

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Brenton Pierce

**Request** ..... **Special Use** | amend conditions of zoning

**Proposed Use** ..... Agri-entertainment venue

**Size** ..... 27.96± acres

**Zoning** ..... Agricultural Residential 1 (AR-1)

**Location** ..... **3266 Chestatee Road** | Tax Parcel 10059 000012

**Commission District** ..... Two

**Planning Commission Date** ..... June 2, 2025

**Staff Recommendation** ..... **Approval, with conditions**, as the proposed use is consistent with the “Rural Agriculture” future land use classification within the Comprehensive Plan.

**Record Number**..... HZCU25-0018

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

**Vote: 4-0 (Varner absent)**

**Planning Commission Conditions:**

1. Development is approved as generally shown on the concept plan dated April 4, 2025, and described in the project narrative dated April 4, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The proposed use shall operate within the parameters of the Hall County Noise Ordinance- Title 8.80.020. Wedding receptions and other outdoor events may have unamplified music outdoors with limited amplification permitted during wedding ceremonies.
3. Any new development related to the agri-entertainment venue will be subject to the Hall County Development Review process.

4. The agri-entertainment venue shall seek a temporary use permit for any event that requires use of a tent and meet any other regulations of the Hall County Fire Services.
5. The applicant shall meet Hall County Environmental Health standards to ensure regulations pertaining to onsite septic systems and food service permits are met.
6. The subject parcel shall be held to Hall County Engineering Stormwater Management Regulations.
7. Any future expansion of activities on the property may require approval by the Hall County Board of Commissioners.
8. Hours of operation shall be: Sunday through Thursday 9:00 a.m. to 9:00 p.m. and Friday and Saturday 9:00 a.m. to 10:00 p.m.
9. Applicant shall only use professional DJ services.
10. Business License renewals shall be approved by the Board of Commissioners.
11. No outside amplification after 8:30 p.m.
12. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
13. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

**Excerpts from the minutes of the June 2, 2025 meeting**

**Applicant's Presentation:**

**Katie Greenway, Planning and Zoning Administrator**, presented a summary of the request. Ms. Greenway further clarified this was to amend condition #9 to allow for a new owner or management company to oversee the operation of the business.

**Carla Walker, 340 Jesse Jewel Parkway, Suite 650, Gainesville**, presented the request. The applicant is requesting to amend the conditions of zoning on a 27.96± acre tract zoned Agricultural Residential 1 (AR-1) to remove the previously approved condition #9, which limits the ownership of the agri-entertainment event venue to the applicant only. The property is currently developed with a single-family residence and a detached garage both constructed in 1985, a shop built in 2000, and a pole barn that was constructed in 2000 and remodeled in 2018 (COM2018-00424). An agri-entertainment venue operates on the property, and has an active business license (BUS-0032979). The subject property was approved for a use subject to county commission on March 22, 2018, for an agri-entertainment event venue (ZON2018-00003) and subject to 13 conditions.

**Public Forum:**

**Pat Moore, 4612 Ridge Gate Drive, Gainesville,** spoke in opposition. Ms. Moore questioned whether the venue would continue to evolve and disturb the surrounding residential area. Mr. Braswell clarified this application is only for the consideration of a change to a condition of their previous approval. Ms. Moore raised a concern about allowing a third-party management company to oversee the business. Mr. Braswell explained the business would still be required to renew the business license every year and the County would be updated regarding who is running the business. Ms. Moore asked what could be done about the current noise disturbances outside of the business hours and Mr. Braswell explained that those instances should be reported to the County through the Marshal's Office.

**Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Shannon Davidson. Vote: 4-0 (Varner absent)**

Conditions:

1. Development is approved as generally shown on the concept plan dated April 4, 2025, and described in the project narrative dated April 4, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The proposed use shall operate within the parameters of the Hall County Noise Ordinance- Title 8.80.020. Wedding receptions and other outdoor events may have unamplified music outdoors with limited amplification permitted during wedding ceremonies.
3. Any new development related to the agri-entertainment venue will be subject to the Hall County Development Review process.
4. The agri-entertainment venue shall seek a temporary use permit for any event that requires use of a tent and meet any other regulations of the Hall County Fire Services.
5. The applicant shall meet Hall County Environmental Health standards to ensure regulations pertaining to onsite septic systems and food service permits are met.
6. The subject parcel shall be held to Hall County Engineering Stormwater Management Regulations.
7. Any future expansion of activities on the property may require approval by the Hall County Board of Commissioners.
8. Hours of operation shall be: Sunday through Thursday 9:00 a.m. to 9:00 p.m. and Friday and Saturday 9:00 a.m. to 10:00 p.m.
9. Applicant shall only use professional DJ services.
10. Business License renewals shall be approved by the Board of Commissioners.
11. No outside amplification after 8:30 p.m.

12. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
13. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

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

1. Development is approved as generally shown on the concept plan dated April 4, 2025, and described in the project narrative dated April 4, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The proposed use shall operate within the parameters of the Hall County Noise Ordinance- Title 8.80.020. Wedding receptions and other outdoor events may have unamplified music outdoors with limited amplification permitted during wedding ceremonies.
3. Any new development related to the agri-entertainment venue will be subject to the Hall County Development Review process.
4. The agri-entertainment venue shall seek a temporary use permit for any event that requires use of a tent and meet any other regulations of the Hall County Fire Services.
5. The applicant shall meet Hall County Environmental Health standards to ensure regulations pertaining to onsite septic systems and food service permits are met.
6. The subject parcel shall be held to Hall County Engineering Stormwater Management Regulations.
7. Any future expansion of activities on the property may require approval by the Hall County Board of Commissioners.
8. Hours of operation shall be: Sunday through Thursday 9:00 a.m. to 9:00 p.m. and Friday and Saturday 9:00 a.m. to 10:00 p.m.
9. Applicant shall only use professional DJ services.
10. Business License renewals shall be approved by the Board of Commissioners.
11. No outside amplification after 8:30 p.m.
12. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.

13. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

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### **Summary Analysis**

The applicant is requesting to amend the conditions of zoning on a 27.96± acre tract zoned Agricultural Residential 1 (AR-1) in order to remove the previously approved condition #9 which limits the ownership of the agri-entertainment event venue to the previous applicant only.

The property is currently developed with a single-family residence and a detached garage, both constructed in 1985; a shop built in 2000; and a pole barn that was constructed in 2000 and remodeled in 2018 (COM2018-00424). An agri-entertainment venue is also located on the property and operates with an active business license (BUS-0032979).

The subject property was approved for a use subject to county commission on March 22, 2018, for an agri-entertainment event venue (ZON2018-00003). The special use approval was subject to the following 13 conditions:

1. The development is approved as generally shown on the concept plan and as described in the February 20, 2018, project narrative.
2. The proposed use shall operate within the parameters of the Hall County Noise Ordinance - Title 8.80.020. Wedding receptions and other outdoor events may have unamplified music outdoors with limited amplification permitted during wedding ceremonies.
3. The barn shall be inspected by Hall County Building Inspections to meet the building code for assembly purposes.
4. Any new development related to the agri-entertainment venue will be subject to the Hall County Development Review process.
5. The agri-entertainment venue shall seek a temporary use permit for any event that requires use of a tent and meet any other regulations of the Hall County Fire Services.
6. The applicant shall meet Hall County Environmental Health standards to ensure regulations pertaining to onsite septic systems and food service permits are met.
7. The subject parcel shall be held to Hall County Engineering Stormwater Management Regulations.
8. Any future expansion of activities on the property may require approval by the Hall County Board of Commissioners.
9. Approval for the request shall be limited to the applicant only. In the event that the property is sold, any new owners shall be required to get approval by the Hall County Board of Commissioners.
10. Hours of operation shall be: Sunday through Thursday 9:00 a.m. to 9:00 p.m. and Friday and Saturday 9:00 a.m. to 10:00 p.m.
11. Applicant shall only use of professional DJ services.
12. Business License renewals shall be approved by the Board of Commissioners.
13. No outside amplification after 8:30 p.m.

Per the narrative, the applicant is requesting to amend condition #9 to allow for the continued agri-entertainment venue use under a different owner or third-party management company. Currently, the agri-entertainment venue's operation is limited to the property owner only. No other changes are being proposed as part of this request.

### **Zoning Analysis**

When considering a zoning amendment to the zoning maps, 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 use of the property is suitable in view of the use and development of adjacent and nearby properties.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed special use does not adversely affect the existing use or usability of adjacent properties.**
- c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned.**
- 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 proposed amendment of conditions is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**
- 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 was previously established by board approval on March 22, 2018 and the requested modification is not likely to 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 values 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; **The applicant states that a hardship is being imposed on the property owner under the development approvals which limit the operation of the agri-entertainment venue.**

- 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 property is currently developed with a single-family residence and a detached garage, both constructed in 1985; a shop built in 2000; and a pole barn constructed in 2000 and remodeled in 2018 (COM2018-00424). An agri-entertainment venue is also located on the property and operates with an active business license (BUS-0032979).**
- 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; **There are no known changing conditions affecting the use or 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 Agricultural 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; **The property is currently zoned Agricultural Residential 1 (AR-1) and the proposed amendments are not out of scale with the needs of the County as a whole or the immediate neighborhood.**
- n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **All agri-entertainment venues are considered a special use and must be approved 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 to amend conditions 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 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.**
- 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 must 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 must include:
  - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 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 may 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 May 1, 2025, Emily McGahee stated, "Existing commercial septic system sized for 750gpd/150 guests."

#### **Georgia Department of Transportation**

In an email dated April 28, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

#### **Hall County Public Works and Utilities**

In a memo dated May 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.

Show stream buffer and impervious setback from wretched vegetation not centerline of stream

**Traffic:**

No comment.

**Utilities:**

Not in Hall County Sewer Service Area.

**Hall County Fire Marshal**

In an email dated April 28, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments to amend condition 9 as requested by the applicant."