



**HALL COUNTY PLANNING COMMISSION  
MINUTES OF FEBRUARY 18, 2019**

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

**Members Present:** Chris Braswell, Chairman, Frank Sosebee, Gina Pilcher, Stan Hunt

**Members Absent:** Johnny Varner

**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:** February 4, 2019

*Bill Blalock, County Attorney, stated that he would like to call an executive session to discuss litigation matters.*

*Mr. Sosebee made a motion to begin an executive session at 5:18pm with a second from Mr. Hunt and the motion passed by a 4 – 0 vote (Mr. Varner absent).*

*Mr. Sosebee made a motion to reconvene the regular meeting at 5:32pm with a second from Mr. Hunt and the motion passed by a 4 – 0 vote (Mr. Varner absent).*

**OLD BUSINESS**

1. **Previously Tabled application of Baldwin Paving Company, Inc. to rezone from Heavy Industrial (I-II) and Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 10.0± acre tract located on the east side of Candler Road, 445± feet from its intersection with Roy Parks Road; a.k.a. 2677 Candler Road; Zoned AR-IV and I-II; Tax Parcel 15025 000045. Proposed Use: Asphalt manufacturing plant. Commission District 3.**

**Background Information:**

The applicant is requesting to rezone from AR-IV and I-II to I-II for the purpose of operating an asphalt manufacturing plant on the subject property. The applicant's narrative proposes constructing and operating an asphalt drum mix plant, which mixes aggregate (rock), asphalt cement, and various other fillers depending on the mix type. Baldwin Paving Company currently owns and operates six asphalt drum mix plants in the Metro Atlanta area. The asphalt plant would use an existing on-site septic system. The site plan shows a proposed stormwater detention facility located on the southern end of the lot. Additionally, the site plan shows the proposed asphalt plant located on the southern half of the lot, but no description is provided in the narrative about the proposed development of the property (such as proposed buildings, structures, machinery, etc.).

**Applicant's Presentation:**

**Ryan Teague, 1014 Kenmill Drive, Marietta**, presented the application. Mr. Teague stated that Baldwin Paving has six existing plants around the metro Atlanta area. Mr. Teague stated that there are approximately 550 employees with the company. Mr. Teague stated that the proposed asphalt manufacturing plant is located on Candler Highway near the rock quarry and another operational asphalt company. Mr. Teague explained that they are not proposing any new buildings but will need to install the drum mix plant and a few silos. Mr. Teague stated that there is a heavy industrial presence in the area, but understands the concern with the elementary school located nearby. Mr. Teague stated that they are willing to not run trucks during the morning and afternoon school traffic. Mr. Teague explained that the property is accessed by a CSX railroad easement. Mr. Teague stated that they have begun discussions with CSX regarding the easement but have not gotten a written response granting them access to the easement yet. Mr. Teague stated that he wants to keep the plant as close to the quarry as possible and might utilize the existing office. Mr. Braswell asked for details on the hours of operation and proposed lighting for the property. Mr. Teague answered that he does not have any plans for the lighting yet. Mr. Teague suggested 7:00am-6:00pm for operational hours, but commented that they do occasionally work overnight if necessary. Mr. Hunt asked if there will be overnight weekend hours of operation. Mr. Teague answered that they will work overnight on weekends if necessary. Mr. Hunt asked for clarification that the access easement is owned by CSX. Mr. Hunt confirmed. Mr. Hunt asked if approval to use the easement is transferable. Mr. Teague answered that it is transferable, but it has not been transferred yet. Mr. Sosebee asked if the easement is part of the deed for the property. Mr. Teague answered that it is not. Ms. Pilcher asked Staff if any lighting would have to meet GCOD standards. **Srikanth Yamala, Director**, confirmed and explained to Mr. Teague that any lighting must be of non-spill variety. Mr. Teague agreed. Mr. Braswell stated that the site plan shows an existing building located within the setback. Mr. Teague answered that he was not aware the building is in the setback prior to his application. Mr. Braswell asked if Mr. Teague would be willing to remove the building. Mr. Teague answered that it could be problematic to move the building due to the size, but it can be removed if necessary. Mr. Hunt asked about the planted buffer being proposed. Mr. Teague answered that he prefers to plant magnolia trees as they help muffle sound. Mr. Hunt asked about the decibel level of the plant. Mr. Teague answered that he does not know the decibel level, but added that the trucks are louder than the drum. Mr. Sosebee asked if Mr. Teague has met with the neighboring property owners. Mr. Teague answered that he has not. Mr. Sosebee asked if Mr. Teague has met with Myers Elementary School. Mr. Teague answered that he has not. Mr. Teague stated that he has only met with people at the quarry. Mr. Sosebee asked how many employees would work at the plant. Mr. Teague answered that there would be approximately 5-6 people working at the plant. Mr. Sosebee asked how many trucks would be entering and leaving the property daily. Mr. Teague answered that there would be approximately two trucks a day in the winter and 8-10 trucks in the summer. Ms. Pilcher asked if there will be a constant flux of vehicles entering and leaving. Mr. Teague confirmed. Mr. Hunt asked where Mr. Teague will get the raw material to make the asphalt. Mr. Teague answered that the material will come from the quarry. Ms. Pilcher asked if there will be deliveries from the quarry daily. Mr. Teague answered there will not be. Mr. Hunt commented that there will be a large number of trucks on a private drive and asked if Mr. Teague will make improvements to the drive. Mr. Teague answered that he would like to make improvements if CSX allows him. Mr. Teague stated that he would like to get separate access to Candler Highway if CSX allows it. Mr. Teague stated that the proposal will not cause a significant increase of trucks on Candler Highway, as there are already asphalt trucks in the area. Mr. Teague stated that truck traffic will increase on Roy Parks Road if they use the CSX easement. Mr. Hunt asked the maximum capacity of the drum mixer in a one hour period. Mr. Teague answered that the drum mixer on full capacity can produce 300 tons of asphalt in an hour. Mr. Hunt asked if Mr. Teague agrees to limit the hours of operation around the school schedule. Mr. Teague confirmed. Ms. Pilcher commented that there may not be enough room for trucks to sit on Roy Parks Road between the railroad and Candler Highway. Ms. Pilcher asked where access onto Candler Road would be placed if approved

by CSX. Mr. Teague answered that he would like the access to be below the school. Ms. Pilcher asked how long the trucks are. Mr. Teague answered the trucks are between 25 and 30 feet long. Ms. Pilcher expressed concern over the ability of the trucks to see oncoming traffic on Roy Parks Road. Mr. Teague stated that he will discuss safety improvements with CSX.

**Public Forum:**

*Opposition:*

**Adam Roberts, 4147 Roy Parks Road, Gainesville**, stated that the quarry is two parcels away from the subject property and the materials will have to be brought in via truck. Mr. Roberts stated that he is a truck driver, who works with other similar companies, and in his opinion, the subject property is not a good location for an asphalt company. Mr. Roberts expressed concern that the company will hinder the area and impact the roads in order to employ 5-6 people at the plant. Mr. Roberts stated that there is an asphalt manufacturer located within the quarry that receives three deliveries of raw material a day and there will be more daily deliveries than Mr. Teague stated. Mr. Roberts stated that Roy Parks Road is a no thru truck zone currently and experiences heavy traffic as a cut through from Candler Highway to Highway 129. Mr. Roberts stated that there is not enough room for trucks to turn left onto Roy Parks Road from the easement due to the location of the railroad tracks. Mr. Roberts stated that he is not opposed to bettering the community, but there are more suitable locations for an asphalt manufacturing plant than across the street from a school. Mr. Roberts expressed concern over the noise and stated that the other nearby plant does not follow their noise restrictions. Mr. Roberts expressed concern over traffic in the immediate vicinity and stated a red light is needed at the intersection of Roy Parks Road and Candler Highway. Mr. Roberts added that there are no turning lanes for the school. Mr. Braswell stated that Candler Highway is a state route and under GDOT jurisdiction and the installation of a traffic light would be a GDOT project.

**David Cohen, 3990 Ed Cobb Road, Gainesville**, stated that he is concerned over the petroleum distillates produced in the asphalt manufacturing process. Mr. Cohen expressed concern over the subject property's location in relation to Myers Elementary School. Mr. Cohen stated that a CDC study lists petroleum distillates as a hazardous chemical which can cause eye irritation, rashes, cancer of the skin, is dangerous to pregnant women and can be toxic to the nervous system. Mr. Cohen expressed concern that the school is not able to filter out the distillates in the air, putting the children and teachers at risk. Mr. Cohen stated that he called GDOT and they were unaware of Mr. Teague's application and questioned why GDOT was not informed. Mr. Braswell stated that GDOT is aware of the application and provided a memo concerning Mr. Teague's request.

**Faye Pass, 4176 Roy Parks Road, Gainesville**, stated the community is over 100 years old and should remain as is. Ms. Pass stated that the surrounding property owners have lived there for over 50 years. Ms. Pass stated that she does not object to growth but objects to an asphalt plant so close to her home. Ms. Pass expressed concern over the lack of direct access to Candler Highway. Ms. Pass expressed concern over the proximity to the school, as well as light and noise issues.

**Sandra Roberts, 4203 Roy Parks Road, Gainesville**, stated that the trucks will block cars from being able to see Candler Highway. Ms. Roberts stated that the existing buildings on the subject property are 70 feet from the back of her house. Ms. Roberts stated that the access to Candler Highway across from Myers Elementary School was closed due to it being unsafe. Ms. Roberts stated that the parcel is landlocked, as access goes through private property and the CSX easement.

**Sherman Pass, 4176 Roy Parks Road, Gainesville**, stated that Roy Parks Road is not wide enough and trucks will take up both lanes trying to get in and out.

**Abby Freeman, 3966 Mabery Road, Gainesville**, stated that she has a child and will put her child in private school if this application is approved. Ms. Freeman expressed concern over the harm the asphalt plant can cause for children at Myers Elementary School.

**Beulah Land, 3695 Candler Road, Pendergrass**, expressed concern over Candler Highway. Ms. Land stated that Candler Highway is already a dangerous road that does not need any more truck traffic. Ms. Land stated that she was hit by an 18 wheeler on Candler Highway in 2015.

**Chris Riley, 4775 Clarks Bridge Road, Gainesville**, stated that he was speaking in regards to the applicant's character. Mr. Riley stated that he has worked with the applicant previously and the applicant is a good person who was encouraged to bring his business to Hall County.

*Rebuttal:*

Mr. Teague stated that there is no perfect location for an asphalt plant and he has looked all over the county for the most suitable location. Mr. Teague stated that he wants to be a good part of the community. Mr. Teague stated that he will abide by any hour limits placed by the Board. Mr. Teague stated that he has not had any issues with health concerns before, but emphasized that he does not want to harm anyone with his business. Mr. Teague stated that he will meet with surrounding property owners to mitigate the issues presented tonight. Mr. Braswell asked if Mr. Teague will keep trucks from arriving at the subject property during school times. Mr. Teague confirmed that he is willing to prohibit any trucks from entering or leaving the property during school times. Mr. Braswell asked for more information on operating hours. Mr. Teague commented that he would like to have overnight hours, since the other asphalt company nearby has overnight hours. Mr. Sosebee stated that Mr. Teague should not compare his application with the other asphalt company, since they have their own unique circumstances. Mr. Teague agreed and proposed operating hours from 6:00am-8:00pm Monday through Friday with no truck traffic between 7:00-8:00am and 2:00-3:00pm for school traffic. Mr. Teague also suggested 8:00am-6:00pm on weekends. Ms. Pilcher stated that she is still concerned over the access to the property. Mr. Braswell stated that the applicant would need written approval from CSX to access the easement. Mr. Hunt stated that he is ok with the location due to its proximity to the quarry, but is concerned with the proximity to the school and all the unknown elements. Mr. Hunt stated that he would like to see a detailed traffic plan of how the trucks will get in and out of the property. Mr. Hunt stated that at this time he cannot endorse the application. Mr. Sosebee thanked the applicant for considering Hall County for his business. Mr. Sosebee stated that the Board does not take matters such as this lightly and strive to find a balance between applicants and the surrounding property owners.

***Motion:*** *Mr. Hunt made a motion to recommend Denial of the request with a second from Mr. Sosebee and the motion passed by a 3 – 1 vote (Mr. Braswell opposed; Mr. Varner absent).*

2. **Previously Tabled 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 the item to the end of the agenda.

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

**NEW BUSINESS**

**Conditional Use/Use Subject to Approval**

3. **Application of Sullivan & Forbes to vary the front yard setback requirement from 30 ft. to 20 ft. and Use Subject to County Commission approval on a 1.03± acre tract being Lots 5 and 36 of the Paradise Island Subdivision; a.k.a. 5564 Little River Circle; Zoned R-I; Tax Parcels 10127 000018 and 10128 000077. Proposed Use: To construct a residence and a slow rate land treatment system. Commission District 3.**

**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:**

**Larry Forbes, 2315 Browns Bridge Road, Gainesville,** presented the application. Mr. Forbes stated that the property owner owns both lots and wants to build a home and relocate to Hall County. **Rolando Barberis, 8220 NW 1<sup>st</sup> Terrace, Miami Lakes, Florida,** stated that he owns the subject properties. Mr. Barberis stated that he has been working on getting approval for his request for a year and already has approval from the Board of Health. Mr. Barberis stated that issues addressed in the staff report are the same issues that were already handled by the Board of Health and he does not understand why he is having these problems again. Mr. Barberis stated that Environmental Health's statement that the lot may accommodate a one bedroom house is contradictory to the soil test that lists good soils. Mr. Barberis stated that Environmental Health is forcing him to place the septic tank on a lakefront lot instead of the one acre lot he owns across the street. Mr. Barberis added that he has already closed on the loan for the properties. Mr. Hunt asked for confirmation that Mr. Barberis owns both lots. Mr. Barberis confirmed. Mr. Braswell commented that Staff has to follow the code and the Planning Commission is tasked in looking at situations that might warrant a variance from the code.

**Public Forum:**

*Favor:*

**Harold Kilgore, 189 Marlow Road, Maysville**, stated that he has designed the septic system for Mr. Barberis. Mr. Kilgore stated that they will use a slow rate system that does not use a spray field. Mr. Kilgore stated that the slow rate increases longevity and the system is a class 1 standard, which cleans more water than a regular system. Mr. Kilgore stated that Environmental Health lists lot 5 as meeting standards for a septic tank, but actually does not meet standards based on the slope of the property. Mr. Kilgore explained that lot 36 has less of a slope and meets the standards better. Mr. Kilgore explained that two other houses in the county have similar systems with the septic being located across the street from the home. Mr. Kilgore expressed concern over the terminology provided by Environmental Health and stated that there is no system recognized by the state of Georgia as an “off-site system.” Mr. Braswell had Mr. Kilgore read the most recent memo from Environmental Health which addresses the terminology with regards to Mr. Barberis’ request. Mr. Kilgore stated that he is ok with what is outlined in the memo and confirmed that it is a slow rate system, but not an above ground system. Mr. Braswell stated that it is an issue of semantics.

**Andre den Haan, 6504 Chestnut Hill Road, Flowery Branch**, stated that he was approved for a similar request to have his septic system placed on a separate lot. Mr. den Haan stated there are multiple similar situations, where there is not enough room to make improvements on the houses due to the lot sizes. Mr. den Haan stated that the only thing necessary is a small bore hole under the road. Mr. den Haan stated that he is in favor of the request and the practice of off-site septic systems.

*Opposition:*

**Lora Novak, 5725 Kings Court, Bethlehem**, asked how the system will affect nearby wells. Ms. Novak stated that she objects to the reduction in the setback from 30 feet to 20 feet. Mr. Hunt asked if Ms. Novak would be opposed if the septic system was placed on an adjoining lot instead of a lot across the street. Ms. Novak answered that it would depend on the location of the well. Mr. Hunt stated that Environmental Health is in charge of protecting well buffers. Mr. Braswell asked if Ms. Novak’s house in on a well. Ms. Novak stated it is not.

*Rebuttal:*

Mr. Kilgore stated that there are no wells near lot 36 that would impact the location of the system. Ms. Pilcher asked what kind of pump will be necessary for a six bedroom house located on a lot with a 70 foot slope. Mr. Kilgore stated that a standard pump will be used, but he recommends a remote access generator for the system or a whole house generator.

**Planning Commission Comments:**

Mr. Braswell stated that he is in favor of the application if the terminology is correct. Mr. Hunt suggested adding a condition stating that lots 5 and 36 cannot be sold separately. Mr. Braswell suggested amending the conditions in the staff report requiring the lots to be recorded on the same plat and to specify that lot 5 shall be for the home and lot 36 shall only be used for the septic system.

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

*Conditions:*

1. *Lot 5 (tax parcel 10127 000018) shall be used only for a site built residence and permitted accessory uses.*

2. *Lot 36 (tax parcel 10128 000077) shall be used only for the septic system located on lot 5. This septic system shall be approved and permitted by Hall County Environmental Health.*
3. *Prior to the issuance of any building permits, a recorded plat and deed shall be required. The plat shall depict both lot 5 and 36.*
4. *A note shall be included on any plat or deed recorded stating:  
“Lot 36 (tax parcel 10128 000077) has been designated as septic use only for lot 5 (tax parcel 10127 000017). No building permits allowing further development of the lot shall be issued. This parcel shall not be subdivided or reconfigured in any way that modifies its current configuration.”*
5. *All conditions of zoning shall be made part of any plat created for the property.*

### Other

4. **Amend the Official Code of Hall County, Georgia by deleting section 17.60.020. entitled “Conditional Uses Subject to Planning Commission Approval” of Chapter 17.60. entitled Residential-I District of Title 17; by deleting section 17.80.020. entitled “Conditional Uses Subject to Planning Commission Approval” of Chapter 17.80. entitled Residential-II District of Title 17; by deleting section 17.216.020. entitled “Zoning Districts” of Chapter 17.216. entitled Short Term Rental of Title 17 and substituting in lieu thereof the newly revised section 17.60.020. entitled “Conditional Uses Subject to Planning Commission Approval” of Chapter 17.60. entitled Residential-I District of Title 17; section 17.80.020. entitled “Conditional Uses Subject to Planning Commission Approval” of Chapter 17.80. entitled Residential-II District of Title 17; and section 17.216.020. entitled “Zoning Districts” of Chapter 17.216. entitled Short Term Rental of Title 17.**

### Applicant’s Presentation:

**Srikanth Yamala, Director**, presented the item. Mr. Yamala explained that the county is evaluating potential changes to the short term rental ordinance passed in 2018. Mr. Yamala stated that the only proposed changes pertain to the zoning districts. Mr. Yamala stated that properties zoned V-C currently can obtain a business license as a use by right; the proposed change would designate a V-C short term rental as a use by Planning Commission approval, ensuring that all properties are brought before the Planning Commission for approval before obtaining a business license for a short term rental. Mr. Yamala stated that further changes include removing the two stipulations restricting the opportunity to apply for a short term rental license in the R-I zoning district (within 500 feet of Corps of Engineers property and not in a subdivision with over 10 lots), and to allow R-II zoned properties to apply for a short term rental business license as a use by Planning Commission approval. Mr. Yamala explained that there are no changes proposed to the AR-III and AR-IV zoning districts. Mr. Yamala explained there are several R-I properties that were operating as non-conforming short term rentals prior to the 2018 ordinance that cannot apply for permission for a short term rental business license due to the current R-I stipulations. These properties ceased operating as short term rentals upon being notified by the county as being non-conforming. Mr. Braswell asked for clarification that all zoning districts would have to come before the Planning Commission for approval under the proposed changes. Mr. Yamala confirmed. Mr. Braswell asked if the approval could be limited to the applicant only, ensuring that if ownership of a property changes, new approval would be required before obtaining a business license. Mr. Yamala answered that could be added to the amendment if the Planning Commission sees fit. Ms. Pilcher asked for explanation of the notification process. Mr. Yamala answered that all property owners within 500 feet will receive a letter after the business license is obtained with the owners contact info and a 24/7 emergency contact. Ms. Pilcher expressed concern about situations where there might not be a neighboring residence within 500 feet and the negative impact this could have on surrounding property owner’s rights. Mr. Yamala stated that the notification range could be expanded. Mr. Braswell suggested a 1000 feet notification range. Mr. Yamala offered to include an entire subdivision if the

property is located within a subdivision. Mr. Yamala stated that this would have to be at the applicant's expense. Mr. Hunt asked how the maximum occupancy for a rental property is determined. Mr. Yamala answered that if the property is on septic, Environmental Health will determine the occupancy based on the number of bedrooms, assuming two people per bedroom. Mr. Yamala stated that any property that has an occupancy of 16 or more will be inspected by the Fire Marshal and shall be held to all commercial rules. Mr. Yamala added that all properties will be inspected by Building Inspections to determine the final occupancy.

**Public Forum:**

*Favor:*

**Harold Trip, 6404 Lakeview Drive, Buford**, stated that he lives on a peninsula with 75 homes zoned V-C. Mr. Trip expressed concern that there are no measures in place to stop short term rentals in V-C zoning. Mr. Trip stated he is in favor of the proposed amendments.

**Bill Fricks, 6376 Lakeview Drive, Buford**, stated that the current short term rental code is a ticking time bomb. Mr. Fricks stated that property management companies are running hotels out of lake homes. Mr. Fricks expressed concern over the lack of oversight for short term rentals currently. Mr. Fricks stated that currently the burden is on surrounding property owners to govern the existing short term rentals. Mr. Fricks stated that all properties should have to apply for the permission to have a short term rental and be subject to full inspection prior to the issuance of a business license.

**Clyde Morris, 3275 Whipoorwill Lane, Gainesville**, stated that there are properties prohibited by the current code that should be suitable for a short term rental approval. Mr. Morris stated that the proposed changes would allow judgement to be issued on an individual property. Mr. Morris stated that the use by right allowed in V-C currently creates an inequality in the county, granting those land owners more rights than a R-I land owner. Mr. Yamala asked the zoning of the property Mr. Morris is referencing. Mr. Morris answered that the property is zoned R-I.

*Opposition:*

**Jennifer Lane, 5921 Mount Water Trail, Buford**, stated that she lives in a 100 home, non-lake, subdivision with a VRBO rental house located across the street. Ms. Lane stated that the home looks like a drug house and she is concerned with safety. Ms. Lane stated that the neighboring property owners do not have the right to turn their home into a hotel. Ms. Lane expressed concern that the renters will not be aware of or care about environmental challenges, such as droughts and fire risks. Ms. Lane stated that there are hotels and motels nearby for renters to use. Ms. Lane stated that the residential areas need to be protected in order to prevent property values from decreasing. Mr. Braswell asked the zoning of Ms. Lane's subdivision. Ms. Lane answered that it is zoned R-I.

**Thomas Vivelo, 5985 Nachoochee Trail, Flowery Branch**, stated that the current statues are working and should be left in place. Mr. Vivelo stated that the R-I restrictions should stay in place, as the process to enforce violations is slow. Mr. Vivelo suggested letting local HOAs decide if they would like their neighborhood to allow short term rental properties.

**Kevin Ryan, 5921 Mount Water Trail, Buford**, stated that R-I regulations should be left alone in order to preserve safety and security. Mr. Ryan expressed concern that the influx of transients in R-I neighborhoods will act as a gateway to criminals and criminal activity. Mr. Ryan expressed concern that the existing septic tanks are not designed to handle the number of renters. Mr. Ryan stated that a neighbor was renting four rooms out of his home, which resulted in an excess of cars that could not be parked at the subject property. Mr. Ryan expressed concern that the two day minimum in the code will



result in new renters every two days at short term rental properties. Mr. Hunt asked the zoning of Mr. Ryan's neighborhood. Mr. Ryan answered that is zoned R-I.

**Dennis Pritchett, 5984 Pocahontas Drive, Flowery Branch**, stated that he opposes the changes to the R-I restrictions. Mr. Pritchett stated that transient people do not add to a neighborhood. Mr. Pritchett stated that there was a house in his neighborhood being used for short term rentals that was almost exclusively used for parties and reunions. Mr. Pritchett stated that they experienced cars parked all over and fireworks being set off from the home. Mr. Pritchett stated that the majority of the cars had out of state license plates. Mr. Pritchett expressed concern that the septic tanks have not been updated to handle the amount of people in the rental homes. Mr. Pritchett stated that he lives in a R-I lakeside neighborhood of 80 homes.

**Tony Millwood, 4206 Nesting Place, Oakwood**, stated that he is in agreement with Mr. Pritchett. Mr. Millwood stated that his mother lives in a R-I neighborhood that has had issues with rental properties. Mr. Millwood stated that his father often had to get involved with the short term renters, but his father has passed and his mother lives there alone now. Mr. Millwood expressed concern that a LLC cannot be easily transferred, making them hard to track. Mr. Millwood expressed concern that R-I neighborhoods will lose the feeling of home if the restrictions are removed for short term rentals. Mr. Millwood stated that this issue is about money and the people getting money from short term rentals will not care about the interests of their neighbors.

**Gary Killgo, 5990 Nachoochee Trail, Flowery Branch**, stated that he moved to Hall County from Gwinnett County to avoid the transients. Mr. Killgo asked why lake owners should be burdened by short term rentals. Mr. Killgo stated that he owns property in Florida where there are many short term rentals. Mr. Killgo explained that rental properties do not care about the restrictions in place. Mr. Killgo stated that the lake has many expensive homes and the homeowners should not have to deal with the issue of short term rentals.

**Joyce Millwood, 4871 Propes Drive, Oakwood**, stated that her son spoke previously concerning her home in a R-I subdivision. Ms. Millwood stated that she lives next door to a rental property and her late husband was able to get help shutting down the rental business. Ms. Millwood stated that she does not want the problem to start again. Mr. Millwood expressed concern of her safety, as she lives alone now.

**Planning Commission Comments:**

Mr. Braswell stated that he understands the concerns of the citizens present, but the horror stories they are describing are for non-conforming short term rentals that have no supervision. Mr. Braswell stated that the proposed changes will give the county the authority to regulate the properties, which will help control the issues being faced. Mr. Sosebee stated that he had no comment. Mr. Hunt stated that he agrees with Mr. Braswell. Mr. Hunt stated that if the short term rentals follow the proper approval, there will be a mechanism in place to have the issues being described resolved in a two hour window. Mr. Yamala confirmed and explained that if issues are not addressed in a two hour window, the Marshals will become involved and the property will be issued a citation. Mr. Yamala explained that cars cannot be parked on the street or in the grass and must be parked in the garage or the driveway. Mr. Yamala urged the citizens in attendance to report violations using the online form, by calling the Marshals Office, the non-emergency police line or 911. Mr. Yamala explained that after three violations, the business license will be revoked and the property owner cannot reapply for a license for 24 months. Ms. Pilcher stated that there are already short term rentals in areas where they are not allowed. Ms. Pilcher expressed concern that removing the restrictions will make it more difficult to police what is approved. Ms. Pilcher stated that she is not in favor of the changes to the R-I zoning, but does support the changes to the V-C requiring Planning Commission approval for a short term rental. Mr. Yamala asked the

public to call when they see issues with unregulated short term rentals so the county can document and enforce the violations.

***Motion:*** *Mr. Hunt made a motion to Recommend Approval of the amendment with one Condition with a second from Mr. Braswell and the motion failed by a 2 – 2 vote (Mr. Hunt, Mr. Braswell in favor; Mr. Sosebee, Ms. Pilcher opposed; Mr. Varner absent).*

*Condition:*

1. *If a subject property is located within a subdivision, notice letters shall be sent to the entire subdivision at the applicant's expense.*
2. **Previously Tabled 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.**

Mr. Braswell asked if the applicant was present. There being no one present, **Vanessa Foster, Planner**, presented the application. Ms. Foster stated that the applicants want to establish a commercial kennel on the property. Ms. Foster stated that the applicants own the adjoining property. Ms. Foster stated that while the application depicts one building for the kennel, the applicants revised their plan and want 20 individual sheds for each dog. Ms. Foster explained that they are proposing 12 parking spaces and are considering a shuttle service to reduce the number of cars at the property. Ms. Foster stated that the proposed hours of operation are 6:00am-7:00pm seven days a week. Ms. Foster explained that a variance is required, due to the location of the kennels in relation to neighboring property, also owned by the applicants. Mr. Braswell asked if the application will be subject to stormwater regulations. Ms. Foster answered that if there is less than 5,000 square feet of impacted surface, they will not need stormwater. Ms. McQuade clarified that stormwater regulations are dependent on the amount of dust-free surface area. Ms. Pilcher asked how the sheds will be secured. Ms. Foster answered that the application is not clear, but there will be fences around each kennel. Mr. Hunt expressed concern that the kennels would not have to meet building codes depending on their size. Mr. Sosebee asked why the applicants are not present. Mr. Yamala stated that Staff contacted the applicants with the meeting information.

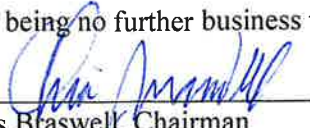
***Motion:*** *Ms. Pilcher made a motion to Table the request until March 4, 2019 with a second from Mr. Sosebee and the motion passed by a 4 – 0 vote (Mr. Varner absent).*

### **Other Business**

The next Planning Commission meeting will be on Monday, March 4, 2019.

### **ADJOURNMENT:**

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 8:45pm.

  
Chris Braswell, Chairman  
Hall County Planning Commission

  
Emily Foote, Secretary  
Hall County Planning Commission