

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Patrick & Lorraine Cash

Request Use Subject to County Commission Approval

Proposed Use Agri-entertainment venue

Size 19.78± acres

Zoning Agricultural Residential IV (AR-IV, 17.120)

Location **6539 Ransom Free Road** | Tax Parcels 12014
000023

Commission District Three

Planning Commission Date November 4, 2024

Staff Recommendation **Approval, with conditions**, as the proposed use
is consistent with the future land use
designation of Rural Residential in the
Comprehensive Plan.

Record Number.....HZCU24-0045

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

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated September 1, 2024, and as described in the project narrative dated September 4, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including but not limited to, Environmental Health, the Fire Marshal, and Hall County Engineering.
3. The following statement regarding the potential impacts of agricultural operations in the area shall be made 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. All conditions of zoning shall be made as part of any plats or construction plans created for the property.
5. Hours of operation shall be 9:00 am to 10:00 pm.
6. Any signage must be approved by the Director of Planning and Zoning or their designee.
7. Driveway shall be approved by Hall County Engineering prior to issuance of permit.

Excerpts from the minutes of the November 4, 2024 meeting

Applicant’s Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Lorraine Cash, 6539 Ransom Free Road, Clermont, presented the request. The applicant is requesting approval of a use subject to the county commission for the establishment of an agri-entertainment venue on a 19.78± acre tract zoned Agricultural Residential IV (AR-IV, 17.120). An agri-entertainment venue 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 (17.215.010). Within Agricultural Residential IV (AR-IV) zoning districts, agri-entertainment venues are subject to the approval of the county commission (17.215.020).

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Ms. Pilcher asked if the current barn would remain, and the applicant confirmed that it would. Mr. Hunt asked the applicant to clarify the maximum occupancy and hours of operation. The applicant stated they intended to have tables and chairs for 50 people but would adjust if the fire marshal required changes. The applicant also proposed hours of operation from 9:00 am to 10:00 pm, with customers being by appointment only. Mr. Hunt and the applicant discussed the future signage for the event venue.

Motion: A motion to approve was made by Mr. Hunt and seconded by Ms. Pilcher.

Vote: 5-0

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7. Driveway shall be approved by Hall County Engineering prior to issuance of permit.

Staff recommends APPROVAL of the applicant’s request with the following conditions:

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2. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including but not limited to, Environmental Health, the Fire Marshal, and Hall County Engineering.
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Summary Analysis

The applicant is requesting a conditional use subject to county commission approval for the establishment of an agri-entertainment venue on a 19.78± acre tract zoned Agricultural Residential IV (AR-IV, 17.120). An agri-entertainment venue 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 (17.215.010). Within Agricultural Residential IV (AR-IV) zoning districts, agri-entertainment venues are subject to the approval of the county commission (17.215.020).

The property is currently developed with a single-family residence constructed in 1993, a barn, and a carport. A pond is located on the west side of the property. Additionally, the County Studied Flood Zone is shown along a stream that borders the western property line.

Per the narrative, the applicant is requesting to establish a 1,600 square foot agri-entertainment venue that will accommodate up to 50 guests for gatherings, parties, educational classes, farm tours, and day camps for homeschoolers and small groups. The venue will include the fishing pond, nature trails, and small livestock for the guests' enjoyment. The narrative states the hours of operation will be 9:00 am to 10:00 pm.

The site plan and narrative indicate that the venue meets the required 300 foot setback from the adjacent property line and the twenty-six proposed parking spaces will be located at least 200 feet from the adjacent property line as required (17.215.040). According to the site plan and narrative, access to the venue will be from an existing driveway and signage will be located at the entrance; no renderings for the sign have been provided.

The submitted narrative states that all utilities for the agri-entertainment venue will be separate from the existing home. The facility will be served by a dedicated on-site sewage management system and well.

Based on the future land-use plan, staff finds the requested zoning designation *is consistent* with the Hall County Comprehensive Plan. The Comprehensive Plan's future land use designation for the subject parcel is Rural Residential. The intent of this character area is to preserve the established residential/ rural character and create a transition between rural areas and development in residential areas.

Zoning Analysis

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 is consistent with the use, development and zoning of adjacent and properties. The character of the surrounding area is rural, consisting of agricultural tracts and large lots with single-family residences.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **the current request is for the approval of an agri-entertainment venue. It is**

not anticipated that the agri-entertainment will have an adverse impact on adjacent or nearby property beyond what is reasonably expected within the existing Agricultural Residential IV (AR-IV) district.

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 IV (AR-IV, 17.120), but the proposed agri-entertainment venue cannot occur as described without approval of the Board of Commissioners.**
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, or utilities; **It is not anticipated that the proposed use will result in an excessive or burdensome use of existing streets, transportation facilities, or utilities.**
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 use is consistent with the Comprehensive Plan's future land use classification of Rural Residential.**
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; **The subject property (tax parcel 12014 000023) is currently developed with a single-family residence constructed in 1993, a barn, and a carport.**
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 not aware of any changing conditions that affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The current request for a use subject to County Commission approval to establish an agri-entertainment venue within the existing Agricultural Residential IV (AR-IV, 17.120) zoning district and will not create an isolated district.**

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.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **Agri-entertainment is not a use permitted by right within any Hall County zoning district; therefore, the establishment of agri-entertainment is subject to approval by the Board of Commissioners.**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **No, the request could not be handled alternatively as 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 are no anticipated ecological or pollution impacts 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. **The proposal meets the requirement, and the applicant understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**
- 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 did not specifically address the criteria listed in 17.380.060.c.**
 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 proposal meets the requirement.**

- 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 to the applicant's request.**
- 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. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated October 3, 2024, Emily McGahee stated, "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. A Food Service permit/plan review may be required after review of business plan."

Hall County Fire Marshal

In an email dated October 3, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, Lieutenant stated,

1. "The nearest fire hydrant is located 3,368 feet away from the driveway entrance at Kenimer and Ransom Free Rd. See attachment for location. The proposed building would be greater than the 500' distance from a fire hydrant (that) is required by fire code, see International Fire Code Section 507.5.1. "
2. "The conceptual site plan does not identify the road width to the barn. Fire apparatus roads shall have an unobstructed width of 20' exclusive of shoulders, see International Fire Code Section 503.2.1."
3. "The interior floor plan shows a 6 burner stove top, according to the International Fire Code each commercial kitchen exhaust hood and duct system required to have a type 1 hood shall be protected with an approved automatic fire extinguishing system, see International Fire Code Section 904.2.2."
4. "The Hall County Fire Marshal's Office considers the plan conceptual in nature, and if approved may require modifications during the development and building review process."

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated October 3, 2024, Bill Nash, Director, stated the following:

Engineering:

This 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 FEMA and Hall County studied Flood plains that are present on site. Also, show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Traffic:

Minimum 20 foot wide access required, other requirements may be necessary per civil plans.

Utilities:

Hall County Sewer Service Area.

Georgia Department of Transportation

In an email dated October 1, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated GDOT coordination is not required.

Hall County Tax Assessor

In an email dated September 26, 2024, Cher Melendez, Specialized Assessment Manager, stated "The above is under a current conservation covenant established in 2015 and will expire 12-31-2024."