

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Norris Development

Request..... Rezone from Vacation-Cottage (V-C) to
Agricultural Residential-III (AR-III)

Proposed Use Agri-entertainment venue

Size 7.9± acres

Zoning V-C

Location On the south side of Shirley Road
approximately 653 feet from its intersection
with Destitute Way; a.k.a. 4726 Shirley Road;
Tax Parcel 10128 000049.

Commission District Three

Planning Commission Date June 6, 2022

Staff Recommendation **Approval, with conditions**

Planning Commission Recommendation: Approval, with conditions
Vote: 4-0 (Pilcher absent)

Conditions:

1. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a 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.”*
2. *All conditions of zoning shall be made part of any plats created for the property.*

Applicant Proposal

The applicant is requesting to rezone the property from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) for the purpose of operating an agri-entertainment venue on the 7.9± acre tract. The Official Code of Hall County only permits agri-entertainment venues within the Agricultural Residential-III (AR-III) and Agricultural Residential-IV (AR-IV) zoning districts when approved as a

conditional use by the Board of Commissioners. The applicant has submitted a concurrent application for the conditional use request.

According to the narrative, events to be held on the property may include weddings, corporate events, and film production events. The narrative continues to state that the operating hours will vary depending on the type of event, however, events will not go beyond 10:00pm if music is involved. Events will be limited to 125 guests on the day of the event, with no more than 16 people allowed to stay on the property overnight.

The narrative continues to describe the proposed parking for events, which limits this to the number of spaces available on the property and will prohibit parking along Shirley Road. Valet parking will be provided for the events, with the applicant/property owner providing the parking attendants and security services. Per the narrative, the property has extensive indoor and outdoor lighting in place to ensure the safety of guests. The property contains 10 bathrooms within the existing residence with additional facilities to be provided during scheduled events to accommodate the number of guests in attendance. Access to the property will be from Shirley Road, through the existing driveway, which is gated.

The site plan submitted with the application shows a heavily wooded property with a long driveway leading to the residence, located at the southernmost portion of the property, adjacent to U.S.A.C.E property and Lake Lanier. There are three areas on the property identified for proposed valet parking locations, providing a total of 58 spaces.

History and Existing Land Uses

The subject property consists of 7.9± acres and is zoned Vacation Cottage (V-C). According to Hall County records, the property is developed with a single-family residence built in 1994, consisting of 6,525 square feet per the floorplan submitted by the application. In addition to the residence, there are various accessory structures on the property, including an in ground swimming pool, outdoor seating area, and a 20 foot by 22 foot building.

The surrounding adjacent properties are also zoned V-C, with the properties located across Shirley Road being zoned Agricultural Residential-III (AR-III). The agriculturally zoned properties consist of low-density single-family residential and agricultural uses. The V-C zoning adjacent to the subject parcel consists of lot to moderate density single-family homes.

This appears to be the original zoning of the subject property per Hall County records.

The property has had two code enforcement complaints within the past two years. The first was in 2021 (COD2021-01090) relating to a complaint of trashcans being left in the yard and right-of-way. Upon the investigation the responding officer found the trashcans located approximately 50 feet up the driveway and found no evidence of violation, closing the case without issuing a citation. The second violation occurred in March 2022 (COD2022-00211) and relates to the use of the property as a short term rental and event venue without proper licensing. Since then, the applicant has filed these requests for rezoning and conditional use approval for an agri-entertainment venue and has applied for a short term rental license. At the time of writing, no business license has been obtained for the short term rental, though it appears that one could be applied for.

Comprehensive Plan Land Use Designation

The future land use designation for this parcel is “Lake Area Residential.” The general characteristics of Lake Area Residential includes detached single-family low-density residential development, less intensive agricultural uses, greenways and trails, and civic benefits such as community centers, libraries, places of worship, and schools

The Community Vision section of the Comprehensive Plan indicates the following with regards to agri-entertainment/agritourism:

- **Social and Economic Development (SED) Goal 1.6:** Coordinate with the Lake Lanier Convention and Visitors Bureau to promote agritourism in the county.

Within the Implementation Program, the following recommendations are made to preserve the rural character of an area:

- Maintain residential use (or agricultural) as the primary land use along roadways that do not have a Corridor designation on the Future Development Map (**Development Patterns (DP) Strategy 3.2**).

This request is consistent with the Future Land Use Designation found in the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health

In an email dated May 13, 2022 Emily McGahee with Hall County 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, or septic system installation/modification 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.

Hall County Fire Services

The subject property is located approximately 2 miles from Hall County Fire Station #16, located at 4209 Shirley Road. There is a fire hydrant located in front of the subject property along Shirley Road.

On May 12, 2022, John Hornick, with Hall County Fire Rescue, provided the following comment: “The Hall County Fire Marshal’s Office will have comments regarding fire apparatus accessibility and life safety on items 4 & 5 if approved.”

Hall County Public Works and Utilities

A memorandum from Srikanth Yamala, Director of Public Works and Utilities, dated May 19, 2022 had the following comments in regards to this application:

Engineering

The site may require a stormwater management report, should the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Traffic Engineering

Recommend the driveway (shown as nine feet in width) be improved to accommodate twoway traffic.

Utilities

No comments.

Hall County Tax Assessors No comments were provided.

Gainesville Water Resources (per GIS records)

The Hall County GIS shows that public water is available to the subject property along Shirley Road.

Georgia Department of Transportation

This project will not require GDOT coordination.

Zoning Analysis

- The applicant is requesting to rezone the property from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) for the purpose of operating an agri-entertainment venue ○ This request is consistent with the Future Land Use Designation found in the Comprehensive Plan.
- Agri-entertainment 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.
 - The applicant has indicated events to be held on the property may include weddings, corporate events, and film production events.
 - Properties within Hall County may be used as a filming location without approval from the Board of Commissioners. A permit can be obtained from the Business License division.
- The agri-entertainment district was developed as a mechanism for Hall County to permit land and business owners the ability to offer assembly events within an agricultural venue.

Staff Recommendation

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

1. Any future development of the parcel shall be subject to the Hall County Development Review process, including the driveway and stormwater requirements as re by Hall County Public Works.
2. Future development 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, or septic system installation/modification 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.

3. The proposed use as an agri-entertainment venue shall require a Conditional Use Permit to be approved by the Board of Commissioners.
4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a 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.”
5. All conditions of zoning shall be made part of any plats created for the property.

Excerpts from the minutes of the June 6, 2022 meeting

Applicant’s Presentation:

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

David Norris, 4726 Shirley Road, Gainesville, presented the request. The applicant stated that they got a permit for short term rental. The applicant stated that the home is very unique and for that reason it would be great for wedding events and filming productions. The applicant stated that if approved, it would have a capacity of 125 people, with 58 parking spaces, on duty police officer, owner on the premise at all times, and music to be shut off by 10:00 pm.

Pricilla Kendall, 310 Big Sky Drive, Hiawassee, presented the request. The applicant stated that she has been managing properties for the applicant in Hiawassee with similar accommodations as this request. The applicant stated that there are house rules as well as contracts that are signed before getting into the house. The applicant stated that the guests are required to have insurance for events and there will be staff on the property at all times.

Rebuttal

Mr. Norris stated that the noise is not as bad as it is being made out to be but they would comply with conditions. Ms. Kendall stated that the property was not listed as having ten rooms, it only has eight rooms available. Ms. Kendall stated that amplified music didn’t have to be approved and they would follow conditions given by the board to get it approved.

Public Forum:

Sharon Ballinger, 4710 Shirley Road, Gainesville, spoke in favor. Stated there were no noise complaints and the event venue would be a good idea for the property.

Jack Gilsdorf, 4421 Wild Turkey Way, Gainesville, spoke in opposition. Concerns were commercial development, noise, traffic, and public safety.

Christy Moye, 4824 Shirley Road, Gainesville, spoke in opposition. Concerns were ordinance violations, noise, pollution, and traffic.

Michael Slate, 5215 Shirley Road, Gainesville, spoke in opposition. Concerns were traffic and public safety.

Chris Slate, 5215 Shirley Road, Gainesville, spoke in opposition. Concerns were traffic overflow, environmental health violation, and film production overflow.

Brett Mosugwitz, 4104 Willow Trace, Gainesville, spoke in opposition. Concerns were noise, legal issues, and crime.

Stephanie Braselton, 4734 Shirley Road, Gainesville, spoke in opposition. Concerns were lack of communication, traffic, and safety.

Jim Gilbertson, 5520 Little River Circe, Gainesville, spoke in opposition. Concerns were noise.

Planning Commission Comments:

Mr. Hunt questioned if there would be amplified music. Mr. Norris stated no. Mr. Hunt stated that it would be required to make the drive way a two-way road. Ms. Kendall stated that it has already been widened. Mr. Bell questioned if Mr. Norris was living at the home. Mr. Norris stated that he is. Mr. Hunt stated that the width of the property wasn't wide enough to allow a parking lot meeting the 200 feet requirement from the property line.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-0 (Pilcher Absent)

Conditions:

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