



**HALL COUNTY PLANNING COMMISSION
MINUTES OF MAY 6, 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, Johnny Varner, Gina Pilcher, Stan Hunt
- Members Absent:** Frank Sosebee
- 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 5:18pm.
- Approval of Minutes:** April 15, 2019

NEW BUSINESS

Proposed Amendments

Mr. Braswell moved Agenda Item #3 to the beginning of the agenda.

3. **Application of Ridge 19, LLC to rezone from Residential-I (R-I) to Planned Residential Development (PRD) on a 36.87± acre tract located on the west side of Mountain View Road at its intersection with Smith Circle; a.k.a. 2372 Mountain View Road; Zoned R-I; Tax Parcel 08012 004016. Proposed Use: 139 lot subdivision. Commission District 2.**

Applicant's Presentation:

Applicant was not present. Applicant requested to Table until May 20, 2019.

Motion: *Mr. Hunt made a motion to Table the request until May 20, 2019 with a second from Ms. Pilcher and the motion passed by a 3-0 vote (Mr. Sosebee absent; Mr. Varner running late).*

Conditional Use/Use Subject to Approval

1. **Application of Jose Luis Diaz for a Use Subject to County Commission approval on 2.26± acres located on the east side of Skelton Road approximately 125 feet from its intersection with Spring Haven Drive; a.k.a. 2289 Skelton Road, 2122 Browns Bridge Road, and 0 Browns Bridge Road; Zoned H-B; Tax Parcels 00122 001006, 00122 001021, and 00122 001031B. Proposed Use: Mechanic shop and impound lot. Commission District 4.**

Background Information:

The applicant is requesting approval from the Hall County Board of Commissioners to operate a mechanic shop and impound lot. The narrative states that the building located at 2122 Browns Bridge Road will be used for the mechanic shop and office. The rear section of the property (identified as 0 Browns Bridge Road) will be used for vehicle storage of vehicles towed to the property and vehicles

having mechanical work done. No site plan was submitted. The applicant has not proposed any use requests on the subject property located at 2289 Skelton Drive. On April 10, 2019, the Hall County Board of Commissioners voted to approve the rezoning request of Joe Hatcher to rezone from Residential-II (R-II) and Highway-Business (H-B) for the properties identified as 2289 Skelton Road and 0 Browns Bridge Road. The following conditions were made a part of that rezoning approval:

1. A plat shall be recorded showing the combination of 2289 Skelton Road and 0 Browns Bridge Road.
2. Driveway design and construction plans shall be approved by all necessary municipalities and departments.
3. A minimum 20 foot wide planted buffer shall be installed along the property line adjacent to all residential uses.
4. Any future development shall be subject to the Hall County Development Review process.
5. All conditions of zoning shall be made part of any new plats recorded for the property.

Applicant's Presentation:

Jose Luis Diaz, 3215 Orchard Way, Gainesville, presented the application. Mr. Diaz explained that he wants to open a mechanic shop and towing business at the subject property. Mr. Braswell asked if Mr. Diaz had read the conditions listed in the staff report. Mr. Diaz confirmed. Mr. Braswell asked for details on the type of business Mr. Diaz will operate at the property. Mr. Diaz answered that he works for local car dealerships to do light mechanical work such as changing tires, oil changes, break changes, and transmission work. Mr. Diaz added that he also operates a towing business for the local dealerships. Mr. Diaz stated that the cars will not be at the subject property longer than one to two weeks. Mr. Braswell asked if Mr. Diaz agreed to the condition that all mechanic work must be done inside. Mr. Diaz confirmed and added that he will not be storing cars outside. Ms. Pilcher asked if Mr. Diaz only tows cars for the dealerships with which he works. Mr. Diaz confirmed. Mr. Hunt asked for clarification on Mr. Diaz's narrative, which lists the property being used an impound lot. Mr. Diaz answered that he sometimes picks up cars from a dealership and holds them at his business until the customer picks them up. Mr. Braswell asked if Mr. Diaz had plans for the home on the property. Mr. Diaz answered that he did not. Mr. Hunt asked if the home will be demolished, as previously discussed at an earlier meeting. **Sarah McQuade, Manager**, stated that Mr. Diaz's application does not affect the house and the property owner intends to keep the house and rent it out as a residence. Mr. Hunt asked if Mr. Diaz will only use the entrance onto Browns Bridge Road and not use any existing drives on Skelton Road. Mr. Diaz confirmed.

Mr. Varner entered the meeting.

Public Forum:

Joe Hatcher, 1310 Bahn Innsbruck, Helen, spoke in favor. Mr. Hatcher stated that he owns the subject property, which was recently rezoned to Highway-Business. Mr. Hatcher explained that the tenant from the first application fell through and Mr. Diaz would like to use the property to operate his mechanic business. Mr. Hatcher explained that the house and property on Skelton Road is not part of Mr. Diaz's application.

Planning Commission Comments:

Mr. Braswell stated that he agreed with Staff's recommendation. Mr. Braswell added that he would like to add an additional condition prohibiting commercial access to the property from Skelton Road. Ms. Pilcher stated that she thought the additional condition is fair. Mr. Hunt agreed.

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

Conditions:

1. *Storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.*
2. *All repair work shall be conducted within a garage bay.*
3. *There shall be no commercial vehicle access from the property onto Skelton Road.*
4. *A minimum 20 foot wide planted buffer shall be installed along any property line adjacent to residential uses.*
5. *Any future development shall be subject to the Hall County Development Review process.*
6. *Any future development shall be subject to the Gateway Corridors Overlay District standards.*
7. *All conditions of zoning shall be made part of any new plats recorded for the property.*

Proposed Amendments

2. **Application of William D. & Veronica Nelson to rezone from Agricultural-Residential-III (AR-III) and Vacation-Cottage (V-C) to Vacation-Cottage (V-C) on 2.01± acres located on the south side of Snelling Mill Road, at its terminus; a.k.a. 6451 Snelling Mill Road; Zoned AR-III and V-C; Tax Parcel 08161 002002. Proposed Use: Permitted Uses. Commission District 1.**

Background Information:

The applicant is requesting to rezone a 2.01 acre tract from Agricultural-Residential-III (AR-III) and Vacation-Cottage (V-C) to V-C in order to subdivide the property and create a second building lot. The current minimum lot size for all property zoned AR-III is 1.5 acres when served by well. In order to subdivide the parcel into two, the applicant is requesting the property to be rezoned to V-C as this zoning allows for a minimum lot size of 35,000 square feet (approximately 0.80± acres). Per the survey submitted with the application, the proposed lots would measure 1.099 acres and 1.006 acres. The 2.01 acre tract was created in March 1, 2018 when the current property owner subdivided a 4.95 acre tract into two, as recorded in Plat Book 875, Page 301. Surrounding properties are zoned V-C and AR-III and are developed with site built single-family homes and mobile homes. Across Snelling Mill Road is a subdivision named Robinson Lake Estates, which was recorded in 1976. These lots are also developed with single-family homes. The zoning also a mixture of V-C and AR-III and is original to the property.

Applicant's Presentation:

Veronica Nelson, 6451 Snelling Mill Road, Flowery Branch, presented the application. Ms. Nelson stated that they want to get rid of the dual zoning on their property in order to subdivide. Mr. Braswell stated that they need a Vacation-Cottage zoning in order to subdivide. Ms. Nelson stated that they do not care which of the two zonings is kept. Ms. McQuade clarified that in order to subdivide, the property would need to be zoned Vacation-Cottage due to the minimum lot size restrictions in Agricultural Residential zonings.

Public Forum:

No spoke in favor or in opposition to the request.

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

4. **Application of Shondra Spori Ellerbee to rezone from Residential-I (R-I) to Residential-I (R-I) and Agricultural-Residential-IV (AR-IV) on 36.31± acres located on the east side of Holly Springs Road at its intersection with Three Bridges Road; a.k.a. 4201Holly Springs Road; Zoned R-I; Tax Parcel 15002 000002. Proposed Use: 2 lot subdivision. Commission District 3.**

Background Information:

The applicant is requesting to rezone the subject property from Residential-I (R-I) to R-I and Agricultural-Residential-IV (AR-IV) for the use of a two lot subdivision. The applicant is under contract to purchase a 12.00± acre tract, depicted as Tract 1, of a larger 36.318± acre tract of land, depicted as Tract 2. Tract 2 will be approximately 24.318± acres. The applicant is requesting that Tract 1 be rezoned to AR-IV, and that Tract 2 remain within the R-I zoning district with all past conditions of zoning removed. The applicant intends to construct a personal residence on Tract 1. The subject property has 36.318± acres and is zoned Residential-I (R-I). All adjacent parcels to the subject property are zoned Agricultural-Residential-IV (AR-IV). The surrounding area has predominantly larger agricultural and single family residential tracts of land with a few smaller tracts. On April 28, 2005, the Hall County Board of Commissioners voted to approve with conditions the rezoning request of Joe Heard to rezone from AR-IV to R-I for a 24 lot subdivision. On February 23, 2006, the Hall County Board of Commissioners voted to approve with conditions the request of E-Zee Ride, Inc. to amend the conditions of existing R-I zoning for a 29 lot subdivision.

Applicant's Presentation:

Shondra Spori and William Ellerbee, P.O. Box 1918, Flowery Branch, presented the application. Ms. Ellerbee stated that they would like to purchase 12 acres of land and rezone it to AR-IV. Ms. Ellerbee explained that they would like to build a home on the property. Mr. Braswell asked for confirmation that they would like to remove the existing conditions on the remainder of the property. Ms. Ellerbee answered that they want to remove any conditions on the 12 acres they intend to purchase. Ms. Ellerbee clarified that they are only concerned with the 12 acres and not the remaining 24 acres but that the property owners would like the conditions removed from the remainder of the property. Mr. Braswell asked if the applicants would agree to a condition requiring only site built homes on the 12 acres. Mr. Ellerbee answered that he is in not in agreement. Mr. Braswell asked if they are planning to bring a mobile home to the property. Ms. Ellerbee stated that they intend to build a site built home, but have elderly parents and want to keep the possibility of bringing mobile homes onto the property in the future to care for their parents. Mr. Braswell asked Staff if a hardship mobile home could solve this issue. **Srikanth Yamala, Director**, answered that there is a very specific set of requirements that must be met in order to obtain a hardship mobile home. Mr. Yamala added that the 24 acre tract will remain R-I, which prohibits mobile homes. Mr. Yamala classified the applicant's request as a downgrading in the zoning. Ms. Pilcher asked if the applicants are purchasing 12 acres on the side of the property that abuts other agriculturally zoned land. Ms. Ellerbee confirmed. Ms. McQuade clarified that the application is dealing with all 36 acres, but the applicants only want to remove 12 acres and rezone them to AR-IV. Ms. McQuade explained that the owner intends to keep the remaining land as R-I. Ms. McQuade stated that since the land is one parcel currently, the entire property is being presented in the application to the Board.

Public Forum:

Larry Long, 3805 Landings Walk, Gainesville, spoke in favor. Mr. Long stated that he represents the owner of the property and they are in support of the application. Mr. Long explained that they want to keep their remaining portion of the subject property as R-I. Mr. Long clarified that they would like to have the previous conditions removed, as they are no longer trying to build a subdivision on the property. Mr. Braswell asked if Mr. Long agreed with the condition that any further subdivisions of the property would have to come before the Board. Mr. Long confirmed. Mr. Braswell asked if Mr. Long agreed to the condition that an agricultural use statement be placed on the final plat. Mr. Long confirmed.

Benita Merck, 4218 Holly Springs Road, Gainesville, spoke in favor. Ms. Merck stated that she is delighted the applicants want to build a home on the subject property. Ms. Merck stated that she is not opposed to them bringing mobile homes in at a later date, as there are already mobile homes in the area. Ms. Merck explained that she was concerned about a subdivision being built on the subject property during the previous rezoning and does not want any of those details to be held against the applicants.

Motion: *Mr. Hunt made a motion to Recommend Approval of the request with Conditions with a second from Ms. Pilcher and the motion passed by a 4 – 0 vote (Mr. Sosebee absent).*

Conditions:

1. *Any further subdivision of the R-I zoned parcel shall require Board of Commissioner approval.*
2. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*

“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”
3. *All conditions of zoning shall be made part of any new plats recorded for the property.*
5. **Application of Walters Income Properties, L.P. to rezone from Agricultural-Residential-IV (AR-IV) and Suburban-Shopping (S-S) to Light-Industrial (I-I) on 9.72± acres located on the west side of White Sulphur Road at its intersection with Cornelia Highway; a.k.a. 3522 and 3514 White Sulphur Road; Zoned S-S and AR-IV; Tax Parcels 15020A000029 and 15020A000005 Proposed Use: Gas station and convenience store. Commission District 4.**

Background Information:

The applicant is seeking to rezone two parcels to Light Industrial (I-I) for a convenience store and gas station. No conceptual site plan was submitted with the application; the applicant states that the future developer of the business will provide site plans when they begin the permitting process. The subject property consists of two tax parcels; Tract 1 is identified on the survey as 2.43 acres (3514 White Sulphur Road) and Tract 2 is identified as 7.29 acres (3522 White Sulphur Road). Tract 1 is currently zoned Agricultural-Residential-IV (AR-IV) and Tract 2 is zoned Suburban-Shopping (S-S). Both tracts that make up the current request are currently vacant. On December 9, 2004, Hall County Board of Commissioners approved an application by Rochester & Associates, Inc. to rezone Tract 2 from AR-IV to Suburban-Shopping (S-S) for a shopping center/retail services. A permit was issued for Tract 2 on

April 20, 2005 for grading and stormwater infrastructure. No other permits have been applied for or issued for the property; it is currently vacant with the exception of storm water infrastructure.

Applicant's Presentation:

Jim Walters, 2401 Island Drive, Gainesville, presented the application. Mr. Walters stated that he has two properties, one currently zoned Suburban-Shopping (S-S) and the other zone Agricultural-Residential-IV (AR-IV). He wants to rezone both parcels to I-I at his client's request to build a gas station. Mr. Braswell asked if Mr. Walters agreed with the conditions listed in the staff report. Mr. Walters confirmed. Ms. Pilcher asked if the clients are proposing an entrance on White Sulphur Road. Mr. Walters answered that there is already an existing driveway on White Sulphur and he assumes the client will utilize it.

Public Forum:

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

Motion: *Ms. Pilcher made a motion to Recommend Approval of the request with Conditions with a second from Mr. Hunt and the motion passed by a 4 – 0 vote (Mr. Sosebee absent).*

Conditions:

1. *A plat shall be recorded which combines both tracts into one.*
2. *Uses prohibited within the GCOD are prohibited within the subject property.*
3. *Driveway design and placement are subject to approval by the Georgia Department of Transportation and Hall County Traffic Engineering.*
4. *All lighting on the premises shall be of a non-spill type.*
5. *Parking areas shall be paved with either asphalt or concrete.*
6. *All conditions of zoning shall be made a part of any plat created for the property.*

OTHER

Annual Hardship Mobile Home Review

6. **Annual review of the previously approved hardship mobile home for Ann Smith and Wesley Dover on a 3.0± acre tract located on the south side of Hopewell Road, 450± feet west of its intersection with Hopewell Church Road; a.k.a. 5050 Hopewell Road; Zoned R-II; Tax Parcel 11061 007002. Commission District 3.**

Planning Commission Comments:

Mr. Braswell asked if the application is in order. Mr. Yamala confirmed.

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

Minutes
Hall County Planning Commission
May 6, 2019
Page 7

Other Business

The next Planning Commission meeting will be on Monday, May 20, 2019.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 5:50pm.



Chris Braswell, Chairman
Hall County Planning Commission



Emily Focht, Secretary
Hall County Planning Commission