



**HALL COUNTY PLANNING COMMISSION
MINUTES OF MARCH 18, 2019**

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
- Members Absent:** Johnny Varner
- Staff Present:** Srikanth Yamala, Director; Sarah McQuade, Manager; Beth Garmon, Senior Planner; Vanessa Foster, Planner; Emily Foote, Secretary
- Call to Order:** The meeting was called to order by the Chairman at 5:17pm.
- Approval of Minutes:** March 4, 2019

NEW BUSINESS

Proposed Amendments

1. **Application of Lennar Georgia, Inc. to amend the conditions of a Planned Residential Development (PRD) on 62.13± acres located on the north side of Stephens Road, approximately 300± feet from its intersection with Flat Creek Road; a.k.a. 5062 Stephens Road; Zoned PRD; Tax Parcel 08065 000002. Proposed Use: Model homes for subdivision. Commission District 2.**

Background Information:

The applicant is requesting to amend the conditions of a Planned Residential Development (PRD). The original rezoning request was approved on February 8, 2018 with 16 conditions. The applicant is requesting the approval to construct up to ten (10) model homes prior to recordation of the final plat. The applicant is not requesting a certificate of occupancy prior to final plat recordation; however, they are requesting that a temporary certificate of occupancy be issued for model homes that are constructed with adequate provisions for restroom facilities.

Applicant's Presentation:

Bradley Dunckel, 425 Oak Street, Gainesville, presented the application. Mr. Dunckel stated that he is seeking a variance to allow the developer to build 10 model homes. Mr. Dunckel explained that the developer builds from the model home plans and allowing the 10 model homes will give the developer a head start prior to their final plat recording. Mr. Dunckel stated that two other PRDs have requested additional model home permits in the past twelve months that have been approved. Mr. Braswell asked if Mr. Dunckel has read the staff report. Mr. Dunckel confirmed and agreed with the conditions listed by Staff.

Public Forum:

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

Planning Commission Comments:

Mr. Braswell stated that the application is in order and the model homes will help the developer sell the subdivision.

Motion: *Mr. Sosebee made a motion to Recommend Approval of the request with Conditions with a second from Ms. Pilcher and the motion passed by a 4 – 0 vote (Mr. Varner absent).*

2. **Application of Joe Hatcher to rezone from Residential-II (R-II) and Highway-Business (H-B) to Highway-Business (H-B) on 2.26± acres located on the east side of Skelton Road approximately 125 feet from its intersection with Spring Haven Drive; a.k.a. 2289 Skelton Drive and 0 Browns Bridge Road; Zoned R-II and H-B; Tax Parcels 00122 001006 and 00122 001031B. Proposed Use: Equipment storage. Commission District 4.**

Background Information:

The applicant is requesting to rezone two parcels to Highway-Business (H-B) in order to use the property for equipment storage. The subject area measures approximately 2.26± acres and is currently zoned both Residential-II (R-II) and H-B. The parcel measuring approximately 0.88 acres (2289 Skelton Road) will serve as the access to the other parcel (0 Browns Bridge Road), as this parcel has frontage on Skelton Road while the other parcel is landlocked between Skelton Road, Browns Bridge Road, and Spring Road. The equipment stored on the property would be inventory for an equipment rental business. The site plan indicates that the equipment storage will be located on the property currently identified as 0 Browns Bridge Road, and the parcel identified as 2289 Skelton Road will be used only for access. The residence at 2289 Skelton Road would be demolished to allow for an access drive. The applicant has not proposed any further improvements to the subject property located at 0 Browns Bridge Road. The office for the business would be located in an existing building at 2122 Browns Bridge Road, adjacent to the subject property to the southeast.

Applicant's Presentation:

Joe Hatcher, 1310 Bahn Innsbruck, Helen, presented the application. Mr. Hatcher stated that he is requesting to change the zoning on a property on Skelton Drive from residential to commercial. Mr. Braswell asked if Mr. Hatcher has seen the conditions listed in the staff report. Mr. Hatcher confirmed. Mr. Braswell asked if Mr. Hatcher understood that the driveway placement will have to be approved by Hall County Engineering. Mr. Hatcher confirmed. Mr. Braswell asked how the property already zoned Highway-Business is being accessed currently. Mr. Hatcher answered that the property has direct access onto Browns Bridge Road. Mr. Hatcher stated that his request will give access to Skelton Road, which will be safer.

Public Forum:

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

Planning Commission Comments:

Mr. Braswell stated that the application is straight forward. Mr. Hunt stated that he drove by the property over the weekend and he has no problem with the request.

Motion: *Mr. Hunt made a motion to Recommend Approval of the request with Conditions with a second from Mr. Sosebee and the motion passed by a 4 – 0 vote (Mr. Varner absent).*

- 3. Application of VHP Properties, LLC to rezone from Residential-I (R-I) to Planned Commercial Development (PCD) on a 3.489 acre tract located on the north side of Mountain View Road at its intersection with Old Oakwood Road; a.k.a. 2928 Mountain View Road; Zoned R-I; Tax Parcel 08012 003006S. Proposed Use: Gas station and convenience store with retail offices and storage units. Commission District 2**

Background Information:

The applicant is requesting to rezone the subject property from Residential-I (R-I) to a Planned Commercial District (PCD) for the use of a gas station and convenience store with retail offices and storage units. The narrative states that the developer plans to exceed the landscape requirements by providing dense, varied landscape material in addition to fencing, to provide full screening adjacent to all houses abutting the property. The developer also intends to plant trees and shrubs along the frontage on Mountain View Road. The narrative proposes two free standing signs with a maximum height of 15 feet and three wall mounted signs on the convenience store building. The storage unit area is described as being entirely fenced in with a combination of 6 foot height solid wood fencing and 6 foot height chain link fencing with slats.

Applicant's Presentation:

Applicant was not present. Mr. Braswell moved the item to the end of the agenda to allow the applicant time to arrive.

OTHER

- 4. Amend the Official Code of Hall County, Georgia by deleting Section 17.180.060. entitled Planned Residential Development (PRD) of Chapter 17.180. entitled Planned Development District and substituting in lieu thereof the newly revised Section 17.180.060. entitled Planned Residential Development (PRD) of Chapter 17.180. entitled Planned Development District.**

Applicant's Presentation:

Srikanth Yamala, Director, presented the proposed amendment. Mr. Yamala stated that there are new text amendments adding additional minimums to the existing code. Mr. Yamala thanked Vanessa Foster, Planner, for her work on the amendments. Mr. Yamala explained that the existing PRD code was adopted in 2003. Mr. Yamala stated that the current code is subjective and does not have minimum standards. Mr. Yamala explained that the proposed changes list minimum standards, but developers could still ask for variances from the standards when submitting their applications. Mr. Yamala outlined the following proposed changes for lot sizes and setbacks: Single family homes would have a 16,000 square foot minimum lot size for sewer, a 60 foot minimum lot width, a 25 foot front setback, a 5 foot side setback and a 20 foot rear setback. Two family homes would have a 30,000 square foot minimum lot size for sewer, a 60 foot minimum lot width, a 35 foot front setback, a 10 foot side setback and a 20 foot rear setback. One story multi-family developments with three units shall have a 35,000 square foot minimum lot size for sewer, with an additional 5,000 square feet added for each additional unit. Two or more story multi-family developments with three units shall have a 40,000 square foot minimum lot size for sewer, with an additional 4,000 square feet added for each additional unit. Lot size minimums for all proposals on septic will be regulated by Hall County Environmental Health. Mr. Yamala stated that

there is currently no set buffer requirements for a PRD and buffer requirements are based on the zoning of the adjacent properties. Mr. Yamala explained that the proposed amendment would require a 50 foot planted buffer along all property lines, regardless of the adjacent zonings. Mr. Yamala stated that the current tree ordinance requires 15 trees per acre and the proposed amendment would keep the current ordinance and add a minimum of two trees be planted per lot. Mr. Yamala explained that the current code does not address the number of entrances to a development. Mr. Yamala stated that the proposed amendments would require one entrance for a development of less than 100 lots, two entrances for developments of 100-300 lots and three entrances for developments over 300 lots. Mr. Yamala explained that the current code only requires sidewalks on one side of the street and the proposed amendment would require five foot sidewalks on both sides of the street. Mr. Yamala stated that open space requirements help reduce the overall density of PRD developments. Mr. Yamala explained that the proposed amendments would require that at least 30% of the gross area is used as green space, which can include any wetlands, flood plains and buffers on the subject property. Mr. Yamala explained that the following amendments are proposed to the architectural standards: all facades shall be finished with brick, stone, stucco, wood siding, wood shakes or fiber cement siding; front facades shall incorporate changes in building materials; vinyl siding shall be prohibited; garages shall adhere to the five proposed garage placements for single family or two family residences or two proposed placements for multi-family residences. Mr. Yamala stated that the United States Postal Service requires all new subdivision to have cluster mailboxes instead of traditional individual mailboxes. Mr. Yamala explained that the proposed amendments require the mailboxes to be located at least 200 feet from the main entrance to the development and 60 feet from any intersection. Mr. Yamala explained that off street parking will be required for the mailboxes depending on the number of lots in the development. Mr. Yamala stated that the current code does not have any property management regulations, and the county often receives complaints of properties not being maintained. Mr. Yamala explained that the proposed amendments would add the following property management standards: any damaged, dead or diseased plant materials shall be removed and replaced if visible from the public right-of-way; properties shall be maintained free from grass, similar vegetation or uncultivated vegetation in excess of 12 inches in height; fences facing streets or adjacent to public right-of-way shall be regularly maintained, repaired and/or replaced. Mr. Yamala explained that if adopted, the proposed amendments would only pertain to new PRDs and any existing PRDs would not be subject to the new regulations.

Mr. Braswell asked how the buffer can be larger than the setbacks. Mr. Yamala answered that the buffer will apply to all edges of the property and the setbacks will apply to the individual lots. Mr. Hunt asked if the buffer is part of the open space requirement. Mr. Yamala confirmed. Ms. Pilcher expressed concern over the five foot side setback for single family homes and the cited recent examples of houses accidentally built within the setback. Ms. Pilcher asked if there is a way to ensure that builders do not construct homes within the setbacks. Mr. Yamala answered that an as-built survey could be required, but the current code and proposed amendments do not include it. Mr. Braswell commented that he likes the idea, but wondered if a spot survey would be better, as it would not slow down the building process. Mr. Sosebee asked if the setbacks are not shown on the site plan. **Sarah McQuade, Planning Manager**, stated that the site plans approved by Staff are accurate, but sometimes crews will pour the foundation in the wrong location during construction. Ms. McQuade suggested that the property lines and the corners of foundations be marked, which would make it easy to measure during inspections. Mr. Braswell suggested having the property line and footings certified by a surveyor. Ms. McQuade stated that this could be verified during the footing inspection. Ms. McQuade added that most large builders have an in house surveyor who could check the property lines prior to inspections. Mr. Hunt stated that this same question came up 35 years ago and suggested having a certification of the footing locations in relation to the property line that the builder provides at the time of the footing inspection. Mr. Braswell commented that the proposed amendments create a template to make applications more uniform and provide more information about the project prior to Planning Commission meetings. Mr. Braswell asked if the United States Postal Service has the authority to require cluster mailboxes for all new

subdivisions. Mr. Yamala confirmed that it is a federal requirement and the county is subject to the regulation. Mr. Hunt asked if the mailbox parking includes an ADA space or if that will be in addition to the numbers listed. Ms. McQuade answered that the ADA spaces will be in addition to the numbers listed in the proposal. Mr. Hunt asked why detached garages are only being allowed in the rear instead of in the side yards. Ms. McQuade answered that PRDs usually have smaller lots, which limit the available space for a detached garage in the side yard. Ms. McQuade added that if a PRD has larger lot sizes, they could ask for a variance on the garage locations if needed. Mr. Yamala added that the Planning Commission and the Board of Commissioners will see all PRD requests before approval and decide on any variances from the standards and minimums that are requested by applicants.

Public Forum:

Alex Fogel, 4118 Boxelder Path, Gainesville, asked if the current code includes ADA compliant ramp access for sidewalks. Ms. McQuade confirmed. Mr. Fogel asked if the code incorporates the international fire code. Ms. McQuade confirmed and stated that all PRDs go through the development review process and are reviewed by the fire marshal. Mr. Fogel asked if the setbacks meet the international building code. Ms. McQuade confirmed.

Motion: *Ms. Pilcher made a motion to Recommend Approval of the amendment with Conditions with a second from Mr. Hunt and the motion passed by a 4 – 0 vote (Mr. Varner absent).*

Conditions:

1. *At the time of the footing inspection, the contractor shall provide Hall County Building Officials with a certificate from a licensed surveyor certifying building setbacks for all four corners of the structure being inspected.*
2. *All cluster mailbox unit parking shall meet ADA requirements, including the addition of a handicap parking space.*

3. **Application of VHP Properties, LLC to rezone from Residential-I (R-I) to Planned Commercial Development (PCD) on a 3.489 acre tract located on the north side of Mountain View Road at its intersection with Old Oakwood Road; a.k.a. 2928 Mountain View Road; Zoned R-I; Tax Parcel 08012 003006S. Proposed Use: Gas station and convenience store with retail offices and storage units. Commission District 2**

Applicant's Presentation:

Albert Anderson, 3932 Frazer Circle, Gainesville, presented the application. Mr. Anderson stated that he is presenting the application on behalf of the architect, who is currently out of town. Mr. Braswell asked if Mr. Anderson was aware that Staff has recommended denial of the application. Mr. Anderson confirmed and stated that they are willing to make adjustments to appease the Board. Mr. Braswell stated that the owner is trying to put a lot of development on the property. Mr. Anderson stated that they have met with surrounding property owners and have not heard any objection to the request. Mr. Braswell asked what the plans are for stormwater management. Mr. Anderson answered that the front right side of the property slopes downward and they will use that area for stormwater management. Mr. Hunt stated that they are requesting a lot of impervious surface and asked how they plan to handle the stormwater. Mr. Anderson answered that they will use the property's natural drainage and an above ground system. Mr. Anderson added that if requested, they can switch to an underground system. Mr. Braswell asked for clarification on the proposed storage. Mr. Anderson stated that they are proposing mini warehouse and boat storage. Mr. Anderson added that there will be the store frontage for small

retail in the front of the property, with the mini warehouse and boat storage located at the rear of the property. Mr. Anderson stated that the storage will be fenced in. Mr. Anderson stated that the boat storage will be located behind the retail building. Mr. Hunt asked for clarification that there are 19 proposed boat storage spots. Mr. Anderson confirmed. Ms. Pilcher stated that there are 22 proposed parking spaces in the front of the property and asked if there would be enough parking for a convenience store and the retail businesses. Mr. Anderson stated that they are proposing 6,200 square feet of retail combined and the parking will be sufficient for all the retail. Mr. Anderson added that there will be no parking for the mini storage. Ms. Pilcher asked Staff if the parking requirements are based on the type of business or the size of the development. Ms. McQuade answered that both are taken into consideration when determining the required number of parking spaces. Ms. McQuade stated that there is no specific number of parking spaces required for convenience stores and this application is being considered based on the total square footage. Ms. McQuade explained that one parking space is required for every 200 square feet of retail. Mr. Anderson stated that more parking could be added behind the proposed retail stores and near the power lines. Mr. Braswell asked if Mr. Anderson had seen the comment by Hall County Engineering regarding a traffic study for the proposed entrance. Mr. Anderson confirmed and stated that the traffic study is ongoing. Mr. Anderson added that they will be installing acceleration and deceleration lanes into the subject property. Mr. Hunt asked if Mr. Anderson would be willing to drop the number of proposed signs from two to one. Mr. Anderson confirmed.

Public Forum:

Opposition:

Paul Marshal, 4204 Spruce Trail, Gainesville, stated traffic is a bottleneck near the subject property due to the residential development in the surrounding area. Mr. Marshal expressed concern that they are still building homes in the surrounding area, which will create even more traffic later. Mr. Marshal explained that there are three gas stations located near the subject property. Mr. Marshal stated that the intersection only has a one-way stop, making it dangerous to add any commercial retail in the area. Mr. Marshal stated that they have ongoing problems with 18 wheelers on Old Oakwood Road. Mr. Marshal expressed concern over decreasing property values for homes near this proposed development. Mr. Marshal stated that he was not contacted by the applicant.

Cathleen McDonald, 2844 Mountain View Road, Gainesville, stated that she lives one block away from the subject property and was not contacted by the applicant. Ms. McDonald explained that there is already a significant traffic problem in the area, especially with 18 wheelers. Ms. McDonald expressed concern over potential environmental hazards for the surrounding residents from the chemicals. Ms. McDonald stated that their properties are not located near the lake and there is no need for open boat storage. Ms. McDonald stated that the area is residential and they do not need commercial development.

Johnny McDonald, 2844 Mountain View Road, Gainesville, stated that he was also not contacted by the applicant. Mr. McDonald stated that traffic on Mountain View Road is horrendous and he has almost been hit by 18 wheelers in his yard. Mr. McDonald stated that there are at least three other storage warehouses nearby and there is not a need for another on Mountain View Road in a residential area. Mr. McDonald stated that traffic will continue to get worse, forcing people to move out of the vicinity and creating a rundown area.

Alex Fogel, 4118 Boxelder Path, Gainesville, stated that his property backs up to Mountain View Road. Mr. Fogel stated that the proposed development does nothing to protect the surrounding area. Mr. Fogel stated that Mountain View Road is a narrow two lane road with no shoulders, which will already see a traffic increase from the ongoing residential development. Mr. Fogel stated that with the opening to Tumbling Creek Bridge, Old Oakwood Road and Mountain View Road will get even more traffic.

Rebuttal:

Mr. Anderson stated that they reached out to neighbors with property adjoining the subject property. Mr. Anderson explained that the development will not have much of an increase on traffic, as it will serve the local residents. Mr. Anderson stated that the development will not be a destination for non-local residents. Mr. Anderson explained that mini storage generates very low traffic and, with the addition of the extra lanes at the intersection, the development can help alleviate some of the traffic problems. Mr. Anderson stated that they will work with Hall County Engineering and the Georgia Department of Transportation concerning the road and driveway placement. Mr. Anderson stated that the nearby properties located in the City of Gainesville will become more commercial over time. Mr. Anderson stated that Tumbling Creek Bridge should help with truck traffic once it is open.

Mr. McDonald clarified that Tumbling Creek Bridge will not reduce truck traffic on Mountain View Road, as the trucks are coming from Memorial Park Drive and Old Oakwood Road.

Planning Commission Comments:

Mr. Braswell asked Mr. Yamala if there are any plans to widen Old Oakwood Road or Mountain View Road. Mr. Yamala answered that there are not. Mr. Braswell stated that the Board is usually pro-business, but given the location of the property, the highly residential surrounding vicinity and the existing traffic issues, he cannot support the application. Mr. Hunt stated that the development could help with traffic with the proposed road improvements, but overall he cannot support the application. Ms. Pilcher stated she agreed with Mr. Braswell and Mr. Hunt and expressed concern over the large residential developments being built on Mountain View Road bringing even more traffic to the area. Mr. Sosebee agreed.


Motion: *Mr. Hunt made a motion to Recommend Denial of the request with a second from Ms. Pilcher and the motion passed by a 4 – 0 vote (Mr. Varner absent).*

Other Business

The next Planning Commission meeting will be on Monday, April 1, 2019.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 6:42pm.



Chris Braswell, Chairman
Hall County Planning Commission



Emily Foote, Secretary
Hall County Planning Commission