



HALL COUNTY PLANNING COMMISSION MINUTES OF MARCH 16, 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; Laura Ogletree, Clerk

Call to Order: The meeting was called to order by the Chairman at 5:20 pm.

Approval of Minutes: February 17, 2020 & March 2, 2020

NEW BUSINESS

- 1. Application of Foster Road, Inc. for a Use Subject to Planning Commission approval on a 12.15± acre tract located on the south side of McEver Road at its intersection with Lights Ferry Road; a.k.a. 5817 McEver Road and 6127 Lights Ferry Road; Zoned H-B; Tax Parcel 08119 000231 and 08119 000222. Proposed Use: amend Gateway Corridors Overlay District (GCOD) architectural standards. Commission District 1.**

Background Information:

The applicant is requesting approval for a Use Subject to County Commission to amend the Gateway Corridors Overlay District (GCOD) architectural standards on a 12.15± acre tract zoned Highway-Business (H-B). The applicant is requesting relief from these architectural standards in order to construct a building with metal paneling.

The narrative states that the proposed architectural standards were originally described in a rezoning case for the subject property as consisting of steel structures with brick or stone detail. The applicant states that the exterior walls visible to the public way will have a brick facade and the exterior walls not visible from the right of way will be metal.

Applicant's Presentation:

Waylon Hoge, 3615 Braselton Highway Suite 201, Dacula, presented the request. Mr. Hoge stated that he was the Civil Engineer for the applicant. He stated that they were there to amend a previous zoning condition. Mr. Hoge stated that in 2019, Mr. Hunt had asked what building material was going to be used, in which Mr. Hoge stated that the buildings would be steel structures with either brick or stone detail. He stated that after beginning construction and trying to obtain permits, the overlay requires all vertical elevations to be brick. While some portions of the storage bays will be constructed with brick some of the storage bays will be open and some will have metal paneling. Mr. Hoge showed an example site plan with the new construction plan, showing which vertical surfaces would be brick, metal, or open, along with a sample of the metal paneling that will be used. He also stated

that the applicant wanted to install these metal panel walls on the storage buildings for an extra layer of screening for the residents whose properties back up to this construction site.

Public Forum:

Tom Holland, 6114 Jamestown Drive, Flowery Branch, asked for clarification on a few concerns he had with the request. Mr. Holland stated that he and some neighbors had meetings with the property owner. He asked for clarification on changing the entrance way placement. He also stated that he believed that the metal paneling would be a good addition and improvement to site.

Rebuttal:

Mr. Hoge stated that all the buffers are the same from the original proposal, the only thing that had changed were the additions of the metal paneling for the buildings. Mr. Hunt asked what height the planted buffer would be. Mr. Hoge stated that the evergreens would be going in at six to eight feet. Mr. Sosebee asked at what point during the process they had decided to add the metal paneling. Mr. Hoge stated that they had decided that once the owner got more in depth of his building plans. He also thought that the metal panel walls would help people's belongings that they would be storing there in one place and not overflowing out of the storage bays. Mr. Hoge stated that the placement of the entrance had to change from Lights Ferry Road to McEver Road due to the requirements of the Hall County Traffic Engineering. Mr. Hoge stated that they had met with the neighborhood and everyone was on the same page. Mr. Braswell stated that he would like to see buildings I, J, K, and M all have the brick façade but the remaining could be metal paneling or opening. Mr. Hoge stated they he and the owner agreed.

Motion: Mr. Sosebee made a motion to approve, with one condition the request with a second from Mr. Hunt and the motion passed by a 4-0 vote. (Mr. Varner absent)

Conditions:

1. *The architectural standards depicted on the site plan submitted with the application shall apply with the exception that the following buildings shall have a brick façade on the following elevations:*
 - a. *Building I – west elevation*
 - b. *Building J – north elevation*
 - c. *Building K – north elevation*
 - d. *Building M – north elevation*

2. **Application of Tom Oliver for a Use Subject to Planning Commission approval on a 1.66± acre tract located on the north side of Forest Way, at its terminus; a.k.a. 5394 Forest Way; Zoned AR-III and AR-IV; Tax Parcel 15039D000034. Proposed Use: caretaker's residence. Commission District 1.**

Background Information:

The applicant is requesting approval of the County Commission for a caretaker's residence. The subject property adjoins the applicant's cattle farm (parcel 15039A000008). The narrative states that there is a need for maintenance on the cattle farm for approximately 50 miles of fencing. Additionally the caretaker will assist in the clearing of debris from the creeks and maintenance of the pastures. The applicant states that the job is a daily job that requires weekend and some night work.

Applicant's Presentation:

Tom Oliver, 5119 Ruth Court, Flowery Branch, presented the request. Mr. Oliver stated that he purchased this piece of property last summer. He stated that there is a mobile home and shed on the property. Mr. Oliver stated that he had made a few improvements to the shed and had also added square footage. He stated he wanted to buy this property to make sure that area is taken care of. Mr. Hunt asked if the 500 square foot building was going to be the caretaker's residence. Mr. Oliver confirmed that it would be. Mr. Hunt then asked about the mobile home. Mr. Oliver stated that someone who was working on his farm was living in it. Mr. Sosebee asked if Mr. Oliver agreed to the staff's conditions. Mr. Oliver stated that he agreed with them.

Public Forum:

Greg Hill, 5393 Forest Way, Braselton, spoke in opposition of the request. Mr. Hill stated that he was in opposition of the way the whole thing went through the Planning Department. He stated that he was upset that there were never any signs posted about the plumbing or the construction or any permits pulled to do the renovations in the correct way. Mr. Hill also provided a petition to the Planning Department staff, which had 65 signatures all in opposition.

Sally Oiler, 5388 Forest Way, Braselton, spoke in opposition of the request. She stated that the storage building on the property was not being used for storage and believed that it should only be allowed for storage use. Ms. Oiler also stated that there were multiple calls made to the Marshal's Office about the lack of permits. She also stated that the people who were living in the storage building were loud, messy, and always had multiple cars parked outside the home, some of which would end up parked on her property. Ms. Oiler stated several calls were made to the Marshal's Office about the tenants living in the home. Ms. Oiler also stated her concern with the damage this property could make to her own personal property value.

Michelle Weaver, 5381 Forest Way, Braselton, spoke in opposition of the request. She stated that she had made multiple calls about this and no one had ever returned her phone calls. Ms. Weaver also stated that there are not allowed to be two homes on the property as well as the lack of permits that were obtained to make the improvements to the storage building on the property.

John Kimmerle, 5382 Forest Way, Braselton, spoke in opposition of the request. Mr. Kimmerle stated that there had been people living in the home for months when no one was supposed to be living there. He stated that the people had conveniently moved out that past Sunday. Mr. Kimmerle also stated that he was opposed to the lack of permits for the

amount of work being done to the house. He also stated that the property was not maintained and looked messy.

Angela Kimmerle, 5382 Forest Way, Braselton, spoke in opposition of the request. Ms. Kimmerle stated that she has lived in the neighborhood for thirty years. She stated that this issue was only getting worse and she was scared that her property value was going to decrease. Ms. Kimmerle was also concerned with the loud music and cars going up and down the street all night long.

Rebuttal:

Mr. Oliver stated that there were improvements that could be made. He stated that there had been someone living in the building some since he purchased the property. Mr. Oliver stated that no one was currently living in the home and no one would be living there until after all the improvements were made and finished. He stated that he had sold some of the property therefore, he was unaware of some of the issues that were brought up. Mr. Braswell asked Ms. McQuade about the permits for this property. Ms. McQuade stated that there had not been anymore permits issued to the property since the electrical permit. She stated that if this request was approved, the shed would have to receive approval from Environmental Health and Building Inspections to be used as a caretaker's residence. Mr. Oliver asked if he was required to join the two properties. Ms. McQuade stated that was one of the conditions of the Planning Staff. He asked if he would have to go back through the rezoning process. Ms. McQuade stated that he would not, he would just be required to get a new survey done. Mr. Braswell stated that Mr. Oliver has now heard the neighbor's concerns and knew what needed to be done. Mr. Oliver stated that he would do whatever it takes to get the property finished correctly.

Planning Commission Comments:

Ms. Pilcher stated that when she had made a site visit, it appeared that there had been work done to clean up the property and there were properties that looked worse. Ms. Pilcher also stated that she was under the impression that the mobile home would be the caretaker's residence. Mr. Sosebee spoke to the neighbors and reassured them that they can continue to watch the property to make sure everything is being done properly. Mr. Hunt asked if there was any way to limit the number of people allowed to live in the home. Mr. Sosebee asked how many people Mr. Oliver intended on having live in the home. Mr. Oliver stated there would be two people, a man and his wife.

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

Conditions:

- 1. The applicant shall combine the subject parcel with parcel 15039A000008.*
- 2. The caretaker's residence shall go through the property permitting process and receive approval from Hall County Environmental Health and Building Inspections.*
- 3. No more than two tenants shall be allowed to occupy the caretaker's residence at one time.*

- 3. Application of Imaging Solutions USA for a Use Subject to Planning Commission approval to continue a non-conforming use on a 1.97± acre tract located on the east side of Cleveland Highway at its intersection with Old Cleveland Road; a.k.a. 6918 Cleveland Highway and 6915 Old Cleveland Road; Zoned H-B; Tax Parcel 12084 000029 and 12084 000027. Proposed Use: commercial signage. Commission District 3.**

Background Information:

The applicant is applying for a Use Subject to Planning Commission approval to continue a nonconforming use for a 25 foot free standing sign (pole sign). The business is currently a Shell gas station and is being rebranded to a Mobile. The current sign is 25 feet in height with digital faces displaying fuel prices. The applicant's narrative states that they are proposing to modify the existing sign into a monument sign with a brick or Aluminum Composite Panels (ACM) panel base to cover the poles and keep the existing fuel display faces. Three different options have been proposed for the monument and the applicant is comfortable with any of the three sign renderings being approved. The first option is to keep the sign at 25 feet in height and use ACM panels to encase the poles. In option 2 the sign height also remains at 25 feet and the pole base is encased in brick. The third option reduces the height to 18 feet and the base is encased in brick. Other than the LED prices, there is no internal illumination for the sign.

Applicant's Presentation:

Jose Torres, 4437 Union Church, Flowery Branch, presented the request. Mr. Torres stated that the business is changing from a Shell gas station to Mobil gas station. They are wanting to keep the same sign that is already there, which is a LED sign. Mr. Torres stated that the only change to the sign that the business wanted to make was the overall look of the sign. Mr. Torres had three proposed sign designs to choose from and the Planning Commission all agreed that they liked the third option best.

Public Forum:

No one spoke in favor or opposition of the request.

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

- 4. Application of Louise Butler for a Use Subject to County Commission approval on a 16.59± acre tract located on the south side of Ellison Farm Road approximately 956 feet from its intersection with White Horse Drive; a.k.a. 4174 and 4178 Ellison Farm Road; Zoned AR-IV; Tax Parcel 15028 000241 and 15028 000084. Proposed Use: 5 lot subdivision. Commission District 1.**

Background Information:

The applicant is seeking a Use Subject to County Commission approval in order to subdivide 16.59± acres into a total of 5 lots. Per the Official Code of Hall County, one minor subdivision

is permitted per year. The applicant is seeking approval to subdivide an Agricultural-Residential-IV (AR-IV) zoned property into 5 lots within one year, which requires Hall County Board of Commissioner approval. The site plan was submitted and depicts the approximate lot size and configuration.

Applicant's Presentation:

Wendell Butler, 4178 Ellison Farm Road, Braselton, presented the request. Mr. Butler stated that he and his wife were asking to divide his property into five lots. He stated that he would not need any additional road frontage with the proposed way of splitting the lot. Mr. Butler stated that parcel A would hopefully have a house and small farm on it. Mr. Sosebee went over the conditions with Mr. Butler to make sure he understood each of them. Mr. Butler stated that he understood them and agreed to them.

Public Forum:

No one spoke in favor or opposition of the request.

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

Conditions:

- 1. Prior to the issuance of any building permits on any of the vacant parcels, a recorded plat shall be required.*
 - 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 plat created for the subdivision.*
- 5. Application of Chris Orme for a Use Subject to County Commission approval on a 13.12± acre tract located on the north side of Kenimer Road approximately 423 feet from its intersection with Couch Drive; a.k.a. 6463 Kenimer Road; Zoned AR-IV; Tax Parcel: 12015 000002. Proposed Use: 6 lot subdivision. Commission District 3.**

Background Information:

The applicant is seeking a Use Subject to County Commission approval in order to subdivide 13.12± acres into a total of 6 lots. A plat was submitted for initial review on February 2, 2020 for this subdivision. Per the Official Code of Hall County, one minor subdivision is permitted per year. The applicant is seeking approval to subdivide an Agricultural-Residential-IV (AR-

IV) zoned property into 6 lots within one year and is required to obtain Board of Commissioner approval.

Applicant's Presentation:

Chris Orme, 7596 Lula Road, Lula, presented the request. Mr. Orme stated that he was wanting to create a 6-lot subdivision out of the 13 acres. Mr. Orme stated that he these homes would average around \$259,000 with the smallest being 1750 heated floor space and the largest being 1850 heated square floor space. He then presented a model of the building plans. Mr. Braswell asked about the lot layout. Mr. Orme stated that the layout was unusual because of power lines and the 6th tract will be sold to a certain individual who would like a little more room than the other lots. Mr. Braswell asked if Mr. Orme had done any soil testing and if there was a springhead on the property. Mr. Orme stated that he had had soil tests completed and it was a draw from all the properties, not a springhead. He stated each lot will be on their own septic.

Public Forum:

Don Roberts, 6477 Kenimer Road, Clermont, spoke in opposition of the request. Mr. Roberts stated that he believed that he was protected from someone building a neighborhood down the street from him by the county and wished that the county would follow the law. He also stated that he had called and talked to Charles Turner with the county and had never heard anything to follow up his concern. Mr. Roberts stated that he was not wanting to get involved, but he would be calling the state if this item was approved.

Rena Ackerman, 6452 Kenimer Road, Clermont, spoke in opposition of the request. Ms. Ackerman stated that she owned about 138 acres. She stated that she and her family bought that property over 20 years ago to build their dream home and raise their children there. She stated that this neighborhood would be directly across the street from her property and she was concerned with the potential traffic. Ms. Ackerman stated that she was also concerned with the property values of her property and the surrounding neighbors.

Karin Roberts, 6477 Kenimer Road, Clermont, spoke in opposition of the request. Ms. Roberts stated that this plan did not coincide with the county's comprehensive plan. She stated that there were a number of older neighbors who could not make it to the meeting and they were in opposition as well.

Don Garrison, 6291 Kenimer Road, Clermont, spoke in opposition of the request. Mr. Garrison stated that he was newly retired and was building a home on his property. He was concerned with his property value going down, before he even lived on it.

Rebuttal:

Mr. Orme stated that he was unaware of the opposition of the request. He also stated that this property had been for sale for over a year, with no one else having interest buying it. He stated that he was not going to build starter homes, it was not going to be fully developed subdivision, and they would be pretty homes. Mr. Orme also stated that if he was not going to be approved, the neighbors should buy it. Mr. Braswell asked if Mr. Orme could address the statement from Environmental Health, Mr. Orme stated that he was not completely sure what they were asking. Mr. Hunt asked if all the lots were an acre or more. Mr. Orme stated that they were. Ms. McQuade stated that she was not sure what requirement was not being

met for Environmental Health, but they had stated they had been in contact with the applicant about it. Mr. Orme stated that he had received a letter from them. Mr. Sosebee asked how far away from the road the houses would be. Mr. Orme stated that he was wanting to place them 60-65 feet away from center line of road. Mr. Braswell asked if he could address the bobcat work that had been mentioned by a neighbor. Mr. Orme stated that Charles Turner had requested a bobcat be placed on the property and used to clear a path for him to conduct a stream study and the second time that it was out there was for cutting lines for the soil test. Mr. Hunt asked if the zoning would change. Staff stated that the zoning would stay the same. Mr. Hunt asked if Mr. Orme would be opposed to setting the homes about 20 feet further back from the property line, making it a total of 60 feet. Mr. Orme stated that he would be willing to do that. Mr. Braswell asked if they tabled this item, would the neighbors be willing to meet with Mr. Orme to talk about his building plans. A few neighbors stated they would be willing with a few stating they would not be willing to meet with Mr. Orme.

Motion: *Mr. Hunt made a motion to table the request to the April 20, 2020 Planning Commission meeting with a second from Mr. Sosebee and the motion passed by a 4-0 vote. (Mr. Varner absent)*

OTHER

6. Election of Officers

Motion: *Mr. Hunt made a motion to elect Mr. Braswell as Chair and Mr. Sosebee as Vice Chair with a second from Ms. Pilcher and the motion passed by a 4-0 vote. (Mr. Varner absent)*

Other Business

The next Planning Commission meeting will be on Monday, April 6, 2020.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 7:42 pm.



Chris Braswell, Chairman
Hall County Planning Commission



Laura Ogletree, Clerk
Hall County Planning Commission