

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Conditional Use Application CU-21-01 – Event Venue at 1261 Preacher Campbell Rd.

DATE: February 8, 2021

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION: N/A

☐ **STATUS REPORT**

~~ANNUAL-~~

☐ **OTHER**

~~CAPITAL-~~

COMMISSION ACTION REQUESTED ON: February 15, 2020

PURPOSE: Make a recommendation to the Board regarding application CU-21-01: William Visi is seeking a conditional use to establish an event venue at 1261 Preacher Campbell Rd. in the LI, Low Intensity District.

BACKGROUND / HISTORY:

1. The applicant has 22.2 acres and proposes to use the property to hold small weddings. There is an existing Farm Winery tasting room on the site and they want to have weddings to increase the tasting room business.
 2. The applicant has stated the events will be held outdoors or within tents. There will be no new construction associated with the weddings. These will be small events with up to 50 guests. An existing gravel parking area currently has enough space for 15 cars and there is additional parking available in grass near the tasting room.
 3. The property is located on Preacher Campbell Road and currently served by a single lane driveway. Concerns were expressed about the driveway not being wide enough to accommodate entering and exiting traffic simultaneously.
 4. The applicant has stated he will abide by the county noise ordinance and any outdoor lighting will be dark sky compatible although no additional lighting is planned.
 5. The owner of the property immediately on the north side expressed support via email for the proposed event venue.
 6. Approximately 20 people attended in opposition to the request. A number spoke about the anticipated noise, traffic, and the rural nature of the area. There were also concerns expressed about the potential the ruination of their "quiet life".
 7. A letter was submitted by three (3) property owners who couldn't attend the hearing.
 8. A petition was also submitted with thirteen (13) signatures opposing the event venue.
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FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Approval with Conditions:

- a. Events are to be restricted to outdoors or tents only.
 - b. Events are to be held only on Saturdays.
 - c. There will be a maximum of fifty (50) guests.
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- d. All events will end by 9pm.
 - e. Any outdoor lighting used in conjunction with the events will be dark sky model compatible.
 - f. The existing driveway must be improved to Habersham County commercial standards.
 - g. No new construction shall be done in conjunction with the weddings.
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OPTIONS: The Board of Commissioners could act on this application as follows:

- 1. Approval of the request with conditions as recommended by the Planning Commission;
 - 2. Denial of the request as submitted;
 - 3. Commission defined alternative.
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RECOMMENDED SAMPLE MOTION: I motion to approve CU-21-01 with conditions as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

County Manager

DATE: _____



HABERSHAM COUNTY
GEORGIA | Est. 1818

HABERSHAM COUNTY

Planning & Development Department
130 Jacob's Way, Clarkesville, GA 30523
706-839-0140 www.habershamga.com

Habersham County Planning Commission Conditional Use Staff Report

APPLICATION NUMBER: CU-21-01

REQUESTED ACTION: William Visi is seeking a Conditional Use to Article IV Section 306 to establish an Event Venue for hosting a variety of gatherings and activities. The property is further identified as Map 20 Parcel 30 consisting of 22.2 acres.

Synopsis: Initial inquiry regarding establishing an Event Venue onsite was addressed through a written request for constructing a structure for activities to include private events and a small number of guests. Plans are to construct a structure for an Event Venue upon approval of a Conditional Use. Events are to be held in the afternoon or evenings only.

Venue capacity not to exceed 50 guests

PETITIONER: William Visi

PROPERTY OWNER: William Visi

EXISTING USE: Residential

PROPOSED USE: Event Venue

LOCATION: 1261 Preacher Campbell Rd.

PARCEL SIZE: 22.2 ac.

MAP#: 020 **PARCEL(S)#:** 030

EXISTING & FUTURE LAND USE DISTRICT:

	Current Zoning District	2029 Future Land Use Designation
Parcel	LI	Rural
North	LI	Rural
South-Rear	LI	Rural
East	LI	Rural
West	LI	Rural

MEETING DATES: Planning Commission: February 2, 2021

County Commissioners: February 15, 2021

PLANNING ANALYSIS:

1. The existing land uses and zoning classification of nearby property;

Properties adjacent are residential and the primary zoning classification is LI- Low Intensity.

2. The suitability of the subject property for the zoned purposes;

The property is designated as LI- Low Intensity. This zoning is intended to promote various low-density development where public water and sanitary sewer are unavailable. The property has adequate area to accommodate small scale gatherings.

3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions;

Property values are not diminished by the current zoning. It is the intent of the Conditional Use Process to permit specific light commercial uses compatible with a residential area. The process will assist in determining the need for buffers, parking, hours of operation and other concerns that may be presented.

4. The extent to which the diminution of property values of the subject property promote the health, safety, morals or general welfare of the public;

Property values are not diminished by the current zoning.

5. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

Event/Venue Settings are an appealing and advantageous endeavor that provides an endless scope of opportunities. The rural/rustic backdrop is a trend the public has shown an interest toward. The current LI- Low Intensity designation limits the range of usability and marketability but remains a viable property for residential or light office and/or retail with light density and low traffic volume. It is the intent of the Conditional Use Process to permit commercial uses compatible with a residential area.

6. Whether the subject property has a reasonable economic use as currently zoned;

Property does have a reasonable economic use within the LI- Low Intensity designation. A wine tasting facility already exists on the property.

7. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;

The compatibility of the proposed use with adjacent properties is critical. Specific criteria will need to be addressed such as hours of operation, capacity, noise, lighting, cleanliness/sanitation, buffers, etc., to promote harmony and balance in an existing residential neighborhood.

8. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;

The existing land use patterns in the area is primarily residential. During certain events, an increase in traffic, noise, etc. will occur, therefore, specific conditions can be applied to assist with harmony and balance in a residential neighborhood.

9. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;

The Comprehensive Plan identifies this area as Rural. The scope of the proposed use and the application of specific criteria will support compatibility and balance necessary in a residential neighborhood.

10. 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, or schools;

Possible significant impact will be the use of Preacher Campbell Rd. during the time of hosting the larger scale events.

11. Whether there are other existing or changing conditions affecting the use and development

of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The balance of residential and light commercial at this location is essential to maintaining the integrity of the Comprehensive Plan. The scope of the proposed use and upon the application of specific criteria will support compatibility and harmony.

Factors to consider:

- Compatibility, Balance and Harmony- Commercial growth aligned with established residential
- Proximity of existing residences - # of events expected/Daily/Weekly/Weekends and Hours of operation are critical
- Cleanliness, lighting, noise, traffic/safety
- Discuss maintaining existing buffers and/or establishing additional screening as a visual and noise deterrent
- 50 guest capacity specified on application – Parking area
- Signage
- Land Disturbing, Septic and Building Permits
- Adhere to ADA and local Structural & Parking Requirements
- Business License

Staff Recommendation:

When looking at this application from the true intent of the land use resolution, it indeed has some merit. The use would be promoting tourism which is important to our county. It will be commercial in nature creating the need to hire caterers, parking attendants, security staff, and event support staff which are jobs, temporary jobs, but jobs just the same. Customers of this Event Venue would visit our area and hopefully frequent our local businesses. However the Planning & Development staff recommends to the Planning Commission denial of CU-021-01.

_____ Approve as Submitted

 X Denial

_____ Approval with Conditions

_____ Table

Planning Commission recommends:

_____ Approve as Submitted

_____ Denial

 X Approval with Conditions

_____ Table

Board of Commissioners Decision:

_____ Approve as Submitted

_____ Denial

_____ Approval with Conditions

_____ Table



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HABERSHAM COUNTY

Planning & Development
130 Jacob's Way Clarkesville, GA 30523
706-839-0140 www.habershamga.com

CU-21-01

APPLICATION TYPE: Variance: ✓ Conditional Use: ✓ Map Amendment: _____

[Check ✓ appropriate application(s)]

PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant / Primary Contact William Visi
Address 1261 Preacher Campbell Rd City Clarkesville State GA Zip 30523

Telephone # () 706-839-3928 Cell Telephone # () 678-458-3123

Fax# () _____ E-Mail visi@mindspring.com

Property Owner(s): William Visi, Susan Visi

Address 1261 Preacher Campbell Rd City Clarkesville State GA Zip 30523

Telephone # () _____ Cell Telephone # () 678-458-3123

Fax# () _____ E-Mail visi@mindspring.com

Agent: William Visi

Address 1261 Preacher Campbell Rd City Clarkesville State GA Zip 30523

Telephone # () _____ Cell Telephone # () 678-458-3123

Fax# () _____ E-Mail visi@mindspring.com

Location of Property: _____

Street Address: _____

Acreage of Site: 22.2 Tax Map & Parcel#: 020 030

Existing LUI District: LI 2029 Map /District: _____

Action Requested: CU

Cite Pertinent Section(s): _____

Existing Use: Wine Tasting Room and bottle Sales

Proposed Use: adding small weddings

PROCESS FEE: \$200.00



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PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed below is authorized to act as the applicant and/or agent in the pursuit of the proposed application of this property.

William Risi
Signature of Property Owner/Executor/Officer

12 / 30 / 2020
Date of Signature

William Risi
Estate /Company /Corporation

William Risi
Authorized Agent (Please Print)

William Risi
Signature of Authorized Agent

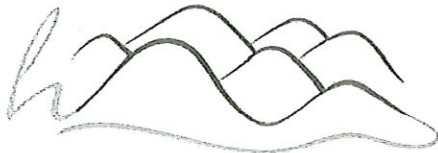
12 / 30 / 2020
Date of Signature

Estate /Company /Corporation

Authorized Agent (Please Print)

Signature of Authorized Agent

Date of Signature



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CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Required For All Applications Regarding the Comprehensive Land Development Resolution

Disclosure of Campaign Contributions:

When any application is made for a Public Hearing with regards to the Comprehensive Land Development Resolution within two (2) years immediately preceding the filing of the applicant's application for public hearing, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing body of the respective local government showing:

- (1). the name and official position of the local government official to whom the campaign contribution was made; and
- (2). The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for public hearing and the date of each contribution; and
- (3). The disclosure shall be marked by the **applicant, property owner, or person representing the property owner** and shall be filed within ten (10) days after the application for Public Hearing is first filed with the Planning Staff. If the disclosure is not provided to the Planning Staff within said 10 days, the application shall be removed from the scheduled agenda.

I hereby certify that I have ☒; I have not ☐; (please ☒ one) read the above and that:

Within the two (2) years immediately preceding this date, I have; ☐ I have not ☒; (please ☒ one) made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

If you have made such contributions, you must provide the data required below within 10 days of filing this application.

Name of Official(s)	Office	Amount	Date of Contribution
<u>William Visi</u>			
Applicant's Name (Please Print)			
<u>William Visi</u>			
Signature of Applicant		<u>12 / 30 / 2020</u>	Date of Signature

Flyhawk Farm
27 acres ±

Proposed Small wedding area
open or tent weddings



Wine Tasting



Parking



W N
S E

Preacher Campbell Rd.

January 7, 2021

Habersham County

To whom it may concern:

Please accept this letter as our intent to expand our offering at Flyhawk Farm, 1261 Preacher Campbell Road, Clarkesville, GA 30523 to include private events and small weddings with no more than 50 guests.

With our outdoor views and venue we would like to be permitted to offer small weddings or family events on the farm. They would all be in keeping with the agricultural use of our farm. We would keep them quiet and low key events just to enjoy the farm and views in a peaceful and serene environment.

Events would either be held in the afternoon or early evenings to enjoy the sunsets.

Please let us know if you have any further questions. We can be reached at 678-458-3123.

Sincerely,



Bill Visi

Owner/Operator



January 27, 2021

Attention: Habersham County Planning Commission
From: Donald and Julie Fraser and Harold Symes
Re: William and Susan Visi Conditional Use request

Dear Planning Commission,

While Donald and Julie Fraser, owners of 333 Stonebank Road, cannot personally voice our request we do want you to know we strongly oppose the Visi Conditional Use request.

Harold Symes, owner of 150 Stonebank Road, an adjoining property to that of William/Susan Visi, also opposes the Conditional Use request. Symes is Julie's father.

First though, we want to say such a planning commission request as that being made by Mr. and Mrs. Vici should be postponed until the Covid-19 plague has abated and the public can again stand safely before you to make our voices heard.

Secondly, this area does not need another events facility. Our residential lives are already negatively impacted, noise-wise and other-wise, by the current use of the Visi property as a wine tasting/retail bottle sales facility.

In our opinion, the Visi request is a real estate sales gambit to enhance the value of their property, since they currently have the property listed for sale. Their gaining a conditional use approval could be seen as potentially increasing commercial prospects for the property, thus driving up the sale price. A new owner could appear before a future planning commission and also seek a conditional use approval, potentially for larger, more frequent and noisier gatherings, citing the previous approval. The Visi family would not have to experience the negative repercussions an approved Conditional Use would place on their former neighbors.

Certainly the planning commission should note Preacher Campbell Road is a busy "cut-through" road, with cars frequently exceeding the posted speed limit. The Visi driveway is near a very sharp curve and increased traffic entering/exiting the driveway could have negative impacts.


for Julie Symes Fraser
and Harold Symes

Mike Beecham

From: Dan Kornegay <dan@dadventures.net>
Sent: Tuesday, February 2, 2021 5:02 PM
To: Mike Beecham
Subject: tonight's hearing on 1261 Preacher Campbell

[CAUTION: This message originated from outside of the Habersham County email system. -- Please exercise caution before clicking links, opening attachments, replying, or providing information to the sender.]

Hi Mike, thanks for your time earlier. Below please find our views on the request by our neighbors at 1261 Preacher Campbell to create an event venue. If you are able to share this short note with the folks at tonight's hearing, we'd appreciate it.

To: Habersham County Planning Commission
Date: February 2nd, 2021

We received the letter from Michael advising us of this meeting, and decided to offer our perspective. We are the adjacent neighbors to the north of the Visi property, with our house the closest one to theirs. We just wanted to let the Commission know we have had no problems with their current use of their property, and we also have no objections to an expanded use of their property as an event venue. We would be happy to see the Commission decide on the side of freedom rather than restriction in this case. Thanks for the work you do!

Dan & Lisa Kornegay
1475 Preacher Campbell Rd, Clarkesville

Petition to Deny Approval of Creating an Event Venue

The undersigned are homeowners, residing in the Preacher Campbell Road community, who oppose the granting of a Conditional Use Permit for the purpose of creating an Event Venue at the proposed located of 1261 Preacher Campbell Road, Clarkesville, GA. This petition is based on a threat to Public Safety as well as adversely impacting future property values and creating disturbing noise.

Vehicular traffic has already become a concern due to the business activities already in place at this location. Near miss accidents have been observed at the entrance to this location and unknown vehicles enter adjacent properties attempting to located these businesses. There is one single lane entrance/exit which will not allow vehicles attempting to enter due to multiple vehicles attempting to exit at the same time. In addition, there is limited sight distance to the north of the entrance on Preacher Campbell Road which does not provide ample distance for oncoming traffic to react to this type of situation.

The residents of this peaceful community have enjoyed their quite and serene life style in the community for many years, making it more than simply a piece of real estate. We call it "home". Some move here to raise a family, some to retire, some to ensure family members inherit family home places for future generations. Regardless, we legally own our property and know we must protect our interests when situations threaten our way of life. Our homes are more valuable to us than property appraisals and marketing statistics.

The surrounding environment provides those things we all too often take for granted such as wild deer. Loud noise and vehicular traffic will most certainly pose a negative impact this environment as well.

In closing, we understand the importance business brings to our economy however, not to our homes and private life. We strongly, but respectfully, urge our public officials to deny this Conditional Use Permit application.

Petition to Deny Approval of Creating an Event Venue

Home Owner Signature

Contact Information

[illegible]

FROM:

Nancy Witham
579 Stonebank Road
Clarkesville, GA 30523-3559

TO:

Habersham County Commissioners

RE: 1261 Preacher Campbell Road, Clarkesville, Ga. Visi application for a wedding event venue at Flyhawk Farm Stables and Tasting Room,

Dear County Commissioners,

I oppose the request for a variance the Visi family proposes for a wedding event venue at Flyhawk Farm Stables and Tasting Room.

I am concerned about the additional traffic and noise in our neighborhood, and the potential impact where approval would open the opportunity for others to along Preacher Campbell Road to also request variances to open a commercial business. The Residents in this neighborhood built our homes here because of the peace and tranquility of the area. We want to keep this area quiet and peaceful and any business that someone has in the area should support the natural quiet and peace of the neighboring properties.

I understand that they already have several small business ventures at this location, most of which are quiet and low volume so minimal impact to traffic. In addition, they already host concerts, where we can hear the music. This new variance would add even more noise with up to fifty people talking and laughing, as well increase the traffic flow on Preacher Campbell. And who is to say it will stay at 50 people?

Please just vote to deny the variance.

Sincerely,

Nancy Witham

FROM:

Catherine Jo Morgan
563 Stonebank Road
Clarkesville, GA 30523-3559

TO:

Habersham County Commissioners

IN RE: The Visi application for a wedding event venue at Flyhawk Farm Stables and Tasting Room, 1261 Preacher Campbell Road, Clarkesville, Ga.

Dear Commissioners,

Despite the economic advantages to the County, and the modesty of the plans the Visi family proposes for a wedding event venue, I urge you to deny the variance.

Approving it would open the door to additional applications for commercial businesses along Preacher Campbell Road. Residents in this area do not want this. Nor do we want to sign petitions and come before you year after year, to keep our neighborhood the quiet, peaceful area we chose for our homes.

Under the existing variance for the Flyhawk wine tasting room, there has already been gradual “mission creep.” When that variance was approved in 2019, Mike Beecham assured me that it permitted ONLY wine tasting. No concerts, no food, just selling wine bottled from a Rabun County winery, and proving glasses of it for tasting – to sell the wines.

The Facebook page for Flyhawk Farm and Tasting Room tells the story of the gradual expansion from “just wine tasting” since their opening on Friday, December 6, 2019. The following week, candles were for sale. A week after that, their ad adds mulled wine. I suppose a permit was in place for some light cooking, for by January 11, the tasting room advertised “potato soup and wine.”

Then came the shock to the neighbors. Three-hour live concerts began on Sunday afternoon, May 24, 2020. Until then, Sundays were usually quiet in this area.

In June the tasting room held two Friday evening concerts from 6 to 9 PM.

This led to 24 more concerts for a total of 27 concerts from May 24 until now:

- 4 in July (half on Saturday, half on Sunday)

- 5 in August (one of them on Sunday)
- 4 in September (all on Saturdays)
- 5 in October (all on Saturdays)
- 4 in November (both on Sundays)
- 1 in December (Saturday)
- 1 on January 19, 2021 (Saturday)

For me, who bought my peaceful, quiet land here in 1978, this is already 27 concerts too many. In this area, we can no longer count on a single weekend free of music we did not choose.

From the pattern of holding concerts on any weekend day or night, it is obvious that the music from weddings and receptions on Saturdays would not inhibit the holding of other concerts on the very same weekends.

So this new variance would add even more music. No telling what that music will be like. Lasting for more than the three-hour concerts? Probably into more evenings? Possibly louder and with a pounding beat? All unpredictable.

Please, please. Spare us this!

Weddings will not only spread more music into our homes. They will add the noise of people talking and laughing. Fifty people talking over background music get louder and louder, especially after the first glass or two of wine.

Will we hear it? Yes indeed – for a surprising distance. Sound bounces around this neighborhood because of the hills.

Agri-business

The Planning Board's discussion was made available by phone, so although I am sheltering in place, I was able to hear it. One of the advantages the Planning Commissioners mentioned is that this is "agri-business" and thus suitable for a residential/agricultural area like ours.

Agri-business does sound reasonable. One thinks of a roadside produce stand. Or the existing Visi enterprises: the stables and riding lessons, and the vacation apartments to rent. Agri-businesses like this do belong in our area, because they produce little extra traffic. They do not spread unwanted sound over neighboring homes.

If you decide to approve the variance – despite the pleas of the residents of every road that runs off Preacher Campbell Road – please leave in place every condition the Planning Board so carefully added. This is crucial to prevent more “mission creep.” It will also keep these minimal protections in place for future owners of the property since any variances will pass to them.

I urge you to add three additional conditions:

- No concert on the same weekend as a wedding
- One concert a weekend the maximum
- At least one weekend a month totally free of music

Please just vote to deny the variance. We understand that you want to support business growth, and to add revenue to Habersham County. The existing Visi enterprises already hold the potential for such revenue, without adding a single wedding event.

We ask that you not seek even more revenue at the expense of the quiet enjoyment of our homes -- which the County Code of Ordinances is meant to protect. We bought land and built homes in this neighborhood precisely for the qualities any wedding event venue would impair. The tasting room has already attacked the quiet of our neighborhood. Please don't spoil it further.

Your sincerely,

Catherine Jo Morgan

706-949-5257 (c)

cjmorganga@gmail.com