

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Highlands Residential, LLC

Request Amend conditions of a Planned Commercial Development (PCD)

Proposed Use 152 unit senior living facility

Size 5.77± acres

Zoning PCD

Location On the north side of Thompsons Mill Road approximately 1049 feet from its intersection with Napa Ridge Road; a.k.a. 5596, 5608, 5614, and 0 Thompsons Mill Road; Tax Parcel 15041 000020, 000013, 000056, and 000191

Commission District One

Planning Commission Date April 18, 2022

Staff Recommendation **Approval, with conditions**

Planning Commission Recommendation – Approval, with conditions
Vote: 4-0 (Varner absent)

Conditions:

1. *All conditions of zoning from the January 9, 2020 approval shall remain.*
 1. *The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval.*
 2. *Development shall not exceed 152 residential units.*
 3. *Development shall not exceed 150,000 square feet of heated floor space.*
 4. *All development shall conform with §17.420 Gateway Corridors Overlay District (GCOD).*
 5. *All conditions of zoning shall be made a part of any plat of the property.*
 6. *The community shall be an age-restricted community in compliance with the Housing For Older Persons Act of 1995 (“HOPA”). All households shall have one leaseholder who is fifty-five (55) years of age of older (“Qualifying Occupant”), except for certain permitted exceptions (the “Permitted Exceptions”), provided that this change in occupancy does not violate HOPA. Permitted Exceptions are limited to:*
 1. *Death, separation, incapacitation of the Qualifying Occupant;*

2. *In the case of no more than 5% of the units, the household requires the features of mobility accessibility of the units.*

Other than as allowed by Permitted Exceptions for those requiring the features of mobility accessibility, no units shall be occupied by a person under the age of fifty (50) years old, provided however that the household may have younger visitors not to exceed 14 days in any calendar year.

In all cases, any exemptions required by HUD, FHA, or other governmental agencies to the age-restricted policy of the community will apply.

2. *Access to the property will be permitted to the unnamed county road between Thompsons Mill Road and State Highway 347 to be constructed by the Applicant, at the Applicants expense, as shown on the site plan submitted as part of this application.*
3. *The unnamed county road shall be constructed to Hall County standards and approved by the BOC.*

Applicant Proposal

The applicant is requesting to amend one condition of a rezoning request approved on January 9, 2020 for a 152 unit senior living facility. Condition one of the approval stated that “The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval.” Originally, no connection had been proposed onto Friendship Road from the development, so the narrative included the following sentence: “Access to the property will be on Thompsons Mill Road rather than State Highway 347.”

Since the rezoning approval, it was found that residents of the area currently utilize an informal connection on a parcel adjacent to this property, to connect between Thompsons Mill Road and Friendship Road (SR 347).

Upon learning this, the applicant met with the Georgia Department of Transportation (GDOT) and Hall County Engineering to discuss formalizing the connection by developing a road between Friendship Road and Thompsons Mill Road. The applicant and GDOT will both donate necessary right of way and the applicant will be paying for construction of the new road. The road will be designated for “right in and right out” access only.

In order to do this, the applicant has requested to add the following condition, “Access to the property will be on an unnamed road between Thompsons Mill Road and State Highway 347 to be constructed by Applicant as shown on the attached site plan.”

History and Existing Land Uses

The subject property consists of four tracts totaling approximately 5.77± acres which are zoned Planned Commercial Development (PCD). The parcels were rezoned to PCD in January of 2020 for the purpose of constructing a senior living facility. Since the rezoning approval the property was issued a land disturbance permit in August 2021 for site development.

The property has frontage on both Thompsons Mill Road and Friendship Road. The adjacent properties to the east and west are zoned AR-IV; the property to the west is developed with a church and the parcel to the east is developed with a single-family residence. Across Thompsons

Mill Road is Del Webb Chateau Elan subdivision, which is within the town limits of Braselton. The property across Friendship Road is zoned AR-IV and is developed with a single-family residence.

Comprehensive Plan Land Use Designation

The subject area falls within the “Revitalization Corridor” future land use designation. Revitalization Corridors often link activity centers and neighborhoods. This corridor is characterized by retail activities, office-based employment, civic uses, and single-family residential developments. Low-impact industrial or higher density residential is appropriate where the same is found on adjacent properties.

The subject parcel also falls within the Gateway Corridors Overlay District (GCOD) and is supplemental to the underlying zoning district classifications. The GCOD governs non-residential property development standards.

The request is consistent with the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health

In an email dated March 25, 2022, Emily McGahee provided the following comment: Public sewer. 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 property is located approximately 2.1 miles from Hall County Fire Station #14 located at 7065 Dove Point Lane. The nearest fire hydrant is located in front of the property along Thompsons Mill Road.

Hall County Public Works and Utilities

In a memo dated March 31, 2022, from Bill Nash, Interim Director of Public Works and Utilities, the following comments were provided:

Engineering

No comment.

Traffic Engineering

The proposed new roadway does not appear to meet County road standards and, if considered, will need to be private (not County maintained). May be possible issues with the development driveway on the proposed new roadway. Any Friendship Road (SR347) access will need to be approved/permitted by GDOT. Any Thompsons Mill Road access will need to be approved/permitted by Hall County.

Utilities

No comment.

Hall County Tax Assessors

No comments provided.

Gainesville Water Resources

Public water is available from the city of Gainesville along both Thompsons Mill Road and

Friendship Road.

Braselton Sewer Service

Sewer service will be provided by the Town of Braselton.

Georgia Department of Transportation

In an email dated March 31, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor for the Georgia Department of Transportation, acknowledged that this project would require GDOT coordination.

Zoning Analysis

- The proposed use is consistent with the Hall County Comprehensive Plan.
 - The proposed use of a senior living facility was approved by the Hall County Board of Commissioners in January 2020.
- The applicant had requested to amend the original approval which limited access only to Thompsons Mill Road.
- The access to the development will now be on a newly constructed road (at the applicants expense), to the west of the development, adjacent to the existing church.
 - This will formalize a connection which has been used by residents between Thompsons Mill Road and Friendship Road (SR 347).
- The applicant has indicated in their narrative that the Georgia Department of Transportation (GDOT) has approved the project.

Staff Recommendation

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

1. All conditions of zoning from the January 9, 2020 approval shall remain.
 7. The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval.
 8. Development shall not exceed 152 residential units.
 9. Development shall not exceed 150,000 square feet of heated floor space.
 10. All development shall conform with §17.420 Gateway Corridors Overlay District (GCOD).
 11. All conditions of zoning shall be made a part of any plat of the property.
 12. The community shall be an age-restricted community in compliance with the Housing For Older Persons Act of 1995 ("HOPA"). All households shall have one leaseholder who is fifty-five (55) years of age or older ("Qualifying Occupant"), except for certain permitted exceptions (the "Permitted Exceptions"), provided that this change in occupancy does not violate HOPA. Permitted Exceptions are limited to:
 3. Death, separation, incapacitation of the Qualifying Occupant;
 4. In the case of no more than 5% of the units, the household requires the features of mobility accessibility of the units.

Other than as allowed by Permitted Exceptions for those requiring the features of mobility accessibility, no units shall be occupied by a person under the age of fifty (50) years old, provided however that the household may have younger visitors not to exceed 14 days in any calendar year.

In all cases, any exemptions required by HUD, FHA, or other governmental agencies to the age-restricted policy of the community will apply.

13. Access to the property will be on an unnamed road between Thompsons Mill Road and State Highway 347 to be constructed by Applicant as shown on the attached site plan.
2. Access to the property will be permitted to the unnamed road between Thompsons Mill Road and State Highway 347 to be constructed by Applicant, at the Applicants expense, as shown on the site plan submitted as part of this application.

Excerpts from the minutes of the meeting of April 18, 2022

Applicant's Presentation:

David Webb, Principal Planner, presented a summary of the request.

Steve Gilliam, 340 Jesse Jewell, Gainesville, presented the request. The applicant stated that since the development was built there have been some issues with the residents using the nearby church parking lot as a cut through.

Dave Loeffel, 3200 Windy Hill Road, Atlanta, presented the request. The applicant stated that they have been working with GDOT to have a right in, right out unnamed road added to avoid cutting through the church and to ensure public safety. The applicant stated that the road would be built by the developer per Hall County standards at the developer's expense to be maintained by Hall County.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Ms. Pilcher questioned whether there would be signage indicating that there is a new road to enter the development to avoid cutting through the church. Mr. Bell stated that it might be something the church would have to do. Mr. Loeffel stated that they would work with the church if needed.

Motion: A motion was made by Mr. Bell and seconded by Mr. Hunt. Vote: 4-0 (Varner absent)

Conditions:

4. *All conditions of zoning from the January 9, 2020 approval shall remain.*
 14. *The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval.*
 15. *Development shall not exceed 152 residential units.*
 16. *Development shall not exceed 150,000 square feet of heated floor space.*
 17. *All development shall conform with §17.420 Gateway Corridors Overlay District (GCOD).*

18. All conditions of zoning shall be made a part of any plat of the property.

19. The community shall be an age-restricted community in compliance with the Housing For Older Persons Act of 1995 ("HOPA"). All households shall have one leaseholder who is fifty-five (55) years of age or older ("Qualifying Occupant"), except for certain permitted exceptions (the "Permitted Exceptions"), provided that this change in occupancy does not violate HOPA. Permitted Exceptions are limited to:

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