

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Michael Twiner

Request Rezone from Suburban Shopping (S-S) to
Planned Residential Development (PRD)

Proposed Use 330 unit multi-family development

Size 22.03± acres

Zoning S-S

Location On the south side of Athens Highway at its
intersection with Gillsville Highway; a.k.a.
2500 & 2508 Athens Highway; Tax Parcels
15023C000010 & 15023 000009

Commission District Three

Planning Commission Date December 6, 2021

Staff Recommendation **Denial**

Planning Commission Recommendation – Approve, with conditions

Vote: 4-0

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.*
3. *There shall be no more than 264 total units in the development (a density of 12 units per acre).*
4. *The following standards shall apply to the development:*
 - a. *Setbacks:*
 1. *Front: 100 feet from center line of road or setback requirement, whichever is greater*
 2. *Side: 50 feet*
 3. *Rear: 50 feet*
 - b. *Buildings shall be no greater than 3 stories in height when viewed from Athens Highway.*
 - c. *Parking: no fewer than 1.5 spaces per unit and no more than 2 spaces per unit.*
 - d. *Open Space: minimum of 6.6 acres (30%)*
 - e. *Buffers: A minimum 50 foot planted 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.

- f. Architectural standards: All facades of all residences, shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non-residential buildings shall be prohibited.*
- 5. All access to the development shall be from Athens Highway, and shall be reviewed and permitted by GDOT.*
- 6. All conditions of zoning shall be made part of any plats created for the property.*
- 7. There shall be a minimum of 396 parking spaces, inclusive of the 20 proposed enclosed garages.*
- 8. 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."*

Applicant Proposal

The applicant is requesting to rezone two parcels totaling approximately 22.03± acres from Suburban Shopping (S-S) to Planned Residential Development (PRD) in order to construct a 330-unit multi-family development. The development is proposed as 10 buildings, three stories each, with 30 or 35 units per building. Access to the property would be two gated entrances off Athens Highway (US Hwy. 129/State Route 11).

The units will range in size from 650-1,200 square feet, and will feature one, two, and three bedroom options. Amenities will include a pool, clubhouse, fitness center, and centralized mail center. The developer plans to include 484 parking spaces for the multi-family units, and an additional 25 spaces for the leasing center.

There will be a 50 foot landscape buffer along the exterior boundaries of the development, and a 20 foot frontage landscape strip along Athens Highway.

The application states that there shall be no phasing of the property, and completion is expected to take 18 months.

No elevations or renderings were provided, or any specifications of architectural standards.

The applicant submitted a traffic impact study analyzing the anticipated trip generation of the site. The area of study included the area surrounding the subject property on Athens Highway and Gillsville Highway. Athens Highway is currently being improved as part of a Georgia Department of Transportation (GDOT) project, and the improvements include the signalization of the intersection of

Gillsville Highway and Athens Highway as well as the construction of turn lanes into the development. The traffic study uses traffic counts from GDOT's website. The proposed development will feature a right-in/right-out entrance on Athens Highway near the middle of the property and there will be a signalized full-movement driveway located at the intersection of Athens Highway and Gillsville Highway.

Due to the proposed change to a multi-family residential zoning from the previous zoning of S-S for a convenience store and gas station, GDOT has provided the following comments for the development:

Driveway #1:

- Add a raised island in the center of the driveway

Driveway #2:

- Construct a 250-foot deceleration lane with a 100-foot taper.
- Signal will need to be upgraded to accommodate a new signal head.
- Thru movement and dedicated left turn lane required on SR 323/Gillsville Hwy.
- Ensure lanes align through intersection.
- Ensure North Bound left turn lane from SR 11 to the proposed driveway has sufficient length.
- Signal must be approved before access permit is granted.

History and Existing Land Uses

The subject property is composed of two parcels totaling approximately 22.03± acres. The county commissioners voted to approve the request to rezone to S-S for unspecified uses on January 27, 2005 with the following conditions:

1. The corridor development standards shall apply to the development of this property.
2. Driveway design and placement are subject to approval by the Hall County Engineering Department and the Georgia Department of Transportation.
3. Any outdoor lighting on the premises shall be of a non-spill type.
4. The vehicle parking areas shall be paved with either asphalt or concrete.
5. All conditions of zoning shall be made a part of any plat created for the property.

There has been no development of the property since that time. The property remains agricultural in character with a 934 square foot home constructed in 1940.

Adjacent property along Athens Highway is zoned Agricultural-Residential-IV (AR-IV) and contain residential and agricultural uses. Also adjacent to the south is property zoned Planned Industrial Development (PID) and is the site of a business providing automotive repairs, used car sales vehicle salvage and the sale of used motor vehicle parts. Across Athens Highway is property zoned Agricultural-Residential-III (AR-III). Also across Athens Highway is property zoned to PID on September 9, 2021 for a mixed-use commercial/industrial development by Solidum Holdings, LLC.

Comprehensive Plan Land Use Designation

The subject property is located within a Mixed-Use/Revitalization corridor according to the county's Comprehensive Plan Future Land Use designation. The primary future land uses within this type of corridor are for retail, office, higher density residential (including multi-family), civic uses, and open/park spaces. Developments within this corridor should be low-impact industrial or higher-density residential only where the same is found on adjacent properties.

The PRD zoning classification does not set a minimum density for multi-family development, instead setting a minimum required land area. This development proposes 330 units, requiring a minimum land area of 36.73 acres. The proposed development consists of 22.03 acres total. The development proposes a density of 14.98 units per acre.

The proposed use is inconsistent with the Comprehensive Plan as the adjacent parcels are zoned AR-IV.

Development Support and Constraints

Hall County Environmental Health

In an email dated November 15, 2021 Emily McGahee stated "Property development with on-site sewage management systems cannot be approved due to the proposed use. Sewage treatment must be provided by public sewer or EPD permitted system. 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."

Hall County Fire Services

The subject parcel is located approximately 0.5 miles from Hall County Fire Station 1, located at 2460 Athens Highway. There are 3 fire hydrants located along the frontage of the property on Athens Highway.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities on November 16, 2021, Director Srikanth Yamala stated the following:

Engineering

The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Traffic

1. Traffic impact study required.
2. Access must be approved and permitted through the Georgia Department of Transportation (GDOT).

Utilities

Gainesville sewer

Hall County Tax Assessors

No comments were provided.

Gainesville Water Resources

In an email dated September 13, 2021 Nick Swafford stated "Please allow this email to serve as notification of water and sanitary sewer availability for parcels 15023C 000010 and 15023 000009. The City of Gainesville owns and operates an existing 8-inch ductile iron pipe water main along the frontage of the property in the right-of-way of Athens Highway, as well as a 20-inch ductile iron pipe located across Athens Highway from the subject property located within the public right-of-way. The City currently has sufficient domestic water capacity to serve the proposed development.

A sanitary sewer project including a regional lift station, force main and gravity sanitary sewers that will serve the area including the intersection of Athens Highway and Gillsville Highway where the subject tracts are located, is anticipated to be completed by January 2023. Once completed, the City will have sufficient sanitary sewer capacity for the proposed development, which the City understands will consist of a multi-family development with approximately 320 units. The project will generate an average daily sewer flow of approximately 80,000 GPD and a peak flow of approximately 200,000 GPD. A developer-constructed lift station and force main may be required in order to connect to the City's proposed public sewer.

This confirmation of water and sanitary sewer availability is good for one year from the date of completion of the City's sanitary sewer project at which time, will become null and void unless engineered plans have been submitted for issuance of a development permit."

Georgia Department of Transportation

In an email dated November 17, 2021, Parker Niebauer, did not provide comments for this project.

Zoning Analysis

- The proposed development is inconsistent with the Hall County Comprehensive Plan.
- The development includes 330 multi-family units on 22.03 acres for an overall density of 14.98 units per acre.
 - This acreage exceeds the recommended density of 2 units per acre if served by public sewer, as specified within the PRD section of the Official Code of Hall County.
- A PRD allows for more flexibility in the design and development of the property. This provides for a mixture of housing types and encourages maximum use of natural features, through proper site planning measures. The development should conform to the existing character and development pattern of the surrounding area.
- §17.180.060 of the county code lists the following standards for a PRD:
 - Setbacks:
 - Minimum front yard setback from the property line of 25 feet
 - Minimum side yard setback from the property line of 5 feet
 - Minimum rear yard setback from the property line of 20 feet

- The applicant has proposed a front setback of 40 feet from Athens Highway and a 50 foot landscape buffer along the perimeter of the property; this **meets** the standard.
 - Density:

The development shall conform to 17.180.060.B.4 which requires two-story or greater multi-family developments to have 40,000 square feet per building for the first three units and 4,000 for each additional unit.

 - The developer is proposing 330 units which require 36.73 acres - the total property acreage is 22.03 acres; this **does not meet** the standard.
 - Buffers:

A minimum 50 foot planted 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 concept plan shows a 50 foot planted buffer along the perimeter of the property; this **meets** the standard.
 - Open space:

The development shall conform to all open space requirements of sections 17.430.100 through 17.430.150, as shown under the Conservation Subdivision Design Option Chapter. The only open space requirement that may differ from those standards set forth in section 17.430.110 is the open space shall comprise at least thirty percent (30%) of the gross tract area.

 - According to the concept plan, the applicant is proposing 9.48 acres of open space (43%); this **meets** the standard.
 - Architectural standards:

The following design guidelines and standards apply to all planned residential developments. Alternatively, detailed architectural design guidelines and standards can be submitted by the applicant to include garage types and placement, elevations of all sides, building materials, etc.

 - The application does not include renderings, elevations, or examples of similar developments; it is **unclear** if this meets the standard.
- The development will be served by the City of Gainesville for sewer and water.
- §17.380.050 requires any application proposing the development of 100 or more residential dwelling units to submit a traffic impact study as part of an application be. The traffic study submitted with the application is brief.
 - The applicant provided the following comments attributed to GDOT regarding the proposed development:
 - Driveway #1:
 - Add a raised island in the center of the driveway
 - Driveway #2:
 - Construct a 250-foot deceleration lane with a 100-foot taper.
 - Signal will need to be upgraded to accommodate a new signal head.
 - Thru movement and dedicated left turn lane required on SR 323/Gillsville Hwy.
 - Ensure lanes align through intersection.
 - Ensure North Bound left turn lane from SR 11 to the proposed driveway has sufficient length.

- Signal must be approved before access permit is granted.
- §17.250.020 requires 1.5 parking spaces per unit.
 - The applicant is proposing a minimum of 484 spaces for 330 units; this **does not meet** the standard.

Staff Recommendation

Staff recommends **denial** of the applicant's request; however, if the board sees fit to approve the request, staff recommends the following conditions:

9. 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.
10. The proposed residential development shall conform to §17.180.060 Planned Residential Development (PRD) standards.
11. There shall be no more than 220 total units in the development (a density of 10 units per acre).
12. The following standards shall apply to the development:
 - a. Setbacks:
 1. Front: 100 feet from center line of road
 2. Side: 50 feet
 3. Rear: 50 feet
 - b. Buildings shall be no greater than 3 stories in height when viewed from Athens Highway.
 - c. Parking: no fewer than 1.5 spaces per unit and no more than 2 spaces per unit.
 - d. Open Space: minimum of 6.6 acres (30%)
 - e. Buffers: A minimum 50 foot planted 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.
 - f. Architectural standards: All facades of all residences, shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non-residential buildings shall be prohibited.
13. All access to the development shall be from Athens Highway, and shall be reviewed and permitted by GDOT.
14. All conditions of zoning shall be made part of any plats created for the property.

Excerpts from minutes of January 18, 2022 Planning Commission meeting:

Motion: A motion was made by Ms. Pilcher and seconded by Mr. Hunt to remove item from the table. Vote: 4-0

Background Information:

The applicant is requesting to rezone two parcels totaling approximately 22.03± acres from Suburban Shopping (S-S) to Planned Residential Development (PRD) in order to construct a 330-unit multi-family development. The development is proposed as 10 buildings, three stories each, with 30 or 35

units per building. Access to the property would be two gated entrances off Athens Highway (US Hwy. 129/State Route 11).

Applicant's Presentation:

Srikanth Yamala, Interim Planning Director, presented a summary of the request. Stated applicant provided an updated site plan for 300 units.

Steve Gilliam, 340 Jesse Jewell Pkwy, Suite 200, Gainesville, presented the request. Gave a brief description of history of Mr. Twiner's business dealings. Stated a previous plan showed a convenience store, which has been scratched from the plans. All comments in reference to DOT have been accepted by applicant. Described renderings of development. There will be no phasing and construction should take about eighteen (18) months. Water and sewer will be provided by the City of Gainesville. Stated that the development is needed along the Athens Highway Corridor for workforce housing.

Michael Twiner, 5001 Hidden Branch Circle, Dunwoody, presented the request. Stated the GDOT has preplanned driving lanes related to the development. There will be left turn lanes in and out of the site on Hwy 129, developer was asked to add a dedicated through lane and dedicated left/right turn lanes out of the development. GDOT also asked for the developer to go across the street and on Gillsville Hwy, and add another through lane so that the intersection lines up. The driveway is a full movement driveway. The plan was submitted to GDOT and received comments. The average rent would be \$1350 per month. There will be 132 one bedroom units (900 sq. feet) rented at \$1,550 per month (44% of the units), 144 two bedroom units (1,150 sq. feet) rented at \$1,900 per month (48% of the units) and 24 three bedroom units (1500 sq. feet) rented at \$2,400 per month (8% of the units). Stated that the development could end up being between 220 and 300 units. Stated that he is not against 220 units, but would make the development less appealing to investors. Stated this specific plan has been built in the past in another area and can handle the elevations. Property will be gated with a leasing office.

Public Forum:

There were no comments in favor or opposition.

Planning Commission Comments:

Mr. Braswell questioned the roadway improvements to be completed by the development. Mr. Braswell requested clarification to the number of units. Stated the number of units per acre is extremely high. Mr. Braswell asked for more information on the density of the project and also questioned the rental pricing of the development. Ms. Pilcher asked if Mr. Twiner would be willing to drop development down to 220 units. Mr. Braswell stated one of the advantages of the development is the location and access. Stated he understood that the number of units is what will make the development successful. Mr. Hunt questioned the 20' landscaped buffer, plus the 30' setback along Athens Highway, stated it is lower than what is typically approved. Stated there was a 50' landscaped buffer on all other property lines. Mr. Bell also stated that the density is extremely high. There was discussion amongst the board regarding the density. Mr. Braswell stated he could accept a higher density of 264 units, but not 300 units. Mr. Hunt agreed. Mr. Braswell stated the development is in a high visible area.

Motion: *A motion to approve with conditions, was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0*

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.*
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 - f. *Architectural standards: All facades of all residences, shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non-residential buildings shall be prohibited.*
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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."



Hall County Government

PLANNING & DEVELOPMENT

Memorandum

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

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INTERIM DIRECTOR
Srikanth Yamala

To: Hall County Planning Commission
From: Beth Garmon, Principal Planner
Date: January 10, 2022
Subject: Rezoning Application of Michael Twiner

The application of Michael Twiner was previously tabled by the Planning Commission at the meeting held on December 6, 2021. At the time, the traffic impact study for the development had not been provided to staff for review.

Since that time, the traffic study has been reviewed. The analysis is included below:

The traffic impact study was prepared by A&R Engineering Inc. and completed on October 29, 2021. The areas of study include:

1. Proposed Site Driveway #1 – intersection of Athens Highway (US 129) and Gillsville Highway (SR 323)
2. Proposed Site Driveway #2 – Athens Highway (US 129) at GDOT Facilities' southern driveway

GDOT Project ID #122150 includes the widening of Athens Highway from two lanes to a four-lane, median-divided highway from south of Gillsville Highway (SR 323) to the town of Talmo in Jackson County. Construction began in 2016 and will be complete in 2022.

Existing Operations Levels of Service (LOS) for each area studied:

1. AM Peak Hour – A (overall)
PM Peak Hour – B (overall)
2. AM Peak Hour – A (westbound approach)
PM Peak Hour – C (westbound approach)

Future No-Build Operations Levels of Service (LOS) for each area studied:

1. AM Peak Hour – A (overall)
PM Peak Hour – B (overall)
2. AM Peak Hour – C (westbound approach)/A (southbound left)
PM Peak Hour – B (westbound approach)/A (southbound left)

Future Operations with Build Scenerio Levels of Service (LOS) for each area studied:

1. AM Peak Hour – A (overall)
PM Peak Hour – B (overall)
2. AM Peak Hour – C (east and westbound approaches)/A (north and southbound left)
PM Peak Hour – D (east and westbound approaches)/A (north and southbound left)

The following site mitigation improvements were accounted for in the Build Scenario model and are recommended:

SR 11/US 129 (Athens Highway) and SR 323 (Gillsville Highway) / Site Driveway 1 (Northern)

- Driveway approach is to be the eastbound approach and 4th leg to the existing signalized intersection.
- Driveway approach is to include a dedicated left turn lane and a shared through/right turn lane.
- Addition of a westbound left turn lane on Gillsville Highway at the intersection, existing asphalt is available to restripe a left turn lane.
- Restriping of existing westbound left turn lane to a through lane on Gillsville Highway at the intersection.
- Eastbound left turn is to include a permissive phase only.
- A southbound deceleration lane is recommended on Athens Highway at Driveway 1.

SR 11/US 129 (Athens Highway) and GDOT Facility southern driveway / Site Driveway 2 (Southern)

- The GDOT improvement plans include a northbound u-turn lane on Athens Highway. It is recommended that the u-turn lane is restriped to a left turn lane.
- A southbound deceleration lane is recommended on Athens Highway at Driveway 2.
- Site Driveway 2 approach is to include a shared left-turn through lane and a channelized right turn lane.
- Driveway approach is to be stop-sign controlled.

It is staff's recommendation that these improvements be included as conditions of zoning, should the board see fit to approve the rezoning request.

Please find the referenced traffic impact study attached.