



**HALL COUNTY BOARD OF COMMISSIONERS
SPECIAL CALLED MEETING AMENDED MINUTES**

Hall County Government Center 2nd Floor

2875 Browns Bridge Road

Gainesville, GA 30504

Streamed Live on Hall County Government's Website - www.hallcounty.org

Tuesday, November 30, 2021 - 05:30 PM

Call to Order

Chairman Higgins at 5:30 p.m.

Present:

Chairman Richard Higgins, Vice Chairman Jeff Stowe and Commissioners Kathy Cooper, Billy Powell, and Shelly Echols

Also present were County Administrator Jock Connell, Assistant County Administrators Marty Nix and Zach Propes, Commission Clerk Lisa Ritchie, County Attorney Van Stephens, and Deputy County Attorney William Linkous III

Approve Agenda

Commissioner Stowe/Commissioner Cooper — approve — unanimous

Invocation

1 Chairman Richard Higgins

Pledge

2 Commissioner Kathy Cooper

County Attorney

Mr. Stephens addressed the Board.

- 3 Approve the Resolution of Hall County, Georgia regarding the National Opioid Litigation agreeing to be bound by the Memorandum of Understanding between the State of Georgia and certain local government entities concerning the National Distributor and J&J settlements and directing the execution of the "Acknowledgment and Agreement to be bound by Memorandum of Understanding," the "Subdivision Distributor Settlement Participation Form," and the "Janssen Settlement Participation Form" and authorize the Chairman to execute any additional necessary documents to effectuate the Resolution, subject to review and approval by the County Attorney.

Commissioner Stowe/Commissioner Powell — approve — unanimous

- 4 Approve and Authorize the Chairman to execute the Temporary License Agreement for temporary housing of election's equipment during the HVAC replacement project, and any and all additional documents necessary to effectuate the transaction, subject to review and approval by the County Attorney.

Commissioner Cooper/Commissioner Stowe — approve — unanimous

Public Hearing to amend Hall County's Zoning Map as follows:

Mr. Stephens stated that comments at previous meetings should not be repeated as they have already been heard.

Commissioner Stowe/Commissioner Powell — approve removing items 5 through 13 from the table — unanimous

- 5 Application of Bilal Gillani to rezone from Agricultural Residential-III (AR-III) & Agricultural Residential-IV (AR-IV) to Highway Business (H-B) on a 5.08± acre tract located on the west side of Old Cornelia Highway approximately 539 feet from its intersection with Shady Valley Road; a.k.a. 2633 Old Cornelia Highway; Zoned AR-III & AR-IV; Tax Parcel 15021B000050. Proposed Use: auto repair and used auto sales. Commission District 3. NOTE: Continued at the October 28, 2021 Voting Meeting until the November 10, 2021 Special Called Meeting. NOTE: Tabled at the November 10, 2021 Special Called Meeting to the November 30, 2021 Special Called Meeting.

Mr. Stephens introduced the item. Mrs. Garmon discussed the item.

Ms. Ritchie stated that at the meeting on October 28, 2021, the following people provided comments:

- The applicant, Bilal Gillani, addressed the Board in favor of the item
- Susan Collins spoke in opposition of the item

Mr. Stephens conducted the Public Hearing continued from the October 28, 2021 meeting.

There were no additional comments from the public.

Commissioner Echols/Commissioner Stowe — deny — unanimous

- 6 Application of John Roberts to rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) on a 38.85± acre tract located on the north side of Lee Land Road, at its intersection with Webb Girth Road; a.k.a. 2522 Lee Land Road, Zoned AR-III; Tax Parcel 15030 000027A. Proposed Use: 160 unit townhome development. Commission District 4. NOTE: Continued at the October 28, 2021 Voting Meeting until the November 10, 2021 Special Called Meeting. NOTE: Tabled at the November 10, 2021 Special Called Meeting to the November 30, 2021 Special Called Meeting.

Mr. Stephens introduced the item. Mrs. Garmon discussed the item.

Ms. Ritchie stated that at the meeting on October 28, 2021, the following person provided comments:

- The applicant, John Roberts, addressed the Board in favor of the item

Mr. Stephens conducted the Public Hearing continued from the October 28, 2021 meeting. The following person addressed the Board:

Favor:

- Shawn Childers, 6275 Gaines Ferry Road, Flowery Branch
- Commissioner Stowe/Commissioner Powell — approve with the four (4) conditions listed below — 4 to 1

Conditions:

1. The development shall generally occur as described in the site plan project

narrative, modified for compliance with zoning conditions, Hall County regulations, and any other regulatory agencies at time of development.

2. The dwelling units with an overall site density not to exceed 4.1 dwelling units per acre.
3. Townhomes shall have a maximum of two stories.
4. The following standards shall apply to the development:
 - a. Setbacks:
 - i. Front — 20 feet between garage and curb
 - ii. Side — 20 feet from adjacent building
 - iii. Rear — 20 feet from adjacent building
 - b. Minimum heated floor area — 1,450 sq. ft.
 - c. A minimum of 2 off-street parking spaces will be provided per dwelling unit
 - d. With the exception of required stormwater or utility improvements existing trees and vegetative buffer will remain undisturbed.
 - e. All facades shall be finished with a combination of brick, stone, stucco, or fiber cement type siding. Front facades shall incorporate changes in these materials to alter color or texture. Vinyl siding shall be prohibited
 - f. Materials and colors for exterior finishes shall be reviewed and approved by the Planning Director or their designee prior to construction.
 - g. Each townhome shall have a single-car garage with a door that is no wider than 50% of the front façade of the individual unit.
 - h. Garage door shall be located a minimum of 20 ft. from the edge of the sidewalk nearest the dwelling.

VOTE: 4 to 1

Commissioner Cooper —aye

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Echols — nay

Commissioner Stowe — aye

Motion passed.

- 7 Application of Casey Walker/CSC Properties, LLC to rezone from Agricultural Residential-III (AR-III) to Highway Business (H-B) on a 3.63± acre tract located on the north side of McEver Road at its intersection with Lights Ferry Road; a.k.a. 5820 McEver Road; Zoned AR-III; Tax Parcel 08119 000003(pt.). Proposed Use: gas station & convenience store. Commission District 1. NOTE: Continued at the October 28, 2021 Voting Meeting until the November 10, 2021 Special Called Meeting. NOTE: Tabled at the November 10, 2021 Special Called Meeting to the November 30, 2021 Special Called

Meeting.

Mr. Stephens introduced the item. Mrs. Garmon discussed the item.

Ms. Ritchie stated that at the meeting on October 28, 2021, the following people provided comments:

- The applicant, Casey Walker, and Phillip Williams addressed the Board in favor of the item
- Wesley Robinson, Shelly Fletcher, Jay Kelly, Tim Gale, Donna Cash, Win Fletcher, Carol Ann Rand, and Victor Lucia addressed the Board in opposition to the item

Mr. Stephens conducted the Public Hearing continued from the October 28, 2021 meeting. The following people addressed the Board:

Favor:

- Casey Walker, 5785 Ulmerton Road, Clearwater, FL

Opposition:

- Nancy Lucas, 1700 Lights Ferry, Flowery Branch
- Keith Maehrlein, 6034 Terrace Lake Point, Flowery Branch
- Laura Gale, 5918 Terrace Lake Point, Flowery Branch
- Douglas Pinion, 6022 Terrace Lake Point, Flowery Branch
- Bill Hester, 6364 Nichols Road
- Tom O'Shea, 6405 Arbor Wood Drive
- Sally Marks, 5810 Silverthorn Drive
- Shelly Fletcher, 5913 Thornhill Place

Mr. Walker addressed the Board to rebut the oppositional comments.

Commissioner Cooper/Commissioner Powell — approve with the eight (8) conditions listed below — 4 to 1

Conditions:

1. The development shall be served by sewer provided by the City of Flowery Branch.
2. A fence, a minimum of 8 feet in height with barb wire on top, shall be constructed on a berm, a minimum of 3 feet in height, along the entirety of the rear property line, adjacent to Silverthorn Subdivision. The property buffer, shall be 50 feet. Landscaping shall be a minimum of 8 feet tall evergreens staggered in two rows on 4-foot centers and shall not be disturbed.
3. The fence shall not be constructed out of wood. It shall be opaque and constructed out of PVC, vinyl chain link, or a similar material.
4. The applicant shall continue the screening behind the proposed convenience store with fast growing evergreens from the northeastern corner, following the proposed

driveway to the western boundary line.

5. McEver Road shall be a right turn exit only and with the location determined by Hall County Traffic Engineering. The entrance shall be placed in a location that will allow Ms. Cash to access her own driveway.
6. All development shall adhere to the Gateway Corridor standards and all building materials and color shall be submitted to and approved by the Hall County Planning Director.
7. Applicant shall provide a topographic map and an updated site plan to the Board of Commissioners in advance of their meeting on October 28, 2021, so that staff may have time to review and comment.
8. The convenience store shall close at 10:00 p.m. and no deliveries shall take place after 10:00 p.m.
9. Sidewalks shall be required.

Vote: 4 to 1

Commissioner Cooper —aye

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Echols — aye

Commissioner Stowe — nay

Motion passed.

- 8 Application of FIDES Development to rezone from Agricultural Residential-III (AR-III) and Vacation Cottage (V-C) to Planned Residential Development (PRD) on a 16.28 acre tract located at the terminus of North Waterworks Road, Seymour Circle, and Seymour Drive; a.k.a. 3450 North Waterworks Road; Zoned AR-III and V-C; Tax Parcel 08167 005002. Proposed Use: mixed use residential development. Commission District 1. NOTE: Tabled at the September 9, 2021 Voting Meeting until the September 23, 2021 Voting Meeting. NOTE: Tabled at the September 23, 2021 Voting Meeting until the October 28, 2021 Voting Meeting. NOTE: Tabled at the October 28, 2021 Voting Meeting until the November 10, 2021 Special Called Meeting. NOTE: Tabled at the November 10, 2021 Special Called Meeting to the November 30, 2021 Special Called Meeting.

Mr. Stephens introduced the item. Mrs. Garmon discussed the item. Mr. Stephens conducted the Public Hearing.

The following people addressed the Board:

Favor:

- John Hillman, 3017 Boiling Way NE, Atlanta
- Kenneth Ley, 3395 N. Waterworks Road

Opposition:

- Haywood Smith, 3286 Whidby Road
- Dan McClure, 3316 Whidby Road

Mr. Hillman addressed the Board to rebut the oppositional comments.

Commissioner Cooper/Commissioner Powell — approve with the nine (9) conditions listed below — 4 to 1

Conditions:

1. The development shall generally occur as depicted on the site plan and described in the project narrative, modified for compliance with zoning conditions and Hall County regulations.
2. The proposed residential development shall conform to §17.180.060 Planned Residential Development (PRD) standards, except for where variances are approved as part of this application.
3. The community shall be gated with fencing along the exterior boundaries.
4. Buffers: A minimum 50-foot buffer shall be established along the perimeter of all property boundaries adjacent to residential and/or non-residential zoning districts to ensure that the planned residential development is appropriately screened. The planted buffers shall conform to the requirements as described in section 17.260.020 titled Vegetation Buffers and Vision Clearance. In conditions where required stream buffers exist along a perimeter property boundary, the Planning Director may grant exemptions from the 50 foot planted buffer if a stream buffer meets or exceeds the 50 foot planted buffer width.
5. The vegetated buffer shall be at least 8 feet tall in addition to the existing buffer.
6. The sewer shall be privately owned and privately maintained.
7. N. Waterworks Road from the water treatment facility entrance to the proposed development shall be improved/widened to provide a 22-foot asphalt roadway surface with the cross-section constructed to Hall County standards. N. Waterworks Road improvements must be constructed concurrently with the development. Hall County right-of-way will end with the proposed roundabout and access into the development will be privately maintained. Any Hall County right-of-way that may currently exist beyond the proposed roundabout must be abandoned. Any roadway improvement costs will be the Developer's responsibility.
8. Water shall be provided by the City of Gainesville.
9. All conditions of zoning must be made part of any plats created for the property.

Vote: 4 to 1

Commissioner Cooper —aye

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Echols — nay

Commissioner Stowe — aye

Motion passed.

- 9 Application of Brand Properties, LLC to rezone from Highway Business (H-B) and Residential-II (R-II) to Residential-Multi Family (R-MF) on a 30.69± acre tract located on the east and west sides of Wallis Road at its intersection with Atlanta Highway; a.k.a. 3542 Wallis Road; Zoned H-B and R-II; Tax Parcel 08047 001005. Proposed Use: 298 unit multi-family development. Commission District 2. NOTE: Tabled at the September 9, 2021 Voting Meeting until the November 11, 2021 Voting Meeting. NOTE: Tabled at the November 10, 2021 Special Called Meeting to the November 30, 2021 Special Called Meeting.

Mr. Stephens introduced the item. Mrs. Garmon discussed the item. Mr. Stephens conducted the Public Hearing.

The following people addressed the Board:

Opposition:

- Gail Chapman, 3536 Atlanta Highway, Flowery Branch
- Debra Rovetto

Commissioner Powell/Commissioner Stowe — deny — unanimous

- 10 Application of Atlas Development to rezone from Agricultural Residential-III (AR-III) and Residential-I (R-I) to Planned Residential Development (PRD) on a 79.18± acre tract located on the west side of Union Church Road at its intersection with Union Circle; a.k.a. 5166 & 5154 Union Church Road; Zoned AR-III & R-I; Tax Parcels 15043 000059 & 000073. Proposed Use: 148 lot subdivision. Commission District 1. NOTE: Tabled at the November 10, 2021 Special Called Meeting to the November 30, 2021 Special Called Meeting.

Chairman Higgins stated that Commissioner Cooper had recused herself from this item

due to a conflict of interest.

Mr. Stephens introduced the item. Mrs. Garmon discussed the item. Mr. Stephens conducted the Public Hearing.

The following people addressed the Board:

Favor:

- Brian Rochester of Rochester and Associates, 425 Oak Street, Gainesville

Opposition:

- Derek Baker, 5234 Union Circle
- Jeff Turk, 5230 Cash Road, Flowery Branch
- Tad Stephens, 5228 Union Circle
- Kim Hall, 5619 Battle Ridge, Flowery Branch
- Dianne Stephens, 5228 Union Circle

Mr. Rochester addressed the Board to rebut the oppositional comments.

Commissioner Powell/Commissioner Stowe — approve with the seventeen (17) conditions listed below — 3 to 2

Conditions:

1. The development shall generally occur as depicted on the site plan and described in the project narrative, modified for compliance with Hall County regulations, including §17.180.060 Planned Residential Development (PRD) standards. No variances shall be allowed to the PRD Ordinance.
2. There shall be no more than 130 total units in the development.
3. The Developer shall construct improvements, as required by Hall County Public Works Department, to Union Church Road. All costs associated with any required right-of-way improvements and adding left and right turn lanes shall be the Developer's responsibility.
4. The proposed development driveway must be reviewed, approved, and permitted by Hall County Traffic Engineering.
5. All conditions of zoning shall be made part of any plats created for the property.
6. No more than 25% of the homes within the development may be rented at any time.
7. A 50 foot undisturbed buffer shall be established around the perimeter of the property that shall not contribute to the minimum lot size.
8. Minimum heated floor area shall be (one story/two story) 1,800/2,200 square feet.
9. The development shall have 5 foot sidewalks on both sides of the road.
10. The development shall provide water quality and infiltration, where feasible, for the storm water from the site flowing to the Mulberry Creek.
11. The following setbacks shall apply to the development:
 - a. Front setback: 20 feet

- b. Side setback: 5 feet
 - c. Rear Setback: 20 feet
12. The minimum open space for the development shall be 40%.
 13. The minimum lot size shall be per the PRD Ordinance.
 14. The development shall adhere to the Hall County Erosion Control Ordinance Best Management Practices for Large Developments, which includes the 3 BMPs for the County-approved list. Even if the phase of development is less than 20 acres.
 15. The development shall be connected to the public sewage system.
 16. All 50 foot stream buffers shall be undisturbed.
 17. The amenity site shall be moved to an interior location within the development.

Vote: 3 to 2

Commissioner Cooper — recused

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Echols — nay

Commissioner Stowe — aye

Motion passed.

- 11 Application of Invest NH, LLC for a Use Subject to County Commission approval on a 6.75± acre tract located on the east side of Lula Road at its intersection with Glade Farm Road; a.k.a. 7404 Lula Road; Zoned AR-IV; Tax Parcel 12115 000005(pt.). Proposed Use: 5-lot subdivision. Commission District 3. NOTE: Tabled at the November 10, 2021 Special Called Meeting to the November 30, 2021 Special Called Meeting.

Mr. Stephens introduced the item. Mrs. Garmon discussed the item. Mr. Stephens conducted the Public Hearing.

The following people addressed the Board:

Favor:

- Phillip Jarchow, 7876 Keepsake Lane, Flowery Branch

Opposition:

- Lynn Waldrip, 7326 Lula Road
- James Waldrip, 7310 Lula Road

Mr. Jarchow addressed the Board to rebut the oppositional comments.

Commissioner Echols/Commissioner Stowe — approve with the five (5) conditions listed below — unanimous

Conditions:

1. The development is approved for a maximum of five (5) building lots with a minimum road frontage of 150 feet per parcel, unless variances are approved for reduced frontage of a lot.
 2. 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."
 3. A final plat shall be recorded before any building permit applications are submitted to Hall County.
 4. A 30 foot vegetative buffer shall be required along the right side property line of lot 5. The applicant shall plant a new buffer if the existing vegetation does not provide sufficient screening in accordance with the Official Code of Hall County.
 5. All conditions of zoning shall be made part of any plat created for the subdivision.
- 12 Application of Morteza Modaber for a Use Subject to County Commission approval on a 0.38± acre tract located on the north side of Browns Bridge Road at its intersection with Whiting Drive; a.k.a. 1790 Browns Bridge Road; Zoned H-B; Tax Parcels 00123 007017 & 007016. Proposed Use: auto repair and body shop. Commission District 4. NOTE: Tabled at the November 10, 2021 Special Called Meeting to the November 30, 2021 Special Called Meeting.

Mr. Stephens introduced the item. Mrs. Garmon discussed the item. Mr. Stephens conducted the Public Hearing.

The following people addressed the Board:

Favor:

- Morteza Modaber, 4107 Winder Highway, Flowery Branch
- Commissioner Stowe/Commissioner Powell — approve with the ten (10) conditions listed below — unanimous

Conditions:

1. Prior to issuance of a commercial occupancy permit, a site inspection to verify that the building complies with the current building code shall be required.
 2. A parking plan shall be submitted and reviewed by Hall County Planning to ensure property spacing for customers, employees, and inventory is identified and clearly marked.
 3. Outdoor storage of wrecked, junk, and/or inoperable vehicles shall be prohibited. Vehicles shall be parked inside overnight.
 4. All repair work shall be conducted within the building or a garage bay.
 5. A minimum 20 foot wide planted buffer, or an 8 foot tall opaque fence, shall be installed along any property line adjacent to residential uses, in accordance with §17.420.050.
 6. Any future development shall be subject to the Hall County Development Review process.
 7. Any future development shall be subject to the Gateway Corridors Overlay District standards and all building materials and colors shall be submitted for review and approval by the Planning Director prior to any construction or remodeling.
 8. Hours of operations shall be 9:30am to 5:30pm, Monday through Friday, 9:30am to 4:00pm on Saturday, and the business shall be closed on Sunday.
 9. All conditions of zoning shall be made part of any new plats recorded for the property.
 10. No signage shall be permitted.
- 13 Application of Clyde D. Broadway Jr. DBA Green Earth Replacement for a Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road approximately 253 feet from its intersection with Calvary Industrial Drive; a.k.a. 1563 Calvary Church Road; Zoned I-II; Tax Parcel 15031 000097. Proposed Use: inert landfill. Commission District 4. NOTE: Tabled at the November 10, 2021 Special Called Meeting to the November 30, 2021 Special Called Meeting.

Mr. Stephens introduced the item. Mrs. Garmon discussed the item. Mr. Stephens conducted the Public Hearing.

The following people addressed the Board:

Favor:

- Josh Scroggin, 202 Tripple Gap Road, Cumming
- Davis Broadway, 1541 Highway 255 N, Sautee

Commissioner Stowe/Commissioner Powell — approve with the two (2) conditions

listed below — 4 to 1

Conditions:

1. The twelve (12) conditions of zoning approved by the Board of Commissioners on December 12, 2019 shall apply as listed below:
 - a. Development shall be generally consistent with the submitted site plan and narrative, modified for compliance with Hall County regulations at time of development permit application.
 - b. Any business operating at the subject property shall obtain a Business License from Hall County.
 - c. Proposed pond for hydro-excavating services shall be limited to only waste consisting of soil and water. No other materials shall be accepted for disposal on the property.
 - d. Any business desiring to utilize the pond for disposal shall provide Hall County with written analysis of typical waste materials prior to disposal.
 - e. Owner shall provide written documentation from Georgia Environmental Protection Division (EPD) regarding pond design and use prior to acceptance of disposal of waste materials on the property.
 - f. Hall County shall conduct monthly routine compliance inspections.
 - g. Owner shall maintain logs and manifests of all materials accepted for disposal on the property. These records shall be made available for review upon request by Hall County.
 - h. Any change in use shall be subject to Hall County Board of Commissioners approval.
 - i. The access point to the pit area shall be closed and locked after hours.
 - j. The applicant shall contract with a third party environmental testing consultant who shall prepare a monitoring, inspection, and testing plan to include: on-site and downstream water quality testing and testing of on-site waste materials. Both the consultant and the plan shall be subject to the approval of Hall County Engineering for verification that waste materials contain no prohibited waste and only consist of water and soil as the applicant's proposal outlines.
 - k. The business license associated with this use shall go before the Hall County Board of Commissioners on an annual basis for renewal. As part of this renewal the owner shall provide the maintenance logs and manifests, as described in condition 7 and the inspection and testing results as described in condition 10.
 - l. In the event of any violation of these conditions, the Director of Planning and Development shall bring such violation before the Hall County Board of Commissioners, in the accordance with the provision of §5.40.350. Hearing on revocation of business license, of the Official Code of Hall County.
2. Erosion control measures and a double row of silt fence shall be installed and maintained.

3. This use subject to County Commissioner approval will expire at the end of 24 months unless the applicant receives Board approval for an extension prior to the expiration of such use.

Vote: 4 to 1

Commissioner Cooper —aye

Commissioner Powell — aye

Chairman Higgins — aye

Commissioner Echols — nay

Commissioner Stowe — aye

Motion passed.

County Administrator

Mr. Connell did not have any items to report.

Public Comments

There were no comments from the public.

Commission Time

The Commissioners did not have any items to report.

Adjourn

Commissioner Echols/Commissioner Powell — adjourn at 8:35 p.m. — unanimous