



HALL COUNTY PLANNING COMMISSION MINUTES OF NOVEMBER 1, 2021

The regular meeting of the Hall County Planning Commission was held in the Gainesville Civic Center, 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 5:19pm.

Approval of Minutes: October 18, 2021

NEW BUSINESS

1. **Application of Genuine Mapping & Design, LLC/Ben Drerup for a front yard setback variance from 30 feet to 22 feet on a 1.5± acre tract located on the north side of Winder Highway approximately 2,694 feet from its intersection with Howington Road; a.k.a. 5235 & 5241 Winder Highway; Zoned I-I; Tax Parcels 15028 000019 & 000029. Proposed Use: to construct an office and warehouse space. Commission District 1.**

Background Information:

The applicant is requesting to vary the front yard setback from 30 feet to 22 feet on a 1.47± acre tract to construct a 150 foot wide by 50 foot deep office and warehouse facility. In the Statement of Hardship, the applicant explains that the variance is being sought because of the steep dropoff in topography and a stream and floodplain at the rear of the property, which limit the building footprint to a small area along the highway. The site plan depicts the proposed front setback at 22.8 feet from the front property line to the foundation of the building, which is 75 feet from the centerline of the road to the face of the structure.

Applicant's Presentation:

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

Johnny Free, 6566 White Spruce Avenue, Braselton, presented the request. Mr. Free stated originally the applicant had requested a 30 foot variance during the rezoning hearing but they found there were challenges on the site. Mr. Free stated planning staff had recommended denial; however, the site had started development prior to sewer being available and receiving new requirements from GDOT. He stated the sewer that was running through there now was forcing the developer to change the topography of the site in order to give the force main line the coverage it needed. Mr. Free stated without the extra variance that was being proposed, the site would not be able to be developed. Mr. Hunt asked if construction had been started. Mr. Free stated construction had not begun, only engineering. Mr. Braswell stated they applicant had already

asked for a 30 foot variance with their previous application. Mr. Free stated if they had not received new GDOT requirements, they would have been fine with the 30 foot variance. Mr. Braswell stated between the sidewalk depths, the parking stall depths, and the back out aisle depth, they should be able to find the extra 8 feet they were requesting. Mr. Free stated the site was very narrow and had a steep topography on the backside of the property and their two parcels sit 10 feet below the road. Mr. Braswell stated if the variances for the sidewalks, parking stalls, and back out aisle. Mr. Free stated he was unsure without speaking to an engineer about it. Mr. Bell asked what was in all the empty space behind the building on the site plan. Mr. Free stated that was the stormwater system. Mr. Bell asked if they were to give him 5 feet, if he could find the remaining three feet elsewhere. Mr. Braswell stated he would be willing compromise, but they had already granted the applicant a 30 foot variance prior to the current request. Mr. Bell asked why the parking lot had to be in the back and behind the building. Mr. Free stated that it was required by GDOT. Ms. Pilcher asked if there was any wiggle room with the size of the building. Mr. Free stated there was not. Mr. Hunt stated that he would be willing to support a 5 foot variance, but not anymore than that.

Public Forum:

No one spoke in favor or opposition to the request.

Motion: *Mr. Bell made a motion to approve a front yard setback variance from 30 feet to 25 feet, with a second from Mr. Hunt and the motion passed by a 5-0 vote.*

Mr. Braswell stated items 2 and 3 would be heard together and voted on separately.

2. Application of 2156 Athens Hwy, LLC for Site Plan Approval by the Planning Commission on a 27.62± acre tract located on the south side of Athens Highway approximately 483 feet from its intersection with Wilson Drive; a.k.a. 2140 Athens Highway; Zoned I-I; Tax Parcels 15032D000057C, 15032D000057, & 15032D000061. Proposed Use: salvage and junkyard. Commission District 4.

Background Information:

The applicant is requesting approval of a junkyard site plan from the Planning Commission to operate a salvage business and junkyard within the Light Industrial (I-I) zoning district. This request is made concurrently by the same applicant for a conditional use request subject to Board of Commissioners approval for the same business on an adjacent property. That property is zoned Heavy Industrial, and in that district, salvage yards and junkyards are a use subject to County Commission approval.

Motion: *Mr. Varner made a motion to table the request to the November 15, 2021 Planning Commission meeting, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.*

3. Application of 2156 Athens Hwy, LLC for a Use Subject to County Commission approval on a 11.16± acre tract located on the south side of Athens Highway approximately 410 feet from its intersection with Morgan Drive; a.k.a. 2156 Athens Highway; Zoned I-II; Tax Parcel 15032D000057B. Proposed Use: salvage and junkyard. Commission District 4.

Background Information:

The applicant is requesting approval from the Board of Commissioners for a junkyard and salvage business. This request is made concurrently by the same applicant for a request for the same business on an adjacent property. That property is zoned Light Industrial (I-I), and in that zoning district, salvage yards and junkyards are a permitted use subject to Planning Commission approval of a site plan.

Applicant's Presentation:

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

Joey Cox, 5820 Windjammer Point, Cumming, presented the request. Mr. Cox stated he owned the 35 acres across the street to build a facility on it that had turned out nice. He stated he has purchased the 12 acres across the road to clean up and put together with the proposed request. Mr. Cox stated he had not submitted a site plan to the county yet, he wanted to get the variance approved first and then the site plan would have to be approved by the county next. He stated he had included photos of other junkyard facilities that he had opened and believed they were nice facilities and he wanted them to look nice. He stated the design was meant to be pleasing to the eye and for the surrounding areas. He stated there would be an eight-foot fence along the front of the facility, built out of metal or stone and all the parking and buildings would be up in the front of the property. Mr. Cox stated the proposed property was nice and the topography had worked out great. He stated there was about a 30 foot difference between the office space and parking and where the cars would be. He stated nothing would be visible from the road and the neighboring property was a landfill so he did not believe there would be any issues with neighbors.

Public Forum:

Wesley Robinson, 200 EE Butler Parkway, Gainesville, spoke in opposition of the request. Mr. Robinson stated he was representing a client. He stated his client had relocated to Gainesville and was against the approval of this request. He stated that the code prohibits salvage yards in Gateway Corridor and did not believe this should be approved.

Kenneth Brown, 3049 Gaines Mill Road, Gainesville, spoke in opposition of the request. Mr. Brown stated he was in opposition because he did not want another salvage yard in the area. He stated there was already a landfill in the area and did not want to add to what was already there. Mr. Browns stated he had lived on Gaines Mill Road for 30 years and believed this salvage yard would not help the quality of life in the area. He stated that something of this nature should be on the south side and enough was enough for the proposed area.

Rebuttal

Mr. Braswell asked if there was a way to show a copy of the Gateway Overlay District map. Ms. McQuade stated she had a copy of the code and after reviewing it, she recommended that the Planning Commission table the two items in order for staff to speak with the county's attorney. Ms. McQuade stated the code did list them as a prohibited use within Gateway standards. Mr. Braswell stated that he agreed that would be the best plan of action.

Motion: Mr. Varner made a motion to table the request to the November 15, 2021 Planning Commission meeting, with a second from Ms. Pilcher and the motion passed by a 5-0 vote.

4. **Application of Clyde D. Broadway Jr. DBA Green Earth Replacement for a Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road approximately 253 feet from its intersection with Calvary Industrial Drive; a.k.a. 1563 Calvary Church Road; Zoned I-II; Tax Parcel 15031 000097. Proposed Use: inert landfill. Commission District 4.**

Background Information:

The applicant is requesting approval of a use subject to Board of Commissioners for a hydro-excavating business on a 12.75± acre tract, which is classified as an inert landfill. This request was previously approved by the Hall County Board of Commissioners on December 12, 2019. Due to extenuating circumstances the business license was never received, despite the applicant taking some of the necessary steps to establish the business. As this was a conditional use approval, the approval expired after a period of 12 months because the proper permits were not obtained.

Applicant's Presentation:

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

Josh Scoggins, 202 Tribble Gap Road, Cumming, presented the request. Mr. Scoggins state in 2019 there was an approval for this request with twelve conditions and due to certain circumstances, some of those conditions had not been complied with prior to the expiration of the conditional use approval. He stated the applicant's parents had worked diligently to satisfy those issues, such as the required environmental testing. Mr. Scoggins stated a third party engineer completed a study for that and it had been submitted to the county for review. He stated logs of vehicular traffic on site had been submitted to the Planning Department as well. He stated they have spoken with EPD to approve if needed, any activities on the property and that EPD had responded to their request. Mr. Scoggins stated an ordinance requirement to submit an as built plan was in the works and being finalized in order to be submitted and would be complete in the next month or two. Mr. Braswell asked Ms. McQuade if the applicant was making progress on the twelve items within the staff conditions. Ms. McQuade stated they had taken steps to satisfy all twelve conditions. Mr. Braswell asked if the conditional use was an annual based renewal. Ms. McQuade stated there were two conditions that would require annual review, one being a business license that would be renewed annually. Ms. McQuade stated that conditions 12 allowed the county to initiate a revocation of business licenses if there have been violations on the property. Mr. Hunt asked who would cover condition 6's costs. Ms. McQuade stated that is a service that a county inspector normally takes care of without any fees. Mr. Bell asked how long it would take for the request to come completely into compliance. Mr. Scoggins stated he was not sure due to not knowing how long the as-built plan would be, which was the biggest outstanding item; however, it should be within the next 60 days. Mr. Hunt asked when the applicant's 12-month approval period would begin. Ms. McQuade stated it would begin after the approval from the Board of Commissioners, which would November 10, 2021. The applicant would have until November 10, 2022 to obtain a business license. Mr. Braswell stated he would propose an additional condition be added that the approval would apply to the current owner and applicant of the request. Mr. Bell asked if the business was already operating. Ms. McQuade stated that at this time it was not. Mr. Hunt asked if all violations for the separate tracts that were originally associated with the request, been taken care of. Ms. McQuade stated they had been and the applicant was no longer the owner of those tracts. Mr. Hunt asked who would be managing the property. Mr. Scoggins stated that the applicant's parents would be managing the property, due to a medical issue. Mr. Hunt asked who

owned the property. Mr. Scoggins stated applicant was under contract to purchase the property, but believe that had not yet happened due to the approval of the request not yet being granted.

Public Forum:

No one spoke in favor or in opposition of the request.

Motion: ***Mr. Varner 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 twelve (12) conditions of zoning approved by the Board of Commissioners on December 12, 2019 shall apply as listed below:*
 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. *Any business operating at the subject property shall obtain a Business License from Hall County.*
 3. *Proposed pond for hydro-excavating services shall be limited to only waste consisting of soil and water. No other materials shall be accepted for disposal on the property.*
 4. *Any business desiring to utilize the pond for disposal shall provide Hall County with written analysis of typical waste materials prior to disposal.*
 5. *Owner shall provide written documentation from Georgia Environmental Protection Division (EPD) regarding pond design and use prior to acceptance of disposal of waste materials on the property.*
 6. *Hall County shall conduct monthly routine compliance inspections.*
 7. *Owner shall maintain logs and manifests of all materials accepted for disposal on the property. These records shall be made available for review upon request by Hall County.*
 8. *Any change in use shall be subject to Hall County Board of Commissioners approval.*
 9. *The property (pitted area) shall be enclosed with a fence and gated.*
 10. *The applicant shall contract with a third party environmental testing consultant who shall prepare a monitoring, inspection, and testing plan to include: on-site and downstream water quality testing and testing of on-site waste materials. Both the consultant and the plan shall be subject to the approval of Hall County Engineering for verification that waste materials contain no prohibited waste and only consist of water and soil as the applicant's proposal outlines.*
 11. *The business license associated with this use shall go before the Hall County Board of Commissioners on an annual basis for renewal. As part of this renewal the owner shall provide the maintenance logs and manifests, as described in condition 7 and the inspection and testing results as described in condition 10.*
 12. *In the event of any violation of these conditions, the Director of Planning and Development shall bring such violation before the Hall County Board of Commissioners, in the accordance with the provision of §5.40.350. Hearing on revocation of business license, of the Official Code of Hall County.*
2. *This approval shall only apply to the applicant (Clyde D. Broadway Jr. DBA Green Earth Replacement) and any change in ownership shall constitute a violation of these conditions. If there is the intention to sell the business the new business owner shall be required to seek Board of Commissioner approval.*

5. **Application of Stanley R. Carter to rezone from Agricultural Residential-III (AR-III) to Light Industrial (I-I) on a 0.54± acre tract located on the east side of Mabry Road approximately 126 feet from its intersection with Mountain View Road; a.k.a. 3440 Mabry Road; Zoned AR-III; Tax Parcel 08024 003005. Proposed Use: automobile repair garage. Commission District 2.**

Background Information:

The applicant is requesting to rezone a parcel from Agricultural-Residential-III (AR-III) to Light Industrial (I-I) in order to bring an automobile repair business into compliance. The narrative explains that the repair business has been operating for the approximately 50 years at the current location; Hall County Business License records reflect that the shop has been continuously licensed since at least 1994. The applicant states that the property has not been used for residential purposes in the last 50 years.

Applicant's Presentation:

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

Wesley Robinson, 200 EE Butler Parkway, Gainesville, presented the request. Mr. Robinson stated his client had been operating his business for the past 61 years. He stated there were no proposed changes to the property or the business, the applicant knew that this needed to be done. Mr. Robinson stated the applicant wanted to make sure that this property was zoned correctly in case he wanted to sell it once he retired. He stated the applicant agreed with the first three conditions, but would not like the fourth proposed condition to be included.

Public Forum:

No one spoke in favor or opposition of the request.

Planning Commission Comments:

Mr. Hunt stated that he did not have any issues striking the fourth condition and that the applicant should be able to sell the business as it is. Mr. Bell asked what other uses were allowed in a Light Industrial zoning. Ms. McQuade reviewed the code that outlined all the uses. Mr. Braswell stated that he would like to leave the fourth condition on the request.

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

Conditions:

1. *The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of site plan approval.*
2. *All mechanical services shall be conducted within a garage bay.*
3. *Storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.*
4. *Any future changes in use must be approved by the Hall County Board of Commissioners.*

6. **Application of Tyler Crawford to rezone from Agricultural Residential-IV (AR-IV) to Planned Industrial Development (PID) on a 0.96± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road; a.k.a. 6541 Henry Smith Road; Zoned AR-IV; Tax Parcel 11023 000024(pt.). Proposed Use: fabrication business. Commission District 3.**

Background Information:

The applicant is requesting to rezone 0.96± acres from Agricultural-Residential-IV (AR-IV) to Planned Industrial Development (PID) in order to operate a fabrication business. The subject property is part of a 5.65-acre tract that includes an existing detached single-family home built in 2004. The applicant is not proposing to subdivide the 0.96 acres into a separate lot from the residence. His submitted narrative proffers the condition that if approved; he will apply to have the PID zoning designation for this portion of the property rezoned to AR-IV in the event his business closes.

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request. Ms. McQuade stated the applicant had proffered a condition that upon closure or selling the business, the 0.96 acres would be zoned back to its original zoning.

Tyler Crawford, 6541 Henry Smith Road, Murrayville, presented the request. Mr. Crawford stated he was the sole proprietor of his business. He stated he was hoping to build the shop on his property in order for him to be able to work from home. He stated the required machinery for his business required the PID zoning. He stated that he did not have any employees, but he did have a partnership with Lanier Technical College to provide an internship to a single student. Mr. Crawford stated his company was currently located in Hoschton, in Barrow County. He stated that unless you were in the building, you would not know it was any different from the other similar buildings along Henry Smith Road. He stated there were other businesses similar to what he wanted to do within a mile or two on that road as well. Mr. Crawford asked a question regarding the staff report stating that the section of property that was to be rezoned, have a 50 foot undisturbed buffer along all exterior property lines. He asked if that was necessary for him to have a buffer between the building and his home, which was also on the property. Mr. Crawford stated he did not have an issue buffering the other property lines. He stated his machinery would have to be brought to the property on a flatbed trailer; the material would be delivered once a week from a tractor-trailer, taking about ten minutes. Mr. Braswell asked if Mr. Crawford had purchased the property. Mr. Crawford stated he had purchased it and closes a couple of weeks ago; however, he stated he had not moved into the home yet. Mr. Braswell asked about rezoning the portion of the property back to its original zoning if he closes the business or moves. Mr. Crawford stated he understood that the potential for someone to use the PID zoned portion for something different than he is, could be a bad thing for the area and he was trying to be considerate for the neighbors to prevent that in the future. Mr. Braswell asked what would happen to the structure if he was to move or sell. Mr. Crawford stated he imagined that someone would buy it and use it for storage or something of that nature. He stated that the building would be climate controlled, but he did not see it being beneficial for anything else. Mr. Hunt asked if they could condition it to revert back to its original zoning if Mr. Crawford moved or closed. Ms. McQuade stated the county could initiate a rezoning, but could not automatically rezone something without it going back through the public hearing process. Mr. Hunt asked Mr. Crawford to clarify what he was requesting regarding the buffers. Mr. Bell stated he believed the applicant needed some clarification as to what a buffer was. Ms. McQuade stated that the regulations required a 50 foot, undisturbed buffer, where industrial properties were adjacent to residential properties. The applicant would need to plant a buffer in areas that were not sufficient and there were multiple ways to do that. Ms. Pilcher asked

about the driveway off Edwards Road, since it was a dirt road. Mr. Crawford stated only reason to have a driveway there would be for the tractor-trailer to be able to turn around after dropping off materials. He stated he was going to pave the driveway. Mr. Hunt asked about stormwater on the property. Mr. Crawford stated he had been working with two engineers, both saying there would be stormwater located in the corner of Edwards Road and Henry Smith Road on the property. Mr. Hunt asked if there would be a septic system. Mr. Crawford stated that was correct. Mr. Hunt asked if he had enough room for a septic system, stormwater, and a 50 foot buffer in that corner. Mr. Crawford stated it was very close, but there was room. Mr. Hunt asked if they needed a more specific site plan. Mr. Braswell stated he believed that was a good idea and asked if the engineer kept the portion of property being rezoned under an acre to get away from certain stormwater requirements. Mr. Crawford stated he was unaware of that if it was the case. Mr. Bell asked if he had any renderings. Mr. Crawford stated he did not have any with him, but it was just a plain metal building. Mr. Braswell asked how tall it was. Mr. Crawford stated it was 16 feet tall.

Public Forum:

Jimmy & Sherry Edwards, 6641 Edwards Road, Murrayville, spoke in favor of the request. Mr. Edwards stated that he had lived in the area for the last 73 years and did not have an issue with what Mr. Crawford was trying to do.

Gary & Patti Copeland, 6685 Henry Smith Road, Murrayville, spoke in opposition of the request. Mr. Copeland stated that he and his wife did not have an issue with the business itself, but with the rezoning. He stated the new zoning would not fit that surrounding area and he would hate for it to open up the rest of the area to be rezoned as well. Mr. Copeland stated if the request was approved, he would like for a condition to be added that Mr. Crawford could be the sole owner and operator.

Rebuttal

Mr. Bell asked staff if the applicant was simply building a barn, would there be an approval process. Ms. McQuade stated there would not be, but Mr. Crawford's machinery and industrial uses cause him to have an approval process. Mr. Bell asked what the difference between building a barn and using it for agricultural uses or using it for a business. Ms. McQuade reviewed all the types of ways someone could do that. Mr. Bell asked if the PID recommendation was mainly due to the size of the building. Ms. McQuade stated that was correct. Ms. Pilcher asked if this was required to be platted out due to it not being located within the home. Ms. McQuade stated there was nothing in the code that required it to be subdivided. Mr. Bell asked who would govern the down zoning. Ms. McQuade stated it would be a condition put on the request. Mr. Bell asked if there were any architectural standards. Ms. McQuade stated there were not any standards in agricultural zonings. Mr. Braswell stated he would feel more comfortable with more information from the applicant. Mr. Hunt agreed. Ms. Pilcher stated that she would like to see one entry point, not on Edwards Road. Mr. Varner stated one entry point could affect his business. Mr. Hunt stated he would like to ask the applicant to come back with more information showing a 50 foot buffer along Edwards Road and Henry Smith Road, septic and stormwater management provisions, and driveway plans preferably only on Henry Smith Road on a site plan. Ms. Pilcher would like to see a planted buffer along the third property line, perpendicular to Edwards Road, as well.

Motion: ***Mr. Hunt made a motion to table the request to the November 15, 2021 Planning Commission meeting, with a second from Mr. Bell and the motion passed by a 5-0 vote.***

7. **Application of Forestar (USA) Real Estate Group Inc. to rezone from Agricultural Residential-III (AR-III) and Residential-I (R-I) to Planned Residential Development (PRD) on a 96.44± acre tract located on the south side of Poplar Springs Road at its intersection with Poplar Springs Church Road; a.k.a. 3580 & 3526 Poplar Springs Road and 3601 Pierce Drive; Zoned AR-III & R-I; Tax Parcels 15036A000001, 000003 & 000011. Proposed Use: 192 lot single-family home development. Commission District 2.**

Background Information:

The applicant is requesting to rezone three tracts totaling approximately 96.49± acres from Agricultural-Residential-III (AR-III) and Residential-I (R-I) to Planned Residential Development (PRD) for a 192 lot single-family detached subdivision. Access to the proposed development would be from Poplar Springs Road. The concept plan shows an amenity area, stormwater detention ponds, and a 50 foot planted buffer along common boundaries with adjacent residential properties.

Applicant's Presentation:

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

Ethan Underwood, 202 Tribble Gap Road, Cumming, presented the request. Mr. Underwood reviewed a PowerPoint that covered the details of the request. Mr. Underwood stated the development would have 192 lots with over 30% open space that would be maintained by the HOA of the development. He showed renderings of the homes, asking for two design deviations. One being the garage on the front of the homes and the other being that the garage go above the 45% of the width of the home. Mr. Braswell asked for clarification on whether or not Mr. Underwood was representing a builder or a developer. Mr. Underwood stated he was representing the developer, Forestar, and they would be selling the lots. Ms. Pilcher asked if the buyer and builder of the lots would be given the specific requirements of what could be built there. Mr. Underwood stated that was correct. Mr. Underwood stated they had heard from neighbors with concerns about traffic increasing in the area. He stated there had been a traffic study and it gave the development two points of egress and degress with a deceleration lane and a possible left turn lane. Mr. Underwood stated there had also been concern with the buffers and he stated there had to be a minimum of a 50 foot buffer. He stated he had met with the neighbors about these issues and were hoping to continue to work with them to resolve some concerns. Mr. Underwood stated that he believed the design was good and the homes would start in the high \$200,000s and they were hoping to sell them for more than that. Mr. Braswell asked if it would be a phased project or built all at once. Mr. Underwood stated it would be phased with three phases over 72 months.

Public Forum:

Donnie Hall, 4040 Sloan Mill Road, Flowery Branch, spoke in opposition of the request. Mr. Hall stated he had an issue with the traffic, people entering on a dangerous part of the road, more cars that would be brought to the area, and buffer issues. He also stated that he was concerned with water runoff and flooding problems with Canyon Creek. He stated there was a culvert built in the 1970s that would need to be upgraded in order to handle that much water.

Lisa Rule, 3934 Sloan Mill Road, Flowery Branch, spoke in opposition of the request. Ms. Rule stated the area was agricultural and this request did not fit in with that. She stated she was concerned with water issues and that there should be mandatory open space in order to help with flooding. She also stated she was concerned with adding to the existing traffic in the area and how this development would negatively affect the surrounding property values.

Sean Rule, 3934 Sloan Mill Road, Flowery Branch, spoke in opposition of the request. Mr. Rule stated that he was concerned with traffic and stated that the school in the area causing a lot of traffic on its own.

Jeanine Hall, 4040 Sloan Mill Road, Flowery Branch, spoke in opposition of the request. Ms. Hall stated that she was concerned with the flooding issues that were already occurring and how much this development would add to it.

Wesley Robinson, 200 EE Butler Parkway, Gainesville, spoke in opposition of the request. Mr. Robinson stated he was speaking on behalf of property owners in the area. Mr. Robinson stated they were in opposition and had met with the developer to try to resolve some of the issues.

Tim Sims, 2954 Bridgeview Drive, Gainesville, spoke in opposition of the request. Mr. Sims stated that he was concerned with the density being too high for the surrounding area. He stated that the homes were jammed together, without any sewer access. He stated this development was not consistent with the county's comprehensive plan and believed an R-I zoning would be more appropriate. Mr. Sims also stated he was concerned with high traffic volume and bringing more cars to a dangerous road.

Gabrielle Durden, 3630 Poplar Springs Road, Gainesville, spoke in opposition of the request. Ms. Durden stated she was concerned with the traffic due to the many wrecks that happen. She stated she was concerned with it taking 20 minutes to get to the school from her house that was not very far away. She stated that the proposed density was too high for the area and this development would add stress to the surrounding infrastructure.

Rebuttal

Mr. Underwood stated that with regards to the traffic concerns, this would be a state highway that feeds into a federal highway and was designed to handle the additional traffic. He stated there were other PRD zoned properties in the area; therefore, this was not that rare for the surrounding area. Mr. Underwood stated that the development would not have septic systems but it would be on sewer, on Oakwood's capacity. Mr. Braswell asked if they had received their letter from Oakwood stating they were agreeing. Mr. Underwood stated they had and it was submitted with their application. Mr. Bell asked how it would connect. Mr. Underwood stated it would run up Poplar Springs Road from the Amberleigh Development. Mr. Underwood stated a hydro study would have to be completed prior to development and would have eight stormwater ponds for the development to keep water flowing the same, if not slower, off the property. Mr. Underwood stated that should help with the runoff and flooding in the area and help resolve the concerns of the neighbors. Mr. Braswell asked that the traffic study and the effects on the entrances. Mr. Underwood stated they would have to comply with all of GDOT's requirements in order to construct the driveways. Mr. Braswell stated he would like to add the agricultural statement to the conditions. Mr. Varner asked Mr. Underwood about the school systems and how they are over capacity and if he can help lessen the burden on the school systems. Mr. Underwood stated that the property owners in the development would be paying significant property tax for the schools to be able to grow with the community.

Planning Commission Comments:

Mr. Bell asked about the garage façade percentage and if it was the only variance from the PRD code. Mr. Braswell stated that was correct and it would not be approved and the applicant's request would revert to the code requirements. Ms. Pilcher stated the driveways could be positioned better and suggested the applicant look into that moving forward.

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 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. *Garage doors shall be positioned between 5 and 20 feet behind the front wall plane of the residence, extending no more than 45% of the width of the residence.*
 3. *There shall be no more than 192 single-family units in the development.*
 4. *All costs associated with any required right-of-way improvements shall be the Developer's responsibility.*
 5. *Access to the development shall be approved by Hall County Traffic and/or the Georgia Department of Transportation, whichever applies*
 6. *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.*
 7. *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."*
 8. *All conditions of zoning shall be made part of any new plat created for the property.*
8. **Application of Rabun Gap Holdings to rezone from Planned Commercial Farm District (PCFD) to Planned Residential Development (PRD) on a on a 20.67± acre tract located on the west side of Spout Springs Road approximately 100 feet from its intersection with Lancaster Crossing; a.k.a. 6804 Spout Springs Road; Zoned PCFD. Tax Parcel 15042 000018. Proposed Use: 95 unit single family residential development. Commission District 1.**

Background Information:

The applicant is requesting to rezone a tract measuring approximately 20.67± acres from Planned Commercial Farm District (PCFD) to Planned Residential Development (PRD) for a 95 unit single-family subdivision. Access to the proposed development would be off Spout Springs Road. The concept plan shows an amenity site with clubhouse and pool, community mail kiosk, and a connection to sanitary sewer. Sidewalks line both sides of the streets, and each unit is provided with two (2) on-street parking spaces. The development would also feature walking trails and open spaces for recreation.

Applicant's Presentation:

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

Stephen Reynolds, 1001 Park Hill Drive, Gainesville, presented the request. Mr. Reynolds thanked the Planning Commission and the planning staff for working with them. He stated he had a few words to describe this project, those being: new, different, high quality, needed, and demand. He stated this type of development was new and would be a challenge. Mr. Reynolds stated that in the staff report the information regarding the 50 foot buffer and agreed that was needed. He stated he believed he was in compliance with that requirement, but they were not. He stated they had already redone their site plan to include that and resubmitted it to the Planning Department for review. He stated with adding those buffers it takes the number of units from 95 to 92 and creates a new density of 4.45 units per acre. Mr. Reynolds stated the development would have a clubhouse, pool, playground, walking trails, and open space. He stated there had been a traffic study completed and it showed the need for a deceleration lane, which the developer would be responsible for adding. He noted they would have to coordinate this with Hall County Engineering to make sure they were working correctly with the Spout Springs widening project. He stated they have been approved for sewer and water. Mr. Reynolds stated this would be a 'for rent' community, not for sale and that is what made it so different from other proposals in the area. He stated these would be single family, standalone units. Mr. Reynolds stated the applicant was proposing this project for three reasons. Those reasons were the reality of what was happening in the housing market today, there is a need for a high quality home for rent, and people are renting by choice now more than ever. **Payton Anderson, 133 Providence Point, Dawsonville**, stated he would be happy to answer any questions. Mr. Braswell asked if the development would be gated private drive. Mr. Anderson stated the applicant would have to answer that. **Omar Zavala, 3349 Wolffork Road, Rabun Gap**, stated it was not going to be gated at this time, but they would be willing to if the commission saw fit to do so. Mr. Hunt noted the change from a 25 foot buffer to a 50 foot buffer on the south property line and asked if that would be the same for the east and north property lines as well. Mr. Anderson stated the north property line was surrounded by stream buffers and would not necessarily need a 50 foot buffer and they could add the 50 foot buffer to the eastern property line. Ms. Pilcher asked what the price point of the homes would be. Mr. Zavala stated the price of rent would range from \$1,100 to \$2,000 a month, depending on the floorplan. Mr. Reynolds stated those prices are comparable to apartments in the area. Mr. Hunt stated that monthly payments for a \$350,000 home would be less than what someone would be paying in rent for a three bedroom homes. Mr. Reynolds stated that people are choosing to rent, rather than buy, for what else you get in the community.

Public Forum:

Duane Schlereth, 1655 Walker Street, Gainesville, spoke in favor of the request. Mr. Schlereth stated that the proposed higher density meets the county's comprehensive plan and saves more farmland.

Stephanie McHugh, 5309 Union Church Road, Flowery Branch, spoke in opposition of the request. Ms. McHugh stated she was concerned with the traffic study being completed prior to school being in session. She also was concerned with sewer needing to be approved by property owners and would like to know where the applicant is receiving their information from. Ms. McHugh stated there was no need for rentals in the area and the developers needed to plan for smart developments.

Rebuttal

Mr. Braswell asked what the distance from one parking area to the other was. Mr. Anderson stated he did not know that number off the top of his head. Mr. Reynold stated it was roughly 200 feet. Mr. Hunt asked how many parking spaces there were. Mr. Anderson stated there were 190 spaces, 2 spaces per unit. Mr. Anderson noted regarding the public's concern with sewer, they are working with the neighbor on getting sewer and if it were not possible there would be a lift station installed

on the lower end of the property. Mr. Reynolds stated that if the commission had more things they wanted them to take into consideration, to let him know. He stated he was not trying to rush the project and trying to do it correctly. Mr. Hunt stated he did not see how this fit into a PRD zoning. Ms. McQuade stated that PRD zoning was used for a mixture of housing types, such as apartments and townhomes and this proposal was a deconstructed apartment complex if that was an easier way to explain it. Mr. Hunt asked what the distance between the homes was. Mr. Anderson stated the minimum was 15 feet between homes. Mr. Braswell stated he needed more information to feel more comfortable with the request. He stated he would like to see a site plan with the additional buffers and possibly the parking being closer than 200 feet. Mr. Bell stated that the markets do change and did not know if an updated site plan would make it more appealing to him. Mr. Braswell asked if the applicant was requesting to table. Mr. Reynolds stated he believed tabling would be a good idea to bring back more information for the commission. Mr. Braswell stated he would like to see a lower density and Mr. Hunt stated he would like to see more points on how this works with the PRD specifications.

Planning Commission Comments:

Mr. Braswell stated that the item would need to be tabled to the December 20, 2021 Planning Commission meeting due to the lengthy agenda they already had on the December 6, 2021 Planning Commission meeting.

Motion: ***Mr. Bell made a motion to table the request to the November 15, 2021 Planning Commission meeting, with a second from Mr. Hunt and the motion passed by a 5-0 vote.***

Other Business

The next Planning Commission meeting will be on Monday, November 15, 2021.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 8:29pm.

Chris Braswell, Chairman
Hall County Planning Commission

Laura Ogletree, Clerk
Hall County Planning Commission