



Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE
PLANNING AND ZONING

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PLANNING AND ZONING
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To: Richard Higgins, Chairman
Kathy Cooper, District 1 Commissioner
Billy Powell, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner

From: Beth Garmon, Director of Planning & Zoning

Date: October 21, 2024

Subject: **5991 Swansey Road | Amend Conditions of Zoning | on a 38.45 ± acre tract | Proposed Use: 100-lot subdivision | Abernathy Engineering Group, applicant**

The request before you is the request of Abernathy Engineering Group to amend conditions of zoning related to the improvement of Swansey Road for a 100-lot single-family residential subdivision. This item is located within Commission District 1.

At their August 5, 2024 meeting, the Hall County Planning Commission voted to recommend **approval with ten (10) conditions (3-1, Hunt opposed and Varner absent).**

Staff recommendation: **Approval, with conditions**, the proposed changes are consistent with previous approvals.

There were **no comments submitted** in advance of the Planning Commission meeting and **two (2) people spoke in opposition during the public hearing.**

Planning Commission Conditions:

1. The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval.
2. Development shall not exceed 100 residential units or a density of 2.7 units per acre.
3. Developer will improve and pave Swansey Road commencing from the southernmost point of its property where the property intersects with the Swansey Road right-of-way (otherwise identified as the development's point along the Swansey Road right-of-way nearest to Friendship Road). The paving of Swansey Road by the developer will continue north from said initial commencement point to a point just north of the northernmost aspect of the front entrance of its development as shown on the zoning plan approved on January 21, 2021, or farther north along Swansey Road if

desired by the Developer. All such paving of Swansey Road will be completed prior to the approval of the final plat, shall be consistent with County standards (see Hall County Detail TE-12 attached hereto), and shall include a right turn deceleration lane on Swansey Road into the development.

4. Subdivision lots must access internal roadways only and direct lot access to Swansey Road shall be prohibited.
5. All conditions of zoning shall be made a part of any plat of the property.
6. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded for the property:

“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”
7. The following statement regarding the potential impacts of industrial operations in the area shall be made part of any plat recorded for the property:

“Owners and users of this property are informed of industrial uses nearby and should expect noise, odors, and other effects associated with such industrial properties.”
8. The final plat shall not be approved prior to the property having access to Hall County sewer.
9. A vegetative buffer on Swansey roadway which would include the backs of lots 64, 65, 66, 67 and lots 1, 2, 3 and 4 will be provided.
10. Developer will post a bond or letter of credit in the amount of \$300,000.00 in favor of the County from a creditor doing business and with an office in Hall County, Georgia for the design, realignment, and construction of the section of Swansey Road from the point where the asphalt paving currently ends beyond the intersection with Friendship Road (GDOT) to the proposed development's southern-most property corner along Swansey Road. The bond or letter of credit may be cashed in by the County once the County awards a contract for the design or construction of the road project to pave the above-referenced section of Swansey Road as described herein. The design and/or construction of the road project shall be initiated no later than seven years from the date of the posting/issuance of the bond or letter of credit, and if design/construction has not been initiated within seven years, the bond or letter of credit shall be released and rendered null. The County shall be responsible for all eminent domain needed to acquire right-of-way and/or easements to adhere to the County's TE-12 specifications as to paving Swansey Road between the paved section nearest to Friendship Road and the southernmost point of the development along Swansey Road.