

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant John Biggers

Request Amend the conditions of previously
approved Planned Commercial
Development (PCD)

Proposed Use Event venue

Size 7.84± acres

Zoning PCD

Location On the west side of Cleveland Highway
approximately 767 feet from its intersection
with Deer River Trail; a.k.a. 4789 Cleveland
Highway; Tax Parcel 12028 000077.

Commission District Three

County Commission Date June 24, 2021

Staff Recommendation **Approval, with conditions**

Planning Commission Recommendation – Approval, with conditions
Vote: 4-0 (Mr. Varner absent)

Conditions

√	1. <i>The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of application.</i>
√	2. <i>All future development shall be subject to Hall County Development Review process and Land Disturbance permits and/or building permits.</i>
√	3. <i>Business hours shall be 9:00am to 10:00pm Sunday through Thursday and 9:00am to 12:00am on Friday and Saturday.</i>
√	4. <i>There shall be no amplifying sound equipment outside, unless used during a wedding ceremony.</i>
√	5. <i>Number of guests allowed on the property during a special event shall be set and approved by the Hall County Fire Marshal.</i>
√	6. <i>There shall be no events at the larger structure on the property. That building is approved for personal storage only.</i>

√ **Applicant agrees with conditions.**

Applicant Proposal

The applicant is requesting to amend conditions of a previously approved Planned Commercial Development (PCD). The application seeks approval for the operation of an event venue on the existing PCD property.

In the narrative, the applicant requests approval for events such as hosting weddings, rehearsal dinners, and special events such as private function venues, small gatherings, corporate events, presentations, and meetings.

The applicant goes on to state that the property has ample parking and limited neighbors. The applicant's narrative states that the nearest neighbor is 1,000 feet away but is currently a vacant house and the closest inhabited home is a rental 2,500 feet away from the subject property. The applicant states that the barn is located at the back of the property and is surrounded by dense forest with no immediate neighbor. He believes the trees surrounding the property will help absorb much of the sounds produced by any event held on the property.

The proposed guest number is 50 – 100 guest inside the barn, and slightly more if held outside and proposed hours are 10:00 a.m. to midnight.

History and Existing Land Uses

The subject property is 7.84± acres and is zoned Planned Commercial Development (PCD). On April 22, 2010, the Hall County Board of Commissioners voted to approve with conditions the application to rezone from Planned Office Development (POD) and Agricultural Residential-IV (AR-IV) to PCD for mixed use as office, retail, restaurant, manufacturing and warehouse. The conditions of approval are as follows:

1. Development shall be in substantial conformance with the proposed plan and narrative submitted.
2. All development shall meet and confirm to Gateway Corridor Overlay District standards.
3. Driveway design, placement and access must be approved by the Georgia Department of Transportation.
4. All site development shall be reviewed and approved through the permitting process.
5. All conditions of zoning shall be made a part of any plat created for the property.
6. Prior to any permits being issued for site development and building construction, the applicant shall coordinate with the Georgia Department of Transportation (GDOT) and consult with Hall County staff to ensure the development will account for future widening of US 129 (Cleveland Highway).
7. Hours of operation shall be as follows:
 - Manufacturing: Monday – Saturday 7:30 a.m. – 7:00 p.m. (including truck delivery/pick-up).
 - Office/Retail: Monday – Sunday 7:00 a.m. – 10:00 p.m.
 - Restaurant: Monday – Sunday until 12:00 a.m. (closing)

The property currently consist of two barns with a garage parking area and gated entrance.

The subject property was issued a building permit for a pole barn on April 10, 2018. The pole barn was issued for agricultural use only. The current request is to utilize the property for commercial

purposes and any improvements will be subject to Hall County's Development Review process and Land Disturbance Permits (LDP) and/or building permits.

The surrounding parcels are developed exclusively with site-built homes on large tracts located within the Agricultural-Residential-IV (AR-IV) zoning districts. There are two properties zoned Suburban Shopping (S-S) in close proximity to the subject property. Both tracts are developed with single family homes and do not possess a business license of any kind.

Comprehensive Plan Land Use Designation

According to the Hall County future land use map, the subject property is located within a Mixed-Use Corridor. The primary future land uses within this corridor are retail activities, office-based employment, civic uses, and single-family residential, low impact industrial or higher density residential only where the same is found on adjacent properties.

Non-residential uses along corridors in Residential and Rural Areas should be located in close proximity to Community Crossroads or Activity Centers. Access should be from secondary roads so as not to impede traffic flow, and adjacent businesses should share inter-parcel access.

The subject property is also located within the Hall County Gateway Corridor District which is supplemental to the original zoning district and govern development standard for non-residential properties.

This use is **consistent** with the Hall County Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health

In an email dated May 4, 2021 Emily McGahee with Environmental Health 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, existing septic system evaluation, septic system installation, and food service permit/plan review may be required after review of business plan"

Hall County Fire Services

The subject property is located approximately 3.5 miles from Hall County Fire Station #2, located at 6012 Hulsey Road. The closest fire hydrant is located approximately 654 feet from the north east corner of the subject property in the right-of-way of Cleveland Highway.

Hall County Public Works and Utilities

Per a memo dated May 6, 2021 from Srikanth Yamala, Hall County Director of Public Works and Utilities, the following comments were provided:

Engineering

No comment

Sewer Services

No comment

Traffic Engineering

No comment

Hall County Tax Assessors

No comments provided

Gainesville Water Resources

Per Hall County GIS, public water is available to this property along Cleveland Highway.

Georgia Department of Transportation

In an email dated April 26, 2021 Jonathan Peevy – Assistant District Traffic Engineer – stated that this project will require GDOT coordination.

Zoning Analysis

- The proposed use is consistent with the Hall County Comprehensive Plan.
 - The property falls within the mixed use corridor which describes the following types uses as part of the corridor: retail activities, office-based employment, civic uses, and single-family residential, low impact industrial or higher density residential only where the same is found on adjacent properties.
 - The proposed event facility will serve the surrounding residential and commercial uses, providing needed event space in the northern Hall County area.
- The subject property was approved with conditions for rezoning on April 22, 2010 for mixed use as office, retail, restaurant, manufacturing and warehouse.
 - The applicant is requesting to amend the existing conditions for the subject property and change the approved use to an event venue.
 - The property was not developed or used according to the current rezoning.
- The subject parcel is zoned Planned Commercial Development (PCD), which allows the applicant the ability to propose standards that are different from the official code of Hall County.
 - The applicant has not proposed any specific development standards.
 - If changes to development standards are not proposed and approved, then a property zoned PCD is subject to the zoning regulations of Suburban Shopping (S-S).
- The subject property also falls within the Gateway Corridor Overlay District (GCOD), which governs non-residential development standards.
 - The applicant has not proposed any additional structures as part of this application.
 - Any further development of the site will be subject to the standards of §17.420, the Gateway Corridor Overlay District (GCOD) of the Official Code of Hall County.
 - Specifically, the GCOD regulates the following areas: architectural standards for non-residential buildings, buffers and landscaping, outdoor lighting, parking lot design, and signage.
- The applicant has proposed the hours of operations to be 10:00 a.m. to midnight.

- Prior to use as an event venue, the existing pole barn will need to meet commercial building and life safety requirements for an assembly use.
 - The proposed development will be subject to Hall County's Development Review process which oversees non-residential property development. This will include, but is not limited to, local and state regulations as they related to erosion and sedimentation control and stormwater management.
 - Existing or proposed restrooms were not discussed in the applicant's narrative but will be required prior to use as an event facility.
- The applicants narrative indicates that the nearest residence is approximately 1,000 feet away and is unoccupied and the nearest occupied residence approximately 2,500 feet away.
 - Using Hall County GIS the following information was determined:
 - 4763 Cleveland Highway borders the subject property to the south, developed with a 1,062 square foot residence, various out buildings, and is approximately 456 feet from the proposed event venue.
 - 4760 Cleveland Highway is located across Cleveland Highway, also to the south of the subject parcel, is developed with a 768 square foot residence, various out buildings, and is approximately 700 feet from the proposed event venue.
 - 4819 Cleveland Highway is located to the north of the subject property, developed with 2,030 square foot residence, and is approximately 510 feet from the proposed event venue.
- The applicant's narrative indicates the proposed number of guests to be between 50 – 100. The final occupancy load will be set by Hall County Fire Services, based on the occupancy load of the event venue.

Staff Recommendation

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

1. The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of application.
2. All future development shall be subject to Hall County Development Review process and Land Disturbance permits and/or building permits.

Excerpts from the minutes of the meeting of May 17, 2021

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

John Biggers, 4789 Cleveland Highway, Gainesville, presented the request. Mr. Biggers stated that the venue was a brand new building that had been inspected by Hall County. He stated that he had heard from a lot of people wanting to rent the building out for events and was unaware of all the other zoning requirements that were needed to be able to do that. Mr. Biggers stated that he was trying to get everything done the correct way in order to be able to rent it out to people. Mr. Braswell asked if Mr. Biggers lived in the other building on the

property. Mr. Biggers stated that he did, however it was temporary. Mr. Braswell reviewed the hours of operations in the code and stated that he would like to request that Mr. Biggers not have any outdoor amplification of any kind unless it was during a wedding ceremony or something similar. Mr. Biggers stated that he would be okay with that and his phone can control everything from lights to the sound. Mr. Biggers also stated that the building sits far off from the road and the closest house to it, the owner recently passed away and their grandson was keeping up with the property on the weekends. Ms. Pilcher asked for the site plan to show which building would be used for the events. Mr. Braswell asked if any events would go on in the other building. Mr. Biggers stated that there would not be. Ms. McQuade stated that the Planning Commissioners might want to discuss the uses for the other building. Mr. Biggers stated that he used the building to store his cars and it would be for personal use only.

Public Forum:

Haydee Anderson, 4723 Cleveland Highway, Gainesville, spoke in opposition of the request. Ms. Anderson stated that she was concerned with the possibility of traffic, the level of noise, and security as well. She stated that she did not want any bad wrecks to happen to guests leaving the venue after consuming alcohol.

Planning Commission Comments:

Mr. Hunt asked if any additional conditions would need to be added. Mr. Braswell stated that the hours of operation would need to be clarified, no amplifying sound equipment outside, number of occupants would need to be set and approved by the Hall County Fire Marshal, and specify that there would not be any events in the other building on the property.

Motion: *Mr. Hunt made a motion to recommend approval, with conditions for the request, with a second from Mr. Bell and the motion passed by a 4-0 vote. (Mr. Varner absent)*

Conditions:

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