

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Tim Wilbanks

**Request** ..... **(A)** Rezone | from Agricultural Residential IV (AR-IV, [17.120](#)) to Planned Commercial Development (PCD, [17.180.080](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) (7.33± acres)

**(B)** Rezone | from Agricultural Residential IV (AR-IV, [17.120](#)) to Highway Business (H-B, [17.150](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) (2.72± acres)

**(C)** Variance | [17.420.050.C.2](#) to reduce the required transitional buffer in Gateway Corridors Overlay District (GCOD, [17.420](#))

**Proposed Use** ..... **(A)** 185-unit multi-family development

**(B)** Permitted uses within H-B

**(C)** Reduce the required transitional buffer from 25 feet to 15 feet

**Size** ..... 10.04± acres

**Zoning** ..... Current Agricultural Residential IV (AR-IV, [17.120](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) | Proposed Planned Commercial Development (PCD, [17.180.080](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) (A - 7.33± acres) and Highway Business (H-B, [17.150](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) (B - 2.72± acres)

**Location** ..... **1731 Friendship Road** | Tax Parcel 15041 000190

**Commission District** ..... One

**Planning Commission Date** ..... October 16, 2023

**Staff Recommendation** ..... **(A) Approval** as the proposed use is consistent with Mixed-Use Corridor future land use category as found in the [Comprehensive Plan](#), and previous approval across the street.

**(B) Denial** as it would create an isolated district, there are permitted uses within H-B that are not compatible with the adjacent developments, and there is insufficient information to assess the potential impact of uses listed in [17.150.010](#) on traffic or adjacent developments.

**(C) Denial** of the requested variance from the landscaping requirements from [17.420.050](#) as the applicant has failed to demonstrate that a hardship exist pursuant to the criteria of [2.60.030](#).

**Planning Commission Recommendation**.....**(A) Denial**

**Vote: 2-2 (Pilcher & Varner opposed)**

**(B) Denial**

**Vote: 2-2 (Pilcher & Varner opposed)**

**(C) Denial**

**Vote: 4-0 (Hunt absent))**

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**9-18-2023 Public Forum:**

**Michael Day, 5926 Ventura Place, Hoschton,** spoke in favor. Spoke about the development in the area and funds from the sale.

**BJ Sims, 5721 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were protections of neighboring properties, traffic, safety, commercial space use, and use consistency.

**Judy Whitehead, 6419 Sycamore Drive, Hoschton,** spoke in opposition. Concerns were traffic and safety.

**David Gordon, 5910 Ashe Hill Place, Hoschton,** spoke in opposition. Concerns were traffic and number on homes/apartment complexes in the area.

**Tom McDermott, 7260 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were buffers, fencing, devaluing homes, complying with fire code, and traffic.

**Robyn Strickland, 5786 Porch Swing Place, Hoschton,** spoke in opposition. Concerns were buffers and proximity of parking lot to property line.

**Gary Hodges, 7316 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were privacy, golf course.

**John Royer, 5781 Porch Swing Place, Hoschton,** spoke in opposition. Concerns were buffers, drainage, commercial use, and number of units.

**10-16-2023 Public Forum:**

**Fran Bridwell, 7250 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were zoning, safety, traffic, and property value.

**James Moore, 5647 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were the parking lot, vandalism, and privacy.

**Gary Hodges, 7716 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were surrounding developments, buffers, and conditions.

**Michelle Larson, 5778 Porch Swing Place, Hoschton,** spoke in opposition. Concerns were emergency vehicles access, parking layout, crime, public safety, and traffic study.

**Tom McDermott, 7250 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were use, zoning request, encroachment, driveway access, crime, and quality of life.

**BJ Sims, 5721 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were golf course, request is incompatible with surroundings.

**Robyn Strickland, 5786 Porch Swing Place, Hoschton,** spoke in opposition. Concerns were proximity of their home to parking lot, equity, and drainage issues.

**Summary Analysis**

The applicant is requesting two rezoning actions and a variance on the 10.04± acre parcel. Specifically, the applicant is requesting to **(A)** rezone 7.33± acres from Agricultural Residential IV (AR-IV, [17.120](#)) to Planned Commercial Development (PCD, [17.180.080](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) for the purpose of constructing a 185-unit multi-family development on the property. Additionally, the applicant is requesting to **(B)** rezone 2.72± acres from Agricultural Residential IV (AR-IV, [17.120](#)) to Highway Business (H-B, [17.150](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) for unspecified commercial uses. Finally, the applicant is requesting **(C)** a variance from [17.420.050.C.2](#) to reduce a portion of the required transitional buffer in the Gateway Corridors Overlay District (GCOD, [17.420](#)) from 25 feet to 15 feet. According to the site plan, this setback reduction is indicated along the northern property boundary and is adjacent to the parking area of the multi-family development. The 15 foot setback would also allow for an expanded development area for the proposed H-B portion of the property.

The subject property is undeveloped and wooded, with a bisecting creek which is proposed to be used as a baseline to subdivide the property between **(A)** the 7.33± acre Planned Commercial Development (PCD, [17.180.080](#)) parcel and **(B)** the 2.72± acre Highway Business (H-B, [17.150](#)) parcel.

The application materials and site plan dated 8-7-23 depict access to the site utilizing a single ingress and egress point from Friendship Road. The driveway for the multi-family development connects to the access drive, which continues to the west to the proposed H-B parcel. A 10 foot landscape strip is proposed along

the frontage of Friendship Road. A 25-foot transitional zoning buffer is shown along the right side and a portion of the rear property line, before it is reduced to a 15 foot buffer along the remaining rear property line, resulting in **(C)** the requested variance from transitional buffer requirements for non-residential properties in the Gateway Corridors Overlay District (GCOD, [17.420](#)). Per the submitted narrative, the transitional buffer is reduced where adjacent to the Reunion Golf Course.

The submitted site plan shows a singular, four-story, multi-family apartment structure, consisting of 185-units, with a fully enclosed courtyard containing an amenity area. These amenities will include a swimming pool, bocce ball court, and pavilion. The average size of each unit will be 900 square feet and include full kitchens with a washer and dryer. The overall building area will be 169,408 square feet. The overall density for the 185-unit multi-family development will be 25.2 dwelling units per acre. Parking will exceed the minimum requirements of table [17.250.020\(A\)](#), which requires a minimum of 1.5 spaces per multi-family unit for a total of 278 required spaces. The applicant is proposing 287 parking spaces, exceeding the minimum requirement by 9 spaces.

The remaining 2.72± acres is proposed to be rezoned to Highway Business (H-B, [17.150](#)) and Gateway Corridors Overlay District (GCOD, [17.420](#)) for future commercial uses permitted within the H-B and GCOD districts. There are several permitted and conditional uses within Highway Business that are explicitly prohibited from GCOD ([17.420.050\(A\)](#)), such as adult establishments and junk yards. **The future development of this portion of the property will be subject to the development requirements at the time of application, and will be required to seek approval for any use within H-B or the GCOD that requires further Planning Commission or County Commission approval.**

The site plan depicts three monument signs for the development all located along the frontage for Friendship Road, one for the future commercial site on the H-B parcel, one for the multi-family residential building, and an entrance sign for the development as a whole. Per [17.420.060\(1\)](#) and [17.270.070\(C\)](#), one monument sign is permitted for each parcel. The site plan shows the entrance sign on the same parcel as the multi-family development, exceeding the number permitted by the zoning ordinance. No dimensions or renderings have been provided for the proposed signage, but the applicant can propose different development standards within a planned development; however, a master sign package must be submitted for review and approval by the County Commission if the package exceeds the limitations of the Gateway Corridors Overlay District signage standards.

One (1) **variance** related to landscaped buffer requirements will be necessary if the site plan, as presented, is approved as the proposal does not meet the requirements.

- A 25 foot landscaped buffer shall be installed where a commercial zoning district abuts property zoned for residential use as found in [17.420.050\(C\)\(3\)](#).
  - *The applicant is requesting to reduce a portion of this buffer to 15 feet along the rear property line, where adjacent to Reunion Golf Course.*

The following development standards are required for Planned Commercial Development (PCD, [17.180.080](#)) applications, some of which are unaddressed by the application materials:

1. The site plan shall indicate the proposed size, location and number of stories of each commercial structure. **The applicant has submitted a scaled site plan for the proposed development, which includes the number of stories.**
2. The entrances, exits and number and location of all parking spaces shall be shown in detail, together with all loading and no parking zones. **The applicant has submitted a scaled site that show entry**

and exits points, as well as the locations of parking spaces, but loading and no parking zones are not included.

3. The proposed methods and location of all buffers shall be described. **The applicant has submitted a scaled site plan which includes buffer information, but no landscape plan is included to provide additional details.**
4. The proposed exterior lighting shall be shown. **The submitted narrative states that lighting will consist of LED non-spill fixtures.**
5. All proposed signs, advertising or identification graphics shall be indicated, showing their number, size, height and location. **The applicant has not provided details about the content, materials, or dimensions of the signage; proposed locations are shown on the site plan.**
6. The type and number of uses proposed for the commercial development shall be indicated. **The proposed use for the PCD portion of the development is a 185-unit apartment building and its associated amenities. For the H-B portion of the site, the applicant has not proposed specific uses and has indicated the zoning would be for permitted uses within H-B/GCOD.**
7. The development controls for the district shall be stated (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the suburban shopping district (S-S) shall apply. **The applicant has included building setback and buffer standards in their letter of intent. Any items not specifically proposed will be subject to the standards of the Suburban Shopping (S-S, [17.140](#)) district.**
8. If residential uses are proposed in conjunction with the planned commercial development, then the applicable requirements of the planned residential development shall be provided. **The planned commercial development will be entirely dedicated to residential dwelling units and its associated amenities.**

Based on the future land-use plan, staff finds the *requested use consistent* with the future land use classification of the Mixed Use Corridor in the [Comprehensive Plan](#) and previous approvals in the vicinity. The mixed-use corridor contemplates future land uses to include retail activities, office-based employment, civic uses, and single-family residential. Further, higher density residential uses are permitted only where the same is found on adjacent properties. Chateau Senior is across the street and has 152 units.

#### Zoning Analysis

**(A) Rezone | from Agricultural Residential IV (AR-IV, [17.120](#)) to Planned Commercial Development (PCD, [17.180.080](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) (7.33± acres) and**

**(B) Rezone | from Agricultural Residential IV (AR-IV, [17.120](#)) to Highway Business (H-B, [17.150](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) (2.72± acres)**

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; **Southeast of the proposed development site, across Friendship Road, exists a three-story multi-family residential development. To the northwest is part of the Reunion Subdivision and the Reunion Golf Course. The adjacent parcel to the west ([tax parcel 15041D000249](#)) contains entrance signage for the Reunion Subdivision.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not adversely affect the existing use or usability of adjacent or nearby properties, though careful consideration should be given to the nearby residential uses to ensure that proper buffers are applied, as required by the GCOD, ([17.420.050](#)).**
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, [17.120](#)) within Gateway Corridors Overlay District (GCOD, [17.420](#)). It is currently undeveloped.**
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 proposed use may cause an excessive or burdensome use of existing streets and transportation facilities, depending on the number of visitors and residents the developments can accommodate. A traffic study was submitted as part of the application materials. The report recommends that the driveway to the development should be constructed across from the existing Celebration Church driveway, with one entry land and one exit lane, and a restricted crossing U-turn intersection with side-street yield-control. Also the report recommends the construction of a westbound right-turn deceleration lane along Friendship Road.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **Yes, the requested zoning designation is consistent with the future land use classification of Mixed Use Corridor in the Comprehensive Plan and previous approvals in the vicinity. The mixed-use corridor contemplates future land uses to include retail activities, office-based employment, civic uses, and single-family residential. Further, higher density residential only where the same is found on adjacent properties; although not adjacent, a 152 unit multi-family senior housing on 5.77 acres was approved across the street in 2019.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**
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; **There are no records to suggest there have ever been improvements made upon this property.**
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; **There are no known changing conditions affecting the use or development of the property.**

- 11. Whether the change would create an isolated district unrelated to the surrounding districts; **This change would create an isolated district of Highway Business (H-B, [17.150](#)) zoning on the 2.72± acre parcel. Planned Commercial Developments (PCD, [17.180.080](#)) are intended to serve as a floating zone and are not considered isolated districts.**
- 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 use of a 185-unit multi-family development is not out of scale with the needs of the county as a whole, providing needed housing supply to meet the increased demand of southern Hall County specifically. The density is consistent with the density approved across the street but is significantly higher than immediately adjacent development.**
- 14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There may be other appropriately zoned properties in the county where H-B uses would be permitted without zoning action. However, the 185-unit multi-family development would likely require zoning action due to the nature of the use associated with PCD rezoning request.**
- 15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, 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 evidence to indicate a mistake was made in the original zoning of the property.**

**(C) Variance | Gateway Corridors Overlay District (GCOD, [17.420](#)) Transitional Buffer from 25 feet to 15 feet**

Section [17.420.070](#), appeals and modifications states that “if substantial modifications or changes are necessary, any person, firm, group or organization may apply for relief from the requirements set forth in this chapter to the Hall County Planning Commission, unless otherwise specified in this chapter.”

The Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that [2.60.030.J](#) provided the request meets the criteria set forth in [2.60.030.K](#).

- 1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **There does not appear to be extraordinary or exceptional conditions pertaining to the subject property. There are no physical characteristics of the property that would prevent the applicant from bringing the property into compliance with the landscaping requirements of the Gateway Corridors Overlay District (GCOD, [17.420](#)). Additionally, as there is no proposed site layout for the H-B zoned parcel, it is premature to grant relief on that parcel.**

- 2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The applicant would have to bring the property into compliance with the Gateway Corridors Overlay District (GCOD, [17.420](#)) non-residential property development standards but no unusual hardship would be created.**
- 3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **No, the conditions are not peculiar to the subject parcel but the result of the proposed use of the property.**
- 4. Such conditions are not the result of any actions of the property owner; **The property is undeveloped with no records to suggest otherwise.**
- 5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#); provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by [Title 17](#) or for a conditional use which has been denied by the county planning commission. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#).**

**[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. **The proposal meets the requirement. The 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 proposal does provide a narrative outlining the intent of the development however, the applicant has not prepared a response to each of the criteria listed in [17.380.060.C](#).**  
 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. **The submitted site plan is drawn to scale and includes the necessary details to assess the request.**



- 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 study was submitted as part of the application materials. The report recommends that the driveway to the development should be constructed across from the existing Celebration Church driveway, with one entry land and one exit lane, and a restricted crossing U-turn intersection with side-street yield-control. Also the report recommends the construction of a westbound right-turn deceleration lane along Friendship Road.**

**Development Support and Constraints – Departmental / Agency Comments**

**Hall County Environmental Health**

In an email dated August 18, 2023, Emily McGahee stated “No comment. Public Sewer.”

**Hall County Fire Marshal**

In an email dated August 18, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

**SECTION D106**

**MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS**

**D106.1 Projects having more than 100 dwelling units.**

Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

**SECTION D105**

**AERIAL FIRE APPARATUS ACCESS ROADS**

**D105.1 Where required.**

Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, *approved* aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

**D105.2 Width.**

Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

**D105.3 Proximity to building.**

One or more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the *fire code official*.

**D105.4 Obstructions.**

Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the *fire code official*.

**Hall County Public Works and Utilities**

In a memo dated August 18, 2023, Bill Nash, Director of Public Works and Utilities, provided the following comments:

**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 stream buffer and impervious setback from wrested vegetation not centerline of stream

**Traffic:**

GDOT permit will be required for connection to Friendship Road.

**Utilities**

Hall County sewer district – sewer connection is within a feasible distance.

**Georgia Department of Transportation**

In an email dated August 15, 2023, Veronica Chavers, D1TO Traffic Operations Civil Engineer 3, provided the following comments:

- (A) Require GDOT coordination for driveway access on Friendship Rd
- (B) Require GDOT coordination for driveway access on Friendship Rd
- (C) Require GDOT coordination for driveway access on Friendship Rd

➤ **Excerpts from the minutes of the September 18, 2023 meeting**

**Applicant’s Presentation:**

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

**Kent Henderson, 6071 Mount Vernon Road, Murrayville**, presented the request. The applicant stated that the building would be 4 stories tall and there will be a maximum of 185 units with a 980 square foot total per unit. The applicant stated that the price point will be at \$1,950 a month. The applicant presented renderings of the building and amenities. The applicant stated that there is limited road access off Friendship Road so there will only be one access between the apartment building and commercial building. The applicant stated that any of the uses allowed on the commercial development will still need to go through approval by the board so not just any type of business can occupy the space. The applicant discussed the signage being placed at each parcel. The applicant stated that they would like to reduce the rear buffer butting to the golf course from 20 feet to 15 feet with a 6 foot fence along the property line. The applicant stated that this development will accommodate young professionals coming into the area seeking a place to live with all the surrounding development.

**Ed Myers, 752 Chattahoochee Place, Gainesville**, presented the request. The applicant stated that the state highway has limited driveway access so it is out of their hands.

*Rebuttal*

The applicant stated that development is inevitable in the area. The applicant stated that a traffic study was conducted and the state highway is in place to serve the traffic.

**Public Forum:**

**Michael Day, 5926 Ventura Place, Hoschton**, spoke in favor. Spoke about the development in the area and funds from the sale.

**BJ Sims, 5721 Grand Reunion Drive, Hoschton**, spoke in opposition. Concerns were protections of neighboring properties, traffic, safety, commercial space use, and use consistency.

**Judy Whitehead, 6419 Sycamore Drive, Hoschton**, spoke in opposition. Concerns were traffic and safety.

**David Gordon, 5910 Ashe Hill Place, Hoschton**, spoke in opposition. Concerns were traffic and number on homes/apartment complexes in the area.

**Tom McDermott, 7260 Grand Reunion Drive, Hoschton**, spoke in opposition. Concerns were buffers, fencing, devaluing homes, complying with fire code, and traffic.

**Robyn Strickland, 5786 Porch Swing Place, Hoschton**, spoke in opposition. Concerns were buffers and proximity of parking lot to property line.

**Gary Hodges, 7316 Grand Reunion Drive, Hoschton**, spoke in opposition. Concerns were privacy, golf course.

**John Royer, 5781 Porch Swing Place, Hoschton**, spoke in opposition. Concerns were buffers, drainage, commercial use, and number of units.

**Planning Commission Comments:**

Mr. Sosebee questioned the number on one bedroom apartments. Mr. Henderson stated that there isn't a specific number but most of the units will be one and two bedrooms. Mr. Sosebee questioned if there is a possibility to make a second entrance to the development. The applicant stated that they are in discussions about it with GDOT. Mr. Braswell stated that the fire marshal does require two entrances but there could be other alternatives to alleviate the requirement. The applicant stated that they will also sprinkle the apartments. Mr. Braswell stated that the golf course is part of the homes in Reunion therefore reducing the buffer would affect the residents. Mr. Henderson stated that having an undisturbed buffer would only create more issues. Mr. Varner stated that he could not support the development having buffer reductions, four stories, and with only one entrance. Mr. Henderson pointed out that in the area there are apartment buildings that have a higher density and only one egress/ingress. Mr. Braswell stated that there was no plan

provided on what would be developed in the commercial space requested. Mr. Braswell stated that the property needs to have 500 feet of frontage to subdivide and this request does not have it. Mr. Braswell stated that there should be a 40 foot setback with the first 25 feet undisturbed. Mr. Henderson stated his concern with setbacks. Mr. Braswell read the new recommended conditions of approval. Ms. Pilcher stated that she would like to see a site plan with the conditions discussed before sending it to the County Commission. Mr. Braswell agreed. Ms. Garmon stated that if the updated site plan and narrative was provided to staff by October 2<sup>nd</sup> it could be included and sent out by October 6<sup>th</sup> with staff reports.

**A**

***Motion: A motion to table to October 16, 2023 was made by Mr. Sosebee and seconded by Ms. Pilcher.***

***Vote: 4-0 (Hunt absent)***

**B**

***Motion: A motion was to table to October 16, 2023 made by Ms. Sosebee and seconded by Ms. Pilcher.***

***Vote: 4-0 (Hunt absent)***

**C**

***Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 4-0 (Hunt absent)***

➤ **Excerpts from the minutes of the October 16, 2023 meeting**

**Applicant's Presentation:**

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

**Kent Henderson, Mount Vernon Road, Murrayville**, presented the request. The applicant stated that the number of units has been decreased and is now three stories instead of four. The applicant explained the site plan was configured to have a rear 25 foot undisturbed buffer with a 15 foot impervious buffer. The applicant stated that amenities will be in the interior of the apartment building. The applicant also pointed out the second entrance on the east side of the property. The applicant stated that the Highway Business use will be specifically for retail, restaurant, office, or banks. The applicant stated that the request is below density compared to surrounding developments.

***Rebuttal***

Mr. Henderson stated that there have been conversations with GDOT about the development. The applicant stated that there will be a 6 foot solid wood privacy fence on the property line and they are also aware of the drainage issue and they will build their retention pond to alleviate the problem. The applicant proposed installing a net fence to protect the development from the golf course.

**Public Forum:**

**Fran Bridwell, 7250 Grand Reunion Drive, Hoschton**, spoke in opposition. Concerns were zoning, safety, traffic, and property value.

**James Moore, 5647 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were the parking lot, vandalism, and privacy.

**Gary Hodges, 7716 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were surrounding developments, buffers, and conditions.

**Michelle Larson, 5778 Porch Swing Place, Hoschton,** spoke in opposition. Concerns were emergency vehicles access, parking layout, crime, public safety, and traffic study.

**Tom McDermott, 7250 Grand Reunion Drive, Hoschton,** spoke in opposition. Concerns were use, zoning request, encroachment, driveway access, crime, and quality of life.

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**Robyn Strickland, 5786 Porch Swing Place, Hoschton,** spoke in opposition. Concerns were proximity of their home to parking lot, equity, and drainage issues.

**Planning Commission Comments:**

Mr. Braswell questioned if the previous request of 185 units was decreased to 170 units. The applicant stated that was correct. Mr. Hunt questioned if the Fire Department will have an approval process with the submitted plan. Ms. Doveton stated that the plans go through the Fire Marshall during development review to make sure standards are met. Ms. Pilcher stated that she has an issue with the development having split zoning. Mr. Varner stated that he could not support the request with what is already in the area.

**4(A)**

***Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Braswell. Vote: 2-2 (Sosebee absent)***

- Braswell – Aye***
- Hunt – Aye***
- Pilcher – Nay***
- Varner – Nay***

***Conditions:***

1. Development is approved as generally shown on the concept plan and described in the project narrative dated October 5, 2023, modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval. Revisions to site plan can be approved by the Planning and Development Director during the Development Review/Land Disturbance Permit process provided that the revisions do not increase the number of units or buildings; decrease required greenspace, amenity areas, or buffers; change the design or materials of the units; reduce the approved parking count; or reduce required landscaping.
2. The development shall be approved with a maximum of 170 units and shall not exceed 157,250 square feet of heated floor space.
3. The development shall be similar to the architectural examples included in the application materials and must meet all requirements applicable under the Gateway Corridor Overlay District unless specified herein.
4. All conditions of zoning shall be made a part of any plat or site plan created for the property.

- 5. A subdivision plat shall be recorded prior to the issuance of any land disturbance permits for any development of the subject property.
- 6. There shall be a 25 foot undisturbed buffer around the perimeter of the subject property. This 25 foot buffer shall not apply to the frontage along Friendship Road.
- 7. No parking or impervious surfaces shall encroach into the 40 foot exterior building setback. This 40 foot setback shall not apply to the frontage along Friendship Road.
- 8. Development shall adhere to 17.300.020 Minimum Standards for Apartments – Design standards and restrictions shall apply, as listed below:
  - a. Apartment construction shall be according to a comprehensive development plan with adequate provisions for access and for adequate protection of the surrounding properties.
  - b. When more than one apartment house is constructed, the buildings shall collectively and individually adhere to the setback requirements of the district in which they are located, plus five feet per story over two stories.
  - c. When more than one apartment house is constructed, external walk areas shall be lighted.
  - d. When more than one apartment house is built, no apartment shall be closer than 20 feet from any other apartment house.
  - e. No apartment shall be constructed at a distance of less than 40 feet from adjoining property lines.
  - f. Off-street parking shall be provided at a rate of 1½ spaces per unit.
  - g. Notwithstanding any other provisions of this chapter, apartment projects hereafter constructed shall provide on-site open space areas equal to 25 percent of the total land area, excluding parking areas.
  - h. In the event that swimming facilities are designed as a part of the project, these facilities shall be enclosed by a fence not less than four feet high.
  - i. All areas not utilized for building, off-street parking or off-street loading facilities shall be landscaped and maintained in a suitable manner.
  - j. There shall be off-street loading, unloading and service areas provided. These areas shall be screened through landscaping or permanent construction from adjoining areas.
  - k. An apartment shall meet all other requirements of the zoning regulations and the building code as applicable.
- 9. An 8 foot tall privacy fence shall be installed along the boundary of the 25 foot undisturbed buffer, around the perimeter of the property. The fence shall be maintained by the developer and/or owner, and shall be constructed of vinyl or an alternative material to be approved by the Community Development and Infrastructure, or their designee.
- 10. All location of ingress/egress and all driveways shall be permitted by the Georgia Department of Transportation.
- 11. Zoning for the approximate 2.72 acre tract shall be Planned Commercial Development (PCD) and there shall be no variances from Gateway Corridors Overlay District standards.

**4(B)**

***Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Braswell. Vote: 2-2 (Sosebee absent)***

- Braswell – Aye***
- Hunt – Aye***
- Pilcher – Nay***

**Varner – Nay**

*Conditions:*

1. Development is approved as generally shown on the concept plan and described in the project narrative dated October 5, 2023, modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval. Revisions to site plan can be approved by the Planning and Development Director during the Development Review/Land Disturbance Permit process provided that the revisions do not increase the number of units or buildings; decrease required greenspace, amenity areas, or buffers; change the design or materials of the units; reduce the approved parking count; or reduce required landscaping.
2. The development shall be approved with a maximum of 170 units and shall not exceed 157,250 square feet of heated floor space.
3. The development shall be similar to the architectural examples included in the application materials and must meet all requirements applicable under the Gateway Corridor Overlay District unless specified herein.
4. All conditions of zoning shall be made a part of any plat or site plan created for the property.
5. A subdivision plat shall be recorded prior to the issuance of any land disturbance permits for any development of the subject property.
6. There shall be a 25 foot undisturbed buffer around the perimeter of the subject property. This 25 foot buffer shall not apply to the frontage along Friendship Road.
7. No parking or impervious surfaces shall encroach into the 40 foot exterior building setback. This 40 foot setback shall not apply to the frontage along Friendship Road.
8. Development shall adhere to 17.300.020 Minimum Standards for Apartments – Design standards and restrictions shall apply, as listed below:
  - a. Apartment construction shall be according to a comprehensive development plan with adequate provisions for access and for adequate protection of the surrounding properties.
  - b. When more than one apartment house is constructed, the buildings shall collectively and individually adhere to the setback requirements of the district in which they are located, plus five feet per story over two stories.
  - c. When more than one apartment house is constructed, external walk areas shall be lighted.
  - d. When more than one apartment house is built, no apartment shall be closer than 20 feet from any other apartment house.
  - e. No apartment shall be constructed at a distance of less than 40 feet from adjoining property lines.
  - f. Off-street parking shall be provided at a rate of 1½ spaces per unit.
  - g. Notwithstanding any other provisions of this chapter, apartment projects hereafter constructed shall provide on-site open space areas equal to 25 percent of the total land area, excluding parking areas.
  - h. In the event that swimming facilities are designed as a part of the project, these facilities shall be enclosed by a fence not less than four feet high.
  - i. All areas not utilized for building, off-street parking or off-street loading facilities shall be landscaped and maintained in a suitable manner.
  - j. There shall be off-street loading, unloading and service areas provided. These areas shall be screened through landscaping or permanent construction from adjoining areas.
  - k. An apartment shall meet all other requirements of the zoning regulations and the building code as applicable.
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and shall be constructed of vinyl or an alternative material to be approved by the Community Development and Infrastructure, or their designee.

10. All location of ingress/egress and all driveways shall be permitted by the Georgia Department of Transportation.
11. Zoning for the approximate 2.72 acre tract shall be Planned Commercial Development (PCD) and there shall be no variances from Gateway Corridors Overlay District standards.