

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Keith Bell

Request **Special Use | to amend condition of zoning**

Proposed Use Expand agri-entertainment venue

Size 20.27± acres

Zoning Agricultural Residential 1 (AR-1)

Location **5351 Lanier Islands Parkway | Tax Parcel 08169
003011**

Commission District One

Planning Commission Date February 3, 2025

Staff Recommendation **Approval**, as the proposed special use is consistent with the use standards for Agri-entertainment Events in the Unified Development Code.

Record Number.....HZCU24-0056

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

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated November 21, 2024, and as described in the project narrative dated December 3, 2024, and other application documents, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Per the previous approval by the county commission on September 14, 2023, a variance is granted for the building setback requirement for agri-entertainment structures, reducing the setback from 300 feet to 240 feet.
3. Per the previous approval by the county commission on September 14, 2023, 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. No other variances are granted from these standards.

5. 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 following the approval by the county commission on September 14, 2023.
6. All conditions of zoning shall appear on any plats or building plans created for the subject property.

Excerpts from the minutes of the February 3, 2025 meeting

Applicant's Presentation:

Kristie Turner, Principal Planner, presented a summary of the request.

Keith Bell, 3604 Carter Rd, Buford, presented the request. The applicant is requesting approval of a special use to amend conditions on a 20.27± acre tract, currently zoned Agricultural Residential 1 (AR-1), to expand the existing agri-entertainment venue, Compton Bell Farms, which features a corn maze and other seasonal events. The subject property was approved for use as an agri-entertainment venue on September 14, 2023, with 7 conditions. The property is developed with a pole barn (HCADD24-0059), an accessory building (HCNEW24-0226) and an open deck (HCNEW24-0227). The venue also includes two corn mazes, a pumpkin patch, two ground-level bounce pads, a slide, a picnic area with concession stand, a trail for wagon-rides, an equipment barn, and a parking area. The property has an active business license (HBUS-001417) for the agri-entertainment business which expires on December 31, 2025.

Public Forum:

Mr. Braswell stated for the record that a letter of opposition was received.

Planning Commission Comments:

Mr. Braswell asked if the venue intends to be open 7 days a week and the applicant confirmed. Mr. Braswell asked the applicant if he intends to amend his hours and the applicant confirmed. He stated that the hours of the venue would change to Sunday to Wednesday 9 am to 8 pm and Thursday to Saturday 8 am to 11 pm.

Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: 5-0

Conditions:

1. The property shall be developed in accordance with the site plan dated November 21, 2024, and as described in the project narrative dated December 3, 2024, and other application documents, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Per the previous approval by the county commission on September 14, 2023, a variance is granted for the building setback requirement for agri-entertainment structures, reducing the setback from 300 feet to 240 feet.

3. Per the previous approval by the county commission on September 14, 2023, 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. No other variances are granted from these standards.
5. 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 following the approval by the county commission on September 14, 2023.
6. All conditions of zoning shall appear on any plats or building plans created for the subject property.

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

1. The property shall be developed in accordance with the site plan dated November 21, 2024, and as described in the project narrative dated December 3, 2024, and other application documents, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Per the previous approval by the county commission on September 14, 2023, a variance is granted for the building setback requirement for agri-entertainment structures, reducing the setback from 300 feet to 240 feet.
3. Per the previous approval by the county commission on September 14, 2023, 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 Corridor Overlay District. No other variances are granted from these standards.
5. 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 following the approval by the county commission on September 14, 2023.
6. All conditions of zoning shall appear on any plats or building plans created for the subject property.

The following should be considered as exceptions to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

1. **7.7.3.B.11 – Agri-entertainment Events** – Agri-entertainment events may operate between the hours of 9:00 am and 10:00 pm on Sunday through Thursday and 9:00 am and 12:00 am on Friday and Saturday.
 - The applicant proposes extended hours of operation from 8:00 am to 8:00 pm Sunday through Wednesday and 8:00 am to 12:00 pm Thursday through Saturday.

Summary Analysis

The applicant is requesting a special use to amend conditions on a 20.27± acre tract, currently zoned Agricultural Residential 1 (AR-1), to expand the existing agri-entertainment venue, Compton Bell Farms, which features a corn maze and other seasonal events.

The subject property was approved for an agri-entertainment venue on September 14, 2023, with the following 7 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 Corridor 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.

The property is developed with a pole barn (HCADD24-0059), an accessory building (HCNEW24-0226) and an open deck (HCNEW24-0227). The venue also includes two corn mazes, a pumpkin patch, two ground-level bounce pads, a slide, a picnic area with concession stand, a trail for wagon-rides, an equipment barn, and a parking area. The property has an active business license (HBUS-001417) for the agri-entertainment business which expires on December 31, 2025.

According to the submitted narrative, the applicant is proposing to expand the agri-entertainment use to include self-harvesting of various fruits, vegetables, flowers, and trees that are either grown on site or provided from other sources. Additionally, the applicant is proposing to extend the current business hours to Sunday through Wednesday from 8:00 am to 8:00 pm, and Thursday through Saturday from

8:00 am to 11:00 pm. These new hours would be in place year-round to accommodate different holidays and harvest seasons.

Per the submitted site plan, the applicant is proposing the addition of a strawberry patch, a ropes course and five (5) accessory structures to accommodate various activities, such as skee-ball, bubble stations, and corn bins for the expansion of the agri-entertainment venue.

Water is provided by the City of Gainesville and sanitary sewer services are provided by on-site septic systems.

One (1) **variance** related to the hours of operation will be required if the narrative, as presented, is approved.

- 7.7.3.B.11 – Agri-entertainment Events – Agri-entertainment events may operate between the hours of 9:00 am and 10:00 pm on Sunday through Thursday and 9:00 am and 12:00 am on Friday and Saturday.
 - The applicant proposes extended hours of operation from 8:00 am to 8:00 pm Sunday through Wednesday and 8:00 am to 12:00 pm Thursday through Saturday.

Zoning Analysis

When considering an application for a Special Use, the Planning Commission must 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 must be considered:

- a) 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 requested amendment is consistent with the use subject to county commission which was previously approved on September 14, 2023.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the requested amendment will adversely affect adjacent properties.**
- c) Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned; however, the applicant cannot expand the agri-entertainment use without a Special Use approval by the Board of Commissioners.**
- d) 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 project was approved September 14, 2023, and the expansion of the agri-entertainment venue will not result in an**

excessive or burdensome use of existing infrastructure. The property is served by an onsite septic system and water from the City of Gainesville.

- e) 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 agri-entertainment venue has been established by previous board action. The requested modification does not significantly impact the designated future land use of the area.**
- f) 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.**
- g) 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.**
- h) 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.**
- i) 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 site is currently developed with accessory structures (HCADD24-0059, HCNEW24-0226, and HCNEW24-0227). Also, the development includes two corn mazes, a pumpkin patch, two ground-level bounce pads, a slide, picnic area with concession stand, trail for wagon-rides, equipment barn, and parking area.**
- j) 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.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **No change to the current zoning of Agriculture Residential 1 (AR-1) is proposed.**
- l) 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.**
- m) 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.**
- n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The existing zoning of the subject site supports the proposed use;**

however, the expansion of the agri-entertainment venue requires approval by the Board of Commissioners.

- o) Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request could not be handled alternatively as a variance.**
- p) 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 adhere to the land development permitting process, and as a result, are subject to local, state, and federal regulations. There should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
- q) 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.**

11.2.6. E. - Submission requirements

- 1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec. 11.2. to cover administrative and advertising costs, in the Planning and Zoning 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. The applicant has paid the appropriate fees and 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.**
- 2. All applications for a change of zoning classification or use subject to approval of the County Commission shall include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 11.2. **The proposal provides a narrative outlining the intent of the development; however, the applicant has not prepared a response to each of the criteria listed in 11.2.6.E.2.**
 - b. 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 as defined in 7.6.9.D.1, 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 must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated December 27, 2024, Emily McGahee stated "Must meet all 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/modification may be required after review of business plan."

Hall County Fire Marshal

In an email dated January 2, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Public Works and Utilities

In a memo dated January 2, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

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.

Traffic:

GDOT permit required

Utilities:

No Hall County sewer available

Georgia Department of Transportation

In an email dated January 13, 2025, Henry K. Stevens, E.I.T., GDOT Civil Engineer 2, stated that GDOT coordination is required.