

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Matthew Miller

Request Conditional Use to allow an event venue

Proposed Use Event venue

Size 12.99± acres

Zoning Agricultural Residential III (AR-III, [17.110](#))

Location **3515 Friendship Road** | Tax Parcel 15048 000026B

Commission District One

Planning Commission Date January 17, 2023

Staff Recommendation **Denial, even though the proposed use is consistent with the Comprehensive Plan, the use requires variances in [17.215.040.C](#) and [17.215.040.D](#); without the variances, the use is not possible , and the Planning Commission has previously denied a similar variance request for an Agri-entertainment venue.**

Planning Commission Recommendation.....Denial

Vote: 5-0

An associated variance application has been submitted in conjunction with the use application. The items can be heard together but will require separate motions and votes since they are two distinct agenda items. The variance should be voted on first because without the variances, the use cannot occur on this property.

Public Forum:

Kathy Garland, 3549 Friendship Road, Buford, spoke in opposition. Concerns were trespassing, noise, traffic, and creek.

Adolfo Guzman, 3520 Autumn Farm Terrace, Buford, spoke in opposition. Concerns were traffic and safety.

James Basile, 3639 Buttercup Court, Buford, spoke in opposition. Concerns were traffic and noise.

Michelle Williams, 3614 Goldenrod Lane, Buford, spoke in opposition. Concerns were acreage, traffic, noise, hours of operation and visual intrusion.

Joseph Garland, 3539 Friendship Road, Buford, spoke in opposition. Concerns were traffic, safety, parking lot size and location.

Summary Analysis

The applicant is seeking approval for a *Use Subject to County Commission* for the purpose of operating an agri-entertainment event venue ([17.215](#)). The applicant's narrative describes a business that would operate annual seasonal events for Valentine's Day, Easter, Halloween, etc. The primary seasonal event will be a haunted trail that will operate in September and October. In the future, the property would be leased for private events and weddings. Events will be able to accommodate 250 guests. Non-spill lighting will be used in the parking area and only turned on when there is an event.

The proposed operating hours will be Sunday – Thursday, 9:00am – 10:00pm, and Friday – Saturday, 9:00am – 12:00am/midnight, which is consistent with the requirements of [17.215](#). The narrative states that the existing residence is 95 feet from the eastern boundary (right side property line), which is a creek with a large floodplain. Friendship Farms Subdivision is adjacent to this boundary, which has a large area of open space between the subject property and the residential lots within the subdivision. The closest residence in Friendship Farms Subdivision measures approximately 450 feet from the residence on the subject property. The existing barn, which will be used for ticket sales, is also less than the 300 foot setback requirement from adjacent property lines, but it is further away than the residence. **The applicant contends that the intent of the setback requirements for structures used as agri-entertainment venues [17.215](#) (agri-entertainment events within the AR-III, [17.110](#), and AR-IV, [17.120](#) zoning districts) has been met.**

The proposed parking will be along the western boundary (left side property line) and is 50 feet from adjacent properties. The parking lot will be located on the backside of a hill and will have a 50 foot vegetated buffer between the parking lot and adjacent properties. The nearest house is approximately 250 feet from the proposed parking lot. **Again, the applicant feels the intent of the parking setbacks found [17.215.040.D](#) has been met. The parking lot is proposed to be gravel and will contain 71 spaces. [17.215.040.D states the parking must be at least 200FT from a property line, not the nearest residence.](#)**

The narrative continues to state that there will be one monument sign for the property, located in the middle of the frontage along Friendship Road. The road frontage will be enhanced by landscaping and 50 foot vegetated buffers is proposed along the western property line, adjacent to the parking lot.

The narrative explains that a new restroom facility will be added adjacent to the ticket queue that will be served by City of Gainesville water and an on-site septic system. The garage will be used for storage of exhibits and supplies. The existing house will be renovated in the future and used for private events, such as weddings.

Stormwater management will be handled by infiltration trenches. The narrative states that construction will include minimal land disturbance and new impervious area. The runoff discharges into an existing creek that forms the northern and eastern boundary. The narrative continues that the site will comply with stormwater regulations for Hall County.

The submitted site plan shows the existing structures, the proposed ticketing queue and restrooms, monument sign, vegetated buffer, and approximately location of the haunted trail.

The applicant has requested relief from the setback requirements for parking lots and structures as required for agri-entertainment venues in [17.215](#). Additionally, the applicant has requested relief from the requirements of the Gateway Corridors Overlay District (GCOD, [17.420](#)) requirement of paved parking. A separate variance staff report has been prepared for these requests.

Based on the future land use classification of a Mixed-Use Corridor, staff finds the *requested use consistent* with the [Comprehensive Plan](#). **These corridors include retail activities, office-based employment, civic uses, and single-family residential uses. While the proposed uses is not explicitly identified, it is generally consistent with the intent of the mixed-use corridor.**

Zoning Analysis

The proposed use of an agri-entertainment venue is generally consistent with the intent of the Mixed-Use Corridor in the [Comprehensive Plan](#).

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the planning commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed use of an event venue is suitable in view of the use, development, and zoning of adjacent and nearby properties. The subject property is zoned Agricultural Residential III (AR-III, [17.110](#)) and is adjacent to the west with other Agricultural Residential III (AR-III, [17.110](#)) zoned properties. Adjacent to the east and north are Residential I (R-I, [17.60](#)). While none of the adjacent properties include non-residential uses, the proposed venue is located on Friendship Road, which is identified as a mixed-use corridor in the [Comprehensive Plan](#).**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The use proposal should not have an adverse effect on the existing use or usability of adjacent or nearby property. If approved as an agri-entertainment venue the property will be subject to the requirements of the [Chapter 8.80, Noise Control](#) and other applicable local, state, and federal regulations.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property is currently developed with a single family residence, detached garage, and a barn. The property has reasonable economic values as currently zoned; allowable uses within the Agricultural Residential III (AR-III, [17.110](#)) zoning district.**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed development should not result in a use which could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. Additionally, as this is a conditional use request, the**

underlying Agricultural Residential III (AR-III, [17.110](#)) will not change. Access to Friendship Rd shall require GDOT approval.

5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The [Comprehensive Plan](#) has identified this section of Friendship Road as a Mixed-Use Corridor. These corridors include retail activities, office-based employment, civic uses, and single-family residential uses. While the proposed uses is not explicitly identified, it is generally consistent with the intent of the mixed-use corridor.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently developed with a single family residence and customary accessory structures.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is unaware of any changing conditions that affect the use and development of the property.**
11. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The requested use approval is not out of scale with the needs of the county as a whole. Private event venues and seasonal event spaces are needed to serve the community. The proposed location on Friendship Road that is identified as a mixed-use corridor by the [Comprehensive Plan](#) is consistent with the use of the area.**
12. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties zoned Agricultural Residential III (AR-III, [17.110](#)) that the applicant could apply for the conditional use approval which would not require variances, but there is no location where this use is permitted by right.**
13. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and**

federal regulations. As a result there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.

Per [17.215](#), agri-entertainment is defined as the gathering of individuals for social, celebratory or entertainment purposes at an agricultural location (venue) located in an agricultural district, wherein a fee is charged by the owner or representative of the property for the use of the venue. This use is subject to the approval of the Board of Commissioners, per the requirements of [17.215.020](#). Events to be held include farm weddings, receptions, public gatherings or similar agri-entertainment uses as defined or as determined by the Hall County Planning Director, per [17.217.030.A](#).

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated January 3, 2023 Emily McGahee states:

“Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.”

Hall County Fire Marshal

An email dated January 3, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following preliminary comments:

“The Hall County Fire Marshal’s Office will require a Certified Land Surveyor to prepare and draft a conceptual plan including verification of boundaries, fire access, topography, existing / proposed building locations and all utilities. The Hall County Fire Marshal’s Office will not comment on a hand sketched concept plan.”

Hall County Public Works and Utilities

In a memo dated December 30, 2022, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

Engineering:

The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show flood Hall County studied and FEMA.

Traffic:

GDOT permit is required for driveway connection to Friendship Road.

Utilities

Any type of sanitary sewer will require a design plan approval from Public Works

Georgia Department of Transportation

No comments were received for this agenda.

Public Comments

The Planning Department has received four letters in opposition of the request. These are included as part of the packet.

➤ **Excerpts from the minutes of the January 17, 2023 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Ed Myers, 752 Chattahoochee Place, Gainesville, presented the request. The applicant stated that an established parking lot would improve traffic flow. The applicant discussed closing hours for Sunday – Thursday to be by 10 p.m. and Friday- Saturday closing by 12:00 a.m. The applicant stated the haunted trail would run through September and October. The applicant stated that there shall be a solid fence with landscaping to shield the neighboring residents and there has been meetings with the HOA to discuss the development.

Sydney Curtain, 3883 Clarks Bridge Road, Gainesville, presented the request. The applicant stated that coordination has been made with GDOT.

Rebuttal

Mr. Myers stated that there will be an 8 foot privacy fence that can have an extended chain link fence towards the creek. Mr. Myers stated that bigger events will have security present and security cameras would be placed around the property for safety. Mr. Myers stated there is a system to manage traffic along the location. Mr. Myers stated that the only part that would require construction would be the driveway and parking lot.

Public Forum:

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Planning Commission Comments:

Mr. Braswell questioned the ingress and egress of the property regarding coordination with GDOT. Mr. Sosebee questioned the fence height. Mr. Myers stated it would be 8 feet height.

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0