



**HALL COUNTY PLANNING COMMISSION
MINUTES OF JANUARY 22, 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; Bo Brooks, Frank Sosebee, Johnny Varner, Gina Pilcher

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 5:16pm.

Approval of Minutes: January 7, 2019

The Chairman moved agenda items #5 and #6 to the beginning of the meeting.

NEW BUSINESS

Proposed Amendments

5. Application of Baldwin Paving Company, Inc. to rezone from Heavy Industrial (I-II) and Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 10.0± acre tract located on the east side of Candler Road, 445± feet from its intersection with Roy Parks Road; a.k.a. 2677 Candler Road; Zoned AR-IV and I-II; Tax Parcel 15025 000045. Proposed Use: Asphalt manufacturing plant. Commission District 3.

Applicant's Presentation:

Applicant was not present. Applicant requested to be Tabled until February 18, 2019.

Public Forum:

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

Motion: *Mr. Brooks made a motion to Table the request until February 18, 2019 with a second from Ms. Pilcher and the motion passed by a 5 – 0 vote.*

6. Application of Gainesville-Hall County Development Authority to rezone from Agricultural-Residential-III (AR-III) and Heavy Industrial (I-II) to Heavy Industrial (I-II) on 101 lots totaling 108.37± acres located on the north side of Gateway Centre Parkway, at its intersection with White Sulphur Road; a.k.a. 0 Cornelia Highway, 3275 Gateway Centre Parkway, 3311 Hillcrest Lane, et al; Zoned AR-III, I-II; Tax Parcels 15019 000-158, 15019 000644, 15019A0002107, -109 – 168, -170 – 187, -190 - 210. Proposed Use: Intermodal facility. Commission District 3.

Applicant's Presentation:

Applicant was not present. Applicant requested to be Tabled until February 4, 2019.

Public Forum:

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

Motion: *Mr. Varner made a motion to Table the request until February 4, 2019 with a second from Ms. Pilcher and the motion passed by a 5 – 0 vote.*

OLD BUSINESS

1. **Previously Tabled application of DCT Contractors, Inc. to vary §16.60 of the Official Code of Hall County on approximately 3.30± acres located at the intersection of Dorsey Drive and Dorsey Circle; Zoned V-C; Tax Parcels 08034 002028–31, 08034 003015–20, and 08034 004001, 002, 004; Proposed Use: To vary the right-of-way requirements. Commission District 2.**

Background Information:

The applicant is seeking to reconfigure existing roads and lots at the intersection of Dorsey Drive and Dorsey Circle. According to the narrative, the existing road has 40 foot right-of-way for a 16 foot wide road and a curve radius of 46.7 feet. Per the site plan, the applicant is proposing to modify the intersection by creating a cul-de-sac at the “end” of Dorsey Drive and constructing a “T” intersection with Dorsey Circle approximately 300 feet up the street. The modified Dorsey Circle will then have a curve radius of 60 feet. Six undeveloped lots will be absorbed and reconfigured to create 4 new lots, two of which have existing homes. One lot will become the new “T” intersection.

Applicant’s Presentation:

Dan Tuttle, 3600 Dorsey Drive, Gainesville, presented the application. Mr. Tuttle stated that the application was previously tabled to allow his engineer to meet with the County Engineer to discuss the application. Mr. Tuttle stated that they have reached an agreement with the County Engineer concerning the road. Mr. Braswell commented that the Board received an email from the County Engineer listing the conditions of the agreement.

Public Forum:

No spoke in favor or in opposition to the request.

Motion: *Mr. Sosebee made a motion to remove the request from the Table with a second from Mr. Brooks and the motion passed by a 5 – 0 vote.*

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

Conditions:

1. *Prior to the issuance of any building permits, a recorded plat shall be required.*
2. *All conditions of zoning shall appear on any plats created for the subdivision.*
3. *The County Engineer’s recommendations listed under the zoning analysis and email from the County Engineer dated January 11, 2019, shall apply, with variances granted only where public safety will not be negatively impacted.*

2. **Previously Tabled application of Rochester & Associates, Inc. for a Use Subject to County Commission approval on a 26.33± acre tract located on the east side of Yellow Creek Road, at its intersection with Barkers Bend Road; a.k.a. 6701 Yellow Creek Road; Zoned AR-III; Tax Parcel 11135 000062. Proposed Use: 23 lot subdivision. Commission District 2.**

Background Information:

The applicant is seeking to subdivide a 26.33± acre tract zoned Agricultural-Residential-III (AR-III) into 23 lots. The AR-III zoning district requires Board of Commissioners approval for anything greater than a minor subdivision. The applicant's narrative indicates the proposed lots would meet the minimum lot size requirement of 1 acre, with at least 75 feet in width at the right-of-way. The proposed density of the subdivision is 0.87 units per acre.

The proposed setbacks for the development are as follows:

Front	40 feet from front property line
Side	15 feet
Rear	25 feet

The applicant is proffering the following conditions:

1. All homes will be site-built.
2. No vinyl siding shall be allowed.
3. Heated square footage of each home shall be a minimum of 1,500 square feet.

According to the site plan, all lots shall have driveway access to Yellow Creek Road. Public water will be provided by the City of Gainesville and all lots shall have an on-site septic system.

Applicant's Presentation:

Brian Rochester, 425 Oak Street, Gainesville, presented the application. Mr. Rochester stated that he had a productive meeting with the surrounding property owners to discuss their issues with the application. Mr. Rochester stated that his company drafted a new plan with the public input they received, in addition to adding 11 new conditions for the proposal. Mr. Rochester explained that they are no longer asking for a road frontage variance, as they have increased the road frontage to meet the 150 foot requirement. Mr. Rochester explained that the development has decreased from 23 to 21 proposed lots. Mr. Rochester explained that the portion of the development that is not on a collector section of Yellow Creek Road will have a common drive, accessing lots 14-20. Mr. Rochester explained that this change was a result of public input concerning the number of driveways. Mr. Rochester explained that the houses will sit further back on the lots and face the common drive. Mr. Rochester showed farmhouse architectural styles that could be built, but explained that each house will have a custom floorplan. Mr. Rochester stated that ranch style houses will remain at 1,500 square feet minimum, but two story homes will be increased to 1,800 square feet based on public input. Mr. Rochester stated that each home will have a two car garage with additional outside parking for two vehicles. Mr. Rochester added that each driveway will be paved with either asphalt or concrete. Mr. Rochester stated that underground utilities will be used if available. Mr. Rochester stated that an additional condition was added due to public comment requiring sod and or/mulch and for disturbed

areas in the front of the homes and seed and/or mulch for the remainder of the disturbed area. Mr. Rochester stated that covenants will be put in place. Mr. Rochester stated that each lot will be graded individually and there will be no mass grading of the property. Mr. Rochester stated that no chain link fences will be allowed in front yards of the homes. Mr. Rochester's final additional condition states that no parking shall be allowed on Yellow Creek Road at any time, including during construction. Mr. Braswell asked if Mr. Rochester already had covenants drawn up for the development. Mr. Rochester confirmed. Mr. Braswell commented that the county does not enforce covenants. Mr. Rochester agreed and stated that the covenants have been drawn up based on public input. Mr. Sosebee asked if the driveways will be paved with either concrete or asphalt or if both materials could be used. Mr. Rochester stated that they have not decided but the driveways will be one or other, not both.

Public Forum:

Opposition:

Leah Smith, 7534 Chestatee Lane, Murrayville, stated that she is a real estate broker who lives nearby and has concerns about the development. Ms. Smith stated that the proposed common drive will not help with the traffic concerns on Yellow Creek Road. Ms. Smith stated that the topography of the land will cause water to run into Yellow Creek and questioned what kind of infrastructure will be required to help contain the water. Ms. Smith expressed concern that there is no guarantee of the type of homes built on the property, since Mr. Rochester stated that the homes will be custom built. Ms. Smith stated that having a select few home plans to choose from would be better, as it would eliminate the potential of someone building a pink house on one of the lots. Ms. Smith stated that she is concerned with the parking pad in the back for trailers, RVs, four wheelers, etc.; Ms. Smith commented that there is no requirement to have a paved path to the parking area and future homeowners could drive through the yard to access it. Ms. Smith also expressed concern over the parking area being visible, due to the low number of trees in the area. Ms. Smith stated that the plan does not include any livestock prohibitions and expressed concern that there could be numerous livestock at the homes with no covenants in place to deal with them. Ms. Smith stated that the application lists that the homes will be site-built, but expressed concern that there is no language prohibiting modular homes. Ms. Smith stated that there are many ways to build a modular home to make it appear site-built. Ms. Smith stated that there need to be architectural controls listed in the covenants to preserve the beauty of the surrounding area. Ms. Smith expressed concern that the development does not fit the community and the homes will be visible from Yellow Creek Road. Ms. Smith expressed concern over the environmental impact the homes will have on the surrounding area, including Yellow Creek and the Chestatee River. Mr. Sosebee asked if Ms. Smith attended the public meeting with Mr. Rochester. Ms. Smith confirmed that she attended the meeting, but was not able to influence the questions asked at the meeting.

Jim Gibson, 6985 Underwood Drive, Murrayville, stated that the development is not in keeping with the surrounding community. Mr. Gibson stated that a development of 21 lots on 26 acres does not look like any other development on Yellow Creek Road. Mr. Gibson stated that there are houses of all sizes on Yellow Creek Road, but they all fit into the existing feel of the community. Mr. Gibson expressed concern that the development will cause water trouble for the community and asked who will take care of the issues once they arise. Mr. Gibson asked why Mr. Rochester is not proposing to build 6 houses on the property. Mr. Gibson stated that the trend is to build bigger houses on larger pieces of property. Mr. Gibson stated that there are two homes under construction nearby, both of which will be around 2,500 square feet. Mr. Gibson referenced the Hall County Comprehensive Plan and stated that the Murrayville area is projected as the slowest growing area in Hall County. Mr. Gibson stated that the area does not need starter homes, but needs to protect its rural character.

Greg Rutledge, 7720 Barkers Bend Road, Murrayville, stated that Mr. Rochester's changes are good, but they are not good enough. Mr. Rutledge stated that the development does not fit the area. Mr. Rutledge stated that this would be the first plan of this nature in the area if it is approved. Mr. Rutledge added that there an 80 acre tract is for sale down the road currently. Mr. Rutledge expressed concern that the rural character will be destroyed by development without the proper infrastructure. Mr. Rutledge stated that they have two petitions: one online with 249 signatures and one paper petition with 66 signatures. Mr. Rutledge asked how the stream buffers on the property will affect the ability to build on the affected lots. Mr. Rutledge stated that the highest point on the property is located in the middle, which could cause runoff issues when graded.

Mr. Gibson added that the Comprehensive Plan states that when no sewer is available, an area should stay rural.

Mike Nosach, 7711 Dogwood Way, Murrayville, stated that this development will set a precedent for selling lots instead of building a traditional neighborhood. Mr. Nosach expressed concern that if the lots do not sell, only half the houses will be built. Mr. Nosach expressed concern that if the development is approved, there will be no legal grounds to not approve similar future projects.

Whit Powell, 6178 Yellow Creek Road, asked if the code allows a property to be divided once per year without Board approval. Mr. Braswell confirmed. Mr. Powell stated that the rule concerning the subdivision of land was put in place to keep an area from changing too rapidly.

Rebuttal:

Mr. Rochester emphasized that the application is no longer asking for variances in road frontage requirements along Yellow Creek Road. Mr. Rochester stated that all drainage and runoff issues will be handled during the development review process. Mr. Rochester added that he has already met with Hall County Engineering to discuss their options. Mr. Rochester stated that the parking in the rear of the houses was requested by the local residents. Mr. Rochester stated that Hall County has an ordinance concerning livestock that will apply to any lots built. Mr. Rochester stated that there is already a condition listed by Staff requiring all homes to be site-built. To address the issue of custom built homes, Mr. Rochester stated that the majority of the homes in Hall County are custom built, especially in the surrounding area, and having a custom built home is not unusual. Mr. Rochester stated that the home sizes fit with the surrounding house size; Mr. Rochester stated that within 500 feet of the subject property, the average house size is approximately 1,300 square feet and within 1 mile the average house size is approximately 1,700 square feet. Mr. Rochester stated that the Comprehensive Plan lists a one acre lot size, which would allow the development to create 26 lots, instead of the 21 that they are now asking for. Mr. Rochester stated that the property could be subdivided each year with no restrictions; Mr. Rochester stated that the benefit of this proposal is that it will place restrictions on the development. Mr. Rochester added that he has worked with the surrounding property owners to create a plan that addresses their concerns as much as possible.

Planning Commission Comments:

Ms. Pilcher asked why Mr. Rochester decided on 21 lots and if a smaller development was considered. Mr. Rochester answered that 21 lots meets more than the county minimum and, due to the recent sales in the area, he felt 21 lots is fitting for the market. Ms. Pilcher commented that any development of this size in the area is served by an interior road. Mr. Braswell commented that changes of this nature are difficult and thanked the public and Mr. Rochester for working together. Mr. Sosebee agreed.

Motion: *Mr. Brooks made a motion to remove the request from the Table with a second from Mr. Varner and the motion passed by a 5 – 0 vote.*

Motion: *Mr. Sosebee made a motion to Recommend Approval of the request with Conditions with a second from Mr. Brooks 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 regulations at time of site plan approval.*
2. *The heated floor area shall be a minimum of 1,500 square feet for a ranch home and 1,800 square feet for two storied homes.*
3. *All homes shall be site built.*
4. *No vinyl siding shall be allowed.*
5. *Prior to the issuance of any building permits, a recorded plat shall be required.*
6. *The development shall be limited to 21 lots, with a minimum lot area of 1 acre.*
7. *Homes shall be constructed with an architectural theme similar to the representative photos submitted by the applicant.*
8. *All homes shall have a two-car garage and sufficient parking for two additional vehicles outside the garage.*
9. *All driveways shall be paved with concrete or asphalt from the existing street or common driveway to the garage.*
10. *Disturbed areas in the front yard shall be sodded and/or mulched upon competition. All other disturbed areas will be mulched and/or seeded.*
11. *Covenants, Conditions and Restrictions shall be imposed on each lot at the time of final plat recording.*
12. *Per §17.280.090.C, Home sites will be cleared and graded on a one-by-one basis and no mass grading shall be allowed.*
13. *A single, common driveway will be constructed to County standards to serve lots 14-20. A variance shall be granted to allow access to 7 lots on one common drive.*
14. *No chain link fencing shall be allowed in the front yard of any home.*
15. *No parking shall be allowed on Yellow Creek Road, including during construction.*
16. *All conditions of zoning shall appear on any plats for the subdivision.*

NEW BUSINESS

Variance

1. **Application of Donald J. Smallwood to vary the front yard setback requirement from 100 ft. to 50 ft. and the road frontage requirement from 500 ft. to 160 ft. on a 1.06± acre tract located on the south side of Winder Highway, 253± ft. from its intersection with Blooming Way; a.k.a. 4540, 4544 Winder Highway; Zoned R-I; Tax Parcel 15037A000010A & 15037A000009 (pt.). Proposed Use: To create a building lot. Commission District 1.**

Background Information:

The applicant is requesting a reduction in road frontage requirements from 500 feet to 160 feet for the purposes of creating a new building lot from property previously acquired in 2004 by the Georgia Department of Transportation (GDOT) for the widening of Winder Highway. The property was purchased in October 2018 by the applicant after construction on the road was completed and GDOT released the property from the project. The site plan consists of two tracts: "Tract A" is comprised of 1.060 acres and has 168± feet of frontage and "Tract B" is comprised of 1.126 acres and 250± feet of frontage. The applicant intends to construct a home on tract a; and intends to combine tract b with his existing property (Tax parcel 15037A000008). The applicant is also requesting a variance to the front setback from 100 feet to 50 feet for the future residence on the proposed new lot.

Applicant's Presentation:

Don Smallwood, 4556 Winder Highway, Flowery Branch, presented the application. Mr. Smallwood stated that he is asking for a reduction on the road frontage requirement on a split highway. Mr. Smallwood stated that he wants to build a house for his daughter on the subject property and the house will still be 200 feet from the centerline of the road.

Public Forum:

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

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

Conditional Use/Use Subject to Approval

2. **Application of Chris Patton for a Use Subject to County Commission approval on a 16.20± acre tract located on the south side of T Martin Road, at its intersection with Jess Helton Road; a.k.a. 4968 T Martin Road; Zoned AR-IV; Tax Parcel 12004 000005. Proposed Use: 3 lot subdivision. Commission District 3.**

Background Information:

The applicant is seeking to subdivide a 16.20± acre tract zoned Agricultural-Residential-IV (AR-IV) into three lots. On the submitted draft plat, Tract 1 is shown at 4.10± acres, Tract 2 is shown at 9.79± acres, and Tract 3 is shown at 2.31± acres. All the existing structures: a house, two sheds, and a detached wood garage are shown on Tract 1. Tracts 2 and 3 do not have any existing structures. The narrative states that the property owner, wants to sell proposed Tracts 2 and 3 and continue living in her home on Tract 1 where she has lived for over 50 years. There are currently two agreements in place to sell these tracts.

Applicant's Presentation:

Chris Patton, 419 Bradford Street, Gainesville, presented the application. Mr. Patton stated that his client wants to divide 16 acres into three lots on a piece of family owned property. Mr. Patton explained that the owner will live on tract one and the other two tracts will be sold off and have homes built on them.

Public Forum:

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

Planning Commission Comments:

Mr. Braswell stated that the application speaks for itself.

Motion: *Mr. Brooks made a motion to Approve the request with Conditions with a second from Mr. Sosebee and the motion passed with a 5 – 0 vote.*

Conditions:

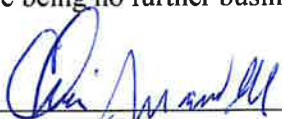
- 1. Prior to the issuance of any building permits, a recorded plat shall be required.*
- 2. All conditions of zoning shall appear on any plats created for the subdivision.*

Other Business

The next Planning Commission meeting will be on Monday, February 4, 2018.

ADJOURNMENT:

There being no further business to conduct, the meeting was adjourned by Mr. Smallwood at 6:19pm.



Chris Braswell, Chairman
Hall County Planning Commission



Emily Foote, Secretary
Hall County Planning Commission