



HALL COUNTY PLANNING COMMISSION MINUTES OF MARCH 2, 2020

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, Director of Planning; Beth Garmon, Senior Planner; Katie Greenway, Planner; Vanessa Foster, Civil Engineer; Laura Ogletree, Clerk

Call to Order: The meeting was called to order by the Chairman at 5:19 pm.

Approval of Minutes: February 17, 2020

NEW BUSINESS

- 1. Application of Cheryl Wright to appeal an administrative interpretation of Chapter 17.240.105 – Modification of lots of record in the Official Code of Hall County regarding a 0.41± acre tract located on the south side of Bennett Circle, 98 ± ft. from its intersection with East Drive, a.k.a. 2145 Bennett Circle; Zoned R-II; Tax Parcel 00121 001005. Commission District 4.**

Background Information:

The Planning and Development Department received an Administrative Appeal notice from Cheryl Wright pertaining to 2145 Bennett Circle, which consists of lots 6 and 7 of the S.C. Moon Subdivision, first recorded in plat book 29 page 117.

Ms. Wright met with Planning and Development staff regarding a request to reconfigure 2145 Bennett Circle into two separate building lots. It was determined at that time that the lot could not be reconfigured or further subdivided due to §17.240.105.B of the Official Code of Hall County. The code section states that “when a building is constructed across the line between two lots of record under the same ownership that are non-conforming as to lot size or frontage, the lots shall be deemed to have been combined.” A mobile home crossed the common property line between lots 6 and 7. Further research found that the parcels had been combined via plat and recorded in plat book 330, page 146B.

Ms. Wright chose to appeal staffs decision to deny the request to reconfigure the lots. Attached you will find information regarding this matter. The appeal is first heard by the Planning Commission, and that decision can be further appealed to the County Commission.

Applicant's Presentation:

Scott Wright, 4062 Summerville Drive, Gainesville, presented the request. Mr. Wright stated that he was asking to appeal due to the fact that he and his wife own both of the lots and that he had a warranty deed stating that he did. He stated that sewer would not be an issue due to having access to City of Gainesville sewer. Mr. Wright also stated that the lot next door asked for something similar and it was approved. Mr. Braswell stated that according to the plat that was recorded in March 1994, the lots have been combined. Mr. Wright stated that was correct but he had not purchased the property until 2013. He stated that he was requesting to split the one lot into two so that he could construct a home and that the home would be a rental. Mr. Wright stated that they have had some neighbors that had been approved for a non-conforming use as well. Mr. Braswell stated that because the lots were combined in 1994 they would not meet the current minimum lot size and because of that could not be resubdivided. Mr. Wright stated that most of the lots that are in the area are smaller lots and the lots that he has built on are smaller lots as well. Mr. Braswell asked if the mobile home had been replaced. Mr. Wright stated that yes, it had been replaced in the same spot at the old one.

Public Forum:

No one spoke in favor or opposition of the request.

Planning Commission Comments:

Mr. Hunt stated that his main concern was that the lot was too small and not going to meet the minimum lot requirements.

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

- 2. Application of Stephen Lovett for a Use Subject to County Commission approval on a 22.54± acre tract located on the east side of Walden Road at its intersection with Yellow Creek Road; a.k.a. 6055 Walden Road; Zoned AR-III; Tax Parcel 11105 000001. Proposed Use: 4 lot subdivision. Commission District 2.**

Background Information:

The applicant is requesting approval for a Use Subject to County Commission approval for a 4 lot subdivision on a 22.54± acre tract zoned Agricultural-Residential-III (AR-III). The proposed lot sizes are 5.094 acres, 8.654 acres, 4.050 acres, and 4.738 acres. The narrative states that each lot will have significant road frontage and will be restricted from placing mobile homes on the property of the next 20 years.

Applicant's Presentation:

Stephen Lovett, 1023 Green Street Circle, Gainesville, presented the request. Mr. Lovett stated that this property was a good fit for a high demand of homebuyers who were looking for a home on a larger piece of property. Mr. Lovett stated that there would not be any mobile homes allowed to be put on this property until 2040. He also stated that the lots

would be used to build residential homes. Mr. Sosebee asked Mr. Lovett if he had seen the staff recommendation. Mr. Lovett stated that he had and agreed with them.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Ms. Pilcher made a motion to recommend approval, with conditions the request with a second from Mr. Hunt and the motion passed with a 4-0 vote. (Mr. Varner absent)*

Conditions:

1. *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."*
2. *All conditions of zoning shall be made part of any plat created for the subdivision.*
3. **Application of Myers & Co., Inc. to amend conditions of a previously approved subdivision on a 11.31± acre tract located on Hyde Mill Road at its terminus; a.k.a. 0 Hyde Mill Road; Zoned R-I; Tax Parcel 15018 000033. Proposed Use: 10 lot subdivision. Commission District 3.**

Background Information:

The applicant is seeking approval to amend conditions for a previously approved subdivision. The previous subdivision was approved for 23 lots, 13 of which would consist of a minimum of 1 acre or more. The homes were to be limited to 1,800 square feet of heated floor space with the homes on the left and right of the subdivision and abutting Hyde Mill Road being a minimum of 2,000 square feet of heated floor space. Each home was to have a two car garage, no access to Old Cornelia or Hyde Mill Road, and have the placement and design of the driveways approved by Hall County Engineering.

The applicant is seeking to be approved for a 10 lot subdivision with a minimum lot size of 35,000 square feet, two car garages, a mandatory HOA, and a minimum of 1,800 square feet of heated floor space. The subdivision is to be served by the City of Gainesville water, an on-site sewer management system and a detention pond will be constructed on site to Hall County Stormwater Management standards. The development will be accessed by an

extension of Hyde Mill Road into the subdivision with new street lights along the extension of this road.

Applicant's Presentation:

Ed Myers, 752 Chattahoochee Place, Gainesville, presented the request. Mr. Myers stated that he was there to amend the previous conditions that applied to the previous rezoning request. Mr. Myers stated that were several conditions that were not applicable to the current plans from the original rezoning request. He stated that he was in favor of all the current staff conditions and there would be a Home Owners Association. Mr. Braswell asked him to go over the plans. Mr. Myers went over the size of homes, number of lots, septic, and water plans for the development. Mr. Braswell stated that there was a recommendation from the Hall County Engineering Department about the cul-de-sac at the end of Hyde Mill Road. Mr. Myers stated that it was a minor change that would not change the look of anything or be difficult to accomplish.

Public Forum:

Steve Brinson, 3931 Old Cornelia Highway, Gainesville, spoke in opposition. Mr. Brinson stated that he has a family farm across the street. He stated that his main concern was the acreage of property and the acreage for each proposed lot as well. Mr. Brinson also stated that he was concerned with the width of Hyde Mill Road being too narrow for two cars to pass down the road.

Beverly Brinson, 3979 Old Cornelia Highway, Gainesville, spoke in opposition. Ms. Brinson stated that she was the owner of the farm across the street. She also stated that she was concerned about the little houses and lots.

Jonathan Myatt, 4037 Hyde Mill Road, Gainesville, stated that he wasn't in favor or oppositions but had a few questions. He stated that his concern was Hyde Mill Road's condition and if the county or developer would be addressing that issue.

Robin Garrison, 4072 Hyde Mill Road, Gainesville, spoke in opposition. Ms. Garrison stated that she was concerned with property taxes going up. She also stated that it has always been a quiet neighborhood and area, she does not like it.

Lee Powell, 4088 Hyde Mill Road, Gainesville, stated he was not in favor or opposition, but had a few concerns and questions. Mr. Powell stated that he and his wife live in Stone Mountain but were building a home on Hyde Mill Road.

Rebuttal:

Mr. Braswell asked **Beth Garmon, Principal Planner,** to address the extension of the road into the proposed development. Ms. Garmon explained that the existing cul-de-sac would be abandoned and the proposed road extended. Mr. Powell will get property from the abandoned cul-de-sac right of way added to his lot. Mr. Braswell asked Mr. Myers about the stormwater that will be on two of the lots. Mr. Myers stated that the stormwater will be maintained by Hall County and they will have an easement to access those two lots. Mr. Hunt asked for clarification if the lots would have individual septic tanks or not. Mr. Myers stated that each lot will have their own septic tank. Mr. Sosebee asked about the taxes,

noise, and traffic. Mr. Myers stated that he believed that the property values would more than likely go up and construction noises were to be expected, however the development should be built quickly do to the small number of lots. Mr. Myers stated that regarding the traffic, he did not believe there would be an impact on the traffic. Mr. Braswell asked what the predicted timeline would be. Mr. Myers stated that they were aiming to be completed by next fall.

Motion: Mr. Hunt made a motion to recommend approval, with conditions the request with a second from Mr. Sosebee and the motion passed with a 4-0 vote. (Mr. Varner absent)

Conditions:

1. *The development shall generally occur as depicted on the site plan and described in the project narrative, modified for compliance with regulations at time of site plan approval.*
2. *The development shall be approved for a maximum of 10 lots with a minimum lot size of 35,000 square feet, two car garages, a mandatory HOA, and a minimum of 1,800 square feet of heated floor space.*
3. *Prior to the issuance of any building permits, a recorded plat shall be required.*
4. *All conditions of zoning shall appear on any plats created for the subdivision.*
5. *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.”

4. **Application of Buford Corn Maze, Inc. to amend conditions of an agri-entertainment district on a 30.98± acre tract located on the north side of Friendship Road at its intersection with Ridge Road; a.k.a. 4470 Bennett Road; Zoned S-S and AR-III; Tax Parcel 08153 000001. Proposed Use: year round operation. Commission District 1.**

Background Information:

The applicant is seeking to amend conditions for an agri-entertainment district originally approved on April 27, 2016 by the Board of Commissioners. The original application was approved with the following conditions:

- 1) The proposed activity is approved between the months of September to November every year and is limited to the corn maze, haunted forest, children’s activities, and pumpkin sales.
- 2) Before any business license or permit is issued to this location, a concept plan drawn to scale detailing dimensions and setbacks of parking areas shall be submitted and approved by the Hall County Planning Director.

- 3) Pre-packaged foods, including jams and jellies, could be sold on the property.
- 4) Parking is not allowed along Bennett Road at any time.
- 5) Security service shall be provided by the applicant on the second, third and fourth weekends of October.
- 6) A pumpkin patch shall be planted and Georgia grown pumpkins could be sold on the property.
- 7) The subject parcel will be held to Hall County Engineering Stormwater management Regulations.
- 8) The applicant will need to satisfy the Hall County Environmental Health Department's regulations pertaining to onsite septic systems and food service permits.
- 9) Any future expansion of activities on the property will require approval by the Hall County Board of Commissioners.

The current business operates under a 10-week business license from Labor Day to the 2nd week in November. In October, the operation extend its hours from 10am to 10pm and has parking to accommodate approximately 400 cars. The narrative states that Buford Corn Maze strives to be an asset to Hall County in agritourism, education efforts, and appearance. In the applicant's narrative, they emphasized their signage upgrade, quality green space landscaping, and trash free property. They recently have upgraded their attractive lighting and fencing, clean permanent restrooms and have a new kitchen for concessions.

The Buford Corn Maze is formally requesting to operate year-round as an agritourism destination. They plan to construct a building for an all-new farm experience center for the 2020 season that will educate visitors about "life on the farm" and include informational exhibits, displays of farm implements, and live farm animals. The applicant is requesting these amendments to existing conditions so that the Buford Corn Maze will be able to operate year-round and have the flexibility to open primarily on the weekends but also other days of the week beginning in 2020. They are also requesting to be approved for cooperate events and school groups during warmer months, as well as the holiday season for Christmas tree sales.

Applicant's Presentation:

Jerome and Tina Beggs, 543 Curk Roberts Road, Braselton, presented the request. Mr. Beggs stated that he was a co-owner of the Buford Corn Maze and this would be their twelfth season in operation. Mr. Beggs also stated that currently the facility is open for 12 weeks of the year and that they are hoping to gain the ability to be open more than that. He stated that they will not be open seven days a week, but would like the opportunity to do private events, school field trips, birthday parties, and community events. Mr. Hunt asked if the staff recommendations had been read. Mr. Beggs stated that he had read them and agrees with them.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Mr. Sosebee made a motion to recommend approval, with conditions the request with a second from Mr. Hunt and the motion passed with a 4-0 vote. (Mr. Varner absent)*

Conditions:


1. *The conditions of zoning from the April 27, 2016 approval shall apply with the exception that the time restrictions in condition 1 shall not apply:*
 1. *The proposed activity is approved between the months of September to November every year and is limited to the corn maze, haunted forest, children's activities, and pumpkins sales.*
 2. *Before any business license or permit is issued to this location, a concept plan drawn to scale detailing dimensions and setbacks of parking areas shall be submitted and approved by the Hall County Planning Director.*
 3. *Pre-packaged foods, including jams and jellies, could be sold on the property.*
 4. *Parking is not allowed along Bennett Road at any time.*
 5. *Security service shall be provided by the applicant on the second, third and fourth weekends of October.*
 6. *A pumpkin patch shall be planted and Georgia grown pumpkins could be sold on the property.*
 7. *The subject parcel will be held to Hall County Engineering Stormwater management Regulations.*
 8. *The applicant will need to satisfy the Hall County Environmental Health Department's regulations pertaining to onsite septic systems and food service permits.*
 9. *Any future expansion of activities on the property will require approval by the Hall County Board of Commissioners.*
2. *The development shall occur as generally depicted in the site plan and narrative.*
3. *Any future development of the parcel shall be subject to the Hall County Development Review process in regards to stormwater management and other applicable regulations.*
4. *All conditions of zoning shall be made part of any plats created for the property.*

Other Business

The next Planning Commission meeting will be on Monday, March 16, 2020.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 6:15 pm.



Chris Braswell, Chairman
Hall County Planning Commission



Laura Ogletree, Clerk
Hall County Planning Commission