



## JACKSON COUNTY PLANNING COMMISSION

### Minutes

Jackson County Courthouse  
Jury Assembly Room  
5000 Jackson Parkway  
Jefferson, GA 30549

January 27, 2022  
6:00 P.M.

#### Members Present

Steve Wittry – Vice-Chairman  
Harold Mull  
Carson Saville  
Larry Turner

#### Member Absent

Les Knoblock

#### Staff Present

Jamie Dove – Public Development Manager  
Kathy Holloway – Zoning Coordinator

Steve Wittry, Vice-Chairman, called the meeting to order at 6:00 pm.

Carson Saville opened in prayer. Then, Steve Wittry, led everyone in the Pledge of Allegiance.

Harold Mull made a motion to nominate Steve Wittry as Chairman of the Planning Commission Board and was seconded by Carson Saville. The motion was approved unanimously. Harold Mull made a motion to nominate Carson Saville as Vice-Chairman of the Planning Commission Board and was seconded by Larry Turner. The motion was approved unanimously.

Carson Saville made a motion to approve the December 16, 2021 Planning Commission Minutes and was seconded by Harold Mull. The motion was approved unanimously. Then, Steve Wittry welcomed Larry Turner to the board.

Jamie Dove noted there will be a February 24, 2022 Planning Commission Meeting. Then, Ms. Dove read the zoning hearing procedures.

#### New Business -

1. MA-21-0088 – Whoville Partners, LLC, 577 Old State Road, Pendergrass, GA; 197.276 acres; change the Character Area Map from “Agriculture” to “Urban” and change the Future Land Use Map from “Agricultural/Forestry” to “Industrial”. (Map 101/Parcel 015)

Jamie Dove gave the staff report. The applicant/owner request a Character Area Map change from “Agricultural” to “Urban” and change the Future Land Use Map from “Agricultural/Forestry” to “Industrial”. The 197.276 acre tract fronts on Old State Road. There are flood plain areas on this property. The northwest portion of the property is located in a significant groundwater recharge area. Also, the Jackson County Water & Sewer Authority states that public water is available along Old State Road and gravity sewer is available to the property approximately 7,000 ft. down gradient. Staff has reviewed this application and recommends denial due to traffic and environmental concerns, as well as the property map designations meet the current comprehensive plan maps.

Stanton Porter, Law Offices of Stell, Smith, & Mattison, 98 North Broad Street, Winder, GA was present to represent the applicant/owner of the map amendment case. This proposed property is approximately 200 acres located on Old State Road and near Wayne Poultry Road. Staff has recommended denial due to the environmental concerns and road issues, but Mr. Porter noted that he believes these issues can be worked out during the map amendment and rezone process. Also, Mr. Stanton noted that they plan to comply with all environmental restrictions and regulations and Unified Development Code requirements for industrial roads. They are not proposing to build or interfere with the flood plain area and the detention ponds will handle the water runoff on the property. There are other industrial developments adjacent to the proposed property and in the surrounding area. The property is close proximity to Interstate 85 and Highway 129. Then, there was discussion between the board and Mr. Porter in regards to road issues and flood plain issues. Also, Mr. Porter noted that the road issues and flood plain issues will be addressed by the engineer during the rezone process.

Kenny Whitworth, one of the members of the Whoville Partners, LLC, was present in favor of this map amendment. Mr. Whitworth noted that Old State Road has been a major collector for 20 years between U.S. Hwy. 129 and Wayne Poultry Road. There has been houses on the corner of Old State Road and Wayne Poultry bought by Jackson County Board of Education for a bus terminal for Jackson County Schools. Thus, there will be industrial zoned property to the east, west, and south of the proposed property. Also, there is sewer already approved by Jackson County Water & Sewer Authority for a lift station. They will not disturb the flood plain area of the proposed property and will meet the Jackson County Unified Development Code requirements in upgrading the roadways.

There were many present in opposition to this map amendment case. The following people spoke in opposition to this map amendment case: Cliff Austin, Donna Rice, Tim Love, Gina McKinney, James Vickers. Those in opposition to this map amendment case had the following concerns: they want this part of the county to remain agricultural; there is mainly agricultural land and families living on Old State Road; this map amendment/rezone is only going to benefit the developers and the owners; industry will overcrowd the schools; against disturbing the environmental areas; traffic concerns on Old State Road of big transfer trucks; pollution issues; industrial will affect property values; there are too many empty warehouses now without adding more; want kids and grandkids to grow up in this agricultural area; community doesn't want industry or commercial. There was no rebuttal.

Steve Wittry closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Harold Mull made a motion to **deny** the Character Area Map change from “Agriculture” to “Urban” and the Future Land Use Map change from “Agricultural/Forestry” to “Industrial”. The motion was seconded by Carson Saville. The map amendment case was **denied** by Harold Mull, Carson Saville, and Larry Turner.

2. MA-21-0089 – Hardie Real Estate Group, LLC, Wayne Poultry Road, Pendergrass, GA; 45.90 acres; change the Future Land Use Map from “Commercial” to “Industrial”.  
(Map 078/Parcel 007)

Jamie Dove gave the staff report. The applicant/owner seeks a map amendment to change the 45.90 acres Future Land Use Map from “Commercial” to “Industrial”. The property is currently zoned A-2 (Agricultural Rural Farm District). If the map amendment is approved, it would allow the applicant to file for a rezone to either L-I (Light Industrial District), G-I (General Industrial District), or H-I (Heavy Industrial District). This property currently has road frontage on Wayne Poultry Road. Jackson County Water & Sewerage Authority states that public water is available along Wayne Poultry Road and gravity sewer is available to the property approximately 7,000 feet down gradient. Staff recommends approval.

Stanton Porter, Law Offices of Stell, Smith, & Mattison, 98 North Broad Street, Winder, GA was present to represent the applicant/owner of the map amendment case. This map amendment application concerns four adjacent tracts of land totaling 141.21 acres located on Wayne Poultry Road, Pendergrass, GA. Four separate applications have been submitted. If the map amendment and rezone applications are approved, then the four tracts will eventually be combined into one tract. Currently, the Future Land Use Map is classified as “Commercial” and the applicant is seeking to change the Future Land Use Map to “Industrial”. In looking at the Future Land Use Map for this general area, you can see that a lot of this area is “Industrial”, which makes sense as this area is close to Interstate 85. Also, sewer and water will be available to this property, but this type of development will not require as much water and sewer as a residential development. Also, this development will benefit the county by adding tax dollars for the schools. There are wetland areas identified on this property, but will not be disturbing any streams. They plan to abide by the Jackson County Unified Development Code in regards to road improvements.

There were some present in opposition to this map amendment case. The following people spoke in opposition to this map amendment case: Austin Wilson, Gina McKinney. Mr. Wilson is a tenant living at 4688 Wayne Poultry Road, Pendergrass, GA, one of the four tracts of land proposed for this industrial development. Mr. Wilson would like for his house to be cut out of the development so that he can continue living there. Also, Mr. Wilson felt that waste from this development would be going into the streams on this property. Then, Gina McKinney spoke in opposition to this map amendment stating that the citizens in this community don’t want more industrial or commercial development. Then, there was rebuttal from Stanton Porter. The Jackson County Comprehensive Plan that was approved back in 2019 shows that the Character Area Map for this property is “Urban”. Mr. Porter stated that he couldn’t make promises on cutting out this property for Mr. Austin, but they would give him time to relocate. The engineers for this project will be working with the environmental issues to protect the streams on this property, as well as abiding by the Unified Development Code requirements for road improvements.

Steve Wittry closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Harold Mull made a motion to **approve** the Future Land Use Map change from “Commercial” to “Industrial” and was seconded by Carson Saville. The map amendment case was **approved** by Harold Mull, Carson Saville, and Larry Turner.

3. MA-21-0090 – Hardie Real Estate Group, LLC, Wayne Poultry Road, Pendergrass, GA; 78.60 acres; change the Future Land Use Map from “Commercial” to “Industrial”.  
(Map 078/Parcel 008C)

Jamie Dove gave the staff report. The applicant/owner seeks a map amendment to change the 78.60 acres Future Land Use Map from “Commercial” to “Industrial”. The property is currently zoned A-2

(Agricultural Rural Farm District). If the map amendment is approved, it would allow the applicant to file for a rezone to either L-I (Light Industrial District), G-I (General Industrial District), or H-I (Heavy Industrial District). This property currently has road frontage on Wayne Poultry Road. Jackson County Water & Sewerage Authority states that public water is available along Wayne Poultry Road and gravity sewer is available to the property approximately 7,000 feet down gradient. Staff recommends approval.

Stanton Porter, Law Offices of Stell, Smith, & Mattison, 98 North Broad Street, Winder, GA was present to represent the applicant/owner of the map amendment case. This map amendment application concerns four adjacent tracts of land totaling 141.21 acres located on Wayne Poultry Road, Pendergrass, GA. Four separate applications have been submitted. If the map amendment and rezone applications are approved, then the four tracts will eventually be combined into one tract. Currently, the Future Land Use Map is classified as “Commercial” and the applicant is seeking to change the Future Land Use Map to “Industrial”. In looking at the Future Land Use Map for this general area, you can see that a lot of this area is “Industrial”, which makes sense as this area is close to Interstate 85. Also, sewer and water will be available to this property, but this type of development will not require as much water and sewer as a residential development. Also, this development will benefit the county by adding tax dollars for the schools. There are wetland areas identified on this property, but will not be disturbing any streams. They plan to abide by the Jackson County Unified Development Code in regards to road improvements.

There were some present in opposition to this map amendment case. The following people spoke in opposition to this map amendment case: Austin Wilson, Gina McKinney. Mr. Wilson is a tenant living at 4688 Wayne Poultry Road, Pendergrass, GA, one of the four tracts of land proposed for this industrial development. Mr. Wilson would like for his house to be cut out of the development so that he can continue living there. Also, Mr. Wilson felt that waste from this development would be going into the streams on this property. Then, Gina McKinney spoke in opposition to this map amendment stating that the citizens in this community don't want more industrial or commercial development. Then, there was rebuttal from Stanton Porter. The Jackson County Comprehensive Plan that was approved back in 2019 shows that the Character Area Map for this property is “Urban”. Mr. Porter stated that he couldn't make promises on cutting out this property for Mr. Austin, but they would give him time to relocate. The engineers for this project will be working with the environmental issues to protect the streams on this property, as well as abiding by the Unified Development Code requirements for road improvements.

Steve Wittry closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Harold Mull made a motion to **approve** the Future Land Use Map change from “Commercial” to “Industrial” and was seconded by Carson Saville. The map amendment case was **approved** by Harold Mull, Carson Saville, and Larry Turner.

4. MA-21-0091 – Hardie Real Estate Group, LLC, 4688 Wayne Poultry Road, Pendergrass, GA; 3.73 acres; change the Future Land Use Map from “Commercial” to “Industrial”. (Map 078/Parcel 008)

Jamie Dove gave the staff report. The applicant/owner seeks a map amendment to change the 3.73 acres Future Land Use Map from “Commercial” to “Industrial”. The property is currently zoned A-2 (Agricultural Rural Farm District). If the map amendment is approved, it would allow the applicant to file for a rezone to either L-I (Light Industrial District), G-I (General Industrial District), or H-I (Heavy Industrial District). This property currently has road frontage on Wayne Poultry Road. Jackson County Water & Sewerage Authority states that public water is available along Wayne Poultry Road and gravity sewer is available to the property approximately 7,000 feet down gradient. Staff recommends approval.

Stanton Porter, Law Offices of Stell, Smith, & Mattison, 98 North Broad Street, Winder, GA was present to represent the applicant/owner of the map amendment case. This map amendment application concerns four adjacent tracts of land totaling 141.21 acres located on Wayne Poultry Road, Pendergrass, GA. Four separate applications have been submitted. If the map amendment and rezone applications are approved, then the four tracts will eventually be combined into one tract. Currently, the Future Land Use Map is classified as “Commercial” and the applicant is seeking to change the Future Land Use Map to “Industrial”. In looking at the Future Land Use Map for this general area, you can see that a lot of this area is “Industrial”, which makes sense as this area is close to Interstate 85. Also, sewer and water will be available to this property, but this type of development will not require as much water and sewer as a residential development. Also, this development will benefit the county by adding tax dollars for the schools. There are wetland areas identified on this property, but will not be disturbing any streams. They plan to abide by the Jackson County Unified Development Code in regards to road improvements.

There were some present in opposition to this map amendment case. The following people spoke in opposition to this map amendment case: Austin Wilson, Gina McKinney. Mr. Wilson is a tenant living at 4688 Wayne Poultry Road, Pendergrass, GA, one of the four tracts of land proposed for this industrial development. Mr. Wilson would like for his house to be cut out of the development so that he can continue living there. Also, Mr. Wilson felt that waste from this development would be going into the streams on this property. Then, Gina McKinney spoke in opposition to this map amendment stating that the citizens in this community don’t want more industrial or commercial development. Then, there was rebuttal from Stanton Porter. The Jackson County Comprehensive Plan that was approved back in 2019 shows that the Character Area Map for this property is “Urban”. Mr. Porter stated that he couldn’t make promises on cutting out this property for Mr. Austin, but they would give him time to relocate. The engineers for this project will be working with the environmental issues to protect the streams on this property, as well as abiding by the Unified Development Code requirements for road improvements.

Steve Wittry closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Harold Mull made a motion to **approve** the Future Land Use Map change from “Commercial” to “Industrial” and was seconded by Larry Turner. The map amendment case was **approved** by Harold Mull, Larry Turner, and Carson Saville.

5. MA-21-0092 – Hardie Real Estate Group, LLC, Wayne Poultry Road, Pendergrass, GA; 12.98 acres; change the Future Land Use Map from “Commercial” to “Industrial”. (Map 078/Parcel 018)

Jamie Dove gave the staff report. The applicant/owner seeks a map amendment to change the 12.98 acres Future Land Use Map from “Commercial” to “Industrial”. The property is currently zoned A-2 (Agricultural Rural Farm District). If the map amendment is approved, it would allow the applicant to file for a rezone to either L-I (Light Industrial District), G-I (General Industrial District), or H-I (Heavy Industrial District). This property currently has road frontage on Wayne Poultry Road. Jackson County Water & Sewerage Authority states that public water is available along Wayne Poultry Road and gravity sewer is available to the property approximately 7,000 feet down gradient. Staff recommends approval.

Stanton Porter, Law Offices of Stell, Smith, & Mattison, 98 North Broad Street, Winder, GA was present to represent the applicant/owner of the map amendment case. This map amendment application concerns four adjacent tracts of land totaling 141.21 acres located on Wayne Poultry Road, Pendergrass, GA. Four separate applications have been submitted. If the map amendment and rezone applications are approved, then the four tracts will eventually be combined into one tract. Currently, the Future Land Use Map is classified as “Commercial” and the applicant is seeking to change the Future Land Use Map to



“Industrial”. In looking at the Future Land Use Map for this general area, you can see that a lot of this area is “Industrial”, which makes sense as this area is close to Interstate 85. Also, sewer and water will be available to this property, but this type of development will not require as much water and sewer as a residential development. Also, this development will benefit the county by adding tax dollars for the schools. There are wetland areas identified on this property, but will not be disturbing any streams. They plan to abide by the Jackson County Unified Development Code in regards to road improvements.

There were some present in opposition to this map amendment case. The following people spoke in opposition to this map amendment case: Austin Wilson, Gina McKinney. Mr. Wilson is a tenant living at 4688 Wayne Poultry Road, Pendergrass, GA, one of the four tracts of land proposed for this industrial development. Mr. Wilson would like for his house to be cut out of the development so that he can continue living there. Also, Mr. Wilson felt that waste from this development would be going into the streams on this property. Then, Gina McKinney spoke in opposition to this map amendment stating that the citizens in this community don’t want more industrial or commercial development. Then, there was rebuttal from Stanton Porter. The Jackson County Comprehensive Plan that was approved back in 2019 shows that the Character Area Map for this property is “Urban”. Mr. Porter stated that he couldn’t make promises on cutting out this property for Mr. Austin, but they would give him time to relocate. The engineers for this project will be working with the environmental issues to protect the streams on this property, as well as abiding by the Unified Development Code requirements for road improvements.

Steve Wittry closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Harold Mull made a motion to **approve** the Future Land Use Map change from “Commercial” to “Industrial” and was seconded by Larry Turner. The map amendment case was **approved** by Harold Mull, Larry Turner, and Carson Saville.

6. RZ-21-0094 – David Worley, Jr., 10447 Hwy. 334, Nicholson, GA; 6.015 acres; rezone from A-2 (Agricultural Rural Farm District) to A-R (Agricultural Residential District) in order to divide property into 2 tracts. (Map 007/Parcel 006B)

Jamie Dove gave the staff report. On November 15, 2021, the Board of Commissioners approved the Character Area Map change from “Conservation” to “Rural”. Now, the applicant seeks a rezoning from A-2 (Agricultural Rural Farm District) to A-R (Agricultural Residential District). If allowed to be rezoned, the applicant wishes to subdivide the property into 2 tracts. Tract 1 (3.014 acres) will be for the existing home and Tract 2 (3.001) will be for a new home. Each lot must be a minimum of 150 ft. wide at the building line as well as meet the building setbacks for A-R zoning. The existing home is served public water by the Jackson County Water & Sewerage Authority. Sanitary sewer is not available to the property. Staff recommends approval of this rezone case from A-2 to A-R with the following condition: 1) Jackson County Ordinance, Section 1549, states that two flag lots cannot be adjacent to one another, therefore the flag lot proposed for Tract 2 must be located on the north side of the property. Note: No plans or property surveys in any way are being approved as a part of this rezone request. All requirements of the Jackson County Unified Development Code must be adhered to.

Worley David, Jr., 10447 Hwy. 334, Nicholson, GA was present to represent this rezone case. Mr. Worley would like to rezone the 6.015 acre tract from A-2 to A-R in order to divide the property into 2 tracts for his children. Then, there was discussion between the board and Mr. David about the opposition letter received from the neighbor. The neighbor, Yvette Wise, had 2 requests if the board decided to approve this rezone. The first request, the future owner of Tract 2 be required to install at least 2 pull offs that would allow for a car to safely move over to avoid having to back up, especially out onto Hwy. 334. The second request, the future owner of Tract 2 be required to plant a buffer of magnolias, cedar trees,

and some understory shrubs on the back of their property in order to give privacy to Ms. Wise's property. Mr. David was not aware of these request until tonight and he would be glad to talk with Ms. Wise about these issues. So, the board decided to let Mr. David and Ms. Wise work these issues out.

There was no one present at the meeting in opposition to this rezone.

Steve Wittry closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Harold Mull **approved** the rezone from A-2 (Agricultural Rural Farm District) to A-R (Agricultural Residential District) **with 1 condition**: 1) Jackson County Ordinance, Section 1549, states that two flag lots cannot be adjacent to one another, therefore the flag lot proposed for Tract 2 must be located on the north side of the property. Note: No plans or property surveys in any way are being approved as a part of this rezone request. All requirement of the Jackson County Unified Development Code must be adhered to. The motion was seconded by Larry Turner. The rezone case was **approved with 1 condition** by Harold Mull, Larry Turner, and Carson Saville.

7. RZ-21-0095 – Kennon Swaim, 467 McNeal Road, Hoschton, GA; 7.02 acres; rezone from A-2 (Agricultural Rural Farm District) to A-R (Agricultural Residential District) in order to divide property into 2 tracts. (Map 111/Parcel 011A)

Jamie Dove gave the staff report. The applicant seeks a rezoning from A-2 (Agricultural Rural Farm District) to A-R (Agricultural Residential District). If allowed to be rezoned, the applicant wishes to subdivide the property into 2 tracts. Tract 1 will be 2.026 acres for the existing home and Tract 2 will be 5.00 acres for a new home. Each lot must be a minimum of 150 ft. wide at the building line as well as meet the building setbacks for A-R zoning. The Jackson County Water & Sewer Authority states that public water is available to this property along McNeal Road, but sanitary sewer is not available to the property. Staff recommends approval of this rezone. Note: No plans or property surveys in any way are being approved as a part of this rezone request. All requirements of the Jackson County Unified Development Code must be adhered to.

Kennon Swaim, 505 McNeal Road, Hoschton, GA was present to represent this rezone case. Mr. Swaim stated that this is his grandfather's property. In order for him to build a house on this property, he will need to divide it into 2 tracts by rezoning from A-2 to A-R.

There was no opposition present.

Steve Wittry closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Harold Mull made a motion to **approve** the rezone from A-2 (Agricultural Rural Farm District) to A-R (Agricultural Residential District) and was seconded by Carson Saville. Note: No plans or property surveys in any way are being approved as a part of this rezone request. All requirements of the Jackson County Unified Development Code must be adhered to. The rezone case was **approved** by Harold Mull, Carson Saville, and Larry Turner.

8. RZ-21-0096 – Amber & Derek Abbott, 2160 Athens Hwy., Jefferson, GA; 35.51 acres; rezone from A-3 (Agricultural Fringe District) to A-2 (Agricultural Rural Farm District) in order to divide property. (Map 069/Parcel 039A)

Jamie Dove gave the staff report. On November 15, 2021, the Board of Commissioners approved the Future Land Use Map from “Residential” to “Agricultural/Forestry” in order to rezone and subdivide the property. The applicant seeks a rezoning from A-3 (Agricultural Fringe District) to A-2 (Agricultural Rural Farm District). If allowed to be rezoned, the applicant wishes to subdivide the property by a 60 ft. easement. Tract 1 will be a 1.5 acre tract with the existing house. Tract 2 is an existing 1.0 acre tract and it is not a part of this rezone. Tracts 3, 4, 5, 6 will all be over 8 acres in size. Each tract must be a minimum of 200 feet wide at the building line and meet the A-2 building setbacks. The City of Jefferson public water is available for this property along Athens Highway, but sanitary sewer is not available for this property. Staff recommends approval of this rezone case. Note: No plans or property surveys in any way are being approved as a part of this rezone request. All requirements of the Jackson County Unified Development Code must be adhered to.

Amber Abbott, 440 Fountain Head Drive, Jefferson, GA was present to represent this rezone case. Ms. Abbott would like to rezone this property from A-3 to A-2 so that she and her family could build on these tracts.

There was no opposition present.

Steve Wittry closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion. Then, there was discussion between the board and staff in regards to the driveway to this property.

Harold Mull made a motion to **approve** the rezone from A-3 (Agricultural Fringe District) to A-2 (Agricultural Rural Farm District) in order to subdivide the property. The motion was seconded by Carson Saville. Note: No plans or property surveys in any way are being approved as a part of this rezone request. All requirements of the Jackson County Unified Development Code must be adhered to. The rezone case was **approved** by Harold Mull, Carson Saville, and Larry Turner.

Harold Mull made a motion to adjourn the meeting and was seconded by Steve Wittry. The motion was unanimous. Meeting adjourned at 7:30 p.m.

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Steve Wittry, Chairman

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Date