

# ***AGENDA***

## **Mitchell County Planning Commission**

**August 19, 2021 - 7:00 PM**

**26 North Court Street**

- I. Call Meeting to Order.
- II. Open with Pledge of Allegiance.
- III. Invocation.
- IV. Approval of Minutes  
July Minutes - 2021

### **OLD BUSINESS:**

### **NEW BUSINESS:**

Agenda -August 2021

#21-69-873 - Mr. David Velasquez -Request for a Zoning Change from a R2 Zone to an Ag Zone with a Conditional Use for a Rural Business to allow the applicant Mr. David Velasquez to Operate a “Mobile Food Service Business” within an Existing Building as the Base of Operations due to the Department of Public Health’s Rules and Regulations on the property located at 4954 Strawberry Road, Pelham, Georgia. The 1.00- acre parcel is located on Zoning Map 14, parcel 12a. The property owners are Mrs. Graciela Venegas and Mr. Francisco Velasquez.

### **OTHER BUSINESS:**

- V. **Adjourn**



## **Agenda Item Coversheet**

### **July Minutes - 2021**

#### **ATTACHMENTS:**

Description

July Minutes - 2021

Upload Date

8/13/2021

Type

Cover Memo



## MITCHELL COUNTY PLANNING COMMISSION MINUTES

July 15<sup>th</sup>, 2021

Present:

Richard Beasley, Chairman   Andy Collins   Terry Curles

Kent Grogan – Speaker Phone

Russell Moody, Zoning Administrator   Terrie Swain, Administrative Assistant

Not Present:   Joseph Rackley, Vice-Chairman   Ann Bryant   Susan Clayton  
William Hawley   Mike Mitchell   Ralph Davis, Jr.

Chairman, called the meeting to order at 7:20p.m.

The Pledge of Allegiance to the Flag was performed.

The Invocation was given by Mr. Andy Collins.

Mr. Andy Collins made the motion to approve the April 15<sup>th</sup> 2021 meeting minutes. The motion was seconded by Mr. Terry Curles. The motion carried unanimously by a show of hands of the members present and by a voice vote of Mr. Kent Grogan.

**OLD BUSINESS:**

Mr. Russell Moody informed the Planning and Zoning Commission that the Zoning Application from the April 15<sup>th</sup>, 2021 meeting for Southeast Milk, Inc. was granted approval by the Mitchell County Board of Commissioners at their meeting on May 11<sup>th</sup>, 2021 meeting.

**NEW BUSINESS:**

**21-69-822** – Request for a Variance in Setback Distances to the Highway Right of Way for Poultry House Number (4) Four which will be located Closer Than the 150' Setback Required by the Mitchell County Ordinances in an Ag Zone. The Number (4) Four Poultry House will be (75') Seventy- Five Feet from the Highway Right of Way. The property is located at 6328 Branchville Road, Camilla, Georgia. The 21.2- acre parcel is located on Zoning Map 54, parcel 14. The property owner is Mr. Tommy L. Hilliard, Jr. Mr. Tommy L. Hilliard, Jr. was present to answer any questions in relation to the application. Mrs. Rhonda Hilliard was also present for the public hearing. Mr. Russell Moody addressed the Mitchell County Planning and Zoning Commission stating that the poultry house that is located the farthest south which is house number four (4) is encroaching the highway right of way due to the lay of the land. Mr. Moody stated that the encroachment is seventy-five feet (75') which is half the footage of what is required by the Mitchell County Ordinances. Mr. Kent Grogan questioned Mr. Hilliard of how were the previous poultry houses destroyed. Mr. Hilliard stated that two (2) of the poultry houses were destroyed by Hurricane Michael and the two existing poultry houses will need to be torn down. Mr. Hilliard stated that all four (4) poultry houses will be rebuilt to the specifications that is required by Tyson Foods. Mr. Hilliard stated that the poultry house size is wider and longer in length by Tyson Foods building requirements. Chairman Beasley questioned if the adjoining properties and properties across Branchville Road belongs to Mr. Hilliard stated that all adjoining properties and the property across Branchville Road belongs to him or his family members. Chairman Beasley questioned if there was any opposition to this application. There was no opposition. After a brief discussion by the Planning and Zoning Commission, Mr. Andy Collins made the motion to grant approval of the application for

a Variance in the Setback Distances to the highway right of way of seventy-five feet (75') for poultry house number four (4). The motion was seconded by Mr. Terry Curles. The motion carried unanimously with all members present voting in favor and Mr. Kent Grogan voting in favor by speaker phone. Mr. Hilliard was informed by the Planning and Zoning Commission that this recommendation would be forwarded to the Mitchell County Board of Commission for their decision at their meeting on August 10<sup>th</sup>, 2021 @ 5:00 pm and a representative would need to be in attendance.

**21-69-871** – Request for a Conditional Use in a R2 Zone for a Rural Business to allow the Applicant Mrs. Tanesha Jones to Operate a Fitness Center in an Existing Building located on the Property at 7320 Flint Road, Baconton, Georgia. The 1.00- acre parcel is located on Zoning Map 77, parcel 38. The property owners are Charlie W. Jr. and Tanesha Jones. Mrs. Tanesha Jones was present to answer any questions in relation to her application. Mrs. Jones addressed the Mitchell County Planning and Zoning Commission stating that she would like to operate a personal body toning and fitness business out of an existing building located at the back of the property. Mr. Terry Curles questioned which existing building on the property would be utilized for the business. Mrs. Jones stated that the largest building in the back of the property will be where the business will be operated. Mr. Curles questioned if there was any opposition by adjoining property owners. Mrs. Jones stated that there is no opposition from neighbors. After a brief discussion by the Planning and Zoning Commission, Mr. Terry Curles made the motion to grant approval of the application for a Conditional Use in a R2 Zone for a Rural Business. The motion was seconded by Mr. Andy Collins. The motion carried unanimously with all members present voting in favor and Mr. Kent Grogan voting in favor by speaker phone. Mrs. Jones was informed by the Planning and Zoning Commission that this recommendation would be forwarded to the Mitchell County Board of Commission for their decision at their meeting on August 10<sup>th</sup>, 2021 @ 5:00 pm and a representative would need to be in attendance.

**Other Business:** Mr. Russell Moody informed the Planning and Zoning Commission that two (2) applications have been submitted for the August 19<sup>th</sup>, 2021 Zoning Meeting.

Having no further business Meeting was adjourned at 7:35 p.m.

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Richard Beasley, Chairman



## **Agenda Item Coversheet**

### **Agenda -August 2021**

#### **ATTACHMENTS:**

Description

Agenda -August 2021

Upload Date

8/13/2021

Type

Cover Memo



# **AGENDA**

## **Mitchell County Planning Commission**

**August 19th, 2021 – 7:00 p.m.**

**26 North Court Street**

1. Call meeting to order.
2. Open with Pledge of Allegiance.
3. Innovation.
4. Approve minutes for the July 15<sup>th</sup>, 2021 meeting.

### **OLD BUSINESS:**

### **NEW BUSINESS:**

**21-69-873** - Request for a Zoning Change from a R2 Zone to an Ag Zone with a Conditional Use for a Rural Business to allow the applicant Mr. David Velasquez to Operate a “Mobile Food Service Business” within an Existing Building as the Base of Operations due to the Department of Public Health’s Rules and Regulations on the property located at 4954 Strawberry Road, Pelham, Georgia. The 1.00- acre parcel is located on Zoning Map 14, parcel 12a. The property owners are Mrs. Graciela Venegas and Mr. Francisco Velasquez.

**21-69-890** – Request for a Conditional Use in an Ag Zone to allow the applicant Papershell Solar 1, LLC / Peter Lawn to Construct and Operate a “PV Solar Generation Facility” with Interconnection to the Georgia Power Grid. The multi-parcel properties are located on River Road and Ga Hwy 3, Camilla. The properties are listed as the following: Map 60, Parcel 5 located in the 9<sup>th</sup> and 8<sup>th</sup> Land District, Property Owner is Mrs. Melanie Muggridge Kemp, Map 61, Parcel 15 located in the 8<sup>th</sup> Land District, Property Owner is Mr. Lamar D. Cooper, Map 61, Parcel 14 located in the 8<sup>th</sup> Land District, Property Owner is Glass Farms, LLC, Map 77, Parcel 1, 45, 2B, located in the 9<sup>th</sup> Land District, Property Owner is Mr. Charles Alexander Kemp, II As Trustee of The Marital Trust. The request is for 1262.85 acres. (Withdrawn)

### **OTHER BUSINESS:**

### **ADJOURN:**



## Agenda Item Coversheet

**#21-69-873 - Mr. David Velasquez -Request for a Zoning Change from a R2 Zone to an Ag Zone with a Conditional Use for a Rural Business to allow the applicant Mr. David Velasquez to Operate a “Mobile Food Service Business” within an Existing Building as the Base of Operations due to the Department of Public Health’s Rules and Regulations on the property located at 4954 Strawberry Road, Pelham, Georgia. The 1.00- acre parcel is located on Zoning Map 14, parcel 12a. The property owners are Mrs. Graciela Venegas and Mr. Francisco Velasquez.**

### ATTACHMENTS:

Description	Upload Date	Type
#21-69-873 - Mr. David Velasquez	8/13/2021	Cover Memo

5

**ZONING APPLICATION**  
MITCHELL COUNTY PLANNING & ZONING DEPARTMENT  
18 NORTH COURT STREET  
CAMILLA, GEORGIA 31730  
mczoning@mitchellcountygga.net

PHONE (229) 336-2060  
FAX (229) 336-2362

RUSSELL MOODY  
ZONING ADMINISTRATOR

(A PLAT OR SKETCH OF THE AREA IS REQUIRED FOR ALL APPLICATIONS)

DATE: 6-22-2021 APPLICATION NO: 2021-69-873  
APPLICANTS NAME: David Velasquez CONTACT PHONE #: 305-608-1499  
APPLICANTS MAILING ADDRESS: 4954 Strawberry Rd Pelham GA 31779  
PROPERTY LOCATION: 4954 Strawberry Rd ATTACH LEGAL DESC.) MAP/PAR# 84/12  
PRESENT USE OF PROPERTY: Single Family Residential  
ZONING CLASSIFICATION: PRESENT R2 PROPOSED Ag # OF ACRES FOR ZONING/REZONE 1 acre  
**ZONING CHANGE / CONDITIONAL USE / ZONING VARIANCE / LAND DIVISION VARIANCE**

☒ ZONING CHANGE ☒ CONDITIONAL USE ☐ ZONING VARIANCE  
☒ RURAL BUSINESS ☐ HOME OCCUPATION ☐ HARDSHIP ☐ LAND DIVISION VARIANCE

HAS THERE EVER BEEN A REQUEST TO REZONE PROPERTY? ☒ YES ☐ NO

IF SO, WHEN AND WHAT ACTION WAS TAKEN? 11/20/2021 Denied Due to No Representation  
@ County Commission Meeting

DOES THIS PROPERTY HAVE CITY WATER AND SEWER AVAILABLE? ☐ YES ☒ NO

LETTER OF INTEND FROM PROCESSING FACILITY? ☐ YES

WHY ARE YOU REQUESTING THE CHANGE/ VARIANCE? **PLEASE BE DETAILED AND SPECIFY IN RELATION TO EXACTLY WHAT IS BEING REQUESTED FOR THE CHANGE/VARIANCE.**

Food truck Zoning Change  
Food Service Business

**HARDSHIP**

HEALTH DEPARTMENT APPROVAL \_\_\_\_\_ MEDICAL JUSTIFICATION \_\_\_\_\_ (ATTACH BOTH)

PERSON TO RESIDE IN MH-NAME \_\_\_\_\_ RELATIONSHIP \_\_\_\_\_

PRESENT ADDRESS \_\_\_\_\_ PHONE # \_\_\_\_\_

**\*\*\*DISCLOSURE\*\*\***

I HAVE or HAVE NOT made campaign contributions having an aggregate value of \$250.00 or more to a member of the Mitchell County Board of Commissioners, Mitchell County Planning Commission, or any local government official who will be considering the request, within 2 years of this application.

I HEREBY CERTIFY THAT I AM THE OWNER, OR LEGAL AGENT OF THE OWNER, IN FEE SIMPLE OF THE ABOVE-DESCRIBED PROPERTY.

APPLICANT: David Velasquez WITNESS: [Signature]

DATE: 6/23/2021 DATE: 6/23/2021

**\*\*CAUTION THAT FAILURE TO APPEAR COULD RESULT IN A DENIAL DUE TO LACK OF SUFFICIENT INFORMATION NEEDED FOR THE BOARDS TO MAKE AN INFORMED DECISION\*\***



Mitchell County  
Planning & Zoning Department  
18 North Court Street  
Camilla, Georgia 31730

Phone (229) 336-2060  
Fax (229) 336-2362

Russell Moody  
Zoning Administrator

**APPLICANT MEETING NOTIFICATION**

Application must be filed in the office of the Zoning Administrator at 18 North Court St., Camilla, Georgia by July 19th, 2021 by 12:00pm in order to be heard by the Planning Commission the following month.

Caution that failure to appear could result in a denial due to lack of sufficient information needed for the Boards to make an informed decision.

**PLANNING COMMISSION**

**DATE/TIME:** August 19<sup>th</sup>, 2021 @ 7:00pm

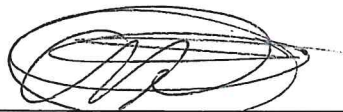
**BOARD OF COMMISSIONERS**

**DATE/TIME:** September 14<sup>th</sup>, 2021 @ 5:00pm

**ALL MEETINGS WILL BE HELD AT:** Mitchell County Board of Commissioners Meeting Room  
26 North Court St.  
Camilla, Georgia

Questions? Please call the Zoning Administrator at 336-2060.

Your signature below acknowledges receipt of the above referenced data.



Applicant/ Representative

6-23-2021

Date

## APPLICANT'S DECLARATION OF RURAL BUSINESS

A "Rural Business" shall be a small office or small-scale retail sales or service type business that shall be secondary or incidental to the primary use of property for agricultural or residential purposes (Zoned Ag). Such business shall be primarily directed toward providing local or neighborhood services to rural-residential areas. Rural Businesses shall be similar to home occupations, except that the activity can occur in an accessory structure detached from the principal residence. A rural business is intended to be for commercial uses of smaller size, intensity and scale than is commonly found in commercial zoning districts. The applicant for a rural business must have established residency and be living in the residence on the subject property prior to filing an application for consideration with the Planning Commission.

### Permitted Uses:

- Offices,
- Beauty and barber shops,
- Retail sales or services of a specialty nature; antique shops, specialty foods, custom made sporting goods, meat cutting as a retail service to the public provided, however, that no slaughtering or wholesale meat cutting or processing is permitted.
- Small repair shops for appliances, machinery, farm equipment or automobiles with the following limitations:
  - a. Repair shops shall not create noise, noxious odors, bothersome illumination or any hazard which would adversely affect the health, safety or welfare of the adjoining property owners or the neighborhood in general.
  - b. Outdoor storage of inoperable machinery, equipment or vehicles shall be prohibited.
  - c. No more than two (2) vehicles shall actually be serviced, actively worked on or repaired at any one time.
  - d. All spare parts (new or used) shall be stored within a structure and the storage space shall be included in the total space allocated for the business.
- Small businesses similar to the above, as approved by the Planning Commission

### Prohibited Uses:

- Retail sales of gasoline, service stations, mechanical, or do it yourself car washes.
- Truck terminals, heavy equipment rental.
- Industrial or manufacturing uses that require specialized equipment not ordinarily associated with agricultural and residential uses, i.e., forges, large milling machines, poultry or meat processing or packing equipment (except as provided for above).
- Drive-in theaters, restaurants, entertainment facilities, skating rinks or any use which as a result of its normal operation would generate large amounts of vehicular traffic.
- Any use which is clearly out of scale or character with an agricultural and residential area.

### Development Standards

The following standards shall apply to all rural businesses unless specifically exempted by the Planning Commission. The petitioner must satisfactorily demonstrate that exemption from one or more of these standards will not result in adverse impacts on the surrounding property. The following standards cannot be exempted by the Planning Commission: 1,2, 3, 4, & 6. A modification of development standards 3, 5, 7, & 8, shall only be permitted if: a) there are special and unusual topographic conditions unique to the property or structure, or (b) the proposed use is of such a small scale that conducting or operating the business would not be obvious or noticeable from the adjoining property or by the public in general, and will remain the same, and (c) a modification of the development standards shall be permitted only if the intent of the rural business section

is maintained.

1. An approved rural business will only be valid as long as the original petitioner owns and operates the business and the business license is issued to the petitioner. If the business license expires, or the petitioner wishes to sell or transfer the business or license, the Planning Commission approval would be void and a new application shall be submitted to the Planning Commission for consideration.
2. The site of the rural business must also be the bona fide residence of the petitioner and principle practioner.
3. Structure:
  - a. Any detached structure (existing or proposed) housing the rural business must be located to the sides or the rear of the principle residence of the property.
  - b. The structure shall not contain any equipment that would not ordinarily be found in accessory structures in an agricultural/residential district. Such a structure shall be readily and easily usable of customary agricultural and residential uses. The architectural style shall be in keeping with the surrounding agricultural and residential development.
4. Business shall be located on at least one (1) acre of land and the site upon which the business is actually conducted shall not exceed one-half acre of land.
5. Business shall be limited to a total of 1,000 square feet of gross floor area.
6. One non-illuminated sign, limited to a maximum of sixteen square feet shall be permitted. It may have two (2) faces of sixteen square feet each, back to back, on one set of supports.
7. Off-street parking shall be provided as set out in Article XVIII, Section 18.1 of the Zoning Regulations.
8. Two (2) employees, excluding immediate family members, shall be permitted

The business must be in compliance with all other applicable federal, state and county laws, ordinances or regulations.

The business shall be conducted in a manner which does not adversely affect the neighborhood with respect to impacts caused by traffic, parking, crime, security matters, noise, odor, light, glare, liquid or solid waste, or smoke or the creation of any public health or safety risks or other nuisance, as determined by the County.

The business shall not cause an increase in the use of any services (police, fire, etc.) that substantially exceeds the average for residences in the neighborhood.

Storage of hazardous or flammable materials is strictly prohibited.


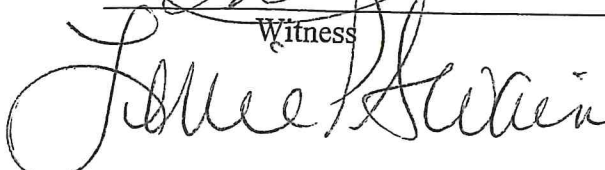
The County may impose additional standards reasonably related to the protection of the health, safety, morals, comfort and general welfare of the persons or property in the neighborhood of the rural business or to the County.

I HAVE READ AND UNDERSTAND THE ABOVE REGULATIONS AND  
AGREE TO COMPLY WITH THEM.

Signature

Date

Witness

6-23-2021





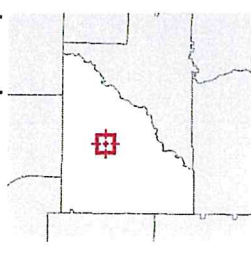
qPublic.net™

Mitchell County, GA

VELASQUEZ, DAVID



Overview



Legend



Parcels



Roads



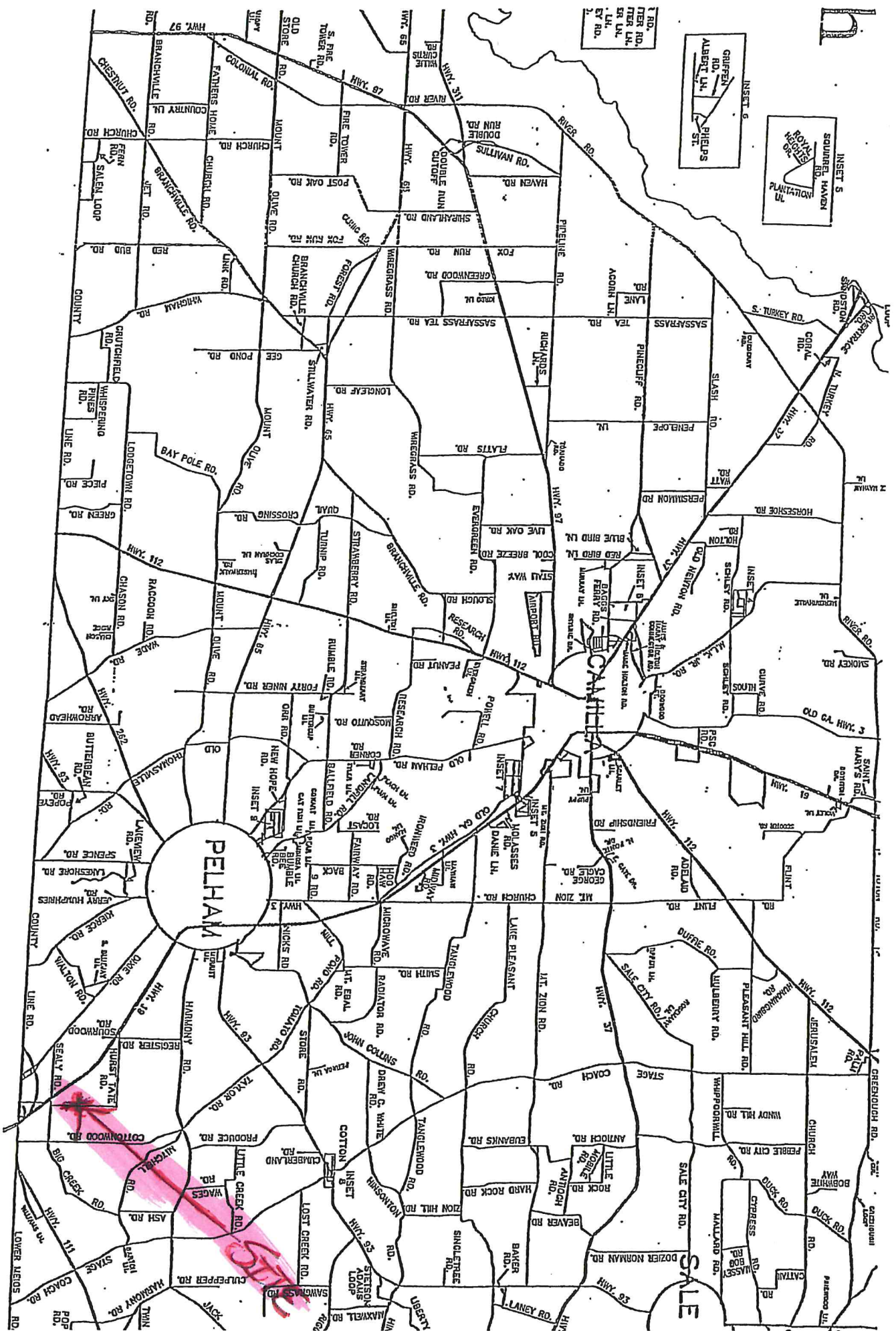
City Limits

Date created: 9/30/2020

Last Data Uploaded: 9/30/2020 7:44:21 AM

Developed by  
 Schneider  
GEOSPATIAL







Velasquez, David

8/5/2021





Velasquez, David

8/5/2021





Velasquez, David

8/5/2021





Velasquez, David

8/5/2021





Mitchell County Zoning Department  
18 North Court Street  
Camilla, Georgia 31730



Phone: 229-336-2060  
Fax: 229-336-2362  
E-Mail: [mczoning@mitchellcountyga.net](mailto:mczoning@mitchellcountyga.net)

**MEMORANDUM**

**DATE:** August 19, 2021

**TO:** MITCHELL COUNTY BOARD OF COMMISSIONERS

**FROM:** PLANNING AND ZONING COMMISSION

**APPLICATION:** 21-69-890

**PETITIONER:** Mr. David Velasquez

**LOCATION:** 4954 Strawberry Road, Pelham

**REQUEST:** Zoning Change from a R2 Zone to an Ag Zone for a Conditional Use for a Rural Business

**PRESENT USE:** R2 – One, Two, and Multiple Family Residential

**CURRENT ZONING:** R2, Residential District

**PROPOSED ZONING:** Ag, Conditional Use-Rural Business (Base of Operations Only)

**ANALYSIS:** Planning and Zoning Staff examined the subject property according to the applicable provisions of the Mitchell County's Zoning Ordinance, Article V, Section 5.23. The Planning Commission finds the R2 district allows for a service type business, which shall be secondary or incidental to the primary use of the property.

**Regarding the Rural Business Requirements, staff finds:**

**1. Does the proposed zoning classification promote the health, safety, moral or general welfare?**

The proposed conditional use for a rural business of the subject property for a Mobile Food Service Business is acceptable within an Ag district and should promote the health, safety, moral or general welfare of the environment.

**2. The existing uses of the subject property and uses of the adjacent and near properties.**

The subject property, adjacent properties, and near properties are similar in R2 Zoned pursuits.

**3. The current zoning of the subject property and adjacent or near properties.**

The Planning and Zoning Commission does find that the current zoning of the subject property, adjacent properties, and near properties are currently zoned R2.

**4. The extent to which property values are diminished by the present zoning restrictions.**

The Planning and Zoning Commission does not anticipate any problems with diminished property values with present zoning restrictions.

**5. The extent to which the restrictions diminishing property values, promotes the health, safety, morals or general welfare of the public.**

The Planning and Zoning Commission finds that the purposed conditional use request will not have any diminishing affects in property values, promotion of health, safety, morals or general welfare of the public and Planning and Zoning Commission expects the applicant to meet all the development standards.

**6. The relative gain to the public, compared to the extent of hardship imposed upon the individual property owner.**

The Planning and Zoning Commission finds that the relative gain to the public would be beneficial, compared to the extent of the hardship imposed upon the individual property owner without allowing request for the Zoning Change from a R2 Zone to an Ag Zone with a Conditional Use for a rural business.

**7. The suitability of the subject property considered under the proposed zoning classification.**

The Planning and Zoning Commission finds that the subject property is suitable for the proposed zoning classification of Ag with a conditional use for a rural business.

**8. The history of the use of the subject property considered in the context of land development in the vicinity of the property.**

The Planning and Zoning Commission finds that the subject property has a history of the current land use of R2 with the context of land development in the vicinity of the property being R2 as well.

**9. Conformity with the Mitchell County Comprehensive Plan.**

The Planning and Zoning Commission finds that the subject property meets conformity with the Mitchell County Comprehensive Plan.

**10. Provided, that the County Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood; and provided that wherever the County Commission shall find, in the case any permit granted, pursuant to the provision of these regulations that any term, conditions or restrictions upon which such permit was granted are not being complied with, said Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.**

**RECOMMENDATION:**