

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Seth Barnes

Request Use Subject to County Commission Approval |
Amend Conditions of Planned Office
Development

Proposed Use Expansion of services

Size 20.29± acres

Zoning Planned Office Development

Location **6000 Wellspring Trail** | Tax parcel 12046
000001

Commission District Three

Planning Commission Date October 7, 2024
December 2, 2024

Staff Recommendation **Approval, with conditions**, as the proposed
changes are consistent with previous approvals.

Record Number.....HZCU24-0035

Planning Commission Recommendations.....**Approval, with conditions**

Vote: 4-0 (Johnny Varner absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan approved July 14, 2016, and amended as described in the projective narrative dated August 19, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The previously approved conditions dated July 14, 2016, as amended shall apply:
 - a. Development shall generally occur as outlined in the project narrative and on the proposed site plan.
 - b. The proposed camping areas shall meet count and state stream buffer requirements. Any impervious surfaces need to fall outside of the 75 ft. county buffer. Grading and/or clearing for the camping areas may require a land disturbance permit from Hall County Engineering, and they should be consulted prior to any work beginning.

- c. The development will be held on Section 8.2.3 regarding vegetative buffers adjacent to residential properties.
 - d. Buffering will be required around the parking areas visible from Bogus Road as to preserve the residential nature of the area.
 - e. Outdoor training will be limited to 10:00 pm. The conditions of zoning shall be made a record of any new plat of the property.
3. The Planned Office Development (POD) shall be permitted to expand services to provide day programs, training, employment, recreational activities, and meals to the residents of the adjacent 15-lot residential subdivision.
4. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.

Excerpts from the minutes of the December 2, 2024 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request, noting that the this item and the request for rezoning of 5552 Bogus Road could be heard and discussed concurrently, but should be voted on separately.

Seth Barnes, 597 Stillwood Drive, Gainesville, presented the request. The applicant is requesting to amend conditions of a Planned Office Development (POD) to allow for the expansion of services which will enable the ministry to offer day programs, training, employment, recreational activities, and meals for the residents of the adjacent proposed subdivision located at 5552 Bogus Road. The subject property was originally rezoned from Agricultural Residential-IV (AR-IV) to Planned Office Development (POD) on July 14, 2016, for office facilities and a team training campus with 6 conditions.

Public Forum:

Mark Almond, 497 Piedmont Court, Gainesville, spoke in favor. Mr. Almond believes this community will help foster the community growth Hall County is trying to achieve.

Johnnie Brooke, 47 Belle Springs Road, Athens, spoke in opposition. Ms. Brooke stated she was concerned about the safety of the new residents of this development.

Dan Marsh, 5592 Bogus Road, Gainesville, spoke in opposition. Concerns raised were the safety of residents who are able to wonder off property, the increase to traffic the development would bring, and the density.

Whitney Mote, 5553 Bogus Road, Gainesville, spoke in opposition. Concerns raised were the possibly of the intended use not working and concern over what would happen to the development in that case, density, tax increases, and if the homes would stay maintained.

Jim Hinshaw, 4568 Old Claude Peck Road, Gainesville, spoke in opposition. Mr. Hinshaw raised concern about the safety of the residents of the new development and inquired about fencing of the property.

Rebuttal

The applicant stated the previously approved PRD was found not to be inclusive for their intended client base. The new site plan was developed after speaking with the Department of Behavioral Health and Department of Disabilities with the goal of inclusivity. The applicant explained the residents would go through a thorough application process which includes interviews, references and attending a day program. The applicant explains that they would like to develop in phases as lots are sold. Additionally, the applicant stated that they will be building a fence along the front of the property that faces Bogus Road which will include landscaping. Regarding safety concerns, the applicant explained they have not had any persons with disabilities on their neighboring property be endangered by the surrounding bodies of water. Also the applicant stated they will have a monitoring system where residents wear watches with navigation capabilities so the residents' locations are always known in case someone does wander away from the property.

Planning Commission Comments:

Mr. Hunt asked Ms. Garmon to confirm that the applicant had already been approved to build four 14,000 square foot multifamily buildings. Ms. Garmon confirmed yes this had been approved, and the applicant is here to amend this approval. Mr. Hunt asked what size houses the applicants intending to build.

Payton Anderson, 24 Dawson Village Way South, Dawsonville, and Mr. Barnes stated that the minimum lot size would be 1,000 square feet but no maximum was stated in their narrative. Mr. Anderson also brought up that a level three soil study has been done and they have been found to meet county requirements for septic systems.

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: (4-0, Johnny Varner absent)

Conditions:

1. The property shall be developed in accordance with the site plan approved July 14, 2016, and amended as described in the projective narrative dated August 19, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The previously approved conditions dated July 14, 2016, as amended shall apply:
 - a. Development shall generally occur as outlined in the project narrative and on the proposed site plan.
 - b. The proposed camping areas shall meet count and state stream buffer requirements. Any impervious surfaces need to fall outside of the 75 ft. county buffer. Grading and/or clearing for the camping areas may require a land

- disturbance permit from Hall County Engineering, and they should be consulted prior to any work beginning.
- c. The development will be held on Section 8.2.3 regarding vegetative buffers adjacent to residential properties.
 - d. Buffering will be required around the parking areas visible from Bogus Road as to preserve the residential nature of the area.
 - e. Outdoor training will be limited to 10:00 pm. The conditions of zoning shall be made a record of any new plat of the property.
3. The Planned Office Development (POD) shall be permitted to expand services to provide day programs, training, employment, recreational activities, and meals to the residents of the adjacent 15-lot residential subdivision.
 4. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.

Excerpts from the minutes of the October 7, 2024 meeting

Applicant's Presentation:

Kristie Turner, Principal Planner, presented a summary of the request.

Seth Barnes, 576 Stillwood Drive, Gainesville, presented the request. The applicant is requesting to amend conditions of a Planned Office Development (POD, 17.180.070) to allow for the expansion of services which will enable the ministry to offer day programs, training, employment, recreational activities, and meals for the residents of the adjacent proposed subdivision located at 5552 Bogus Road. This property has a concurrent request to rezone the parcel to create a 15-lot residential subdivision (HZON24-0023) to house adults with intellectual and developmental disabilities.

Motion: A motion to table to the meeting on December 2, 2024 was made by Mr. Hunt and seconded by Mr. Varner. Vote: 5-0

Staff recommends APPROVAL of the applicant's request, with the following conditions:

1. The property shall be developed in accordance with the site plan approved July 14, 2016, and amended as described in the projective narrative dated August 19, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The previously approved conditions dated July 14, 2016, as amended shall apply:

- a. Development shall generally occur as outlined in the project narrative and on the proposed site plan.
 - b. The proposed camping areas shall meet count and state stream buffer requirements. Any impervious surfaces need to fall outside of the 75 ft. county buffer. Grading and/or clearing for the camping areas may require a land disturbance permit from Hall County Engineering, and they should be consulted prior to any work beginning.
 - c. The development will be held on Section 8.2.3 regarding vegetation buffers adjacent to residential properties.
 - d. Buffering will be required around the parking areas visible from Bogus Road as to preserve the residential nature of the area.
 - e. Outdoor training will be limited to 10:pm
 - f. The conditions of zoning shall be made a record of any new plat of the property.
3. The Planned Office Development (POD) shall be permitted to expand services to provide day programs, training, employment, recreational activities, and meals to the residents of the adjacent 15-lot residential subdivision.
 4. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.

This staff report has been updated to reflect the newly adopted UDC.

Summary Analysis

The applicant is requesting to amend conditions of a Planned Office Development (POD) to allow for the expansion of services which will enable the ministry to offer day programs, training, employment, recreational activities, and meals for the residents of the adjacent proposed subdivision located at 5552 Bogus Road. This property has a concurrent request to rezone the parcel to create a 15-lot residential subdivision (HZON24-0023) to house adults with intellectual and developmental disabilities.

The subject property was originally rezoned from Agricultural Residential-IV (AR-IV) to Planned Office Development (POD) on July 14, 2016, for office facilities and team training campus with the following 6 conditions:

1. Development shall generally occur as outlined in the project narrative and on the proposed site plan.
2. The proposed camping areas shall meet count and state stream buffer requirements. Any impervious surfaces need to fall outside of the 75 ft. county buffer. Grading and/or clearing for the camping areas may require a land disturbance permit from Hall County Engineering, and they should be consulted prior to any work beginning.
3. The development will be held on Section 17.260 regarding vegetation buffers adjacent to residential properties.
4. Buffering will be required around the parking areas visible from Bogus Road as to preserve the residential nature of the area.
5. Outdoor training will be limited to 10:pm

6. The conditions of zoning shall be made a record of any new plat of the property.

The applicant's proposal is to provide service to the residents of the adjacent 15 lot residential subdivision, which requires an amendment to the conditions of zoning to allow for the expansion of services.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision, the 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, development and zoning of adjacent and nearby property; **The requested amendment to the development is consistent with the previous approval for the Planned Office Development on July 14, 2016.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed residential use will adversely affect adjacent properties.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned Planned Office Development (POD).**
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 project was approved July 14, 2016, and the expansion of services will not result in an excessive or burdensome use of existing infrastructure.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The zoning designation has been established by previous board action with the original approval of the development. The requested modification does not significantly impact the designated future land use of the area.**
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 subject property is currently developed with two church structures built in 1996 and 2005, a pavilion built in 2015, and a current project to add a bath house (HDEV24-0098).**
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 affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The current request is to amend conditions of an existing POD. Per the Official Code of Hall County, the Planned Development District is 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; **No, the recommended amendments to the conditions would not be out of scale with the needs of the County as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The existing zoning of the subject site supports the proposed use.**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **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 are no anticipated ecological or pollution impacts 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 Office Development (POD) allows orderly, well-designed office and institutional uses upon a site that results in minimum impact upon the surrounding area. The site plans and building designs should produce a development that can be constructed to achieve maximum utilization of space while maintaining a low-intensity office character protected from more intensive commercial and industrial development and protecting any nearby residential uses. Such a development may also include a limited number of residential and commercial uses.

Submission requirements

- 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 Table 11.2.1 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, and the applicant 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 11.2.6.E. **The proposal does provide a narrative outlining the intent of the request; however, the applicant has not prepared a response to each of the criteria listed in 11.2.6.E.**
 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. **The proposal meets this requirement.**
- C. For any application for a slow rate land treatment system (see section 11.2.6.E.2.c), the following additional requirements apply. **This standard is not applicable to the applicant's request.**

- 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. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated September 5, 2024, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan. A Food Service permit/plan review may be required after review of business plan."

Hall County Fire Marshal

In an email dated August 30, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, provided the following comments:

- 1. Additional fire hydrants may be required to be installed off the existing water line along Wellspring Trail to meet the hose lay distance requirements to the proposed residential structures.
- 2. The Hall County Fire Marshal's Office considers the plan conceptual in nature, and if approved may require modifications during the development review process.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated September 6, 2024, Bill Nash, Director of Public Works, provided the following comments:

Engineering:

This 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 wretched vegetation not centerline of stream Show FEMA and Hall County studied Flood plains that are present on site.

Traffic:

No comment

Utilities:

No comment

Georgia Department of Transportation:

In an email dated September 3, 2024, Veronica Chavers, stated GDOT coordination is not required.