

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Conditional Use Application CU-24-05 – Soccer Facility

DATE: June 6, 2024

RECOMMENDATION

POLICY DISCUSSION

BUDGET INFORMATION: N/A

STATUS REPORT

ANNUAL-

OTHER

CAPITAL-

COMMISSION ACTION REQUESTED ON: June 17, 2024

PURPOSE: Make a recommendation to the Board regarding application CU-24-05: Juan Matias is seeking a conditional use for a soccer field/facility on Wheeler Road, map parcel 041 047B, in the LI, Low Intensity District.

BACKGROUND / HISTORY:

1. The applicant wants to construct a soccer field on the property with associated parking, concessions, and portable toilets on 7.0 acres on Wheeler Road in the LI. Low Intensity District.
2. The applicant proposes approximately six tournaments a year with up to 300 people at the facility. These would be weekend tournaments with up to 16 teams participating. The remainder of the year, the facility would be used as a practice area and for local teams to play individual matches outside of a tournament.
3. Yellow Bank Creek borders the proposed facility on the northern side. There would be a 150' setback from the top of the bank for any impervious surface. The first 100' from the top of the bank must remain undisturbed, which means no grading or structures would be allowed. There is no designated floodplain within the property, but it looks as if it floods and the neighbors state it does.
4. There is reasonably new subdivision surrounding the proposed site with homes built about two years ago.
5. Staff feels this location is not appropriate for the proposed use. There is a subdivision on three sides of the property. In addition, the soccer field is immediately behind four homes.
6. There were a large number of citizens at the meeting opposed to the proposed facility. They expressed concerns with traffic, noise, environmental impact, and just the inappropriate use in the residential area.

FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Denial.

OPTIONS: The Board of Commissioners could act on this application as follows:

1. Denial of the request as recommended by the Planning Commission;
2. Approval of the request as submitted;
3. Commission defined alternative.

RECOMMENDED SAMPLE MOTION: I motion to deny CU-24-05 as recommended by the Planning Commission.

DEPARTMENT:

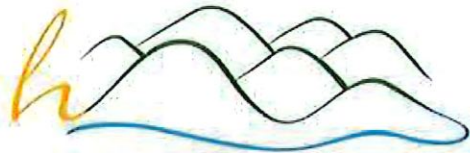
Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

DATE: _____

County Manager



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-24-05

REQUESTED ACTION: Jaun Matias is seeking a Conditional Use to construct and operate a soccer field on his property. The tract is further identified as Map 041 Parcel 047B consisting of 7 acres.

Synopsis: Initial inquiry regarding this was addressed through a written request. Plans are to use this property to operate a soccer field.

PETITIONER: Juan Matias

PROPERTY OWNER: Juan Matias

EXISTING USE: Residential

PROPOSED USE: Soccer field.

LOCATION: Wheeler Rd.

PARCEL SIZE: 7 acre(s)

MAP#: 041 **PARCEL(S)#:** 047B

EXISTING & FUTURE LAND USE DISTRICT:

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

MEETING DATES: Planning Commission: June 4, 2024

Board of Commissioners: June 17, 2024

PLANNING ANALYSIS:

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

The current zoning classification of this parcel is LI- Low Intensity and the land use of this parcel is Rural and all properties adjacent are as well.

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

The property is designated as LI – Low Intensity. This district will provide and protect an environment suitable for single-family detached residential uses or individual lots, conventional subdivisions and master planned developments, together with such other accessory uses as may be necessary to and compatible with low density residential surroundings.

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 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;

A soccer field could be a great place to enjoy the outdoors but in this particular area it could be a hardship to the community.

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

Property does have a reasonable economic use within the LI District.

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, cleanliness/sanitation, buffers, etc., to promote harmony and balance in an existing rural 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 rural. However, during certain times, an increase in traffic, noise, etc. will be an issue that needs to be addressed.

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 will support compatibility and balance if certain criteria is met.

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;

The increase of noise and traffic will probably be an issue to the neighborhood.

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 the above mentioned issues at this location are essential to maintaining the integrity of the Comprehensive Plan. The proposed use will need to have restrictions placed upon it to support harmony and balance in this rural neighborhood if the Conditional Use is granted.

Staff Recommendation:

The Conditional Use request is to allow the applicant to operate a soccer field. There are several concerns that need to be addressed when considering this proposal. Mr. Juan Matias plans to hold up to (6) tournaments a year with approximately 300 people there for each tournament. The field can also be reserved outside of tournaments for weekend use. The applicant plans to provide refreshments for the spectators which would require a temporary food permit from Habersham County Environmental Health. The hours of operation would be 8am to sundown. To encourage daytime use only, no outdoor lighting will be provided. Portable bathrooms and a parking area will be available. A soccer field could a great use of the outdoors. However, in this particular neighborhood there are some definite issues that would need to be addressed if the Conditional Use is approved. Noise, pollution, erosion, and traffic are all concerns that need attention. Several new houses on Wheeler Rd. border the soccer field and on the other side is a creek that has flooding potential. All this has been taken into consideration and due to the issues and concerns that it will impose on the community, staff recommends denial of CU-24-05.

Staff recommends:

Approve as Submitted

Denial

Approval with Conditions

Table

Planning Commission recommends:

Approve as Submitted

Denial (6-4-24)

Approval with Conditions

Table

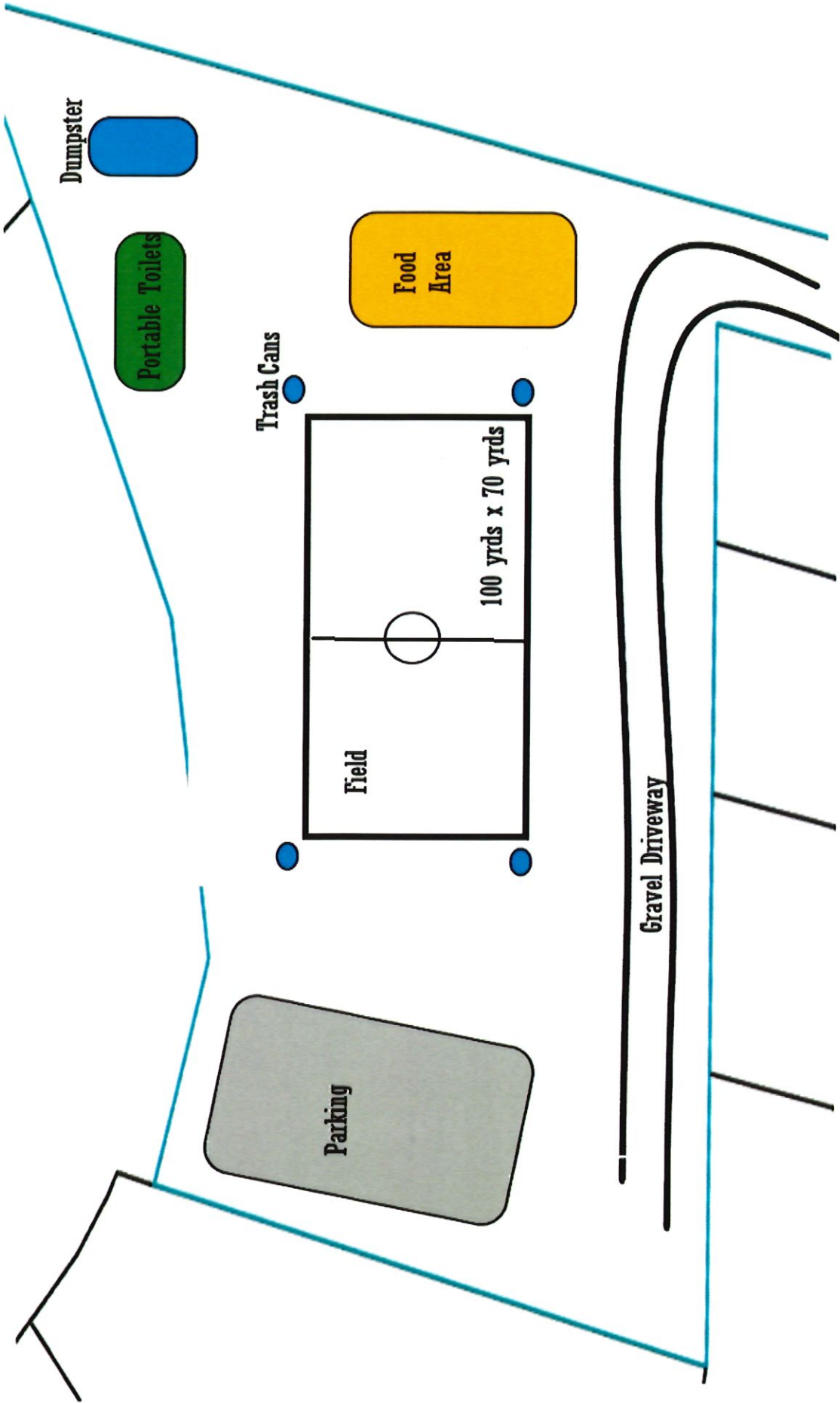
Board of Commissioners Decision:

Approve as Submitted

Denial

Approval with Conditions

Table



Proposal for San Rafael Independencia Soccer Field

Location:

Parcel ID : 041-047B Neighborhood:

HAB MILLS/HYW 17/HWY 115

Owner:

Juan Matias



OBJECTIVE

To provide a safe space for private nonofficial soccer teams from all over GA to compete in tournaments. To expand community outreach specifically the Guatemalan population but open to all.

Goal:

Hold 6 Soccer Tournaments a year.

Provide Refreshments to players and spectators.

Field can be reserved outside of Tournaments.

Hours:

Tournament Season would start APRIL- SEPTEMBER

8:am to Sundown with 1 hour before sundown reserved for cleaning

Participants:

All team members must be 18 or older.

Expected population 300 people during tournaments.

Parking:

Plan for ample parking space at a gravel lot. See diagram attached.

Bathroom:

Portable Bathrooms would be provided by Holcomb Waste Systems
Or Waste Away Disposal on the days that field would be in use.
Minimum of 6 bathrooms at all times.

Lighting:

No lighting will be provided to encourage daytime use only.

Insurance:

Insurance would be purchase for General Liability with a premium of
500,000.00

Food:

If food is requested on tournaments, a Temporary food permit would
be requested from Habersham County Health Department



HABERSHAM COUNTY
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HABERSHAM COUNTY

Planning & Development

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

APPLICATION TYPE: Variance: Conditional Use: Map Amendment:
[Check appropriate application(s)]

PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant / Primary Contact Matiqs Pedro Juan

Address [REDACTED]

Telephone # () [REDACTED] Cell Telephone # [REDACTED]

E-Mail [REDACTED]

Property Owner(s): Juan Matias P

Address [REDACTED]

Telephone # [REDACTED] Cell Telephone # () [REDACTED]

E-Mail [REDACTED]

Agent: _____

Address _____ City _____ State _____ Zip _____

Telephone # () _____ Cell Telephone # () _____

E-Mail _____

Location (Street Address) of Property: 130 Wheeler RD

Acreage of Site: 7 Acres Tax Map & Parcel#: 041 042B Existing LUI District: 001 county

Action Requested: Turn it into a soccer field

Cite Pertinent Section(s): _____

Existing Use: _____

Proposed Use: All of it

APPLICATION PROCESS FEE: \$300.00

RECEIVED
MAR 22 2024
BY: _____

PAID
Cash
\$300.00
3/22/2024



HABERSHAM COUNTY

Planning & Development

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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.

Matias pedro Juan

Property Owner/Executor/Officer
(Print)

X Matias Pedro Juan

Property Owner/Executor/Officer
(Signature)

03/18/24
Date of Signature

Authorized Agent
(Print)

Authorized Agent
(Signature)

/ /
Date of Signature



HABERSHAM COUNTY

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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.

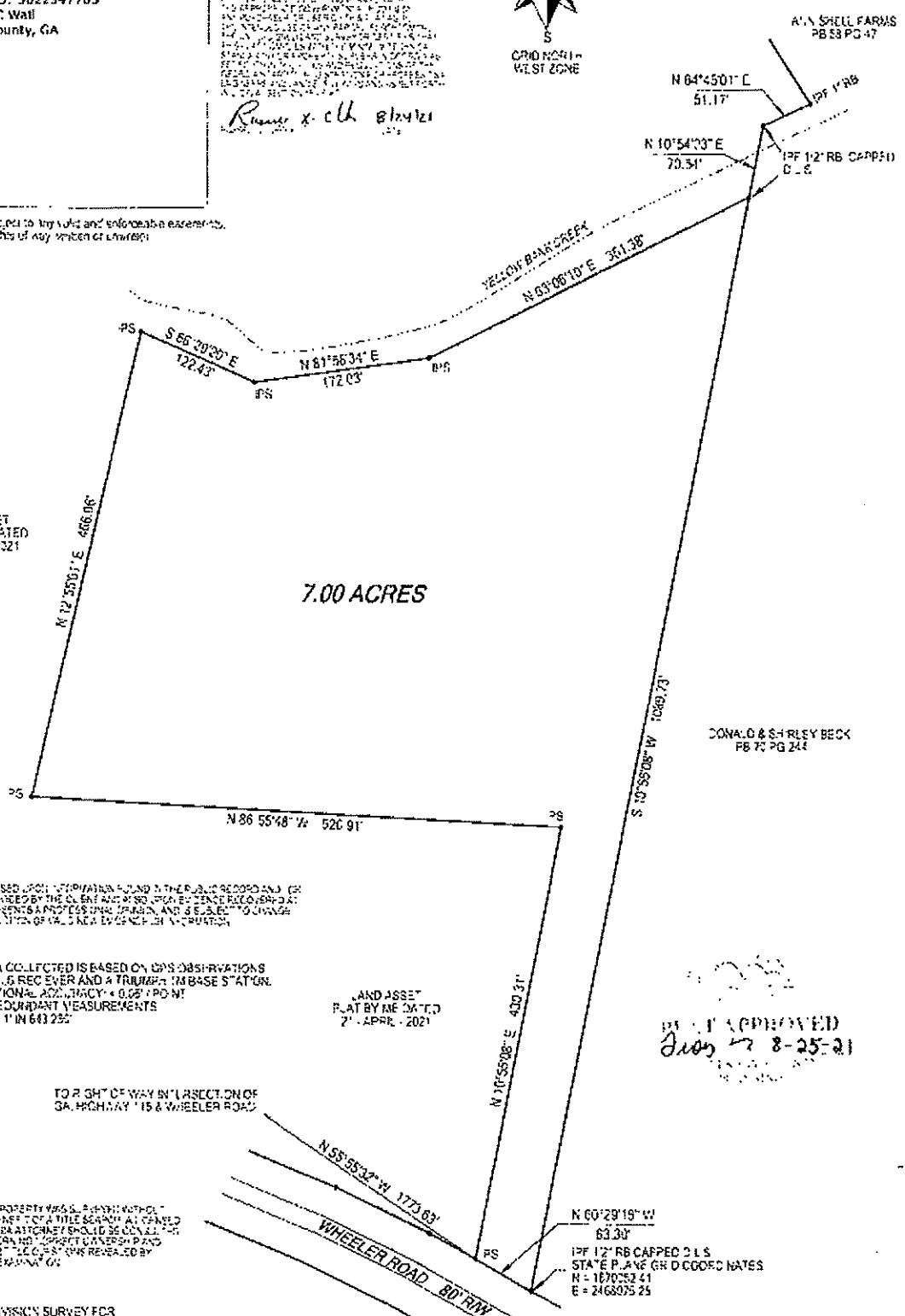
Name of Official(s)	Office	Amount	Date of Contribution / /
<u>Matias Pedro Juan</u>			
Applicant's Name (Please Print)			
<u>Matias Pedro Juan</u>			/ /
Signature of Applicant			Date of Signature

Filed & eRecorded
DATE: 9/1/2021
TIME: 4:28 PM
PLAT BOOK: 00072
PAGE: 00046
RECORDING FEES: \$10.00
PARTICIPANT ID: 5022347703
CLERK: David C Wall
HABERSHAM County, GA

APPROVED
Russell X. Cheek
8/24/21



This property is subject to any valid and enforceable easements, restrictions, and rights of any written or unwritten.



LAND ASSET
PLAT BY ME DATED
21 APRIL 2021

7.00 ACRES

DONALD & SHIRLEY BECK
PB 77 PG 244

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PUBLIC RECORDS ACT OF GEORGIA AND THE PUBLIC RECORDS ACT OF HABERSHAM COUNTY, GEORGIA. THE SURVEYOR HAS REVIEWED THE PUBLIC RECORDS AND HAS FOUND NO OTHER SURVEYS OR RECORDS THAT AFFECT THIS SURVEY.

THE FIELD DATA COLLECTED IS BASED ON GPS OBSERVATIONS USING A JAVAN 5 REC EVER AND A TRIMBLE INBASE STATION. THE POSITIONAL ACCURACY IS 0.02 METER. CHECKED BY REDUNDANT MEASUREMENTS. PLAT CLOSURE 1" IN 643.25'

LAND ASSET
PLAT BY ME DATED
21 APRIL 2021

APPROVED
Russell X. Cheek
8-25-21

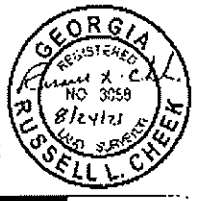
TO RIGHT OF WAY IN SECTION OF
GA. HIGHWAY 115 & WHEELER ROAD

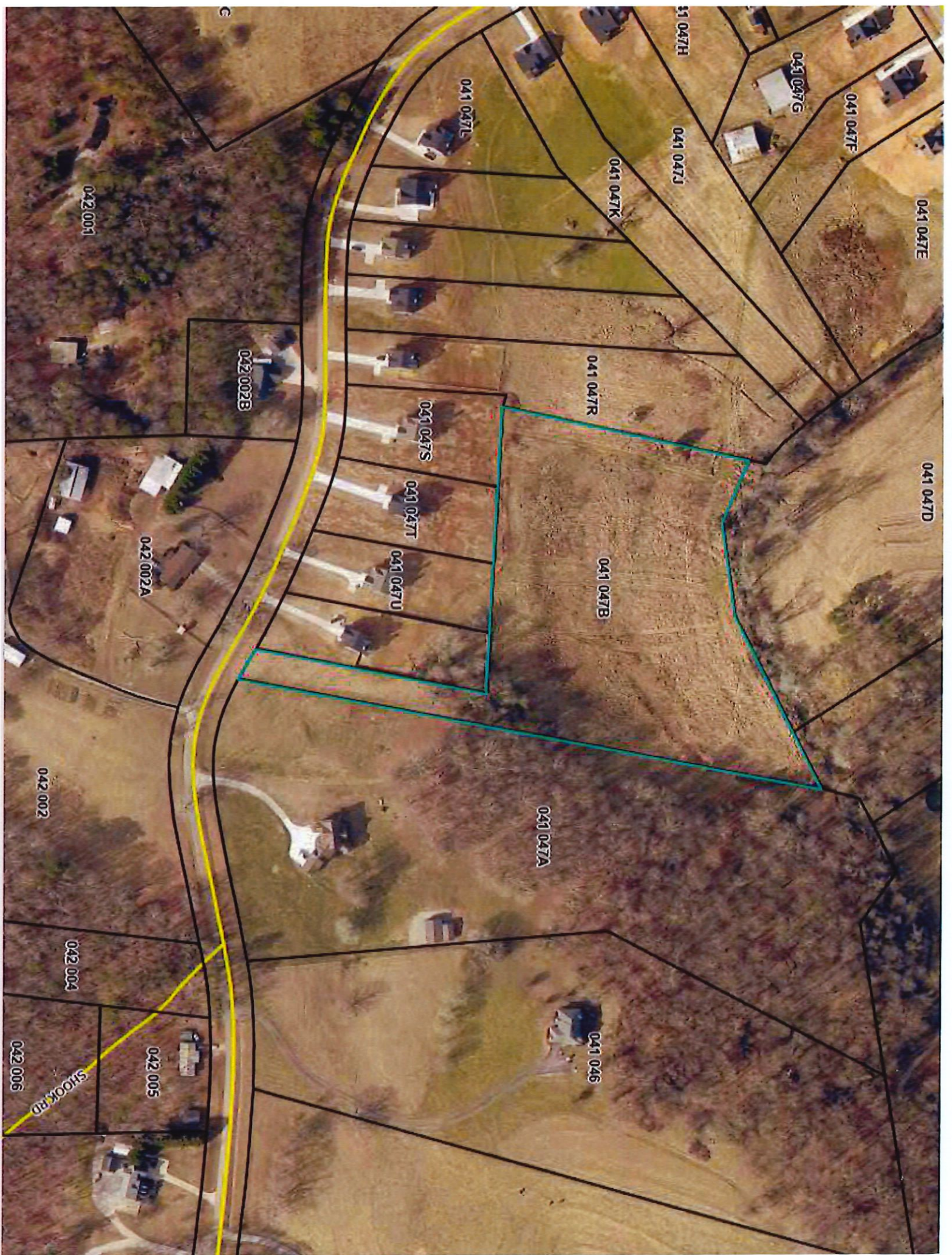
THIS PROPERTY WAS SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND CANNOT BE GUARANTEED TO BE CORRECT. THE SURVEYOR HAS REVIEWED THE PUBLIC RECORDS AND HAS FOUND NO OTHER SURVEYS OR RECORDS THAT AFFECT THIS SURVEY.

DIVISION SURVEY FOR
LAND ASSET

Located in: Land Lot 7, District 10th Section, Habersham County, Georgia
Date: 24 August 2021 Job No. 2140A Fr. 42
Revisions: none
Field work completed: 24 August 2021
Scale: 1 inch = 200 feet File: Allison, James | Wheeler Rd.

SURVEYED BY:
RUSSELL CHEEK
163 N CURRAHEE LANE
TOCCON, GA 30577
PHONE 706-886-8536





041 047E

041 047D

041 047F

041 047G

041 047H

041 047J

041 047K

041 047L

041 047R

041 047B

041 047S

041 047T

041 047U

042 002B

042 002A

041 047A

041 046

042 001

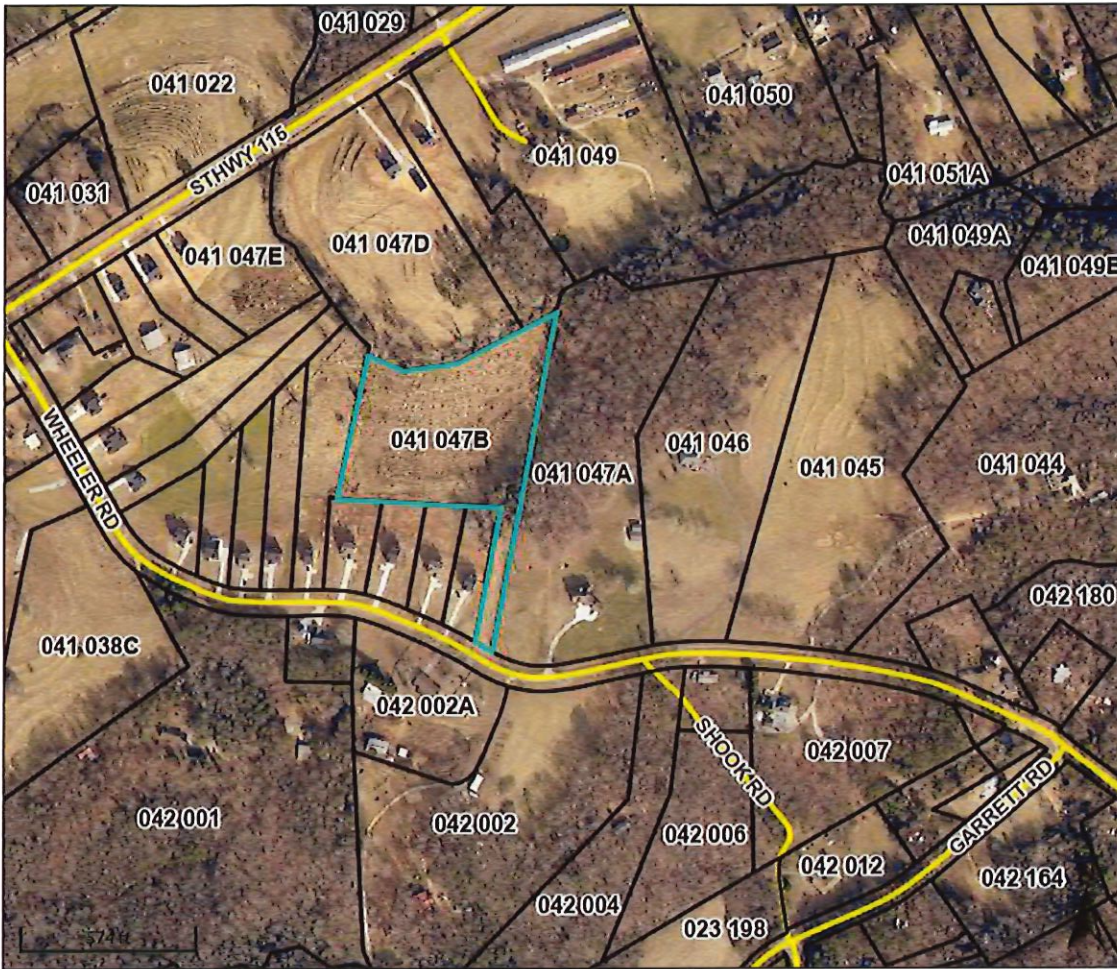
042 002

042 004

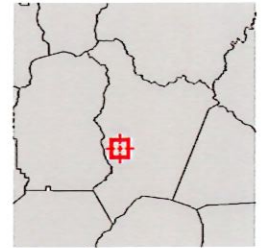
042 005

042 006

SHOOK RD



Overview



Legend

-  Parcels
-  Roads
-  Flood Map

Parcel ID	041 047B	Alternate ID	3493922	Owner Address	JUAN MATIAS P
Sec/Twp/Rng	n/a	Class	R		171 BURNING BUSH DR
Property Address	WHEELER RD	Acreage	7.0		ALTO GA 30510
	01				

District 01
 Brief Tax Description 10-7 PB 72-46 1277-285
 (Note: Not to be used on legal documents)

Flood Map Disclaimer: The data shown is provided as a reference only and does not imply accuracy with regard to horizontal or vertical location. This data is not to be employed to determine any base flood elevations for National Flood Insurance.

FEMA provides access to the National Flood Hazard Layer (NFHL) through web mapping services. The NFHL is a computer database that contains FEMA's flood hazard map data. The simplest way for you to access the flood hazard data, including the NFHL, is through [FEMAs Map Service Center \(MSC\)](#). If you want to explore the current digital effective flood hazard data in a map, the best tool to use is the [NFHL Viewer](#). From the NFHL Viewer, you may view, download, and print flood maps for your location

Date created: 5/24/2024
 Last Data Uploaded: 5/24/2024 2:32:14 AM

Developed by  Schneider GEOSPATIAL

