



HALL COUNTY PLANNING COMMISSION MINUTES OF MAY 3, 2021

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, Stan Hunt, Gina Pilcher, Johnny Varner, and Trey Bell

Staff Present: Sarah McQuade, Director of Planning; Justin Crighton, Senior Planner; Katie Greenway, Planner; Laura Ogletree, Clerk

Call to Order: The meeting was called to order by the Chairman at 5:23pm.

Approval of Minutes: April 19, 2021

OLD BUSINESS

1. **Previously tabled application of CBA Properties, LLC to rezone from Agricultural Residential-IV (AR-IV) to Residential-I (R-I) on a 8.44± acre tract located on the south side of Deaton Henry Road approximately 541 feet from its intersection with Spout Springs Road; a.k.a. 6982 Deaton Henry Road; Zoned AR-IV; Tax Parcel 15042 000071. Proposed Use: 6 lot subdivision. Commission District 1.**

Motion: *Mr. Hunt made a motion to remove the request from the table, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

Background Information:

The applicant is requesting to rezone from Agricultural-Residential-IV (AR-IV) to Residential-I (R-I) in order to subdivide the property into six lots. The narrative states that each lot will be larger than one acre in size, and all homes constructed on the lots would have access to power and public water services. The applicant did not provide any information regarding minimum heated floor area for the proposed residences or any architectural information.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Jason Jackson, 4243 Crestwood Bend Circle, Buford, presented the request. Mr. Jackson stated that the lot that could not be rezoned to R-I would be left vacant and he would remain the owner. Mr. Braswell asked Mr. Jackson if he had seen the staff recommendations. Mr. Jackson stated that he did and did not have any issues with them. Mr. Braswell asked if Mr. Jackson would agree to a condition that prevented any mobile homes from being placed on

the lot that could not be rezoned. Mr. Jackson stated that he would be fine with that. Mr. Jackson stated that the cell tower on that lot had a 35 year lease and after that if it was ever taken down, he may try to develop it.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Mr. Bell made a motion to recommend approval, with conditions for the request, with a second from Mr. Hunt and the motion passed by a 5-0 vote.*

Conditions:

1. *The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval. Lot 5 shall not be rezoned to R-1 and shall remain zoned AR-IV.*
2. *Only one building permit may be issued per lot. A new plat must be recorded with the subdivision of the lots before more than one building permit can be issued.*
3. *The 190 foot setback associated with the telecommunications tower shall be deleted as a condition from the February 20, 2009 approval.*
4. *Property owners are informed of the existence of a telecommunications tower on Lot 5.*
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.”
6. *If a 7th lot is created, then the entire 8.44 acre tract shall be subject to a hydrology report, and may be required to establish a stormwater management system based on county and state regulations.*
7. *All conditions of zoning shall be made part of any plat created for the subdivision.*
8. *Lot 5 shall remained zoned AR-IV and if developed in the future shall be required to be developed with a site-built home. No mobile homes shall be permitted.*

NEW BUSINESS

2. **Application of Kenneth M. Wyrick for a front yard setback variance from 15 feet to 5 feet on a 0.29± acre tract located on the east side of Stag Leap Lane at its terminus; a.k.a. 6627 Stag Leap Lane; Zoned PRD; Tax Parcel 15041D00380. Proposed Use: construct a detached garage. Commission District 1.**

Background Information:

The applicant is requesting a front-yard setback variance from 15 feet to 5 feet to construct an accessory structure which will be used as a garage for a third car. The proposed addition is 14 feet by 20 feet in size, and is located adjacent to the existing garage and driveway on the southwest portion of the lot.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request. Ms. McQuade stated that the applicant had requested to withdraw their request.

Motion: *Mr. Varner made a motion to approve the request to withdraw the request with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

3. **Application of Danny Samples for a front yard setback variance from 40 feet to 10 feet on a 0.33± acre tract located on the north side of Audubon Drive approximately 450 feet from its intersection with White Mill Road; a.k.a. 5125 Audubon Drive; Zoned AR-III; Tax Parcel 08055 003015. Proposed Use: construct a storage building. Commission District 2.**

Background Information:

The applicant is requesting to vary the front yard setback from 40 feet from front property line to 10 feet in order to construct a storage building. This lot is vacant, however the applicant also owns the neighboring lot at 5121 Audubon Drive, which is developed with a single family residence.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request. No one was present to present the request. Mr. Braswell stated that it would be best to table this request to give the applicant a chance to present the request to the Planning Commission.

Motion: *Mr. Hunt made a motion to table this request to the June 7, 2021 Planning Commission meeting, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

4. **Application of James David Putman for a Use Subject to County Commission approval on a 1.47± acre tract located on the south side of Browns Bridge Road approximately 83 feet from its intersection with Fourth Colony Drive; a.k.a. 5201 Browns Bridge Road, Unit 3; Zoned H-B; Tax Parcel 08080 001001. Proposed Use: tattoo, piercing, or body modification studio. Commission District 2.**

Background Information:

The applicant is requesting approval for a use subject to County Commission approval for a tattoo and piercing studio. The applicant's narrative states that the business hours will be Monday through Saturday 11am to 9pm and Sundays 12pm to 6 pm. The total number of employees will be three artists and one receptionist.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

James Putman, 6740 Driskell Circle, Cumming, presented the request. Mr. Braswell asked if the suite he was seeking to open his business in was in the center of the shopping center. Mr. Putman stated that was correct. Mr. Braswell asked if he was currently in this type of business. Mr. Putman stated that he was and working out of White County. Mr. Putman stated that he was requesting approval in order to move his business closer to his family and home. Ms. Pilcher asked what the hours of operation would be. Mr. Putman stated that typically during the week they open at 11:00am or noon and close around 8:00pm or 9:00pm. Mr. Hunt asked about weekend hours. Mr. Putman stated that one Saturdays they would typically be open until about 9:00pm and if they work at all on Sunday, they typically close around 6:00pm. Mr. Braswell asked staff about the ordinance not specifying days. Ms. McQuade stated that as long as they are not expanding hours, they could set conditions for specific days. Mr. Braswell asked Mr. Putman if he would have any problems with them setting days of operation for the business. Mr. Putman stated he would not.

Public Forum:

James Putman Sr., 3705 Indigo Bunting Court, Cumming, spoke in favor of the request. Mr. Putman stated that he was the applicant's father. Mr. Putman stated that his son has been in the business for 10 years and has a good client following. He stated that his son is a hardworking and dedicated man.

Viral Chhadua, 2313 Crystal Court, Gainesville, spoke in favor of the request. Mr. Chhadua stated that he was the property manager of the shopping center where this would be located. He stated that this would help the space be filled and stay filled with the limits that they have for what can and cannot open within the space.

Planning Commission Comments:

Mr. Braswell asked staff if the variance they were also approving was included within the request already. Ms. McQuade stated that was correct.

Motion: ***Ms. Pilcher made a motion to recommend approval, with one condition for the request, with a second from Mr. Hunt and the motion passed by a 5-0 vote.***

Condition:

1. *The business shall be closed on Sundays.*

5. **Application of Caleb Mosley to rezone from Suburban Shopping (S-S) to Planned Commercial Development (PCD) on a 2.084± acre tract located on the east side of A L Mangum Road at its intersection with Athens Highway; a.k.a. 3509 & 0 A L Mangum Road; Zoned H-B; Tax Parcel 15014 000041F & 000220. Proposed Use: Variance from Gateway Corridor Overlay District standards for commercial signage. Commission District 3.**

Background Information:

The applicant is requesting to rezone a 2.084± acre tract zoned Suburban Shopping (S-S) to Planned Commercial Development (PCD) for a variance from Gateway Corridor Overlay District standards for commercial signage. The proposed signage exceeds what is allowed by the Gateway Corridors Overlay District (GCOD) standards. The applicant is proposing a wrapped double-pole sign along A L Mangum Road, approximately 8 feet from the front property line. The proposed sign renderings show and describe this sign as measuring 25 feet tall by 5 feet wide with the sign face measuring 70.18 square feet. It will display the BP logo, will be internally illuminated, and will display the price of two (2) of the automotive and diesel fuels with a two (2) tiered pricing for cash or credit. The poles of the sign are proposed to be wrapped with Aluminum Composite Material painted white producing a monument style base.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Polly Licaiardi, 2436 Island Drive, Gainesville, presented the request. Ms. Licaiardi asked if the staff was recommending approval for the placement of the sign and she needed to request a variance for the height of the sign. Mr. Braswell stated that she did not need to. Mr. Braswell stated that the conditions of Gateway Corridor would cover the rest. Ms. Licaiardi asked how tall the sign could be. Mr. Braswell stated that the site plan that was submitted first, in December 2020, was different from the site plan that was submitted in January 2021. Ms. Licaiardi stated that it was due to the DOT taking down the original side due to widening the road and taking up a large amount of the applicant's property. Mr. Braswell asked if the sign would be located where it was shown on the site plan. Ms. Licaiardi stated that was correct. Ms. Licaiardi stated that the grade of the road was much higher than the grade of the building. She stated that if you are approaching the property now, all you can see is the top of the gas canopy. Mr. Hunt asked what the height of the previous sign. Mr. Bell asked for clarification on the code referring to the sign being 8 feet above street grade and what street that would be pertaining to in this request. Ms. McQuade stated that in this would be A L Mangum Road. Ms. McQuade uses Google Street View to pull up the property to show the Planning Commissioners what the property and road currently looks like. Mr. Hunt asked for clarification that they were all discussing the same entrance. After discussion, Ms. Licaiardi realized that the site plan that was submitted was incorrect. Ms. McQuade stated that the Planning Commission could table the request in order for Ms. Licaiardi to get staff an updated site plan. Ms. Licaiardi asked if there was anything, they could do at the current meeting. Ms. McQuade stated that because it was advertised to show what the incorrect site plan showed, they would more than likely have to advertise it again to correctly state what the request was. Mr. Bell asked for clarification one why they had to rezone in order to approve one variance. Ms. McQuade stated that within the Gateway code, she could not approve the request with the current zoning. The Planning Commissioners, Ms. Licaiardi, and staff reviewed the

application, the submitted site plan, and their options and looked at the property on Google Street View. Ms. Pilcher stated that there was not any way now that the original sign could be seen with the DOT road changes. Ms. Pilcher stated that she was concerned with the safety of people turning in and out of the gas station without a visible sign. Ms. McQuade stated that the Planning Commission could table the request to the next meeting and the applicant could keep their original Board of Commission meeting date.

Public Forum:

No one spoke in favor or opposition of the request.

Planning Commission Comments:

Mr. Braswell stated that he would like to table the request in order to review an updated and correct site plan.

Motion: *Mr. Hunt made a motion to table the request to the May 17, 2021 Planning Commission meeting, with a second from Mr. Bell and the motion passed by a 5-0 vote.*

Other Business

The next Planning Commission meeting will be on Monday, May 17, 2021.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 6:40pm.

Chris Braswell, Chairman
Hall County Planning Commission

Laura Ogletree, Clerk
Hall County Planning Commission