

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Capstone Acquisitions, LLC

**Request** ..... Rezone from Light-Industrial (L-I) to Residential Multi-Family (R-MF)

**Proposed Use** ..... 370-unit multi-family complex

**Size** ..... 58.26± acres

**Zoning** ..... Current L-I (North Oconee OD) | Proposed R-MF (North Oconee OD)

**Location** ..... **2866 Lanier Tech Drive** | Tax Parcel 15021 000085

**Commission District** ..... Three

**Planning Commission Date** ..... November 7, 2022

**Staff Recommendation** ..... **Denial, 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](#)**

**Planning Commission Recommendation**.....**Approval, with conditions**

**Vote: 5-0**

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 conform 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.*

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**Public Forum:**

**Chad Williamson, 6410 Deep Court, Flowery Branch**, spoke in opposition. Concerns were the units being built correctly.

**James Morris, 2711 Oconee Circle, Gainesville**, spoke in opposition. Concerns were buffers, privacy, and fencing.

**Summary Analysis**

The applicant is requesting approval to rezone 58.27± acres from Light Industrial (I-I) to Residential Multi-Family (R-MF) for the purpose of developing a 370-unit multi-family residential and neighborhood (amended from 342 units). The overall density for the development is 6.34 units per acre. The narrative submitted by the applicant states that the development will provide quality housing with a full amenity package that supports housing needs in the area for young professionals and senior citizens.

The subject property is located east of Highway 23, just northeast I-985's Exit 24 interchange at its intersection with Jesse Jewell Parkway. The narrative states that access to the development will be provided through a full access entrance/exit an extension of Lanier Tech Drive connecting into the development, a portion of which is envisioned to be owned and maintained privately. Any future access dedicated solely to this outparcel will be subject to GDOT and Hall County approval and may require City of Gainesville coordination (to be determined based on comments received from Hall County Public Works).

The multi-family units will be constructed in 13 3-story buildings (including three/four splits). The development will include a resident clubhouse, a pool/amenity area, pocket parks, fire pit, a dog park, pickle ball courts, as well as mulched walking trails within the portions of the property reserved as riparian buffers.

The site will preserve significant open space, over 50%, and will be extensively landscaped or preserved as required to meet environmental regulations. The project site plan identifies a parking count of 716 parking spaces (1.94/unit).

The property was recently de-annexed from the City of Gainesville. The City of Gainesville future land use (FLU) map depicted the property as industrial adjacent to multi-family residential ([2711 NE Oconee Cir](#), which has a zoning designation of PUD). The Hall County FLU depicts the subject property as [rural](#).

**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](#).**

### **Zoning Analysis**

The proposed use of a 370-unit multi-family development is inconsistent with the Comprehensive Plan, as the proposed density exceed the density standard within the “Rural” land use designation. Within the rural character area the maximum density is recommended to be 1.5 unit per acre. No variance requests are noted in the application and staff has not identified any needed to approve the proposed use as presented.

The proposed development is located in the North Oconee Water Supply Watershed District that places limitations on the intensity of development ([17.225.030](#)):

- The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent, or existing use, whichever is greater.
- The site plan indicates a total impervious area of 19.2%, but the developed portions of the lot appear that they could make up more than the maximum when all required structures and surfaces are included in the calculation. It cannot be determined if this threshold has been exceeded.
  - **Based on criteria, the maximum allowable impervious area for the subject property is 14.56 acres or 634,451.4SF.**

**When considering a zoning amendment to the zoning maps, the following items must be considered:**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **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.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The environmental features on the site necessitate significant buffers that protect most of the adjacent property lines.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The intensity of development is limited in the North Oconee Water Supply Watershed District as a protective measure with the purpose of the protection of the quality of drinking water. Any proposed land use would be limited by the maximum impervious surface regulations and other environmental protections, so the previous city of Gainesville zoning, L-I may not be economically viable. Most industrial uses require a substantial footprint that may not be feasible with the**

**environmental restrictions on the property. The property was recently de-annexed from the City of Gainesville to allow the current rezoning application and proposed multi-family development.**

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **The development proposes a single point of access onto the public street system via Lanier Tech Drive. Hall County Fire Rescue has commented that the access point provided is inadequate to meet the requisite two points of egress pursuant to IFC D106.2. Based on the traffic report submitted, most improvements that would impact the level of service would require system improvements to be completed by Hall County. That said, site improvements shall be designed and constructed by the developer with appropriate sight distances, turn radii, driveway widths, islands, angles with the adjacent roadways, and grades.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan for the physical development of the area; **The Comprehensive Plan's future land use designation for the subject parcel is "Rural." Future development should be compatible with the rural character, which includes a high degree of open space and greenspace. This includes the use of conservation subdivisions to maximize the amount of open space in new residential developments. The recommended density in this character area is 1.5 units per acre. *The proposed development is inconsistent with the policy and intent of the land use plan* but it should be noted that when the plan was adopted in June 2022, the subject property was located within the City of Gainesville and not unincorporated Hall County.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff has not identified that the existing property values have been impacted by the existing zoning.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned but it should be noted that the property was recently de-annexed from the City of Gainesville to allow the current rezoning application. Under the City of Gainesville's zoning, it had a classification of L-I. Given the environmental constraints related to the North Oconee Water Supply Watershed District, the site would have more difficulty being developed under the L-I designation.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property was recently de-annexed into Hall County from the City of Gainesville. The current zoning district is unchanged from the district established during the de-annexation process. Prior to that, the property remained undeveloped.**
10. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. **Staff is not aware of any changing conditions that affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts. **The proposed zoning is inconsistent with both the existing Hall County zoning districts in the immediate area and the appropriate zoning districts/uses identified in the Hall County future land use map. As such, staff does not find the R-MF district to be an appropriate designation for the subject property but it should be noted that it is adjacent to [2711 NE Oconee Cir](#) in the City of Gainesville which has a zoning designation**

**of PUD. The proposed designation and use are inconsistent with unincorporated Hall County maps and adjacent land uses but is compatible with the adjacent property located within the City of Gainesville.**

12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **Since the Future Land Use Map designates the character of this parcel as “Rural,” the existing L-I zoning designation is not appropriate, nor is the proposed R-MF designation.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **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.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the County that support multi-family uses based on the Future Land Use Map.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The request could not be handled alternatively as a variance.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **The increased environmental regulations of the North Oconee Water Supply Watershed District attempt to mitigate the environmental impacts of the development through enhanced riparian buffers and limitations on intensity of development. While the applicant has indicated the imperious surface limitations have been met, staff finds that additional confirmation of the methodology of the calculations is required to verify.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

**Residential-Multi-Family District (R-MF)** standards are found in [chapter 17.100](#) which include the permitted and conditional uses allowed within the R-MF district.

The purpose of the **Protected Water Supply Watershed, Protected Groundwater Recharge Area, and Wetlands Protection Overlay Zoning Districts (17.225)** is to conserve natural resources or realize development objectives without unduly disturbing the expectations created by the existing zoning ordinance. Specifically, The North Oconee River Small Water Supply Watershed Overlay District consist of the land areas that drain to the proposed North Oconee River public water supply intake and water supply reservoir

- o The subject property is subject to the requirements of Section [17.225.040](#):
  - A. Permitted uses for perennial stream corridors within a seven mile radius upstream of the North Oconee River public drinking water supply intake: All uses allowed in the underlying zoning districts as established by this resolution, except for those listed below are permitted in the water supply watershed protection district, subject to the following standards:
    1. A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks. **The submitted site plan meets this standard.**
    2. No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks. Septic tanks and septic tank drainfields are prohibited in this setback. **The submitted site plan meets this standard.**

- B. Permitted uses for perennial stream corridors outside a seven mile radius upstream of the proposed North Oconee public drinking water supply intake: All uses allowed in the underlying zoning districts as established by this resolution, except for those listed below, are permitted in the water supply watershed protection district, subject to the following standards:
  - 1. A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks. **The site plan indicates that the buffers will exceed this requirement and shows a 100FT stream buffer and a 150FT impervious surface setback.**
  - 2. No impervious surface shall be constructed within a 75-foot setback area on both sides of the stream as measured from the stream banks. Septic tanks and septic tank drainfields are prohibited in this setback. **The property will be served by public water and sewer.**
- C. General criteria for small water supply watersheds: The following criteria apply to all locations in the North Oconee water supply watershed:
  - 1. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to **twenty-five (25) percent**, or existing use, whichever is greater. **The submitted site plan meets this standard, showing 19.2% impervious area.**
  - 2. New hazardous waste treatment or disposal facilities are prohibited. **The proposal is for a multi-family residential complex and not a waste disposal facility so this is not applicable.**
  - 3. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems. **The proposal is for a multi-family residential complex and not a sanitary landfill so this is not applicable.**
  - 4. New facilities, located within seven miles of a water supply intake or water supply reservoir, which handle hazardous material of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code. **The proposal is for a multi-family residential complex and does not handle hazardous materials as listed in Section 312 of the Resource Conservation and Recovery Act of 1976, therefore, this section is not applicable to the current application.**

- **17.380.050. - Submission requirements for a rezoning request**

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. Applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**

- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section [17.380.060.C](#) of this section [chapter]. **The applicant has submitted a narrative and constitutional objections but did not specifically address the criteria listed in [17.380.060.C](#).**
  2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **Proposal meets the requirement.**
  3. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This project proposes public sewer and water so this is not applicable.**
  4. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **Proposal meets the requirement. The County Engineer included comments.**

**Development Support and Constraints –Departmental /agency comments**

***Hall County Environmental Health***

An email dated September 14, 2022 from Emily McGahee states “No comment. Public sewer.”

***Hall County Fire Rescue***

In an email dated September 16, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, provided the following comments:

“All access controlled gates will require a Knox key switch override device for fire department access into gated development.

IFC D106.2, Multifamily developments having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system. Concept plan show one access into development two are required.

IFC D105.2, Where the vertical distance between the grade plane and the highest roof surface exceeds 30’ approved aerial access roads shall be provided and shall have a minimum unobstructed width of 26’ exclusive of shoulders.

IFC Section 912, Fire department connections shall be installed on each building and located no greater than 50' from a fire hydrant. Fire department connections shall be located that the fire apparatus and hose connected to the supply system (fire hydrant ) will not obstruct access to the building for other fire apparatus.

IFC 510, Emergency responder radio frequency test will be required and installation of a bi-directional antenna system may be required.

NFPA 13R or 13 fire protection system will be required to be installed, tested and certified.

NFPA 72 fire alarm system will be required to be installed, tested and certified.

Complete set of engineered civil plans will have to submitted for review and approval by the Hall County Fire Marshal's Office."

### ***Hall County Public Works and Utilities***

In a memo dated September 16, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

#### **Engineering:**

The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Show buffer and impervious setback from wrested vegetation, not centerline of creek. Show flood Hall County studied and FEMA.

#### **Traffic:**

Lanier Tech Drive is a City of Gainesville roadway and proposed connection will need to be approved and permitted by Gainesville. Unclear if proposed roadway extension is to also be in Gainesville's jurisdiction. A cul-de-sac should be required at the end of the public roadway. The traffic study indicated a proposed connection to Ocone Circle, however, the provided concept plan and narrative did not mention this, confusing.

#### **Utilities:**

Gainesville Sewer District.

### ***Hall County Tax Assessors***

No comments were provided.

### ***Gainesville Water Resources***

A letter dated July 19, 2022 from Nick Swafford, Permitting Services Manager, stated the following:

"The purpose of this letter is to confirm the availability of water and sanitary sewer service to the above-referenced property.

The City of Gainesville owns and operates an existing 12-inch DIP water main in the right-of-way of Lanier Tech Drive, which terminates on the subject property. The City also owns and operates an existing 8-inch DIP gravity sanitary sewer located on the subject property.



The City of Gainesville has adequate capacity for your proposed 342-unit multi-family development, which we understand will generate an anticipated average sewage flow of 85,550 GPD and a peak flow of 213,750 GPD. It is our understanding the developer will be requesting to de-annex the property from the City of Gainesville, and, as a result, subsequently request the City to waive the annexation requirement for sanitary sewer service. If the request is approved by City Council, the City will honor this commitment of water and sanitary sewer service for your development.

The confirmation of water and sanitary sewer availability is good for one year from the date of this letter at which time, it will become null and void unless engineer plans have been submitted for the issuance of a development permit.”

***Georgia Department of Transportation***

Per an email dated September 19, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor, confirmed that this project **will** require GDOT coordination.

➤ **Excerpts from the minutes of the November 7, 2022 meeting**

**Applicant’s Presentation:**

**Randi Doveton, Planning Director**, presented a summary of the request.

**Jonathan Collins, Gainesville**, presented the request. The applicant stated that this design is to accommodate a younger demographic. The applicant stated that the subject property would be reached through Lanier Teach Road, extended 70 feet, and maintenance will be provided by the City of Gainesville. The applicant stated that there are two adjacent property owners so they are planning to have 100 foot undisturbed wooded buffer. The applicant stated that rent for the units will be from \$1,300 to \$1,500 a month.

**Planning Commission Comments:**

Mr. Hunt requested clarification on the 100 foot buffer.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 5-0**

***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 conform substantially to Streets and Other Rights-of-Way (16.60).*

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“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.”*
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