



HALL COUNTY PLANNING COMMISSION MINUTES OF JANUARY 3, 2017

The regular meeting of the Hall County Planning Commission was held in the Hall County Government Center, 2875 Browns Bridge Road, 2nd Floor Meeting Room, Gainesville, Georgia.

- Members Present:** Don Smallwood, Chairman; Chris Braswell, Bo Brooks, Frank Sosebee
- Members Absent:** Johnny Varner
- Staff Present:** Srikanth Yamala, Director; Sarah McQuade, Principal Planner; Beth Garmon, Senior Planner; Emily Foote, Secretary
- Others Present:** Charles Turner, Engineering
- Call to Order:** The meeting was called to order by the Chairman at 5:27 p.m.
- Approval of Minutes:** December 19, 2016

Motion: *Mr. Brooks made a motion to approve the Minutes of December 19, 2016. The motion received a second from Mr. Sosebee and passed by a 4 – 0 vote (Mr. Varner absent).*

NEW BUSINESS

Variance

- 1. Application of Richard Newman to vary the right yard setback from 10 ft. to 3 ft. on a 1.635± acre tract located on the east side of Shoreland Drive approximately 550 feet from its intersection with Shoreland Circle; a.k.a. 3397 Shoreland Drive; Zoned V-C; Tax Parcel 08167 004030. Proposed Use: Bring structure into conformance. Commission District 1.**

Background Information:

The subject parcel is a 0.32 ± acre parcel zoned Vacation Cottage (V-C) that consists of lot 9 of the H E Compton Subdivision. The location of the existing home and setbacks limit the function of the deck, which is intended to provide access to a freestanding hot tub.

Applicant authorized a contractor to acquire the appropriate permits and construct the deck; permits were not received and contractor built deck across property line. Currently the home is situated approximately 5.5' from the property line as its construction predates county setback ordinances.

If the setback is not approved, the existing deck would have to be removed.

Applicant's Presentation:

Mr. Newman, 3397 Shoreland Drive, was accompanied by his neighbor, Kalen Cookson , 3385 Shoreland Drive, and Mr. Cookson's lawyer, John H. Smith, P.O. Box 1098 Gainesville, GA. An agreement had been reached between Mr. Newman and Mr. Cookson with the help of Mr. Smith. Mr.

Newman shall remove the current deck that encroaches onto Mr. Cookson's property along with any other items crossing the property line. Mr. Newman shall install a new deck with a 5ft setback variance within a pre-approved 23ft section of the property line. Both parties will agree to a 10ft variance along the rest of the property line.

Mr. Smallwood inquired about the hot tub being within the setback. Mr. Yamala informed the commission that setback requirements do not apply to the hot tub since it is smaller than 12'x12'. Mr. Smallwood clarified that Mr. Newman only needs a 5ft setback instead of the 3ft requested in his application. Mr. Newman and Mr. Smith confirmed.

Public Forum:

No one appeared in support or opposition to the application.

Planning Commission Comments:

Mr. Smallwood stated that the legal agreement outlines the 5ft variance and the agreement is the deciding factor in the case.

Motion: *Mr. Braswell made a motion to Approve the request with a second from Mr. Sosebee and the motion passed by a 4 – 0 vote (Mr. Varner absent).*

- 2. Application of Donald Riccardi to vary the front yard setback from 30 ft. to 1 ft. and right side yard setbacks from 20 ft. to 1 ft. on a 6.58± acre tract located on the northeast side of Thompson Bridge Road approximately 800 feet from its intersection with Hubert Stephens Road; a.k.a. 5162 Thompson Bridge Road; Zoned PCD; Tax Parcel 11083 003001A. Proposed Use: Subdivide property and construct new storage buildings. Commission District 3.**

Background Information:

The subject parcel has an extensive zoning history: 3.05± acres were first rezoned, with conditions, to Highway-Business in February, 2005 for mini-warehouses, mechanical repair, and a caretaker residence. In May, 2005 the Hall County Board of Commissioners approved, with conditions, the additional use of boat/RV storage on an additional 1.0± acre. In June 2006 2.50± acres were approved, with conditions for an H-B zoning with the proposed use of boat and RV storage and parking. In October 2009 the Hall County Board of Commissioners rezoned 7.01 acres from H-B to Planned Commercial District (PCD) for the proposed use of outside yard sales. The 2009 rezoning brought all of the previous zoning changes together into one unified PCD.

Applicant is requesting variances on 4 current and 2 proposed structures. Applicant wants to subdivide the property and construct two additional self-storage buildings.

The setback variances for the four existing structures are located towards the front of the subject parcel, close to the right side yard property line. The applicant has requested the setback reduction and subdivision to separate the self-storage business from the other businesses on the property. The intent is to combine the newly created parcel with parcel 11083 003002, which is in front of the pottery business.

The first proposed building requires a setback variance as one corner will cross the established rear setback. The second proposed building will be entirely located within the right side setback.

Applicant's Presentation:

Mr. Riccardi, 4856 Newton Drive, explained that he has 3 separate businesses on one tract of land. He wants to subdivide the property in order to separate the self-storage business from the other two. He intends to sell the storage company and states it will be easier to sell if separate from other businesses. Mr. Smallwood inquired if Mr. Riccardi wanted a setback variance on existing buildings. Mr. Riccardi confirmed that he did need a variance on an existing building to 1 ft in order to subdivide the property into two parcels. Mr. Smallwood then inquired if Mr. Riccardi also wanted setbacks on proposed buildings. Mr. Riccardi confirmed that he was requesting a 10 ft setback variance in order to construct a 7,200sq ft building along Jerry Burruss Road. Mr. Yamala confirmed that the original setback along Jerry Burruss Road is a 20ft setback. Mr. Riccardi stated he is also requesting a setback variance from 20 ft to 10 ft on the right property line in order to construct a 150ft long, 10ft wide storage building. Mr. Riccardi stated that the second proposed building would be entirely within the current setback but would be an improvement for the owner of the neighboring property because the proposed building would be one sided versus two sided. The wall facing the neighboring property would not have any doors or customer access. Mr. Smallwood stated that the setbacks are on both sides of the property line to protect both property owners from building too close to the line.

Public Forum:

No one appeared in support or opposition to the application.

Planning Commission Comments:

Mr. Smallwood, Mr. Braswell and Mr. Brooks agreed with the staff recommendation.

Motion: *Mr. Braswell made a motion to Approve the request for a 10ft setback for the proposed 7,200 sq foot building and to deny the other requests with a second from Mr. Sosebee and the motion passed by a 4 – 0 vote (Mr. Varner absent).*

Conditional Use/Use Subject to Approval

- 3. Application of Red Mountain (Tennessee Carefree) LLC for a Use Subject to County Commission approval on a 1.15± acre tract located on the north side of Lanier Islands Parkway approximately 275ft. from its intersection with Lee Drive ; a.k.a. 0 Lanier Islands Parkway; Zoned H-B; Tax Parcel 07329 001010; Proposed Use: Boat Sales and Outdoor Storage. Commission District 1.**

Background Information:

The subject property consists of 1.15 ± acres zoned H-B and is currently undeveloped. The property has approximately 320 feet of road frontage along Lanier Islands Parkway. The surrounding properties are primarily zoned H-B and AR-III.

Applicant is requesting a use subject to county commission approval to develop the subject property with a boat sales and outdoor storage business. The proposed development will include clearing of the property in order to construct a 4,500 square foot (45' x 100') pre-engineered warehouse for boat storage with an adjacent 20' x 20' office space. Other modifications proposed include: a driveway entrance from Lanier Islands Parkway, a boat crane, and a septic field and storm water management facility. Business hours and operations will be similar to other neighboring businesses along Lanier Islands Parkway.

Applicant's Presentation:

David Roth, 5687 Mountain Oak Drive, is requesting to use the property for boat sales and outdoor storage. Mr. Roth stated that he agrees with the staff's recommendation to approve his application with the condition that he follow the GCOD guidelines. Mr. Smallwood inquired if the lot was presently empty. Mr. Roth confirmed and stated that the lot was cleared in 2007.

Public Forum:

No one appeared in support or opposition to the application.

Planning Commission Comments:

Mr. Smallwood stated that the application spoke for itself and he had no issue with the request.

Motion: *Mr. Sosebee made a motion to Recommend Approval with a condition, with a second from Mr. Braswell and the motion passed by a 4 – 0 vote (Mr. Varner absent).*

Condition:

1) *The Gateway Corridors Overlay District standards shall be applied to the entire development.*

4. **Application of North Lanier Storage, Inc. for a Use Subject to County Commission approval on a 3.23± acre tract located at the intersection Browns Bridge Road and Sherri Drive; a.k.a. 5343 Browns Bridge Road; Zoned H-B; Tax Parcel 08080 002057; Proposed Use: Self and Outdoor Storage. Commission District 2.**

Background Information:

The subject property consists of 3.23 ± acres zoned H-B and is currently undeveloped. Previous ownership of the property included this parcel as part of the Sherri Lynn Subdivision.

The property has approximately 155 feet of road frontage along Browns Bridge Road and 536 feet of frontage along Sherri Drive. The surrounding properties are primarily zoned H-B and AR-III with R-I across Browns Bridge Road. At the corner of Browns Bridge Road and Sherri Drive, across Sherri Drive from the subject parcel, is a self-storage facility also owned and operated by North Lanier

Storage, Inc. This existing facility will serve as the office for 5343 Browns Bridge Road during phase one.

Applicant states development will occur in two phases: the first phase will include clearing and grading the site in order to install a fenced gravel boat and RV self-storage lot with lighting and coded gate access. Curb cuts are planned along Sherri Drive for access, with no access being required from Browns Bridge Road. The second phase of the project will include the construction of an air-conditioned, mini warehouse facility of approximately 20,193 square feet to be completed one year after phase one.

Applicant's Presentation:

Christian Ford Smith, 127 Queens Harbor Boulevard, owner of North Lanier Storage, presented the application. Mr. Smith stated they own the storage unit across the street at the intersection of Sherri Drive and Browns Bridge Road. Mr. Smith explained that the proposed storage area and future office building will be within the mandated setbacks. Mr. Smallwood asked if Mr. Smith was aware that Browns Bridge Road will be widened. Mr. Smith confirmed. Mr. Smallwood asked about the construction of the storage area. Mr. Smith stated that it will be open gravel storage with no overhead covers, etc. Mr. Smith stated that in phase two, to be completed at least one year later, he plans to build a 20'x20' office on the site.

Public Forum:

The following spoke in opposition:

Juan Garcia, 5363 Browns Bridge Road, stated that he lives in the adjacent property, currently zoned H-B, and would like to rebuild his house. Mr. Garcia was concerned if the boat storage went to the end of the property line that he would have issues rebuilding his house.

Curtis and Carol Iocco, 5428 Sherri Drive, stated that they own a house further down Sherri Drive and are concerned with the traffic caused by a second storage unit. Mr. Iocco stated that the street is a one way private road that cannot handle large RVs or boat turnarounds. Mr. Iocco was also concerned with his mailbox and water meter, which are located on Browns Bridge Road at the intersection of Sherri Drive.

Rebuttal:

Mr. Smith clarified that there are multiple properties between the proposed boat storage and Mr. Garcia's house and his business would not interfere with Mr. Garcia's property. He proposed hammerhead curb cuts and turning lanes to help ease traffic on Sherri Drive and stated that his plans will not interfere with the mailboxes or the water meters. Mr. Smith stated that Sherri Drive is a county maintained road and is shown to be 19ft wide on the plat. Mr. Smallwood asked if Mr. Smith would be willing to meet with the staff to discuss the road further. Mr. Smith agreed.

Planning Commission Comments:

Mr. Braswell found the application to be less intrusive to the neighbors than other businesses that could come in.

Mr. Sosebee encouraged the property owners to meet with Mr. Smith to discuss the road.

Mr. Brooks liked the application but was concerned with the road. He thought the staff recommendation was correct but wanted to ensure that staff looks into the road and bring it up to code, if necessary.

Motion: *Mr. Braswell made a motion to Recommend Approval of the request with conditions, with a second from Mr. Brooks and passed by a 4 – 0 vote (Mr. Varner absent).*

Condition:

- 1) *The Gateway Corridors Overlay District standards shall be applied to the entire development.*
- 2) *Applicant shall pay for turning lanes into property at their expense.*
- 3) *Applicant shall work with Planning Department regarding improvements to Sherri Drive.*

Proposed Amendments

5. **Application of Ideal Communications, Inc. to rezone from AR-III to H-B on a 3± acre tract located on the southwest side of Spout Springs Road approximately 1180ft. from its intersection with Hog Mountain Road; a.k.a. 6016 Spout Springs Road; Tax Parcel 15046 000148. Proposed Use: Office. Commission District 1.**

Background Information:

The 3.00± acre parcel is currently zoned AR-III. The Georgia Department of Transportation developed the property with a 2,400 square foot building and a large paved parking area. The applicants have purchased the subject parcel from the Georgia Department of Transportation (GDOT). The property was previously utilized by GDOT as a maintenance facility and office space.

The existing building will be used as an office and storage space for their network and fiber optic cable company. There are no retail sales or customers visiting the facility. Outside of vehicular parking there should not be any outdoor storage of equipment or materials.

No additional buildings or parking are anticipated. Applicant will install one wall sign with company name.

Applicant's Presentation:

Steve Peacock, 5029 Southern Trace Drive, owner of Ideal Communications presented the application. Mr. Smallwood inquired if this is the former GDOT building. Mr. Peacock confirmed. Mr. Smallwood inquired if they will make any changes to the building. Mr. Peacock answered that they would like to paint and clean the building, but no structural changes are planned. Mr. Smallwood asked if Mr. Peacock was aware the property is in the GCOD. Mr. Peacock confirmed.

Public Forum:

Robert Redford, 3520 Woodbury Creek Drive, spoke in opposition. Mr. Redford owns the adjoining property and has long term plans to develop a shopping center on the land. Mr. Redford stated that he was not clear as to what the applicant wanted to build and how it would interfere with his plans to build a shopping center. Mr. Smallwood clarified that the applicant is asking for a rezoning and will use the current building with no construction planned.

Planning Commission Comments:

Mr. Smallwood had no issue with the application. Charles Turner in the Engineering Department made sure the applicant is aware that Spout Springs Road will be widened.

Motion: *Mr. Sosebee made a motion to Recommend Approval of the application with a second from Mr. Brooks and passed by a 4 – 0 vote (Mr. Varner absent).*

OTHER

The next Planning Commission meeting will be on January 26, 2017.

ADJOURNMENT:

There being no further business to conduct the meeting was adjourned by Mr. Smallwood at 7:01 p.m.



Don Smallwood, Chairman
Hall County Planning Commission


Emily Foote, Secretary
Hall County Planning Commission

