



## HALL COUNTY PLANNING COMMISSION MINUTES OF MAY 4, 2020

The regular meeting of the Hall County Planning Commission was held in the 2nd Floor Meeting Room, Hall County Government Center, 2875 Browns Bridge Road, Gainesville, Georgia.

**Members Present:** Chris Braswell, Chairman, Frank Sosebee, Gina Pilcher, Stan Hunt  
Johnny Varner

**Staff Present:** Sarah McQuade, Director of Planning; Beth Garmon, Senior Planner;  
Katie Greenway, Planner; Vanessa Foster, Civil Engineer; Laura  
Ogletree, Clerk

**Call to Order:** The meeting was called to order by the Chairman at 5:20 pm.

**Approval of Minutes:** April 20, 2020

### **NEW BUSINESS**

**Mr. Braswell stated that he would be moving item 8 to be heard first.**

- 1. Application of Rochester & Associates, Inc. to rezone from Agricultural Residential (AR-IV) to Planned Residential Development (PRD) on a 30.66± acre tract located on the south side of Thompsons Mill Road; a.k.a. 5375, 5381, 5393 & 5401 Thompsons Mill Road; Zoned AR-IV; Tax Parcel 15041 000003P, 000003O, 000074, & 000003V. Proposed Use: multi-family residential. Commission District 1.**

#### **Background Information:**

The applicant is requesting to rezone four parcels totaling approximately 30.66± acres currently zoned Agricultural-Residential-IV (AR-IV) to Planned Residential Development (PRD) for a 350-unit apartment complex. The narrative included with the application indicates that the development will have gated access, clubhouse, swimming pool, and passive park areas. According to the applicant, the subject property is within walking distance of the Duncan Crossing retail development, and the apartments will provide housing opportunities to major employers in the area such as Northeast Georgia Medical Center, located only 2 miles away. The project is anticipated to be complete by 2022.

#### **Applicant's Presentation:**

Applicant was not available to present their request, however they had requested to table their request to the June 1, 2020 Planning Commission meeting.

**Motion: Mr. Sosebee made a motion to approve the request to table with a second from Ms. Pilcher and the motion passed by a 5-0 vote.**

- 2. Application of James N. Beatty, Jr. for a left side yard setback variance from 10 feet to 6 feet on a 0.27± acre tract located on the west side of Perry Drive approximately 2,531 feet from its intersection with Mount Vernon Road; a.k.a. 4223 Perry Drive; Zoned V-C; Tax Parcel 10117 000032. Proposed Use: construct a carport. Commission District 3.**

**Background Information:**

The applicant is seeking to construct a 22' by 22' garage on their property and will need to be granted a left side yard setback variance from 10 feet to 6 feet in order to construct this structure. The applicant's statement of hardship states that if they were not to be granted this variance, the garage would have to be constructed in an awkward placement.

**Applicant's Presentation:**

**James Beatty, 4223 Perry Drive, Gainesville,** presented the request. Mr. Beatty stated that he was just wanting to build a carport to park his cars under. Mr. Sosebee asked Mr. Beatty if the garage would be enclosed. Mr. Beatty stated that it would not be an enclosed garage. Mr. Hunt asked if the footprint of the driveway, would be the only concrete poured. Mr. Beatty stated that they would pour concrete to reach under the carport but no other changes would be made to the existing driveway.

**Public Forum:**

No one spoke in favor or opposition of the request.

**Motion:        *Mr. Hunt made a motion to approve the request with a second from Mr. Sosebee and the motion passed by a 5-0 vote.***

- 3. Application of Jody Kose for a front yard setback variance from 40 feet to 30 feet, a right side setback variance from 15 feet to 10 feet, and a left side setback variance from 15 feet to 10 feet on a 0.31± acre tract located at the terminus of Pathway Road; a.k.a. 3015 Pathway Road; Zoned AR-III; Tax Parcel 09113A001008F. Proposed Use: single family residence. Commission District 4.**

**Background Information:**

The applicant is seeking a front yard setback variance from 40 feet to 30 feet, and a right and left setback variance from 15 feet to 10 feet on a 0.31± acre tract. The applicant is seeking this approval so that they can build a single family residence with an attached carport on the property. The proposed house is 1 story and approximately 26 feet by 48 feet in size with an attached 22 foot by 22 foot carport. The applicant states in their narrative that the proposed home will not fit on the property with the required setbacks and would like to be granted a front, right and left side setback variance.

**Applicant's Presentation:**

**Jody Kose, 8900 Stone River Drive, Gainesville,** presented the request. Mr. Kose stated that he owns the property in question as well as the one next to it. He stated that he is wanting to place a home on the property.

**Public Forum:**

No one spoke in favor or opposition of the request.

**Motion:** *Mr. Varner made a motion to approve the request with a second from Mr. Hunt and the motion passed by a 5-0 vote.*

- 4. Application of Ricardo Ortiz III and Jamie Kerby Ortiz for a Use Subject to Planning Commission approval on a 19.17± acre tract located on the south side of Oconee Circle; a.k.a. 2872 Oconee Circle; Zoned AR-IV; Tax Parcel 15021D000014C. Proposed Use: continue a nonconforming use. Commission District 3.**

**Background Information:**

The applicant is requesting approval on a 19.17± acre tract for a use subject to Planning Commission approval to continue a nonconforming use. The applicant states that they would like to replace an existing mobile home in the same foot print in order to care for their parents who also live on the property. The applicant's narrative states that there is an existing septic tank that has been approved for the residence.

**Applicant's Presentation:**

**Jamie Kerby Ortiz, 2872 Oconee Circle,** presented the request. Ms. Ortiz stated that she and her husband would like to live on the property, in a new mobile home, in order to take care of her parents who live on the property next door to them. Mr. Braswell asked if the septic tank had already been approved by Environmental Health. Ms. Ortiz stated that it had been approved and she had the paperwork from it being approved. Mr. Hunt asked if the applicant had spoken to neighbors. Ms. Ortiz stated that she had and the neighbor closest to the property was her older brother. Ms. Pilcher asked for clarification on who lives in the mobile homes on the property. Ms. Ortiz stated that she and her husband were moving into one mobile home and her brother would be living in the other. Mr. Hunt asked if all residents would be family members. Ms. Ortiz stated that was correct.

**Public Forum:**

No one spoke in favor or opposition of the request.

**Planning Commission Comments:**

Mr. Braswell stated that he would request a condition be added to the request that Environmental Health's approves the request.

**Motion:** *Mr. Hunt made a motion to approve with condition the request with a second from Mr. Varner and the motion passed by a 5-0 vote.*

*Conditions:*

1. *Prior to the issuance of a building permit, approval from Hall County Environmental Health shall be required.*

5. **Application of Shun Borders for a Use Subject to Planning Commission approval on a 0.36± acre tract located on the west side of Moore Lane at its intersection with Athens Street; a.k.a. 1802 Moore Lane; Zoned R-II; Tax Parcel 15032E005008. Proposed Use: continue a nonconforming use. Commission District 4.**

**Background Information:**

The applicant is requesting a Use subject to the Planning Commission's approval to continue a non-conforming use in the Residential-II (R-II) zoning district. The subject parcel currently has a site built home and a mobile home located on the property. The applicant's narrative states that the mobile home is in unlivable condition. The applicant is requesting to replace the dilapidated mobile home with a better condition mobile home.

**Applicant's Presentation:**

**Shun Borders, 1802 Moore Lane, Gainesville**, presented the request. Mr. Borders stated that he was wanting to replace the mobile home behind the home he was currently living in with his sister, to live separately from his sister. Mr. Sosebee asked if there was a septic tank for each home. Mr. Borders stated that was correct, one for each home.

**Public Forum:**

No one spoke in favor or opposition of the request.

**Planning Commission Comments:**

Mr. Varner asked what size mobile home would be placed on the property. Mr. Borders stated he would replace the demolished mobile home would be a 28 x 56, 3 bedroom mobile home. Mr. Hunt asked what size mobile home was on the property prior to being torn down. Mr. Borders stated it was a 10 x 41 mobile home that use to be there. Mr. Sosebee asked if all the homes around the mobile home would be family members. Mr. Borders stated that they would all be family homes and it is all his families land as well.

**Motion:      *Mr. Varner made a motion to approve with conditions the request with a second from Mr. Sosebee and the motion passed with a 5-0 vote.***

*Conditions:*

1. *Prior to the issuance of a building permit, approval from Hall County Environmental Health shall be required.*
2. *The applicant shall work with Hall County Planning and Environmental Health to try and meet current setback requirements. If those setbacks cannot be met the new mobile home shall not encroach any further than the existing mobile home.*

- 6. Application of Calvin Le for a Use Subject to County Commission approval on a 8.28± acre tract located on the east side of Candler Road approximately 1,828 feet from its intersection with Calvary Church Road; a.k.a. 1393 Candler Road; Zoned I-II; Tax Parcel 15032 000012. Proposed Use: auto sales. Commission District 3.**

**Background Information:**

The applicant is requesting to add used auto sales to the existing scrap metal recycling business. The applicant's narrative states that they often receive vehicles for scrap that typically only need minor mechanical or cosmetic repairs to be road ready again. Rather than breaking them down for scrap they would rather repair the vehicles and be able to sell them to the public. There will be no extensive repairs completed, such as rebuilding engines or transmissions, but rather replacing a radiator or repairing cosmetic body damage. The rest of the business will remain the same.

Used vehicle sales are a use which requires the approval of the Hall County Board of Commissioners.

**Applicant's Presentation:**

**Calvin Le, 1393 Candler Road, Gainesville**, presented the request. Mr. Le stated that everything would remain the same as it was presented and approved in 2016. Mr. Pilcher asked if Mr. Le's intention was to sell to public Mr. Hunt asked staff if they could explain staff condition number 4. Ms. McQuade stated that the first part of that condition should be removed. Mr. Hunt asked Mr. Le how he was going to advertise the cars. Mr. Le stated that they could make an appointment or buy online. Mr. Hunt asked Mr. Le if he agreed to the staff conditions. Mr. Le stated that he was in agreeance with the conditions. Mr. Braswell asked if all the conditions from 2012 had been met. Mr. Le stated that the buffer had been planted and they are inside the fence on his property and it would not be visible from Candler Road. Mr. Sosebee asked Mr. Le if the all the cars that would be sold would operate. Mr. Le stated that all the cars being sold, will be operable.

**Public Forum:**

No one spoke in favor or opposition of the request.

**Motion: Mr. Hunt made a motion to recommend approval with conditions the request with a second from Ms. Pilcher and the motion passed by 5-0 vote.**

**Conditions:**

- 1. Signage on the property shall be modified to meet current code requirements per §17.270 of the Official Code of Hall County.*
- 2. All conditions of the April 2012 special use request shall still apply. A Hall County inspector shall revisit property to confirm all conditions have been met.*
- 3. The maximum number of cars for the used vehicle sales business shall be 25.*

4. *Per §17.250.220, no parking area shall be used for the repair, dismantling or servicing of any vehicles, equipment, materials or supplies. All repair work shall be completed inside.*

7. **Application of Michael G. James to rezone from Residential I (R-I) to Office Institutional (O-I) on a 3.45± acre tract located at the intersection of Ledan Road and Thompson Bridge Road; a.k.a. 3473 Thompson Bridge Road; Zoned R-I; Tax Parcel 10114 000039. Proposed Use: office space. Commission District 2.**

**Background Information:**

The applicant is requesting approval to rezone a 3.45± acre parcel from Residential-I (R-I) to Office Institutional (O-I) to be utilized as an office space for Michael James Remodeling. The applicant's narrative states that the property will be occupied by two employees, himself and an office manager.

**Applicant's Presentation:**

**Michael James, 450 West Main Street, Dahlonega**, presented the request. Mr. James stated the he planned to relocate his office to this property. He stated that he was requesting two signs. Mr. James stated that one sign was going to be difficult to meet the sign regulations. Mr. Braswell asked if Mr. James was wanting to increase the size of both signs or just one. Mr. James stated that he would like to make both signs larger. He also stated that he was wanting to build a stone or brick sign with two arms holding the sign up. Mr. Braswell stated that would be fine, however it would have to be approved by Planning.

**Public Forum:**

**Peter Doig, 3520 Grey Stone Road**, spoke in opposition. Mr. Doig stated that they live behind the property and just had some concerns. He was concerned with some of the tress being taken down, parking, and increase of square footage of the home changing.

**Larry Prichett, 3473 Mill Creek Road, Gainesville**, spoke in opposition. Stated that he was in opposition due to the possible lighting being a problem.

**Rebuttal**

Mr. James stated that he had a company vehicle and his office manager's car will be there throughout the day. He also stated that he did not have any intention of taking down any trees or changing the size of the current home. Ms. McQuade stated that a group home could be there if the applicant ever sells the property, however it could not allow any more than 18 children in the group daycare home. Mr. James also stated the he did not have any intentions of adding addition lighting. He also stated that his business is only going to be operated from 8:00 am to 5:00 pm, so he did not see any need for additional lighting.

**Motion: Mr. Hunt made a motion to recommend approval with conditions for the request with a second from Ms. Pilcher and the motion passed by a 5-0 vote.**

**Conditions:**

1. *The development shall occur as generally depicted on the concept plan and as described in the project narrative.*
  2. *Prior to the issuances of a business licenses, the property shall be improved to meet the requirements for commercial development including, but not limited to, buffers, lighting, parking, and signage.*
  3. *Any additional development to the property shall be subject to the Hall County Development Review process.*
  4. *The applicant shall contact the Georgia Department of Transportation (GDOT) to determine if this project will require coordination with them.*
  5. *Prior to the issuance of any land disturbance or building permits, a recorded plat shall be required.*
  6. *All conditions of zoning shall appear on any plat recorded for this property.*
  7. *The business shall have a maximum sign area of 40 square feet per monument sign.*
  8. *Applicant shall not operate any group homes, daycares, or family daycare businesses on the subject parcel.*
- 8. Application of Dennis Rogers to rezone from Agricultural Residential (AR-IV) to Residential (R-I) on a 2.01± acre tract located on the west side of Lula Road approximately 1,628 feet from its intersection with Calvary Church Road; a.k.a. 8190 Lula Road; Zoned AR-IV; Tax Parcel: 12089 000011 Proposed Use: minor subdivision. Commission District 3.**

**Background Information:**

The applicant is requesting approval to rezone a 2.01± acre tract from Agricultural Residential-IV (AR-IV) to Residential-I (R-I) in order to subdivide his lot into two parcels while meeting Hall County's Minimum lot size which is based upon the zoning district.

The applicant's narrative states that his property is served by well water. This paired with his current zoning of AR-IV would require his lot to be 1.5 acres. The minimum lot size for R-I is 35,000 square feet regardless of water supply. The 1 acre lots proposed by the applicant – after subdividing – will satisfy the minimum lot size requirements if approved for rezoning.

**Applicant's Presentation:**

**Paige Doster, 5611** , presented the request. Ms. Doster stated that she and her husband were hoping to divide her grandfather's property to build a home on the property.

**Public Forum:**

No one spoke in favor or opposition of the request.

**Motion: Mr. Hunt made a motion to recommend approval with conditions for the request with a second from Mr. Varner and the motion passed by a 5-0 vote.**

**Conditions:**

1. *Prior to the issuance of plat approval, GDOT must be consulted to see if this project requires coordination with their department.*
2. *A plat must be recorded prior to the issuance of any building permits.*
3. *All conditions of zoning must be made a part of any recorded plat.*

9. **Application of Gateway 2 Partners, LLC to rezone from Agricultural Residential (AR-IV) to Planning Industrial Development (PID) on a 4.54± acre tract located on the south side of Simpson Road approximately 991 feet from its intersection with Whitehall Road; a.k.a. 4251 & 0 Simpson Road; Zoned AR-IV & PID; Tax Parcel 15019 000074 & 000659. Proposed Use: mixed-use (industrial, commercial, office, and institutional) development. Commission District 3.**

**Background Information:**

The application seeks to rezone the subject parcels from an Agricultural-Residential-IV (AR-IV) zoning district to a Planned Industrial Development (PID). The applicant's narrative indicates that the 5.02± acres will be incorporated into the previously approved "Gateway Industrial Park", a mixed use industrial park. The proposed development will include uses permitted within the highway business, office-institutional, light industrial and heavy industrial zoning districts. This parcel is to be combined with an additional 523.71 acres that has previously been approved by the Hall County Board of Commissioners in 2019. The Edwards tract will be developed in accordance with the Board of Commissioner's previous approval of the 523.71 acres as outlined in the Correct Approval Letter dated January 4, 2019 and submitted with this application as Exhibit A.

**Applicant's Presentation:**

**Brian Rochester, 425 Oak Street, Gainesville**, presented the application. Mr. Rochester presented an overview of building plans and alternate access points of the property. Mr. Rochester stated that the parcel in question, would be used as an access to the property.

**Public Forum:**

No one spoke in favor or opposition of the request.

**Motion: Mr. Hunt made a motion to recommend approval with conditions for the request with a second from Ms. Pilcher and the motion passed with a 5-0 vote.**

**Conditions:**

1. *Development shall be generally consistent with the submitted site plan and narrative, modified for compliance with Hall County regulations at time of development permit application.*
2. *Driveway design and placement are subject to approval by the Georgia Department of Transportation and Hall County Traffic Engineering.*
3. *Development shall adhere to the covenants, restrictions and easements for Gateway Industrial Centre, as recorded in Deed Book 7799 page 542.*
4. *All conditions of zoning shall be made a part of any plat created for the property.*



5. *Up to 5 acres of property shall be donated to the County, per discretion of the County Administrator.*
6. *The Applicant will impose a fifty (50) foot buffer adjacent to all external property lines zoned residential. The buffer, if disturbed, shall be re-vegetated in accordance with Hall County Buffer Standard requirements.*
7. *The proposed entrance on Simpson Road shall be for the exclusive use of the eastern half of the property. The western half of the property will be accessed from entrances on Whitehall Road, Chiplan Drive, and a proposed entrance on SR365.*
8. *A "No thru Trucks" sign will be placed on Whitehall Road at the site driveway serving the western half of the property. Truck traffic beyond this point will be restricted to only those accessing the site driveway on Simpson Road serving the eastern half of the property.*
9. *Any outdoor lighting that is within 100' of an existing residence shall be of a non-spill type of fixture.*
10. *The developer shall improve White Hall Road/Simpson Road from SR365 to the site access to meet Hall County Industrial/Commercial Standards to accommodate site traffic. No commercial traffic shall permitted on Simpson Road beyond the proposed site access. The site access and roadway must meet Hall County Industrial/Commercial Standards.*

- 10. Application of Carol Ann Attaway to rezone from Planned Commercial Farm District (PCFD) to Agricultural Residential (AR-IV) on a 12.16± acre tract located on the south side of Bowen Bridge Road at its intersection with Clarks Bridge Road; a.k.a. 5808 Bowen Bridge Road; Zoned PCFD; Tax Parcel 12065 000028. Proposed Use: 4 lot subdivision. Commission District 3.**

**Background Information:**

The applicant is requesting approval to rezone from a Planned Commercial Farm District (PCFD) to Agricultural-Residential-IV (AR-IV) in order to create a four lot subdivision on a 12.16± acre lot. The applicant's narrative states that this is intended to be sold off in order to pay for healthcare for their mother.

The applicant is required to rezone from PCFD to AR-IV because the minimum lot size for a PCFD zoning district is 5-acres. The proposed subdivision consist of a 1.69 acre lot, 3.02 acre lot, 5.10 acre lot, and 2.52 acre lot.

**Applicant's Presentation:**

**Carol Attaway, 9085 Bill Savage Road, Lula,** presented the request. Ms. Attaway stated that she had nothing to add to the summary given by Ms. McQuade.

**Public Forum:**

No one spoke in favor or opposition of the request.

**Motion: Mr. Hunt made a motion to recommend approval with conditions for the request with a second from Mr. Varner and the motion passed by a 5-0 vote.**

**Conditions:**

1. *The subdivision shall occur as generally depicted on the site plan.*
2. *A new plat shall be recorded prior to the issuance of any building permits.*
3. *The applicant shall contact the Georgia Department of Transportation (GDOT) to determine if this project will require coordination with them.*
4. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*

*“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”*

5. *All conditions of zoning shall appear on any plat recorded for this property.*

**Other Business**

The next Planning Commission meeting will be on Monday, May 18, 2020.

**ADJOURNMENT:**

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 7:19 pm.

  
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Chris Braswell, Chairman  
Hall County Planning Commission

  
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Laura Ogletree, Clerk  
Hall County Planning Commission