

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... CMWB Company, LLC,  
**Request** ..... Conditional use to allow a multi-family complex  
**Proposed Use** ..... 305-unit multi-family complex  
**Size** ..... 35.14± acres  
**Zoning** ..... Current Agricultural-Residential-III (AR-III) |  
Proposed [Planned Residential Development  
(PRD)  
**Location** ..... **2581 Ramsey Circle** | Tax Parcel 09113 000001  
(pt.)  
**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 1, 5, 7, 12, and 14 as  
outlined in [17.380.060](#)**  
**Planning Commission Recommendation**..... **This item was heard as a Rezone and Conditional  
Use but voted on as one, recommending  
approval with conditions**

**Rezoning Conditions:**

1. *The development shall generally occur as depicted on the site plan dated 8-2-2022 and described in the project narrative.*
2. *The density shall not exceed 300 units with a maximum of 15 three bedroom units.*
3. *The site shall 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 to Streets and Other Rights-of-Way (16.60). No variances are granted as part of this request.*
5. *Landscape and Lighting plan shall be submitted to the Planning Director for approval prior to issuance of the LDP.*
6. *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.*

7. *The applicant shall follow the standard Land Development Review and building permit process for Hall County.*
8. *Approval shall expire if the project permitting phase has not begun within 12 months of Board of Commissioners approval.*
9. *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.”*
10. *The open space and undisturbed buffers shall be protected in perpetuity by deed that follows the property and shall not be separated from the parcel by future subdivisions or reduced for project expansion. The removal or mod of this conditions shall require action by the Board of Commission (BOC).*
11. *All conditions of zoning shall be made part of any plats created for the property.*
12. *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.*
13. *The development shall have a 50 foot transitional buffer around all property lines with except of those fronting Ramsey Circle and White Sulphur Road.*

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**The following report is being written under the assumption that the concurrent rezoning request is approved.**

- **The Planning Commission can hear the rezoning and conditional use items simultaneously but must vote on them separately.**
- **All uses with a Planned Residential Development are conditional and require the approval by the Board of Commissioners.**

**Should the Planning Commission deny the rezoning request, the conditional use automatically denied since multi-family residential is not allowed in AR-III.**

**Public Forum:**

**Garry Wood, 4006 White Sulphur Road, Gainesville, spoke in favor. Mentioned challenges with the property.**

**Summary Analysis**

The applicant is requesting approval to develop a 305-unit multi-family residential development. The overall density for the development is 8.94 units per acre. The development will be comprised of 8 buildings, which will be 3 and 4 story split buildings depending on site topography, surface parking, and associated amenities. The subject property is located west of Cornelia Highway and north of I-985's Exit 24 interchange at its intersection with Jesse Jewell Parkway.

The entrance to the development is a single full access driveway which connects to White Sulphur Road with a secondary, gated, emergency access off of Ramsey Circle. The 8 buildings will contain between 30-40 units each, with the unit breakdown proposed to be 50% 1-bedroom, 40% 2-bedroom, and 10% 3-bedroom units. The 1-bedroom units will be an average of 765± square feet, 2-bedroom units will be an average of 1,225± square feet, and 3-bedroom units will be an average of 1,400± square feet in area. The proposed development will provide an amenity package including contiguous open space, a pool and clubhouse, with a fitness center. A cluster mailbox unit will be located in this area as well.

The proposed development standards include a 50 foot vegetated buffer along the side and rear property lines and a 55 foot front building setback. The exterior construction of the buildings will be architectural shingles, and high end finishes, including but not limited to lap siding, board and batten, brick, and shake siding. Vinyl siding will not be utilized. The narrative continues that the design guidelines and standards included in [17.180.060.B.9](#) will be followed. The signage for the development will meet the standards outlined in the Sign Standards for Specific Zone Districts ([17.270.070](#)) and all lighting will be a non-spill type. The development will be professionally managed and maintained including, but not limited to, landscape, buildings, clubhouse, and amenity areas.

The narrative states that the development is not proposed to be age-restricted. Instead, the target resident is local workforce housing to support the growing industrial needs in the county. The proposed development is located in close proximity to both the Inland Port and Lanier Tech, located off of Cornelia Highway / State Route 365.

The applicant's narrative that acknowledges that as site engineering continues, the site plan configuration, floor plan ratio, and unit sizes are subject to change, but the overall density will not increase.

**Based on the future land-use plan, staff finds the proposed high-density multi-family use inconsistent with the Future Land Use Map designation, as the proposed density of 8.94 units per acre exceeds the Rural density of 1.5 units per acre.**

### **Zoning Analysis**

The proposed use of a 370-unit multi-family development is inconsistent with the Comprehensive Plan, as the proposed density exceeds the density standard within the "Rural" land use designation. Within the residential character area the maximum density is recommended to be 1.5 unit per acre with access to public water.

When considering a conditional use certain criteria must be considered.

(a) The existing land use pattern. **The existing land use pattern is a mixture of uses, to the north is a Light Industrial zoned parcel within the City of Gainesville. To the south and east, across Ramsey Circle and White Sulphur Road are other Agricultural Residential III (AR-III, [17.110](#)) properties. To the west, is a railroad right-of-way, past which is a Residential I (R-I, [17.60](#)) zoned subdivision. The proposed land use is more intense than the surrounding property, but is likely filling a housing need, given the proximity to Cornelia Highway and nearby industrial development.**

(b) Whether the proposed use would have an adverse effect on the comprehensive land development plan. **The proposed use is inconsistent with the Future Land Use map which indicates the property to be rural. The intent of the rural character areas is to preserve the existing rural character, including agricultural uses and large-lot residential uses, as well as natural and historic features. Rural areas are characterized by agriculture and very low-density residential uses, including developments with a high**

degree of open space and greenspace such as conservation subdivisions,[2022-Comprehensive-Plan, page 23](#).

(c) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. **Any development must follow the standard Development Review process to obtain a land disturbance permit (LDP) and will be required to meet all applicable life safety regulations prior to permit issuance.**

(d) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern, or the comprehensive land development plan. **The proposed development is adjacent to single-family residential uses developed, a railroad right-of-way, and a light industrial use located within the City of Gainesville. Considering the adjacent properties, the 2022-Comprehensive Plan and Future Land Use Map, the proposal is out scale to the existing and anticipated uses.**

(e) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:

(i) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and **The proposed 305 unit multi-family residential complex does not have any connectivity to the surrounding areas. White Sulfur Road is a narrow two-lane street and Ramsey Circle is a narrow gravel road.**

(ii) The location and height of buildings, and other structures, and the crosswalks or pedestrian ways are nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern. **The adjacent and nearby properties contain single and two-story single-family dwellings and manufactured homes. Should the proposed development leave a 50FT undisturbed buffer, the adjacent properties could be shielded from the multi-family complex; however, the applicant has not provided a preliminary grading plan.**

(f) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities. **A traffic study was submitted as part of the application and provided a number of recommendation concluding that the future conditions will see operations comparable to the no-build conditions. 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.**

(g) Whether the proposed use will cause a health hazard, a public safety problem, or nuisance created or excessively increasing traffic and associated congestion; creating a drainage problem; generating unnecessary disturbances due to noise, the emittance of smoke or other contaminants, odor, electrical interference or causing pollution to land, air and/or water. **The proposed development will be required to follow the standard Development Review process which will**

**require review by the County Engineer, Traffic Engineer, Fire Department, and other applicable agencies to ensure that the project does not create these issues.**

(h) Whether the proposed change will adversely affect property values in adjacent areas. **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 complete.**

(i) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. **Assuming the rezoning request is granted, all uses within a PRD district are conditional uses subject to approval by the Board of Commissioners ([17.180.060](#)).**

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)) the planning commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

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 a mixture of uses, to the north is a Light Industrial zoned parcel within the City of Gainesville. To the south and east, across Ramsey Circle and White Sulphur Road are other Agricultural Residential III (AR-III, [17.110](#)) properties. To the west, is a railroad right-of-way, past which is a Residential I (R-I, [17.60](#)) zoned subdivision. The proposed land use is more intense than the surrounding property, but is likely filling a housing need, given the proximity to Cornelia Highway and nearby industrial development.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not have an adverse effect on the existing use or usability of adjacent or nearby property.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned; **The property appears to be undeveloped per aerial imagery. A power line easement runs north to south on the western portion of the property. The property has reasonable economic values as currently zoned; allowable uses within the AR-III district are found in chapter [17.110](#). The current request is for a conditional use permit tied to a concurrent rezoning request.**
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 White Sulphur Road, with a secondary, emergency access provided via a gated entrance on Ramsey Circle. Hall County Public Works and Utilities has commented that White Sulphur Road is under the City of Gainesville's jurisdiction and that access and any required improvements must be approved and permitted through the City. Access to Ramsey Circle is proposed to be a gated emergency access only and it should be noted that this is the only type of access to Ramsey Circle that would be considered. A traffic study was submitted as part of the application and provided a number of recommendation concluding that the future conditions will see operations comparable to the no-build conditions. 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**

is characterized by agricultural and very low density single-family residential uses. The development pattern includes larger areas of undeveloped or cultivate land with large distances between buildings and deep setbacks from two-lane roads. **The proposed development is inconsistent with the policy and intent of the land use plan.**

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. The current request is for a conditional use permit tied to a concurrent rezoning request.**
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 appears to have been undeveloped for a number of years.**
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 a Planned Residential Development (PRD, [17.180.080](#)). Per the Official Code of Hall County, Planned Development District ([17.180](#)) are to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. That being said, the proposed density is significantly higher than that found on surrounding properties.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed density is significantly higher than that found on surrounding properties but in general the use 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, especially workforce housing. However, the proposal is out of scale for the area and is not consistent with the future land use map and [2022 Comprehensive Plan, page 23](#), which anticipates this area as rural.**
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 as already zoned or support a rezoning 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 since the proposed use is neither permitted nor conditional in the AR-III district ([17.110](#)).**

16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and federal regulations. As a result there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**

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.**

**A Planned Residential Development (PRD, [17.180.080](#))** allows for more flexibility in the design and development of the property. This provides for a mixture of housing types and encourages maximum use of natural features through proper site planning measures. The development should conform to the existing character and development pattern of the surrounding area. **Based on the intended use, the requested zoning designation is inappropriate as the proposed density greatly exceeds the existing development pattern and character of the area as well as the anticipated future land use and character.**

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

#### ***Hall County Environmental Health***

An email dated October 18, 2022 from Emily McGahee states “No comment. Public sewer.”

#### ***Hall County Fire Rescue***

In an email dated October 20, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, provided the following comments:

1. IFC Section 506.1, access controlled gate(s) will require a Knox key switch override device for fire department access.
2. IFC Section D105.2, aerial apparatus access roads shall have a minimum unobstructed width of 26’ exclusive of shoulders in the immediate vicinity of the building or portion thereof.
3. NFPA 13R fire protection system will be required to be installed, tested and certified.
4. 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 so that the fire apparatus and hose connected to the supply system (fire hydrant ) will not obstruct access to the building for other fire apparatus.
5. NFPA 72 fire alarm system shall be installed, tested and certified throughout all apartment buildings including clubhouse.
6. IFC Section 510, emergency responder radio coverage confirmation will apply to each building.

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

In a memo dated October 20, 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 wretched vegetation, not centerline of creek. Show flood Hall County studied and FEMA.

**Traffic:**

White Sulphur Road is under the City of Gainesville’s jurisdiction; access and any required improvements must be approved and permitted through the City. Access to Ramsey Circle is proposed to be a gated emergency access only and it should be noted that this is the only type of access to Ramsey Circle that would be considered.

**Utilities:**

Sewer available on White Sulphur. All lift stations to remain private.

Sewer availability letter is required.

***Hall County Tax Assessors***

No comments were provided.

***Gainesville Water Resources***

No letter confirming the availability of water or sewer service was submitted as part of this application.

***Georgia Department of Transportation*** \_\_\_\_

Per an email dated October 20, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor, confirmed that this project **will not** 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.

**Cameron Grogan, 5875 Pine Brook Road, Atlanta**, presented the request. The applicant stated that this development would serve a need in the community as it expands. The applicant stated that the site has not been developed due to the land configuration. The applicant stated that the driveway from Ramsey Circle would only be for emergency access. The applicant stated that about 10% of the units will be three bedroom and 50% of the units will be one bedroom.

**Public Forum:**

**Garry Wood, 4006 White Sulphur Road, Gainesville**, spoke in favor. Mentioned challenges with the property.

**Planning Commission Comments:**

Mr. Braswell spoke about density. Mr. Hunt questioned if the applicant could work with 7.5 units per acre. The applicant stated that it would cause an economic hardship. The applicant stated that sewer would be available by the City of Gainesville. Mr. Braswell questioned if the three bedroom unit percentage could be lowered. The applicant stated it could be reduced to 5%. Ms. Doveton stated it would be 15.25 units on the site if three bedrooms are capped at 5%. Mr. Bell referenced the traffic study for surrounding properties. Mr. Braswell questioned if the applicant would agree to 300 units. The applicant agreed. Mr. Braswell requested the applicant discuss the buffers. The applicant stated that there will be a 50 foot transitional buffer.

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

*Conditions:*

1. *The development shall generally occur as depicted on the site plan dated 8-2-2022 and described in the project narrative.*
2. *The density shall not exceed 300 units with a maximum of 15 three bedroom units.*
3. *The site shall 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.*
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6. *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.*
7. *The applicant shall follow the standard Land Development Review and building permit process for Hall County.*
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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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