

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant William Schmid

Request Rezone from Agricultural Residential IV (AR-IV, [17.120](#)) to Planned Commercial Development (PCD, [17.180.080](#))

Proposed Use Mixed-use development

Size 11.462 ± acres

Zoning Current Agricultural Residential IV (AR-IV, [17.120](#))
| Proposed Planned Commercial Development (PCD, [17.180.080](#))

Location 0 Friendship Road | Tax Parcels 15039 000004 and 000656

Commission District One

Planning Commission Date September 5, 2023

Staff Recommendation **Approval, with conditions**, as the requested zoning designation is appropriate based on the intended use and prior approvals.

Planning Commission Recommendation.....**Approval, with conditions**
Vote: 4-0

Conditions:

1. Development is approved as generally shown on the concept plan dated July 5, 2023, described in the project narrative titled ‘Letter of Intent’ and dated July 6, 2023, and detailed in the “Thompson Mills Village PCD District Design Standards” as submitted with modifications, if any, as presented on September 5, 2023, and excluding specific conditions referenced herein and modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards, as modified herein.
2. Standard Hall County Development Review and permitting processes shall be followed. Approval of this request does not supersede development standards, or processes, in effect when the plans are submitted for review. Such standards include, but are not limited to, stormwater management and emergency access requirements.

3. This section of the development is approved for a maximum of 529,212 square feet of office/retail, 168 residential units, and a 200 room hotel.
4. Prior to issuance of any permits, a traffic impact study shall be completed by an independent party that includes an assessment of existing conditions and projected impacts on transportation due to the development of this property for external roads. This report shall be generated at the expense of the applicant/developer. The Traffic Impact Study shall be submitted to GDOT and the Hall County Traffic Engineer for review and approval prior to the issuance of any permits for the property. The study shall identify improvements necessary to alleviate those impacts related to the project which exceed capacity of existing and planned improvements and a recommended timeframe for implementation of the improvements. A Signal Warrant Analysis for existing and projected conditions shall be included.
5. Prior to issuance of a building permit for individual parcels, the owner/developer shall submit a landscape plan to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.
6. Prior to issuance of sign permits, other than general signs permitted pursuant to 17.270.050, the owner/developer shall submit a master sign package for street, wall, internal directional, temporary and other signs to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.
7. Prior to issuance of a building permit, the owner/developer shall submit an Architectural Design Guidebook which lists a palette of acceptable building materials which shall designate required minimums and acceptable design alternatives to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.
8. No variances or development exceptions not specifically listed in these conditions of approval are granted. Submitted materials referenced in Condition #1 are incorporated and approved by reference.
9. All conditions of zoning shall be made a part of any plats created for the development.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The subject request is to rezone 11.462± acres from Agricultural Residential IV (AR-IV, [17.120](#)) to Planned Commercial Development (PCD, [17.180.080](#)) for the purpose of incorporating the subject property into the mixed-use development at 5800 Thompsons Mill Road and 0 Friendship Road. A concurrent application has been submitted to amend the zoning conditions of the existing PCD at 5800 Thompsons Mill Road. The subject rezoning will be held to all conditions of the neighboring PCD development, if approved. The narrative states that a portion of the 11.462± acre parcel will be utilized as a regional detention facility for the development. Grading plans have been approved by Hall County for this detention facility (**HDV2021-00029**) but commencement of construction is conditional upon the rezoning of the parcel (**HDV2021-00029**).

An analysis and outline of the request to amend conditions of the existing PCD at 5800 Thompsons Mill Road and 0 Friendship Road is included in the corresponding staff report. Additionally, all conditions of approval which have been outlined in the staff report for the amended conditions are to be concurrently applied to this rezoning request.

Based on the future land-use plan, staff finds the requested zoning designation is consistent with the Hall County Comprehensive Plan. The Comprehensive Plan's future land use designation for the subject parcel is "Residential" within a "Mixed-use corridor." The Mixed-use corridor allows for retail activities, office-based

employment, civic uses, single-family residential, and low-impact industrial or higher density residential only where the same is found on adjacent properties.

In March of 2008, the Hall County Board of Commissioners approved, with conditions, an application to rezone the neighboring property at 5800 Thompsons Mill Road and 0 Friendship Road to PCD. The result of those original conditions have been incorporated into the staff's recommended conditions for the subject application. There is an associated application to amend conditions of the PCD at 5800 Thompsons Mill Road and 0 Friendship Road. The intent is to develop the subject areas and the neighboring parcel zoned PCD as one mixed-use development utilizing the majority of the 11.462 acres as the master stormwater management facility.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered by Planning commission and the Hall County Commission pursuant to [17.380.060](#):

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 zoning proposal is suitable given the context of the surrounding area. The proposal is consistent with the character of the adjacent developed parcels.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property based on the uses described in the application.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The subject property is zoned Agricultural Residential IV (AR-IV) and is currently undeveloped, although land disturbance permits have been issued for grading and stormwater management.**
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; **No, the proposed use is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **Yes, the proposed use is consistent with the Comprehensive Plan designation of a "Residential" land use within a "Mixed-use corridor". High density residential uses are only envisioned where the same is found on adjacent properties.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
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 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.**

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.**
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 is currently undeveloped..**
10. Whether there are other existing or changing conditions affecting the use or 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 Commercial Development (PCD, [17.180.080](#)). Per the Official Code of Hall County, Planned Development Districts ([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.**
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 development 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 varied housing and commercial services.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are no other properties within the County that are currently zoned to support the type of mixed-use development being proposed without requiring zoning action.**
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; **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 Commercial Development (PRD, [17.180.080](#)) allows for more flexibility in the design and development of the property. This provides for a mixture of residential and non-residential uses 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 and prior approvals, the requested zoning designation is appropriate.**

[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]. **Proposal does provide a narrative outlining the intent of the change; however, the applicant has not prepared a response to each of 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 does meet the requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The proposed development will utilize public sewer and water; as such, this is not applicable.**
- D. 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. **A traffic impact study was submitted in 2008 when the original rezoning occurred. An updated traffic impact study has been requested, but not yet received. The applicant has agreed to submit an updated traffic impact study prior to obtaining permits for the development.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated August 3, 2023, Emily McGahee stated “Public Sewer. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.”

Hall County Fire Marshal

In an email dated August 4, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated the following:

Fire & EMS concerns: population increase, response times, man power, call volume, development spans Hall and Gwinnett County, mutual aid agreement, multiple multi story buildings, the development will

have 2 separate water system providers, GWR has indicated in a letter that they have water capacity for the Hall Side of the development and that Gwinnett Water will be responsible for the water on the Gwinnett side of the development, the proposed public road follows the Hall County line than transitions into Gwinnett County, some of the access into the developments located in Hall County have access only from the Gwinnett County side of the development, 911 concerns, addressing concerns. Another question arises should the development be two independent developments?

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated August 3, 2023, Bill Nash, Director, stated the following:

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.

Traffic:

Remove road on Deaton Way relocate to Thompsons Mill.
Need updated traffic study.

Utilities:

Sanitary sewer approval required
GDOT permit required

Georgia Department of Transportation

In an email dated August 1, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor, indicated coordination would be required.

➤ Excerpts from the minutes of the September 5, 2023 meeting

Applicant's Presentation:

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

Bill Schmidt, 425 Oak Street, Gainesville, presented the request. The applicant stated that a lot of the public comments submitted in advance of the meeting were directed mainly to other applications. The applicant stated that there is no increase in development impacts from these requests.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned the public streets that border Hall and Gwinnett County behind the development. The applicant stated that access would be between parking lots.

***Motion: A motion to approve, with conditions was made by Mr. Sosebee and seconded by Ms. Pilcher.
Vote: 4-0***

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