



# Hall County Government

## PLANNING & DEVELOPMENT

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR  
Randi Doveton

### **Zoning Condition #1 -**

**Request from applicant:** Can we adjust the language to read something like this which is more representative to our discussion and agreement at BOC and would help limit any future ambiguity?

**Applicant's proposed verbiage:** "The development shall generally occur as depicted on the site plan dated 8-2-22 and described in the project narrative, but such site plan shall be allowed to change to allow for **design and engineering flexibility** so long as the site plan meets Condition #14."

**Staff's response:** This language is not in condition # 1. The language of "design flexibility" was discussed on the video by Commissioner Powell but it did not make it into the motion. Since it is apparent that the Commissioner intended for design flexibility in the project and explicitly discussed it during the meeting, staff sees no issue with the minutes reflecting this language. **This will be reflected in the minutes under condition #14.**

### **Zoning Condition #3 -**

**Request from applicant:** to add the word **if** to the condition.

**Applicant's proposed verbiage:** "The site shall require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces. **if** the proposed development is located in the North Oconee Watershed Overlay **it will abide by requirements** which doubles **certain** stream buffers and setbacks from rested vegetation not to the center line of the stream."

**Staff's response:** The property is not within the watershed, therefore this condition creates a nullity. The condition was a part of the motion by the Board of Commissioners but it is not applicable to this development. Staff requests that the condition remain as the record currently reflects because it was in the motion by the Board of Commissioners and it will not affect the development in any way.

### **Zoning Condition #8 -**

**Request from applicant:** We had all agreed on the Planning Commission to remove this zoning condition related to the limitation of the 12 months. BOC didn't even mention it in their meeting.

**Staff response:** The language was in the signed Planning Commission minutes but review of the video shows that the language was struck by the Planning Commission during the motion ultimately made by the Planning Commission. The condition as currently reflected by the record was included in the conditions of approval presented to the BOC and it was clearly a part of the BOC's motion. Therefore, it needs to remain. However, the County's Planning staff can initiate an application to remove this condition. It will not be heard by the BOC until February 9, 2023 due to advertising and notice requirements and requires a public hearing before the BOC only.

**Zoning Condition #14** –

**Request from applicant:** We discussed adding a limitation to the residential buildings to 10 buildings, but we need to clarify this condition by adding the word "residential".

**Applicant's proposed verbiage:** "Maximum of ten (10) residential buildings within design parameters and are not to exceed 300 units with 5% being three (3) bedroom. The buildings are limited in height to a basement plus three (3) stories above."

**Staff response:** The 12-8-22 BOC voting meeting video clearly does not specify that the 10 buildings are residential. Instead, it demonstrates that the BOC stated "10 buildings." Since the word "residential" was not in the BOC's motion, the minutes need to accurately reflect the Board's motion and not contain the word "residential." However, the County's Planning can initiate an application to add the word "residential". It will not be heard by the BOC until February 9, 2023 due to advertising and notice requirements and requires a public hearing before the BOC only.