



Hall County Government

PLANNING & DEVELOPMENT

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To: Richard Higgins, Chairman
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From: Randi Doveton, Director

Date: November 16, 2022

Subject: **2866 Lanier Tech Drive | Rezone** | from Light-Industrial (I-I) to Residential Multi-Family (RMF) on a 58.26± acre tract to allow a 370-unit multi-family complex | Capstone Acquisitions, LLC, applicant.

The request before you is the application of Capstone Acquisition, LLC to allow a 370-unit multi-family complex. The property was de-annexed from Gainesville prior to the rezoning request. The development of multi-family within an RMF district is permitted. So this request is addressing the zoning designation. The item is located within Commission District 3.

At their November 7, 2022 meeting, the Hall County Planning Commission voted to recommend approval of this request with ten (10) conditions **(5-0)**.

There were no written comments submitted in advance of the Planning Commission meeting and two (2) people spoke in opposition during the public hearing.

There have been no changes to the request since the Planning Commission took action.

Planning Commission Rezoning Approval Conditions:

1. The development shall occur as depicted on the site plan dated 9-14-2022 and described in the project narrative.
2. The density of the development shall not exceed 6.34 units/acre and shall not exceed 370 total units.
3. The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces. The proposed development is located in the North Oconee Watershed Overlay which doubles all stream buffers and setbacks from rested vegetation not to the center line of the stream.
4. The proposed residential development shall confirm substantially to Streets and Other Rights-of-Way (16.60).

5. The recommendations of the traffic study, subject to the review and approval by both Hall County Traffic Engineering and the Georgia Department of Transportation, shall be implemented. Any cost associated with these improvements shall be the responsibility of the developer.
6. 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.”
7. A landscape plan shall be approved by the Planning Director prior to issuance of the Land Disturbance Permit (LDP).
8. The open space and buffers shall be protected in perpetuity by a deed that follows the property and shall not be separated from the parcel by future subdivision or reduced for project expansion. The removal or modification of this condition shall require action by the Board of Commissioners (BOC).
9. All conditions of zoning shall be made part of any plats created for the property.
10. Architectural standards: All facades of all residences, shall be finished with brick or fiber cement type siding/shake shingles. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding shall be prohibited on all residential and non-residential buildings.

Staff recommended denial to the Planning Commission, **based on the findings that the request is inconsistent with the Comprehensive Plan and does not meet criteria 5, 7, 11, 12, and 14 as outlined in [17.380.060](#).**

For your Consideration

These items support approval

1. The proposal has 19.2% impervious surface which is less than the 25% maximum imposed by North Oconee Water Supply Watershed District that places limitations on the intensity of development [17.225.030](#).
2. The use, multi-family residential, is proposed adjacent to Lanier Technical College, an institutional use located in the incorporated City of Gainesville. Undeveloped AR-IV-zoned properties surround the remainder of the subject site. The proposed land use is generally compatible with the adjacent uses and is likely filling a housing need, given the proximity of the college.
3. The request does not appear to be out of scale with the needs of the County as a whole, as there is a need for additional and a variety of housing.
4. The proposal will be served public water and sewer.

These items support denial

1. Based on the future land-use plan, staff finds the requested zoning designation is inconsistent with the Future Land Use Map designation, as the proposed density of 6.34 units per acre exceeds the recommended rural density of 1.5 units per acre; [2022-Comprehensive-Plan, page 23](#).
2. Staff has not identified that the existing property values have been impacted by the existing zoning.
3. There are other properties within the County that support multi-family uses based on the Future Land Use Map.
4. There is no indication that a mistake was made in the original zoning.