



**HALL COUNTY PLANNING COMMISSION
MINUTES OF APRIL 15, 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, Johnny Varner, Gina Pilcher, Stan Hunt
- 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:** April 1, 2019

NEW BUSINESS

Mr. Braswell moved Agenda Item #4 to the beginning of the meeting.

Mr. Braswell recused himself from hearing Agenda Item #4 due to personal matters and asked Mr. Sosebee, Vice-Chairman, to act in his place.

- 4. Application of Reveille Development Partners, LLC to amend conditions of a Planned Commercial Development (PCD) and Planned Residential Development (PRD) on 508.72± acres located at the intersection of Old Winder Highway and Howington Road; a.k.a. 5445 and 5601 Old Winder Highway; Zoned PCD & PRD; Tax Parcels 15039A000006 and 15039A000013. Proposed Use: Master Planned Development. Commission District 1.**

Background Information:

The applicant is requesting to amend the existing zoning of a 508.72± acre tract that is currently zoned Planned Commercial Development (PCD) and Planned Residential Development (PRD). The subject property was originally submitted as a mixed-use development by ARW Group, LLC and was approved by the Hall County Board of Commissioners on August 25, 2016. The proposed changes to the original zoning include the reduction of commercial/retail space and an increase of residential units for the development. The applicant has provided a breakdown of designated uses within different “pods” of the development, with each use being given an approximate square footage or acreage for commercial uses and number of units for residential uses. The traffic study submitted with the application indicates that there are six proposed site driveways accessing Old Winder Highway (State Route 211). The report concludes that all intersections are expected to operate at acceptable levels-of-service (LOS) at peak AM and PM hours upon completion. There is a recommendation for an overlap phase for the traffic signal at the intersection of Friendship Road (SR 347) and Old Winder Highway (SR 211). The subject property was originally submitted as a mixed-use development by ARW Group, LLC and was approved by the Hall County Board of Commissioners on August 25, 2016 with 6 conditions, as listed in the applicant’s proposal. Known as Atlanta River Walk, the development proposed a variety of uses such as retail and commercial, detached single-family residential, and townhomes. No further applications for development have been submitted at this time.

Applicant's Presentation:

Steve Gilliam, 301 Green Street, stated that they would like to Table their application until May 20, 2019. Mr. Gilliam explained that the developer has become aware of the public's concerns over the project and would like time to meet with the public prior to the Planning Commission's meeting.

Motion: Mr. Hunt made a motion to Table the request until May 20, 2019 with a second from Ms. Pilcher and the motion passed by a 4 – 0 vote (Mr. Braswell recused).

Mr. Braswell re-entered the meeting.

Conditional Use/Use Subject to Approval

1. **Application of Eco-Site for a Use Subject to County Commission Approval on 0.83± acres located on the east side of Delta Drive, approximately 550ft from its intersection with Browns Bridge Road; a.k.a. 1979 Delta Drive; Zoned I-I; Tax Parcel 00127 003004. Proposed Use: Telecommunication Tower. Commission District 4.**

Background Information:

The proposed location is zoned Light-Industrial, and the surrounding properties are primarily zoned Light-Industrial also. The proposed location is approximately 450 feet from a nearby mobile home park. The proposed tower location meets all setback and separation requirements. An existing building on the property will block the view of the fenced in compound from the roadway. The proposed security fence is designed to be eight feet tall, will surround the telecommunications compound, and will be approximately 55 feet by 55 feet in size.

Applicant's Presentation:

Franco Lugo, 2002 Diamond Street, Columbus, presented the application. Mr. Lugo stated that the applicant is in agreement with all conditions listed in the staff report. Mr. Lugo explained that the applicant created a landscape plan in response to issues raised in the staff report, which was presented to the Board prior to the start of the meeting. Mr. Lugo explained that the federal government has steps in place to ensure that a communication tower is needed in a community and that any proposed towers meet their guidelines. Mr. Lugo explained that T-Mobile is planning on investing the funds to build the tower at the subject property. Mr. Lugo stated that the tower would allow T-Mobile to increase their capacity along Browns Bridge, increase their indoor signal strength and allow their nearby towers of offload traffic, which will help the entire network. Mr. Lugo explained that the tower will be 150 feet in height and will use a monopole design, which resembles a large power pole. Mr. Lugo stated that the application meets the landscape criteria, the federal components, Hall County's requirements, as well as the needs of T-Mobile, and should be considered for approval by the Board. Mr. Braswell asked the dates that the balloon test were performed. Mr. Lugo answered that the balloon test was conducted on Saturday, March 23, 2019. Mr. Braswell asked if the tower can support 5G when it is brought to the area. Mr. Lugo confirmed and added that the tower will be able to support three carriers once it is completed. Mr. Hunt asked if the tower will require illumination due to the proximity of the Gainesville airport. Mr. Lugo answered that it will not.

Public Forum:

No spoke in favor or in opposition to the request.

Motion: *Mr. Varner made a motion to Recommend Approval of the request with Conditions with a second from Ms. Pilcher and the motion passed by a 5 – 0 vote.*

Conditions:

1. *The proposed tower shall be located as shown on the site plan and as described in the narrative that was submitted.*
2. *The applicant shall notify the county of any construction, tower, or site modifications that would be different from what is submitted for consideration. Of particular interest to the county are changes in height, structure, tower lighting, and ground facilities that would have any impact on the sites ability to support other users or affect the surrounding neighborhood.*
3. *The height of the tower and all appurtenances, including lightning rods, shall be limited to 155 feet as shown on the proposed construction drawings.*
4. *All equipment shelters and cabinets shall be screened in accordance with §17.410.060.D.*
5. *All plans and plats created for this development shall reference the conditions of zoning approval.*

Proposed Amendments

2. **Application of Beckel, Inc. to amend a condition of zoning, on a 21.30± acre tract located on the north side of McEver Road at its intersection with Radford Road; a.k.a. 5630 Radford Road; Tax Parcel 08111 001002. Proposed Use: Amend condition of zoning. Commission District 1.**

Background Information:

The applicant is requesting to amend the conditions of a Planned Residential Development (PRD). The original rezoning request was approved on September 24, 2015 with 4 conditions. The narrative states that the Board of Commissioners voted to approve the rezoning of the subject property with condition #3 stating that the property must be fenced with decorative fencing. The owner is requesting the condition be amended to read: The property may be fenced with decorative fencing. The subject property is 21.30± acres and is zoned Planned Residential Development. The subject property was developed between 2016 and 2018. The development consists of a 4,200 square foot office building, four (4) two-story independent living buildings that are each 22,918 square foot, a 27,471 square foot town hall building, circular access roadway internal to the development, parking areas, and a concrete bike trail and walking path.

Applicant's Presentation:

David Whittenton, 3000 Slaton Drive, Atlanta, presented the application. Mr. Whittenton stated that he is a co-developer of the property and the property was rezoned in 2015 as a PRD. Mr. Whittenton explained that a condition was added to the approval requiring the property to be fenced with decorative fencing. Mr. Whittenton stated that they went through the development review process while building the facility and were approved to have decorative fencing around the front of the property and other fencing on the rest of the property. Mr. Whittenton stated that it has now been brought to their attention that they were required to have decorative fencing around the entire property per the condition added by the Board of Commissioners. Mr. Whittenton stated that Staff informed him that asking for an amendment to the condition is the best solution. Mr. Whittenton explained that they would like to change the wording of the condition to say the property “may be fenced with decorative fencing.” Mr. Whittenton explained that the existing non-decorative fence is located from 170 feet up to 280 feet from any property lines, following the natural terrain of the property. Mr. Braswell asked if the plans submitted to the county for the permitting process show chain-link or decorative fencing. Mr. Whittenton answered that the current mix of fencing was shown on the plans submitted to the County. Mr. Braswell asked if the architect who submitted the plans was aware of the decorative fence

requirement. Mr. Whittenton confirmed, but added that they were unsure of where the decorative fence was required and submitted the plans to get feedback from the County. Mr. Whittenton stated that they never received comments from Staff about their fencing plans. Mr. Braswell asked if Mr. Whittenton was present at the Board of Commissioners meeting. Mr. Whittenton stated he was not. Mr. Sosebee asked what the proposed change from “must” to “may” in the wording of the condition would do for the application. Mr. Whittenton answered that the change would allow them to keep the existing fencing as is and will not require any changes on their part. Mr. Sosebee asked Staff if there are any notes from the previous zoning application concerning the decorative fencing. **Sarah McQuade, Manager**, stated that the condition was added by the Board of Commissioners at their meeting, but Staff does not have those meeting minutes on hand. **Srikanth Yamala, Director**, stated that he has been to the site and there is decorative fencing along Radford Road. Mr. Yamala explained that the application is only dealing with the existing chain-link fence along the side and rear of the property. Mr. Yamala explained that when the issue was discovered, Staff brought it to the attention of the owners and presented them with the options of replacing the chain-link fence or amending the condition of the PRD. Mr. Whittenton stated that the main purpose of the fencing is security for the residents. Mr. Whittenton stated that there was fencing along the property lines prior to the rezoning application that is still intact. Mr. Whittenton explained that all new fencing installed by Beckel is within the setbacks and is built to the regulations required by the type of facility. Mr. Hunt asked for confirmation that all fences were built according to the submitted site plan. Mr. Whittenton confirmed. Mr. Hunt commented that the code does not define decorative fencing. Mr. Whittenton added that the fence was modified five times during the design process. Ms. Pilcher asked if the Board of Commissioners was concerned about the fencing being visible to surrounding property owners when they condition was added. Mr. Yamala answered that there was discussion during the Board of Commissioners meeting concerning the condition. Ms. Pilcher stated that she drove by the site prior to the meeting and the fence is only visible on the back corner. Ms. Pilcher asked if the applicant has plans to use the open space near the house located on Radford Road. Mr. Whittenton answered that they do not, and stated that the house was subdivided from the subject property. Ms. Pilcher commented that the chain-link fence is visible from the house. **Kyle Ivey, 6120 Baybrook Terrace, Hoschton**, stated that Beckel purchased the property from the owner of the house on Radford Road. Mr. Ivey stated that trees were planted along the property line to act as a buffer and they have asked the homeowner if he wants an additional buffer in place. Mr. Ivey explained that the back corner is the sewer easement and they have planted trees there to act as a buffer.

Public Forum:

John Hickey, 5711 Garden Walk, Flowery Branch, spoke in opposition. Mr. Hickey stated that he lives adjacent to the subject property and attended the Board of Commissioners meeting for the rezoning. Mr. Hickey explained that the property was supposed to have wooden privacy fencing. Mr. Hickey stated that from the subject property is visible from the end of his street.

Rebuttal:

Mr. Braswell asked what plans the applicant has for the vegetated buffer. Mr. Whittenton answered that they have submitted a landscape plan for the west side of the property, but they will work with Staff to expand the vegetated buffer. Mr. Hunt stated that Staff is suggesting an additional 20 foot buffer and asked if Mr. Whittenton agreed with the condition. Mr. Whittenton answered that he does not agree with the condition, as the buffer has already been increased several times.

Planning Commission Comments:

Mr. Braswell stated since the condition was added by the Board of Commissioners, he is not in favor of amending it. Mr. Braswell explained that the Board of Commissioners should be the ones to make any

amendments. Mr. Sosebee agreed with Mr. Braswell and stated that the Board of Commissioners would not have added the condition without reason.

Motion: *Mr. Sosebee made a motion to Recommend Denial of the request with a second from Mr. Varner and the motion passed by a 4 – 1 vote (Mr. Hunt opposed).*

- 3. Application of Silverstar Construction, Inc. to rezone from Agricultural-Residential-IV (AR-IV) and Light-Industrial (I-I) to Planned Residential Development (PRD) on 71.50± acres located at the intersection of Barrett Road and Dorsey Peek Road; a.k.a. 2661 Barrett Road; Zoned AR-IV; Tax Parcel 15023 000025(pt.). Proposed Use: 65-lot subdivision. Commission District 3.**

Background Information:

The applicant is requesting to rezone a 71.5± acre parcel from Agricultural-Residential-IV (AR-IV) to Planned Residential Development (PRD) for a 65-lot subdivision. The proposed standards are as follows:

- Minimum lot size - 27,000 square feet
- Minimum lot width - 75 feet
- Front setback – 25 feet from front property line
- Side setback – 10 feet
- Rear setback – 20 feet
- Minimum heated floor space – 1,600 square foot for 1-story and 1,800 square foot for 2-stories

The proposed development will be served by City of Gainesville public water and individual septic systems. Exterior finishes of homes will be cement siding. The subdivision will feature mulched nature trails and 11.7 acres of green space. A cluster mailbox will serve all the homes within the development. The site plan shows a 10 foot vegetative buffer along the exterior boundaries of the property. The AR-IV zoning appears to be original to the subject property. According to Hall County GIS maps and the Tax Assessor's information, a heated floor analysis of the surrounding properties provides the following averages:

- Within a 500 feet and half-mile radius of the subject property, the average heated floor area (HFA) is 1,438 square feet.
- Within a one-mile radius, the average HFA is 1,412 square feet.
- Within a two-mile radius, the average HFA is 1,503 square feet.

Applicant's Presentation:

Jason Jackson, 410 Thunder Road, Buford, presented the application. Mr. Jackson stated that he is the developer for the project and he agrees with all the conditions listed in the staff report. Mr. Jackson stated that they are proposing 65 lots on a 71 acre property. Mr. Jackson explained that each lot will have an individual septic tank and the property will have a greenspace and shared mailbox kiosk. Mr. Jackson stated that houses will range from 1,600-1,800 square feet and will have cement siding. Mr. Braswell asked how far the proposed entrance will be from the intersection of Barrett Road and Hwy 129. Mr. Jackson answered that the entrance is approximately 600-700 feet from the intersection. Mr. Braswell asked Staff if acceleration and deceleration lanes will be required for the entrance. **Charles Turner, Hall County Planning and Development**, stated that he cannot answer that question, as it would be at the discretion of the Traffic Engineer. Mr. Braswell asked if the property will be mass graded. Mr. Jackson answered that lots will be graded individually, as a large portion of the property is a

field and there is a stream in the middle. Mr. Hunt asked if Mr. Jackson has met with the surrounding property owners. Mr. Jackson answered that he has not. Mr. Varner asked if Mr. Jackson has plans to meet with the neighbors. Mr. Jackson answered that if there is anyone who wants to meet with him, he is willing to set up a meeting. Mr. Braswell advised Mr. Jackson to meet with surrounding property owners prior to the Planning Commission meeting for future applications.

Public Forum:

Douglas Nassaur, 2946 John Bryant Lane, Gainesville, spoke in opposition. Mr. Nassaur stated that due to the topography of the land, his property sits below the subject property. Mr. Nassaur explained that he has a vineyard and orchard on his property and is concerned of the drainage that will flow onto his property from the development. Mr. Nassaur explained that the property owner clear cut the back corner of the subject property and the silt and erosion flows onto his property. Mr. Nassaur stated that a recent application to build a sports complex in the area was denied due to traffic concerns and expressed concern that the proposed development would also bring more traffic issues to the area. Mr. Nassaur stated that the area is largely agricultural and he is concerned over the environmental impacts the development can have on his property. Mr. Nassaur also expressed concern over the effects the development can have on the surrounding property values. Mr. Nassaur stated that he was not contacted by the applicant and only heard of the proposal through the notice letter sent by Staff. Mr. Sosebee asked if Mr. Nassaur did not see the zoning signs at the property. Mr. Nassaur answered that he did not see any zoning signs posted.

Rebuttal:

Mr. Braswell asked Mr. Jackson if the zoning sign is posted at the property. Mr. Jackson answered that the sign is posted at the location of the proposed entrance. Mr. Sosebee asked the last time Mr. Jackson was at the subject property. Mr. Jackson answered that it has been a few weeks, as he was out of town. Mr. Sosebee stated that Mr. Jackson does not know definitively if the sign is still posted. Mr. Jackson confirmed. Ms. McQuade stated that she received a photo of the sign posted via email on April 3, 2019. Mr. Braswell commented that this application is why the PRD code has been updated, as Mr. Jackson offered no details on his application. Mr. Braswell stated that Mr. Jackson has been before the Board before and knows that meeting with surrounding property owners is important to the Board. Mr. Braswell asked if Mr. Jackson will build the homes himself or sell the lots to be built individually. Mr. Jackson answered that he will likely bring someone in to build the homes. Mr. Varner stated that there is no accountability and there are no renderings of what the houses will look like. Mr. Jackson stated that he can provide renderings for the houses. Mr. Sosebee asked if Mr. Jackson will meet with the property owners and provide them with renderings for the proposed houses. Mr. Jackson confirmed.

Planning Commission Comments:

Mr. Hunt stated that he is concerned with the neighbors and potential runoff issues. Mr. Hunt stated that he would be in favor of sending the application to the Board of Commissioners as an approval. Mr. Sosebee stated that he is concerned about traffic issues due to the proximity to Hwy 129, but he is in favor of the application. Mr. Varner stated that the applicant needs to speak with the neighbors, as he is proposing building 65 homes in a rural area. Mr. Varner also stated that he is concerned with traffic and the lack of details pertaining to the development. Ms. Pilcher expressed concern over traffic and the widening of Hwy 129 and its impacts on the development. Mr. Braswell suggested adding conditions prohibiting mass grading and requiring the applicant to meet with property owners prior to the Board of Commissioners hearing. Mr. Yamala stated that meeting with surrounding property owners is not a zoning condition, but can be recommended to the applicant.

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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 3 – 2 vote (Ms. Pilcher, Mr. Varner opposed).*

Conditions:

1. *The development shall be limited to 65 lots and shall generally occur as depicted on the site plan and described in the project narrative, modified for compliance with regulations at time of site plan approval.*
2. *All homes shall adhere to the standards proposed in the applicant's narrative with regards to minimum setbacks and areas, as well as architectural features and conditions. These standards include the following:*
 - *Minimum lot size - 27,000 square feet*
 - *Minimum lot width - 75 feet*
 - *Front setback – 25 feet from front property line*
 - *Side setback – 10 feet*
 - *Rear setback – 20 feet*
3. *The heated floor area shall be a minimum of 1,600 square feet for one-story homes and 1,800 square feet for two-story homes. Each home shall be constructed with a two-car garage.*
4. *Vinyl siding shall be prohibited.*
5. *All lots will access an internal roadway, with no lot having driveway access to Barrett Road.*
6. *The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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.”
7. *A 10 foot landscape buffer shall be installed or maintained along the exterior boundaries of the development. This buffer shall meet the requirements of §17.260.020.*
8. *There shall be no mass grading of the property and all lots shall be graded individually.*
9. *All conditions of zoning shall appear on any plats created for the subdivision.*

Other Business

The next Planning Commission meeting will be on Monday, May 6, 2019.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Braswell at 6:31pm.


Chris Braswell, Chairman
Hall County Planning Commission


Emily Poote, Secretary
Hall County Planning Commission