



**HALL COUNTY PLANNING COMMISSION
MINUTES OF JUNE 3, 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, Gina Pilcher, Stan Hunt
- Staff Present:** Sarah McQuade, Manager; Beth Garmon, Senior Planner; Vanessa Foster, Planner; Laura Ogletree, Secretary
- Call to Order:** The meeting was called to order by the Chairman at 5:15 pm.
- Approval of Minutes:** May 20, 2019

NEW BUSINESS

Variance

1. **Application of Grey Hill, LLC for a front yard setback variance from 50 ft. to 25 ft. and a side yard setback variance from 30 ft. to 0 ft. on a 2.94± acre tract located on the south side of Gateway Centre Parkway, approximately 600 feet from its intersection with White Sulphur Road; a.k.a. 3026 Gateway Centre Parkway; Zoned I-II; Tax Parcel 15020A000033. Proposed Use: Construct an addition. Commission District 3.**

Background Information:

The applicant is requesting a front and side yard setback in order to construct an addition to an existing building. The Statement of Hardship indicates that the existing building location limits any expansion. The building was sited in this location to maximize the usable area of the lot and expansion exceeds what was anticipated when construction began on the original building. The property was part of a rezoning request on December 11, 2014 for a 15.76 acre tract (parcel 15020A000030) zoned Agricultural-Residential-III (AR-III) and Agricultural-Residential-IV (AR-IV) to be rezoned to Heavy Industrial (I-II) for an office/warehouse. That approval included the following condition: *A staggered double row of evergreen trees at least six feet in height shall be planted to the rear of the proposed future expansion to provide a transitional buffer and protect the integrity of [Gateway Corridor Overlay District] GCOD standards.* In 2016, the subject property was subdivided from parcel 15020A000030 as a 2.94± acre tract. The building is currently occupied by Rock Hill Foods, LLC. Rock Hill Foods has an expired business license from the City of Gainesville for a facility located at 633 High Street SW, Gainesville but no business license has been issued to the subject property.

Applicant's Presentation

Applicant was not present. Mr. Braswell stated that the applicant has requested to table their item until next meeting on June 17, 2019.

Motion: *Mr. Hunt made a motion to Table the request until June 17, 2019 with a second from Ms. Pilcher and the motion passed by a 4-0 vote. (Mr. Varner Absent)*

2. **Application of Edgar Velasquez for a rear yard setback variance from 20 ft. to 14 ft. on a 0.12± acre tract located on the west side for Brown Street, approximately 550 feet from its intersection with Old Athens Road; a.k.a. 1339 Brown Street; Zoned R-II; Tax Parcel 00142 001011. Proposed Use: Construct a residence. Commission District 4.**

Background Information:

The applicant is requesting a variance from the rear setback in order to construct a residence. The request is for a reduction of the rear setback from 20 feet to 14 feet. The site plan shows that the proposed residence will meet the front and side setbacks with no variances necessary. In the Statement of Hardship, the applicant notes that the lot was recorded in 1949 and there were no required setbacks at that time. The applicant claims that most other existing homes in the neighborhood were constructed around that time, meaning that many of these homes lie closer to the property lines than setbacks permit. The applicant has been unsuccessful in finding a double-wide mobile home that will fit within the setbacks.

Applicant's Presentation:

Edgar Velasquez, 3250 Bluffton Drive, stated that he was the owner of the property and he was applying for a variance. Mr. Braswell asked Mr. Velasquez if this had been a recorded lot since 1949, Mr. Velasquez confirmed. Mr. Braswell then asked if Mr. Velasquez was aware that he needed approval from Environmental Health. In response Mr. Velasquez stated that he was aware and was working with Environmental Health.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Ms. Pilcher made a motion to Approve the request with a second from Mr. Hunt and the motion passed with a 4-0 vote. (Mr. Varner Absent)*

Conditional Use/Use Subject to Approval

3. **Application of Michelle Gibbs for a Use Subject to County Commission approval on a 4.65± acre tract located on the east side of Ransom Free Road, approximately 165± feet from its intersection with Divine Lane; a.k.a. 5586 Ransom Free Road; Zoned AR-IV; Tax Parcel 12032 000027. Proposed Use: Agri-entertainment district. Commission District 3.**

Background Information:

The applicant is requesting a Use Subject to County Commission approval for the purpose of operating an Agri-entertainment venue. According to the narrative, the property is currently developed with a barn that can be used as a gathering place for various social, celebratory or

entertainment purposes. The applicant is requesting a variance of 72.6 feet from the 300 foot setback required of any structure to be used for the events, as well as a variance of 20 feet from the 200 foot setback that applies to any parking for events (§17.215.040.C-D). The subject property is 4.65± acres and is zoned Agricultural-Residential-IV (AR-IV). The AR-IV zoning appears to be original to the property. The surrounding properties are zoned AR-IV. The applicant also owns parcels to the west and east of the subject property; the property to the west is developed with a double-wide mobile home and the property to the east is vacant. The other surrounding properties are developed with a mix of residential and agricultural uses.

Applicant's Presentation:

Sam Bagwell, 311 Green Street, Gainesville, presented this application. Mr. Bagwell stated that the staff report is an accurate description of the application. He added that there was one additional supplement that he would like to submit for consideration. The applicant's had a noise study completed at the subject property. Mr. Bagwell presented the results. The noise study consisted of studies taken 128 ft., 249 ft., 424 ft., and 603 ft. from the building to determine the ambient noise levels at those distances. The study concluded that the ambient noise level at the listed locations was within the 10 decibel range to not be considered a nuisance. The application stated that events will only be held inside the facility and never outside. Mr. Braswell asks what the decibel of a normal conversation is. Mr. Bagwell stated that a current, normal conversation is listed as being 60-65 decibels. Mr. Braswell stated that staff had recommended approval for this application with conditions. Mr. Bagwell stated the conditions were agreeable with one modification. Mr. Bagwell requested a modification to condition #1. The southern boundary of the property is heavily wooded. The applicants would request to have the condition modified so that they may utilize this for the buffer. Mr. Braswell stated that it appeared that the existing vegetation was thicker than what the code required to be planted. Mr. Hunt asked if the trees lining the entrance to the property are there to act as a type of buffer. Mr. Bagwell said that was not their purpose and the applicants intended to plant more in those areas. Mr. Hunt asked if the applicant was in agreement with the 20 ft. buffer. Mr. Bagwell stated the applicant agreed.

Public Forum:

In favor:

Martha King, 5592 Ransom Free Road, Clermont, stated that her home is located right next to the venue. She stated that she does not see a problem in the applicants having a license. She stated that the applicants keep the property clean and they are nice people who work very hard. Ms. King also addressed potential traffic concern stating that the new neighborhood further down the road caused more traffic than the event venue.

Lamar Summer, 3448 Botany Woods Road, Gainesville, stated that his church group meets at the event venue to worship together, free of charge. Mr. Summer stated he would also like to see the applicant get justice for denial of the previous application. Ms. Pilcher asked Mr. Summer how many people meet there for the church gathering. Mr. Summer stated that there are typically 50-100 people.

Justin Seymour, 5580 Ransom Free Road, Clermont, stated that he lives right next to the venue and works for the Hall County Sheriff's Office. He stated that he would be able to provide security to the venue and would like to see it up and running.

Opposition:

Tyler Smith, 301 Green Street, Gainesville, stated that he was representing John Tinker, 555 Green Circle, who also own two other tracts in the neighborhood. Mr. Smith stated that while he is solely representing Mr. Tinker, many other neighbors are in agreement. The objection is concerning the quality of life and proper use of the property. Mr. Smith stated that in 2013 citations were issued to the applicants and their rezoning request was denied. Mr. Smith stated his client respect the sound study although real world experience shows contrary. Mr. Smith noted that the site is about 4.6 acres and is extremely narrow. Mr. Smith stated that there are locations that better suit a venue similar to this. Mr. Smith expressed his client has a concern with the applicant meeting setback requirements. He also stated that there have been at least 7 letters and 92 signatures of opposition submitted.

Joseph French, 5568 Ransom Free Road, Clermont, stated that he owns the property along the southern property line of this site. The barn is located 75 ft. from his property line. He stated that the sound from the parties shakes the windows in his house. He stated he has also had people trespass onto his property, had personal property stolen and disturbed, and has had litter left on his property. Mr. French says he is concerned with the variances about parking, asked the board not to approve this request. He also stated that the buffer along his property line has been cleared within the past few weeks. Mr. Braswell asks Mr. French if he filed any police reports concerning any issues he has had. Mr. French stated he has not.

Tamilyn Ferrier, 5816 F. Gailey Road, Clermont, stated that she is a retired law enforcement officer and moved to her property for the peace and quiet. Ms. Ferrier stated her concern with the parties being thrown in 2013 without the proper permits and asking for permission afterward. Ms. Ferrier stated that the barn was built for proper use of a barn and they don't want the noise and traffic that the venue will bring.

Mary Ross, 5863 Sun Ridge Court, Clermont, stated that she has been following this applicant since 2013 and was glad it was not approved the first time. She expressed her concern with traffic and noise. She also stated she is concerned with the safety of kids and for her peace and quiet.

Paula Forrester, 5351 Green Circle, Clermont, stated that she cannot hear the music from the events, but that she can feel and hear the bass at her property. Ms. Forrester stated that the traffic and trash are her main concern. She stated that the variances and setbacks are there for a reason and should not be changed. She also stated her concern with septic and well water contamination. Mr. Braswell stated that they will use temporary toilets.

Brian Kelley, 5659 Ransom Free Road, Clermont, stated he did not speak against this in 2013, but he is this time. He stated that the traffic did not affect him but that he was disturbed by the noise. Mr. Kelley expressed he concern with the amount of people being allowed in the barn and inadequate parking area. He thinks the barn should be used for what it was built for.

Dave Harris, 5824 Sweetbottom Lane, Clermont, stated that traffic is not an issue but the noise is. He stated that he cannot sit outside in his backyard without being disturbed by the noise levels.

Rebuttal

Mr. Bagwell stated that there have been different uses applied for in the past and that this applicant should be considered separately from that. Mr. Bagwell provided photographs to confirm the buffers are still in place. He stated that the Ms. King, the neighbor who lives closest to the property, did not express concern with noise levels. Mr. Bagwell stated that the septic system on site which will have to meet the requirements of Hall County Environmental Health.

He explained that the barn may not have been built for entertainment, but it will be brought up to code before events will be held inside. Mr. Hunt questioned the decibel level tested in study. Mr. Bagwell explained the sound study once again. Mr. Braswell asked if all events will be held indoors, Mr. Bagwell confirmed. Mr. Hunt asked if client was willing to agree to a 60 decibel sound level. Mr. Bagwell explained he did not want to do that at this time due to it being difficult to monitor and regulate. Mr. Sosebee asked if the study accounts for the guests inside the venue, Mr. Bagwell confirmed. Mr. Sosebee asked what type of music was tested. Mr. Bagwell confirmed it was pop music. Mr. Hunt asked if the applicant would be willing to install a privacy fence along the south property line. Mr. Bagwell confirmed that applicant would be willing to do that. Mr. Sosebee asked what the maximum number of occupants would be. The applicant, **David Gibbs, 3967 Mount Vernon Road**, explained the maximum number of occupants would be 299, which had been determined by Hall County Fire Services. Mr. Gibbs explained that a fire wall would have to be installed. Mr. Sosebee asked if Mr. Gibbs was willing to be flexible with operation hours. Mr. Gibbs agreed to the hours of operations being until 10 p.m. Monday through Thursday and 11 p.m. on Friday and Saturday. Ms. Pilcher expressed concerns regarding the application in relation to the setback variances being requested and that the property is not a working farm.

Planning Commission Comments:

Mr. Bagwell explained that applicant had gone above and beyond with noise study and all other concessions being made. Mr. Hunt agreed and stated he could support as well.

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 3-1 vote, Ms. Pilcher in opposition. (Mr. Varner Absent)*

Conditions:

1. *The 20 foot landscape buffer shown on the applicants site plan shall be planted with evergreen trees in accordance with §17.260.020.C, which states that the buffer strip shall consist of evergreen trees or shrubs of a minimum height of five feet at the time of planting, spaced to provide a continuous screen. This buffer must be established prior to the issuance of a business license.*
2. *A wooden privacy fence shall be installed where the subject parcel borders the property of Mr. Joseph French, tax parcel 12032 000004.*
3. *The hours of operation shall be Sunday through Thursday until 10:00 p.m., Friday and Saturday until 11:00 p.m.*
4. *All conditions of zoning shall be made part of any plats created for the property.*

Proposed Amendments

5. **Application of Foster Rd Inc. to rezone from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on 12.13± acres located at the intersection of Lights Ferry Road and McEver Road; a.k.a. 6127 Lights Ferry Road and 5817 McEver Road; Zoned AR-III; Tax Parcel 08119 000222 and 08119 000003 (pt.). Proposed Use: Boat Storage. Commission District 1.**

Background Information:

The applicant is requesting to rezone 12.13± acres from Agricultural-Residential-III (AR-III) to Highway Business (H-B) for the purpose of developing a covered boat storage business. The applicant's narrative stated that there are three barns and a residence on the property. The subject

property is comprised of a 5.34± acre parcel (tax parcel 08119 000222) and 6.81± acres, being a portion of tax parcel 08119 000003. The remaining 9.06± is not part of the rezoning request. Both parcels are zoned Agricultural-Residential-III (AR-III). Tax parcel 08119 000222 (6127 Lights Ferry Road) is a corner lot with frontage along both Lights Ferry Road and McEver Road. Tax parcel 08119 000003(5820 McEver Road) only has frontage along McEver Road.

Applicant's Presentation:

Waylon Hoge, 3615 Braselton Hwy, Dacula, presented the application. Mr. Hoge explained his client is proposing a 410 space boat and RV storage development. The property would have a 25 foot buffer along south property line to enhance existing tree line and a 50 foot setback from McEver Road. There would also be a 6 foot black vinyl chain link privacy fence along interior property lines and a decorative masonry and steel security fence along property lines. The facility would also have two entrances to reduce traffic impact. Mr. Hoge explained that boat storage facilities are low impact and would bring little traffic to the area. He also explained this facility would be an upscale development with close proximity to the lake. Mr. Hunt asked what materials would be used for the storage units. Mr. Hoge explained it would be a steel structure with either brick or stone detail. Mr. Braswell asked how much coverage this would provide. Mr. Hoge explained he was not sure, but would be willing to add plant screening. Mr. Braswell asked if there was a percentage breakdown of green space and asphalt. Mr. Hoge stated he did not have percentages available, but could get them. Mr. Hoge stated there were plans for a retention pond on the rear of the property. Mr. Sosebee asked if there were examples of buildings similar for viewing. Mr. Hoge confirmed there were. Mr. Braswell asked the applicant had met with surrounding property owners. Mr. Hoge said he had not met with them personally, but would be willing to do so.

Public Forum:

Favor:

Maureen Etheridge, 6527 Lights Ferry Road, Flowery Branch, expressed that this storage facility would be an asset to the area, especially for motor home and work truck storage.

Donna Cash, 5837 McEver Road, Flowery Branch, stated that she had met with the applicant. She expressed a concern with the change of number of spaces and the amount of space between her property and the facility.

Lauren Vaverka, 5151 Flatstone Drive, Gainesville, expressed she was supportive of the boat storage. She had boat storage facility built next to her old home and it was the best thing for her property. The applicant had been the builder for her old house. Ms. Vayerka stated that the applicant did great work.

Jane Williams, 6054 Lights Ferry Road, Flowery Branch, explained this land belonged to her mother and father-in-law. She realized the community's concerns but felt that it was not fair for her not to be able to sell her property. Ms. Williams also expressed that she spoke with staff and they suggested boat storage would be the lowest impact.

Opposition:

Susan Soucie, 6255 Germantown Drive, Flowery Branch, explained that she was here to represent herself and her neighbors. They have concerns with how the proposed development will

effect property values, potential noise issues, the safety of residences and children, and traffic changes. She also expressed concerns with how close the entrance of the boat storage is to the entrance of their neighborhood, Lights Ferry Landing. Ms. Soucie brought a petition with 31 signatures of people opposed to the development.

Christa Williams, 6220 Germantown Drive, Flowery Branch, expressed concern with the detention pond being right behind her property, traffic concerns, and safety concerns.

Richard Finamore, 6214 Yorktown Court, Flowery Branch, expressed concern with the detention pond being so close to his property. Mr. Finamore asked board members if the future of area was to be residential. Mr. Braswell stated that is what would be determined tonight. Mr. Finamore also expressed concern about lighting being too bright at the boat storage facility.

Scott Lovelady, 6121 Jamestown Drive, Flowery Branch, stated that he was concerned with the proposed entrance location.

Barbara Englar, 6287 Cove Creek Drive, Flowery Branch, expressed concern with potential traffic conflicts and how narrow the intersection is. She also expressed concern with how the development would impact her property value.

Linda Holland, 6114 Jamestown Drive, Flowery Branch, expressed concern with the facility backing up directly to her property and how the property slopes with possibly runoff from detention pond. Ms. Holland was also concerned that the added asphalt may increase the amount of runoff onto her property. Ms. Holland also was concerned with traffic problems.

Rebuttal:

Rodney Hellemn, 6098 Jim Crow Road, Flowery Branch, stated he is the developer and wanted to introduce himself. Mr. Hellemn promised a high quality, low impact facility. Mr. Hoge explained that with the boat storage it would reduce traffic by taking boats and motor homes off road. He explained that the entrance location was chosen so that it was as far away from the McEver and Lights Ferry intersection as possible. The second entrance will be exit only. Mr. Hoge addressed the runoff by explaining that the development will have to meet Hall County requirements relating to stormwater management. Mr. Hoge explained the lighting would all be sky box lighting, underneath the structure and would not be able to be seen from neighboring properties. Mr. Braswell asked what the height and slope of roof would be. Mr. Hoge showed example of similar structure. Mr. Hunt asked if applicant would be willing to increase buffer to 30-35 feet. Mr. Hoge agreed they would try. Mr. Braswell expressed concern with the scale of project seeming big. Mr. Hellemn stated they were not greedy and user friendly with large turn around areas. Mr. Braswell asked how customers would access property. Mr. Hellemn stated with office personnel and key access with reduced in and out access after office hours. Mr. Braswell asked how maintenance would be controlled. Mr. Hellemn stated it would be controlled by judging the customers he allows to use the facility. Mr. Braswell asked if there would be lease agreements. Mr. Hellemn explained there would be and if a customer violated the agreement they would be asked to leave. He also explained that with 410 customers, a busy day would only see 5% of the customers at the facility. Ms. Pilcher asked how many motor home verses boats would be stored. Mr. Hellemn explained 50% or greater would be motor home storage, more of the customer being aimed for. Mr. Braswell asked if they could come down on number of spaces. Mr. Hellemn stated that he could not. He explained further that other plans had close to 600 slips but they had reduced the number to 410 to make sure the development was user friendly. Mr. Hoge asked if buffer was increased, if spaces could be compromised.

Planning Commission Comments:

Mr. Braswell asked Ms. Pilcher her thoughts on increased buffer. Ms. Pilcher stated she agreed with buffer size. Mr. Braswell stated that with the increased buffer, architectural details and fencing he could support this application. Mr. Hunt agrees. Mr. Sosebee stated that with a 35 ft. buffer, 410 storage spaces, and the fencing, he could support application.

Motion: *Mr. Braswell 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. Varner Absent)*

Conditions:

1. *The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.*
2. *Where the development borders the Lights Ferry Landing Subdivision, there shall be a 35 foot planted buffer.*
3. *The development shall permit both boat and RV storage.*
4. *The development shall have decorative steel fencing with stone or brick columns along McEver Road and Lights Ferry Road. There shall be a 6 foot high black vinyl chain link fence along all other property lines.*

OTHER

6. **Amend the Official Code of Hall County to establish an ordinance for Small Cell Wireless facilities.**

Applicant's Presentation:

Vanessa Foster, Planner, presented the application. Ms. Foster explained that this ordinance address small cell wireless facilities in county right-of-way only. The ordinance was created in response to State Bill 66, giving Hall County jurisdiction to regulate and permit these facilities. Ms. Foster stated that a small cell wireless facility is small, six cubic feet in size or less. The facility consists of an antenna that looks like a cabinet, which is placed at the top of a telephone pole. It can be a county pole, private pole, or a co-location pole. The code allows the county to approve or deny an application based on certain criteria. Ms. Foster said the county is allowed to deny the application if the antenna will interfere with traffic control, site lines, clear zone, safety, ADA, public works, or goes against codes. There are different rates and fees, which vary depending on the type of pole. Mr. Braswell asks if the need for this is due to the 5G technology. Ms. Foster stated that yes, it is and it will help with large capacity as well, although they are not made to replace a tower, they will increase coverage for each tower. Ms. Pilcher asks if they are similar to a small booster. Ms. Foster agreed.

Public Forum:**Opposition:**

Megan Higginbotham, 5150 Daylily Drive, Braselton, stated her concern related to the fact that no safety studies have been performed. There is the potential that the devices contain radiation and people are being exposed to it. Ms. Higginbotham also stated that there is already WiFi everywhere, so why add more.

Douglas Aikens, 6230 Brady Road, Murrayville, stated that he has read the document twice and did not think it explains or stated anything correctly.

Favor:

Matthew Hartley, 10300 Old Alabama Road Connector, Alpharetta, stated he works for Verizon Wireless in the Real Estate Division and that these towers will help relieve network overcrowding and capacity issues.

Rebuttal:

Mr. Braswell asks Ms. Foster if this ordinance is state level. Ms. Foster stated that is it and it allows the county to regulate and permit the facilities. Ms. Pilcher clarified that this ordinance gives the county a policy and procedure to accept applications and process them. Ms. Foster confirms.

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

Annual Hardship Mobile Home Review

7. **Annual review of the previously approved hardship mobile home for Lamar and Judy Jordan on a 1.12 ± acre tract located on the south side of Flat Creek Road, 1,000± feet west of its intersection with McEver Road; a.k.a. 4751 Flat Creek Road; Zoned AR-III; Tax Parcel 08066 002004. Commission District 2.**

Background Information:

Annual review of the previously approved hardship mobile home for Lamar and Judy Jordan. Jonathan Siderakis, the applicants' grandson, has been diagnosed with Down's syndrome. His mother, Jana Siderakis, will occupy the hardship mobile home and care for her son. The subject property has a site-built home located on it. The surrounding area is made-up of both a site-built and a manufactured home located within the R-II zoning district.

Planning Commission Comments:

Mr. Braswell asked if the application is in order. Ms. McQuade confirmed.

Public Forum:

No one spoke in favor or opposition of the request.

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

Other Business

The next Planning Commission meeting will be on Monday, June 17, 2019.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 8:06 pm.



Chris Braswell, Chairman
Hall County Planning Commission



Laura Ogletree, Secretary
Hall County Planning Commission