



BANKS COUNTY PLANNING COMMISSION MEETING

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

Tuesday, March 04, 2025 at 6:30 PM

MINUTES

1. CALL TO ORDER

- a. Roll Call
PRESENT
Chairman Scott Wheatley
Vice-Chairman Jay O'Kelley
Ms. Jody Parks
Mr. Jason Hensley
Mr. Adam Swinehart
Ms. Kerri Fincannon
Mrs. Nikki Irvin
- b. Pledge of Allegiance
Jay O'Kelley led the Pledge.

2. APPROVAL OF AGENDA

- a. Motion to Approve Agenda
Motion made by Mr. Hensley, Seconded by Mr. Swinehart.
Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart
5-0 to Approve, Motion Passed

3. APPROVAL OF MINUTES

- a. Minutes from February 4, 2025
Motion to Approve Minutes
Motion made by Vice-Chairman O'Kelley, Seconded by Ms. Parks.
Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart
5-0 to Approve, Motion Passed

4. APPROVAL OF PLATS

- a. Brooks Plat- Class II Subdivision
Ms. Fincannon presented the plat as a Class II subdivision resulting in 3 separate tracts.
Tim Brooks - 238 Pritchett Rd introduced himself and explained he intends to build on one lot and sell the other two.
No Favor, No Opposition
Motion made by Vice-Chairman O'Kelley, Seconded by Ms. Parks.
Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart
5-0 to Approve, Motion Passed

5. PUBLIC HEARING

- a. V-25-01 Variance: Dewberry
Ms. Fincannon presented the application as a 2 acre parcel identified as B85E 096 located at 3150 Hwy 326. The application is to reduce the rear setback due to a miscommunication on those setbacks and the recorded survey indicating the property line is center of E County Line Rd. The home has already been installed on footings.

Lewis Dewberry - 3150 Hwy 326 introduced himself and stated there was a miscommunication on the setback requirements. He states he has some current vegetation in place to block view and is willing to

put up a fence or vegetative buffer to block view of back of home. This home will be his primary residence.

No Favor, No Opposition

Discussion: placement of home is also limited due to septic tank location

Motion to Approve with Conditions

Evergreen/Vegetative Buffer between rear property line & E County Line Rd

Motion made by Mr. Hensley, Seconded by Mr. Swinehart.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart

5-0 to Approve, Motion Passed

b. Z-25-02 Rezoning: Storage 441

Ms. Fincannon presented the application as a 5 acre parcel identified as B48 011C located on Hwy 441. The application is to rezone the property from ARR to C2 (General Commercial) to be used as self-storage and RV/boat storage. Those uses are both currently permitted in C2, and we have other C2 zoned property in the vicinity.

Zaidh Cuellar – 277 Scenic Hwy S Lawrenceville, GA advised the entrance will come in off Hwy 441 and will work with GDOT on 'decel' lane and any other requirements. They intend to use the whole lot up to setback lines. The facility will have roughly 300 inside corridor units and no outside units. The lot for RV/boat storage will be at the back of the facility and they intend to make it aesthetically pleasing with a fence to hide that portion.

No Favor, No Opposition

Motion to Approve with Conditions

Vegetative/Opaque Buffer to hide RV/boat storage lot

Motion made by Mr. Hensley, Seconded by Ms. Parks.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart

5-0 to Approve, Motion Passed

c. Z-25-03 Rezoning: Lamp Metal Trusses Inc

Ms. Fincannon presented the application as a 2.9 acre parcel identified as B34 062 located on Otis Brown Rd. The application is to rezone the property from ARR to C2 (General Commercial) to be used as a storage warehouse for prefabricated metal trusses. That is currently a permitted use in C2. The property faces Hwy 441 and is accessed by Otis Brown Rd.

Andy Pфирman - 5410 Lombardy Dr Lula, GA states the company contracts with commercial buildings, schools, etc. and would use this facility as a holding place until the job sites are ready for the trusses. This is all indoor storage and is not staffed around the clock. The loading/unloading of materials is on an intermittent basis and would be done during normal business hours. He states the lot can fit the building and will have a truck around area at staging dock at back of building. He projects roughly 20 trucks per month, so maybe 4-5 per week. He would stagger timing of inbound and outbound loads as needed to ensure the road is never blocked by pulling in/out.

No Favor, No Opposition

Motion to Deny

Motion made by Mr. Swinehart.

No Second - Motion Died

Discussion: Applicant states this rezoning would be massive improvement for the property to get it cleaned up and is a great place for minimum truck traffic.

Motion to Approve with Conditions

Directional/Nonintrusive Lighting

Motion made by Mr. Hensley, Seconded by Vice-Chairman O'Kelley.

Voting Yea: Vice-Chairman O'Kelley, Mr. Hensley

Voting Nay: Chairman Wheatley, Ms. Parks, Mr. Swinehart

2-3 to Approve, Motion Failed

d. CU-25-01 Conditional Use: Ortiz

Ms. Fincannon presented the application as a 2 acre parcel identified as B66 023C located at 130 Gordon Rd. The application is to request a conditional use to run a home occupation from an accessory structure. The proposed business is a water bottling operation.

Angel Ortiz - 130 Gordon Rd states he is looking to improve the community by utilizing his property to produce bottled water. He would use an automated machine that filters, bottles and labels the water. He will store it onsite until its ready to load and ship out.

No Favor, No Opposition

Discussion: The well has been inspected. He did a water sample using a kit from Home Depot that was sent to a company in Florida. He is working with the Food Safety division in Atlanta as well. He states he will use a bus to move the product to and from property. He does not have any current customers. He will utilize a 50X80 building and it will have a truck around. The numbers and data provided sound like full blown commercial operation, not a home occupation. The roads are not equipped for big truck traffic and would potentially cause negative impacts to neighbors. The applicant states the well will produce 15 gallons of water per minute.

Motion to Deny

Motion made by Mr. Hensley, Seconded by Ms. Parks.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart

5-0 to Deny, Motion Passed

e. CU-25-02 Conditional Use: Nguyen

Ms. Fincannon presented the application as 46.62 acre parcel identified as B78 020 located on Wrights Mill Rd. The application is to request a conditional use for a poultry farm with reduced setbacks. The directional facing requirement from the poultry company prohibit the houses from fitting within the permitted setbacks.

Huong Nguyen - 2123 Corinth Church Rd Bowman, GA states she is requesting to reduce the setbacks for her poultry farm.

Favor: Michele Ramsey - 2463 Hwy 51 S is the realtor for the seller of this property. The buyers are looking to build 4 poultry houses and a home for themselves. Banks Co is an 'ag rich cultural'. Poultry farms have strict regulations regarding directional location, pollutants, etc. The only property that is affected by the reduced setbacks is vacant land. The property is completely surrounded by woods and does not have direct road frontage.

Neutral: Tim Brooks 238 Pritchett Rd states the heavy trucks breaking down the road and smell from poultry houses should be considered.

Thelma Hart 627 Sims Bridge Rd - seller of this property, amazed so many people are concerned about safety. grew up and lived in Banks Co as a farmer for majority of life, excited this land is going to used for farming

Opposition: Brittany Purcell 432 Wrights Mill Rd spoke to over 39 neighbors who do not agree with conditional use on this property. There are other farms in the area but are not commercial operations. The school bus isnt allowed to go down Wrights Mill Rd, so not equipped to handle chicken trucks. Does not support reducing setbacks just for more houses.

Roger Bregenzer 123 Wrights Mill Rd - not opposed to ag use, but concerned about safety. Concerned about the run off into the river as the poultry houses would be on top of the hill and the river is at the bottom. The roads are not in good condition already and the big trucks arent going to be able to turn in and out easily

Cindy Bregenzer 123 Wrights Mill Rd - 39 people are against reducing setbacks, there is a big curve in the road and cant see what is coming with big trucks. concerned of impact on neighbors, roads, ingress/egress to property.

Martha Threatt 1236 Wrights Mill Rd - moved to the area because of previous covenants that prohibited mobile homes, hog lots and chicken houses. If zoning is in place, dont allow someone to come in and change it.

AJ Purcell 432 Wrights Mill Rd - ingress/egress is not adequate, safety is primary concern, impact on property values, Wrights Mill Rd is not in good condition, concerned with GPS routing big trucks down dirt road

Richard Shockley 429 Wrights Mill Rd - only has 2 inch water line on the road, no fire hydrants, water department is putting in bigger lines but still wont span the length of the full road

Rebuttal: 2 wells on the property so water isnt a concern, these will be egg houses so 1 big truck once a year, smaller trucks to pick up eggs, the trucks are going to be on the road even with 2 houses that meet the permitted setbacks, can make sure the trucks only come in from Sims Bridge Rd, have a 20 ft prescribed easement

Motion to Approve

Motion made by Mr. Hensley, Seconded by Mr. Swinehart.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart
5-0 to Approve, Motion Passed

6. CODE AMENDMENTS

- a. Recommendation to Amend Code: Minimum Road Frontage

No Public Comments

Motion to Recommend

Motion made by Mr. Swinehart, Seconded by Mr. Hensley.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart
5-0 to Recommend, Motion Passed

- b. Recommendation to Amend Code: Combination Plat

No Public Comments

Motion to Recommend

Motion made by Mr. Hensley, Seconded by Ms. Parks.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart
5-0 to Recommend, Motion Passed

- c. Recommendation to Amend Code: Flag Lots

No Public Comments

Motion to Recommend

Motion made by Mr. Swinehart, Seconded by Ms. Parks.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart
5-0 to Recommend, Motion Passed

d. Recommendation to Amend Code: Classes of Subdivision

No Public Comments

Motion to Recommend

Motion made by Ms. Parks, Seconded by Mr. Hensley.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart
5-0 to Recommend, Motion Passed

7. ROUNDTABLE DISCUSSION

a. Training

All new Planning Commission members should attend the Planning & Zoning 101 course.

Members should not engage with applicants, owners, contractors, neighbors, etc. to gain information to be swayed one way or the other.

If any information is obtained, it should be shared with all members. Chairman Wheatley will confirm with county attorney on proper and legal process of sharing such information with other members.

It is each members obligation to do their own due diligence before meetings to ensure they are informed on applications.

Members can share private research, but it has to be amongst all members or during the public hearing.

If any member has a request for additional training, they can submit a request to Chairman Wheatley.

8. ADJOURNMENT

a. Motion to Adjourn

Motion made by Ms. Parks, Seconded by Mr. Hensley.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley, Mr. Swinehart
5-0 to Adjourn, Motion Passed

The Planning Commission reserves the right to continue the meeting to another time and place in the event the number of people in attendance at the meeting, including the Planning Commission members, staff, and members of the public exceeds the legal limits. Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the County Clerk, at least three business days in advance of the meeting at 706-677-6902 to allow the County to make reasonable accommodations for those persons.