: 14N21, 044B and 044D

District/Land Lot: 14th District, Land Lot 245

Acreage: 37.8

Existing Zoning District: PD-MU

Requested Zoning: N/A

Existing Land Use: Vacant / undeveloped

Future Development Map Designation: SDA Suburban Development, Hickory Log

Proposed Development: Mixed use containing residential (townhomes and condos), industrial, retail and office uses.

District Standards:

___ Zoning District Standards (Primary Street)*			
Impervious Surface (max.)	N/A	Front Yard Setback (min.)	N/A
Open Space (min.)	N/A	Side Yard Setback (min.)	N/A
Building Height (max.)	N/A	Rear Yard Setback (min.)	N/A
Building Height (min.)	N/A	Buffer Planting (min.)	N/A
Zoning Buffer	N/A	Overlay Zone	N/A

- **The original zoning approval for Park Village was subject to the applicants "Park Village Guidelines". Within these guideline on a 5' building separation is given for residential uses. No development guidelines were given for commercial uses.**

Surrounding Land Uses and Zoning:

North – Residential – R-4

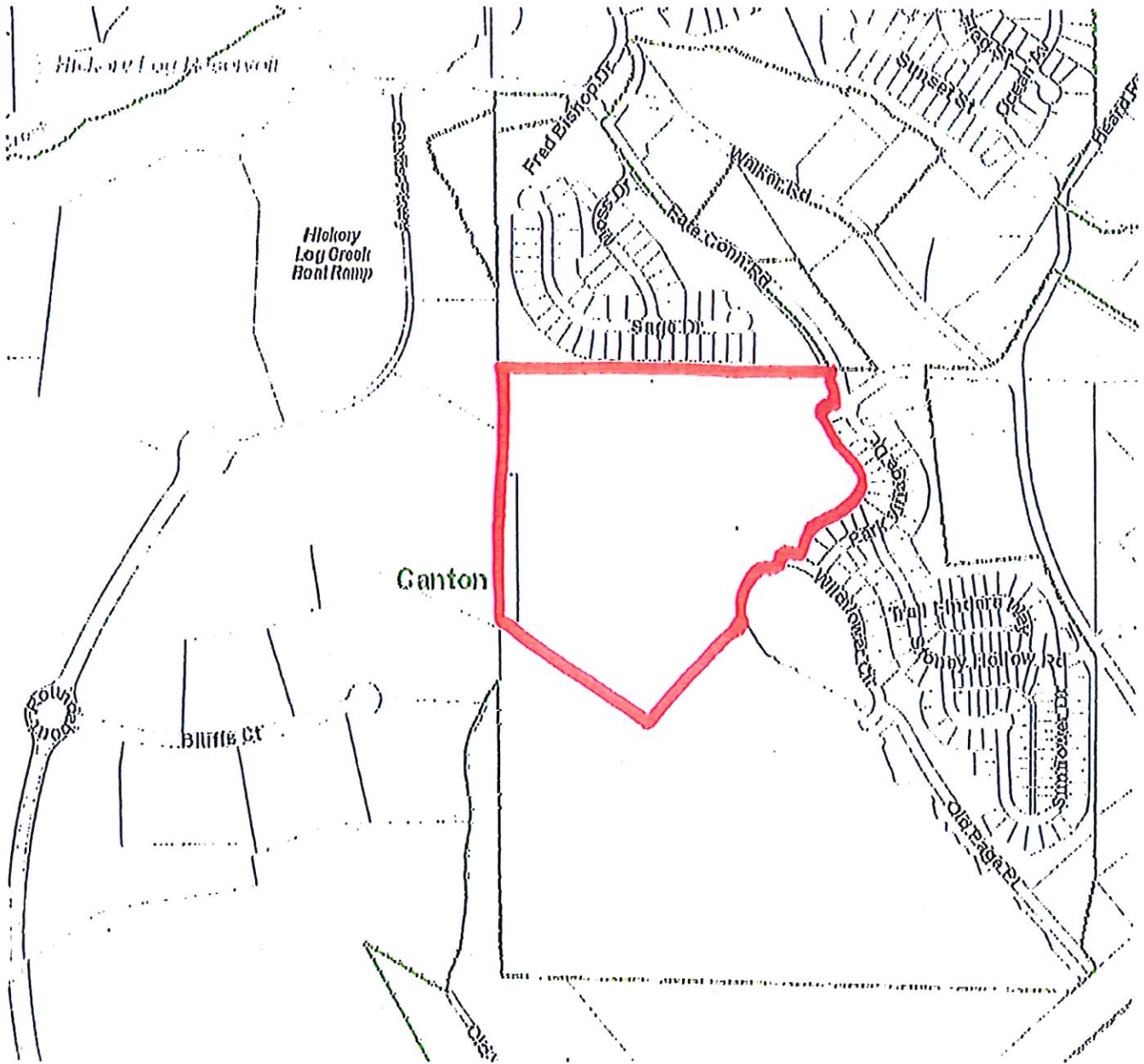
South – Vacant/undeveloped – PD-MU

East – Residential, PD-MU

West – Industrial, vacant/undeveloped – PD-MU

CANTON

LOCATION MAP



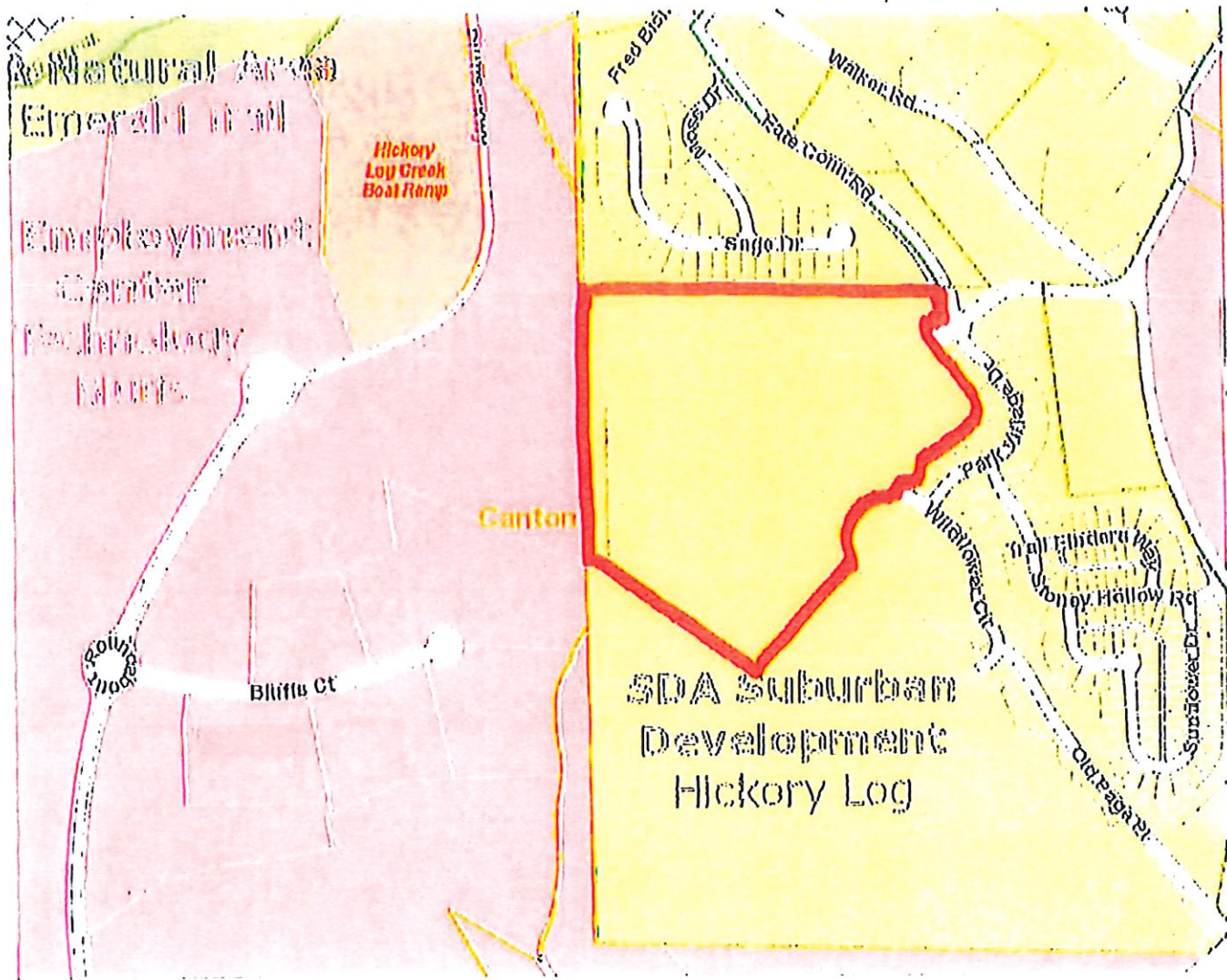
CANTON

EXISTING LAND USE MAP



CANTON

FUTURE LAND USE MAP





Site Description: The subject property is heavily wooded with a mixture of hardwood and evergreen trees.

Site History: The property was rezoned to PUD (Planned Unit Development) in November 2003 as part of the Park Village development. A variety of uses was approved which included residential, commercial and a commuter rail station.

Pods F and I have been developed with single family detached homes. This has used +/- 29 acres of the 146.71 acres. Cherokee County purchased the remaining pods (A, B, C, D, E, G, H and J) in 2009.

In 2022 a Zoning Condition Amendment was approved for industrial, office, retail and residential uses for the Becker development. Since that time Technology Ridge Parkway has been completed.

CRITERIA TO BE APPLIED – LAND USE PETITION (REZONING)

- 1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;**
- 2. Whether the zoning proposal will 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;**
- 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;**
- 5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and Future Development Map;**
- 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.**
- 7. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**
- 8. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the Character Areas, and any Overlay Districts.**



CRITERIA TO BE APPLIED – CONDITIONAL USE PERMIT

- a. Whether the proposed use is consistent with the comprehensive plan and other adopted policies of the City;
- b. Whether the proposed use complies with the requirements of this zoning ordinance;
- c. Whether public services, public facilities and utilities are adequate to serve the proposed use;
- d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of:
 - 1. Noise, smoke, order, dust or vibration generated by the proposed use;
 - 2. Hours or manner of operation of the proposed use; and
 - 3. Traffic volumes generated by the proposed use;
- e. Whether the proposed use would result in an over-concentration of the subject use type within the area of the proposed use;
- f. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the comprehensive plan, the character areas, and all applicable zoning ordinance regulations; and
- g. Whether the proposed use is compatible with adjacent properties and land uses, based on consideration of the size, scale and massing of proposed buildings and the overall site design.



DEPARTMENT COMMENTS

BUILDING AND SAFETY SERVICES

- BUILDING SERVICES:

- SAFETY SERVICES:

 - International Building Code, 2018 Edition, with Georgia Amendments ([2020](#)), ([2022](#)), ([2024](#))
 - International Residential Code, 2018 Edition, with Georgia Amendments ([2020](#)), ([2024](#))
 - International Fire Code, 2018 Edition (Contact State Fire Marshal Below)
 - 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, 2020 Edition, with Georgia Amendments ([2021](#))
 - International Energy Conservation Code, 2015 Edition, with Georgia Supplements and Amendments ([2020](#)), ([2022](#)), ([2023](#))
 - International Swimming Pool and Spa Code, 2018 Edition, with Georgia Amendments ([2020](#))



The City of Canton has an automatic sprinkler system ordinance. All multi-family residential construction (three family dwellings or more) requires 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 entrances based on the number of dwelling units constructed. This requirement is in the City of Canton Unified Development Code (UDC), section 109.03.12 - Development access and the 2018 International Fire Code Appendix "D".

The minimum diameter fire main size is 8". Fire hydrant placement is based on both the City of Canton UDC, section 110.02.02 (f)- Design criteria and appendix B and C of the 2018 International Fire Code which has been adopted as law in the City of Canton.

Mail Kiosks shall meet the 2010 Federal ADA standard and USPS-STD-4C. A van accessible handicap parking space and access aisle is required to serve an accessible route to the mail kiosk.

Specific 2018 IFC requirements for civil plans:

1. The 2018 International Fire Code, appendix "D" requires fire apparatus access roads not exceeding 10% grade and for local Cherokee County fire apparatus requirements, access road cross grades may not exceed 5%.
2. Roads throughout the development must be at 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 tire curb clearances, bumper swing clearances or inside crimp angles, contact Cherokee County Fire & Emergency Services.
4. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided 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. 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.

Conditions for Consideration

COMMUNITY DEVELOPMENT

The applicant has submitted a Zoning Condition Amendment for the development commonly known as Park Village. This development was approved on November 20, 2003 as a mixed use project consisting of 146.61 acres. The approved uses include single family detached homes, multi-family attached (townhomes), commercial space and a commuter rail station.

+/-23.53 acres have been developed as a single family detached neighborhood. The balance of the property was purchased by Cherokee County in 2009. Of the remaining total, 37.8 acres is involved in the application. The application seeks to construct 50 residential units (35 townhomes and 15 condominiums) and 452,100 square feet of light industrial, office, general commercial and retail space.

The property lies just east of Bluffs Parkway, south of the Moss Pointe subdivision, west of the single family homes in Park Village and north of undeveloped property within the Park Village development. The Heard Road extension will pass through the northern part of the property and separate the proposed townhomes from the rest of the proposed uses.

Conditions for Consideration

DEVELOPMENT SERVICES

Force main and water line relocation will be discussed during the Land Disturbance Permit submittal.

Conditions for Consideration



POLICE DEPARTMENT

Conditions for Consideration

PUBLIC WORKS

Conditions for Consideration

UTILITY ENGINEER

Conditions for Consideration

CHEROKEE COUNTY SCHOOL SYSTEM

Conditions for Consideration

CHEROKEE COUNTY (AS NEEDED)

CHEROKEE COUNTY PLANNING AND ZONING DEPARTMENT

Conditions for Consideration

CHEROKEE COUNTY ENGINEER



Conditions for Consideration

CHEROKEE COUNTY FIRE MARSHAL

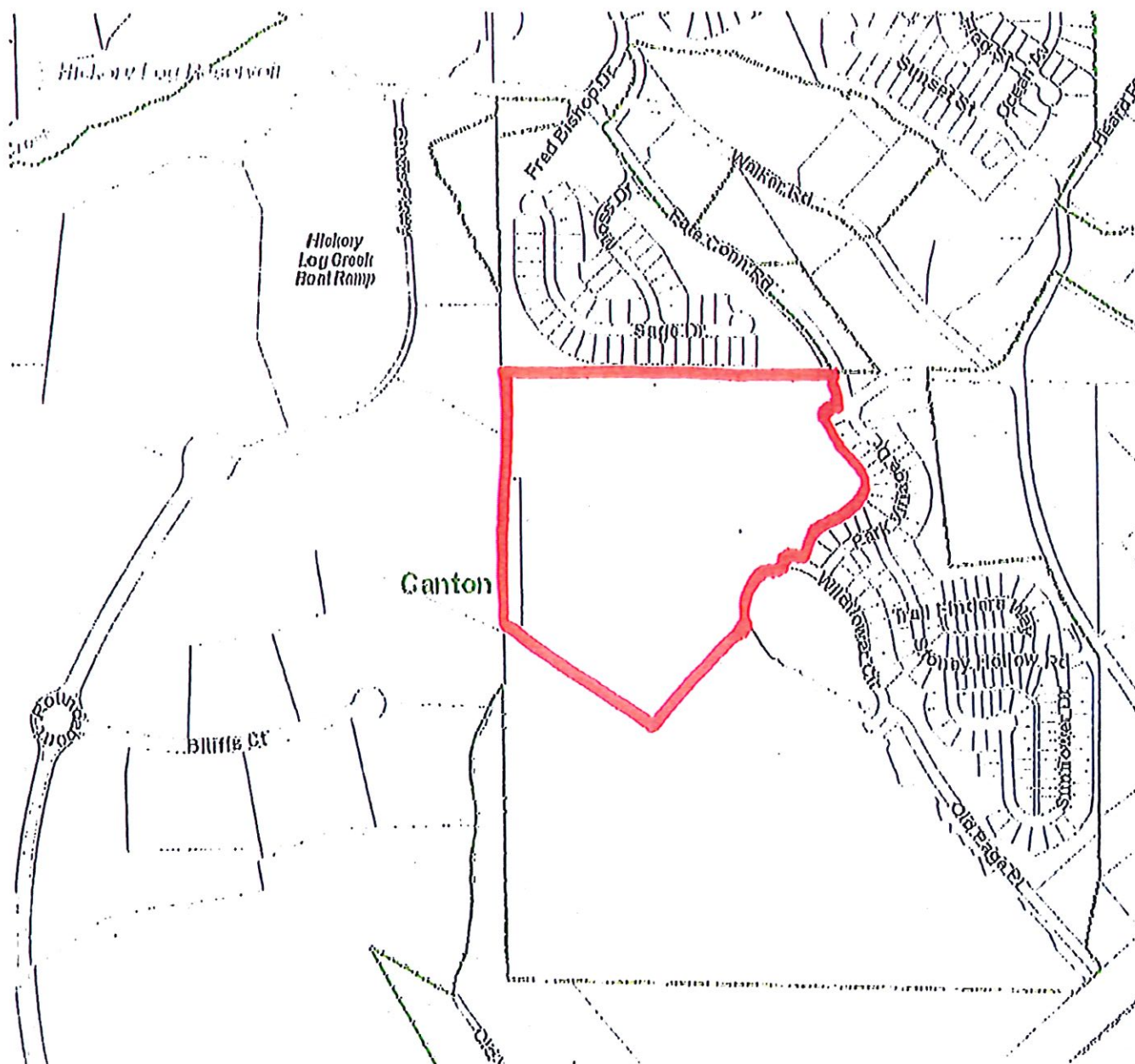
Conditions for Consideration

STAFF CONDITIONS FOR CONSIDERATION

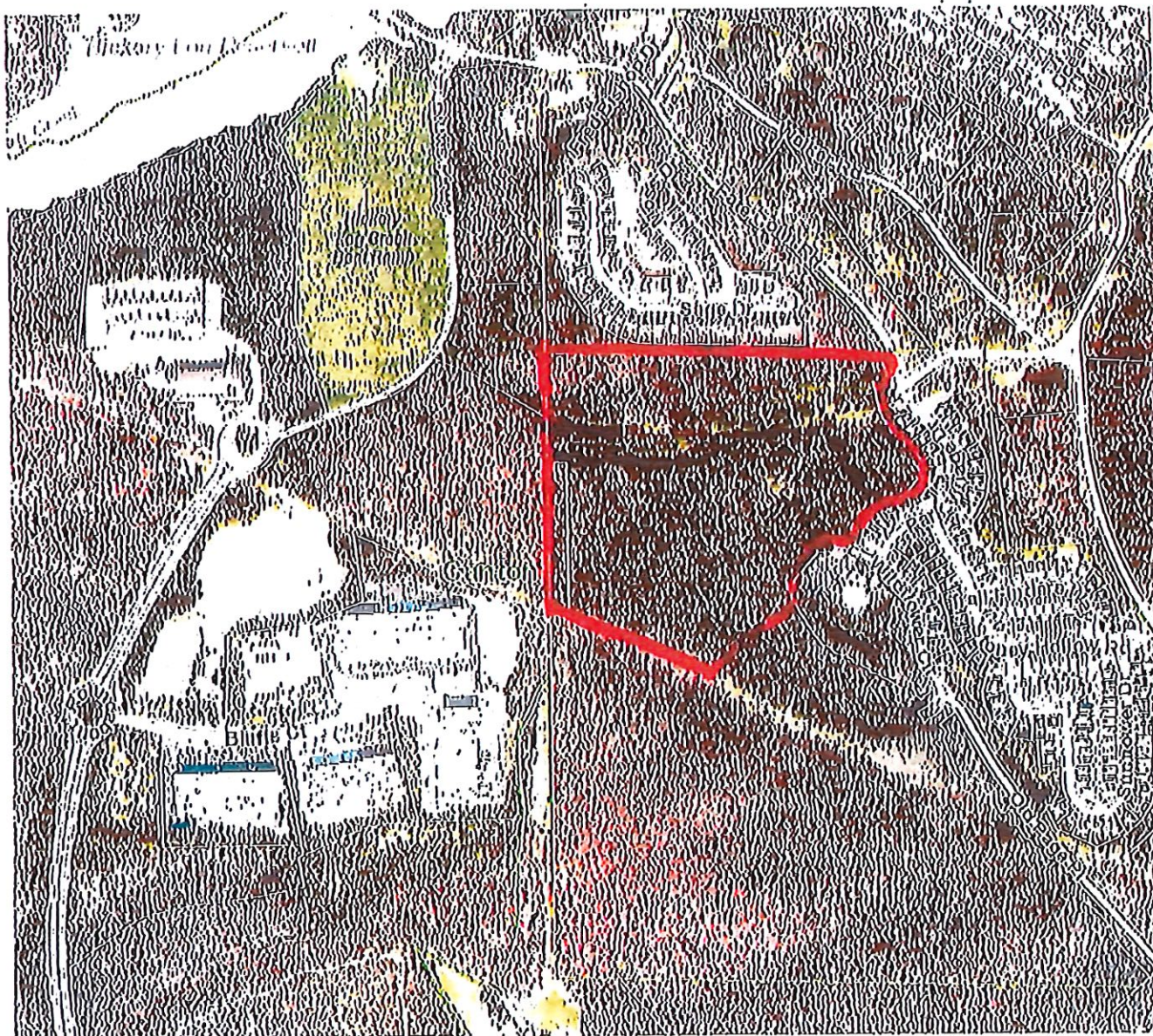
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CANTON

LOCATION MAP

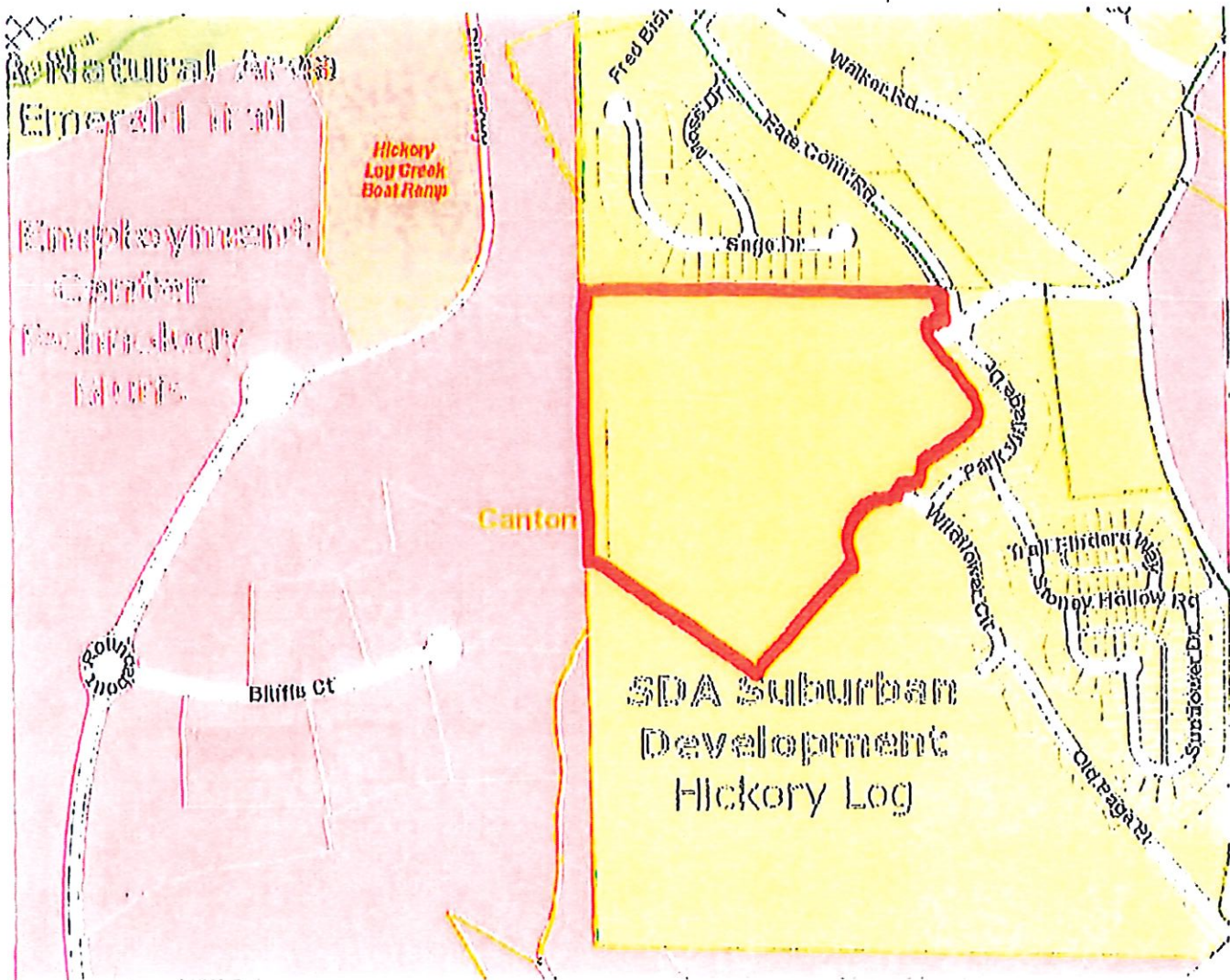


EXISTING LAND USE MAP



CANTON

FUTURE LAND USE MAP





Community Development Department

110 Academy Street, Canton, Georgia 30114

770-704-1500

ZCA2412-002

Public Hearing Application

Project #

MPA 2412-001

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, J. J. Broekhuijsen, 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, J. J. Broekhuijsen, have received and thoroughly read the Public Hearing Procedures.

Applicant: J. J. Broekhuijsen This 27 day of November, 20 24.
Print Name: Broekhuijsen Capital Holdings LP

Applicant Information:

Broekhuijsen Capital Holdings, LP c/o J. Alexander
Name: Brock (Smith, Gambrell & Russell, LLP)
Address: 1105 W. Peachtree Street, Suite 1000

City: Atlanta
State: GA Zip Code: 30309
Telephone: (404) 815-3603
Fax Number: (404) 685-6903
Email Address: jabrock@sgrlaw.com

Owner Information:

Name: Broekhuijsen Capital Holdings, LP
Address: 1105 W. Peachtree Street, Suite 1000

City: Atlanta
State: GA Zip Code: 30309
Telephone: (404) 815-3603
Fax Number: (404) 685-6903
Email Address: jabrock@sgrlaw.com

This Application For (Check Only One):

- ☐ A Annexation
☐ B Rezoning
☐ C Master Plans
☒ D Master Plan Revisions
☐ 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
☐ K Variance : Pre-Construction
☐ K Variance : Post-Construction
☐ Appeal

☐ Adjustment
☐ Special Exception

Fee Schedule:

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

Received By: _____

Date: _____

Staff Use Only

Amount Due: _____
Amount Due: _____
Total Fee: _____

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, J. J. Broekhuijsen 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.

Owner Signature: [Signature]

Print Name: Johan J. Broekhuijsen

Broekhuijsen Capital Holdings LLC

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

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

Sworn To and Subscribed Before Me This 26th Day Of November, 2024.

Notary Signature: Beverly D. Campbell





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

Authorization Of Applicant

This form is to be executed under oath. I, J. Brockhuijsen, 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.

Owner Signature: [Signature]

Print Name: Broekhuijsen

Broekhuijsen Capital Holdings, LP

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:

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

Name of Authorized Applicant: Broekhuijsen Capital Holdings, LP c/o J. Alexander Brock (Smith, Gambrell & Russell, LLP)

Signature: [Signature]

J. Alexander Brock - Smith, Gambrell & Russell, LLP

Mailing Address: 1105 W. Peachtree Street, Suite 1000

City: Atlanta

State: GA Zip Code: 30309

Telephone: (404) 815-3603

Fax Number: (404) 685-6903

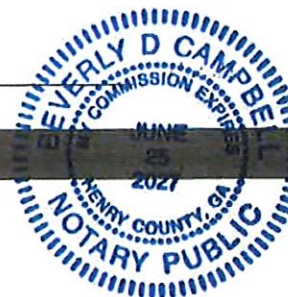
E-mail: jabrock@sgrlaw.com

Applicant Status:

- | |
|--|
| ☒ Owner |
| ☐ Option to Purchase |
| ☐ Leasee |
| ☐ Area Resident |
| ☒ Other (Explain): <u>Attorney for the</u>
<u>Applicant/Owner</u> |

This Authorization of Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 27th Day Of November, 2024.

Notary Signature: [Signature]





Community Development Department

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

Disclosure Form

O.C.G.A. § 36-67A-2 / O.C.G.A. § 36-67A-3 requires disclosure of campaign contributions to government officials by an applicant or opponent of a public hearing petition. Applicants must file this form with the Department of Community Development.

1. Name of Applicant/Opponent: Broekhuijsen Capital Holdings, LP *(Print All Responses)*

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

\$		
\$		
\$		

Note: Complete a separate form for each authorized applicant.



Community Development Department

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

Disclosure Form

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1. Name of Applicant/Opponent: Dennis J. Webb, Jr. (Smith, Gambrell & Russell LLP)

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?
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\$ _____

\$ _____

Note: Complete a separate form for each authorized applicant.



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

Disclosure Form

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1. Name of Applicant/Opponent: J. Alexander Brock (Smith, Gambrell & Russell LLP)

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?
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☐ YES ☒ NO

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Description

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\$	

Note: Complete a separate form for each authorized applicant.



Community Development Department

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770-704-1500

Disclosure Form

O.C.G.A. § 36-67A-2 / O.C.G.A. § 36-67A-3 requires disclosure of campaign contributions to government officials by an applicant or opponent of a public hearing petition. Applicants must file this form with the Department of Community Development.

1. Name of Applicant/Opponent: Kathryn M. Zickert (Smith, Gambrell & Russell LLP)

Section 1

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

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☐ 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

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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

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\$

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Note: Complete a separate form for each authorized applicant.



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

Disclosure Form

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1. Name of Applicant/Opponent: Kirk R. Fjelstul (Smith, Gambrell & Russell LLP)

Section 1

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☐ 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
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- 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

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Description

\$

\$

\$

Note: Complete a separate form for each authorized applicant.



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

Property Information:

Address: _____ 0 Technology Parkway (unaddressed)
Land Lot(s): _____ 245 _____ District: _____ 14 _____ Section: _____ 2 _____ Map #: _____ Parcel #: _____ 14-0224-0002
14-0245-0163

Existing Zoning Of Property: _____ PD-MU ☒ City ☐ County Total Acreage Of Property: _____ 37.80
Proposed Zoning Of Property: _____ PD-MU Existing Use(s) Of Property: _____ Undeveloped

Directions to property from Main Street in downtown Canton:
North on I-575 to Riverstone Parkway; Left on Riverstone Parkway; Right onto Riverstone Blvd/ Bluffs Pkwy; Right onto
Technology Parkway

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.

	<u>OWNER NAME/ADDRESS</u>	<u>CURRENT ZONING</u>	<u>CURRENT LAND USE</u>
NORTH	Mass Pointe Community Assoc.	R-4	Single Family Residential
SOUTH	Cherokee County Government	SU	Vacant
EAST	Park Village Community	PD-MU	Single Family Residential
WEST	Cherokee County Government	PD-MU	Vacant
OTHER	_____	_____	_____

UTILITY INFORMATION

How is sewage from this development to be managed? _____ Public Sewer

Proposed managing jurisdiction: _____ City of Canton

How will water be provided to the site? _____ Public Water

Proposed managing jurisdiction: _____ City of Canton Size Limit: _____



Community Development Department

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

PUBLIC SCHOOL POLICY STATEMENT

The Mayor and Council of the City of Canton hereby recognize that growth and development can, at times, have an effect on school capacity within the county and therefore recognize the need to share information on developments that have regional impact. In an effort to cooperate with the Cherokee County School Board and share information on residential rezoning requests, master plan applications, and land use modifications to the comprehensive land use plan, the Mayor and Council hereby encourage open dialogue and meeting between the applicant and the appropriate school board representative. Therefore, developers whose projects consist of 25 or more residential units shall contact the Cherokee County School Board and communicate with a school board representative to discuss their intent. The applicant should be prepared to address such communication if requested by the Mayor and Council at the meeting in which final action is to be taken. (Section 8-8-B-37) (Amended: 12/07/00)

County Schools serving this development:

HIGH Cherokee High School

MIDDLE Teasley Middle School

ELEMENTARY Hasty Elementary School

TRAFFIC INFORMATION

Road/Street providing access: Technology Parkway

Width at property: (Road) N/A (Right-of-way) ± 100-feet

Distance to nearest major thoroughfare: ± 930-feet Thoroughfare Name: Bluffs Parkway

Description of Road accessing property (Classification): Local

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) _____



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

Review Criteria

(Applications Type A – J : ONLY)

How will this proposal be compatible with surrounding properties? _____

See Paragraph III.A of the Attached Letter of Intent

How will this proposal affect the use and value of surrounding properties? _____

See Paragraph III.B of the Attached Letter of Intent

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

See Paragraph III.C of the Attached Letter of Intent

What would be the increase to population and traffic if the proposal were approved? _____

See Paragraph III.D of the Attached Letter of Intent

What would be the impact to schools and utilities if the proposal were approved? _____

See Paragraph III.D of the Attached Letter of Intent

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

See Paragraph III.E of the Attached Letter of Intent

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

See Paragraph III.F of the Attached Letter of Intent

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

LETTER OF INTENT

and

Other Material Required by the
City of Canton Code of Ordinances
for the
Zoning Condition and Master Plan Modification Applications

of

BROEKHUIJSEN CAPITAL HOLDINGS, LP

for

± 37.80 Acres of Land
located in
Land Lot 245,
14th District, 2nd Section
Cherokee County, Georgia

Submitted for Applicant by:

Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application concerns a ±37.80-acre tract of land located in Land Lot 245, 14th District, 2nd Section of Cherokee County (the “Subject Property”). The Applicant, Broekhuijsen Capital Holdings, LP (“Applicant”) seeks to develop the Subject Property for a mixed-use integrated multi-purpose development with focus on high-quality industrial warehouses and manufacturing facilities with elements of office, commercial and residential uses labeled Der Campus mixed-use development (referred herein as the “Proposed Development” and/or “Project” and/or “Der Campus”). More specifically, the Project consists of one main area with industrial warehouses with integrated offices, and two sub-areas, one with mainly office/retail/general commercial/residential facilities and one purely residential area (located to the north of Technology Ridge Parkway). The core of this development will be the manufacturing and warehousing district, consisting of high-quality, high-end production and warehouse facilities.¹ The second office/retail/general commercial /residential area consists mainly of representative office/retail space. This will be combined with an open concept public recreational area/plaza including restaurants, coffee shops, local commercial stores which are located around an aesthetically attractive feature pond as well as amenities such as outdoor seating, gathering areas, coffee corners outlined with a sophisticated landscape design and potential water features.

Residents, the local workforce and visitors alike will be drawn to the project and encouraged to explore the commercial and public spaces by the unobstructed detailed building facades, matching awnings and architectural accent lighting. Moreover, the Applicant is

¹ The site plan currently depicts six warehouse facilities, however the layout is subject to change based upon final engineering.

expecting more than 300 new jobs from 40-60 tenants, utilizing their relationship and network to German automotive Tier 1 and Tier 2 suppliers. Based upon the history and background of the Applicant, most tenants will be high-tech companies within the automotive industry, IT as well as general technology companies. Also, underlining the character of this multi-purpose development project is a 10MW solar power plant including high-tech energy storage. In the final stage, the whole area will be fully self-supporting concerning the energy for heating and electricity.

To allow the Proposed Development, the Applicant submits the following applications: 1) Master Plan Modification Application to incorporate an additional 4.81-acre tract into the master development; and 2) a Zoning Condition Modification application to amend certain conditions of the 2022 Zoning to accommodate the Proposed Development. A copy of the amended conditions is attached as Exhibit 1.

The Applicant behind the design and development of the Der Campus is Becker Group Group² which consists of Broekhuijsen Real Estate as well as of Becker Robotic Equipment. Broekhuijsen Real Estate is a global award winning (sustainable energy developments and historic architectural preservation) multinational real estate firm with head office in Germany. Specializing in high-end industrial manufacturing facilities and offices, founded by Andries Broekhuijsen 30 years ago. Becker Robotic Equipment is an international supplier to the automotive industry with Head Office in Germany and 13 locations in six countries, founded in 1993. As a global direct supplier for many of the world's leading manufacturers in the automotive industry (VW, Audi, Porsche BMW, Tesla, Rivian, Canoo, GM, Ford, Stellantis) we

² The Subject Property is owned by Broekhuijsen Capital Holdings, LP which is a wholly owned subsidiary of Becker Group.

take pride in pushing the boundaries of technology and automation. As a fully ISO 9001 / 14001 / 45001 certified company, holding several patents with manufacturing facilities in Germany, USA, Mexico, India, and China we are constantly striving to improve our global operations and customer support.

The Subject Property was originally the mixed-use component of the ±147-acre Park Village Master Plan, zoned Planned Unit Development (PUD)³ and approved by City in 2003 (“2003 Master Plan”). The 2003 Master Plan depicted the Subject Property as being in Parcel C in the overall master plan, which was envisioned for the development of a mix of commercial and residential uses. In 2022, the City of Canton City Council approved a Zoning Condition Amendment (ZCA2022-004) to amend several conditions of the 2003 Master Plan and allow additional uses in Parcel C (“2022 Zoning”). The 2022 Zoning was subject to seven (7) conditions and a master development plan that called for ±452,100 square feet of light industrial, office, and commercial space, as well as thirty-five (35) residential townhomes located to the north of Technology Ridge Parkway, all on a 36.9-acre tract. The Applicant purchased the Subject Property and an additional ±4.81-acre tract (“±4.81-acre tract”), located to the west of the Subject Property. The Applicant now intends to incorporate the ±4.81-acre tract into the Proposed Development.

The addition of the ±4.81-acre tract will allow a more efficient layout of the Subject Property, while maintaining a similar intensity to what is allowed under the 2022 Zoning. The ±4.81-acre tract, however, was not included in the original 2003 Master Plan or the 2022 Zoning. It is important to note that, if it was not for the additional of the ±4.81-acre tract, the Proposed

³ The property was later rezoned to PD-MU when the City of Canton adopted its current Zoning Ordinance.

Development could be constructed as of right under the 2022 Zoning.⁴ Because the Applicant must seek a Master Plan Modification to add the ±4.81-acre tract, it is taking the opportunity to amend several of the 2022 Zoning conditions to align with the Proposed Development. Specifically, 2022 Zoning Condition 7 omitted the residential component from the commercial portion of the development. The master plan attached to the 2022 Zoning, however, listed a mix of residential, commercial and office uses in the commercial mixed-use area of the development. The Applicant's current request seeks to correct this oversight. In addition, the Applicant is requesting modification to the existing conditions and two additional conditions detailing the types of residential units provided on the tract located to the north of Technology Ridge Parkway and another condition relating to the anticipated future subdivision of the property.

The Applicant submits this document as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, a written justification for the Application, and an analysis of the factors to be considered for a rezoning per the City of Canton Development Code, § 105.07.02. A Site Plan has been filed with the original Application, along with the other required materials.

II. HISTORY

The City of Canton rezoned ±147 acres, including the Subject Property, from AG (Agricultural) to PUD (Planned Unit Development) in November of 2003 as part of the Park Village master plan development (Z0212-12). The City of Canton later rezoned the property from PUD to PD-MU, when it adopted its current Zoning Ordinance. In 2022, the City of Canton approved a Zoning Condition Amendment (ZCA2202-004) to modify certain conditions

⁴ The 2022 Zoning was not conditioned to a site plan and the Applicant's proposed site design could be developed under the current zoning approvals on the original 36.9-acre tract.

of Z0212-12 pertaining to the Subject Property. ZCA2202-004 was concerned with a 36.9-acre tract. In 2023, the City of Canton obtained a ±3.91-acre portion of the 36.9-acre tract for the construction of Technology Ridge Parkway. The remaining 32.99-acre tract and the 4.81-acre New Parcel constitute the ±37.80-acre Subject Property considered in this application.

III. IMPACT ANALYSIS

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes. The uses approved currently approved for development on the property will not change. The proposed uses were found to be compatible vis-à-vis the approval of Z0212-12 and the 2022 Zoning. As a result, the Proposed Development is suitable in view of the use and existing development on the adjacent and nearby parcels.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

There will be no adverse effect on the existing use or usability of the adjacent property. By combining light industrial, commercial, and small areas of residential facilities as well as a recreational area in one sustainable and durable mixed-use development, the Proposed Development will significantly increase the quality of work & life in the surrounding neighborhood, providing new opportunities concerning employment, shopping and recreation and increase the asset value of all facilities around such a new development.

The proposal complements the existing housing mix in the neighborhood and respects adjacent single-family residences while introducing light industrial, commercial and residential space with amenities as open space resp. public features in order to establish a truly activated, engaged mixed-use project which forms an extremely positive complementary to the surrounding neighborhood. It is a firm target of this development, and the Applicant see it as one of its core responsibilities to establish this development within the community, to attract locally owned

restaurants, coffee shops and any kind of service provider with space to serve the community, which again will increase the success of the total development as part of the community.

An additional contribution factor to sustain and increase the value of the surrounding neighborhoods is the smooth transition from light industrial area to office and finally commercial/residential/recreational space. The first-class commercial space would be ideal for a coffee shop or local restaurants with a patio facing the feature pond. Additional commercial space would be targeted towards small service, retail and office uses such as an insurance agency, a yoga studio, a boutique-clothing store, fitness studio, neighborhood grocery store, a small hotel or (German) bakeries etc. Commercial users would operate during normal business hours - with limitations on evening hours - specifically in respect to residential tenants and surrounding neighbors.

One significant factor taken into consideration is the geographical placement of the development; the proposed commercial/recreational and living area would be very beneficial for neighborhoods such as Lennar on the Bluffs, Century Communities Summer Walk and Towne Mill, Moss Pointe Community as well as the community on the Park Village Dr and other communities in the area. The new development "Der Campus" provides a new next generation gathering space and a new opportunity to define community in the north of the City of Canton with local restaurants and coffee shops in neighborhood style.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Yes. As noted in the paragraphs above, the Proposed Development could be built under the current zoning approvals, however, the addition of the ±4.81-acre tract requires a Master Plan Modification. The addition of the ±4.81-acre tract will allow an improved layout of the

development with better internal circulation and improved pedestrian connectivity between the residential uses and the employment areas.

D. 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.

No. The Proposed Development is substantially similar in both use and intensity to what is already approved for construction on the property. As a consequence, the proposed number of vehicular trips will be similar to what was anticipated in the 2022 Zoning approval and will not overly burden the use of existing streets. The residential to the north of Technology Parkway is also a similar in the number of units to what is already approved in the 2022 Zoning and as a consequence will overly burden local schools. The school-aged children in the development will attend Hasty Elementary School, Teasley Middle School, and Cherokee High School. As for utilities, the property will have access to the City of Canton water and sewer.

E. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan and future development map.

The uses in the 2022 Zoning master plan have already been approved. Hence, its impact on the aesthetic character of existing and future uses of the property and the surrounding area have been contemplated and authorized. Further, both the previously sanctioned use and the use proposed through this application are consistent with the City's future development desires for the properties that surround it, as indicated on the City's Future Land Development Map.

F. 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.

As noted in the paragraphs above, the Applicant's purchase of the 4.81-acre tract allows for a more efficient layout of the Proposed Development but requires the requested Modification approval.

Patty Baker, Clerk of Superior Court Cherokee Cty, GA

PLEASE RECORD AND RETURN TO:

Hasty Pope, LLP
211 East Main St.
Canton, GA 30114
(File No. 69-15)

PLEASE CROSS-REFERENCE TO:

Limited Warranty Deed recorded in
Deed Book 14939, Page 237

MEMORANDUM OF AGREEMENT

STATE OF GEORGIA

COUNTY OF CHEROKEE

THIS MEMORANDUM OF AGREEMENT, made this 3rd day of April, 2024, by and between **DEVELOPMENT AUTHORITY OF CHEROKEE COUNTY**, a political subdivision of the State of Georgia and **BROEKHUIJSEN CAPITAL HOLDINGS LP**, a Georgia limited partnership (hereinafter collectively "the Parties").

WITNESSETH:

WHEREAS the Parties have entered into those certain Contracts for Sale of Real Estate dated March 18, 2024 (collectively, the "Contracts") for the purchase and sale of 37.80 acres located in Land Lots 224 and 245 of the 14th District, 2nd Section, City of Canton, Cherokee County, Georgia, said property being more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter "Property") and said Contracts being incorporated herein by reference; and

WHEREAS said Contracts provide that the conveyance of the subject Property be subject to certain stipulations and covenants contained within said Contracts and that they be memorialized by a Memorandum of Agreement and recorded of record at closing;

NOW, THEREFORE, for an in consideration of the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, and subject to the remedies contained herein and in said Contracts, the Parties agree on the following three paragraphs which shall survive Closing:

1. Purchaser shall, at Purchaser's sole cost and expense, grade approximately 11.09 acres of real property owned by Seller which lies adjacent to and along the western boundary line of Tract 2D, such property being the remainder of Cherokee County Tax Parcel 14N22 006F as shown and indicated as "Remainder of 15.9 acre tract" on Exhibit "B" attached hereto and incorporated herein by reference. Such grading work shall be completed to Seller's reasonable satisfaction with twelve (12) months of Closing and Purchaser shall be liable to Seller for the reasonable cost to perform or complete such grading if same is not timely completed in accordance with all applicable land disturbance regulations.

2. Purchaser agrees to adopt and/or make the Property subject to the same Protective Covenants for The Bluffs by Hickory Log Bluff, LLC dated June 2, 2005, recorded in Deed Book 8168, Page 244.
3. If the Purchaser has not commenced construction within twelve (12) months after its acquisition of the Property ("Pre-Construction Period"), the Seller shall have the option to repurchase the Property at the original sales price, plus the costs of any impact or similar fees paid by the Purchaser which shall be applicable by the recipient of such fees to subsequent construction on the Property by Seller or its successor following repurchase. The right of repurchase must be exercised, if at all, by the Seller giving written notice to the Purchaser exercising of the right within ninety (90) days after the expiration of the Pre-Construction Period provided that construction has not commenced prior to (30) days after giving such notice of exercise. For the purpose hereof, construction shall be deemed to have commenced if either substantial site preparation work or actual construction of substantial improvements has commenced pursuant to a plan of development. Purchaser shall deliver title to the Seller at the closing of the repurchase in the same condition as when delivered by Seller to Purchaser. As to any non-delinquent property taxes and assessments for the year in which the reconveyance occurs, any such taxes and assessments shall be prorated as of the closing of the re-purchase.

IN WITNESS WHEREOF, the Parties have caused this Memorandum of Agreement to be executed and sealed on the day and year first above written.

**DEVELOPMENT AUTHORITY
OF CHEROKEE COUNTY**

By: _____

MARSHALL DAY, Chairman

[SEAL]

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public



[Signatures continued on next page]

**BROEKHUIJSEN CAPITAL HOLDINGS LP,
a Georgia limited partnership**

By: _____

JOHAN JAKOB BROEKHUIJSEN, CEO

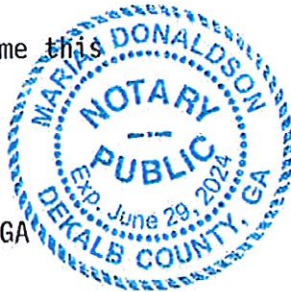
Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

Sworn and subscribed before me this
2nd day of April, 2024

Maria I. Donaldson
Maria I. Donaldson
Notary Public DeKalb County GA



Patty Baker, Clerk of Superior Court Cherokee Cty, GA

PLEASE RECORD AND RETURN TO:

William G. Hasty, Jr., P.C.
211 East Main St.
Canton, GA 30114
(File No. 104)

PLEASE CROSS-REFERENCE TO:

MEMORANDUM OF AGREEMENT
RECORDED IN DEED BOOK 14939,
PAGE 230

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CHEROKEE

THIS INDENTURE is made effective as of the 3rd day of April, 2024, among **DEVELOPMENT AUTHORITY OF CHEROKEE COUNTY**, a political subdivision of the State of Georgia, hereinafter called "Grantor", and **BROEKHUIJSEN CAPITAL HOLDINGS LP**, a Georgia limited partnership, hereinafter called "Grantee" (the terms "Grantor" and "Grantee" to include the masculine, feminine and neuter genders, and the singular and plural, and shall be deemed to refer equally to each of said persons, firms, or entities, their respective heirs, successors and assigns where the context hereof requires or permits, unless otherwise specifically provided herein).

WITNESSETH

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by Grantee at and before the execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has given, granted, bargained, sold, aligned, conveyed and confirmed, and by these presents does give, grant, bargain, sell, alien, convey and confirm unto Grantee, the successors, legal representatives and assigns of Grantee, the following described real property, to-wit:

ALL THOSE TRACTS or parcels of land lying and being in Land Lots 224 and 245 of the 14th District, 2nd Section, City of Canton, Cherokee County, Georgia, containing a total of 37.80 acres as shown on plat of Minor Subdivision for Der Campus by Becker dated 3/1/2024, prepared by Davis Engineering and Surveying and certified by Dusty L. Lowman, Georgia P.L.S. #3216, said plat being incorporated herein and made a part hereof by reference, and being more particularly described in Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD said tracts or parcels of land, together with any and all of the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee forever, in fee simple.

GRANTOR SHALL WARRANT and forever defend the right and title to said tracts or parcels of land unto Grantee against the claims of all persons claiming by, through or under Grantor but not otherwise.

THIS CONVEYANCE IS MADE SUBJECT TO the permitted exceptions set forth in Exhibit "B" attached hereto.

IN WITNESS WHEREOF, Grantor has executed and sealed this indenture, and delivered this indenture to Grantee, all as of the day and year first above written.

**DEVELOPMENT AUTHORITY
OF CHEROKEE COUNTY**

By: _____

Marshall Day
MARSHALL DAY, Chairman

[SEAL]

Signed, sealed and delivered
in the presence of:

Kathleen Dineen
Unofficial Witness

Misti Martin
Notary Public



Proposed Zoning Conditions

- 1) There shall be a fifty (50) foot buffer along the northern and eastern property lines. The first twenty-five (25) feet of this buffer (adjacent to the property line) shall be planted with plantings to provide an opaque screen to the adjacent property. Virginia pines and Eastern red cedars shall not be used in said buffer. All other plant material shall be selected from the City of Canton's plant palette. There shall be an additional twenty-five (25) foot building setback along the eastern property line for a total distance of seventy-five (75) feet from the residential lots and amenity area. The buffer area along the northern property line may be replanted where sparsely vegetated. Encroachments into the buffer shall be limited to those shown on the Site Plan, by ADC Engineering, dated December 6, 2024.
- 2) All perimeter sight lighting shall face inward toward the subject property. Wall packs (lighting) shall not be allowed on any exterior building wall.
- 3) A traffic study shall be submitted with the Land Disturbance Permit application.
- 4) Delivery hours shall be limited to 7:00 am to 10:00 pm Monday through Saturday. There shall be no Sunday deliveries.
- 5) The Native Plant Rescue Society shall be allowed access to the property prior to any land disturbance in order to search for and remove any endangered plant species.
- 6) The proposed parking deck shall be designed so as to prevent direct viewing from the parking deck to the adjacent amenity area.
- 7) The mixed-use buildings as depicted on the submitted site plan shall be used for commercial, and/or retail and/or office and/or residential use. Any and all different building usages can be combined in each single building.
- 8) The residential units, north of Technology Parkway, as depicted on the submitted site plan may include a mix of townhome, duplex, condominium and single family detached.
- 9) Subdivision, separate ownership of parts of the Subject Property, and/or conveyance of part of the Subject Property to different owners shall not create non-conforming lots or uses and shall not require any changes to the Site Plan for the development nor any variances. The newly created property lines which arise from these conveyances are not required to observe setback, buffer, or other zoning requirements, except as may be reflected on the Site Plan.

All other previously approved conditions shall remain in place as originally approved.

Proposed Zoning Conditions

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- 5) The Native Plant Rescue Society shall be allowed access to the property prior to any land disturbance in order to search for and remove any endangered plant species.
- 6) The proposed parking deck shall be designed so as to prevent direct viewing from the parking deck to the adjacent amenity area.
- 7) Buildings 8, 9 and 10 The mixed-use buildings as depicted on the submitted site plan shall be used for commercial, and/or retail and/or office and/or residential use only. Any and all different building usages can be combined in each single building.
- 8) The residential units, north of Technology Parkway, as depicted on the submitted site plan may include a mix of townhome, duplex, condominium and single family detached.
- 7)9) Subdivision, separate ownership of parts of the Subject Property, and/or conveyance of part of the Subject Property to different owners shall not create non-conforming lots or uses and shall not require any changes to the Site Plan for the development nor any variances. The newly created property lines which arise from these conveyances are not required to observe setback, buffer, or other zoning requirements, except as may be reflected on the Site Plan.

All other previously approved conditions shall remain in place as originally approved.

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Community Development Department

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

CUP2501-001

Public Hearing Application

Project # _____

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, J. J. Broekhuijsen, 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, J. J. Broekhuijsen, have received and thoroughly read the Public Hearing Procedures.

Applicant: J. J. Broekhuijsen This 27 day of November, 20 24.
Print Name: Broekhuijsen Capital Holdings LP

Applicant Information:

Broekhuijsen Capital Holdings, LP c/o J. Alexander
Name: Brock (Smith, Gambrell & Russell, LLP)
Address: 1105 W. Peachtree Street, Suite 1000

City: Atlanta
State: GA Zip Code: 30309
Telephone: (404) 815-3603
Fax Number: (404) 685-6903
Email Address: jabrock@sgrlaw.com

Owner Information:

Name: Broekhuijsen Capital Holdings, LP
Address: 1105 W. Peachtree Street, Suite 1000

City: Atlanta
State: GA Zip Code: 30309
Telephone: (404) 815-3603
Fax Number: (404) 685-6903
Email Address: jabrock@sgrlaw.com

This Application For (Check Only One):

- | | |
|--|--|
| ☐ A Annexation | ☐ I Temporary Use Permit |
| ☐ B Rezoning | ☐ J Zoning Ordinance Text Amendment |
| ☐ C Master Plans | ☐ K Variance : Pre-Construction |
| ☐ D Master Plan Revisions | ☐ K Variance : Post-Construction |
| ☒ E Conditional Use Permit | ☐ Appeal |
| ☐ F Land Use Modification | |
| ☐ G Zoning Condition Amendment | ☐ Adjustment |
| ☐ H Density Transfer within Master Plan | ☐ 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

Property Information:

Address: 0 Technology Parkway (unaddressed)
Land Lot(s): 245 District: 14 Section: 2 Map #: 14-0245-0002 Parcel #: 14-0245-0163
Existing Zoning Of Property: PD-MU ☒ City ☐ County Total Acreage Of Property: 37.80
Proposed Zoning Of Property: PD-MU Existing Use(s) Of Property: Undeveloped
Directions to property from Main Street in downtown Canton:
North on I-575 to Riverstone Parkway; Left on Riverstone Parkway; Right onto Riverstone Blvd/ Bluffs Pkwy; Right onto Technology Parkway

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.

	<u>OWNER NAME/ADDRESS</u>	<u>CURRENT ZONING</u>	<u>CURRENT LAND USE</u>
NORTH	<u>Mass Pointe Community Assoc.</u>	<u>R-4</u>	<u>Single Family Residential</u>
SOUTH	<u>Cherokee County Government</u>	<u>SU</u>	<u>Vacant</u>
EAST	<u>Park Village Community</u>	<u>PD-MU</u>	<u>Single Family Residential</u>
WEST	<u>Cherokee County Government</u>	<u>PD-MU</u>	<u>Vacant</u>
OTHER	<u></u>		

UTILITY INFORMATION

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



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

Review Criteria

(Applications Type A – J : ONLY)

How will this proposal be compatible with surrounding properties? _____

See Paragraph III.A of the Attached Letter of Intent

How will this proposal affect the use and value of surrounding properties? _____
See also Section IV of the attached Letter of Intent

See Paragraph III.B of the Attached Letter of Intent

See also Section IV of the attached Letter of Intent

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

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What would be the increase to population and traffic if the proposal were approved? _____

See Paragraph III.D of the Attached Letter of Intent

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



Community Development Department

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

PUBLIC SCHOOL POLICY STATEMENT

The Mayor and Council of the City of Canton hereby recognize that growth and development can, at times, have an effect on school capacity within the county and therefore recognize the need to share information on developments that have regional impact. In an effort to cooperate with the Cherokee County School Board and share information on residential rezoning requests, master plan applications, and land use modifications to the comprehensive land use plan, the Mayor and Council hereby encourage open dialogue and meeting between the applicant and the appropriate school board representative. Therefore, developers whose projects consist of 25 or more residential units shall contact the Cherokee County School Board and communicate with a school board representative to discuss their intent. The applicant should be prepared to address such communication if requested by the Mayor and Council at the meeting in which final action is to be taken. (Section 8-8-B-37) (Amended: 12/07/00)

County Schools serving this development:

HIGH Cherokee High School

MIDDLE Teasley Middle School

ELEMENTARY Hasty Elementary School

TRAFFIC INFORMATION

Road/Street providing access: Technology Parkway

Width at property: (Road) N/A (Right-of-way) ± 100-feet

Distance to nearest major thoroughfare: ± 930-feet Thoroughfare Name: Bluffs Parkway

Description of Road accessing property (Classification): Local

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) _____



Community Development Department

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

Authorization Of Applicant

This form is to be executed under oath. I, J. Brockhuijsen, 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.

Owner Signature: [Signature]

Print Name: Brockhuijsen

Brockhuijsen Capital Holdings, LP

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:

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

Name of Authorized Applicant: Brockhuijsen Capital Holdings, LP c/o J. Alexander Brock (Smith, Gambrell & Russell, LLP)

Signature: [Signature]

J. Alexander Brock - Smith, Gambrell & Russell, LLP

Mailing Address: 1105 W. Peachtree Street, Suite 1000

City: Atlanta

State: GA Zip Code: 30309

Telephone: (404) 815-3603

Fax Number: (404) 685-6903

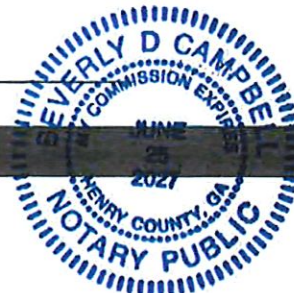
E-mail: jabrock@sgrlaw.com

Applicant Status:

- | | |
|-------------------------------------|--|
| ☒ | Owner |
| ☐ | Option to Purchase |
| ☐ | Leasee |
| ☐ | Area Resident |
| ☒ | Other (Explain): <u>Attorney for the</u> |
| | <u>Applicant/Owner</u> |

This Authorization of Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 27th Day Of November, 20 24.

Notary Signature: [Signature]





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, J. J. Broekhuijsen 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 26 day of November, 2024.
Owner Signature: [Signature] Print Name: Johan J. Broekhuijsen
Broekhuijsen Capital Holdings

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

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

Sworn To and Subscribed Before Me This 26th Day Of November, 2024.

Notary Signature: Beverly D. Campbell



FIRST AMENDED
LETTER OF INTENT

and

Other Material Required by the
City of Canton Code of Ordinances
for the
Zoning Condition Amendment, Master Plan
Modification, and Conditional Use Permit
Applications

of

BROEKHUIJSEN CAPITAL HOLDINGS, LP

for

± 37.80 Acres of Land
located in
Land Lot 245,
14th District, 2nd Section
Cherokee County, Georgia

Submitted for Applicant by:

Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application concerns a ±37.80-acre tract of land located in Land Lot 245, 14th District, 2nd Section of Cherokee County (the “Subject Property”). The Applicant, Broekhuijsen Capital Holdings, LP (“Applicant”) seeks to develop the Subject Property for a mixed-use integrated multi-purpose development with focus on high-quality industrial warehouses and manufacturing facilities with elements of office, commercial and residential uses labeled Der Campus mixed-use development (referred herein as the “Proposed Development” and/or “Project” and/or “Der Campus”). More specifically, the Project consists of one main area with industrial warehouses with integrated offices, and two sub-areas, one with mainly office/retail/general commercial/residential facilities and one purely residential area (located to the north of Technology Ridge Parkway). The core of this development will be the manufacturing and warehousing district, consisting of high-quality, high-end production and warehouse facilities.¹ The second office/retail/general commercial /residential area consists mainly of representative office/retail space. This will be combined with an open concept public recreational area/plaza including restaurants, coffee shops, local commercial stores which are located around an aesthetically attractive feature pond as well as amenities such as outdoor seating, gathering areas, coffee corners outlined with a sophisticated landscape design and potential water features.

Residents, the local workforce and visitors alike will be drawn to the project and encouraged to explore the commercial and public spaces by the unobstructed detailed building facades, matching awnings and architectural accent lighting. Moreover, the Applicant is

¹ The site plan currently depicts six warehouse facilities, however the layout is subject to change based upon final engineering.

expecting more than 300 new jobs from 40-60 tenants, utilizing their relationship and network to German automotive Tier 1 and Tier 2 suppliers. Based upon the history and background of the Applicant, most tenants will be high-tech companies within the automotive industry, IT as well as general technology companies. Also, underlining the character of this multi-purpose development project is a 10MW solar power plant including high-tech energy storage. In the final stage, the whole area will be fully self-supporting concerning the energy for heating and electricity.

To allow the Proposed Development, the Applicant submits the following applications:

1) Master Plan Modification Application to incorporate an additional 4.81-acre tract into the master development; 2) a Zoning Condition Modification application to amend certain conditions of the 2022 Zoning to accommodate the Proposed Development; and 3) a Conditional Use Permit to allow three or more attached residential units in a building. A copy of the amended conditions is attached as Exhibit 1.

The Applicant behind the design and development of the Der Campus is Becker Group² which consists of Broekhuijsen Real Estate as well as of Becker Robotic Equipment. Broekhuijsen Real Estate is a global award winning (sustainable energy developments and historic architectural preservation) multinational real estate firm with head office in Germany. Specializing in high-end industrial manufacturing facilities and offices, founded by Andries Broekhuijsen 30 years ago. Becker Robotic Equipment is an international supplier to the automotive industry with Head Office in Germany and 13 locations in six countries, founded in 1993. As a global direct supplier for many of the world's leading manufacturers in the

² The Subject Property is owned by Broekhuijsen Capital Holdings, LP which is a wholly owned subsidiary of Becker Group.

automotive industry (VW, Audi, Porsche BMW, Tesla, Rivian, Canoo, GM, Ford, Stellantis) we take pride in pushing the boundaries of technology and automation. As a fully ISO 9001 / 14001 / 45001 certified company, holding several patents with manufacturing facilities in Germany, USA, Mexico, India, and China we are constantly striving to improve our global operations and customer support.

The Subject Property was originally the mixed-use component of the ±147-acre Park Village Master Plan, zoned Planned Unit Development (PUD) ³ and approved by City in 2003 (“2003 Master Plan”). The 2003 Master Plan depicted the Subject Property as being in Parcel C in the overall master plan, which was envisioned for the development of a mix of commercial and residential uses. In 2022, the City of Canton City Council approved a Zoning Condition Amendment (ZCA2022-004) to amend several conditions of the 2003 Master Plan and allow additional uses in Parcel C (“2022 Zoning”). The 2022 Zoning was subject to seven (7) conditions and a master development plan that called for ±452,100 square feet of light industrial, office, and commercial space, as well as thirty-five (35) residential townhomes located to the north of Technology Ridge Parkway, all on a 36.9-acre tract. The Applicant purchased the Subject Property and an additional ±4.81-acre tract (“±4.81-acre tract”), located to the west of the Subject Property. The Applicant now intends to incorporate the ±4.81-acre tract into the Proposed Development.

The addition of the ±4.81-acre tract will allow a more efficient layout of the Subject Property, while maintaining a similar intensity to what is allowed under the 2022 Zoning. The ±4.81-acre tract, however, was not included in the original 2003 Master Plan or the 2022 Zoning. It is important to note that, if it was not for the additional of the ±4.81-acre tract, the Proposed

³ The property was later rezoned to PD-MU when the City of Canton adopted its current Zoning Ordinance.

Development could be constructed as of right under the 2022 Zoning.⁴ Because the Applicant must seek a Master Plan Modification to add the ±4.81-acre tract, it is taking the opportunity to amend several of the 2022 Zoning conditions to align with the Proposed Development. Specifically, 2022 Zoning Condition 7 omitted the residential component from the commercial portion of the development. The master plan attached to the 2022 Zoning, however, listed a mix of residential, commercial and office uses in the commercial mixed-use area of the development. The Applicant's current request seeks to correct this oversight. In addition, the Applicant is requesting modification to the existing conditions and two additional conditions detailing the types of residential units provided on the tract located to the north of Technology Ridge Parkway and another condition relating to the anticipated future subdivision of the property. Finally, the Applicant is also modifying the 50-foot buffer condition to allow one of the light-industrial buildings (the intended home for Becker Robotics). Due to an odd angle of the Subject Property and the 4.81-acre tract, the Becker Robotics building, labeled as Building LI-1 on the attached Master Plan, will encroach into the 50-foot buffer, however it will be located entirely outside of the 25-foot building setback. Moreover, the property between Building LI-1 and Technology Ridge Parkway is encumbered by a gas easement and numerous utilities. As a consequence of these utilities, this area cannot be built upon and will act in-effect as a landscaped buffer. Thus, there is no detrimental impact to approving the condition modification to allow the buffer encroachment.

⁴ The 2022 Zoning was not conditioned to a site plan and the Applicant's proposed site design could be developed under the current zoning approvals on the original 36.9-acre tract.

In addition to the modifications to the master plan and conditions, the Applicant is also requesting a CUP to allow 3 or more residential units within a single building.⁵ The applicant is proposing a mix of residential types, including townhome and condominium flats, some of which will be located in buildings with 3 or more units. It is important to note that the 2022 Zoning master plan depicted a similar configuration with buildings of 4 to 5 townhomes each and called for residential condominiums in the mixed-use buildings, however the requirement for a CUP was not enforced at that time. To correct this oversight, the Applicant is now filing this request for a CUP.

The Applicant submits this document as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, a written justification for the Application, and an analysis of the factors to be considered for a rezoning per the City of Canton Development Code, § 105.07.02. A Site Plan has been filed with the original Application, along with the other required materials.

II. HISTORY

The City of Canton rezoned ±147 acres, including the Subject Property, from AG (Agricultural) to PUD (Planned Unit Development) in November of 2003 as part of the Park Village master plan development (Z0212-12). The City of Canton later rezoned the property from PUD to PD-MU, when it adopted its current Zoning Ordinance. In 2022, the City of Canton approved a Zoning Condition Amendment (ZCA2202-004) to modify certain conditions

⁵In conversations with City of Canton Planning Staff, it was indicated that the development would need a CUP to allow three or more units in one building. The City of Canton Code §102.01.06 notes that conditions of a master plan and conditions of zoning [approved prior to the adoption of the current Code of Ordinances] to allow multi-family would require approval of a CUP. The City of Canton Code §102.03.02 and Table 102-4 Land Use Table indicate that townhomes and multi-family dwellings are allowed in PD districts through the approval of a Master Plan and a CUP is not required. It is the Applicant's belief that a CUP is not required for the proposed townhomes as noted in §102.03.02 and Table 102-4, however, and out of an abundance of caution, it is submitting its current request for a CUP.

of Z0212-12 pertaining to the Subject Property. ZCA2202-004 was concerned with a 36.9-acre tract. In 2023, the City of Canton obtained a ±3.91-acre portion of the 36.9-acre tract for the construction of Technology Ridge Parkway. The remaining 32.99-acre tract and the 4.81-acre New Parcel constitute the ±37.80-acre Subject Property considered in this application.

III. IMPACT ANALYSIS

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes. The uses approved currently approved for development on the property will not change. The proposed uses were found to be compatible vis-à-vis the approval of Z0212-12 and the 2022 Zoning. As a result, the Proposed Development is suitable in view of the use and existing development on the adjacent and nearby parcels.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

There will be no adverse effect on the existing use or usability of the adjacent property. By combining light industrial, commercial, and small areas of residential facilities as well as a recreational area in one sustainable and durable mixed-use development, the Proposed Development will significantly increase the quality of work & life in the surrounding neighborhood, providing new opportunities concerning employment, shopping and recreation and increase the asset value of all facilities around such a new development.

The proposal complements the existing housing mix in the neighborhood and respects adjacent single-family residences while introducing light industrial, commercial and residential space with amenities as open space resp. public features in order to establish a truly activated, engaged mixed-use project which forms an extremely positive complementary to the surrounding neighborhood. It is a firm target of this development, and the Applicant see it as one of its core responsibilities to establish this development within the community, to attract locally owned

restaurants, coffee shops and any kind of service provider with space to serve the community, which again will increase the success of the total development as part of the community.

An additional contribution factor to sustain and increase the value of the surrounding neighborhoods is the smooth transition from light industrial area to office and finally commercial/residential/recreational space. The first-class commercial space would be ideal for a coffee shop or local restaurants with a patio facing the feature pond. Additional commercial space would be targeted towards small service, retail and office uses such as an insurance agency, a yoga studio, a boutique-clothing store, fitness studio, neighborhood grocery store, a small hotel or (German) bakeries etc. Commercial users would operate during normal business hours - with limitations on evening hours - specifically in respect to residential tenants and surrounding neighbors.

One significant factor taken into consideration is the geographical placement of the development; the proposed commercial/recreational and living area would be very beneficial for neighborhoods such as Lennar on the Bluffs, Century Communities Summer Walk and Towne Mill, Moss Pointe Community as well as the community on the Park Village Dr and other communities in the area. The new development "Der Campus" provides a new next generation gathering space and a new opportunity to define community in the north of the City of Canton with local restaurants and coffee shops in neighborhood style.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Yes. As noted in the paragraphs above, the Proposed Development could be built under the current zoning approvals, however, the addition of the ±4.81-acre tract requires a Master Plan Modification. The addition of the ±4.81-acre tract will allow an improved layout of the

development with better internal circulation and improved pedestrian connectivity between the residential uses and the employment areas.

D. 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.

No. The Proposed Development is substantially similar in both use and intensity to what is already approved for construction on the property. As a consequence, the proposed number of vehicular trips will be similar to what was anticipated in the 2022 Zoning approval and will not overly burden the use of existing streets. The residential to the north of Technology Parkway is also a similar in the number of units to what is already approved in the 2022 Zoning and as a consequence will overly burden local schools. The school-aged children in the development will attend Hasty Elementary School, Teasley Middle School, and Cherokee High School. As for utilities, the property will have access to the City of Canton water and sewer.

E. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan and future development map.

The uses in the 2022 Zoning master plan have already been approved. Hence, its impact on the aesthetic character of existing and future uses of the property and the surrounding area have been contemplated and authorized. Further, both the previously sanctioned use and the use proposed through this application are consistent with the City's future development desires for the properties that surround it, as indicated on the City's Future Land Development Map.

F. 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.

As noted in the paragraphs above, the Applicant's purchase of the 4.81-acre tract allows for a more efficient layout of the Proposed Development but requires the requested Modification approval.

IV. CONDITIONAL USE PERMIT IMPACT ANALYSIS

The Applicant is requesting a Conditional Use Permit to allow three or more attached residential units in a single building. The following is an analysis of the standards for approving a Conditional Use Permit in the City of Canton Code §105.09.01.

The attached residential is envisioned as a housing option for the employees of businesses within the Der Campus development and other future residents. The attached residential, along with the other proposed single family detached and duplexes, will provide residential units within walking distance of employment and commercial uses, thereby promoting pedestrian activity and reducing impacts from vehicular traffic. The proposed attached residential units, both townhome and condominium flats were proposed in the previous 2022 Zoning. At the time of the 2022 Zoning approval, however, the City of Canton Staff did not require approval of a Conditional Use Permit. The City of Canton Staff has now indicated that a Conditional Use Permit will be required to allow three or more attached residential units within a single building. Although attached townhome and multi-family are allowed within the PD-MU district without the approval of a CUP, the Applicant is filing the instant application out of an abundance of caution (Also refer to footnote #5 above). Because the attached residential units were previously considered and approved its impact on existing and future uses of the property and the surrounding area have been contemplated and authorized.

The requested Conditional Use Permit to allow three or more attached residential units meets the criteria for approval listed in City of Canton Code §105.09.01. First of all, the proposed conditional use complies with the regulations of the applicable zoning district and site

planning standards. Second, the proposed conditional use conforms to the character of the neighborhood within the same zoning district in which it is located and will not have any adverse effects on health, safety, or comfort of persons living or working in the neighborhood, and will not be injurious to property or improvements in the neighborhood any more than other uses generally permitted in the same district. Third, the proposed conditional use complies with applicable resource management provisions as set forth in Chapter 107 of the Canton Code of Ordinances. Fourth, the Proposed Development, including the attached residential, will have access to adequate utilities. Fourth, adequate measures have been included in the Applicant's proposed design to minimize traffic hazards and to minimize traffic congestion on the public roads. Fifth, the proposed attached residential will not produce any noxious or offensive vibration, noise, odor, dust, smoke, or gas. Sixth, the proposed attached residential will not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood. Seventh, the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district. Eighth, the establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Finally, the public interest and welfare supporting the proposed use outweighs the individual interests that are adversely affected by the establishment of the proposed use.

IV. NOTICE OF CONSTITUTIONAL CHALLENGES AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The current zoning of the Subject Property and any intervening zoning district other than that requested is unconstitutional and contrary to the best interest of the health and welfare of the

citizens of the City of Canton and constitutes an arbitrary and capricious act. As a result, the City of Canton Code of Ordinances is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the current zoning violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the current zoning of the Subject Property and any intervening zoning district other than that requested is unconstitutional in that it renders the Subject Property unusable and destroys its marketability. Therefore, the current zoning constitutes a taking of the Applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The Zoning Ordinance of the City of Canton lacks adequate standards for the City Council to exercise its power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Ordinance also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

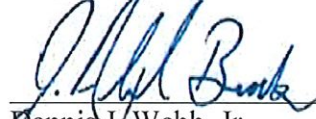
Opponents to this request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal by failing to assert legal and constitutional objections.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Zoning Condition and Master Plan Modification Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Canton.

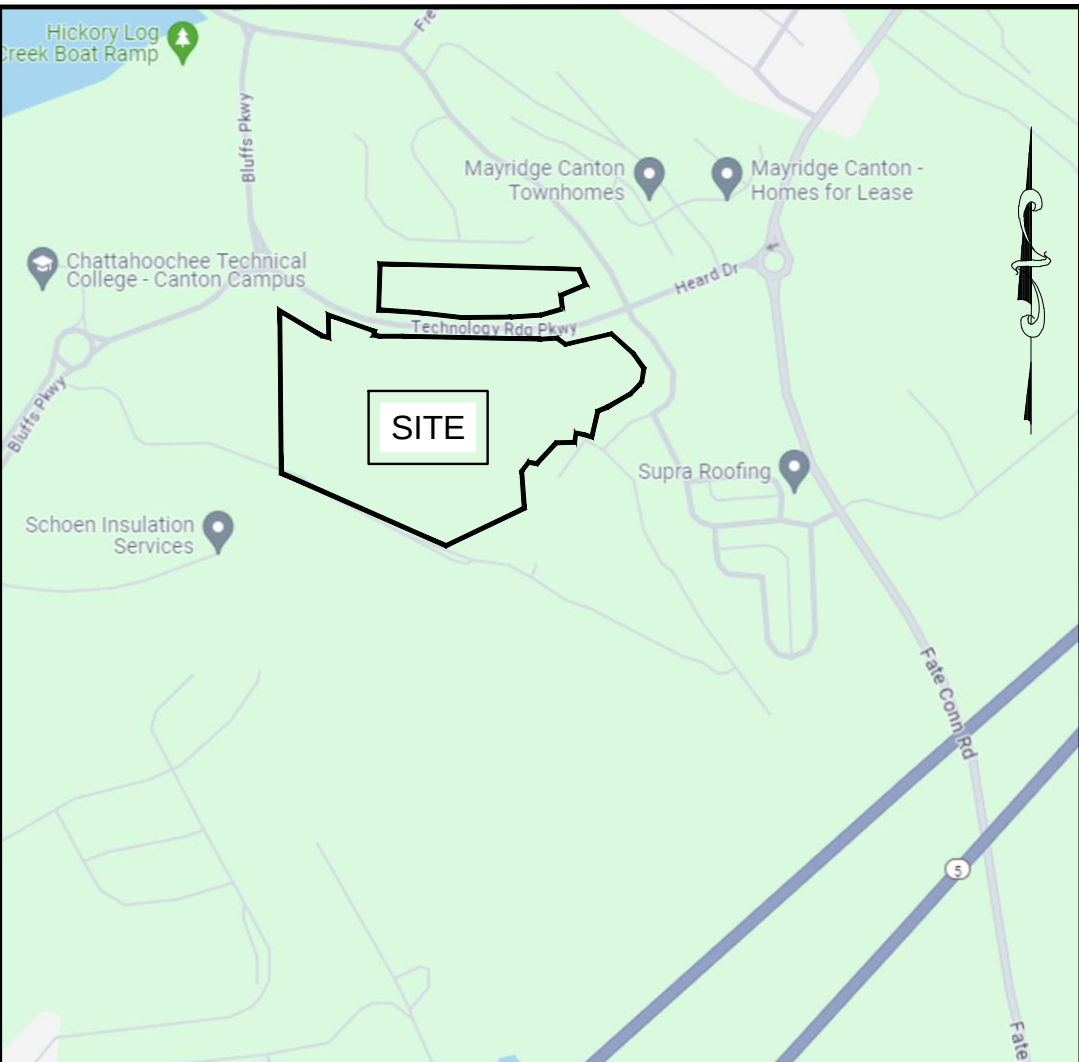
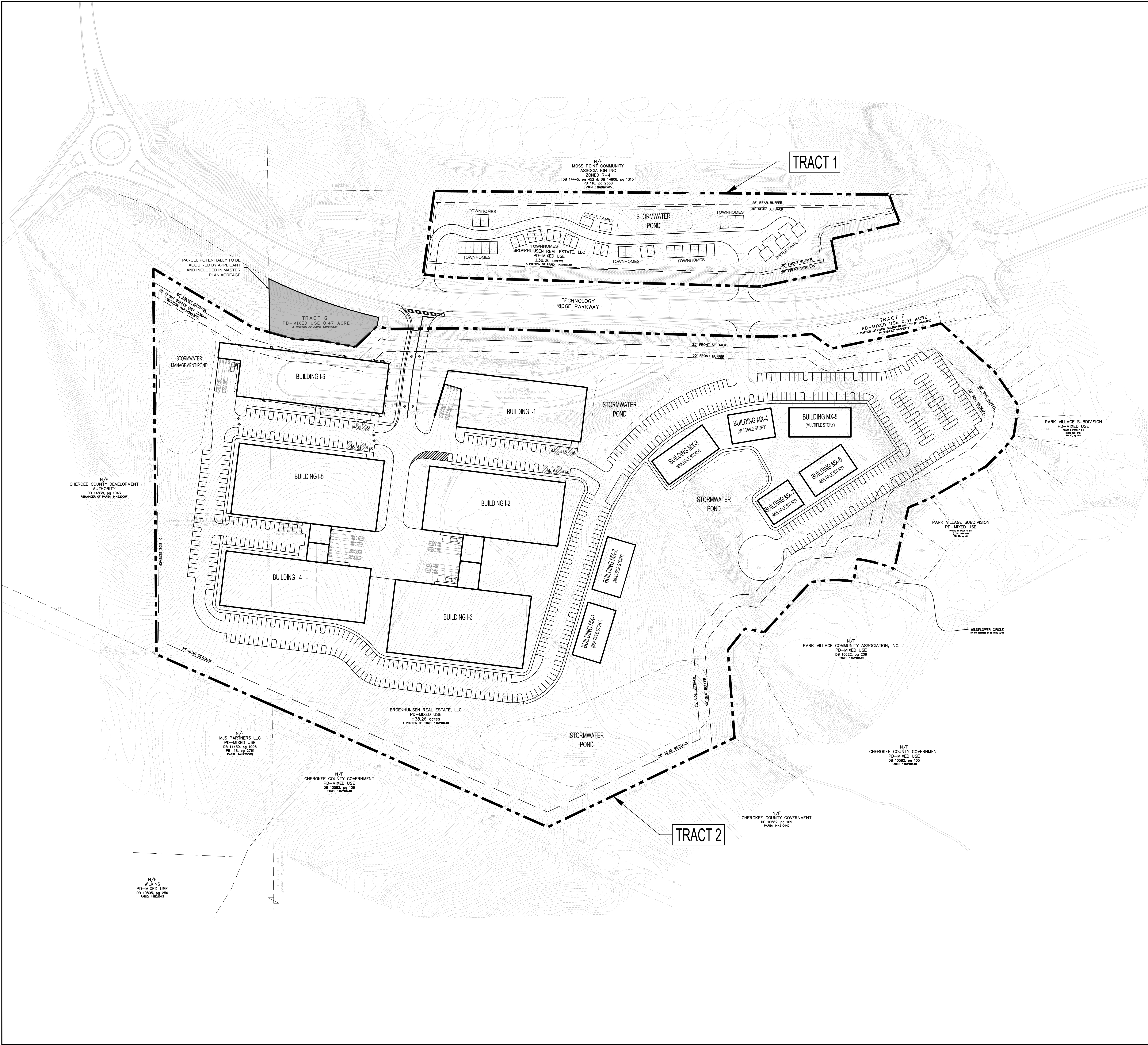
This 13th day of December, 2024.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Dennis J. Webb, Jr.", is written over a horizontal line.

Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Attorneys For Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500



LOCATION MAP
SCALE: 1" = 1,000'

SITE INFORMATION:

1. PARCEL ID:	14N21044D
2. ACREAGE	±37.79 ACRES (CURRENT PROPERTY) ±38.26 ACRES (WITH PROPERTY ACQUISITION)
3. ZONING:	CURRENT = PD-MIXED USE PROPOSED = PD-MIXED USE
4. PERIMETER LANDSCAPE BUFFERS AND BUILDING SETBACKS SHALL BE AS SHOWN ON THIS MASTER PLAN. THERE SHALL NOT BE A REQUIREMENT FOR ANY INTERNAL BUFFERS OR SETBACKS IF THE PROPERTY IS TO BE SUBDIVIDED.	
5. PARKING WILL BE PROVIDED IN ACCORDANCE WITH CITY OF CANTON REQUIREMENTS.	
6. STORMWATER MANAGEMENT WILL BE IN ACCORDANCE WITH CITY OF CANTON AND THE GEORGIA STORMWATER MANAGEMENT MANUAL REQUIREMENTS.	
7. WATER AND SEWER TO BE PROVIDED BY THE CITY OF CANTON.	

SITE ANALYSIS:

TRACT 1: RESIDENTIAL USE	±4.21 ACRES
SINGLE FAMILY HOMES & TOWNHOMES	35 UNITS
PROPOSED DENSITY	8.31 UNITS/ACRE
TRACT 2: MIXED USE (RETAIL, RESIDENTIAL, OFFICE & INDUSTRIAL)	±34.05 ACRES
TOTAL SQUARE FOOTAGE	452,100 SF
MAXIMUM BUILDING HEIGHT	45 FEET
MAXIMUM BUILDING COVERAGE	35%
MAXIMUM IMPERVIOUS AREA	75%
MINIMUM OPEN AREA	25%

GENERAL SURVEY NOTES:

- TOTAL SITE AREA IS APPROXIMATELY 38.26 ACRES (TOTAL FOR BOTH PARCELS).
- TOPOGRAPHIC AND BOUNDARY INFORMATION BY DAVIS ENGINEERING & SURVEYING. TECHNOLOGY RIDGE PARKWAY WAS UNDER CONSTRUCTION AT THE TIME OF SURVEY.
- THE ELEVATIONS DEPICTED HEREON ARE BASED ON NAVD 88 DATUM. THE HORIZONTAL CONTROL IS BASED ON NAD 83 WEST ZONE.

CONTACT INFORMATION:

ENGINEER ADC ENGINEERING, INC. 25 WOODS LAKE ROAD, SUITE 210 GREENVILLE, SC 29607 LARRY BARTHELEMY, PE (864) 751-9122 TELEPHONE	DEVELOPER BROEKHUIJSEN REAL ESTATE, LLC 6410 ATLANTIC BLVD, SUITE 350 NORCROSS, GA 30071 JOHAN BROEKHUIJSEN (770) 837-0449 TELEPHONE
--	---

SITE MASTER PLAN NOTES:

- THE PURPOSE OF THIS MASTER PLAN IS INTENDED TO ALLOW FOR FLEXIBILITY OF HIGH QUALITY RESIDENTIAL, INDUSTRIAL AND MIXED USE DEVELOPMENT. THE MASTER PLAN IS CONCEPTUAL IN NATURE TO DEPICT CURRENT PLANNING IN RESPECT TO DENSITY, BUILDING SIZES AND LAYOUT, LAND USES AND ACCESS.
- THE DEVELOPER RESERVES THE RIGHT TO MODIFY THIS PLAN IN RESPONSE TO THE FUTURE NEEDS OF TENANTS AND PURCHASERS. INNOVATIONS IN THE TECHNIQUES OF DEVELOPMENT OR CHANGING MARKET/FINANCIAL CONDITIONS. ANY DEPICTED PROPERTY LINES, TRACT DIMENSIONS, ACREAGES ARE APPROXIMATE AND SUBJECT TO ADJUSTMENT.

DATE: 12/6/2024
ADC PROJECT #: 23032.1
DESIGNED: HP
CHECKED: LKB
DRAWN: HP
REVISION:

MASTER SITE PLAN

C200

CONCEPTUAL DESIGN

HORIZONTAL SCALE
0 40 80 120
(IN FEET)
1 inch = 80 ft.

Broekhuijsen Real Estate, LLC
Canton, GA

DER CAMPUS MASTER PLAN

CANTON, GEORGIA

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

12/06/2024
GA LEVEL II CERT #:000066720

25 WOODS LAKE ROAD, SUITE 210
GREENVILLE, SC 29607
864-751-9121
ADCENGINEERING.COM

DATE: 12/6/2024
ADC PROJECT #: 23032.1
DESIGNED: HP
CHECKED: LKB
DRAWN: HP
REVISION:

MASTER SITE PLAN

C200

CONCEPTUAL DESIGN



A&R Engineering Inc.

2160 Kingston Court, Suite O
Marietta, GA 30067
Tel: (770) 690-9255 Fax: (770) 690-9210
www.areng.com

Memorandum



To: Geoff Morton, PE,
County Manager, Cherokee County, GA
From: Abdul Amer, PE.
Date: February 1, 2022
Subject: Trip Generation Memorandum for Proposed Mixed-use Development for Becker
Development Park in Cherokee County, Georgia. A&R Project No: 22-017

The purpose of this memorandum is to estimate the trip generation that will result from the Mixed-use development proposed along the proposed Heard Road Extension at Fate Conn Road, in Cherokee County, Georgia. The proposed development will consist of the following land-uses:

- Light Industrial: 276,000 sf
- Office: 86,800 sf
- Retail: 34,720 sf
- Fast Casual Restaurant: 26,040 sf
- Multifamily: 15 Units
- Single family Attached: 35 Units

METHODOLOGY

Trip generation estimates for the project were based on the rates and equations published in the 11th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation referenced is based on the following ITE Land Uses: 110 – *General Light Industrial*, 822 – *Strip Retail Plaza (<40K)*, 710 – *General Office Building*, 930 – *Fast Casual Restaurant*, 220 – *Multifamily Housing (Low-Rise)* and 215 – *Single-Family Attached Housing*.

Land Use: 110 – General Light Industrial: A light industrial facility is a free-standing facility devoted to a single use. The facility has an emphasis on activities other than manufacturing and typically has minimal office space. Typical light industrial activities include printing, material testing, and assembly of data processing equipment.

Land Use: 822 – Strip Retail Plaza: A strip retail plaza is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Each study site in this land use has less than 40,000 square feet of gross leasable area (GLA).

Land Use: 710 – General office building: A general office building is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building houses multiple tenants that can include, as examples, professional services, insurance companies, investment brokers, a banking institution, a restaurant, or other service retailers.

Land Use: 930- Fast Casual Restaurant: A fast casual restaurant is a sit-down restaurant with no wait staff or table service. Customers typically order off a menu board, pay for food before the food is prepared and seat themselves. The menu generally contains higher quality made to order food items with fewer frozen or processed ingredients than fast food restaurants.

Land Use: 220 – Multifamily Housing (Low Rise): Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have two or three floors (levels). Various configurations fit this description, including walkup apartment, mansion apartment, and stacked townhouse.

Land Use: 215 – Single-family attached housing: Single-family attached housing includes any single-family housing unit that shares a wall with an adjoining dwelling unit, whether the walls are for living space, a vehicle garage, or storage space.

TRIP GENERATION

The results of the analysis for the proposed development are shown in Table 1, below.

TABLE 1 – TRIP GENERATION								
Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-way
ITE 110 – General Light Industrial	276,000 sf	168	23	191	12	72	84	1,088
ITE 821 – Strip Retail Plaza (<40 K)	34,720 sf	39	26	65	94	94	188	1,695
Mixed-Use Reduction		-12	-4	-16	-13	-9	-22	-184
Pass-by Trips (0%) 40%		0	0	0	-35	-35	-70	-678
ITE 110 – General Office Building	86,800 sf	130	18	148	25	123	148	1,026
Mixed-Use Reduction		-1	-1	-2	-8	-8	-16	-154
ITE 930 – Fast Casual Restaurant	26,040 sf	18	19	37	248	204	452	2,530
Pass-by Trips (0%) 43%		0	0	0	-102	-83	-185	-1,088
Mixed-Use Reduction		-4	-2	-6	-10	-10	-20	-171
ITE 220 – Multifamily Housing (Low-Rise)	15 Units	7	21	28	17	10	27	171
Mixed-Use Reduction		-3	-5	-8	-9	-9	-18	-143
ITE 215 – Single-Family Attached Housing	35 Units	4	9	13	10	7	17	216
Total Trips (without Reductions)		366	116	482	406	510	916	6,726
New External Trips (with Reductions)		356	106	462	236	359	595	4,378

Based on trip generation rates published in Institute of Transportation Engineer's Trip Generation Manual, 11th edition, the proposed development will generate new 462 external two-way trips in the AM peak, 595 external two-way trips in the PM peak and 4,378 new external two-way trips in a 24-hour duration. A site plan is included in the Appendix.