

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Norris Development

**Request**..... Use Subject to County Commission approval

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

**Size** ..... 7.9± acres

**Zoning** ..... V-C (applied for rezoning to AR-III)

**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**

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**Planning Commission Recommendation: Denial**  
**Vote: 4-0 (Pilcher absent)**

**Applicant Proposal**

The applicant is requesting a use subject to County Commission approval 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 with Board of Commissioners approval. The applicant has submitted a concurrent application to rezone the property to AR-III.

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 low 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-ofway. 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. The agri-entertainment special use requested is consistent with the use pattern and zoning designations for properties within close proximity.

### **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)

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 a Conditional Use Permit for the purpose of operating an agri-entertainment venue
  - This request is consistent with the Future Land Use Designation found in the Comprehensive Plan. The agri-entertainment special use requested is consistent with the use pattern and zoning designations for properties within close proximity.
- 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.
- §17.215.040. of the Official Code of Hall County outlines 16 conditions and regulations for agri-entertainment venues:
  - A. A Hall County Business License shall be required if the zoning request is approved for the agri-entertainment events.
    - If approved, the applicant would be required to obtain a business license prior to any events being held on site.
  - B. The property shall be used for the purpose of providing an agri-entertainment venue, as provided for in section 17.215.030(A).
    - The applicant has stated the property would be used for weddings, corporate events, or film production events.
  - C. The structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner.
    - The existing residence is located 63 feet from the adjacent property to the east. **A variance will be required.**
  - D. All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner.
    - The proposed parking areas do not include setback information but it does not appear that the parking areas meet the 200 foot separation requirement. **A variance will be required.**
    - E. Parking shall be permitted on grass or gravel.
    - The applicant and site plan do not state the material to be used for the parking areas.

- F. The agri-entertainment event barn or primary event structure shall be permitted to be constructed only on the property described.
  - The residence is existing and no modifications to the structure are proposed.
- G. The maximum number of attendees to occupy any agri-entertainment event barn or structure on the premises shall be regulated by the Hall County Fire Marshal.
  - The Fire Marshal has stated further review will be required if the applications are approved.
- H. The occupancy of the agri-entertainment event barn or primary event structure shall not exceed the occupancy load provisions of the Uniform Building Code and those occupancy load limits shall be posted on the premises by the Hall County Building Inspection Department.
  - This will be completed in conjunction with the Hall County Fire Marshal.
- I. The use of the premises for an agri-entertainment venue shall be permitted only after the issuance of a certificate of occupancy by the Hall County Building Inspection Department.
  - This will be completed prior to issuance of a Business License.
- J. Any improvements required to support the property as an agri-entertainment venue shall be made only after the issuance of a building permit by the Hall County Building Inspection Department.
  - There are no proposed structural improvements though the addition of the parking areas may require further review through the Development Review process.
- K. Outdoor activities within the agri-entertainment event barn or primary event structure shall not involve the outside amplification of voice, music and/or instruments except during a wedding ceremony.
  - The applicant has not provided information regarding amplification of voice, music, and/or instruments or if events are to be held indoors or outside, but has stated that if an event includes music it will not go past 10:00pm.
- L. Agri-entertainment events shall commence no earlier than 9:00 a.m. and shall terminate no later than 10:00 p.m. on Sunday through Thursday and no later than 12:00 a.m. on Friday and Saturday.<sup>1</sup> For [the] purpose of this section, termination shall mean the termination of food, drinks, service and entertainment with the understanding that attendees will need a reasonable amount of time after termination to exit the premises.
  - The applicant has not provided hours of operation, with the exception that events with music will not go past 10:00pm.
- M. All agri-entertainment events shall be provided with adequate potable water and sanitary waste disposal systems as approved by the Hall County Environmental Health Department.
  - Hall County Environmental Health has stated additional information will be required during the Development Review process.
- N. All agri-entertainment events shall provide for adequate access and egress for emergency vehicles as determined through the development review process.
  - The Fire Marshal has stated that further review will be needed for fire apparatus accessibility and life safety if the request is approved.
- O. All agri-entertainment events shall be provided with adequate personnel to assist with parking, emergency and other potential impacts of each event.

- The applicant has stated that valet parking attendants and security will be provided for all events.
- P. If the property being considered for agri-entertainment use is "bona-fide conservation use property" as defined under O.C.G.A. §§ 48-5-7.1 through 48-57.4, caution should be used to insure that the proposed agri-entertainment use of the property does not constitute a breach of the conservation covenants applicable to the property.
  - The property is not under the conservation covenant.
- The use of the property as an event venue may have traffic and noise impacts on the general area.
- §17.380.060 of the Official Code of Hall County provides the criteria for considering a conditional use. The application meets all these standards based on the following analysis:
  - The zoning proposal is consistent with the Comprehensive Land Use designation by maintaining low density residential and agricultural uses in the area of the lake.
  - Due to the low density development within this area, a conditional use, if granted, would not cause substantial detriment to the public good.

**Variances to the Official Code of Hall County**

Staff recommends **approval** of the following variances:

1. §17.215.040.C requires the structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner.
2. §17.215.040.D requires that all parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner

**Staff Recommendation**

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

1. The issuance of the Conditional Use Permit is contingent on the Board of Commissioners granting the request to rezone the property to AR-III.
2. The development shall occur as described in the narrative and meet all standards set forth by §17.215 of the Official Code of Hall County.
  - a. A variance to §17.215.040.C and §17.215.040.D shall be granted for the existing residence and proposed parking areas.
3. The applicant shall meet all permitting and requirements of county departments including, but not limited to: Hall County Building Inspections, Engineering, Environmental Health, Fire Services, and Planning to make sure the structure and property meets commercial occupancy requirements, stormwater management, fire apparatus accessibility, and life safety requirements, and other applicable regulations.
4. Any future development of the parcel shall be subject to the Hall County Development Review process.
5. 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.

6. All conditions of zoning shall be made part of any plats created for the property.
7. This use is approved for the applicant only. Any change in property ownership or business ownership shall require approval of the Hall County Board of Commissioners to continue operation of the agri-entertainment venue.
8. The proposed use shall operate within the parameters of the Hall County Noise Ordinance. Wedding receptions and other outdoor events may have unamplified music outdoors with limited amplification permitted during wedding ceremonies.
9. Lighting shall be no spill lighting.
10. Any tents used for an event shall obtain a zoning verification for each event. A site plan for the zoning verification review shall include the location of parking, the tent, maximum occupancy approved by the Fire Marshal and locations of additional toilet facilities as required by Environmental Health. The inspection of the tent by the Fire Marshal shall occur a minimum of 48 hours prior to the event on a regular county business day.
11. The events shall be limited to 125 guests, subject to approval of the Fire Marshal, on the day of the event with no more than 16 people allowed to stay on the property overnight.
12. No event with any outdoor sound amplification or music shall continue past 10:00 PM.
13. The applicant shall identify the location of any off-site parking and receive separate approval of the site if required by Hall County Ordinances.
14. No parking for events shall be allowed on Shirley Road.

### **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 deny was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-0 (Pilcher Absent)**