

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant BCBTR, LLC

Request **Rezone** | from Agricultural Residential 1 (AR-1)
to Residential Mixed (R-X)

Proposed Use 323-unit residential development

Size 130.84± acres

Zoning **Current:** Agricultural Residential 1 (AR-1) |
Proposed: Residential Mixed (R-X)

Location **4745 Cagle Mill Road, 4673 & 4691 Noah
Martin Drive** | Tax parcels 15007 000254(pt),
15019 000114 & 000043

Commission District Three

Planning Commission Date August 4, 2025
July 7, 2025
June 2, 2025

Staff Recommendation **Approval, with conditions** as the proposed
zoning and use are consistent with the
“Business or Employment Nodes & Corridors”
and “Suburban Neighborhood, Low Density”
future land use classifications within the
Comprehensive Plan.

Record Number(s) HZON25-0019

Planning Commission Recommendation **Approval, with conditions**

Vote: 3-2
Mr. Braswell – Aye
Mr. Castleberry – Aye
Mr. Davidson – Nay
Mr. Hunt – Nay
Mr. Sosebee – Aye

Planning Commission Conditions

1. The property shall be developed in accordance with the site plan dated May 29, 2025, and as described in the project narrative dated March 31, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be limited to 217 detached single-family residences and 106 townhomes.
3. The minimum heated floor area (HFA) for the townhomes shall be 1,500 square feet and 2,100 square feet for the single-family detached homes.
4. All single-family homes and townhomes shall provide two-car garages in addition to driveways that can accommodate two parked cars side by side. Garages may be front or rear-loaded.
5. Amenities including walking trails, parks, pool and cabana, and mail kiosks shall be completed prior to the issuance of fifty percent (50%) of the certificates of occupancy. Additional amenities may be constructed by the developer subject to the review and approval of the Director of Planning and Zoning, or their designee.
6. The restrictive covenants for the subdivision and the documents establishing the property owner's association shall be submitted for review. These documents shall include a provision that assures maintenance of the amenity package through adequate assessment of the subdivision property and would provide for establishing a lien against any property failing to pay said assessment. These documents shall be recorded simultaneously with the final plat and/or prior to the sale of any lots within the subdivision.
7. Access to the development shall be approved by Hall County Engineering and/or the Georgia Department of Transportation, as applicable. The recommendations of the traffic study, subject to final review and approval by both Hall County Engineering and the Georgia Department of Transportation, shall be implemented. Any costs associated with these improvements shall be the responsibility of the developer. It shall be the developer's responsibility to obtain any required approvals or permits.
8. If roads inside the development are to be maintained by Hall County, the following standards shall apply:
 - a) The parallel parking depicted at the entrance on Cagle Mill Road will be considered with final review and approval subject to Hall County Fire Marshal. Parallel parking areas will not be maintained by Hall County and this should be noted on the final plat for any phase of the development.
 - b) All proposed roundabouts must meet Hall County Fire Rescue requirements, as well as allow for school buses to turn around without reversing.
 - c) For Hall County to accept into maintenance that portion of proposed road from State Route 365 to the roundabout closest to the proposed clubhouse, the developer shall be responsible for cost and coordination of the following:
 - i. Review and approval of all bridge design plan by Hall County's third-party structural engineer.

- ii. Construction CQA, inspections, and all material testing reports for bridge construction by Hall County's third-party structural engineer.
 1. Procurement for i. & ii. will be attained using Hall County On-Call Engineering Contract. Fees will be due prior to the issuance of any land disturbance permits.
9. All designated open space within the development shall be commonly held and maintained and shall not be the responsibility of any individual homeowner(s). This common open space ownership shall be included in the deeds created for each lot.
10. The development shall be served by public sewer, with the obtainment of all required easements and other construction costs such as a lift station and force main to be the responsibility of the developer.
11. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on 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."
12. No variances or development exceptions are granted as part of this request.
13. All conditions of zoning shall be made part of any plat or plans created for the property.
14. No townhome lot shall be less than 2,000 square feet and no single family detached lot shall be less than 8,000 square feet.
15. The main entrance road from Cornelia Highway shall be constructed up to the clubhouse, available for use, and open to the public prior to the issuance of any building permits for homes or amenities within the development.
16. Prior to the issuance of the 121st residential building permit, a second entrance for emergency access must be constructed. Prior to the issuance of the 151st residential building permit, a second full access entrance shall be constructed. The applicant shall have the option of limiting one of the entrances at Cagle Road to emergency access only or maintaining both as full access.
17. The gravel section of Cagle Mill Road (beginning north of tax parcel 15019 000041A and extending to meet the existing paved roadway of Cagle Mill Road) shall be improved to the same condition of the existing paved Cagle Mill Road to support the proposed development and shall meet Hall County Standards. Final review and approval is subject to Hall County Engineering and Fire Marshal. All improvements and costs associated with these improvements shall be the responsibility of the developer and coordinated with Hall County Traffic Engineering for compliance.
18. There shall be a 50 foot undisturbed buffer installed along the right-of-way of Cagle Mill Road, and supplemented by an additional 50 foot transitional buffer immediately adjacent to the undisturbed buffer.

Excerpts from the minutes of the August 4, 2025 meeting

Motion: A motion to remove from the table was made by Stan Hunt and seconded by Frank Sosebee.

Vote: 5-0

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Wes Robinson, 200 E.E. Butler Parkway, Gainesville, presented the request. The applicant is requesting to rezone a combined 130.84± acre tract from Agricultural Residential 1 (AR-1) to Residential Mixed (R-X) for a 323-unit residential development. The proposed development includes 217 single-family detached residences and 106 townhomes along with various amenity features. The overall proposed density for the development is 2.47 dwelling units per acre.

Josh Boling, 5616 Peachtree Road, Atlanta, presented the request.

Public Forum:

Jodi White, 5166 Whitehall Road, Lula, spoke in opposition and provided a petition signed by community members opposed to this development. Concerns raised were increased traffic on rural roads and the traffic study's credibility as it was completed in 2022.

Robert Parks, 5437 Whitehall Road, Lula, spoke in opposition. Concerns raised were the inconsistency in the application regarding whether the entrance on Whitehall Road would be full access or emergency services access only, and questioned the reference to Residential-Mixed (Limited) as noted in the Hall County Comprehensive Plan.

Guillermo Solache, 4669 Cagle Mill Road, Lula, spoke in opposition. Concerns raised were the impact and proximity to neighboring properties, increased traffic and road noise affecting neighboring properties.

Lee McMichael, 5429 Whitehall Road, Lula, spoke in opposition. Concerns raised were increased traffic especially on Whitehall Road and construction impacts to his property.

Erica Parks, 5437 Whitehall Road, Lula, spoke in opposition. Concerns raised were the proposed development's contrast to the local residential character, that townhomes are not compatible with low density development, that this proposal is not "smart growth," and shared concerns about the environmental impacts to the wetland area, as well as potential erosion and pollution issues. Ms. Parks also referenced Mr. Braswell's business relationship with the applicant and suggested he should recuse himself from the proceedings.

Mary McMichael, 5429 Whitehall Road, Lula, spoke in opposition and provided a handout to the Board. Ms. Michael stated growth is welcome, but it needs to be "smart growth". Concerns raised were the ecological impact of the proposed development and the steep topography which could cause erosion, flash flooding, increased pollution and wildlife displacement.

Mary Ann Hurst, 4690 Cagle Mill Road, Lula, spoke in opposition. Concerns raised were the increased traffic on a dirt road, that her driveway would be impacted as it is located across Cagle Mill Road from a proposed entrance to the development, and an increase in attendance at Hall County schools.

Rebuttal

The applicant stated that this proposed development is “smart growth” for the area. The applicant explained there would be a buffer between the development and all neighboring properties. To address the environmental concerns, the applicant stated they will follow all land disturbance rules and regulations. Mr. Robinson explained the build-out would be phased over five years and impact to local schools would be slow. He showed the main entrance on Cornelia Highway as the shortest distance to any home on the property to address access on Cagle Mill Road, stating that the path of least resistance would be the most likely route for traffic. He clarified that the Whitehall Road entrance will be a gated emergency service access only. The applicant explained they have worked with staff to adhere to the Unified Development Code and Comprehensive Plan.

Planning Commission Comments:

Mr. Sosebee asked for the applicant to address the 2022 traffic study. Mr. Boling stated the traffic study includes projections out to 2028. Mr. Hunt asked Planning Staff if this application complies fully with the Unified Development Code. Beth Garmon, Director of Planning and Zoning, stated that it does and that no variances were proposed.

Motion: A motion to deny was made by Stan Hunt and seconded by Shannon Davidson Vote: 2-3

Mr. Braswell – Nay
Mr. Castleberry – Nay
Mr. Davidson – Aye
Mr. Hunt – Aye
Mr. Sosebee – Nay

Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by André Castleberry. Vote: 3-2

Mr. Braswell – Aye
Mr. Castleberry – Aye
Mr. Davidson – Nay
Mr. Hunt – Nay
Mr. Sosebee – Aye

Conditions:

1. The property shall be developed in accordance with the site plan dated May 29, 2025, and as described in the project narrative dated March 31, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. The development shall be limited to 217 detached single-family residences and 106 townhomes.
3. The minimum heated floor area (HFA) for the townhomes shall be 1,500 square feet and 2,100 square feet for the single-family detached homes.
4. All single-family homes and townhomes shall provide two-car garages in addition to driveways that can accommodate two parked cars side by side. Garages may be front or rear-loaded.
5. Amenities including walking trails, parks, pool and cabana, and mail kiosks shall be completed prior to the issuance of fifty percent (50%) of the certificates of occupancy. Additional amenities may be constructed by the developer subject to the review and approval of the Director of Planning and Zoning, or their designee.
6. The restrictive covenants for the subdivision and the documents establishing the property owner's association shall be submitted for review. These documents shall include a provision that assures maintenance of the amenity package through adequate assessment of the subdivision property and would provide for establishing a lien against any property failing to pay said assessment. These documents shall be recorded simultaneously with the final plat and/or prior to the sale of any lots within the subdivision.
7. Access to the development shall be approved by Hall County Engineering and/or the Georgia Department of Transportation, as applicable. The recommendations of the traffic study, subject to final review and approval by both Hall County Engineering and the Georgia Department of Transportation, shall be implemented. Any costs associated with these improvements shall be the responsibility of the developer. It shall be the developer's responsibility to obtain any required approvals or permits.
8. If roads inside the development are to be maintained by Hall County, the following standards shall apply:
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 - b) All proposed roundabouts must meet Hall County Fire Rescue requirements, as well as allow for school buses to turn around without reversing.
 - c) For Hall County to accept into maintenance that portion of proposed road from State Route 365 to the roundabout closest to the proposed clubhouse, the developer shall be responsible for cost and coordination of the following:
 - i. Review and approval of all bridge design plan by Hall County's third-party structural engineer.
 - ii. Construction CQA, inspections, and all material testing reports for bridge construction by Hall County's third-party structural engineer.
 1. Procurement for i. & ii. will be attained using Hall County On-Call Engineering Contract. Fees will be due prior to the issuance of any land disturbance permits.

9. All designated open space within the development shall be commonly held and maintained and shall not be the responsibility of any individual homeowner(s). This common open space ownership shall be included in the deeds created for each lot.
10. The development shall be served by public sewer, with the obtainment of all required easements and other construction costs such as a lift station and force main to be the responsibility of the developer.
11. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on 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.”
12. No variances or development exceptions are granted as part of this request.
13. All conditions of zoning shall be made part of any plat or plans created for the property.
14. No townhome lot shall be less than 2,000 square feet and no single family detached lot shall be less than 8,000 square feet.
15. The main entrance road from Cornelia Highway shall be constructed up to the clubhouse, available for use, and open to the public prior to the issuance of any building permits for homes or amenities within the development.
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18. There shall be a 50 foot undisturbed buffer installed along the right-of-way of Cagle Mill Road, and supplemented by an additional 50 foot transitional buffer immediately adjacent to the undisturbed buffer.

Excerpts from the minutes of the July 7, 2025 meeting

Motion: A motion to remove from the table was made by Frank Sosebee and seconded by Stan Hunt. Vote: 4-0

Applicant's Presentation:

Vamsee Polamarasetty, Planner, stated the applicant has requested to table to the August 4, 2025 Planning Commission meeting.

Motion: A motion to table to August 4, 2025 was made by Stan Hunt and seconded by Frank Sosebee. Vote: 4-0

Excerpts from the minutes of the June 2, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, stated that the applicant has requested to table to the July 7, 2025 meeting.

Motion: A motion to table to July 7, 2025 was made by Stan Hunt and seconded by Frank Sosebee and Shannon Davidson. Vote: 4-0 (Varner absent)

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

1. The property shall be developed in accordance with the site plan dated May 21, 2025, and as described in the project narrative dated March 31, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be limited to 217 detached single-family residences and 106 townhomes.
3. The minimum heated floor area (HFA) for the townhomes shall be 1,500 square feet and 2,100 square feet for the single-family detached homes.
4. All single-family homes and townhomes shall provide two-car garages in addition to driveways that can accommodate two parked cars side by side. Garages may be front or rear-loaded.
5. Amenities including walking trails, parks, pool and cabana, and mail kiosks shall be completed prior to the issuance of fifty percent (50%) of the certificates of occupancy. Additional amenities may be constructed by the developer subject to the review and approval of the Director of Planning and Zoning, or their designee.
6. The restrictive covenants for the subdivision and the documents establishing the property owner's association shall be submitted for review. These documents shall include a provision that assures maintenance of the amenity package through adequate assessment of the subdivision property and would provide for establishing a lien against any property failing to

pay said assessment. These documents shall be recorded simultaneously with the final plat and/or prior to the sale of any lots within the subdivision.

7. Access to the development shall be approved by Hall County Engineering and/or the Georgia Department of Transportation, as applicable. The recommendations of the traffic study, subject to final review and approval by both Hall County Engineering and the Georgia Department of Transportation, shall be implemented. Any costs associated with these improvements shall be the responsibility of the developer. It shall be the developer's responsibility to obtain any required approvals or permits.
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9. All designated open space within the development shall be commonly held and maintained and shall not be the responsibility of any individual homeowner(s). This common open space ownership shall be included in the deeds created for each lot.
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11. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

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12. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.
13. All conditions of zoning shall be made part of any plat or plans created for the property.

The following are variances requested by the applicant, and shall warrant determination by the Board should it choose to approve the submitted narrative and site plan:

1. 10.70.010. - Prohibited parking
 - a. Except when necessary to avoid conflict with other traffic, or in compliance with law or directions of a law enforcement officer or official traffic control device, no person shall stop, stand, or park a vehicle in or along any public road right-of-way which has been designated by the board of commissioners of the county as a no parking area pursuant to the provisions of this chapter.
 - i. The applicant has proposed parking within the right-of-way in several locations throughout the proposed development.

Summary Analysis

The applicant is requesting to rezone a combined 130.84± acre tract from Agricultural Residential 1 (AR-1) to Residential Mixed (R-X) for a 323-unit residential development. The proposed development includes 217 single-family detached residences and 106 townhomes along with various amenity features. The overall proposed density for the development is 2.47 dwelling units per acre.

The surrounding properties are zoned and developed as outlined below:

- North: Light Industrial (I-1) – undeveloped.
- East: Agricultural Residential 1 (AR-1) – single-family residences; Light Industrial (I-1) – undeveloped.
- South: Agricultural Residential 1 (AR-1) – single-family residences and vacant parcels.
- West: Agricultural Residential 1 (AR-1) – single-family residences and vacant parcels.

The subject parcel is bordered by and has access from US 23/SR 365/Cornelia Highway to the northwest and Cagle Mill Road to the southeast. Additionally, the property lies within the North Oconee Water Supply Watershed District. The site is currently undeveloped and heavily wooded, with streams present that bisect the property. A concurrent request has been submitted to rezone a 10.57± portion of tax parcel 15007 000254 to Planned Industrial Development (PID) to allow for industrial uses.

Per the submitted site plan and narrative, the development will be served by three access points: two entrances on Cagle Mill Road on the southeastern section, a third entrance on Cornelia Highway through the proposed Planned Industrial Development (PID) on the northwestern portion of the development and a fire-only access on the southern section along Whitehall Road.

The average lot size for the single-family homes is proposed at approximately 9,600 square feet with a minimum of 10 feet of separation between structures. Sidewalks will be provided on both sides of the streets throughout the development and are proposed to be at least 5 feet in width. Open space will make

up 45.68% of the total site area, and a 50 foot wide perimeter landscape buffer will be provided along the external boundaries.

Per the submitted site plan, the community amenities will include a clubhouse, three mail kiosks with delivery lockers, two pools, a cabana, walking trails, a park and a recreational area.

Water service will be provided by the City of Gainesville Department of Water Resources as confirmed by an availability letter dated April 21, 2025 and sanitary sewer services will be provided by Hall County as confirmed by an availability letter dated April 4, 2025.

Per the submitted traffic impact study conducted by POND & Company, the following improvements are recommended:

- Install a site access point on the east leg of the existing US 23/SR 365/Cornelia Highway at Americold Logistics. Convert the intersection to a Restricted Crossing U-Turn Configuration with the build out of the proposed development, maintaining existing left and right turn lanes along US 23/SR 365/Cornelia Highway.
- Install a site access point along Cagle Mill Road with full access operating under minor street stop control. The recommended intersection geometry is a shared left turn/right turn lane on the eastbound approach, a shared through/left turn lane on the northbound approach, and a shared through/right turn lane on the southbound approach.
- Install a site access point along Whitehall Road with full access operating under minor street stop control. The recommended intersection geometry is a shared left turn/right turn lane on the southbound approach, a shared through/left turn lane on the eastbound approach, and a shared through/right turn lane on the westbound approach.

The development standards for the project are described in the table below:

Development Standard	Single-family residence	Townhomes	Required	Compliance
Site Area	130.84± acres		30,000 sq ft	Complies
Density	2.47 U/A		8 U/A	Complies
Open Space	45.68% (59.77 acres)		30%	Complies
Exterior Buffer	50 feet		N/A	N/A
Sidewalks	5 feet on both sides of street		5 feet	Complies
Number of Units	217	106	N/A	N/A
Minimum Lot Area	8,000 sq ft	2,400 sq ft	8,000 sq ft (no individual townhome lots shown)	Complies
Minimum Lot Frontage	50 feet	24	50 feet (no individual	Complies

			townhome lots shown)	
Maximum Height	N/A	N/A	50 feet	N/A
Minimum Heated Floor Area	not specified	not specified	N/A	N/A
Front Yard	25 feet	20 feet from back of sidewalk	25 feet 20 feet from back of sidewalk	Complies
Side Yard	5 feet	5 feet	5 feet	Complies
Rear Yard	20 feet	10 feet	10 feet	Complies
Note: Items marked with an asterisk (*) do not conform to Section 4.5 or are unspecified in the application				

Based on the future land use plan, staff finds the requested rezoning ***is consistent*** with the Hall County Comprehensive Plan future land use designations of Business or Employment Nodes & Corridors and Suburban Neighborhood, Low Density. These areas may consist of industrial and/or office uses housed in either formalized campuses or along major road corridors that have existing or future access to water and sewer. They may also consist of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, and some higher density residential, where appropriate. Suburban Neighborhood, Low Density supports low-density, detached single-family housing where there is existing water and sewer infrastructure, or where future infrastructure is expected to be located. Residential densities can range from 2 dwellings up to 8 dwellings per acre. The development has an overall proposed density of 2.47 units per acre.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

- a) 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 proposed Residential Mixed (R-X) zoning district for a 323-unit residential development is suitable in view of the use, development and zoning of adjacent and nearby property. The surrounding area consists of a variety of land uses which include residential, agricultural, industrial, and commercial uses.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning is not anticipated to adversely affect the existing use or usability of adjacent residential properties.**
- c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned; however, the applicant cannot develop the property as proposed without approval by the Board of Commissioners.**

- d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed rezoning is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property will be served by Hall County Sewer and City of Gainesville public water. The submitted traffic study along with Hall County Traffic comments recommend improvements that aim to ensure adequate vehicular infrastructure for the proposed development.**
- e) 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 proposed use is consistent with the intent of the Business or Employment Nodes and Corridors and Suburban Neighborhood, Low Density future land use designations in the Comprehensive Plan.**
- f) 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 affected by the existing zoning restrictions.**
- g) 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.**
- h) 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.**
- i) 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 and forested.**
- j) 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; however, the development of the Blue Ridge Connector and expansion of industrial and commercial developments will continue to support a need for additional and varied housing types in this area.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **The Hall County Comprehensive Plan and Unified Development Code adopted in 2024 established the Residential Mixed (R-X) zoning district. As such, the rezoning of this property to Residential Mixed (R-X) would not be considered an isolated district as the property meets the minimum**

acreage and housing type percentage standards and is consistent with the goals of the Hall County Comprehensive Plan.

- l) 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.**
- m) 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 options.**
- n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the county that support a moderate-density single-family residential uses based on the Future Land Use Map; however, the development as proposed cannot be developed in any of the existing residential zoning districts without approval from the Board of Commissioners.**
- o) 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.**
- p) 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.**
- q) 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.**

11.2.6.E - Submission requirements

- 1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**
- 2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

- a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The proposal provides a narrative outlining the intent of the development; however, the applicant has not prepared a response to each of the criteria listed in 11.2.6.E.2.**
- b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal meets the requirement.**
- c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, 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 must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **The applicant submitted a traffic study conducted by POND & Company, which includes the following recommendations:**
 - **Install a site access point on the east leg of the existing US 23/SR 365/Cornelia Highway at Americold Logistics. Convert the intersection to a Restricted Crossing U-Turn Configuration with the build out of the proposed development, maintaining existing left and right turn lanes along US 23/SR 365/Cornelia Highway.**
 - **Install a site access point along Cagle Mill Road with full access operating under minor street stop control. The recommended intersection geometry is a shared left turn/right turn lane on the eastbound approach, a shared through/left turn lane on the northbound approach, and a shared through/right turn lane on the southbound approach.**
 - **Install a site access point along Whitehall Road with full access operating under minor street stop control. The recommended intersection geometry is a shared left turn/right turn lane on the southbound approach, a shared through/left turn lane on the eastbound approach, and a shared through/right turn lane on the westbound approach.**

Development Support and Constraints

Hall County Environmental Health

In an email dated May 1, 2025, Emily McGahee stated, “The entire development must be developed on public sewer or EPD permitted sewage treatment system. No onsite sewage management system to be permitted by Environmental Health. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.”

Georgia Department of Transportation

In an email dated April 28, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is required if the intent is to create a driveway on SR 365, if not no coordination will be needed.

Hall County Public Works and Utilities

In a memo dated May 2, 2025, Bill Nash, Director of Public Works and Utilities, 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.

North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

Traffic:

This development is currently under staff review and comment will be forthcoming.

Utilities

Hall County service area. Sewer is available along Cornelia Highway.

In an email dated May 16, 2025, Jason Skarda, Assistant Director of Public Works and Utilities, provided the following comments:

Hall County Public Works would recommend that the roads in the subdivision be made private; However, if the roads are to be maintained by Hall County then the following changes must be made to the plans (see attached pdf).

Parking inside the right-of-way:

To minimize hazards and congestion on County roads, on street parking is normally not allowed. The parallel parking depicted at the main entrance of the development will be acceptable, if it is acceptable to Hall County Fire Rescue. The parallel parking area will not be maintained by Hall County and should be noted on the Final Plat.

Roundabout near Clubhouse and Mail Kiosk:

Roundabout must meet Hall County Fire Rescue requirements, as well as, allow for School Buses to turn around.

Industrial Entrance, Roundabout, and Bridge:

In order for Hall County to accept into maintenance the portion of proposed road from State Route 365 and to the clubhouse roundabout, then the developer shall be required to pay for the following:

- a. Hall County's third-party structural engineer to review and approve all bridge design plans.
- b. Hall County's third-party structural engineer to provide construction CQA, inspections, all material testing reports for bridge construction.

Procurement for a. & b. will be attained using Hall County on-call engineering contract. These fees will be required to be paid as part of the LDP.

Hall County Fire Marshal

In an email dated April 28, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated "If approved the site development plan may require modifications during the development review process"