



**HALL COUNTY PLANNING COMMISSION
MINUTES OF FEBRUARY 4, 2019**

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

- Members Present:** Chris Braswell, Chairman; Frank Sosebee, Johnny Varner, Gina Pilcher, Stan Hunt
- Staff Present:** Srikanth Yamala, Director; Sarah McQuade, Manager; Beth Garmon, Senior Planner; Vanessa Foster, Planner; Emily Foote, Secretary
- Call to Order:** The meeting was called to order by the Chairman at 5:16pm.
- Approval of Minutes:** January 22, 2019

OLD BUSINESS

1. **Previously Tabled application of Gainesville-Hall County Development Authority to rezone from Agricultural-Residential-III (AR-III) and Heavy Industrial (I-II) to Heavy Industrial (I-II) on 101 lots totaling 108.37± acres located on the north side of Gateway Centre Parkway, at its intersection with White Sulphur Road; a.k.a. 0 Cornelia Highway, 3275 Gateway Centre Parkway, 3311 Hillcrest Lane, et al; Zoned AR-III, I-II; Tax Parcels 15019 000-158, 15019 000644, 15019A0002107, -109 – 168, -170 – 187, -190 - 210. Proposed Use: Intermodal facility. Commission District 3.**

Applicant's Presentation:

Erik Chini, 425 Oak Street, Gainesville, presented the application. Mr. Chini stated that they have asked to Withdraw their application. Srikanth Yamala, Director, stated that the application is for the Inland Port, which is part of the Port Authority. Mr. Yamala explained that state projects, such as this, are exempt from local zoning regulations.

Public Forum:

No one spoke in favor or in opposition to the request.

Motion: Mr. Sosebee made a motion to remove the request from the Table with a second from Mr. Varner and the motion passed by a 5 – 0 vote.

Motion: Mr. Hunt made a motion to Withdraw the request with a second from Mr. Varner and the motion passed by a 5 – 0 vote.

Variance

- 2. Application of Yanet Oliveros for a Use Subject to Planning Commission approval to expand a nonconforming use on a 0.32± acre tract located on the west side of Georgia Avenue, 300± feet from its intersection with Memorial Drive; a.k.a. 32 Georgia Avenue; Zoned R-II; Tax Parcel 00052 002015. Proposed Use: Construct an addition. Commission District 4.**

Background Information:

The applicant is requesting approval for a use subject to the Planning Commission for the expansion of a nonconforming use in order to construct an addition to an existing residence. The addition would be to add 2 bedrooms to the home measuring approximately 14' x 26' as well as a 6.5' x 12' addition at the front of the home. The applicant also wishes to replace a burned-down site built home with a double-wide mobile home, approximately 24' x 50' in size. The subject property is 0.32± acres and is zoned Residential-II (R-II). The tax records indicate that the homes were constructed in 1900. The lot is Lot #8 of the Gainesville Mill Village, recorded in plat book 4 on page 60 in 1939.

Applicant's Presentation:

Yanet Oliveros, 19 Hilltop Terrace, Gainesville, presented the application. Ms. Oliveros stated that she is requesting permission to remodel the existing home and put a mobile home on the property. Mr. Braswell asked if Ms. Oliveros owns the property. Ms. Oliveros confirmed. Mr. Braswell asked if Ms. Oliveros is living at the property currently. Mrs. Oliveros answered that she is not and stated that she recently purchased the property. Mr. Braswell asked if the home that was burned has been demolished. Ms. Oliveros confirmed. Mr. Braswell asked if anyone is living in the existing home. Ms. Oliveros answered that there is no one living in the home. Mr. Varner asked what year mobile home Ms. Oliveros is proposing to bring to the property. Ms. Oliveros answered that she does not have a mobile home yet and is waiting for approval before looking for a home. Mr. Varner asked if Ms. Oliveros is looking for a new or used mobile home. Ms. Oliveros answered that the mobile home will be used. Mr. Braswell asked if Ms. Oliveros understood that a mobile home must be inspected if it is brought into the county. Ms. Oliveros confirmed.

Public Forum:

No spoke in favor or in opposition to the request.

Planning Commission Comments:

Mr. Braswell commented that the property next door has an existing mobile home. Mr. Varner commented that something needs to be done with the property.

Motion: Ms. Varner made a motion to Approve the request with a second from Ms. Pilcher and the motion passed by a 5 – 0 vote.

Conditional Use/Use Subject to Approval

3. **Application of Brett and Elizabeth Hayse for a Use Subject to County Commission approval on a 28.402± acre tract located on the west side of Will Wheeler Road, 875± feet south of its intersection with Ben Lee Road; a.k.a. 0 Will Wheeler Road; Zoned AR-IV; Tax Parcel 11030 000006 (pt.). Proposed Use: Commercial Kennel. Commission District 3.**

Background Information:

The applicants are requesting permission for a use subject to County Commission approval for a commercial kennel on an Agricultural-Residential-IV (AR-IV) zoned property. The subject property is 28.402± acres. The applicants purchased the subject property next door to the property their home is on and would like to build a dog boarding facility. The narrative states that the original intent was to create one indoor facility as shown on the proposed site plan. The applicants decided to adjust their plans to instead create multiple small buildings that will be placed in the same area as shown on the proposed site plan. No modified site plan was submitted. The small buildings are described in the narrative to be small sheds with fenced in yards so the dogs have indoor and outdoor access. An image of a small shed was submitted with the application. Approximately twenty units are proposed. A concrete driveway with designated parking area for customers to pick up and drop off their dogs is proposed, including 12 parking spaces. Additionally, a shuttle and taxi service will be provided to customers to pick up animals for boarding. This is to remove the necessity for a large parking lot. Operating hours are proposed from 6 am to 7 pm, Sunday through Saturday.

Applicant's Presentation:

Applicant was not present. Mr. Braswell moved on to the next agenda item to allow the applicant time to arrive.

4. **Application of Daniel Perdomo for a Use Subject to County Commission approval on a 1.52± acre tract located on the south side of Atlanta Highway, 530± feet from its intersection with Mount Salem Circle; a.k.a. 6075 Atlanta Highway; Zoned H-B; Tax Parcel 08138 002020. Proposed Use: Used auto sales. Commission District 1.**

Background Information:

The applicant is requesting approval for a use subject to the Hall County Board of Commissioners for used auto sales. The property was rezoned to Highway-Business (H-B) on February 8, 2018 for a mechanic shop. The applicant states that he is unable to move forward with that development at this time and would like to use the property for auto sales to begin generating income. The proposed parking area will be crusher run.

Applicant's Presentation:

Daniel Perdomo, 6075 Atlanta Highway, Flowery Branch, presented the application. Mr. Perdomo stated that he got approval previously to operate a mechanic shop at the subject property. Mr. Perdomo explained that he had a financial setback and wants to sell cars at the subject property in order to make money to fund the construction of his mechanic shop. Mr. Perdomo stated that he is asking for a variance and the use request. Mr. Braswell asked if Mr. Perdomo is requesting the following items: permissive use for car sales, gravel parking, the temporary use of a sales trailer and a change to the previously approved hours of operation. Mr. Perdomo answered that he is no longer asking for a sales

trailer and will use the existing house as a temporary sales office. Mr. Perdomo stated that the hours of operation will be 8:00am-6:00pm Monday through Friday and 8:00am-12:00pm on Saturday. Mr. Braswell asked if Mr. Perdomo will be doing any external renovations to the home. Mr. Perdomo answered that he is replacing the doors and windows currently. Mr. Braswell asked Staff if the changes to the house would meet the threshold to require GCOD standards. **Sarah McQuade, Manager**, answered that if more than 75% of the exterior was remodeled, or if an addition was built, the GCOD standards would apply. Mr. Braswell asked if the building will have to be inspected. Ms. McQuade confirmed that the building would be inspected to make sure it meets building code and ADA regulations prior to the issuance of a building license and certificate of occupancy.

Public Forum:

Lorraine Tempke, 6206 Stillwater Place, Flowery Branch, spoke in opposition. Ms. Tempke stated that she is speaking on behalf of her neighbors who could not attend tonight. Ms. Tempke stated that her neighbors did not receive a letter from the County concerning the application. Ms. Tempke stated that there are ten used car lots in a five mile stretch on Atlanta Highway. Ms. Tempke expressed concern that car lots such as this request wind up looking sloppy and resembling junkyards after their approval. Ms. Tempke asked if her neighbors will receive their letter from the County. Mr. Braswell answered that the letters are sent to the addresses on file with the tax assessor's mailing list. Mr. Braswell added that Hall County goes beyond the state requirement to inform neighboring property owners of zoning applications. Mr. Braswell clarified that the state only requires that an application have a legal ad published and the yellow zoning signs displayed at the property. Mr. Braswell explained that the letters are a courtesy provided by Hall County. Mr. Hunt asked Ms. Tempke to point out her house on the map for the record.

Rebuttal:

Mr. Braswell commented that there are seven parking spaces on the left side shown on the site plan that should be reserved for staff and customer parking. Mr. Hunt commented that there are 21 proposed parking spots and asked if Mr. Perdomo is planning on having 21 cars for sale. Mr. Perdomo confirmed. Mr. Sosebee asked if 21 cars would be the maximum number of vehicles for sale. Mr. Perdomo answered that he would like to have 40 cars at the property. Mr. Sosebee stated that 40 cars is aggressive for the size of the property. Mr. Hunt asked if Mr. Perdomo will run the sales office. Mr. Perdomo answered that his daughter will run the sales office. Mr. Varner asked if Mr. Perdomo is proposing paving the parking area. Mr. Perdomo answered that he would like to have gravel parking, but Staff has recommended concrete or asphalt parking. Mr. Varner asked if Mr. Perdomo will be washing cars on the property. Mr. Perdomo answered that he will not. Mr. Braswell commented that the previous conditions of zoning will still be in effect, including the increased rear property line buffer from 10 feet to 30 feet. Mr. Perdomo stated that there is already a fence and trees along the rear property line. Mr. Perdomo added that they will pour concrete tomorrow for the sidewalk and handicap access. Mr. Braswell asked Staff if Mr. Perdomo will have to have a stormwater management plan. Ms. McQuade answered that Mr. Perdomo's application will be subject to stormwater regulations, but depending on the size of impervious area, he may not need a full stormwater management plan to construct the parking lot.

Planning Commission Comments:

Mr. Braswell commented that the board needs to limit the number of cars and where they can be parked on the subject property. Mr. Braswell stated that condition #3 needs to be changed to require a concrete or asphalt parking surface. Mr. Braswell suggested limiting the use to current applicant only. Mr. Sosebee asked if condition #1 will be omitted. Mr. Braswell confirmed. Mr. Varner suggested adding a

condition prohibiting the washing of cars on site. Mr. Braswell added that there shall be no repair work done on cars on site, either.

Motion: *Mr. Sosebee made a motion to Recommend Approval of the request with Conditions with a second from Mr. Hunt and the motion passed by a 5 – 0 vote.*

Conditions:

1. *All signage shall be monument-style and shall have no internal illumination.*
2. *All parking areas shall be paved with concrete or asphalt, in accordance with §17.420.050.*
3. *The existing building on the property shall only be used as an office and shall not be used as a residence.*
4. *The hours of operation shall be 8:00am-6:00pm Monday-Friday and 8:00am-12:00pm Saturday.*
5. *The approval shall be limited to the applicant only.*
6. *The maximum number of vehicles for sale allowed at the property shall be 30.*
7. *All vehicles for sale shall be parked on paved surface.*
8. *There shall be no washing or repairs of vehicles for sale on the property.*

Proposed Amendments

5. **Application of John Graham Stuart to rezone from Agricultural-Residential-IV (AR-IV) to a Planned Commercial Development (PCD) on a 1.26± acre tract located on the north side of Thompsons Mill Road, approximately 1200± ft. from its intersection with Napa Ridge Road; a.k.a. 5454 Thompsons Mill Road; Zoned AR-IV; Tax Parcel 15041 000003AA. Proposed Use: Truck parking and caretakers residence. Commission District 1.**

Background Information:

The applicant is requesting to rezone the subject property from Agricultural-Residential-IV (AR-IV) to a Planned Commercial Development (PCD) for the use of parking trucks and having a caretaker residence. The narrative states that there is currently a landscaping company operating from the residence. Since starting this landscaping business over seven years ago, the business has grown and allowed the acquisition of several new trucks and the hiring of additional employees.

Applicant's Presentation:

John Graham Stuart, 5454 Thompsons Mill Road, Hoschton, presented the application. Mr. Stuart stated that he has owned the property approximately nine years and started a lawn care business that has grown. Mr. Stuart explained that his company has seven trucks currently and found out recently that he cannot have the trucks at the subject property due to their signage. Mr. Stuart stated that he does not want to change the way his business operates currently, but wants to have it brought into compliance. Mr. Stuart stated that the trucks are parked in the rear of the property behind an existing gate. Mr. Stuart stated that he agrees with the conditions listed in the staff report. Mr. Stuart explained that his employees are at the property from 7:30-8:30am to pick up the trucks and are back by 2:00-3:00pm. Mr. Braswell asked if Mr. Stuart stores materials at the property. Mr. Stuart answered that he does not store materials at the property usually. Mr. Stuart explained that he occasionally has 1-2 bags of soil delivered to the property that are immediately used. Mr. Braswell asked if Mr. Stuart has a bobcat on the property. Mr. Stuart stated he does not, only the trucks and mowing equipment. Mr. Hunt asked how many employees are parking at the subject property. Mr. Stuart answered that he has ten employees. Mr. Sosebee asked what prompted Mr. Stuart's request to change the zoning of the property. Mr. Stuart

answered that an 18 wheeler made one delivery and had to park on the road and it was reported to the Hall County Marshals Office. Mr. Stuart stated that he came to speak to Staff after the Marshals informed him of the complaint and zoning violation. Mr. Hunt asked how much material is being delivered to the property. Mr. Stuart answered that there is not more than 1 cubic yard of material being delivered. Mr. Braswell asked how often deliveries are made. Mr. Stuart answered that deliveries are seasonal, only happening in August and September. Mr. Hunt asked if there is mulch or fuel stored at the property. Mr. Stuart answered that he does not store mulch or fuel. Ms. Pilcher asked if the home serves as an office for the property. Mr. Stuart confirmed. Mr. Stuart stated that he no longer lives in the home, but one of his employees, who serves as a caretaker, lives in the home. Mr. Yamala asked Mr. Stuart to describe the type of trucks he currently has. Mr. Stuart stated that he has two pickup trucks and five trucks with attached landscape trailers. Mr. Varner asked if the parking area is crush and run. Mr. Stuart confirmed. Mr. Braswell commented that condition #2 will require parking to be brought up to code. Ms. McQuade explained that any future development will have to meet current standards, but the existing parking will be grandfathered in.

Public Forum:

Paul Courtney, 2491 Redfield Drive, Norcross, spoke in favor. Mr. Courtney stated that he is the daily production manager for the business. Mr. Courtney explained that he has spoken with the supplier and requested that future deliveries are not made by an 18 wheeler.

Planning Commission Comments:

Mr. Braswell stated that Staff recommends denial, but listed conditions to make the application agreeable. Mr. Braswell suggested adding an additional condition prohibiting large delivery trucks. Mr. Hunt suggested prohibiting trucks over a single axle at the property.

Motion: *Mr. Varner made a motion to Recommend Approval of the request with Conditions with a second from Mr. Sosebee and the motion passed with a 5 – 0 vote.*

Conditions:

1. *Development shall be generally consistent with the submitted site plan and narrative, modified for compliance with County regulations at time of development permit application.*
2. *All future development shall be permitted through the Hall County Development Review process, including grading and improvements, such as parking lots and stormwater management facilities.*
3. *Planted buffer width along the sides and rear property lines shall be 25 feet, including the installation of a six foot height solid wood fence along the property line. The planted buffers shall be in conformance with Hall County Planted Buffer Standards.*
4. *The development shall be limited to a maximum of seven business truck parking spaces. Trucks shall be parked within buffered parking area at the rear of the property per the submitted site plan. All employees' vehicles shall also be parked within the buffered parking area at the rear of the property.*
5. *There shall be no trucks over one axle at the property at any time.*
6. *All conditions of zoning shall be made a part of any plat created for the property.*

Mr. Braswell asked if anyone had arrived for agenda item # 3. There being none, Mr. Yamala suggested Tabling the item.

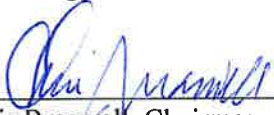
Motion: *Mr. Hunt made a motion to Table the request until February 18, 2019 with a second from Mr. Sosebee and the motion passed by a 5 – 0 vote.*

Other Business

The next Planning Commission meeting will be on Monday, February 18, 2019.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 6:14pm.



Chris Braswell, Chairman
Hall County Planning Commission



Emily Foote, Secretary
Hall County Planning Commission