



BANKS COUNTY PLANNING COMMISSION MEETING

Courthouse Annex Boardroom | 150 Hudson Ridge | Homer, GA 30547

Tuesday, November 02, 2021 at 6:30 PM

AGENDA

- 1. CALL MEETING TO ORDER**
- 2. APPROVE MINUTES FROM OCTOBER 2021**
 - [a.](#) Minutes from October 2021
- 3. REVIEW AMENDMENTS TO CODE OF ORDINANCES**
 - [a.](#) Amendments to Code of Ordinances: Article VII(b) R2 Residential Multifamily District to provide for purpose and intent; to provide for permitted uses; to repeal conditional uses; to provide for an effective date; and to repeal conflicting ordinances and resolutions, and for other purposes.
- 4. APPROVE PLATS**
- 5. APPOINT PLANNING COMMISSION CHAIR**
- 6. APPOINT PLANNING COMMISSION VICE CHAIR**
- 7. ADJOURN THE MEETING**

**Banks County Planning Commission
Board Meeting
October 5th, 2021**

Members Present

Brian Mathis
Jay O'Kelley
Taylor Griffith
Scott Wheatley

Staff Present

Paul Ruark- Planning and Zoning Official
Kerri Fincannon- Planning and Zoning Clerk

1. Call Meeting to Order: Mr. Mathis called the meeting to order.
2. Approval of Agenda/Minutes from September
 - Motion to approve minutes: Taylor Griffith
Second: Jay O'Kelley
Vote 4:0 to approve and the motion passed.
3. CU-21-06 — Shuxuan Dong, Elegant Massage — An application has been submitted for the conditional use of the property identified as 309 Steven B Tanger Blvd. to be used for a massage therapy practice.
 - Shuxuan Dong, 3335 Earhart Way, Buford, GA 30518
 - Has 2 other massage locations, one for 4 years and one for a year. The agency that she works with on the second location is the same that offered this space to her. This location is closer to her home.
 - She wants this location to be a little different than her others, with 50% massage and 50% retail (massage products.) Possibility for more retail/less massage in future. All retail would be massage related.
 - Mr. Mathis asks how many therapists would be on staff. She states only herself because she does not want to focus solely on massage. He asks if she is licensed as a massage therapist in the state of GA and she says she is. She says that any other hires would be for sales positions.
 - Mr. Mathis asks about her other locations. She says she would like to sell the others because they are too far from her children and she wants to be closer to home. Mr. Mathis wants to know if she would be bringing therapists from her other locations. She says no she believes they would want to stay in their local areas.

- Mr. Mathis asks about hours of operation and she says she wants only 10 to 5 Monday through Saturday. She doesn't want to spend all her time at work.
 - Mr. Mathis asks is any previous massage business she has owned have been forcefully shut down. She says no, she sold one appx 10 years ago, but no shut downs.
 - Mr. O'Kelley wants to clarify the hours because the previous applicants wanted longer hours. She says she is not associated with the previous applicants and her hours would not be that long.
 - Mr. Mathis asks for opposition. No opposition present.
 - The board discusses products for retail sales and it is stated that retail is allowable. Mr. Ruark offers that the application is for the conditional use for massage.
 - Mr. Mathis asks for a motion.
Motion to approve: Taylor Griffith
Second: Scott Wheatley
Vote 3:1 to approve and the motion passed.
4. Z-21-07 – James Dudley, 5100 Old Hwy S, LLC – An application has been submitted to rezone the property identified as parcel B35 038C, an 11.72-acre lot at Harmony Church Rd. and Hwy 441, from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for an office/warehouse and parking.
- JR Dudley, 230 Ledford Farm Rd. Fair Play, SC: wants 3 12,000 sq ft spec warehouses with potential/tentative tenants. At this time, possible poultry supply and cage builder which would require the entirety of two of the buildings. He mentions possibly splitting one or more of the buildings into multi-tenant spaces.
 - Mr. Mathis wants to know if approval is given, would all three buildings be built at that time or wait for tenants. He sates he would build all 3 buildings at once.
 - Mr. Griffith asks about large truck access. He states there is a dock planned between 2 of the buildings. He says this is a proposal and would be up to whatever tenants they could get. He insinuated that he had even thought that he would combine the buildings to make 1 up to 20,000 sq ft.
 - Mr. Griffith asks about entrances on 441 instead of Harmony Valley, he said he believed that there wasn't enough room for the required decel lane and that it would be very expensive.
 - Mr. Mathis asks for opposition.
 - Gordon "Buddy" Haynes, Harmony Church Rd.- he doesn't understand what kind of businesses will be leasing space. Right now, the idea is just for spec warehousing for existing businesses in the area. He asks about it being a truck stop, Mr. Dudley says not that at all. Mr. Haynes is concerned about run-off. There would be retention ponds and the like in place.
 - Tammy Lundy, Harmony Church Rd.- she is concerned about safety, traffic, multiple wrecks already taking place there. She doesn't believe that is a safe place to put 2 entrances. People live in this area and walk on the roads and kids that play. What kind of businesses could be allowed there by right? By conditional use? Entrances on 441

wouldn't be as bothersome, but Harmony Church isn't appropriate for commercial traffic.

- The board questions the idea of spec warehouses and how to answer the criteria to rezone without more knowledge about prospective tenants. Types of business, truck traffic, nuisances, etc.
- Mr. Mathis asks for a motion.
Motion to deny: Taylor Griffith
Second: Scott Wheatley
Vote 4:0 to deny and the motion passed.

5. Adjourn meeting.

- Mr. Mathis asks for a motion to adjourn
Motion to approve adjournment: Taylor Griffith
Second: Scott Wheatley
Votes 4:0 to approve adjournment and the motion passed.

ADVERTISED _____
PUBLIC HEARING _____
PUBLIC HEARING _____
ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE VII(B). R-2, RESIDENTIAL-MULTIFAMILY DISTRICT TO PROVIDE FOR PURPOSE AND INTENT; TO PROVIDE FOR PERMITTED USES; TO REPEAL CONDITIONAL USES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE VII(B). R-2, RESIDENTIAL-MULTIFAMILY DISTRICT, Section 701(B) entitled "Purpose and Intent", of the code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE VII(B). R-2, RESIDENTIAL-MULTIFAMILY DISTRICT, Section 702(B) entitled "Permitted Uses", of the code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE VII(B). R-2, RESIDENTIAL-MULTIFAMILY DISTRICT, Section 703(B) entitled "Conditional Uses", of the code of Banks County, Georgia; and

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE VII(B). R-2, RESIDENTIAL-MULTIFAMILY DISTRICT, Section 704(B) entitled "Special Application Requirements", of the code of Banks County, Georgia;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

Section 701(B) entitled- "Purpose and Intent" is hereby amended by deleting Section 701(B) in its entirety and substituting in lieu thereof the following:

Section 701(B). Purpose and Intent

This district is designed for higher density multifamily development served by a public water system and sewerage facilities. This district is to be located where there is convenient access to collector streets and major road thoroughfares. All developments within an R-2 District shall comply with the regulations established in Multifamily Housing Developments of the Code of Banks County Georgia. (The number of parking spaces as provided in Article XVII, Appendix A of the Zoning Regulations of Banks County of the Code of Banks County, Georgia shall not apply in the RESIDENTIAL-MULTIFAMILY DISTRICT.) The siting of private landfills in this district is inconsistent with the intent of this district.

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Section 702(B) entitled- "Permitted Uses" is hereby amended by deleting Section 702(B) in its entirety and substituting in lieu thereof the following:

Section 702(B). Permitted Uses.

1. (a) A duplex is a single structure usually with a single owner, featuring two residences (either side by side or upstairs and downstairs) with private entrances; (b) a quadplex is four

residential dwelling units combined into one building; (c) triplex is three individual dwelling units combined into one building; (d) townhouse is several dwelling units that share walls and each unit is usually individually owned (no more than four dwelling units in a row), the foregoing are Permitted Uses if they meet the following criteria:

- (i) Five (5) acres is the minimum acres for development and rezoning for construction of Duplex, Triplex, Quadplex and Townhouses;
- (ii) Duplex, Triplex, Quadplex and Townhouses Density is two (2) units per acre;
- (iv) The development shall preserve 50% of its property as green space;
- (v) The units must be on public water and public sewer or EPD approved septic system;
- (vi) The height of the units cannot exceed two stories;
- (vii) Square footage: 500 sq. ft. minimum and 1000 sq. ft. maximum of heated floor space per unit;
- (viii) Minimum Setbacks: 75' from front road right of way and 75' from all three (3) sides of property line;
- (ix) Exterior of units must be brick, rock, manmade rock, or cement board;
- (x) Carports must be to the side or rear of the units;
- (xi) Each unit shall have three (3) parking spaces with paved driveway, asphalt or concrete;
- (xii) Outdoor lighting must be pointed in a downward direction;
- (xiii) Accessory Structures shall only be for residents and can only be: laundry building, water and sewer building, fitness center, swimming pool and swimming pool building, park and playground building, and common use building;
- (xiv) Any home occupation business to be located in a unit shall appear before the Planning Commission and Board of Commissioners for approval;
- (xv) Between each unit shall be a one hour firewall; and
- (xvi) Each unit shall have installed and operational sprinklers.

2. Apartments and Condominiums (The biggest difference between a condo vs. apartment is ownership. An apartment is defined as a residence that is rented, often as part of a larger residential building. A condo is similar in structure to an apartment usually a unit within a larger residential building, but condos are usually owned instead of rented). Apartments and Condominiums are Permitted Uses if they meet the following criteria:

- (i) Thirty (30) acres is the minimum acres for development and rezoning for construction of Apartments and Condominiums ;
- (ii) The development shall preserve 35% of its property as green space;
- (iii) Density is six (6) units per acre;
- (iv) Minimum Setbacks: 75' from front road right of way and 75' from all three (3) sides of property line;
- (iv) Must be on public water and public sewer;
- (v) The height of the units cannot exceed three (3) stories;
- (vi) Square footage: 500 sq. ft. minimum and a 1000 sq. ft. maximum of heated floor space per unit;
- (vii) Exterior of units must be brick, rock, manmade rock, or cement board;
- (viii) Must have gutters on roof and downspouts;
- (ix) Must have sidewalks on front of building with minimum 5' between building and sidewalk for grass and shrub/plants;
- (x) Parking lot and streets shall be paved, curbed & guttered;
- (xi) The development shall have two (2) ingress and two (2) egress points which shall be paved, asphalt or concrete;
- (xii) The development must front on a county or state paved roadway;
- (xiii) The development shall have three (3) parking spaces per unit plus 1 parking space for each employee;
- (xiv) Outdoor lighting must be pointed in a downward direction;
- (xv) Accessory Structures shall only be for residents and can only be: laundry building, water and sewer building, fitness center, swimming pool and swimming pool building, park and playground building, and common use building;
- (xvi) One (1)-hour fire rated walls per unit; and
- (xvii) Each unit shall have installed and operational sprinklers.

3. Assisted Living Facility (Assisted living is a type of housing designed for people who need various levels of medical and personal care. The facilities generally provide a home-like setting and are physically designed to promote the resident's independence). Assisted Living Facilities are Permitted Uses if they meet the following criteria:

- (i) Twenty Five (25) acres is the minimum acreage for development and rezoning for construction of Assisted Living Facility (the "Facility");
- (ii) The development shall preserve 30% of its property as green space;

- (iii) Minimum Setbacks: 75' from front road right of way and 75' from all three (3) sides of property line;
- (iv) Each unit shall have one (1) parking space per residence in the Facility and a parking space for each employee of the Facility;
- (v) Streets, driveway and parking must be paved and guttered;
- (vi) Must have sidewalks on front of building with minimum 5' between building and sidewalk for grass and shrub/plants;
- (vii) The height of the Facility cannot exceed three stories;
- (viii) Square footage: 500 sq. ft. minimum and 1000 sq. ft. maximum of heated floor space per Facility;
- (ix) Exterior of Facility must be brick, rock, manmade rock, or cement board;
- (x) The Facility must be on public water and public sewer;
- (xi) The Facility must front on a county or state paved roadway;
- (xii) Side and rear yard must have a minimum 6' high fence;
- (xiii) Accessory Structures shall only be for residents and can only be: laundry building, water and sewer building, fitness center, swimming pool and swimming pool building, park and playground building, and common use building;
- (xiv) The Facility must have one hour fire rated walls;
- (xv) Each Facility shall have installed and operational sprinklers, and
- (xvi) Outdoor lighting must be pointed in a downward direction.

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Section 703(B) entitled- "Conditional Uses" is hereby amended by deleting Section 703(B) in its entirety and substituting in lieu thereof the following:

Section 703(B). Conditional Uses.

1, Reserved

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Section 704(B) entitled- "Special Application Requirements" is hereby amended by deleting Section 704(B) in its entirety and substituting in lieu thereof the following:

Section 704(B). Special Application Requirement.

Applications for rezoning to the R-2 Zoning District shall, in addition to the general requirements for rezoning applications specified in Section 1103, Article XII, Appendix A of the Code of Banks County, Georgia, submit the following as part of the application:

- (i) Proof of availability of adequate sewer capacity including the size and location of connection points.
- (ii) Proof of availability of adequate water capacity including the size and location of connection points.
- (iii) A traffic study, including summary.

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All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

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If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

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This Resolution is hereby adopted this _____ day of _____, 2021, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 2021, the public health, safety and general welfare demanding it.

REMAINDER OF THIS PAGE IS BLANK

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal