



HALL COUNTY PLANNING COMMISSION MINUTES OF OCTOBER 18, 2021

The regular meeting of the Hall County Planning Commission was held in the Gainesville Civic Center located at 830 Green Street, NE, Gainesville, Georgia 30501.

Members Present: Chris Braswell, Chairman, Stan Hunt, Gina Pilcher, Johnny Varner, and Trey Bell

Staff Present: Sarah McQuade, Director of Planning; Beth Garmon, Principal Planner; Justin Crighton, Senior Planner; Michelle Yang, Planner; Laura Ogletree, Clerk

Call to Order: The meeting was called to order by the Chairman at 5:18pm.

Approval of Minutes: September 20, 2021 and October 4, 2021

OLD BUSINESS

1. Previously tabled application of Jason Jackson for a right side yard setback variance from 10 feet to 7 feet and a left side yard setback variance from 10 feet to 7 feet on a 0.62± acre tract located on the east side of Wildwood Trail 309 feet from its intersection with Samoa Way; a.k.a. 6496 Wildwood Trail; Zoned R-I; Tax Parcel 08131 008008. Proposed Use: construct a residence. Commission District 1.

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

Background Information:

The applicant is requesting a variance of both the left side yard setback and the right side yard setback from 10 feet to 7 feet to construct a new single-family residence. According to information provided in the applicant's Statement of Hardship, the requested variance is to provide additional buildable area due to the configuration of the lot being long and narrow. The property is adjacent to Lake Lanier which is managed by the United States Army Corps of Engineers (U.S.A.C.E.).

Applicant's Presentation:

Sarah McQuade, Planning Director, stated the applicant had sent an email earlier that afternoon requesting to withdraw their request.

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

2. **Previously tabled application of Jason Jackson for a right side yard setback variance from 10 feet to 7 feet and a left side yard setback variance from 10 feet to 7 feet on a 0.81± acre tract located on the east side of Wildwood Trail at its terminus; a.k.a. 6498 Wildwood Trail; Zoned R-I; Tax Parcel 08131 008007. Proposed Use: construct a residence. Commission District 1.**

Motion: Ms. Pilcher made a motion to remove the request from the table, with a second from Mr. Bell and the motion passed by a 5-0 vote.

Background Information:

The applicant is requesting a variance of both the left side yard setback and the right side yard setback from 10 feet to 7 feet to construct a new single-family residence. According to information provided in the applicant's Statement of Hardship, the requested variance is to provide additional buildable area due to the configuration of the lot being long and narrow. The property is adjacent to Lake Lanier which is managed by the United States Army Corps of Engineers (U.S.A.C.E.).

Applicant's Presentation:

Sarah McQuade, Planning Director, stated the applicant had sent an email earlier that afternoon requesting to withdraw their request.

Motion: Mr. Bell made a motion to approve the request to withdraw the request, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.

NEW BUSINESS

3. **Application of GD Candler, LLC for a front yard setback variance from 35 feet to 30 feet on a 1.40± acre tract located on the south side of Candler Park Drive at its intersection with Hardwood Circle; a.k.a. 2135 Candler Park Drive; Zoned I-I; Tax Parcel 15030 000140. Proposed Use: bring structure into compliance. Commission District 3.**

Background Information:

The applicant is requesting relief from the front yard setback of 35 feet from the front property line as required by the Official Code of Hall County property zoned Light Industrial (I-I). The request is to reduce the setback to 30 feet from the front property line in order to bring a commercial building into compliance. The Statement of Hardship completed by the applicant recognizes that the building was accidentally constructed in the wrong location. The applicant states that the approval of the variance would not affect the overall industrial park, as it would not be noticeable from the road.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

James Irvin, 164 Professional Drive, Baldwin, presented the request. Mr. Irvin stated that he was representing the applicant and the applicant had a building under construction in the Candler Business Park, which was lot 14. Mr. Irvin stated that their surveyor noticed that one of the front corners of the foundation was not lined up the way that it should have been and was past the front setback line by about four feet. He stated that the builders were not aware how this happened. Mr. Irvin brought an updated survey to show the Planning Commissioners. He stated that it was not noticeable from the street, nor would it cause any adverse conditions on the other lots. He stated that the alternative to this variance would be to tear the structure down. Mr. Braswell asked if the issue was only on lot 14. Mr. Irvin stated that was correct. Mr. Bell asked if it changed the parking lot at all. Mr. Irvin stated that it did not change the parking or any of the landscaping.

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. Varner and the motion passed by a 5-0 vote.*

4. **Application of Joe Kemp for a rear yard setback variance from 50 feet to 20 feet on a 14.32± acre tract located on the north side of Jim Hood Road approximately 185 feet from its intersection with Manor Drive; a.k.a. 4694 Jim Hood Road; Zoned AR-IV; Tax Parcel 12003 000016. Proposed Use: horse arena and barn. Commission District 3.**

Background Information:

The applicant is requesting a variance from §17.290.020.E to reduce the required setback for a barn or other structure for keeping or housing livestock, in this case, horses, from 50 feet from the rear property line to 20 feet. According to the applicant's submitted narrative, the requested variance is to be able to locate the proposed barn on most favorable area due to the topography of the property. The narrative goes on to confirm that the intent is for the barn and the arena to be used by the owner and his family only. No commercial activity associated with the area or barn will take place on the property.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Joe Kemp, 4694 Jim Hood Road, Gainesville, presented the request. Mr. Kemp stated a few years ago he and his family built a house on the property, which was extremely hilly and had graded for a barn on the only other flat spot on the property. He stated they had tried multiple different layouts for the barn and arena to fit, but could not make it fit without getting closer to the property line. He stated he has spoken to his adjacent property owners and had letters from them stating they were okay with the proposed location of the barn. Mr. Braswell asked what the dimensions of the barn would be. Mr. Kemp stated it would be 40' x 48'. He stated that originally he had wanted two structures, one for storage and one as the barn. He

stated now, the back portion of the barn would be for storage and front would be stalls. Mr. Braswell asked if the barn would be for personal use. Mr. Kemp stated that it would be for personal for his two daughters. Mr. Braswell asked if a 25 foot setback would work. Mr. Kemp stated that it would. Mr. Hunt asked how far it was between the barn and the arena. Mr. Kemp stated there would be about 25 feet in order to pull a trailer between the two structures. Mr. Braswell asked if the yellow lines on the site plan were for gas. Mr. Kemp stated the yellow lines were lines for the bathroom in the barn.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: *Mr. Hunt made a motion to approve a setback variance to 25 feet, with a second from Mr. Bell and the motion passed by a 5-0 vote.*

5. **Application of Ashley Ruelas for a Use Subject to County Commission approval on a 0.59± acre tract located on the north side of Spring Road approximately 684 feet from its intersection with Brown Bridge Road; a.k.a. 2036 Spring Road; Zoned H-B; Tax Parcel 00122 002015. Proposed Use: continuation of a non-conforming use. Commission District 4.**

Background Information:

The applicant is requesting the continuation of a non-conforming use of a residential home with on a 0.549± acre property zoned Highway Business (H-B). The applicant's narrative describes the intent to renovate an existing home for residential use. The subject property is zoned H-B but contains two residential structures, both dating to the 1940's and 50's. One of the residences was remodeled last year without having to obtain a special use permit as the type of work completed did not require Board approval. In this case, the remodeling is extensive enough that, once completed it will essentially be a new structure.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request. Ms. McQuade stated that there would be no change to the footprint of the home and she did not believe the applicant would have an issue with the two staff recommendations.

No one was present to present the request.

Public Forum:

No one spoke in favor or opposition of the request.

Planning Commission Comments:

Mr. Braswell stated that because Planning staff had recommended approval of the request, he was comfortable taking action on the request without the applicant being present.

Motion: *Ms. Pilcher 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. *Conformation of connection to water and sewer will be required before the issuance of a building permit.*
 2. *There shall be no changes to the footprint of the residence.*
6. **Application of The Revive Land Group, LLC to rezone from Planned Commercial Development (PCD) to Planned Residential Development (PRD) on a 44.232± acre tract located on the north side of Price Road approximately 640 feet west of its intersection with Walnut Grove Way; a.k.a. 3740 Price Road; Tax Parcel 10100 000156(pt.) & 10100 000158(pt.). Proposed Use: 185 unit townhome development. Commission District 2.**

Background Information:

The applicant is requesting to rezone 44.23 acres from Planned Commercial Development (PCD), to Planned Residential Development (PRD) for development of a 185-unit fee simple townhome development. The site plan depicts various pocket parks throughout the development and a pool house, cabana, and centralized mail kiosk are included along the main road bisecting the development east to west.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Steve Gilliam, 301 Green Street, Gainesville, presented the request. Mr. Gilliam stated that he was representing the applicant. He reviewed the history of the property and stated 45 townhome units were originally approved for the property but they were never developed. The property was brought back before the board in 2018 with plans for a commercial portion to be redeveloped with single family homes. That request was withdrawn before it went before the Board of Commissioners. He stated the current applicant was requesting to redevelop this site with a commercial portion and 185 townhomes. Mr. Gilliam stated that he would allow the rest of his time for the applicant to present. **Neville Allison, 3500 Lenox Road, Atlanta,** stated he was a residential developer based in Atlanta. He stated he was excited about this project because he lived about a mile from it. He stated this proposal fit the future land use map of Hall County and it is far enough away from Gainesville that it would be beneficial for the area. He stated that the area called for townhomes and high density mixed use centers. Mr. Allison stated that in the past proposals had been made for both residential and mixed use and even one proposal that only had residential use. Mr. Allison stated that he believed they had found the correct balance between the two uses. He stated the area really needs something like this and now it had enough rooftops in the surrounding areas to support a development like the one being proposed. Mr. Allison stated there were 185, 2 story townhomes with two car, front entry garages. He stated they would be between 2,000 and 2,100 square feet in heated floor area and perfect for empty nesters and first time homebuyers. Mr. Allison stated these townhomes would be on 44 acres with a density of 4.3

units per acre, which would be low for a townhomes development. He stated there would be about 17 acres of undisturbed open space, with amenities, pocket parks, and gathering areas for residents. He stated they held two community meetings prior to the public hearing. He stated both Walnut Grove and Lanier Village Estates representatives seemed excited about the commercial portion and understood that the overall growth of the area was coming. Mr. Allison stated the grocery store would be a large scale grocery store and bigger footprint with full service. He stated the townhomes would be built with high-end materials, mix of stone, brick, and hardy shake siding. He stated they would use board and batten to create a traditional architectural look. Mr. Braswell asked what the oval shape on the right of the site plan was. Mr. Allison stated it was an existing detention pond, which would be used to catch all the stormwater on site. Mr. Braswell asked about renderings and if the townhomes all lined up or they would be offset. Mr. Allison stated they were not asking for any variances for the offset of the buildings. He stated that the front doors on the townhomes would be set back from the garages to create some breakup in the roofline. He stated they would be willing to offset the units. Mr. Hunt asked if the townhomes were two or three bedrooms. Mr. Allison stated they would all be three and four bedroom units. He stated the minimum square footage in the narrative was used in case some things had to change. Mr. Allison stated their current plan was for 24' x 54' units, which yields for about a 2,100 square foot average. He stated if the commission felt more comfortable raising the minimum square footage up, he would be happy to do so.

Public Forum:

Richard Bergen, 4514 Evening Song Lane, Gainesville, spoke in opposition to the request. Mr. Bergen stated he was in favor of the commercial portion of the development but had concerns with the residential portion. He stated he was concerned with the density and this development coming into to a relatively small community. He stated he would like to see a decrease in the number of units and a higher set price point for them. Mr. Bergen stated he had concern with all of the units in the development being rented out.

Sharron Roberts, 3914 Thompson Bridge Road, Gainesville, spoke in opposition of the request. Ms. Roberts stated that this development would have a negative impact on the schools, the roads, and it was too dense. She stated the commercial portion of the development was bringing businesses and services that the area already had. Ms. Roberts also stated that people in the area would not be able to walk to the commercial portion of the development because they would have to cross four lanes of traffic.

Rebuttal

Mr. Allison stated they would be developing luxury units for sale and had no intention of making them rental properties. He stated the development would be professionally managed and an HOA would be required. He stated there would be a lease required for any units that would be rented out by the owner. Mr. Allison stated he could also add a condition for an overall rental cap of no more than 20% being rented. Mr. Braswell asked what the price point would be. Mr. Allison said with today's market they would be looking at \$300,000 to mid \$300,000s, but in two years that could very easily change. Mr. Allison stated the price point would match the surrounding areas, but they were going to try to sell them for as much as they could. Ms. Pilcher asked about the parking that would be provided. Mr. Allison stated there would be two car garages for each unit, 20 foot long driveways, and parallel parking on one side of the streets. He stated there would be additional parking at the amenities as well.

Mr. Allison stated he was not asking for any variance other than the garages taking up more than 40% of the front façade.

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 4-1 vote. (Ms. Pilcher opposed)*

Conditions:

1. *The development shall generally occur as depicted on the site plan and described in the project narrative, modified for compliance with Hall County regulations, including §17.180.060 Planned Residential Development (PRD) standards. Any deviations not expressly proffered as part of the submitted narrative or site plan are not approved.*
 2. *There shall be no more than 185 total townhome units in the development.*
 3. *All costs associated with any required right-of-way improvements shall be the Developer's responsibility.*
 4. *Access to the development shall be approved by Hall County Traffic and/or the Georgia Department of Transportation, whichever applies*
 5. *Any necessary access modifications must be approved and permitted by the Georgia Department of Transportation (GDOT). All costs associated with any required improvements shall be the developer's responsibility.*
 6. *No more than 20% of residences in the development shall be rental units at any one time.*
 7. *Applicant shall submit a site plan and architectural renderings, including floorplans to the Planning Director for approval prior to the applicant for a building permit.*
 8. *All conditions of zoning shall be made part of any new plat created for the property.*
- 7. Application of Fuqua Acquisitions, LLC to amend conditions of a Planned Commercial Development (PCD) on a 14.283± acre tract located on the north side of Price Road at its intersection with Walnut Grove Way; a.k.a. 3740 & 3782 Price Road; Zoned PRD; Tax Parcels 10100 000156(pt.) & 000154. Proposed Use: amend conditions of a planned commercial development. Commission District 2.**

Background Information:

The applicant is requesting to amend the zoning conditions of a Planned Commercial Development (PCD). According to the submitted narrative the applicant intends to develop the site with 84,362 square feet of commercial retail space, including a top-tier national grocer, retail shops, restaurants, offices, and service uses. Operating hours will vary between 5:00 am and 11:00 pm.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Jeff Fuqua, 15 Piedmont Center, Atlanta, presented the request. Mr. Fuqua stated he had developed many of the mixed-use developments, including the Battery at Truist Field in Atlanta and Topgolf. He stated most of his projects have a grocery store and they had been working hard to get a grocery store to commit for this development. Mr. Fuqua stated they

finally were able to come to an agreement with a grocery store for them to have one of their best stores in their development. He stated you may not be able to see the grocery from the road due to the topography of the area and Mr. Fuqua showed elevations of the site. He stated this design for the grocery store was to be a neighborhood grocery store and not a giant commercial development. He stated the rest of the development would be a medical office and primarily restaurants. He stated overall the project would be a low impact development and would have a positive impact on the surrounding area. Mr. Fuqua reviewed the site plan and renderings for the grocery store with the Planning Commissioners. Mr. Hunt asked who would be building the grocery store. Mr. Fuqua stated that they could not share that information yet. Mr. Braswell asked what the timing of the construction would be. Mr. Fuqua stated that all the buildings would be built at the same time and would like to begin construction immediately after being approved. Ms. Pilcher asked about the proposed driveways. Mr. Fuqua stated that the driveways were already in place from a previous project beginning construction. Mr. Hunt asked if the installment of the traffic signal that the traffic study was saying they would need, would be installed by the county or GDOT. Mr. Fuqua stated it was not required but they were requesting one. Mr. Hunt asked if the county would have any say over that. Ms. McQuade stated it was a state route; therefore, GDOT would have say over that. Mr. Braswell asked if the walkability was within the development itself. Mr. Fuqua stated that was correct. Mr. Braswell stated that he would like for no outside storage be allowed to the service stations, as proposed in the staff report. Mr. Hunt asked if they should make car washes, gas stations, and self-storage facilities conditional uses. Ms. McQuade stated all of those uses were special use uses in the Gateway Corridor District, which Thompson Bridge was part of. Ms. McQuade stated the commission could require those uses to be a subject to a special use request. Mr. Braswell asked where the self-storage was being proposed. Mr. Fuqua stated there was not a self-storage facility being proposed and they could make that a special use. Mr. Fuqua stated they could make all of them special, but they would like to keep service station as a permitted use. Mr. Braswell stated he was uncomfortable with self-storage and would like to require no outdoor storage at the service station. Ms. Pilcher stated she was comfortable with making all four uses, conditional. Mr. Braswell stated that he would also like to propose the addition of a condition requiring all building materials and colors be submitted to and approved by the Planning Director.

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 development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval. This includes architectural standards and sign standards as presented in the Master Sign Development Plan.*
2. *Any development standards that are not addressed in the applicants project narrative or Master Sign Development Plan shall be governed by the standards set forth by the Official Code of Hall County.*
3. *The total building square footage for the proposed development shall be limited to a maximum of 85,000 square feet.*

4. *Access to the development shall be approved by Hall County Traffic and/or the Georgia Department of Transportation, whichever applies.*
5. *Any necessary access modifications must be approved and permitted by the Georgia Department of Transportation (GDOT). All costs associated with any required improvements shall be the developer's responsibility.*
6. *Building height shall be limited to 3-stories/45 feet.*
7. *No outdoor storage shall be allowed for any use, with the exception of the grocery store and associated display of seasonal items along the front entrance of the store.*
8. *The following uses shall require a conditional use permit:*
 - a. *Full service car wash. Car washes associated with a gas station shall be permitted.*
 - b. *Self-storage facilities.*
9. *The following uses shall not be permitted:*
 - a. *Automobile repair and maintenance businesses*
10. *The applicant shall submit architectural renderings, including building materials and colors, to be approved by the Planning Director prior to any issuance of any building permits.*
11. *All conditions of zoning shall be made part of any new plat created for the property.*

Other Business

Ms. Ruelas arrived to the meeting after her item had been heard. Ms. Ruelas came forward and Mr. Braswell reviewed what they had recommended approval for her request.

Ms. McQuade stated that the next Planning Commission meeting, as well as the corresponding Board of Commission meeting for the items that were heard, would be held at the Gainesville Civic Center on their appropriate dates.


The next Planning Commission meeting will be on Monday, November 1, 2021.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 6:58pm.



 Chris Braswell, Chairman
 Hall County Planning Commission



 Laura Ogletree, Clerk
 Hall County Planning Commission