

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant.....Keith D. & Chad Bell

Request.....Use Subject to County Commission Approval

Proposed Use.....Agri-entertainment

Size.....17.14± acres

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

Location.....**5351 Lanier Islands Parkway** | Tax Parcel 08169
003011 (pt.)

Commission District.....One

Planning Commission Date.....August 7, 2023

Staff Recommendation..... **Denial, as the proposed request is inconsistent with the Lake Area Residential future land use designation in the [Comprehensive Plan](#).**

Planning Commission Recommendation.....**Approval, with conditions**

Vote: 5-0

Planning Commission Conditions:

1. The agri-entertainment business shall operate as described in the narrative dated May 15, 2023 and depicted on the site plan dated January 31, 2022.
2. A variance is granted for the building setback requirement for agri-entertainment structures, reducing the setback from 300 feet to 240 feet.
3. A variance is granted to the parking area setback, reducing the setback from 200 feet to 160 feet.
4. With the exception of permitting gravel parking, the non-residential development shall be subject to the standards of the Gateway Corridors Overlay District (GCOD, 17.420). No other variances are granted from these standards
5. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
6. Per, 2.60.060. – effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.

- The business license associated with this use shall go before the Hall County Planning Commission and the Board of Commissioners for renewal after a period of three years.

Public Forum:

Chanda Bell, 5927 Peacock Lane, Hoschton, spoke in favor. Spoke about property preservation.

Kristi Burroughs, 119 Holiday Road, Buford, spoke in opposition. Concerns were traffic, noise, lack of traffic lights, and safety.

Summary Analysis

The applicant is requesting conditional use approval from the County Commission for an agri-entertainment business located on the 17.14± acre parcel. Within the Agricultural-Residential-III (AR-III, [17.110](#)), agri-entertainment businesses are a use subject to the approval of the County Commission, resulting in the current application.

The proposed agri-entertainment business will include a 3-acre corn maze, pumpkin patch, wagon rides, children’s activities, and a walk-through Christmas light tour. Other activities will include a ground-level jumping pillow, a playground, a corn pit, antique tractors for pictures, a picnic area, and wagon-ride farm tours of the property. The jumping pillow and corn pit will be located in the area designated kids activity area on the site plan. The applicant’s narrative states that there is an intent to sell pumpkins on the property when in season, but much of their pumpkin sales will originate from pumpkins they purchase for resale.

The narrative describes plans to have a market to sell soft drinks, waters, and pre-packaged snacks. Additionally, there will be an area for food vendors, which will include portable lighting and a 30 foot by 60 foot covered pole barn to be used as a picnic area. Within the pole barn will be an area dedicated to the sale of pre-packaged snacks. Portable bathrooms will also be used.

The narrative specifies that the agri-entertainment business is intended to operate from September through the end of the year, as outlined in the chart below:

Month	Days	Hours
September	Thursday – Sunday	10:00am – 10:00pm
October – Mid November	Daily	10:00am – 10:00pm
Mid November - December	Sunday – Thursday Friday & Saturday	dusk – 9:00pm dusk – 11:00pm

It should be noted that the above described activities are not depicted in this level of detail on the site plan. The submitted site plan shows a parking area with 112 spaces immediately adjacent to Lanier Islands Parkway, a proposed building, and a proposed corn maze (3.268 acres in area).

The applicant is requesting two (2) variances from the conditions of an agri-entertainment business. Specifically, the applicant has requested relief from the following conditions:

- The structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner.
 - *The applicant has proposed a 20% reduction for the building setback, reducing the required setback to 240 feet. The proposal **does not meet** this condition.*
- All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner.
 - *The applicant has proposed a 20% reduction for the parking setback requirement, reducing the required setback to 160 feet. The proposal **does not meet** this condition.*

The subject property also falls within the Gateway Corridors Overlay District (GCOD, [17.420](#)), which provides supplemental development standards for non-residential uses. Within the GCOD, all parking areas shall be paved with asphalt or concrete. An additional variance will be needed to permit a gravel parking area.

Based on the future land-use plan, staff finds the requested conditional use inconsistent with the future land use classification of Lake Area Residential character area in the [Comprehensive Plan](#).

Zoning Analysis

Per [17.215.040](#), conditions and regulations for agri-entertainment:

- A. A Hall County Business License shall be required if the zoning request is approved for the agri-entertainment events.
 - *The applicant will be required to obtain a Hall County Business License, subject to the below conditions and any additional conditions added, prior to beginning operation.*
- B. The property shall be used for the purpose of providing an agri-entertainment venue, as provided for in [section 17.215.030\(A\)](#).
 - *The proposed uses are consistent with those described in [section 17.215.030\(A\)](#).*
- C. The structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner.
 - *The applicant has proposed a 20% reduction for the building setback, with the proposed structure located 240 feet from the right side property line.*
- D. All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner.
 - *The applicant has proposed a 20% reduction for the parking setback, with the proposed parking area located 160 feet from the right side property line*
- E. Parking shall be permitted on grass or gravel.
 - *The applicant's narrative states that the parking area will be gravel.*
- F. The agri-entertainment event barn or primary event structure shall be permitted to be constructed only on the property described.
 - *The applicant intends to construct a 30 foot by 60 foot covered pavilion for picnic tables, if the agri-entertainment use is approved.*
- G. The maximum number of attendees to occupy any agri-entertainment event barn or structure on the premises shall be regulated by the Hall County Fire Marshal.
 - *The applicant has not included any information regarding capacity for the proposed activities. The site plan has a dedicated parking area with 112 parking spaces.*
- H. The occupancy of the agri-entertainment event barn or primary event structure shall not exceed the occupancy load provisions of the Uniform Building Code and those occupancy load limits shall be posted on the premises by the Hall County Building Inspection Department.

- *If approved, the occupancy will be determined by Hall County Building Inspections, based on the above criteria.*
- I. The use of the premises for an agri-entertainment venue shall be permitted only after the issuance of a certificate of occupancy by the Hall County Building Inspection Department.
 - *If approved, the applicant shall be required to obtain a certificate of occupancy prior to commencing operations.*
- J. Any improvements required to support the property as an agri-entertainment venue shall be made only after the issuance of a building permit by the Hall County Building Inspection Department.
 - *If approved, the applicant shall be required to obtain a building permit from Hall County Building Inspections.*
- K. Outdoor activities within the agri-entertainment event barn or primary event structure shall not involve the outside amplification of voice, music and/or instruments except during a wedding ceremony.
 - *The applicant has not indicated whether outside amplification of voice, music, and/or instruments is proposed as part of the application.*
- L. Agri-entertainment events shall commence no earlier than 9:00 a.m. and shall terminate no later than 10:00 p.m. on Sunday through Thursday and no later than 12:00 a.m. on Friday and Saturday.
 - *For [the] purpose of this section, termination shall mean the termination of food, drinks, service and entertainment with the understanding that attendees will need a reasonable amount of time after termination to exit the premises.*
 - *The proposed agri-entertainment business meets this condition.*
- M. All agri-entertainment events shall be provided with adequate potable water and sanitary waste disposal systems as approved by the Hall County Environmental Health Department.
 - *The applicant has indicated that portable bathrooms will be used for this property.*
- N. All agri-entertainment events shall provide for adequate access and egress for emergency vehicles as determined through the development review process.
 - *The applicant will be required to receive approval from the Georgia Department of Transportation for the proposed access from Lanier Islands Parkway.*
- O. All agri-entertainment events shall be provided with adequate personnel to assist with parking, emergency and other potential impacts of each event.
 - *The applicant has stated in the narrative that traffic controls are being discussed to ensure compliance with the regulations.*
- P. If the property being considered for agri-entertainment use is "bona-fide conservation use property" as defined under O.C.G.A. 48-5-7.1 through 48-5-7.4, caution should be used to insure that the proposed agri-entertainment use of the property does not constitute a breach of the conservation covenants applicable to the property.
 - *The property is not under a conservation use covenant and as such this regulation is not applicable.*

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 the property is for an agri-entertainment business in the Agricultural-Residential-III (AR-III, [17.110](#)) district. Properties to the north are also zoned AR-III. There are two properties to the east, along Lanier Islands Parkway, which are within the**

city limits of Buford. To the west is a railroad track, with more parcels within Buford city limits across the tracks. The proposed use could be incompatible with future development of the adjacent parcels.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The request is for conditional use approval for an agri-entertainment business in the Agricultural-Residential-III (AR-III, [17.110](#)) district. The proposed use may be more intense than that of the adjacent or nearby parcels, but the usability should not be impacted. If approved, the site will be developed in accordance with applicable development regulations.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, Agricultural-Residential-III (AR-III, [17.110](#)) but the proposed business cannot occur as described without approval of the conditional use request.**
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 use may cause an excessive or burdensome use of existing streets and transportation facilities, depending on the number of visitors the business can accommodate.**
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 current application is for a conditional use request for agri-entertainment business within the Agricultural-Residential-III (AR-III, [17.110](#)) district. The parcel falls within the Lake Area Residential character area of the Comprehensive Plan. The intent of this character area is to preserve established neighborhoods and create opportunities for permanent and vacation residences similar in land use patterns to Residential Areas but at lower residential densities. Future development will continue to be detached, single-family homes at low densities in addition to less intensive agricultural uses that area found in the northwestern part of the character area. The proposed use is not consistent with the Comprehensive Plan. The subject property is located in the southern portion of the character area.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
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; **Per the applicant's narrative, the property is a working farm and contains various agricultural buildings.**
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; **There are no known changing conditions affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **There is no proposed change to the underlying zoning, as such, this criteria is not applicable.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the request is not out of scale with the needs of the county as a whole, the proposed use could compliment the residential growth occurring in the south Hall area.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **As the proposed uses require Board of Commissioner approval for a conditional use permit, there are not adequate sites already zoned for an agri-entertainment business.**
15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; **No, the request could not be handled instead by a variance.**
16. 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.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

17.380.050. - Submission requirements

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. Applicant has paid the appropriate fees and understands that someone must be present at the Hall County Planning Commission.**

- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 - 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **The applicant has submitted a narrative and site plan but has not explicitly addressed the criteria listed in [17.350.120](#).**
 - 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **The applicant submitted the site plan drawn to scale.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable as the site will be served by an onsite septic system.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **As there are not 100 or more residential dwelling units proposed, this criteria is not applicable.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated May 2, 2023, Emily McGahee, Environmental Health, stated “A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items such as a 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. ON-SITE SEWAGE MANAGEMENT SYSTEMS RULES 511-3-1-.03 General Requirements for On-Site Sewage Management Systems. (1) If public or community sewage treatment systems are not available, the owner of a building, residence, or property that is designed or intended for human occupancy or congregation shall provide an approved on-site sewage management system sufficient for the number of persons normally expected to use or frequent the building, residence or other property for two hours or more. (2) No person may begin the physical development of a lot or structure where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof, without having first obtained from the County Health Department a construction permit for the installation of an onsite sewage management system. And (1)(a) Connection shall be made to a public or community sewage treatment system if such system is available within two hundred feet (200') of the property line, or available in a public right-of-way abutting the property.”

Hall County Fire Marshal

In an email dated April 27, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated “If approved by Hall County BOC, the Hall County Fire Marshal’s Office will require engineer and architectural plans of the site and pavilion to be reviewed for fire code compliance.”

Hall County Public Works and Utilities

In a memo dated May 1, 2023, Bill Nash, 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 stream buffer and impervious setback from wrested vegetation not center line of stream

Traffic:

Driveway must be permitted/approved by GDOT.

Utilities

No Hall County sewer.

Georgia Department of Transportation

In an email dated April 28, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will require GDOT coordination. “Applicant is in the process of coordinating with GDOT, please see attached concept review comments.” *Note: These comments have been included in the packet.*

➤ **Excerpts from the minutes of the August 7, 2023 meeting**

Applicant’s Presentation:

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

Chad Bell, Braselton, 5927 Peacock Lane, Buford, presented the request.

Rebuttal

The applicant stated that traffic will be addressed by GDOT.

Public Forum:

Chanda Bell, 5927 Peacock Lane, Hoschton, spoke in favor. Spoke about property preservation.

Kristi Burroughs, 119 Holiday Road, Buford, spoke in opposition. Concerns were traffic, noise, lack of traffic lights, and safety.

Planning Commission Comments:

Mr. Sosebee questioned if there would be any activity from January to August. The applicant stated as of right now there would not be. Mr. Sosebee questioned if the applicant is willing to operate September to December with set hours. The applicant agreed.

Motion: A motion to approve, with conditions was made by Mr. Sosebee and seconded by Ms. Pilcher.

Vote: 5-0

Conditions:

1. The agri-entertainment business shall operate as described in the narrative dated May 15, 2023 and depicted on the site plan dated January 31, 2022.
2. A variance is granted for the building setback requirement for agri-entertainment structures, reducing the setback from 300 feet to 240 feet.
3. A variance is granted to the parking area setback, reducing the setback from 200 feet to 160 feet.
4. With the exception of permitting gravel parking, the non-residential development shall be subject to the standards of the Gateway Corridors Overlay District (GCOD, [17.420](#)). No other variances are granted from these standards
5. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
6. Per, [2.60.060](#). – effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.
7. The business license associated with this use shall go before the Hall County Planning Commission and the Board of Commissioners for renewal after a period of three years.