HALL COUNTY BOARD OF COMMISSIONERS
WORK SESSION AGENDA

Hall County Government Center 2nd Floor
2875 Browns Bridge Road
Gainesville, GA 30504
Streamed Live on Hall County Government's Website - www.hallcounty.org
Monday, February 20, 2023 - 03:00 PM

Call to Order

Appointments for Consideration

1 Appointment to the Lanier Joint Development Authority to serve a term from March 2, 2023 to March 1, 2027. Commission Districts 1, 2, 3, & 4.

2 Appointment to the Lanier Joint Development Authority to serve a term from March 2, 2023 to March 1, 2027. Commission Districts 1, 2, 3, & 4.

County Attorney

3 Approval and authorization for the Chairman to execute settlement participation forms involving the Teva, Allergan, CVS, Walgreens, and Walmart National Opioid Settlements, and authorization for the Chairman to sign any and all additional documents necessary to effectuate the settlements, subject to review and approval by the County Attorney.

Financial Services

4 Approve the Fiscal Year 2023 Mid-Year Budget Reconciliation Resolution.

Management Information Systems (MIS)

5 Approve the purchase of network equipment upgrades for Management Information Systems (MIS) to Lockstep Technology Group of Peachtree Corners, GA, in the amount of $184,410.13.

Planning and Development

6 Approve the Recommendation from the Hearing Officer regarding an Alcohol Violation for Nooruddin Virani, Managing Agent/Licenseholder for Shell Food Mart located at 5804 Cornelia Hwy, Alto, GA 30510.

7 **6541 Henry Smith Road | Appeal a Planning Commission Decision** | for a Use Subject to Planning Commission approval on a 5.65± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road | Zoned AR-IV; Tax Parcel 11023 000024 | **Proposed use: rural business** | Commission District 3 | **Gary Copeland, applicant.** NOTE: Tabled at the January 12, 2023 Voting Meeting until the February 23, 2023 Voting Meeting.

8 **4020 & 3886 Cornelia Highway and 4761 Cagle Mill Road | Rezone** | from Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 134.14± acre tract located on the south side of Cornelia Highway approximately 679 feet from its intersection with Cagle Road | Zoned AR-III & AR-IV; Tax Parcel 15007 000129, 000270, & 000027A | **Proposed use: heavy industrial** | Commission District 3 | **Ridgeline Land Planning, Inc, applicant.** NOTE: Tabled at the December 8, 2022 Voting Meeting until the January 26, 2023 Voting Meeting. NOTE: Tabled at the January 26, 2023 Voting Meeting until the February 23, 2023 Voting Meeting.

9 **5871 McEver Road | Rezone** | from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 | **Proposed use: RV & boat storage** | Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.** NOTE: Tabled at the January 12, 2023 Voting Meeting until the February 23, 2023 Voting Meeting.

10 **5871 McEver Road | Use Subject to County Commission Approval** | on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 | **Proposed use: RV & boat storage** | Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.** NOTE: Tabled at the January 12, 2023 Voting Meeting until the February 23, 2023 Voting Meeting.

11 **4053 Cleveland Highway | Rezone** | from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant** | Commission District 3 | **Reginald Crayton, P.E., applicant.** NOTE: Tabled at the January 12, 2023 Voting Meeting until the February 23, 2023 Voting Meeting.

12 **4053 Cleveland Highway | Use Subject to County Commission Approval** | on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III, pending BOC Approval S-S; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant** | Commission District 3 | **Reginald Crayton, P.E., applicant.**

13 **3515 Friendship Road | Variance |** a variance from §17.420 to allow gravel parking within the Gateway Corridors Overlay District; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet; on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B **| Proposed use: event venue |** Commission District 1 **| Matthew Miller, applicant.**

14 **3515 Friendship Road | Use Subject to County Commission Approval |** on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B **| Proposed use: event venue |** Commission District 1 **| Matthew Miller, applicant.**

15 **6016 Lanier Islands Parkway | Amend Conditions |** of a Highway-Business (H-B) on a 9.65± acre tract located on the west side of Lanier Islands Parkway approximately 492 feet from its intersection with Beards Road | Zoned H-B; Tax Parcel 07330 001004 **| Proposed use: boat & RV storage |** Commission District 2 | **Jan Fisher, applicant.**

16 **2079, 0, & 0 Memorial Park Drive | Use Subject To County Commission Approval |** on a 15.83± acre tract located on the north side of Memorial Park Drive at its intersection with Centennial Drive | Zoned I-I; Tax Parcel 08007 003011, 003029, & 08008 000044 **| Proposed use: egg processing |** Commission District 4 **| David Sutherland, applicant.**

17 **5937 Union Church Road | Rezone | from Agricultural-Residential-IV (AR-IV) to Highway-Business (H-B)** on a 1.33± acre tract located on the north side of Union Church Road at its intersection with Old Winder Highway | Zoned AR-IV; Tax Parcel 15039A000024 **| Proposed use: 8000 square foot speculative building |** Commission District 1 **| Rochester|DCCM, applicant.**

Public Works and Utilities

18 Public Hearing to abandon 660 linear feet of N Waterworks Road, all of Seymour Circle consisting of approximately 900 linear feet, and all of Seymour Drive consisting of approximately 760 linear feet and authorize the Chairman to execute any and all documents necessary to convey the property, subject to review and approval by the County Attorney. Commission District 2.

19 Approve the RFQ/P #43-043 Augmented Staffing Services for CDL Drivers for the Landfill, Resource Recovery and Solid Waste Divisions to E.D. Staffing, LLC of Marietta, GA. The estimated annual cost is $626,080.00.

20 Approve the acceptance of a $187,250.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Mount Vernon Manor Subdivision. Commission District 3.

Tax Assessors

21 Approve the real property refund in the amount of $3,925.02 for overpayment of Hall County taxes regarding property located at 4117 Creek Water Crossing, Flowery Branch, GA 30542 to Dale Struble, II.

22 Approve the real property refund in the amount of $1,648.84 for overpayment of Hall County taxes regarding property located at 7366 Grand Reunion Drive, Hoschton, GA 30548 to Michael Dellas.

County Administrator

Public Comments (PUBLIC HEARING ITEMS {i.e. ZONINGS, ORDINANCE CHANGES, ETC.} WILL ONLY BE RECEIVED AT THE REGULAR SCHEDULED VOTING MEETINGS IN WHICH THE ITEM IS TO BE HEARD) 2 minutes per speaker/20 minutes

Commission Time

Adjourn

Hall County Government welcomes people with disabilities and their trained service animals. For questions about accessibility or to request reasonable accommodations please contact Maria Tuck, Compliance Specialist at 770-531-6712 48 hours prior to the event or as soon as possible.

AGENDA ITEM

Appointments for Consideration

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 86/2023

SUBJECT: Appointment to the Lanier Joint Development Authority to serve a term from March 2, 2023 to March 1, 2027. Commission Districts 1, 2, 3, & 4.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: BoC

Recommendation:
N/A

Purpose of Request:
Appointment to the Lanier Joint Development Authority to serve a term from March 2, 2023 to March 1, 2027. Commission Districts 1, 2, 3, & 4.

History:
Tim Evans is the current appointment.

Facts and Issues:
Mr. Evans is willing and eligible to serve another term.

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Approve	Attorney	Administration	Clerk
JR	WLI	CR	JR

Attachments:

AGENDA ITEM

Appointments for Consideration

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 87/2023

SUBJECT: Appointment to the Lanier Joint Development Authority to serve a term from March 2, 2023 to March 1, 2027. Commission Districts 1, 2, 3, & 4.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: BoC

Recommendation:
N/A

Purpose of Request:
Appointment to the Lanier Joint Development Authority to serve a term from March 2, 2023 to March 1, 2027. Commission Districts 1, 2, 3, & 4.

History:
David Lee is the current appointment.

Facts and Issues:
Mr. Lee is willing and eligible to serve another term.

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Approve	Attorney	Administration	Clerk
JR	WLI	CR	JR

Attachments:

AGENDA ITEM

County Attorney

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 68/2023

SUBJECT: Approval and authorization for the Chairman to execute settlement participation forms involving the Teva, Allergan, CVS, Walgreens, and Walmart National Opioid Settlements, and authorization for the Chairman to sign any and all additional documents necessary to effectuate the settlements, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: BL

Recommendation:
Approve

Purpose of Request:
Approval and authorization for the Chairman to execute settlement participation forms involving the Teva, Allergan, CVS, Walgreens, and Walmart National Opioid Settlements, and authorization for the Chairman to sign any and all additional documents necessary to effectuate the settlements, subject to review and approval by the County Attorney.

History:
The State of Georgia has agreed to participate in new proposed national opioid settlements with Teva, Allergan, CVS, Walgreens, and Walmart, and in order to determine the state's share of settlement proceeds, counties must make an election as to whether to participate in the settlements.

Facts and Issues:
Hall County's portion of the settlement proceeds is not ascertainable at this time. In order to determine Hall County's share, the number of jurisdicitions participating in the settlements must be determined no later than April 18, 2023.

Options:
If Hall County elects not to participate in the settlements, the County might explore other remedies allowed by law.

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes

Has it been reviewed by the County Attorney? Yes

Is there a deadline for this item?

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	WLI
Administration		**Clerk**	
CR		JR	

Attachments:

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 68/2023

Funds Requested: $ 0.00

Request Budgeted: No

Proposed Source of Funding:

Budget Transfer Requested: No

Funding Source Items:

Budget Transfer Items:

Additional Information/Comments:

N/A

Contact for Questions: BL

Phone: 770-297-2686

AGENDA ITEM

Financial Services

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 65/2023

SUBJECT: Approve the Fiscal Year 2023 Mid-Year Budget Reconciliation Resolution.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: WG

Recommendation:
Approve

Purpose of Request:
Approve the Fiscal Year 2023 Mid-Year Budget Reconciliation Resolution.

History:
This is the annual financial status review / reconciliation of the County.

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2023-02-23

Approvals:

Submit	Budget	Finance	Attorney
TS	EW	JR	WLI
Administration		**Clerk**	
CR		JR	

Attachments:

AGENDA ITEM

Management Information Systems

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 63/2023

SUBJECT: Approve the purchase of network equipment upgrades for Management Information Systems (MIS) to Lockstep Technology Group of Peachtree Corners, GA, in the amount of $184,410.13.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: DS

Recommendation:
Approve the purchase of network equipment upgrades for Management Information Systems (MIS) Department, to Lockstep Technology Group of Peachtree Corners, GA, in the amount of $184,410.13.

Purpose of Request:
This request is for the purchase of network equipment to replace end-of-life and end-of-support network infrastructure that is still in production on the Hall County Government network.

History:
The replacement of this equipment is vital for the continued security and stability of the County's network infrastructure.

Facts and Issues:
The MIS department would like to purchase this equipment from Lockstep Technologies, which is an authorized value reseller for Extreme Networks brand, who is a Statewide Purchasing Contract awardee for this equipment. Statewide contract number: 99999-SPD-T20120501-0009.

Options:
State Contract: 99999-SPD-T20120501-0009

Funding Requested	$ 184,410.13
Are funds within current budget?	Yes
Source of Funds	Capital Projects
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2023-02-06

Approvals:

Buyer	Submit	Purchasing	Budget
AP	DS	AP	EW
Finance	**Attorney**	**Administration**	**Clerk**
WG	WLI	CR	JR

Attachments:

Financial Supplement
Lockstep Technology Group Quote

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 63/2023

Funds Requested: $ 184,410.13

Request Budgeted: Yes

Proposed Source of Funding:

Capital Projects

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	005 - CAPITAL PROJECTS	505 - M.I.S.	6008 - COMPUTERS/SOFTWARE	$184,410.13

Budget Transfer Items:

Additional Information/Comments:

This project information will be updated with the mid-year Capital Improvement Plan documents.

Contact for Questions: DS

Phone: 770-531-6704

LOCKSTEP TECHNOLOGY GROUP

Hall Gov - Switch Refresh with NAC

Quote #ATLQ013418 v4

Prepared For:
Hall County Government
Kevin York
470 Crescent Dr
Gainesville, GA 30501

P: (678) 316-0016
E: kyork@hallcounty.org

Prepared By:
Lockstep Technology Group
Wesley Greer
190 Technology Pkwy NW Suite 125
Peachtree Corners, GA 30092

P: 678-860-0514
E: wgreer@lockstepgroup.com

Date Issued:
02.10.2023

Expires:
03.10.2023

State Contract : 99999-SPD-T20120501-0009		Price	Qty	Ext. Price
5320-48P-8XE	**5320 Universal Switch with 48 x 10/100/1000BASE-T Full/Half Duplex 802.3at 30W PoE Ports 8 x 10Gb SFP+ Uplink Ports (Need 10G Upgrade License) 1 Internal Fixed AC PSU Fixed Fan Base Software Licen**	$2,974.12	38	$113,016.56
10099	**Power Cord 15A USA NEMA 5-15 C15**	$14.62	38	$555.56
XIQ-NAC-S-1K-EW	**ExtremeNAC SW Subscription for 1000 End-Systems for 1Year ExtremeWorks COTERM: This Term: 1095 Days**	$4,593.75	3	$13,781.25
XIQ-PIL-S-C-EW	**XIQ Pilot SaaS EW SaaS Support - ExtremeCloud IQ Pilot Saas Subscription and EW SaaS Support for One -1 Device COTERM: This Term: 1095 Days**	$196.88	1	$196.88
97000-5520-24X	**EW Software & TAC - 5520-24X COTERM: This Term: 1095 Days**	$1,830.94	1	$1,830.94
97000-5320-24P-8XE	**EW Software & TAC - 5320-24P-8XE COTERM: This Term: 1095 Days**	$459.19	8	$3,673.52
97000-5320-48P-8XE	**EW Software & TAC - 5320-48P-8XE COTERM: This Term: 1095 Days**	$770.16	38	$29,266.08
5520-24X	**ExtremeSwitching 5520 24 1Gb/10Gb SFP+ Ports 2 Stacking/QSFP28 1 Unpo5520-24Tn Modules 2 Unpopulated Modular PSU Slots (Includes 1 Year XIQ Pilot Cloud Subscription)**	$6,219.38	1	$6,219.38
XN-ACPWR-350W-FB	**350W AC Power Supply - Front to Back Airflow**	$373.12	2	$746.24
10099	**Power Cord 15A USA NEMA 5-15 C15**	$14.62	2	$29.24
XIQ-PIL-S-C-EW-DELAY	**XIQ Pilot SaaS EW SaaS Support 1 Year Delay COTERM: This Term: 1095 Days**	$196.88	4	$787.52
5320-24P-8XE	**5320 Universal Switch with 24 x 10/100/1000BASE-T Full/Half Duplex 802.3at 30W PoE Ports 8 x 10Gb SFP+ Uplink Ports (Need 10G Upgrade License) 1 Internal Fixed AC PSU Fixed Fan Base Software Licen**	$1,773.75	8	$14,190.00
10099	**Power Cord 15A USA NEMA 5-15 C15**	$14.62	8	$116.96
		Subtotal:		**$184,410.13**

Quote Summary	Amount
State Contract : 99999-SPD-T20120501-0009	$184,410.13
Total	**$184,410.13**

State & Local sales tax (when applicable) will be applied upon invoice.

The obligations of both Lockstep Technology Group and the services, payment or other matters specified herein are governed by Lockstep Technology Group's Standard Terms and Conditions (https://lockstepgroup.com/terms-and-conditions/).

Lockstep Technology Group reserves the right to partially bill the end user for products as they ship from the manufacturer. Lockstep will bill upon receipt of hardware at the end user location or equipment staging location using the terms in compliance with our standard T&Cs.

LOCKSTEP TECHNOLOGY GROUP

Acceptance

Print Name / Title	Signature	Date
		02/10/2023

AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 73/2023

SUBJECT: Approve the Recommendation from the Hearing Officer regarding an Alcohol Violation for Nooruddin Virani, Managing Agent/Licenseholder for Shell Food Mart located at 5804 Cornelia Hwy, Alto, GA 30510.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD

Recommendation:
Approve. It is recommended that the licensee be fined $350.00.

Purpose of Request:

To allow the renewal of the beer and wine package license and impose a fine of $350.

History:

1. A hearing was required by Hall Code before the license could be renewed because the GA Department of Revenue had found them guilty of selling alcohol to a minor.
2. The hearing was conducted on January 19, 2023.
3. The hearing officer, Kristin K.Bloodsworth, has recommended that a $350 fine be imposed and that the licensee be allowed to renew the license since this was their first offense and measures have been taken to prevent this type of violation from occuring in the future.

Facts and Issues: **Options:**

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
BS	RD	TS	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Recommendation from the Hearing Officer
Map

STEWART MELVIN & FROST

ATTORNEYS AT LAW

AN UNCOMMON PRACTICE

January 23, 2023

RECEIVED
JAN 31 2023
BY:

Jennifer Rivera, Clerk
Hall County Board of Commissioners
P.O. Box 1435
Gainesville, GA 30503

Re: In the Matter of Nooruddin Virani Recommendation

Dear Ms. Rivera,

Please find enclosed a copy of my Recommendation, made pursuant to Hall Code Section 5.60.190(F). I understand that this Recommendation is to be transmitted to you, with copies to Mr. Virani, Business License Director Brandi Smith, and County Administrator Zach Propes. I further understand that this matter will be placed on the next regular meeting agenda.

If you have any questions, feel free to let me know.

Sincerely,

Kristin K. Bloodworth

Enclosures.

cc: Nooruddin Virani/Licensee, Business License Director Brandi Smith, County Administrator Zach Propes, and Deputy County Attorney William Linkous

200 MAIN STREET, SUITE 600 P.O. BOX 3280 · GAINESVILLE, GEORGIA 30503 P: 770.536.0101 F: 770.532.2171 OR 770.287.2513 · WWW.SMF-LAW.COM

MARK W. ALEXANDER • RYAN S. BALL • SCOTT A. BALL • KRISTIN K. BLOODWORTH • WHITNEY S. BROWN • RONALD F. CHICKEN • STEVEN A. CORNELISON
BROOK A. DAVIDSON • JENIFIR DIMO • CHARLES E. DUBOSE, JR. • J. C. HIGHSMITH, JR. • D. THOMAS LEFEVRE • ANNA A. ORKINS • JOHN P. STRUPE
ERIC P. WILBORN • AMANDA H. YENERALL • J. RANDALL FROST OF COUNSEL • T. TREADWELL SYFAN OF COUNSEL • NANCY L. RICHARDSON OF COUNSEL

BEFORE THE HALL COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF:
NOORUDDIN VIRANI
d/b/a SHELL FOOD MART
5804 CORNELIA HWY
ALTO, GA 30510

RECOMMENDATION

Pursuant to Hall County Code Section 5.30.190(F), the following report is submitted for the Hall County Board of Commissioners' review and consideration.

On January 19, 2023, the above-referenced matter was heard pursuant to Hall County Code Section 5.30.190(A). At the hearing, Hall County was represented by counsel, Deputy County Attorney William Linkous, and Shell Food Mart was represented by Nooruddin Virani ("Mr. Virani" or "Licensee"). The Hearing Officer asked if either party had any preliminary matters to address and none were presented. Thereafter, both parties had an opportunity to present opening statements, evidence in support of their claim or defense, and closing statements. Hall County presented three witnesses: Director of the Hall County Business License Division, Brandi Smith, and two agents from the Georgia Department of Revenue, Special Agent Mary Ellen Loggins and Special Agent Brianna Brinkman. The Licensee spoke on his behalf and did not present any additional witnesses. All hearing exhibits, which were admitted without objection, are attached hereto and incorporated herein. The following facts and evidence discussed are based upon the parties' presentations at the hearing.

I. Findings of Fact

On September 15, 2022, the Georgia Department of Revenue ("GDR") conducted an investigation regarding the sale of alcohol to underage persons at multiple business locations in the North Georgia area. As part of its investigation, GDR randomly selected the Shell Food Mart for an attempted purchase of alcohol by an underage compliance operative ("underage operative").

Three GDR agents and the underage operative participated in the investigation. Special Agent Brinkman testified that she witnessed the underage operative enter the Shell Food Mart, select a 25 oz. Bud Light Beer Can from the refrigerated cooler, and purchase said beverage using cash. Special Agent Brinkman further testified that the underage operative was able to purchase the alcoholic beverage from a Shell Mart Food clerk, April Roark, without being asked for proper identification.

After the alcohol purchase, Special Agent Loggins issued an administrative citation to the Licensee, for selling or otherwise furnishing alcoholic beverages to an underage person at the licensed place of business, in violation of Georgia Rules and Regulations Rule 560-2-2-.25. A hearing was scheduled for October 20, 2022, before a GDR Administrative Hearing Officer. Prior to the hearing, the Licensee elected to forgo an evidentiary hearing and entered a plea of no contest. The Licensee was ordered to pay an administrative penalty in the amount of $850.00 and was placed on a 12-month probation. *See* Hall County Exhibit 1: Executive Order.

On November 15, 2022, Nooruddin Virani, submitted his Alcohol Beverage License Renewal Application. Within his application, Mr. Virani self-reported that the Shell Food Mart had been cited with a violation of state law within the past twelve months. The Licensee's application and testimony at the hearing demonstrated that the clerk who sold alcohol to the underage operative was new and not yet fully trained, that the clerk did not properly scan the beverage before it was sold to the underage operative, and that the Licensee terminated the clerk's employment. *See* Hall County Exhibit 2: Alcohol Beverage License Renewal Application.

Upon receipt and review of Mr. Virani's renewal application, Hall County Business License Division Director Brandi Smith began investigating the incident. Director Smith communicated with Special Agent Loggins and Mr. Virani, who provided her with a copy of the Administrative Hearing Officer's Executive Order. Director Smith did not find any previous violations for the Licensee. Agent Loggins also stated she had not received any prior violation complaints regarding the Shell Food Mart before it was selected for a random investigatory operation. In consideration of the Licensee's first offense and fines instituted against other businesses for similar violations, Director Smith recommended the Licensee be fined, in the amount of $350.00.

II. Applicable Hall County Code Sections

5.30.140 – Minors

A. All persons seeking to purchase alcoholic beverages within the unincorporated area of the county shall be required to provide proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older regardless of apparent age....License holders whose employees or agents fail to request proper identification upon the sale of an alcoholic beverage shall upon conviction be assessed a fine of no less than $100.00 for the first offense, and a fine of no less than $250.00 for a second offense and all subsequent offenses. All such fines shall be levied against the actual license holder at the licensed location, rather than against the person failing to request that a customer provide proper identification.

C. Any license holder who sells an alcoholic beverage to a person under the age of 21 years without requiring proper identification in violation of state law (or whose agent or employee does so) may, at the sole discretion of the board of commissioners, be subject to the revocation or suspension of his or her license upon the first offense, and the severity of the sanction may be based upon the severity of the offense.

5.30.180 – Grounds for Revocation or Suspension of License

A. Violation by the licensee of any state or federal law or regulation, except misdemeanors, or of any resolution or ordinance of the county, other than traffic violations.

C. Any conduct on the part of the licensee or his employees contrary to the public welfare, safety, health or morals.

E. The violation of any state or federal law or regulation, municipal ordinance, or county resolution or ordinance pertaining to alcoholic and malt beverages and wines. This ground specifically includes any violation of any provision of this chapter.

III. Analysis

The testimony and additional evidence presented demonstrates a person under the age of 21 was permitted to purchase an alcoholic beverage without providing proper identification at the Shell Food Mart on September 15, 2022. Such a violation is a concern to the health and safety of the community.

Following the incident, the Licensee demonstrated a proactive response. The clerk who sold alcohol to an underage person was terminated. The Licensee entered a plea and paid the required Georgia Department of Revenue fine. Further, the Licensee self-reported the incident to the Hall County Business License Division. The Licensee also assisted Director Smith with her investigation by providing requested documents and responding to her investigation honestly. The Licensee recognized the clerk's mistake and represented that employee training will be conducted.

In consideration of the Licensee's response to both the Georgia Department of Revenue and the Hall County Business License Division, it appears the Licensee has taken affirmative steps to ensure future compliance with local and state law concerning the sale of alcohol to underage persons. With the Licensee's first offense and actions taken following the violation, no suspension or revocation appears necessary to deter future violations. Therefore, Director Smith's request for a fine in the amount of $350.00, which is consistent with fines instituted for similar violations, is well taken.

IV. Recommendation

Based on the foregoing analysis, it is RECOMMENDED that the Licensee be fined $350.00.

Respectfully submitted this 23rd day of January, 2023.

Kristin K. Bloodworth
Hearing Officer

BEFORE THE GEORGIA DEPARTMENT OF REVENUE

IN THE MATTER OF:
NOORUDDIN VIRANI
d/b/a: SHELL FOOD MART
5804 CORNELIA HWY
ALTO, GA 305102214

ALLN: 0093002
CITATION NO. A202209150530036-C1
LETTER ID: L0568822960

EXECUTIVE ORDER

The Georgia Department of Revenue ("Department") issued an administrative citation that charged the above-referenced Licensee with selling or otherwise furnishing alcoholic beverages to an underage person at the licensed place of business, in violation of Revenue Regulation 560-2-2-.25.

A hearing was scheduled for October 20, 2022, before the undersigned Administrative Hearing Officer to provide the Licensee with an opportunity to respond to the Department's charge. Prior to the hearing date, the Licensee entered a PLEA OF NO CONTEST and elected to forgo an evidentiary hearing. Thus, in accordance with the Department's Progressive Discipline Policy, it is

ORDERED that the Licensee be fined an administrative penalty in the amount of $850.00; it is further

ORDERED that the Licensee's license be placed on probation for a period of 12 months from the hearing date; it is further

ORDERED that if the Licensee fails to pay the administrative penalty on or before the effective date of this Order, the Licensee's license shall be suspended until the Licensee pays said administrative penalty.

This Order shall become effective on the 10th calendar day following the date of service. Further proceedings in this matter shall be governed by Revenue Regulation 560-2-2-.07 and Revenue Regulation 560-2-16-.05.

So ordered, this 18th day of October, 2022.

FOR THE COMMISSIONER:

Nico Kairies
ADMINISTRATIVE HEARING OFFICER

Hall County Exhibit 1

HALL COUNTY
ALCOHOL BEVERAGE LICENSE
RENEWAL APPLICATION

For License Year 2023 County License # _____ State License # _____

Due November 15, 2022

INSTRUCTIONS: Fully **ANSWER ALL** questions.
If the space provided is not sufficient, answer the question on a separate sheet and indicate in the space provided that such separate sheet is attached. When completed, original application must be dated, signed and verified under oath by the applicant and submitted to the Hall County Business License Department; together with all supporting papers and payment.
Any applications received after November 15, 2022 are automatically assessed a 10% penalty and 1% per month interest for each month or fraction thereof. Incomplete applications will NOT be accepted.

- ✓ -- RENEWAL BEER PACKAGE: $500.00
- ✓ -- RENEWAL WINE PACKAGE: $500.00
- ☐ -- RENEWAL FARM WINERY: $2,000.00
- ☐ -- RENEWAL BEER CONSUMPTION: $700.00
- ☐ -- RENEWAL WINE CONSUMPTION: $700.00
- ☐ -- RENEWAL DISTILLED SPIRITS CONSUMPTION: $2500.00

BUSINESS INFORMATION

NAME FARIDA Business LLC DBA SHELL FOOD ~~LLC~~
Street Address 5804 Cornelia Hwy
City ALTO State GA Zip 30510
Mail Address _____ Phone 404-935-3006
City _____ State _____ Zip _____

Name of OWNER (S)

Name	Address	City/State/Zip	Title
NOORUDDIN VIRANI			

✓ **Is this business a CORPORATION?** If so indicate name and address of corporation:
FARIDA Business LLC

LICENSEHOLDER/MANAGING AGENT INFORMATION (No initials; SPELL OUT ALL NAMES)

Name N
Home Address 2297 Sever Rd Co _____ Home Phone _____
City Lawrenceville State GA Zip 30043 Cell Phone 404-935-3006
COUNTRY of Citizenship USA Alien # _____ Exp date _____
Title with business (owner, manager, clerk, etc.) President
E-mail address NickVirani2@yahoo.com

REGISTERED AGENT INFORMATION (No initials; SPELL OUT ALL NAMES)

Name ADNAN AHMED KHAN
Home Address 2729 SUMMER CREEK DR Co _____ Home Phone _____
City GAINESVILLE State GA Zip 30507 Cell Phone 470-272-0546
COUNTRY of Citizenship USA Alien # _____ Exp date _____
Title with business (owner, manager, clerk, agent etc.) _____
E-mail address adnan_khan78@hotmail.com

What is the **CURRENT** straight line distance from this business or portion of this business used for the sale of alcoholic beverages to the nearest: (indicating more than 600 ft, more than 1000 ft., etc.) will NOT BE ACCEPTABLE, and application will be returned)
School 4 MILE Church 2 MILE Funeral Chapel 5 MILE

Hall County Exhibit 2

REGISTERED AGENT CERTIFICATION

NAME ADNAN AHME KHAN
(Full name, no initials)

Physical Home Address 2729 SUMMER CREEK DRIVE
(NO P.O. BOX)

City GAINESVILLE State GA Zip 30507

Home Phone _____ Cell 470-272-0546

E-mail address adnan_khan78@hotmail.com

COUNTRY of Citizenship USA Alien Registration # _____ EXP _____

ADDITIONAL CONTACT INFORMATION

Place of employment ZS GAINESVILL CANDLER LLC

Address 2178 CANDLER ROAD

City GAINESVILLE State GA Zip 30507

Phone _____

Additional Employer _____

Address _____

City _____ State _____ Zip _____

Phone _____

I hereby certify that I am a permanent resident of Hall County, Georgia and agree to serve as a "registered agent" on behalf of Sweet tool, located at
Business Name
5804 Cumtc Hwy #120 Lwn, Hall County,
Business Address

Georgia until December 31, 2022. As registered agent, I agree to accept any process, notice or demand required or permitted by law or under the Alcoholic Beverage Codes of Hall County, Georgia, to be served upon the licensee or owner. I understand that such service upon me will serve as legal notice upon the licensee or owner and that it is my responsibility to forward such service to the owner or licensee.

If for any reason I am unable to serve as the "registered agent" on behalf of the above named business, I understand that it is my responsibility to contact the Business License Director in writing advising that I will no longer serve as the "registered agent" for the above named business.

Adnan
Signature of Registered Agent date

Sworn and subscribed before me this 13 Day of NOV 2022

BSmith
Notary Public
(SEAL)

BRANDI SMITH NOTARY MY COMM. EXPIRES JUNE 01, 2025 PUBLIC HALL COUNTY

Has this place of business or anyone connected therewith been cited or charged at any time with any violation of state or federal law or regulation or any rule or regulation of the city or county within the past twelve (12) months?

✓ Yes No (If yes, give details on separate sheet.)

Has anyone (including employees) been convicted of driving/boating under the influence within the past five (5) years?

Yes ✓ No (If yes, give details on separate sheet.)

List all other businesses engaged in the sale of alcoholic beverages that any of the persons, firms, or corporations herein listed are interested in, employed by, or associated with in any way whatsoever.

2890 SUWANEE LLC DBA (BP FOOD)
Sarina & Sameer INC DBA (SHELL FOOD MART)
2890 Lawrenceville Suwanee Rd SUWANEE GA 30024
3638 Hwy 5 Douglasville GA 30135

List full name, address and other pertinent information of the owner of the building, the name and address of the owner of the land, and the name and address of all lessors and sublessors. (If no change, indicate **"ON FILE"** ✓; if changed, please attach a copy of lease or deed)

OATH: I/We do solemnly swear, subject to criminal penalties for false swearing, the statements and answers made to the foregoing questions in this application for a license as a dealer in alcoholic beverages are true and complete, and no false or fraudulent statement or answer is made herein to procure granting of a license, that any license issued pursuant to this application is conditioned upon the truth of the answers and statements made herein and that any false or fraudulent statement or answer herein shall constitute cause for the suspension or revocation of any license issued pursuant to this application. Should any change occur during the year for which a license is issued pursuant to this application which would require a different answer to any question contained in this application, such change MUST be reported as a written amendment to this application within five (5) days of the change. The failure to make such amendment shall be a cause for the suspension or revocation of any license issued. I/We have received a copy of the local alcoholic beverage regulations and understand that this copy is to be kept on the licensed premises at all times.

Signature of Licenseholder/Managing Agent Under Oath _____

Signature of Registered Agent Under Oath _____

Signature of Owner _____

Doing Business As FARIDA Business LLC DBA Shell Food M.

Title President

Sworn to and Subscribed before me this 15 day of NOV, 2022

_____
(Notary Public)

SEAL

BRANDI SMITH NOTARY PUBLIC HALL COUNTY GEORGIA MY COMM. EXPIRES JUNE 01, 2025

DUE WITH PAYMENT BY NOVEMBER 15,2022

ATTENTION!!!!!

APPLICATIONS RECEIVED BY MAIL WILL NOT BE ACCEPTED DUE TO NEW REGULATIONS. YOU MUST COME IN PERSON TO RENEW. PLEASE READ THE APPLICATION INFORMATION VERY CAREFULLY AND COMPLETELY!!!!!

ON Business FARIDA Business LLC
(DBA) SHELL Food MART cited For
sell BEER To Minor through one of
an Employee she didn't scan and
~~Sa~~ Sell it By mistake. She was on
Training that time and she don't
work in company no more. Sorry for the
incident.

NOORUDDIN VIRANI
NOV/15/22

5.30.140. - Minors.

A. All persons seeking to purchase alcoholic beverages within the unincorporated area of the county shall be required to provide proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older regardless of apparent age. "Proper identification" for purposes of this subsection means any valid document issued by a state or U.S. governmental agency containing a description of the person, the person's photograph, or both, and providing the person's date of birth. "Proper identification" shall include, but not be limited to, valid passports, military identification, driver's licenses, and/or certified birth certificates. License holders whose employees or agents fail to request proper identification upon the sale of an alcoholic beverage shall upon conviction be assessed a fine of no less than $100.00 for the first offense, and a fine of no less than $250.00 for a second offense and all subsequent offenses. All such fines shall be levied against the actual license holder at the licensed location, rather than against the person failing to request that a customer provide proper identification.

B. Any license holder, agent, or employee of any license holder, who sells an alcoholic beverage to a person who is under the age of 21 years, without requiring proper identification as defined in subsection A above, shall upon first offense conviction thereof be sentenced to serve no less than one weekend (48 hours) in confinement and also be assessed a fine of no less than $500.00. Subsequent convictions shall be punished as provided by section 5.30.230 of this Code.

C. Any license holder who sells an alcoholic beverage to a person under the age of 21 years without requiring proper identification in violation of state law (or whose agent or employee does so) may, at the sole discretion of the board of commissioners, be subject to the revocation or suspension of his or her license upon the first offense, and the severity of the sanction may be based upon the severity of the offense.

   1. If a second offense is found at the same licensed location, the board of commissioners shall suspend the license for 30 days or more, or in its sole discretion revoke the license based upon the severity of the offense. If the second offense occurs within three years of the disposition of the first offense, the board of commissioners shall suspend the license for 90 days or more, or in its sole discretion revoke the license based upon the severity of the offense. However, if the license holder provides conclusive documentation to the board of commissioners demonstrating that it has engaged in systematic proactive training and education of its employees, or utilized other similar programs or systems, designed to prevent the sale of alcoholic beverages to persons under the legal age, the board of commissioners may, in its sole discretion, suspend the license for less than the 30/90 day suspension periods imposed above. Any such training, education, program, or system must be in place at the time of the second violation in order to demonstrate that the business was being proactive so as to qualify for a lesser suspension.

Hall County Exhibit 3 1/3

2. If a third offense is found at the same licensed location within three years of the disposition of the first offense, the board of commissioners shall revoke the license, and no application for a new license may be filed by any applicant for the same location until the expiration of 12 months from the date of the revocation. After the expiration of the 12 month period, the board of commissioners may grant a malt beverage and wine license for the location, provided that the applicant provides conclusive documentation to the board demonstrating that it has engaged in systematic proactive training and education of its employees, or utilized other similar programs or systems, designed to prevent the sale of alcoholic beverages to persons under the legal age. If the applicant or license holder does not provide conclusive evidence of such systematic proactive training, education, programs, or systems, then no application for a malt beverage and wine license shall be accepted for the location at issue until such training, education, programs, or systems are put in place.
3. If a license holder (or his or her employee or agent) is found to have committed an offense of selling an alcoholic beverage to a person under the age of 21 years without requiring proper identification in violation of state law, the board of commissioners may, in its sole discretion, treat the license holder as having no prior offenses if: (1) there have been no recorded underage sales of alcoholic beverages within the previous three years; and (2) the license holder provides conclusive documentation to the board demonstrating that during the past three years it has engaged in systematic proactive training and education of its employees, or utilized other similar programs or systems, designed to prevent the sale of alcoholic beverages to persons under the legal age. Alternatively, if no conclusive evidence of systematic proactive training, education, programs, or systems exists, the board may, in its sole discretion, treat the license holder as having no prior offenses if there have been no other recorded underage sales of alcoholic beverages within the previous ten years.
4. The board of commissioners may, in its sole discretion, suspend a license for a longer period of time than the time periods described herein above or revoke a license depending upon the severity of the offense as evidenced by the facts of the case, including, but not limited to, consideration of prior violations of law at the location by the license holder or its agents or employees. Where the board of commissioners has suspended the license of a specific location, such suspension shall not be relieved prior to its expiration notwithstanding the sale of the licensed premises or business located thereon unless specifically authorized by the board of commissioners pursuant to a public hearing.

D. License holders of malt beverage and wine licenses shall not allow any person under 18 years of age to sell malt beverages or wine.

E. No person shall knowingly and intentionally act as agent to purchase or acquire any alcoholic beverage for or on behalf of any person who is under the minimum legal age (as provided by state law) or otherwise procure for or furnish any alcoholic beverage to any person who is under

the minimum legal age (as provided by state law), except for legitimate medical purposes upon the legal written prescription of a duly licensed physician.

F. It is unlawful for any person who is under the minimum legal age to purchase alcoholic beverages (as provided by state law), or to falsely misrepresent his or her age in any manner whatsoever.

G. It is unlawful for any person who is under the minimum legal age to drink or possess any alcoholic beverage, including malt beverages, or wine.

H. It shall not be a violation of this chapter for a person who is under the minimum legal age to purchase, drink, or possess an alcoholic beverage, distilled spirits, malt beverage, or wine if such person is at the time acting in a bona fide capacity for and on behalf of law enforcement agencies conducting investigations of license holders and/or their employees.

(Res. of 5-14-2009(1), § 1(Exh. B); Res. of 4-14-22(1), § 7)

Editor's note— Res. of May 14, 2009, § 1(Exh. B), deleted § 5.30.140, and enacted a new § 5.30.140 as set out herein. The former § 5.30.140 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

5.30.180. - Grounds for revocation or suspension of license.

The following shall be grounds for the suspension or revocation of a malt beverage and wine license. The existence of such grounds shall be determined by the board of commissioners in its sole discretion, to wit:

A. Violation by the licensee of any state or federal law or regulation, except misdemeanors, or of any resolution or ordinance of the county, other than traffic violations.

B. The failure of the licensee or his employees to report promptly to the sheriff's department any violation of law, regulation, county resolution or breach of the peace, disturbance, or altercation occurring on the premises.

C. Any conduct on the part of the licensee or his employees contrary to the public welfare, safety, health or morals.

D. Operating or conducting a business in a manner contrary to the public welfare, safety, health or morals, or in such a manner as to constitute a nuisance.

E. The violation of any state or federal law or regulation, municipal ordinance, or county resolution or ordinance pertaining to alcoholic and malt beverages and wines. This ground specifically includes any violation of any provision of this chapter.

F. The violation by the licensee of the Georgia Controlled Substances Act.

G. The violation by the licensee of any federal, state or local law prohibiting the sale of pornographic materials.

H. Failure of the licensee to furnish to the business license director any report required by this chapter or any report requested in writing by the director.

I. Allowing a person to work in the licensed business who had an alcoholic beverage license revoked by any jurisdiction for violation of its laws or rules within a period of five years immediately preceding the filing of an application for a license under this chapter.

J. Allowing a person employed by a licensed business to sell or assist in the sale of alcoholic beverages after being convicted of or having pled guilty to any federal, state or local law classified as a felony involving moral turpitude.

K. Allowing a person employed by a licensed business to sell or assist in the sale of alcoholic beverages after being convicted of or having pled guilty to any federal, state or local law classified as a felony not involving moral turpitude within ten years from date of conviction.

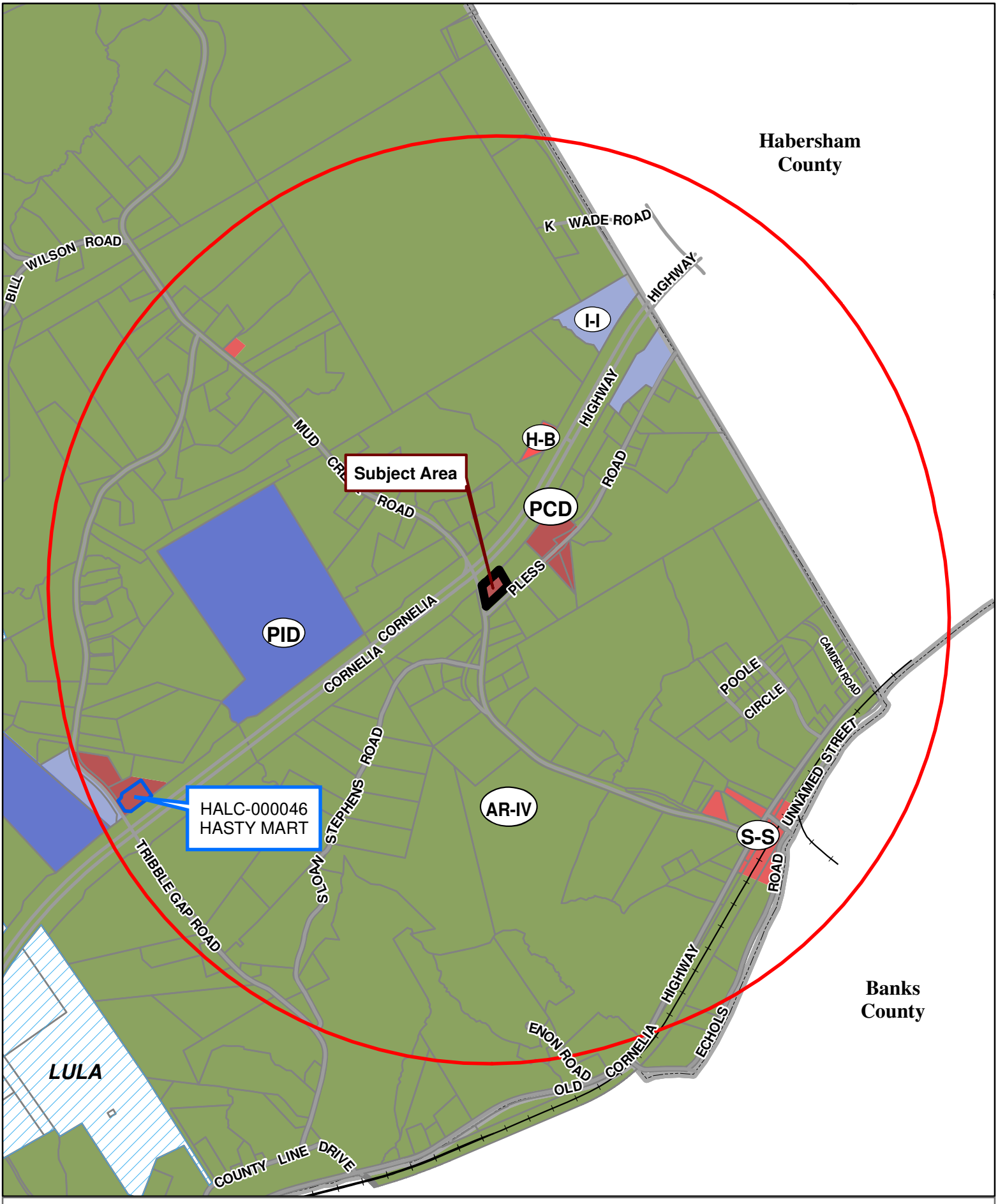
L. Allowing a person employed by a licensed business to sell or assist in the sale of alcoholic beverages after being convicted of or having pled guilty to any law of the United States or any state law pertaining to the sale of malt beverages, wines or alcoholic beverages within the past five years from date of conviction.

M.

Hall County Exhibit 4 1/2

The conviction of the license holder or his or her employees who sell or assist in the sale of alcoholic beverages for driving under the influence of alcohol within the past five years based upon the date of the conviction.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 12-10-09(1), § 1; Res. of 4-14-22(1), § 9)



Subject Property: 5804 Cornelia Highway, Alto, GA 30510

0 500 1,000 2,000 3,000 Feet

Zoning Boundary
City Limits

Active Alcohol Licenses
1 Mile Buffer
Subject Area
Structure

N

Date: 2/10/2023

AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 19/2023

SUBJECT: **6541 Henry Smith Road | Appeal a Planning Commission Decision** | for a Use Subject to Planning Commission approval on a 5.65± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road | Zoned AR-IV; Tax Parcel 11023 000024 | **Proposed use: rural business** | Commission District 3 | **Gary Copeland, applicant.** NOTE: Tabled at the January 12, 2023 Voting Meeting until the February 23, 2023 Voting Meeting.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD

Recommendation:

Approval, with conditions: 1. The interior shop area is limited to no more than 1,000 sq. ft. and a divider wall shall be installed between the 1,000 sq. ft. and the remaining 4,000 sq. ft. of the building, per Hall County Code requirements. No storage of materials, finished products and no signage for the business can be outside the 5,000 sq. ft. building (unless required by Code, e.g., ADA Handicap Parking Sign). All aspects related to the operation of the business must be contained within 1,000 sq. ft. of the interior of the building. 2. The applicant shall comply with requirements from the Hall County Fire Marshal. 3. All materials for set business must be stored inside, no materials shall be allowed to be stored outside. 4. The applicant must have the 1,000 sq. ft. shop area permitted and inspected by Hall County Building Inspection to assure that applicable codes are met. 5. Only one (1) employee other than family members residing on the premises shall be permitted. 6. No signage shall be allowed on the property. 7. No more than two (2) parking spaces shall be allowed on the site. 8. The only entrance to the building shall be from Henry Smith Road and no traffic is allowed from the business onto Edwards Road. 9. No clients shall be allowed to pick up manufactured merchandise, only shipped. 10. This conditional use is approved for two (2) years only, starting from the day a final certificate of occupancy from Hall County is received. In two years the applicant shall come back to Hall County and apply for an additional conditional use to assure zoning compliance. 11. The site shall adhere to all Hall County Engineering and stormwater management requirements.

Purpose of Request: **History:**

6541 Henry Smith Road | Appeal a Planning Commission Decision | for a Use Subject to Planning Commission approval on a 5.65± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road | Zoned AR-IV; Tax Parcel 11023 000024 | Proposed use: rural business | Commission District 3 | Gary Copeland, applicant.

Facts and Issues: **Options:**

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
JR	JR	JR	JR

Attorney	Administration	Clerk
JR	JR	JR

Attachments:
Updated Board Memo - as of 2/8/23
Board Memo
Recommendation Report
Application
Site Plan
Maps
Renderings
Docs provided at PC
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Rescue Comment - 1/4/2023
Fire Comments
Online Comment - Support
Notice Sign Photos
Updated Notice Sign -as of 2/3/23

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 8, 2023

Subject: **6541 Henry Smith Road | Appeal a Planning Commission Approval |** for a Use Subject to Planning Commission approval on a 5.65± acre tract to allow a rural business | **Gary Copeland, applicant.**

The request before you is the application of Gary Copeland to appeal a 12-05-2022 Planning Commission decision to approve the appeal of a staff decision to allow a rural business. **The applicant is appealing the Planning Commission decision to the Board of Commissioners.** This item is located within Commission District 3.

This item was tabled to the February 23, 2023 Board of Commissioners meeting after the public hearing during the January 12, 2023 voting meeting. The Commissioners instructed staff to determine whether any similar businesses have been approved as rural businesses.

Research has revealed that the rural businesses approved have predominantly been for auto repair, parts sales, repair and welding. Staff found a taxidermist approved as a rural business but no CNC shops. Since the January 12th meeting Mr. Crawford has provided copies of staff reports that he contends are similar and that did not require a commercial occupancy by Building Inspections and the Fire Marshal. Of those presented, most were either denied or were not for a rural business, but a home occupation and the staff report was for another matter at the address.

1. 5473 and 5453 Will Wheeler Rd-
   a. The applicants first applied for a conditional use for a commercial kennel in 2020 and were denied.
   b. The applicants then applied to rezone to PRD in 2021 to allow a pit-bull rescue, the application was denied by the Planning Commission.
   c. 10-14-2021 The BOC accepted the withdrawal of the application and refunded the applicants' money.
2. 5412 Green Circle-
   a. This was approved as a septic installation rural business and issued a Residential Occupancy for an office only. There is a violation letter from Srikanth in the folder from 2015 stating that he was performing septic

pumping and portable toilet rental/storage. I see no other applications or approvals from the Planning Commission to expand this business. I have requested information from Business License and Building Inspections on this one, and will check with Srikanth to see if he knows whether it was ever approved for the more intense use.

b. Even if he was approved to have the additional trucks and the portable toilet storage, having an office in the home with no employees or customers would not require a commercial occupancy nor the additional fire safety.

c. Mr. Crawford's business will be located approximately 300FT from his home in a metal structure.

3. 7463 Old Cornelia Hwy –
   a. Rezoned to AR-IV in 2020 to allow a residential addition
   b. Obtained a Home Occupation zoning verification and occupancy in 2022 for Railroad Service business.
   c. This is for office use only within the existing residence and would not be considered a commercial occupancy.
      i. This is an inherent use and did not require Planning Commission action.
4. 4435 Ridge Rd
   a. 2017 minor subdivision to create a 50.16-acre tract and 27.43-acre tract.
   b. 2019 rezone for 132 lot subdivision and shopping center.

Definitions and standards for the various zoning classifications for businesses not located in a commercial district are found with these links:

1. Home Occupation - standards
2. Home Office- standards are within the definition.
3. Residential Business- standards
4. Rural Business- standards

At their December 5, 2022 meeting, the Hall County Planning Commission voted to approve an appeal to an administrative decision which determined that the proposed machine shop did not meet the definition of a Rural Business per sections 17.20.960 and 17.350.140. The Planning Commission approved the Tyler Crawford's appeal to allow a machine shop as a rural business with eleven (11) conditions. **(4-1, Braswell opposed).**

There were no written comments submitted in advance of the Planning Commission meeting and **three (3) individuals spoke in favor and four (4) individuals spoke in opposition** during the public hearing. Mr. Copeland, the appellant, was one.

Mr. Crawford has made no changes to his proposal since the Planning Commission meeting.

Planning Commission Approval Conditions:

1. The interior shop area is limited to no more than 1,000 sq. ft. and a divider wall shall be installed between the 1,000 sq. ft. and the remaining 4,000 sq. ft. of the building, per Hall County Code requirements. No storage of materials, finished products and no

signage for the business can be outside the 5,000 sq. ft. building (unless required by Code, e.g., ADA Handicap Parking Sign). All aspects related to the operation of the business must be contained within 1,000 sq. ft. of the interior of the building.

2. The applicant shall comply with requirements from the Hall County Fire Marshal.
3. All materials for set business must be stored inside, no materials shall be allowed to be stored outside.
4. The applicant must have the 1,000 sq. ft. shop area permitted and inspected by Hall County Building Inspection to assure that applicable codes are met.
5. Only one (1) employee other than family members residing on the premises shall be permitted.
6. No signage shall be allowed on the property.
7. No more than two (2) parking spaces shall be allowed on the site.
8. The only entrance to the building shall be from Henry Smith Road and no traffic is allowed from the business onto Edwards Road.
9. No clients shall be allowed to pick up manufactured merchandise, only shipped.
10. This conditional use is approved for two (2) years only, starting from the day a final certificate of occupancy from Hall County is received. In two years the applicant shall come back to Hall County and apply for an additional conditional use to assure zoning compliance.
11. The site shall adhere to all Hall County Engineering and stormwater management requirements.

HALL COUNTY
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DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: December 13, 2022

Subject: **6541 Henry Smith Road | Appeal a Planning Commission Approval |** for a Use Subject to Planning Commission approval on a 5.65± acre tract to allow a rural business | Gary Copeland, applicant.

The request before you is the application of Gary Copeland to appeal a 12-05-2022 Planning Commission decision to approve the appeal of a staff decision to allow a rural business. The applicant is appealing the Planning Commission decision to the Board of Commissioners. This item is located within Commission District 3.

At their December 5, 2022 meeting, the Hall County Planning Commission voted to approve an appeal to an administrative decision which determined that the proposed machine shop did not meet the definition of a Rural Business per sections 17.20.960 and 17.350.140. The Planning Commission approved the Tyler Crawford's appeal to allow a machine shop as a rural business with eleven (11) conditions. **(4-1, Braswell opposed).**

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11. The site shall adhere to all Hall County Engineering and stormwater management requirements.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Tyler Crawford

Request ..... Appeal of administrative decision

Proposed Use ..... Fabrication Business as a Rural Business

Size ..... ±5.74 acres

Zoning ..... AR-IV

Location ..... **6541 Henry Smith Road** | Tax Parcel 11023 000024

Commission District ..... Three

Planning Commission Date ..... December 05, 2022

Staff Recommendation ..... **Staff does not make recommendations for appeals of staff decisions**

Planning Commission Recommendation…… Approval, with conditions
Vote: 4-1 (Braswell opposed)

Planning Commission Conditions:

1. The interior shop area is limited to no more than 1,000 sq. ft. and a divider wall shall be installed between the 1,000 sq. ft. and the remaining 4,000 sq. ft. of the building, per Hall County Code requirements. No storage of materials, finished products and no signage for the business can be outside the 5,000 sq. ft. building (unless required by Code, e.g., ADA Handicap Parking Sign). All aspects related to the operation of the business must be contained within 1,000 sq. ft. of the interior of the building.
2. The applicant shall comply with requirements from the Hall County Fire Marshal.
3. All materials for set business must be stored inside, no materials shall be allowed to be stored outside.
4. The applicant must have the 1,000 sq. ft. shop area permitted and inspected by Hall County Building Inspection to assure that applicable codes are met.
5. Only one (1) employee other than family members residing on the premises shall be permitted.
6. No signage shall be allowed on the property.
7. No more than two (2) parking spaces shall be allowed on the site.
8. The only entrance to the building shall be from Henry Smith Road and no traffic is allowed from the business onto Edwards Road.
9. No clients shall be allowed to pick up manufactured merchandise, only shipped.

10. This conditional use is approved for two (2) years only, starting from the day a final certificate of occupancy from Hall County is received. In two years the applicant shall come back to Hall County and apply for an additional conditional use to assure zoning compliance.
11. The site shall adhere to all Hall County Engineering and stormwater management requirements.

Public Forum:

Marty Crouch, 6631 Edwards Road, Murrayville, spoke in favor. Stated he supported the proposal.

Jimmy Day, 6641 Edwards Road, Murrayville, spoke in favor. Stated he does not have any problems with the building or business.

Sherry Day, 6641 Edwards Road, Murrayville, spoke in favor. Stated she supports the applicants business.

David Herring, 6451 Arrowhead Road, Murrayville, spoke in opposition. Concerns were machinery use, building permits, and barn use.

Gary Copeland, 6685 Henry Smith Road, Murrayville, spoke in opposition. Concerns were uses, machinery, and line of sight.

Jacob Shultz, 6457 Arrowhead Road, Murrayville, spoke in opposition. Concerns were industrial uses in agricultural zoning and masking.

Tasha Franklin, 6680 Henry Smith Road, Murrayville, spoke in opposition. Concerns were future neighboring uses.

Summary Analysis

- The subject property is an approximate 5.74-acre tract with an AR-IV zoning designation and containing a single-family dwelling constructed in 2004, a 13FT x 26FT storage shed (HPZ2022-01283, RES2022-01174), and a 50FT x 100FT storage building/barn (HPZ2022-00932,MIS2022-00243). All adjacent and surrounding properties also have a designation of AR-IV and are either vacant properties or contain single-family dwellings and associated accessory structures.
- In 2021 the applicant submitted a request to rezone a portion of the property at the intersection of Henry Smith Road and Edwards Road to Planned Industrial Development (PID) to allow a fabrication business. On December 20, 2021, the Planning Commission recommended approval with 11 conditions. Seven (7) people spoke in opposition at the December 20th hearing.
- On January 27, 2022, The Hall County Board of Commissioners voted to deny the request.
- On May 2, 2022 the applicant submitted an application for the 50FT x 100FT barn (HPZ2022-00932,MIS2022-00243).
- On June 14, 2022, the applicant submitted an application for the 13FT x 26FT shed (HPZ2022-01283, RES2022-01174).

- The applicant later submitted an application for a conditional use for a rural business as a metal fabricator within the 50FT x 100FT barn (HPZ2022-00932,MIS2022-00243). During agenda review, the Planning Director determined that the proposal, as presented, did not meet, the criteria for rural business (17.350.140). Section 17.350.140.E.3 prohibits "industrial or manufacturing uses which require specialized equipment not ordinarily associated with agricultural or residential uses, i.e., forges, large milling machinery…". Section 17.350.140.F.12 states that "no equipment which would not ordinarily be found in agricultural or residential use may be used in the rural business". Based on the application submitted for the rural business, the Planning Director did not believe it met the requirements.
- The current application is an appeal of staff decision regarding an application for a rural business. Section 17.20.960 defines a rural business as "an occupation or profession conducted within a dwelling, an accessory structure or outside and which is carried on by a resident of that property and which is clearly incidental and secondary to the use of the property for residential dwelling purposes. The rural business is designed to be less restrictive than a home office, home occupation or residential business in regard to access by the public, size, visibility, number of employees and types of business. Planning commission approval is required for a rural business in accordance with the conditions outlined in section 17.350.140.
- The Director based her decision on the word "ordinarily". Forges, plasma cutters or presses are not ordinarily used in agricultural practices. Most farmers will have parts repared or fabricated at a machine shop and then have their mechanic repair the equipment. Equipment ordinarily used in agricultural practices includes plows, tractors, seeders, harrows, threshers, balers, irrigation equipment, feeders, combines, etcetera.
- When evaluating the appeal, the Planning Commisison shall determine:
    - what type of equipment is considered specialized and not ordinarily associated with agricultural or residential uses;
    - what equipment is ordinarily associated with agricultural or residential uses;
    - what makes a fabrication or manufacturing process acceptable- is it the number of machines, the size of the machine(s), or the volume in decibels of the machine(s)?
- It should be noted that the 50FT x 100FT structure to be used was permitted and inspected as a farm use only structure not a commercial building. The applicant shall have to obtain a Certificate of Occupancy (CO) from Building Inspections prior to obtaining a business license.

Development Support and Constraints – Departmental /agency comments

Hall County Environmental Health

An email dated November 14, 2022 from Emily McGahee states: "Environmental Health issued a septic permit (OSC 7294) for storage building/barn (sink/toilet) in May 2022. The system has not been installed as of this date."

Hall County Fire Rescue

In an email dated November 18, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, states:

"The closest fire hydrant to the proposed rural business site is located 9,496 feet away on Highway 52."

Hall County Public Works and Utilities

In a memo dated November 17, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

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..

Traffic:
No comments.

Utilities:
No comments.

Georgia Department of Transportation
Per an email dated November 17, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor stated "none".

- **Excerpts from the minutes of the December 5, 2022 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Tyler Crawford, 6541 Henry Smith Road, presented the request. The applicant stated that the surrounding trees blocked the view into his building. The applicant presented his own traffic study. The applicant presented pictures of the tractor trailers that cross the property. The applicant presented pictures of other mill shops for comparison. The applicant stated that he does have one intern per semester. The applicant presented a model of what his machines produce. The applicant stated that he rarely has customers go to his property, he usually ships merchandise. He mentioned that the fact he lives on the property holds him accountable to what goes on in the property.

Rebuttal

The applicant stated that his business would blend in with agricultural zoning requirements.

Public Forum:

Marty Crouch, 6631 Edwards Road, Murrayville, spoke in favor. Stated he supported the proposal.

Jimmy Day, 6641 Edwards Road, Murrayville, spoke in favor. Stated he does not have any problems with the building or business.

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Jacob Shultz, 6457 Arrowhead Road, Murrayville, spoke in opposition. Concerns were industrial uses in agricultural zoning and masking.

Tasha Franklin, 6680 Henry Smith Road, Murrayville, spoke in opposition. Concerns were future neighboring uses.

Planning Commission Comments:

Mr. Hunt questioned if any customers picked up merchandise from the home. The applicant stated that it only happens a couple times a month. Mr. Hunt questioned if any materials would be stored outside. The applicant stated no. Mr. Hunt questioned how many interns were present. The applicant stated it was seasonal so there is only one intern at a time. Mr. Hunt questioned the hours of operation. The applicant stated the hours would be 7am - 6pm. Mr. Hunt questioned if the only driveway access would be on Henry Smith Road. The applicant stated that was correct. Mr. Hunt questioned if the applicant would abide storm water regulations as well as a hydrology study. Mr. Braswell questioned how the applicant would only utilize 900 sq. ft. of the building. The applicant stated he has had a yellow line to separate the areas. Mr. Hunt stated it would require to build a wall barrier to separate the areas. Mr. Hunt questioned the dimensions of the machinery. The applicant stated they were on the floor plan to scale. Mr. Hunt stated that the only way he could support the request would be to approve a conditional use for two years and then have the applicant come back in front of the board for compliance. Ms. Pilcher questioned if there is a fire suppressant in the current building. The applicant stated there was.

***Motion:* A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-1 (Braswell opposed)**

Conditions:

1. *The interior shop area is limited to no more than 1,000 sq. ft. and a divider wall shall be installed between the 1,000 sq. ft. and the remaining 4,000 sq. ft. of the building, per Hall County Code requirements. No storage of materials, finished products and no signage for the business can be outside the 5,000 sq. ft. building (unless required by Code, e.g., ADA Handicap Parking Sign). All aspects related to the operation of the business must be contained within 1,000 sq. ft. of the interior of the building.*
2. *The applicant shall comply with requirements from the Hall County Fire Marshal.*
3. *All materials for set business must be stored inside, no materials shall be allowed to be stored outside.*
4. *The applicant must have the 1,000 sq. ft. shop area permitted and inspected by Hall County Building Inspection to assure that applicable codes are met.*
5. *Only one (1) employee other than family members residing on the premises shall be permitted.*
6. *No signage shall be allowed on the property.*
7. *No more than two (2) parking spaces shall be allowed on the site.*
8. *The only entrance to the building shall be from Henry Smith Road and no traffic is allowed from the business onto Edwards Road.*
9. *No clients shall be allowed to pick up manufactured merchandise, only shipped.*

10. *This conditional use is approved for two (2) years only, starting from the day a final certificate of occupancy from Hall County is received. In two years the applicant shall come back to Hall County and apply for an additional conditional use to assure zoning compliance.*
11. *The site shall adhere to all Hall County Engineering and stormwater management requirements.*

Paid 12/8/22
receipt # 859079

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

RECEIVED
DEC 08 2022
Planning & Zoning Department

HALL COUNTY
GEORGIA
We have it all in Hall

APPLICATION FOR APPEAL

Per §17.370.010, the public shall have the right to appeal a decision made by the Planning Commission before the Board of Commissioners.

In order to file an appeal, the appellant must submit a written notice of appeal within five working days of the Planning Commission decision to the Planning Department. The appellant must submit justification and reasons for the appeal along with a $200 appeal fee (cash or check).

Please fill out the following information:

Name: Gary Copeland

Address: 6685 Henry Smith Road, Murrayville, GA 30564

Phone Number: 770-605-3005

Email: gary@overdrivelogistics.com

Name of original application for which appeal is requested: 6541 HENRY SMITH ROAD|APPEAL AN ADMINISTRATIVE DECISION

Date of original application: Planning Commsion Date 12/05/2022

Justification and reason(s) for filing this appeal (attach additional sheets if necessary):

I disagree with the decison of the planning commission becuase overriding the planning directiors denial would allow a commercial business to exist in a commercial building in land zoned AR-IV.

Signature Gary Copeland Date 12-8-22

For staff use only:

Action _____ Date _____ Tax Parcel Number _____

Conditions: _____

Revised January 2020

24 HOUR CONTACT
TYLER CRAWFORD
404.226.4443
PROPERTY OWNER
TYLER CRAWFORD
6541 HENRY SMITH RD.
MURRAYVILLE, GA 30564
404.226.4443
tl_crawford@ymail.com

811 Know what's below. Call before you dig.

NOTES FOR GRAVITY DISPERSAL WITH UNEQUAL TRENCH LINES:

A. SERIAL LOADING IS PROPOSED FOR THIS SITE PER COUNTY HEALTH DEPARTMENT.

B. UTILIZE A FLOW CONTROL VALVE ON THE FORCE MAIN TO REGULATE THE FLOW OF EFFLUENT AND PREVENT OVERFLOW OF EFFLUENT FROM DROP BOXES.

C. PROVIDE A VENT FOR PUMPED SYSTEMS.

D. SYSTEM TO BE INSTALLED A MINIMUM OF 12" BELOW GRADE AND 12" ABOVE THE MOST HYDRAULICALLY LIMITING SOIL HORIZON.

SYSTEM SIZING CALCULATIONS FOR PRO SERIES FABRICATION:

A. PROPOSED FACILITY TO HAVE ONE BATHROOM AT 100 GPD. PROPOSED SYSTEM TO SERVICE ONE BATHROOM.

B. CHAMBER PRIMARY SYSTEM DESIGNED FOR INSTALLATION WITH MINIMUM 12" COVER IN A 45 MIN/IN SOIL SERIES. SQUARE FOOTAGES PER GALLON TAKEN FROM TABLE JT-1 OF THE GA MANUAL FOR ONSITE SEWER MANAGEMENT SYSTEMS:
1.342 S.F./GAL. x 220 GAL. = 295.2/3' TRENCH = 98.41 L.F. PROVIDED 100 L.F.

LINE A – 52 L.F. (HIGH CAPACITY CHAMBER)
LINE B – 48 L.F.

C. CONVENTIONAL REPAIR SYSTEM DESIGNED FOR 3' TRENCH INSTALLATION WITH MINIMUM 12" COVER IN A 45 MIN/IN SOIL SERIES. SQUARE FOOTAGES PER GALLON TAKEN FROM TABLE JT-1 OF THE GA MANUAL FOR ONSITE SEWER MANAGEMENT SYSTEMS:
1.342 S.F./GAL. x 220 GAL. = 295.2/3' TRENCH = 98.41 L.F. PROVIDED 100 L.F.

LINE A – 52 L.F.
LINE B – 48 L.F.

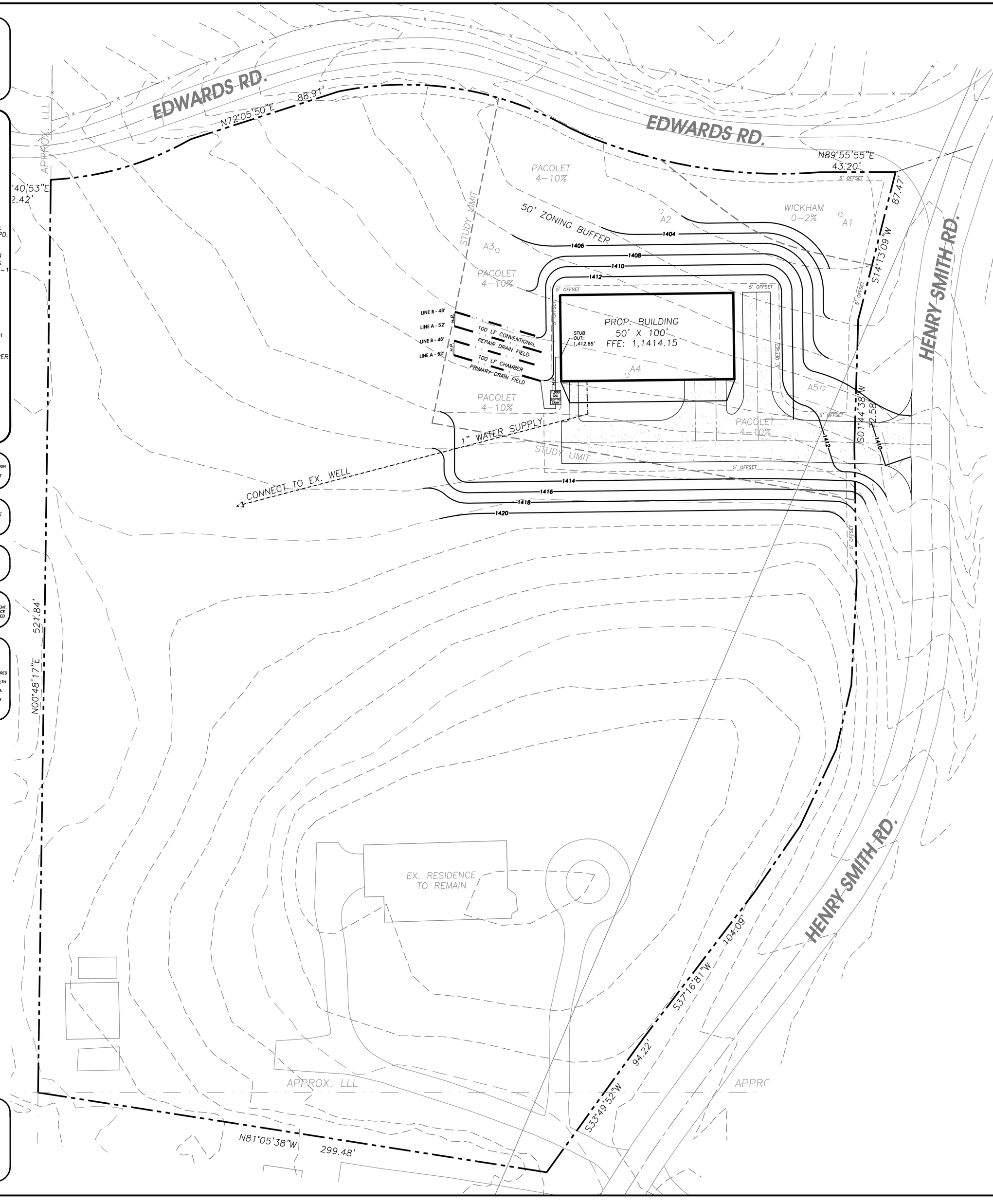
"EROSION & SEDIMENTATION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION AND SEDIMENTATION CONTROL, ADDITIONAL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE." IF THE 24-HOUR CONTACT NUMBER CHANGES, THE SITE OPERATOR MUST NOTIFY THE CODE ENFORCEMENT OFFICE.

ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD GREATER THAN 14 DAYS SHALL BE STABILIZED WITH MULCH OR TEMPORARY SEEDING.

"THE INSTALLATION OF EROSION AND SEDIMENTATION CONTROL MEASURES AND PRACTICES SHALL OCCUR PRIOR TO EACH CONSTRUCTION PHASE OF LAND DISTURBING ACTIVITIES."

ENGINEER'S STATEMENT:
I CERTIFY THIS ON-SITE SEWAGE MANAGEMENT SYSTEM MEETS THE MINIMUM DESIGN REQUIREMENTS ESTABLISHED BY THE DEPARTMENT OF HUMAN RESOURCES AND THE JACKSON COUNTY HEALTH DEPARTMENT. I HAVE CONDUCTED A SITE VISIT TO VERIFY THE SYSTEM CAN BE INSTALLED AS DESIGNED IN ACCORDANCE WITH THESE REGULATIONS. ALL CALCULATIONS ARE BASED ON SOILS AND SURVEY INFORMATION PROVIDED BY OTHERS. NO WARRANTY, EXPRESSED OR IMPLIED, IS MADE AS TO THE ACCURACY OF THIS DATA.

ENGINEER'S NOTES AND SPECIFICATIONS:
1. ALL PVC TO BE SCHEDULE 40
2. DIVERT ALL SURFACE WATER AWAY FROM AREAS WHERE TANKS AND DRAINFIELDS ARE LOCATED.
3. SITE FEATURES, PROPERTY BOUNDARY, AND SOILS INFORMATION SHOWN WAS TAKEN FROM INFORMATION PROVIDED BY OTHERS AND COMPILED BY THE DESIGNER. EVERY ATTEMPT HAS BEEN MADE TO ENSURE ACCURACY AND COMPLETENESS. ALL DIMENSIONS AND LOCATIONS SHOULD BE CONSIDERED APPROXIMATE. THIS PLAN IS NOT INTENDED FOR USE AS A BOUNDARY SURVEY OR A SOILS REPORT.
4. ALL CONSTRUCTION TECHNIQUES AND MATERIALS FOR SEPTIC SYSTEM TO COMPLY WITH COUNTY HEALTH DEPARTMENT STANDARDS AND ALL LOCAL REQUIREMENTS.
5. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL UNDERGROUND UTILITIES IN THE WORK AREA.
6. CONTRACTOR SHALL VERIFY ALL ELEVATIONS AND ALL SETBACKS.
7. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES IN THE CONDITION OF THE SITE PRIOR TO STARTING WORK.
8. PUMPED SYSTEMS SHOULD INCLUDE A VENT.



1. PROPOSED IS A CHAMBER PRIMARY SEPTIC SYSTEM WITH A CONVENTIONAL REPAIR SYSTEM.
2. SEPTIC DRAIN FIELD LINES SHALL CONFORM TO MINIMUM SETBACKS LISTED BELOW AND SHOWN ON THE PLAN.
   5' FROM ANY BUILDING FOUNDATION
   10' FROM BASEMENT FOUNDATION
   5' FROM ANY PROPERTY LINE OR DRIVEWAY.
   8' MIN. SEPARATION BETWEEN DRAIN FIELDS.
   20' SETBACK FROM UNSUITABLE SOILS, UNLESS DRIP SYSTEM IS PROPOSED.
3. SEE BOUNDARY SURVEY FOR EXACT BOUNDARY INFORMATION.
4. ANY DRIP SYSTEM SHALL BE DESIGNED BY CIVIL ENGINEER PRIOR TO CONSTRUCTION.

NORTH

GRAPHIC SCALE
0' 15' 30' 60' 90'

RED ROCK DESIGN
·land planning ·engineering
678.227.4545 po box 50 / statham, ga 30666
valiantservices2020@gmail.com

NEW BARN BUILDING

6541 HENRY SMITH RD.
MURRAYVILLE, GA 30564
HALL COUNTY
A 5.743 ACRE TRACT
0.98 ACRES DISTURBED
TAX PARCEL #:
11023 000024

REVISIONS	DATE

ANY CHANGES OR ALTERATIONS MADE TO THESE CONSTRUCTION DRAWINGS WITHOUT THE WRITTEN APPROVAL OF RED ROCK DESIGN, LLC, VOIDS THE SEAL SHOWN HEREON AND ANY LIABILITY ASSOCIATED WITH THIS PROJECT.
THE ORIGINAL DRAWINGS ARE KEPT ON FILE FOR VERIFICATION OF ANY CHANGES.

GEORGIA REGISTERED No. 30460 PROFESSIONAL ENGINEER KELVIN D. WHITE

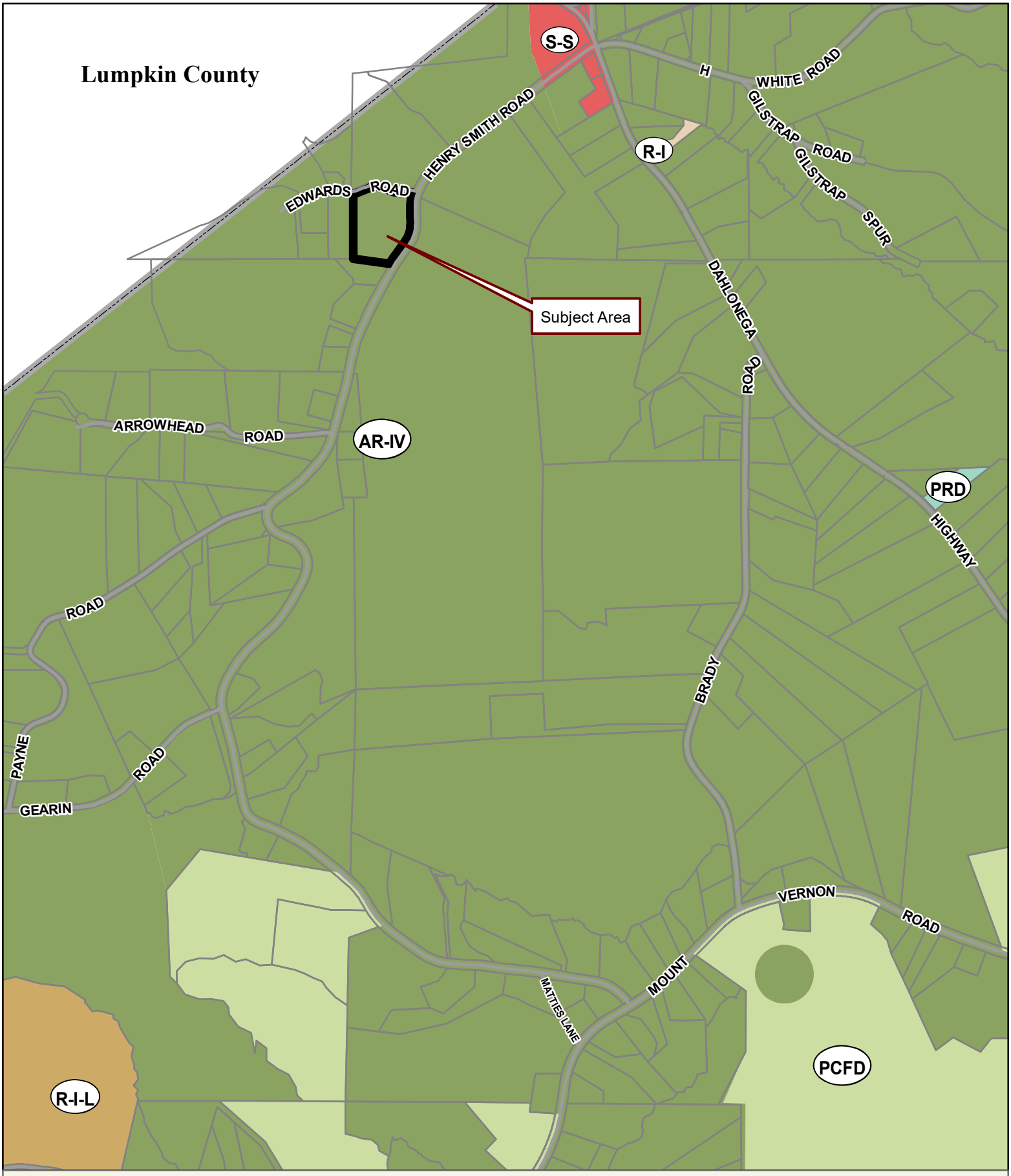
03/21/22

DATE
03/21/22

SEPTIC PLAN

SHEET
1 OF 1

Tractor/Farm Equipment
30.00
1962 Buick Special
1988 Honda CRX
5.00
6.00
1997 Ford Ranger
1930 Duesenberg Indycar
16.00
24.00
2.00
20.00
7.00
4.00
8.00
10.00
50.00
Fadal 3016 Mill
Hurco TM6i Lathe
Material Storage



Applicant: TYLER CRAWFORD
Tax Parcel #: 11023 000024
Location: 6541 HENRY SMITH ROAD, MURRAYVILLE, GA 30564
Commission District 3 **PC Mtg. Date:** 12/05/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

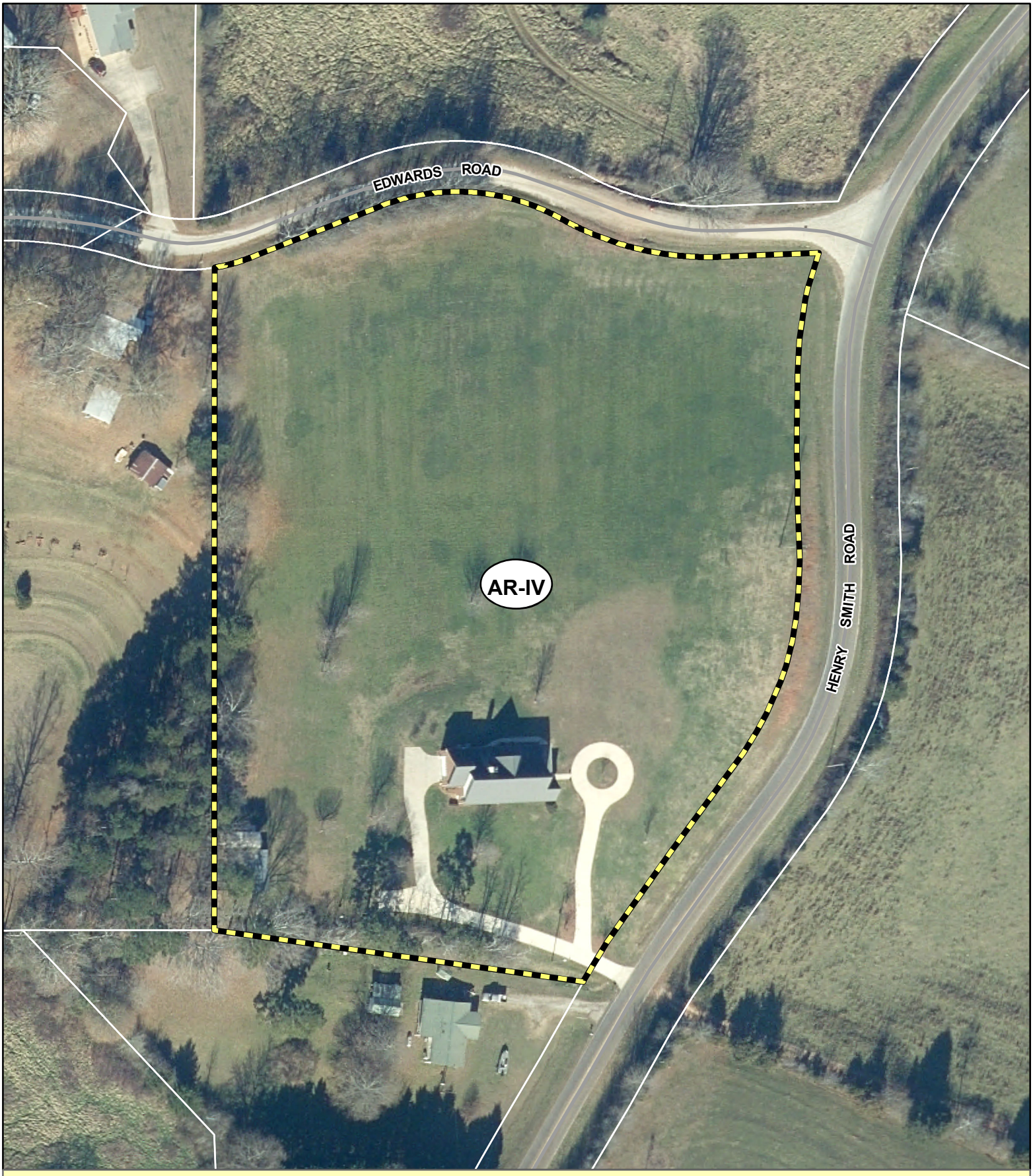
N

Applicant: TYLER CRAWFORD
Tax Parcel #: 11023 000024
Location: 6541 HENRY SMITH ROAD, MURRAYVILLE, GA 30564
Commission District 3 **PC Mtg. Date:** 12/05/2022

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: TYLER CRAWFORD
Tax Parcel #: 11023 000024
Location: 6541 HENRY SMITH ROAD, MURRAYVILLE, GA 30564
Commission District 3 **PC Mtg. Date:** 12/05/2022

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area

N

Anael Dominguez (Planning)

From: Tyler Crawford <tl_crawford@ymail.com>
Sent: Wednesday, November 16, 2022 3:17 PM
To: Beth Garmon (Planning)
Subject: Re: 6541 Henry Smith Rd. - Appeal
Attachments: Floorplan.jpg

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

They already have a copy of this floorplan, I gave them that back in July when I applied for the Rural Business the first time around as they made Shane Taylor provide one back in February so I already knew they'd ask me for one.

There's 4 machines. 3 of the tall ones, 1 of the short/wide variety. The only other things in the 1000sq ft are a 4' x 8' table and a bandsaw half the size of the lathe (the short/wide machine).

On Wednesday, November 16, 2022 at 02:26:30 PM EST, Beth Garmon (Planning) <bgarmon@hallcounty.org> wrote:

Thanks, Tyler.

This is helpful. Can you elaborate a little? Are these the only two machines you will have or will there be multiples? Can you provide a floorplan of where the machines are expected to go within the building?

Again, the more detail you can provide, the better.

Thank you,

Beth

Beth Garmon

Planner

Hall County Government

2875 Browns Bridge Road | 3rd Floor | Gainesville, Georgia | 30504

(office)770-531-6809

bgarmon@hallcounty.org

From: Tyler Crawford <tl_crawford@ymail.com>
Sent: Monday, November 14, 2022 10:13 AM
To: Beth Garmon (Planning) <bgarmon@hallcounty.org>
Subject: Re: 6541 Henry Smith Rd. - Appeal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Beth,

That's great to hear on my end. Obviously why I stopped by several times in the past, you are great at your job and have always been very helpful.

I've attached two pictures of me in front of the machines.

This really centers around the verbiage "LARGE milling machines" which if the county holds themselves to the language in their own municipal code, then it's pretty easy to see these machines aren't large. No one in the industry would define them as large.

I'll stop by a little later today.

Thanks,

Tyler

I Tried Seeing Your Point Of View
THAT FAR UP MY ASS
EXPO
JET
EQUIPMENT & TOOLS
136H
GEARED HEAD BENCH LATHE
INDUCTION HARDENED BEDWAYS

JET
SPEEDS ARE
APPROXIMATE
LOW
HIGH
60-500
500-4200
SERIAL NO.
JET
JET
M
KURT
ACCURACY INTERNATIONAL LTD
ENGLAND

Sent from Yahoo Mail on Android

On Tue, Nov 8, 2022 at 4:31 PM, Beth Garmon (Planning)

<bgarmon@hallcounty.org> wrote:

Hi Tyler,

I have found my way back to Hall County!

During a discussion today of upcoming zoning requests, your appeal came up and it was determined that it might improve your situation if you could provide a couple of things:

1. You mention the machines that you use for your business. Could you send some pictures of the specific machines, preferably with some sort of reference for scale (e.g. a person standing next to them, etc.)

2. Can you list an inventory of the machines you own/use/plan to purchase for your business?

I think that providing some more exact examples of these things will go a long way to putting folks' imaginations to rest as they consider your request.

Please let me know if you have any questions.

Thank you,
Beth Garmon

Beth Garmon
Planner
Hall County Government
2875 Browns Bridge Road | 3rd Floor | Gainesville, Georgia | 30504
(office)770-531-6809
bgarmon@hallcounty.org

HALL COUNTY
GEORGIA
*We have it **all** in Hall*

Original Packet

Provided at 12-5-22 PC Meeting

I, Tyler Crawford, request re-zoning for a partition of the property at 6541 Henry Smith Road, Murrayville, GA 30564 to be considered for a Planned Industrial Development for the purpose of locating a metal building to be constructed and house CNC machinery that belongs to my business Pro-Series Fabrication. The area to be rezoned will be less than 1 acre. This zoning request is for only my business and shall revert back to the original zoning if I close the shop.

I am the sole proprietor of Pro-Series Fabrication and have owned the company for 6 years, currently in Hoschton, GA. Pro-Series Fabrication is in the business of machining aluminum, stainless steel, and plastic machined parts for several businesses in north Georgia as well as sales throughout the US.

I will live in the existing house and work in the proposed shop. All work will be conducted inside the building. No outside storage will be used. I am the only employee of the business and customers do not visit my shop. The shop will be kept up and maintained as it will also be where I live.

The proposed 50'x100' building will exist to house the CNC mills and lathes, required metals, and provide space for our 3d computer modeling services, 3d printing, engraving, and shipping processes. There is not any excessive noises associated with our processes.

Thank you for your consideration.

Tyler Crawford

Provided at 12-5-22 PC Meeting

.com

facebook

Log In

Connect with Pro-Series Fabricatio...

Log In

or

Provided at 12-5-22 PC Meeting

facebook

Log In

Connect with Pro-Series Fabricatio...

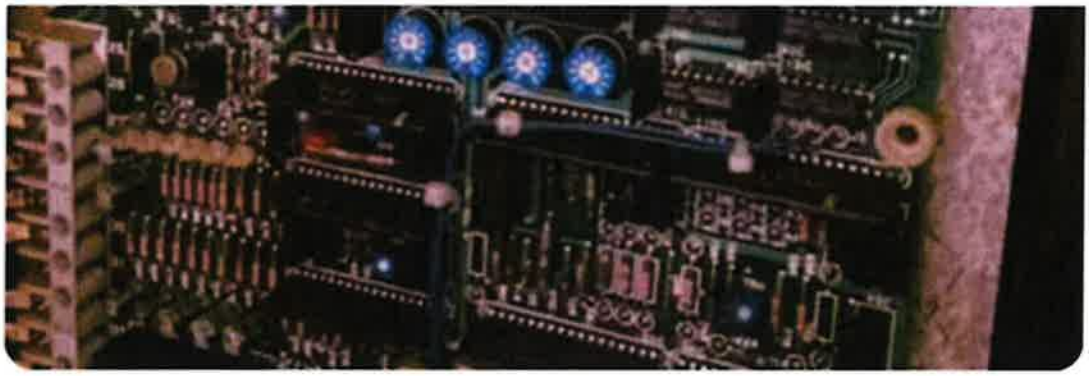
Provided at 12-5-22 PC Meeting

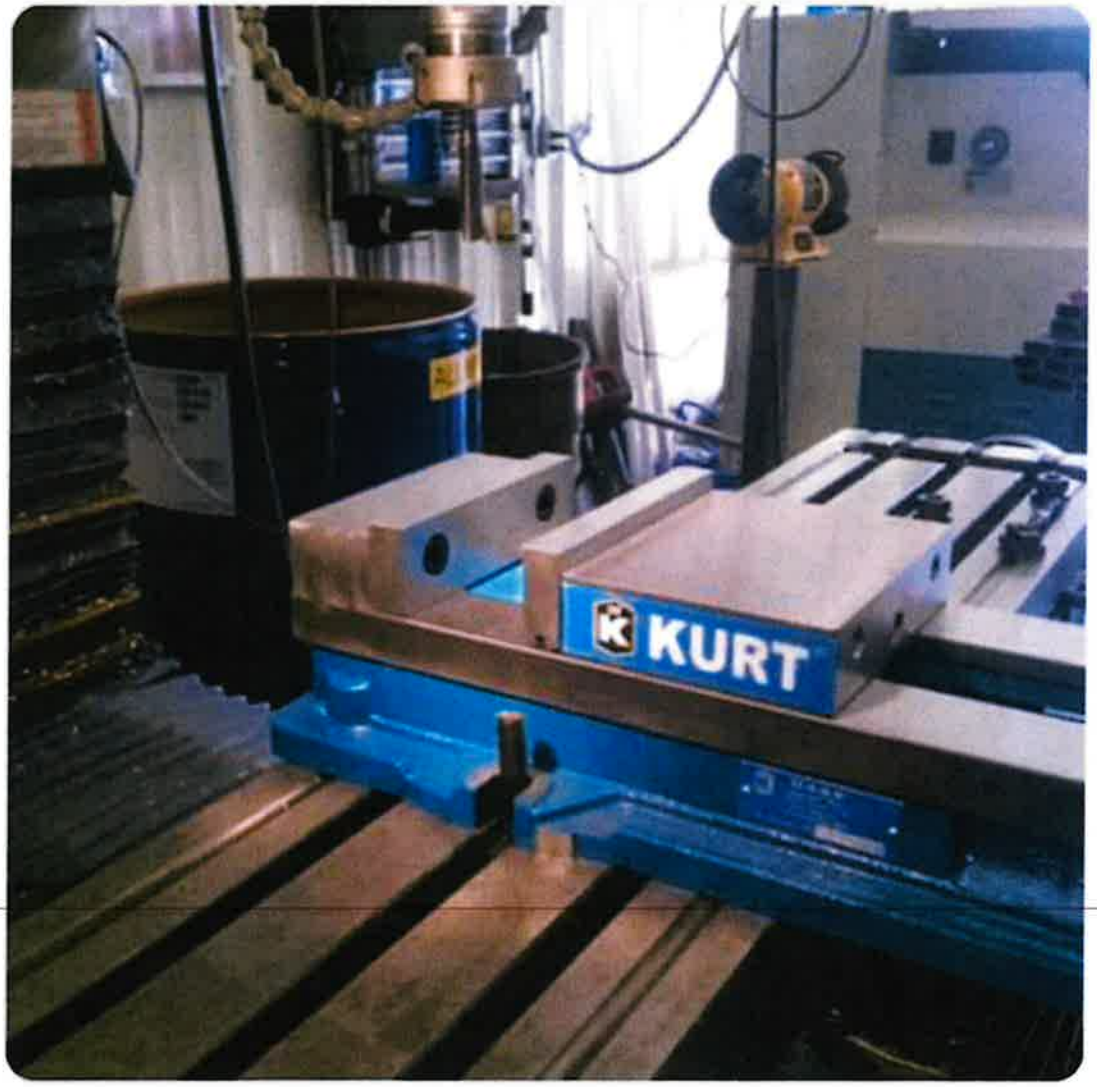
facebook

Log In

Connect with Pro-Series Fabricatio...

Provided at 12-5-22 PC Meeting





Provided at 12-5-22 PC Meeting

Provided at 12-5-22 PC Meeting

Provided at 12-5-22 PC Meeting

.com

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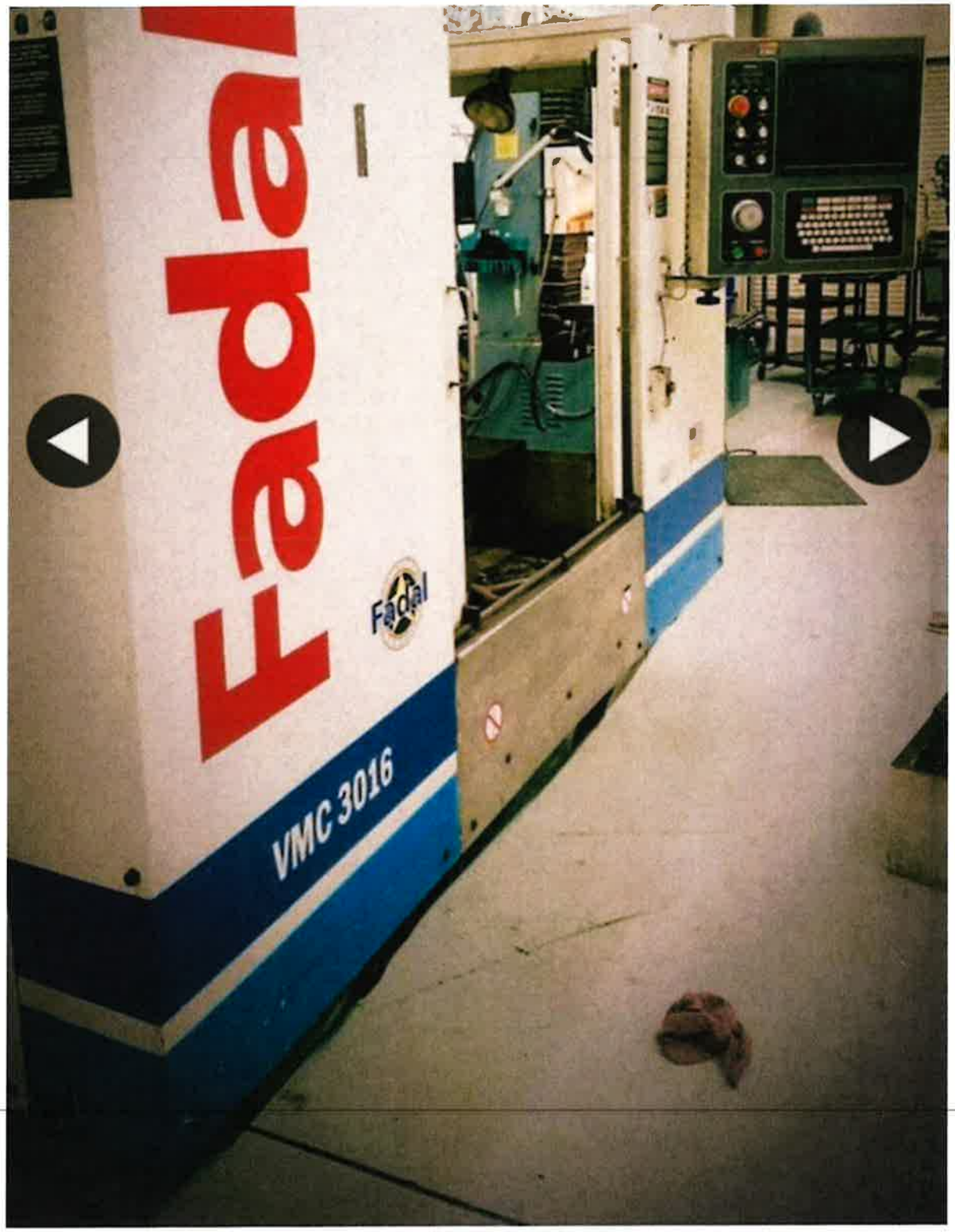

Pro-Series Fabrication

The newest addition to Pro-Series Fabrication, a new (to us) Fadal Engineering, LLC VMC 3016.

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Monday, November 14, 2022 12:09 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)
Subject: HCPC Tentative Agenda 12.5.22

Please find Environmental Health comments below:

Items 1 & 2, 4745 Cagle Mill Rd, Boling: 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.

Item 3, 2124 Imperial Drive, Maynard: An existing system evaluation will be required.

Item 4, 3252/3264 Poplar Springs Road, Lykins: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat as the lots are considered lots of record.

Item 5, 5625/5633 Bogus Road, Mejia: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat.

Items 6 & 7, 5871 McEver Road, Anchor Inn: Must meet all Environmental Health commercial septic system permitting requirements if plumbing proposed and public sewer not available. A detailed business plan must be submitted to Hall County Environmental Health for review.

Item 8, 6541 Henry Smith, Crawford: Environmental Health issued a septic permit (OSC 7294) for storage building/barn (sink/toilet) in May 2022. The system has not been installed as of this date.

Item 9, Text Amendment: No comment

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Thursday, November 17, 2022 2:20 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Chavers, Veronica E; Peevy, Jonathan
Subject: RE: Tentative Planning Agenda for December 5, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see our comments in red below

#4 (Lynkin) – is the proposal just to move the property line? If so, disregard comment below about GDOT coordination being required.

Thank you,

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Friday, November 11, 2022 11:14 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Bill Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Ellis Still (Planning) <estill@hallcounty.org>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Michael Vieira (Fire Services) <mvieira@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford (nswafford@gainesvillega.org) <nswafford@gainesvillega.org>; Pam Cravero <Pam.Cravero@hallco.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; Wanda Sutton

(Engineering) <wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for December 5, 2022

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, December 5, 2022** Hall County Planning Commission Meeting.

Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report.

When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by **Friday, November 18th**. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES - November 21, 2022

OLD BUSINESS

1. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) and Agricultural Residential-IV (AR-IV) to Planned Residential Development (PRD) on a 69.50± acre tract located on the west side of Cagle Mill Road approximately 429 feet from Noah Martin Drive | Zoned AR-III & AR-IV; Tax Parcel 15007 000254 (pt.) | **Proposed use: single family, townhome, & cluster home development, 225 residential units** | ** Commission District 3 | **Josh Boling, applicant.**

2. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) to Light Industrial (I-I) on a 5.30± acre tract located on the east side of Cornelia Highway approximately 4,970 feet from Cagle Road | Zoned AR-III; Tax Parcel 15007 000254 (pt.) | **Proposed use: 2 commercial outparcels** | ** Commission District 3 | **Josh Boling, applicant.**

NEW BUSINESS

3. **2124 Imperial Drive | Variance |** for a left side yard setback variance from 10 feet to 3 feet on a .93± acre tract located on the east side of Imperial Drive approximately 72 feet from its intersection with Elysian Circle | Zoned R-I ; Tax Parcel 00094 000006H **| Proposed use: above ground pool |** * Commission District 4 **| Jeff Maynard & Vanessa Schaeffer , applicant.**
   None

4. **3264 & 3252 Poplar Springs Road | Variance |** for a road frontage variance from 150 to 109 feet on a 1.91± acre tract located on the south side of Poplar Springs Road approximately 736 feet from its intersection with Hawthorne Drive | Zoned R-I & AR-III; Tax Parcel 15036C000008 (pt.) & 000009A | **Proposed use: reconfiguration plat** | * Commission District 1 | **Brian Lykins, applicant.**
   GDOT coordination required.

5. **5625 & 5633 Bogus Road | Variance |** for a variance on road frontages and required lot widths from 150 feet to 80 feet for two proposed lots on a 3± acre tract located on the east side of Bogus Road approximately 1,345 feet from its intersection with Wellspring Trail | Zoned AR-IV ; Tax Parcel 12050 000042 & 000043 **| Proposed use: 2-lot subdivision |** * Commission District 3 | **Francisco Mejia, applicant.**
   None

6. **5871 McEver Road | Rezone |** from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax

Parcel 08119 000233 | **Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**
None

7. **5871 McEver Road | Use Subject to County Commission Approval |** on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 | **Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**
None

8. **6541 Henry Smith Road | Appeal an Administrative Decision |** for a Use Subject to Planning Commission approval on a 5.65± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road | Zoned AR-IV; Tax Parcel 11023 000024 |**Proposed use: rural business |** * Commission District 3 | **Tyler Crawford, applicant.**
None

9. **Section 17.20.300 | Text Amendment, Official Code of Hall County, GA | Amend the Definition of Community Residence |** 17.20.300, ("pregnant or parenting youth who are displaced and /or in State custody.") by amending the definition of a Community Residence. The intent of the proposed change is to expand the type of care facility allowed as a Community Residence. | ** All Districts | **Crystal F. Toombs, applicant.**
None

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, January 12, 2023 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, January 12, 2023. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Thank you,
Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
GEORGIA
We have it all in Hall

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

HALL COUNTY
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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: November 17, 2022

Subject: December 5, 2022 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the December 5, 2022 meeting. Upon review, we provide the following comments.

OLD BUSINESS

1. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) and Agricultural Residential-IV (AR-IV) to Planned Residential Development (PRD) on a 69.50± acre tract located on the west side of Cagle Mill Road approximately 429 feet from Noah Martin Drive | Zoned AR-III & AR-IV; Tax Parcel 15007 000254 (pt.) **| Proposed use: single family, townhome, & cluster home development, 225 residential units |** ** Commission District 3 | **Josh Boling, applicant.**

   a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater threshold for impervious surfaces and/or disturbed acreage
   Show FEMA and Hall County studied flood plain
   Part of North Oconee Water Protection District.
   Hall County will not maintain a bridge over river.
   b) **Traffic:** 1. Access onto Cornelia Hwy (SR365) must be approved and permitted by GDOT.
   2. Internal roadways are proposed to be private; however, they still need to meet Hall County Code Title 16 (subdivision regulations). Any proposed variances to Title 16 must be specific, justified and approved through the rezoning process. In addition, there is a proposed bridge shown near the Cornelia Hwy (SR365) entrance and it should be noted that Hall County does not accept bridges into County maintenance. A cul-de sac will be required at the end of the proposed County maintained section. Current site plan does not meet Hall County requirements.
   3. Recommend that the gravel section of Cagle Mill Road from existing end of pavement to White Hall Road (approximately 1,400 feet) be improved and paved to Hall County standards to provide safe and efficient access to and from the site via Old Cornelia Highway/White Hall Road.
   4. Recommend that all necessary improvements be the financial responsibility of the developer and constructed concurrently with the development.
   c) **Utilities:** Hall County Sewer district.
   Sewer lift station @ 365.

HALL COUNTY
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t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

2. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) to Light Industrial (I-I) on a 5.30± acre tract located on the east side of Cornelia Highway approximately 4,970 feet from Cagle Road | Zoned AR-III; Tax Parcel 15007 000254 (pt.) | **Proposed use: 2 commercial outparcels** | ** Commission District 3 | **Josh Boling, applicant.**

   a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater threshold for impervious surfaces and/or disturbed acreage.
   Show FEMA and Hall County studied flood plain.
   Part of North Oconee Water Protection District.
   Show buffer and impervious setback from wrested vegetation, not centerline of creek. (150')
   Hall County will not maintain bridge over river.
   b) **Traffic:** 1. Access onto Cornelia Hwy (SR365) must be approved and permitted by GDOT.
   2. Roadway will need to meet Hall County industrial standards.
   3. There is a proposed bridge shown near the Cornelia Hwy (SR365) entrance and it should be noted that Hall County does not accept bridges into County maintenance. A cul-de sac will be required at the end of the proposed County maintained section.
   4. Recommend that all necessary improvements be the financial responsibility of the developer and constructed concurrently with the development.
   c) **Utilities:** Sewer at 365, need sewer availability letter flows?

NEW BUSINESS

3. **2124 Imperial Drive | Variance |** for a left side yard setback variance from 10 feet to 3 feet on a .93± acre tract located on the east side of Imperial Drive approximately 72 feet from its intersection with Elysian Circle | Zoned R-I ; Tax Parcel 00094 000006H **| Proposed use: above ground pool |** * Commission District 4 **| Jeff Maynard & Vanessa Schaeffer , applicant.**

   a) **Engineering:** No Comments
   b) **Traffic**: No Comments
   c) **Utilities**: No Comments

4. **3264 & 3252 Poplar Springs Road | Variance |** for a road frontage variance from 150 to 109 feet on a 1.91± acre tract located on the south side of Poplar Springs Road approximately 736 feet from its intersection with Hawthorne Drive | Zoned R-I & AR-III; Tax Parcel 15036C000008 (pt.) & 000009A | **Proposed use: reconfiguration plat** | * Commission District 1 | **Brian Lykins, applicant.**

   a) **Engineering:** No Comments
   b) **Traffic:** Need authorization from the GDOT for new or modifications to existing driveways.
   c) Utilities: City of Oakwood Sewer District

HALL COUNTY
GEORGIA

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GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

5. **5625 & 5633 Bogus Road | Variance |** for a variance on road frontages and required lot widths from 150 feet to 80 feet for two proposed lots on a 3± acre tract located on the east side of Bogus Road approximately 1,345 feet from its intersection with Wellspring Trail | Zoned AR-IV ; Tax Parcel 12050 000042 & 000043 **| Proposed use: 2-lot subdivision |** * Commission District 3 | **Francisco Mejia, applicant.**

a) **Engineering:** No Comments
b) **Traffic:** No Comments
c) **Utilities:** No Comments

6. **5871 McEver Road | Rezone |** from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 **| Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**

a) **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. Stream and impervious setback from wrested vegetation not centerline of stream.
b) **Traffic:** Adequate connection to roadway is not clear. Traffic study will be required that documents/impacts to the McEver Road/Lights Ferry intersection. Improvements that remediate impacts to intersection will be required.
c) **Utilities:** Flowery Branch Sewer District

7. **5871 McEver Road | Use Subject to County Commission Approval |** on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 **| Proposed use: RV & boat storage |** ** Commission District 2 **| Anchor Inn RV & Boat Storage, applicant.**

a) **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.
b) **Traffic:** Adequate connection to roadway is not clear. Traffic study will be required that documents/impacts to the McEver Road/Lights Ferry intersection. Improvements that remediate impacts to intersection will be required.
c) **Utilities:** No Comments

8. **6541 Henry Smith Road | Appeal an Administrative Decision |** for a Use Subject to Planning Commission approval on a 5.65± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road | Zoned AR-IV; Tax Parcel 11023 000024 **|Proposed use: rural business |** * Commission District 3 | **Tyler Crawford, applicant.**

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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

a) **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.
b) **Traffic:** No Comments
c) **Utilities:** No Comments

9. **Section 17.20.300 | Text Amendment, Official Code of Hall County, GA | Amend the Definition of Community Residence** | 17.20.300, ("pregnant or parenting youth who are displaced and /or in State custody.") by amending the definition of a Community Residence. The intent of the proposed change is to expand the type of care facility allowed as a Community Residence. | ** All Districts | **Crystal F. Toombs, applicant.**

a) **Engineering:** No Comments
b) **Traffic:** No Comments
c) **Utilities:** No Comments

Jennifer Rivera (Administration)

From: Anael Dominguez (Planning)
Sent: Wednesday, January 4, 2023 12:08 PM
To: Jennifer Rivera (Administration)
Cc: Abril Olivas (Administration)
Subject: FW: Proposed structure

Hey Jennifer,
Just received this email from the Fire Marshalls office.

Thank you,
Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
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From: Randi Doveton (Planning) <rdoveton@hallcounty.org>
Sent: Wednesday, January 4, 2023 11:04 AM
To: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Subject: FW: Proposed structure

Ana,
Please add this email to the Tyler Crawford folder

From: John Hornick (Fire Services) <jhornick@hallcounty.org>
Sent: Wednesday, January 4, 2023 10:29 AM
To: Michael Vieira (Fire Services) <mvieira@hallcounty.org>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; David Webb (Planning) <dwebb@hallcounty.org>
Cc: tl_crawford@ymail.com
Subject: RE: Proposed structure

Good Morning,

The proposed location of your commercial building is 9,496 feet away from the closest fire hydrant located on highway 52. For your commercial project to meet fire code you would have to install a fire hydrant no greater than 500 feet from the building as the truck travels. As of right now Gainesville Water has no plans to extend the water line to the area of your proposed project. The cost of extending the water line and fire hydrant would be your responsibility. The code has an exception that allows for the installation of a private water supply for fire protection. The private system would have to be capable of supplying the required fire flow for fire protection and would have to meet NFPA 22 and 24 standards.

Thanks

Lt. John Hornick
Hall County Fire Rescue

From: Michael Vieira (Fire Services) <mvieira@hallcounty.org>
Sent: Wednesday, January 4, 2023 8:31 AM
To: John Hornick (Fire Services) <jhornick@hallcounty.org>
Subject: FW: Proposed structure

See below. Please contact him.

From: Tyler Crawford <tl_crawford@ymail.com>
Sent: Tuesday, January 3, 2023 6:22 PM
To: Michael Vieira (Fire Services) <mvieira@hallcounty.org>
Subject: Proposed structure

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Vieira,

My name is Tyler Crawford and I am the property owner at 6541 Henry Smith Road, Murrayville, GA 30564.

I was recently passed by the Hall County Planning Commission for a conditional-use variance known as a Rural Business (per 17.350.140) but have been appealed by a neighbor to the Board of Commissioners.

The purpose of my email is to inquire about any concerns or limitations placed by the county fire services for my building.

The Planning Commission's Condition 2 states from their approval:

2. The Applicant shall comply with requirements from the Hall County Fire Marshal

Would you have any insight into this condition?

Seems really vague to me and I would love to have your opinion on the application before my BoC meeting next Thursday, 1/12/23.

The business would be located within a coldform-constructed metal building and would not have any flammable liquids/solids in the building.

If you would like, I am available to meet at the building site at any time but will be there working on final construction 1/5-1/8

Thank you for your time,
Tyler Crawford
(404) 226-4443

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Friday, November 18, 2022 12:08 PM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Michael Vieira (Fire Services)
Subject: Planning Commission Fire Comments

1. **6541 Henry Smith Road | Appeal an Administrative Decision |** for a Use Subject to Planning Commission approval on a 5.65± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road | Zoned AR-IV; Tax Parcel 11023 000024 |**Proposed use: rural business |** * Commission District 3 | **Tyler Crawford, applicant.**
   The closest fire hydrant to the proposed rural business site is located 9,496 feet away on Highway 52.

Regards,

John Hornick, NPQ Fire Inspector 1, Plans Review
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

Print

Board of Commissioners Voting Meeting Comments - January 12, 2023 - Submission #67159

Date Submitted: 1/11/2023

Comments completed in the form below will be submitted into the record for the January 12, 2023 Voting Meeting of the Hall County Board of Commissioners.

First Name*

Seth

Last Name*

Parks

Address1*

6473 Arrowhead Road

Address2

City*

Murrayville

State*

Ga

Zip*

30564

Item for Comment*

6541 Henry Smith Road | Appeal a Planning Commission Decision

Select from the list below which item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

I am in support of Tyler Crawford and his application for rural business

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: TYLER CRAWFORD
REQUEST: APPEAL OF AN ADMINISTRATIVE DECISION- RURAL BUSINESS
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: DEC.5,2022
Time: 5:15 PM
IF APPEALED
COUNTY COMMISSION
Date: JAN.12,2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809
HALL COUNTY BUILDING INSPECTION
NTS2022-00243
Storage Bldg/Barn
6541 Henry Smith Rd
Homeowner
Brad Cochran

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: GARY COPELAND

REQUEST: APPEAL OF A PLANNING COMMISSION DECISION-RURAL BUSINESS

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION		COUNTY COMMISSION
Date: ~~-0-~~	BOC ONLY	Date: ~~FEB~~ 23, 2023
Time: ~~-0-~~		Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

Feb 3, 2023 14:05:54
6262 Dahlonega Highway
Clermont
Hall County
Georgia

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: GARY COPELAND

REQUEST: APPEAL OF A PLANNING COMMISSION DECISION - RURAL BUSINESS

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: ~~0~~
Time: ~~0~~

BOC ONLY

COUNTY COMMISSION
Date: ~~FEB 23, 2023~~
Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

Feb 3, 2023 14:07:19
6541 Henry Smith Road
Murrayville
Hall County
Georgia

AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 48/2023

SUBJECT: **4020 & 3886 Cornelia Highway and 4761 Cagle Mill Road | Rezone** | from Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 134.14± acre tract located on the south side of Cornelia Highway approximately 679 feet from its intersection with Cagle Road | Zoned AR-III & AR-IV; Tax Parcel 15007 000129, 000270, & 000027A | **Proposed use: heavy industrial** | Commission District 3 | **Ridgeline Land Planning, Inc, applicant.** NOTE: Tabled at the December 8, 2022 Voting Meeting until the January 26, 2023 Voting Meeting. NOTE: Tabled at the January 26, 2023 Voting Meeting until the February 23, 2023 Voting Meeting.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD

Recommendation:

Approval, with conditions: 1. The development shall occur substantially as depicted on the site plan dated 8-15-2022 and described in the project narrative. Due topographical, ecological, or geological constraints, the developer may be allowed to adjust lot lines and the quantity of lots as long as the total buildings square footage does not exceed 1,067,000 sq. ft. for the entire development. 2. The proposed development may contain flood zones. The site shall require a stormwater management report should the site plan indicate that the proposed development meets stormwater threshold for impervious surfaces. The proposed development is located in the North Oconee watershed overlay, which doubles all stream buffers and setbacks from rested vegetation not the centerline of the stream. 3. The subdivision shall follow the standard preliminary and final plat review process (16.40). 4. 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." 5. The GDOT permit shall be required prior to issuance of a land disturbance permit (LDP). 6. Tilt up concrete wall construction shall be allowed. 7. Architectural reef panels shall be allowed with the color being approved by the Director of Planning and Development. 8. All conditions of zoning shall be made part of any plats created for the property. 9. Items P & R in section 17.170.010 of the Hall County Code shall not be allowed.

Purpose of Request:

4020 & 3886 Cornelia Highway and 4761 Cagle Mill Road | Rezone | from Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 134.14± acre tract located on the south side of Cornelia Highway approximately 679 feet from its intersection with Cagle Road | Zoned AR-III & AR-IV; Tax Parcel 15007 000129, 000270, & 000027A | Proposed use: heavy industrial | Commission District 3 | Ridgeline Land Planning, Inc, applicant.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
JR	JR	JR	JR

Attorney	Administration	Clerk
JR	JR	JR

Attachments:

Updated Board Memo - as of 2/7/2023
Board Memo
Recommendation Report
Application
Updated Narrative
Original Narrative
Updated Site Plan
Original Site Plan
Maps
Deed
Legal Description
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Notice Sign Photos
Updated Notice Sign Photos - as of 1/27/2023
Updated Notice Sign Photos - as of 2/8/2023

HALL COUNTY
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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **4020 & 3886 Cornelia Highway and 4761 Cagle Mill Road** | **Rezone** | from Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 134.14± acre tract to allow heavy industrial | Ridgeline Land Planning, Inc, applicant.

The request before you is the application of Ridgeline Land Planning to rezone approximately 134.14 acres for a light industrial subdivision. The development will consist of 11 lots ranging in size from 2.5 acres to 14 acres and will include the construction of a new public road that will intersect with Cornelia Highway. The development will be served by public water and sewer. The property is located in the Gateway Corridor Overlay District (17.420) and the North Oconee Water Supply Watershed District (17.225) which places greater emphasis on design standards, landscaping, and buffers. The property is located within Commission District 3.

The item was tabled at your December 8, 2022, January 12, 2023, and January 26, 2023 meetings, at the request of the applicant. In an email requesting to table the application, the applicant requested to change the request from Heavy Industrial to light Industrial. There have been no other changes in the request and no changes to the site plan.

At their November 7, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the Rezoning request with nine (9) conditions **(5-0)**.

There were no written comments submitted in advance of the Planning Commission meeting and no one spoke during the public hearing.

In an email dated December 7, 2022 requesting to table the application, the applicant requested to change the request from Heavy Industrial to Light Industrial. There have been no other changes in the request and no changes to the site plan.

Planning Commission Approval Conditions:

1. The development shall occur substantially as depicted on the site plan dated 8-15-2022 and described in the project narrative. Due topographical, ecological, or geological constraints, the developer may be allowed to adjust lot lines and the quantity of lots as long as the total buildings square footage does not exceed 1,067,000 sq. ft. for the entire development.
2. The proposed development may contain flood zones. The site shall require a stormwater management report should the site plan indicate that the proposed development meets stormwater threshold for impervious surfaces. The proposed development is located in the North Oconee watershed overlay, which doubles all stream buffers and setbacks from rested vegetation not the centerline of the stream.
3. The subdivision shall follow the standard preliminary and final plat review process (16.40).
4. 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."
5. The GDOT permit shall be required prior to issuance of a land disturbance permit (LDP).
6. Tilt up concrete wall construction shall be allowed.
7. Architectural reef panels shall be allowed with the color being approved by the Director of Planning and Development.
8. All conditions of zoning shall be made part of any plats created for the property.
9. Items P & R in section 17.170.010 of the Hall County Code shall not be allowed.

Staff recommended denial**, based on the findings that the request does not meet criteria 1, 2, 13, 14, and 16, of 17.380.060 as the request proposes a use out of scale and intensity for the environmentally sensitive conditions on the site.**

For your Consideration

These items support approval

1. The *requested zoning designation* is consistent with the 2022 Comprehensive Plan, page 35.

These items support denial

1. The subject property is located in the North Oconee Water Supply Watershed District (17.225) which results in environmentally sensitive conditions on site due to proximity to the North Oconee River. As such, the intensity of an 11-building /lot industrial use has the potential to adversely affect the environmental characteristics intended to be protected.
2. There are other sites in Hall County more appropriate for heavy industrial uses that are supported by the future land use map, zoning ordinance, and existing conditions on the site.
3. There is no indication that a mistake was made in the original zoning of the property.

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DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: November 16, 2022

Subject: **4020 & 3886 Cornelia Highway and 4761 Cagle Mill Road** | **Rezone** | from Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 134.14± acre tract to allow heavy industrial | Ridgeline Land Planning, Inc, applicant.

The request before you is the application of Ridgeline Land Planning to rezone approximately 134.14 acres for a heavy industrial subdivision. The development will consist of 11 lots ranging in size from 2.5 acres to 14 acres and will include the construction of a new public road that will intersect with Cornelia Highway. The development will be served by public water and sewer. The property is located in the Gateway Corridor Overlay District (17.420) and the North Oconee Water Supply Watershed District (17.225) which places greater emphasis on design standards, landscaping, and buffers. The property is located within Commission District 3.

At their November 7, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the Rezoning request with nine (9) conditions **(5-0)**.

There were no written comments submitted in advance of the Planning Commission meeting and no one spoke during the public hearing.

There have been no changes to the request since the Planning Commission took action.

Planning Commission Approval Conditions:

1. The development shall occur substantially as depicted on the site plan dated 8-15-2022 and described in the project narrative. Due topographical, ecological, or geological constraints, the developer may be allowed to adjust lot lines and the quantity of lots as long as the total buildings square footage does not exceed 1,067,000 sq. ft. for the entire development.

2. The proposed development may contain flood zones. The site shall require a stormwater management report should the site plan indicate that the proposed development meets stormwater threshold for impervious surfaces. The proposed development is located in the North Oconee watershed overlay, which doubles all stream buffers and setbacks from rested vegetation not the centerline of the stream.
3. The subdivision shall follow the standard preliminary and final plat review process (16.40).
4. 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."
5. The GDOT permit shall be required prior to issuance of a land disturbance permit (LDP).
6. Tilt up concrete wall construction shall be allowed.
7. Architectural reef panels shall be allowed with the color being approved by the Director of Planning and Development.
8. All conditions of zoning shall be made part of any plats created for the property.
9. Items P & R in section 17.170.010 of the Hall County Code shall not be allowed.

Staff recommended denial**, based on the findings that the request does not meet criteria 1, 2, 13, 14, and 16, of 17.380.060 as the request proposes a use out of scale and intensity for the environmentally sensitive conditions on the site.**

For your Consideration

These items support approval

1. The *requested zoning designation* is consistent with the 2022 Comprehensive Plan, page 35.

These items support denial

1. The subject property is located in the North Oconee Water Supply Watershed District (17.225) which results in environmentally sensitive conditions on site due to proximity to the North Oconee River. As such, the intensity of an 11-building /lot industrial use has the potential to adversely affect the environmental characteristics intended to be protected.
2. There are other sites in Hall County more appropriate for heavy industrial uses that are supported by the future land use map, zoning ordinance, and existing conditions on the site.
3. There is no indication that a mistake was made in the original zoning of the property.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Ridgeline Land Planning, Inc

Request ..... Rezone from Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II)

Proposed Use ..... Heavy Industrial Park

Size ..... 131.14± acres

Zoning ..... Current Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV)/North Oconee OD| Proposed Heavy Industrial (I-II)/ North Oconee OD

Location ..... **4020 & 3886 Cornelia Highway and 4761 Cagle Mill Road** | Tax Parcel 15007 000129, 000270, & 000027A

Commission District ..... Three

Planning Commission Date ..... November 7, 2022

Staff Recommendation ..... **Denial, based on the findings that the request does not meet criteria 1, 2, 13, 14, and 16, of 17.380.060 as the request proposes a use out of scale and intensity for the environmentally sensitive conditions on the site.**

Planning Commission Recommendation……Approval, with conditions

Vote: 5-0

1. The development occur substantially as depicted on the site plan dated 8-15-2022 and described in the project narrative. Due topographical, ecological, or geological constraints, the developer may be allowed to adjust lot lines and the quantity of lots as long as the total buildings square footage does not exceed 1,067,000 sq. ft. for the entire development.

2. The proposed development may contain flood zones. The site shall require a stormwater management report should the site plan indicate that the proposed development meets stormwater threshold for impervious surfaces. The proposed development is located in the North Oconee

watershed overlay, which doubles all stream buffers and setbacks from rested vegetation not the centerline of the stream.

3. The subdivision shall follow the standard preliminary and final plat review process (16.40).

4. 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."

5. The GDOT permit shall be required prior to issuance of a land disturbance permit (LDP).

6. Tilt up concrete wall construction shall be allowed.

7. Architectural reef panels shall be allowed with the color being approved by the Director of Planning and Development.

8. All conditions of zoning shall be made part of any plats created for the property.

9. Items P & R in section 17.170.010 of the Hall County Code is not allowed.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to rezone 131.41 from Agricultural Residential III (AR-III, 17.110) and Agricultural Residential IV (AR-IV, 17.120) to Heavy Industrial (I-II, 17.170) to allow for a heavy industrial development. According to the narrative, the applicant expects this to be a 5 to 10 year build out.

The narrative states that the proposed uses will be in conformance with those uses listed in Permitted Uses (17.170.010), with the exception of items P (Adult establishments) and R (Astrologers, clairvoyants, fortune tellers, palmists, phrenologists and related occupations), of the Official Code of Hall County. The applicant is proposing to delete uses P and R and anticipates that the majority of the uses will be office and warehousing.

The narrative continues to explain the proposed Industrial development will consist of 11 lots ranging in size from 2.5 to 14 acres. These lots will be accessed via a new public road connecting to Cornelia Highway (State Route 365). The front setback will be 50 feet, and the side and rear setbacks will be 30

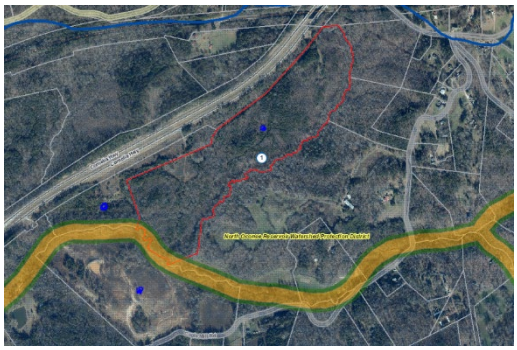
feet, as required by Official Code of Hall County. A 50-foot buffer will be provided adjacent to residentially zoned property.

The proposed development will be served by Hall County Sewer and City of Gainesville Water. Signage conforming to the Hall County sign ordinance will be located at the entrance off Hwy 365 and at individual lot entrances within the development. Lighting within the development will be LED style and shielded to minimize light spillage onto adjacent properties.

No variance to the Official Code of Hall County were submitted as part of this request; however, the subject properties lie within the Gateway Corridors Overlay District (GCOD, 17.420). Since the site plan submitted is a conceptual plan and no architectural elevations, proposed sign information, or landscape plan were submitted as part of this request, variances may be required for each lot prior to its development; ***any such variances will require a public hearing***.

Zoning Analysis

While the proposed use of an 11 lot industrial park is consistent with the Comprehensive Plan and Future Land Use Map which shows it to be within an employment corridor, the site is environmentally sensitive and part of the North Oconee Water Supply Watershed District (17.225), and as such, an industrial use is not the most suitable use of the property. The subject properties also lie within the Gateway Corridors Overlay District (GCOD, 17.420) which imposes landscaping, signage, buffer, and architectural design and materials standards.



The proposed development is located in the North Oconee Water Supply Watershed District which places limitations on the intensity of development (17.225.030):

- The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent, or existing use, whichever is greater.

- The site plan indicates a total impervious area of 29.05 acres or 24.9%.
    - *For reference 3551 Kubota Way has approximately 188 acres with approximately 26.97acres of impervious area. 25% of 188 acres is 47 acres.*
    - *5855 Whitehall Road has approximately 280 acres and 40.3 acres of impervious area. 25% of 280 acres is 110.3 acres.*

- *Both sites are within the North Oconee Water Supply Watershed District (17.225) but are under the maximum pervious area of 25%.*

When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The proposed development is an 11-lot industrial park located on the south side of Cornelia Highway / SR 365. The subject property is adjacent to undeveloped large tracts of agricultural residential zoned property, both developed and undeveloped. While Gateway Industrial Centre is located across Cornelia Highway, it is a considerable distance away from other commercial property, approximately 2 miles from an activity corridor. Therefore, the proposed use is not suitable in view of the use and development of nearby property.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The subject property is located in the North Oconee Water Supply Watershed District (17.225) which results in environmentally sensitive conditions on site due to proximity to the North Oconee River. As such, the intensity of an 11-building /lot industrial use has the potential to adversely affect the environmental characteristics intended to be protected.**

3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Without a market study, it is hard to determine if there is economic value as the property is currently zoned however there a number of permitted and conditional uses within the AR-III (17.110) and AR-IV districts (17.120).**

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **A Development of Regional Impact (DRI) review was conducted by Georgia Mountains Regional Commission (GMRC). A notice of decision was issued to Hall County staff on October 7, 2022. The results of that review indicated that "the proposed action does not present any adverse inter-jurisdictional impacts, however the GMRC recommends that the County and applicant work with the GHMPO and GDOT to ensure optimal resolution of the intersections and access to allow existing traffic to safely turn left (southward) without disrupting highway traffic."**

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The *requested zoning designation* is consistent with the 2022 Comprehensive Plan, page 35 and the**

Future Land Use map; however, the site is environmentally sensitive and part of the North Oconee Water Supply Watershed District (17.225), and as such, intense industrial use is not the most suitable use of the property.

6. The extent to which property values are diminished by the existing zoning restrictions; **It is likely that property values are lower as agriculturally-zoned parcels as opposed to industrially-zoned. That said, rezoning the subject property may adversely impact the values of adjacent properties. A market study is necessary to make a determination.**

7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **The subject property is located in the North Oconee Water Supply Watershed District (17.225) as a result of the environmentally sensitive conditions on site and proximity to the North Oconee River. As such, the intensity of an 11-building industrial use has the potential to adversely affect the environmental characteristics intended to be protected.**

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **There is likely to be public gain by protecting environmentally sensitive land and limiting the intensity of use on such property.**

9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **Staff is not aware of the length of time the property has been vacant.**

10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any changing conditions that impact the development of the property.**

11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed district would present an isolated zoning designation from; however, the Comprehensive Plan supports this use on the subject property.**

12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **The zoning district boundaries are not illogically drawn in relation to conditions in the area.**

13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The scope is out of proportion to the existing uses within the neighborhood and on adjacent parcels; however, it is located in an area designated as an employment corridor on the Future Land Use Map. There is significant interest in this area of Hall County due to the Northeast Ga Inland Port. The site has challenges related to environmental sensitivity as part of the North Oconee Water Supply Watershed District (17.225).**

14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other sites in Hall County more appropriate for heavy industrial uses that are supported by the future land use map, zoning ordinance, and existing conditions on the site.**

1. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **The request could not be handled alternatively as a variance since the proposed use is neither permitted nor conditional in the AR-III district (17.110) or AR-IV district (17.120).**

15. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **The subject property is located in the North Oconee Water Supply Watershed District (17.225) as a result of the environmentally sensitive conditions on site and proximity to the North Oconee River. As such, the intensity of an 11-building industrial use has the potential to adversely affect the environmental characteristics intended to be protected.**

16. 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 of the property.**

- **Heavy Industrial (I-II, 17.170):** the Heavy Industrial (I-I) zoning district allows a variety industrial uses, both permitted and subject to either Planning Commission or Board of Commissioners. The uses include any commercial use or industrial use which involves manufacturing, processing, or assembly operations or the storage and sale of heavy materials, products, or equipment, but not including uses which may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions to nearby areas or those uses listed in section 17.170.020.

- **17.380.050. - Submission requirements for a rezoning request**

A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in chapter 17.30 to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. 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.**

B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
   1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **Proposal does not meet the requirement, as the applicant has not addressed the review and approval criteria in Section 17.380.060.C. but did submit a narrative.**
   2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district**. Proposal meets this requirement.**

3. For any application for a slow rate land treatment system (see chapter 17.20), the following additional requirements apply. **Proposal does not propose a slow rate land treatment system so this criteria is not applicable.**
4. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **This is not applicable since the proposed use is not a residential development of 100 or more units; however, a traffic study was referenced in the DRI report.**

Development Support and Constraints –Departmental /agency comments

Hall County Environmental Health

In an email dated October 18, 2022, Emily McGahee stated "No comment. Public sewer."

Hall County Fire Rescue

In an email dated October 20, 2022, Lieutenant John Hornick provided the following comments:

1. IFC Section D104.1, buildings exceeding three stories or 30 feet in height shall have not fewer than two means of fire apparatus access for each structure.
2. IFC Section D104.2, buildings having a gross building area of more than 62,000 SF shall be provided with two separate and approved fire apparatus access roads.
3. IFC Section D104.3, where two fire apparatus roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.
4. IFC Section D105.2, aerial apparatus access roads shall have a minimum unobstructed width of 26' exclusive of shoulders in the immediate vicinity of the building or portion thereof.
5. IFC Section D103.4, dead end fire apparatus roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with table D103.4
6. IFC Section 903.2, where required approved automatic sprinkler systems in new buildings shall be provided in the locations described in sections 903.2.1 through 903.2.12
7. IFC Section 503, fire apparatus access roads shall be provided and maintained in accordance with sections 503.1.1 through 503.1.3
8. IFC Section 506.1, access controlled gate(s) will require a Knox key switch override device for fire department access.
9. IFC Section 510, emergency responder radio coverage confirmation will apply to each building.

Hall County Public Works and Utilities

In a memorandum dated October 20, 2022, Public Works Director Srikanth Yamala stated the following:

> **Engineering:**
> Flood (not future Hall County studied)
>
> 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.
>
> North Oconee Reservoir Watershed Protection. District doubles all stream buffers and impervious setbacks. Show stream buffers/setbacks from wrested vegetation not centerline of stream.
>
> **Traffic:**
> GDOT permit required. While access to Cagle Mill Road is not proposed on the concept, it should be noted that it would not be permitted.
>
> **Utilities:**
> Hall Sewer on Cornelia Highway lift station to remain private. Developer to construct manhole on property to connect to existing manhole on HWY 365.

Hall County Tax Assessors
No comments were provided in relation to this request.

Gainesville Water Resources

No comments were provided in relation to this request.

Georgia Department of Transportation

In an email dated October 20, 2022, Parker Niebauer, District 1 Traffic Operations Supervision, stated "GDOT Coordination In Progress – See GDOT Access Permit A-139-008556-1."

Georgia Mountains Regional Commission

In a memorandum dated October 7, 2022, Adam Hazell, AICP, Planning Director, stated: "Based on the comments received and staff analysis of this project, conducted in accordance with the Georgia Department of Community Affair's Procedures for the Review of the Developments of Regional Impact, the GMRC finds that the proposed action does not present any adverse inter-jurisdictional impacts, however *the GMRC recommends that the County and applicant work with the GHMPO and GDOT to ensure optimal resolution of the intersections and access to allow existing traffic to safely turn left (southward) without disrupting highway traffic*. Please note that this finding is advisory only and assumes the project will proceed as presented to the GMRC and will comply with all applicable local, State and federal rules and regulations."

The GMRC staff analysis are included in the memo.

- **Excerpts from the minutes of the November 7, 2022 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Holt Persinger, 196 Bailor Court, Winder, presented the request. The applicant stated that they have agreed with remove item P and R from the permitted uses. The applicant stated they have initiated work with GDOT. Mr. Bell questioned the percentage of impervious surfaced. The applicant stated it was 24.9%.

Planning Commission Comments:

Mr. Bell requested clarification on the site plan and narrative.

***Motion:* A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 5-0**

Conditions:

1. *The development occur substantially as depicted on the site plan dated 8-15-2022 and described in the project narrative. Due topographical, ecological, or geological constraints, the developer may be allowed to adjust lot lines and the quantity of lots as long as the total buildings square footage does not exceed 1,067,000 sq. ft. for the entire development.*
2. *The proposed development may contain flood zones. The site shall require a stormwater management report should the site plan indicate that the proposed development meets stormwater threshold for impervious surfaces. The proposed development is located in the North Oconee watershed overlay, which doubles all stream buffers and setbacks from rested vegetation not the centerline of the stream.*
3. *The subdivision shall follow the standard preliminary and final plat review process (16.40).*
4. *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."
5. *The GDOT permit shall be required prior to issuance of a land disturbance permit (LDP).*
6. *Tilt up concrete wall construction shall be allowed.*
7. *Architectural reef panels shall be allowed with the color being approved by the Director of Planning and Development.*
8. *All conditions of zoning shall be made part of any plats created for the property.*
9. *Items P & R in section 17.170.010 of the Hall County Code is not allowed.*

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
GEORGIA
We have it all in Hall

ZONING APPLICATION

Applicant (Name & Mailing Address)

Ridgeline Land Planning, Inc.
196 Belaire Court
Winder, GA 30680
Phone 678-618-2037
Email Address holt@ridgelineplanning.com

Property Owner (Name & Mailing Address)

NCP Holdings, LLC / Larry S. Glover
8616 Decoy Lane
Lula, GA 30554
Phone 678-316-0822
Email Address

Proposed Use Heavy Industrial

Contact Person (Name & Mailing Address)

Holt Persinger
196 Belaire Court
Winder, GA 30680
Phone 678-618-2037
Email Address holt@ridgelineplanning.com

Status of Applicant

- ☐ Owner
- ☐ Option to Purchase
- ☐ Area Resident
- ☒ Other

Requested Action

Existing Zoning: AR-IV&AR-III
Rezone to: I-II
Fee:$
Receipt #:
Check #:

Tax Parcel Number 15007 000129, 000270, & 000027A
Acreage 116.52 ACRES
Location Address 3886 & 4020 Cornelia hey and 4761 Cagle Mill Road

I hereby certify that the above information and all attached information are true and correct.

Sign _____ Date: 8/13/2022

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

Tentative Planning Commission Date: _____ Tentative County Commission Date: _____

County Commission District: _____

PLANNING AND DEVELOPMENT DEPARTMENT
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HALL COUNTY
GEORGIA
We have it all in Hall

AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) NCP Holdings, LLC - Larry S. Glover

Address 8616 Decoy Lane
Lula, GA 30554

Phone Number 678-316-0822

Name of applicant(s) Ridgeline Land Planning, Inc.

Address 196 Belaire Court
Winder, GA 30680

Phone Number 678-618-2037

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s) NCP Holdings, LLC
Larry S. Glover Manager/Member

Personally appeared before me

Larry Glover

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Sharon Barrett
Notary Public

8/12/2022
Date

SHARON BARRETT NOTARY PUBLIC Exp. June 18, 2023 HALL COUNTY, GA

Revised December 2019

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY GEORGIA
We have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not X

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 8/13/2022

Applicant's/Owner's Name (Printed): Ridgeline Land Planning, Inc. - Holt Persinger

Revised December 2019

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
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HALL COUNTY
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Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Larry S. Glover **Date:** 8-12-22

Applicant's/Owner's Name (Printed): Larry S. Glover

RIDGELINE
LAND PLANNING, INC.

August 31, 2022
Revised October 14,2022

Hall County Planning and Development
2875 Browns Bridge Road
3rd Floor
Gainesville, GA 30504

LETTER OF INTENT

TAX PARCELS: 15007 000129, 15007 000270, and 15007 000027A

Ridgeline Land Planning, Inc. submits this letter of intent and rezoning application on behalf of the property owner for the tax parcels listed above. The subject property is approximately 116.5 acres situated on the south side of Cornelia Hwy (GA 365), and just south of Cagle Road. The Property is currently zoned AR-IV and AR-III and is in the Employment Corridor as set forth in the Comprehensive Plan for Hall County.

The Applicant is proposing to rezone the Property to Heavy Industrial (I-II) to allow for a development totaling 581,600 square feet accessed by public streets. The Applicant anticipates a 5 to 10 year build out. Proposed uses will be in conformance with the Permitted Uses in section 17.170.010 with the exception of items P (Adult establishments) and R (Astrologers, clairvoyants, fortune tellers, palmists, phrenologists and related occupations) of the Official Code of Hall County. The applicant is proposing to delete uses P and R. Most of the project is expected to be office and warehousing with the potential for 3 shifts with some users. The proposed uses are compatible with the growth along the GA 365 corridor and with the Comprehensive Plan.

The proposed Industrial development will consist of 11 lots accessed from a new ranging from 2.5 to 14 acres. A 50-foot setback will be provided along GA 365 and the 30-foot side and rear setbacks as required by Hall County code will be provided between lots. Signage conforming to

the Hall County sign ordinance will be located at the entrance off Hwy 365 and at individual lot entrances within the development. The project will also provide the required 50-foot buffer adjacent to residentially zoned property where practical and outside of any required stream buffers. The proposed development will be served by Hall County Sewer and City of Gainesville Water. Lighting within the development will be LED style and shielded to minimize light spillage onto adjacent properties.

In conclusion, the proposed development is consistent with existing development patterns within the surrounding area, it is compatible with the policies and intent of the Comprehensive Plan. The Applicant welcomes the opportunity to meet with staff of the Hall County Planning Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application. The Applicant respectfully requests your approval of the Application.

Constitutional Objections

Facially and as applied to the Property, the specific portions of the Hall County Comprehensive Plan and zoning ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant are unconstitutional because they would abolish or damage the Applicant's property rights without paying adequate, fair, and just compensation for such rights, in violation of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Facially and as applied to the Property, the application of Hall County ordinances or Comprehensive Plan which restrict the Property to any zoning classification, conditions, uses, or to any development other than that proposed by the Applicant is unconstitutional, illegal, null, and void, constituting a taking and/or damaging of Applicant's Property by denying the Applicant all economically viable use of its land while not substantially advancing legitimate state interests in violation of the United States Constitution's Just Compensation Clause of the

Fifth Amendment and the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983.

The denial of this application would be an arbitrary and capricious act by Hall County without any rational basis, thus constituting an abuse of discretion in violation of the Constitution of the State of Georgia of 1983 and Due Process Clauses of the Fourteenth Amendment to the
United States Constitution.

A refusal by Hall County to approve this application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between
the Applicant and owners of similarly situated property in violation of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United
States Constitution.

The applicant and stakeholders respectfully request approval of this application and welcome the opportunity to meet with Hall County Planning and Development staff, Planning Commission, and Board of Commissioners to discuss any questions or concerns regarding the application.

Respectfully,

Holt Persinger, RLA
Ridgeline Land Planning, Inc.

RIDGELINE
LAND PLANNING, INC.

August 31, 2022

Hall County Planning and Development
2875 Browns Bridge Road
3rd Floor
Gainesville, GA 30504

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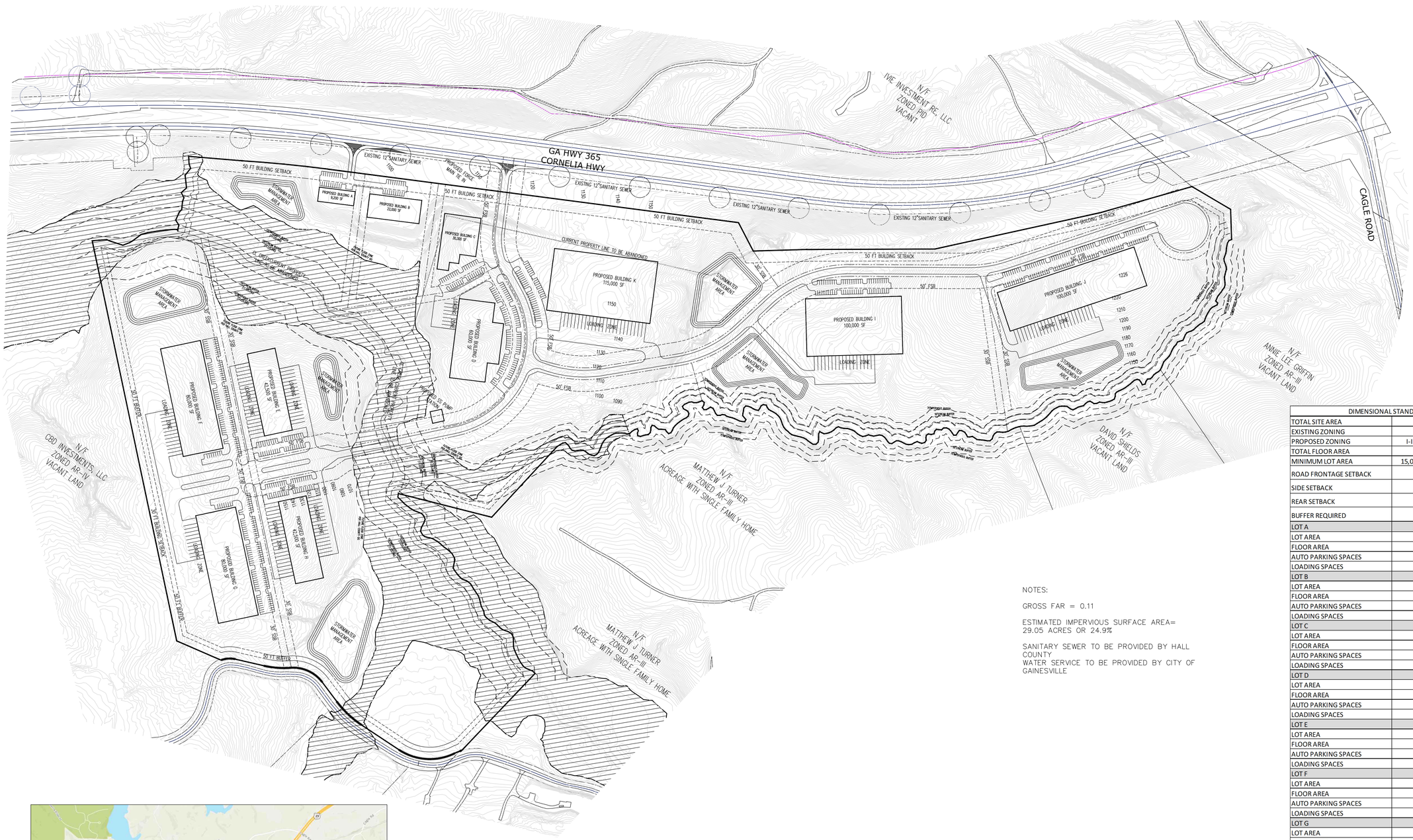
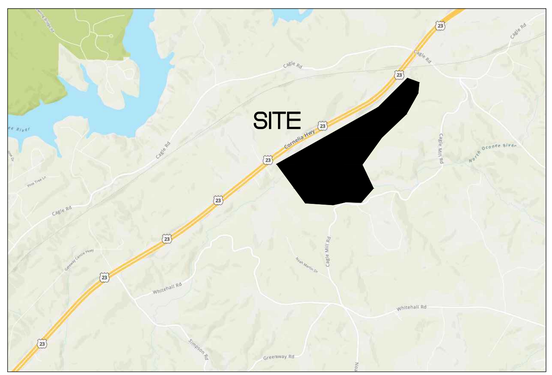
Respectfully,

Holt Persinger, RLA
Ridgeline Land Planning, Inc.





LOCATION MAP-NTS

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)
1 inch = 200 ft.

NOTES:

GROSS FAR = 0.11

ESTIMATED IMPERVIOUS SURFACE AREA=
29.05 ACRES OR 24.9%

SANITARY SEWER TO BE PROVIDED BY HALL COUNTY
WATER SERVICE TO BE PROVIDED BY CITY OF GAINESVILLE

-THE SUBJECT PROPERTY LIES WITHIN THE NORTH OCONEE WATER SUPPLY WATERSHED

-THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD ZONE PER FEMA MAPS 13139C0225F AND 13139C0225G

DIMENSIONAL STANDARDS	
TOTAL SITE AREA	116.52 ACRES
EXISTING ZONING	AR-IV & AR-III
PROPOSED ZONING	I-II HEAVY INDUSTRIAL
TOTAL FLOOR AREA	581,600
MINIMUM LOT AREA	15,000 SQFT / 0.344 ACRES
ROAD FRONTAGE SETBACK	50 FEET
SIDE SETBACK	30 FEET
REAR SETBACK	30 FEET
BUFFER REQUIRED	50 FEET
LOT A	
LOT AREA	7.6 ACRES
FLOOR AREA	9,200
AUTO PARKING SPACES	20
LOADING SPACES	NA
LOT B	
LOT AREA	
FLOOR AREA	22,000
AUTO PARKING SPACES	52
LOADING SPACES	NA
LOT C	
LOT AREA	2.54 ACRES
FLOOR AREA	30,300
AUTO PARKING SPACES	33
LOADING SPACES	NA
LOT D	
LOT AREA	7.43 AACRES
FLOOR AREA	60,000
AUTO PARKING SPACES	120
LOADING SPACES	7
LOT E	
LOT AREA	10.80 ACRES
FLOOR AREA	42,500
AUTO PARKING SPACES	40
LOADING SPACES	38
LOT F	
LOT AREA	10.57 ACRES
FLOOR AREA	80,000
AUTO PARKING SPACES	91
LOADING SPACES	25
LOT G	
LOT AREA	7.29 ACRES
FLOOR AREA	80,000
AUTO PARKING SPACES	91
LOADING SPACES	25
LOT H	
LOT AREA	20.52 ACRES
FLOOR AREA	42,500
AUTO PARKING SPACES	40
LOADING SPACES	38
LOT I	
LOT AREA	16.50 ACRES
FLOOR AREA	100
AUTO PARKING SPACES	120
LOADING SPACES	25
LOT J	
LOT AREA	12.85 ACRES
FLOOR AREA	100,000
AUTO PARKING SPACES	120
LOADING SPACES	25
LOT K	
LOT AREA	14.06 ACRES
FLOOR AREA	115,000
AUTO PARKING SPACES	72
LOADING SPACES	24

SIGNED / SEALED

GEORGIA REGISTERED No. 001177 LANDSCAPE ARCHITECT HOLT PERSINGER

PREPARED FOR

HWY 365

15007 000129, 15007 000270, 15007 000027A
HALL COUNTY, GEORGIA

RIDGELINE
LAND PLANNING, INC.
196 BELAIRE COURT WINDER, GA 30680
PH: 678.971.8007
HOLT@RIDGELINEPLANNING.COM

ZONING CONCEPT

SHEET TITLE

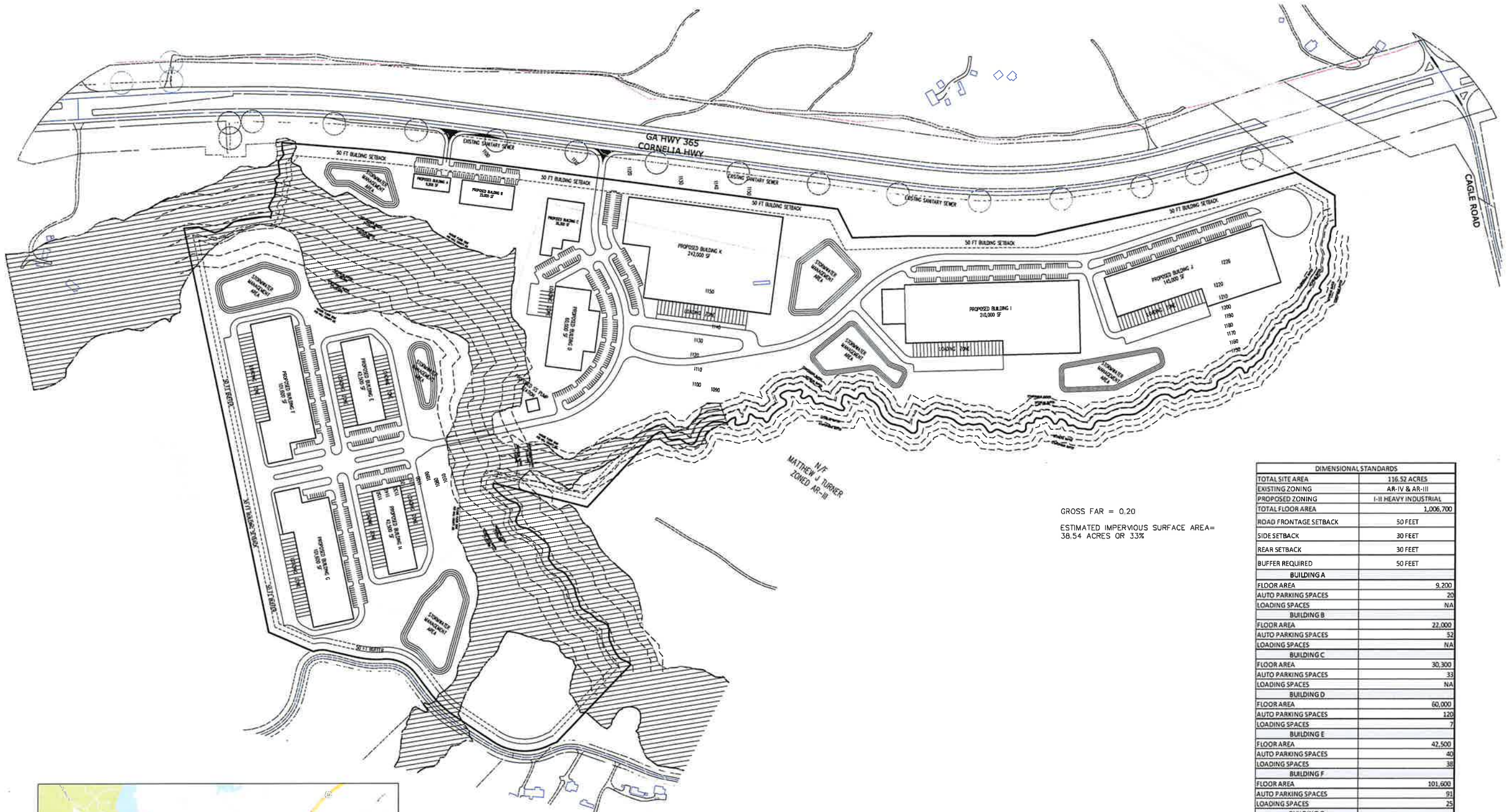
NO	REVISION	DATE
1	ADDRESS COMMENTS	8/23/2022
2	REVISED PER IMPERVIOUS SURFACE REQUIREMENTS	10/4/2022

DESIGNED BY: HHP
DRAWN BY: HHP
CHECKED BY: HHP
DATE: 8/15/2021

SCALE 1"=200'

SHEET 1

JOB NO.:



LOCATION MAP-NTS

GROSS FAR = 0.20

ESTIMATED IMPERVIOUS SURFACE AREA=
38.54 ACRES OR 33%

DIMENSIONAL STANDARDS	
TOTAL SITE AREA	116.52 ACRES
EXISTING ZONING	AR-IV & AR-III
PROPOSED ZONING	I-II HEAVY INDUSTRIAL
TOTAL FLOOR AREA	1,006,700
ROAD FRONTAGE SETBACK	50 FEET
SIDE SETBACK	30 FEET
REAR SETBACK	30 FEET
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BUILDING A	
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LOADING SPACES	NA
BUILDING B	
FLOOR AREA	22,000
AUTO PARKING SPACES	52
LOADING SPACES	NA
BUILDING C	
FLOOR AREA	30,300
AUTO PARKING SPACES	33
LOADING SPACES	NA
BUILDING D	
FLOOR AREA	60,000
AUTO PARKING SPACES	120
LOADING SPACES	7
BUILDING E	
FLOOR AREA	42,500
AUTO PARKING SPACES	40
LOADING SPACES	38
BUILDING F	
FLOOR AREA	101,600
AUTO PARKING SPACES	91
LOADING SPACES	25
BUILDING G	
FLOOR AREA	101,600
AUTO PARKING SPACES	91
LOADING SPACES	25
BUILDING H	
FLOOR AREA	42,500
AUTO PARKING SPACES	40
LOADING SPACES	38
BUILDING I	
FLOOR AREA	210,000
AUTO PARKING SPACES	120
LOADING SPACES	25
BUILDING J	
FLOOR AREA	145,000
AUTO PARKING SPACES	120
LOADING SPACES	25
BUILDING K	
FLOOR AREA	242,000
AUTO PARKING SPACES	72
LOADING SPACES	25

-THE SUBJECT PROPERTY LIES WITHIN THE NORTH OCONEE WATER SUPPLY WATERSHED

-THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD ZONE PER FEMA MAPS 13139C0225F AND 13139C0225G

SIGNED / SEALED

GEORGIA REGISTERED LANDSCAPE ARCHITECT CHAD HOLT PERSINGER

PREPARED FOR

HWY 365

15007 000129, 15007 000270, 15007 000027A
HALL COUNTY, GEORGIA

RIDGELINE
LAND PLANNING, INC.
196 BLAIRE COURT WINDER, GA 30680
PH: 678-618-3037
HOLT@RIDGELINEPLANNING.COM

ZONING CONCEPT

SHEET TITLE

NO	DATE	REVISION

DESIGNED BY: MHP
DRAWN BY: MHP
CHECKED BY: MHP
DATE: 8/15/2021

SCALE 1"=200'

SHEET 1

JOB NO.:

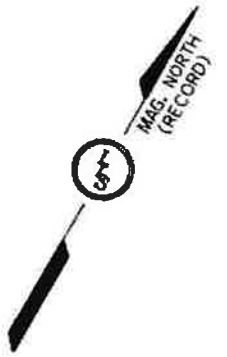
LEGEND

ASP	ASPHALT
BL	BUILDING LINE
BWF	BARB WIRE FENCE
CL	CENTERLINE
CLF	CHAIN LINK FENCE
CMF	CONCRETE MONUMENT FOUND
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
CTP	CRIMPED TOP PIPE
DI	DROP INLET
EP	EDGE OF PAVEMENT
FH	FIRE HYDRANT
GW	GUY WIRE
HWF	HOG WIRE FENCE
IPF	IRON PIN FOUND
IPS	IRON PIN SET (1/2"REBAR)
LL	LAND LOT
LLL	LAND LOT LINE
MH	MANHOLE
N/F	NOW OR FORMERLY
OTP	OPEN TOP PIPE
PL	PROPERTY LINE
PP	POWER POLE
P/TP	POWER & TELEPHONE POLE
RB	REBAR
R/W	RIGHT OF WAY
SP	SERVICE POLE
TB	TELEPHONE BOX
WM	WATER METER
WV	WATER VALVE
MR	METAL ROD
O/S	OFFSET

A TOPCON GTS-302 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 23,482 FEET AND AN ANGULAR ERROR OF 00-00-04 " PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 336,923 FEET.



FLOOD NOTE:
PORTIONS OF THIS PROPERTY ARE IN A FLOOD HAZARD AREA AS PER FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA

COMMUNITY PANEL NUMBER: 130466 0125 E & 0225 E
EFFECTIVE DATE: MARCH 21, 2000
REVISION DATE: NONE

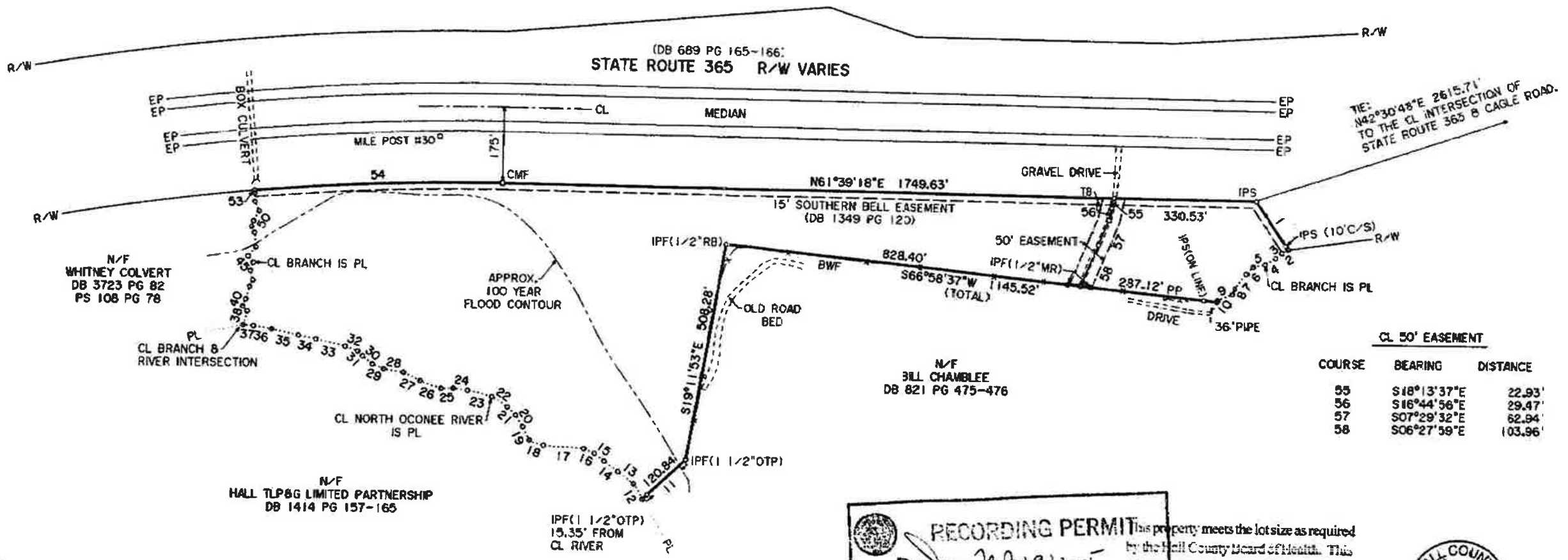
PLAT REFERENCES:
1) GA. DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT# F-013-1(29) SHEETS 16 & 17 DATED SEPTEMBER 30, 1977.
2) SURVEY FOR HALL TLP&G LIMITED PARTNERSHIP PREPARED BY WATTS & BROWNING DATED OCTOBER 30, 1989.
3) EASEMENT SURVEY FOR GEORGIA KRAFT COMPANY PREPARED BY ROY TERRELL DATED AUGUST 1982.

COURSE	BEARING	DISTANCE
1	S63°09'00"E	134.94'
2	S31°39'29"W	16.31'
3	S19°38'35"W	18.76'
4	S29°17'52"W	28.05'
5	S49°30'04"W	28.56'
6	S15°47'28"W	23.70'
7	S08°50'39"W	44.57'
8	S09°22'19"E	12.75'
9	S36°48'29"W	35.96'
10	S10°13'10"W	4.78'
11	S19°04'01"W	136.20'
12	N60°15'44"W	40.60'
13	N81°42'30"W	46.31'
14	N82°10'41"W	40.43'
15	N81°49'06"W	28.19'
16	S83°44'37"W	27.04'
17	S64°53'37"W	91.44'
18	S81°06'19"W	35.48'
19	N56°05'07"W	34.07'
20	N61°06'34"W	32.13'
21	N75°53'58"W	26.26'
22	N86°35'57"W	44.32'
23	S74°52'43"W	58.33'
24	S68°49'15"W	33.82'
25	S60°05'43"W	28.70'
26	S80°28'24"W	51.20'
27	S86°45'28"W	42.50'
28	S70°21'04"W	47.13'

COURSE	BEARING	DISTANCE
29	S84°34'03"W	28.40'
30	N80°34'24"W	29.49'
31	N73°33'19"W	15.13'
32	S80°54'34"W	31.17'
33	S74°15'06"W	70.24'
34	S72°23'18"W	43.22'
35	S73°21'07"W	63.85'
36	S70°23'02"W	42.95'
37	S65°27'28"W	24.75'
38	N13°05'11"W	33.30'
39	N70°53'20"W	15.60'
40	N07°15'37"W	18.23'
41	N11°59'40"W	30.75'
42	N03°13'38"W	15.26'
43	N42°45'26"W	23.20'
44	N10°45'47"W	19.85'
45	N69°24'15"W	19.11'
46	N11°36'31"E	27.20'
47	N35°33'37"W	34.27'
48	N54°52'03"W	15.57'
49	N10°00'46"W	13.94'
50	N00°24'12"E	25.71'
51	N52°47'44"W	25.19'
52	N30°50'16"W	19.78'
53	N31°29'23"W	5.68'

RAD.: 5554.56' TAN.: 288.70'
LEN.: 576.89' DELTA: 5°57'02"

54	N58°40'47"E	576.63'



CL 50' EASEMENT

COURSE	BEARING	DISTANCE
55	S18°13'37"E	22.93'
56	S16°44'56"E	29.47'
57	S07°29'32"E	62.94'
58	S06°27'59"E	103.96'

RECORDING PERMIT This property meets the lot size as required by the Hall County Board of Health. This lot has not been approved for an on site sewage management system. Suitable soils will be required prior to approval or issuance of an on site sewage system permit.
By: [signature] HALL COUNTY PLANNING COMMISSION

HALL COUNTY 9-1-05 DEPT. OF PUBLIC HEALTH

GEORGIA REGISTERED NO. 2592 PROFESSIONAL LAND SURVEYOR ROGER N. LONDON 8-16-05

Hall County, Georgia, Clerk Superior Court filed in office this 30 day of Sept. 20 05 at 12:20 P.M. Recorded in Plat Book 546 Page 60
Dwight S. Wood, Clerk

LONDON LAND SURVEYING
167 EAST JARRARD STREET
CLEVELAND, GA. 30528
(706) 865-0749

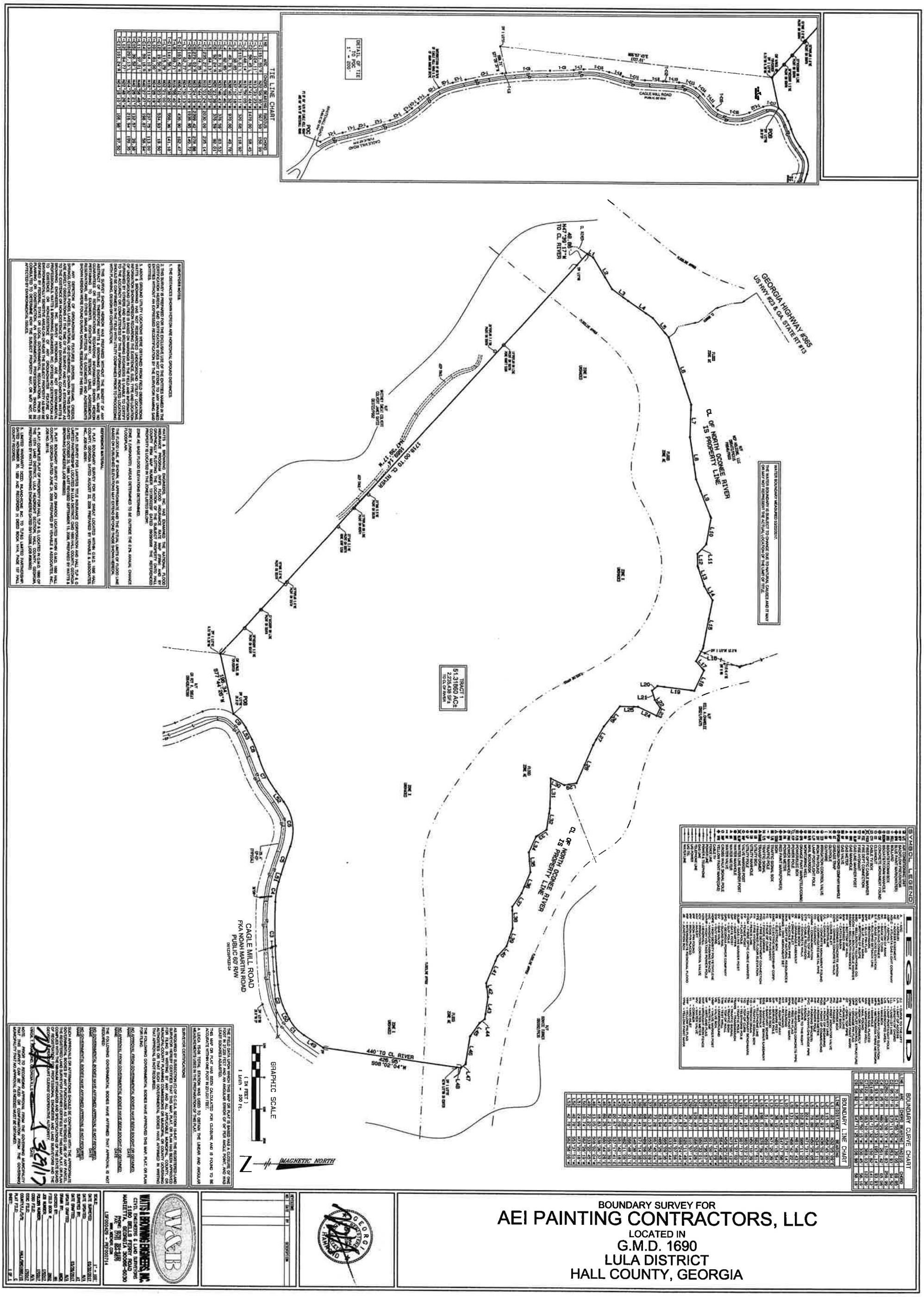
TOTAL AREA = 17.83 ACRES

SURVEY FOR
REGGIE NELSON
LOCATED IN
G.M.D. 1690
HALL COUNTY, GEORGIA
SCALE: 1" = 200' AUGUST 16, 2005
GRAPHIC SCALE
0 200 400 600 800
SCALE IN FEET

FIELD WORK COMPLETED: AUGUST 16, 2005.

JOB# 05094

BOUNDARY SURVEY FOR
AEI PAINTING CONTRACTORS, LLC
LOCATED IN
G.M.D. 1690
LULA DISTRICT
HALL COUNTY, GEORGIA



TIE LINE CHART

LINE	ARC	CHORD BEARING	RADIUS	CHORD
T-C1	150.76	N26°05'30"W	967.00	150.60
T-C2	104.11	N13°23'23"W	1470.00	104.09
T-C3	119.01	N24°51'11"W	330.00	118.36
T-C4	30.65	N37°12'19"W	970.00	30.65
T-C5	143.56	N29°36'20"W	556.36	143.18
T-C6	115.79	N20°21'00"W	334.93	115.22
T-C7	81.50	N03°52'19"W	237.75	81.09
T-C8	99.16	N16°11'12"E	196.87	98.08
T-C9	130.91	N48°27'27"E	210.94	128.83
T-C10	102.13	N67°52'44"E	210.94	101.14
T-C11	64.77	N57°48'26"E	196.96	64.47
T-C12	105.24	N74°18'10"E	196.96	97.50

BOUNDARY CURVE CHART

LINE	ARC	CHORD BEARING	RADIUS	CHORD
C1	70.11	S47°56'30"W	1230.00	69.99
C2	50.21	S49°36'32"W	1230.00	50.20
C3	51.84	S51°30'33"W	1230.00	51.83
C4	95.81	S53°49'11"W	1230.00	95.78
C5	141.52	S61°13'16"W	1230.00	141.44
C6	51.17	S67°30'13"W	1230.00	51.17
C7	89.83	S71°17'25"W	1230.00	89.81
C8	147.11	S75°11'35"W	1230.00	147.02
C9	150.76	S26°05'30"E	967.00	150.60
C10	104.11	S13°23'23"E	1470.00	104.09
C11	119.01	S24°51'11"E	330.00	118.36
C12	30.65	S37°12'19"E	970.00	30.65
C13	143.56	S29°36'20"E	556.36	143.18
C14	115.79	S20°21'00"E	334.93	115.22
C15	81.50	S03°52'19"E	237.75	81.09
C16	99.16	S16°11'12"W	196.87	98.08
C17	130.91	S48°27'27"W	210.94	128.83
C18	102.13	S67°52'44"W	210.94	101.14
C19	64.77	S57°48'26"W	196.96	64.47
C20	105.24	S74°18'10"W	196.96	97.50

BOUNDARY LINE CHART

LINE	DISTANCE	BEARING
L1	48.68	N47°39'17"W
L2	183.03	N42°20'43"E
L3	183.03	N42°20'43"E
L4	93.82	N24°03'11"E
L5	74.00	N65°29'05"E
L6	74.00	N65°29'05"E
L7	82.47	N65°29'05"E
L8	131.00	N65°29'05"E
L9	84.18	S71°37'37"E
L10	84.18	S71°37'37"E
L11	36.10	N65°15'54"E
L12	61.36	N71°30'39"E
L13	61.36	N71°30'39"E
L14	51.45	N81°43'37"E
L15	196.07	S89°10'11"E
L16	75.19	S80°10'31"E
L17	75.19	S80°10'31"E
L18	117.47	S67°37'37"E
L19	59.70	S65°10'39"E
L20	59.70	S65°10'39"E
L21	50.10	N71°56'41"E
L22	50.10	N71°56'41"E
L23	31.32	N50°56'04"E
L24	51.72	N30°34'49"E
L25	87.34	S64°49'48"E
L26	87.34	S64°49'48"E
L27	64.13	S60°33'01"E
L28	64.13	S60°33'01"E
L29	196.07	S89°10'11"E
L30	54.67	S86°24'44"E
L31	54.67	S86°24'44"E
L32	87.75	S61°57'26"E
L33	26.81	S53°20'44"E
L34	26.81	S53°20'44"E
L35	73.29	S59°45'54"E
L36	73.29	S59°45'54"E
L37	64.33	S55°39'04"E
L38	64.33	S55°39'04"E
L39	64.41	N67°17'55"E
L40	64.41	N67°17'55"E
L41	49.74	S48°36'33"E
L42	49.74	S48°36'33"E
L43	80.76	S66°49'01"E
L44	80.76	S66°49'01"E
L45	67.80	S37°17'41"E
L46	67.80	S37°17'41"E
L47	82.61	S20°10'39"E
L48	82.61	S20°10'39"E
L49	64.44	S08°02'04"W
L50	64.44	S08°02'04"W
L51	58.36	S08°02'04"W
L52	58.36	S08°02'04"W
L53	133.20	S08°02'04"W
L54	133.20	S08°02'04"W
L55	42.50	S08°02'04"W
L56	42.50	S08°02'04"W

LEGEND

SYMBOL	LEGEND
⊕	MAGNETIC NAIL SET
⊕	MAGNETIC NAIL FOUND
⊕	BLUE PAINT MARK/PK NAIL
⊕	REBAR SET/CONCRETE MONUMENT
⊕	REBAR FOUND/CONCRETE MONUMENT FOUND
⊕	OLD MONUMENT
⊕	FIRE DEPT CABLE MARKER
⊕	FIRE DEPT CONNECTION
⊕	GAS MANHOLE
⊕	GAS LINE MARKER POST
⊕	GAS MANHOLE
⊕	GAS VALVE
⊕	GEORGIA POWER COMPANY MANHOLE
⊕	GUYWIRE
⊕	IRRIGATION CONTROL VALVE
⊕	IRON PIN FOUND
⊕	MAIL BOX/SIGN POST
⊕	MONITORING WELL
⊕	POWER/TELEPHONE/TELECOMM RISER
⊕	POWER/TELEPHONE/TELECOMM BOX
⊕	POWER POLE
⊕	POWER POLE/LIGHT
⊕	POWER METER
⊕	RED PAINT MARK/POWER/TV
⊕	TRAFFIC SIGNAL BOX
⊕	TRAFFIC SIGNAL
⊕	TRANSFORMER
⊕	UTILITY MANHOLE
⊕	UTILITY POST
⊕	UTILITY WARNING POST
⊕	WATER LINE MARKER POST
⊕	WATER METER
⊕	WATER METER BOX
⊕	WATER VALVE
⊕	YELLOW PAINT MARK/GAS
⊕	YELLOW PAINT MARK/GAS
⊕	CABLE TV
⊕	POWER LINE
⊕	TELEPHONE
⊕	GAS LINE
⊕	UTILITY POWER LINE
⊕	WATER LINE

SURVEYOR'S NOTES:

1. THE DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.
2. THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED ENTITIES WITHOUT AN EXPRESSED RECERTIFICATION BY THE SURVEYOR NAMING SAID ENTITIES.
3. ABOVE GROUND UTILITY LOCATIONS WERE OBTAINED FROM FIELD OBSERVATIONS. WATTS & BROWNING HAS NOT RESEARCHED UNDERGROUND UTILITY LOCATIONS. THE LOCATION OF UNDERGROUND UTILITIES IS BASED ON THE BEST AVAILABLE EVIDENCE AT THE TIME OF OBSERVATION AND UTILITIES MAY EXIST WHICH ARE NOT SHOWN HEREON. ALL UTILITIES FURNISHED BY OTHERS AND WATTS & BROWNING ENGINEERS III UNABLE TO CERTIFY SHOULD BE CONFIRMED IN THE FIELD WITH UTILITY COMPANIES PRIOR TO PROCEEDING WITH PLANNING, DESIGN OR CONSTRUCTION.
4. THIS SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF ANY ABSTRACT OF TITLE. THEREFORE, WATTS & BROWNING ENGINEERS, INC. MAKE NO GUARANTEES AS TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS. THE EASEMENTS AND AGREEMENTS PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS SHOWN HEREON WERE FOUND DURING NORMAL RESEARCH BY THIS FIRM.
5. ANY DEPICTION OF GROUNDWATER FEATURES (PONDS, STREAMS, CREEKS, LAKES, ETC.) AND/OR WETLANDS SHOWN HEREON ARE MERELY OBSERVATIONS AT THE TIME OF THE SURVEY AND NOT A STATEMENT AS TO THE EXISTENCE OR NON-EXISTENCE OF ANY ENVIRONMENTAL CONDITION. WATTS & BROWNING ENGINEERS, INC. OFFERS NO CERTIFICATION AS TO THE EXISTENCE OR NON-EXISTENCE OF ANY GROUNDWATER FEATURE OR WETLANDS. IF SUCH FEATURES ARE OF CONCERN, WE RECOMMEND CONSULTATION WITH PROFESSIONALS. WATTS & BROWNING ENGINEERS, INC. OFFERS NO CERTIFICATION AS TO CONSTRUCTION, OR NON-EXISTENCE OF, ANY GROUNDWATER FEATURE OR WETLANDS. IF SUCH FEATURES ARE OF CONCERN, WE RECOMMEND CONSULTATION WITH PROFESSIONALS. WATTS & BROWNING ENGINEERS, INC. OFFERS NO CERTIFICATION AS TO CONSTRUCTION, OR NON-EXISTENCE OF, ANY GROUNDWATER FEATURE OR WETLANDS. IF SUCH FEATURES ARE OF CONCERN, WE RECOMMEND CONSULTATION WITH PROFESSIONALS.
6. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 10,000+ FEET AND AN ANGULAR ERROR OF 04" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
7. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 221,031 FEET.
8. A LEICA TS06 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

SURVEYOR CERTIFICATIONS

AS REQUIRED BY SUBSECTION (C) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR WHOSE SEAL APPEARS HEREON HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED BY EACH PERSON, IF ANY, WHOSE APPROVAL OF THIS MAP, PLAT, OR PLAN IS REQUIRED BY LAW AS A PREREQUISITE TO FILING FOR RECORD WITH THE CLERK OF SUPERIOR COURT. IF NO MUNICIPAL/COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP, PLAT, OR PLAN FOR FILING:

NO APPROVAL FROM GOVERNMENTAL BODIES HAVE BEEN REQUESTED OR OBTAINED.

NO APPROVAL FROM GOVERNMENTAL BODIES HAVE BEEN REQUESTED OR OBTAINED.

NO APPROVAL FROM GOVERNMENTAL BODIES HAVE BEEN REQUESTED OR OBTAINED.

THE FOLLOWING GOVERNMENTAL BODIES HAVE AFFIRMED THAT APPROVAL IS NOT REQUIRED:

NO GOVERNMENTAL BODIES HAVE AFFIRMED APPROVAL OF MAPS REQUIRED.

NO GOVERNMENTAL BODIES HAVE AFFIRMED APPROVAL IS NOT REQUIRED.

SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER AS TO INTENDED USE OF ANY PARCEL.

COMPLIANCE WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THIS MAP, PLAT, OR PLAN DOES NOT GUARANTEE THAT THE PROPERTY SHOWN HEREON WILL BE USABLE OR PERMITTABLE FOR ANY PARTICULAR USE. PURCHASERS SHOULD CONSULT WITH PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE APPROPRIATE GOVERNMENTAL BODIES REGARDING THE USABILITY OF ANY PROPERTY.

REGISTERED LAND SURVEYOR

DATE

NOTE: PRIOR TO RECORDED APPROVAL FROM THE GOVERNING MUNICIPALITY OR COUNTY, AN ENVIRONMENTAL PROFESSIONAL SHOULD BE CONSULTED TO DETERMINE IF ANY ENVIRONMENTAL ISSUES AFFECTING THE SUBJECT PROPERTY MAY, OR MAY NOT, BE PRESENT.

REFERENCE MATERIAL

1. PLAT: BOUNDARY SURVEY FOR: HWY 365/ CAGLE MILL ROAD LOCATED WITHIN G.M.D. 1690 HALL COUNTY, GEORGIA DATED AUGUST 22, 2006 PREPARED BY YEOMANS & ASSOCIATES, INC., JOB NO. 06091.
2. PLAT: SURVEY FOR LAWYERS TITLE INSURANCE CORPORATION AND HALL TLP A G LIMITED PARTNERSHIP LOCATED IN LULA DISTRICT, GMD 1690 HALL COUNTY, GEORGIA DATED SEPTEMBER 13, 2006 PREPARED BY WATTS & BROWNING ENGINEERS, LAND SURVEYORS.
3. PLAT: BOUNDARY SURVEY FOR JOB BRADDOCK LOCATED WITHIN G.M.D. 1690 HALL COUNTY, GEORGIA DATED JUNE 24, 2006 PREPARED BY YEOMANS & ASSOCIATES, INC. JOB NO. 06116.
4. PLAT: COMPILED PLAT OF PROPERTY FOR HALL TLP A G, LOCATED IN G.M.D. 1690 OF THE 15TH LAND DISTRICT, LULA HEADRIGHT SECTION, HALL COUNTY, GEORGIA, PREPARED BY WATTS & BROWNING ENGINEERS DATED 03/31/2006 (JOB #06083)
5. LIMITED WARRANTY DEED: WACHOVIA BK TO TLP A G, LIMITED PARTNERSHIP DATED 12/28/2005 RECORDED IN DEED BOOK 1174, PAGE 137 HALL COUNTY RECORDS.

ZONE DESIGNATIONS

ZONE A (UNNUMBERED) AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

ZONE X (UNSHADED) AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

ZONE AE BASE FLOOD ELEVATIONS DETERMINED.

THE FLOOD LINE, IF SHOWN, IS APPROXIMATE AND THE ACTUAL LIMITS OF FLOOD LINE BASED ON PUBLISHED ELEVATIONS MAY EXTEND BEYOND THOSE SHOWN HEREON.

FLOOD INFORMATION

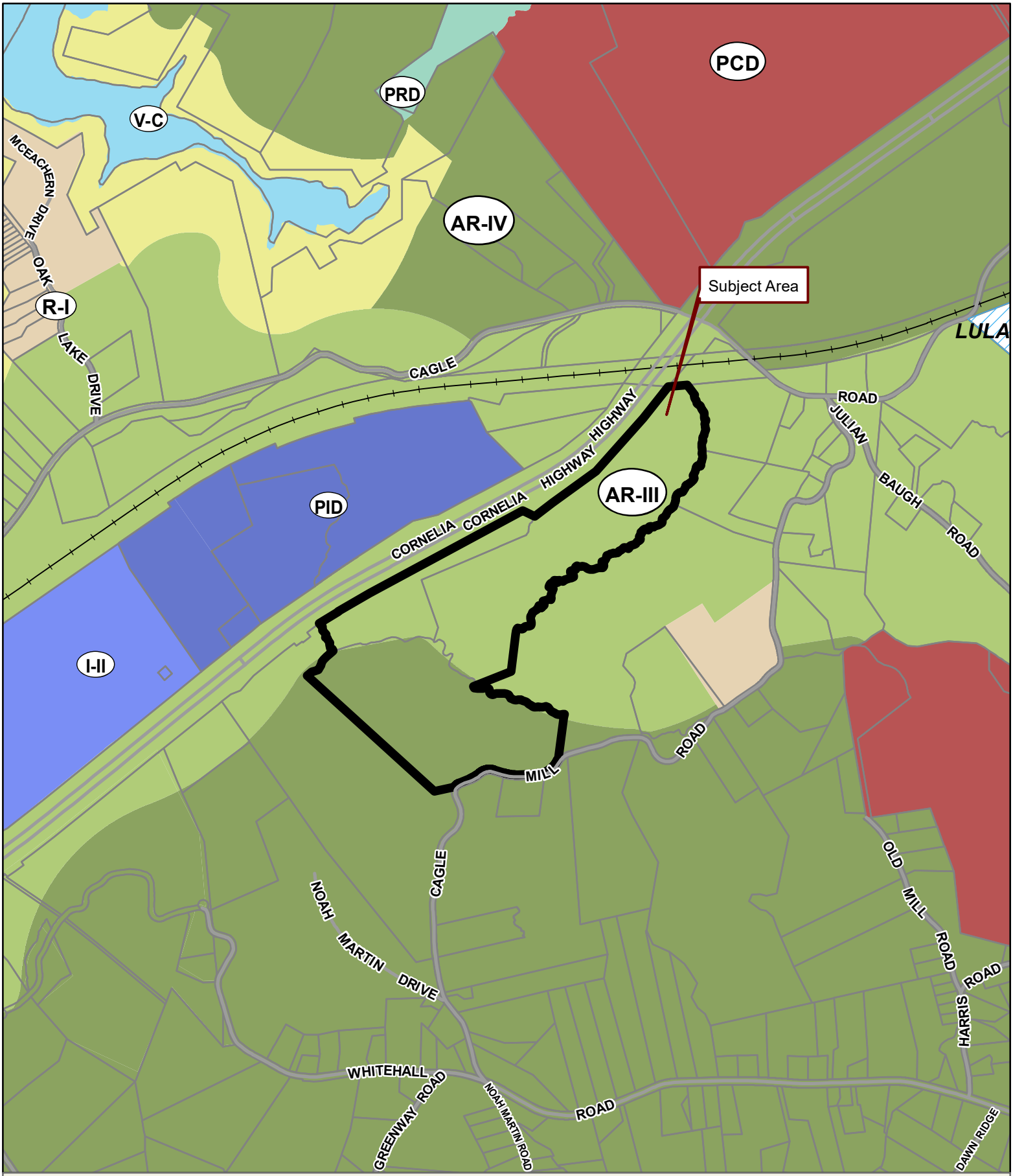
WATTS & BROWNING ENGINEERS, INC. HAS EXAMINED THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR HALL COUNTY, GEORGIA AND INCORPORATED AREAS, AND BY GRAPHICALLY PLOTTING THE LOCATION OF THE SUBJECT PROPERTY ONTO HALL COUNTY FIRM MAP NUMBER 13139C0281F DATED 09/29/2006 THE REFERENCED PROPERTY IS LOCATED IN THE ZONES LISTED BELOW:

WATER BOUNDARY MEASURED 03/20/2021.
THE WATER BOUNDARY IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND IT MAY OR MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LIMIT OF TITLE.

WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1190 BELLS FERRY ROAD
MARIETTA, GEORGIA 30066-6030
PHONE (770) 421-1500
WWW.WBENGR.COM
LSF000429 - PEF000714

REVISIONS			
NO.	DATE	BY	DESCRIPTION

SCALE:	1" = 100'
DATE SURVEYED:	03/20/2021
DATE UPDATED:	N/A
SURVEYED BY:	AS
DATE DRAFTED:	03/26/2021
UPDATE DRAFTED:	N/A
DRAWN BY:	MGL
CHECKED BY:	MGL
FIELD BOOK #:	1/2012
JOB MARKER:	1/2012
RULER NUMBER:	1/2012
CCDD FILE:	N/A
DESC FILE:	1/2012
COGO FILE:	1/2012
DRAWING FILE:	06LLC0601BB.DWG
PLAT FILE:	5
PAGES:	1 OF 1

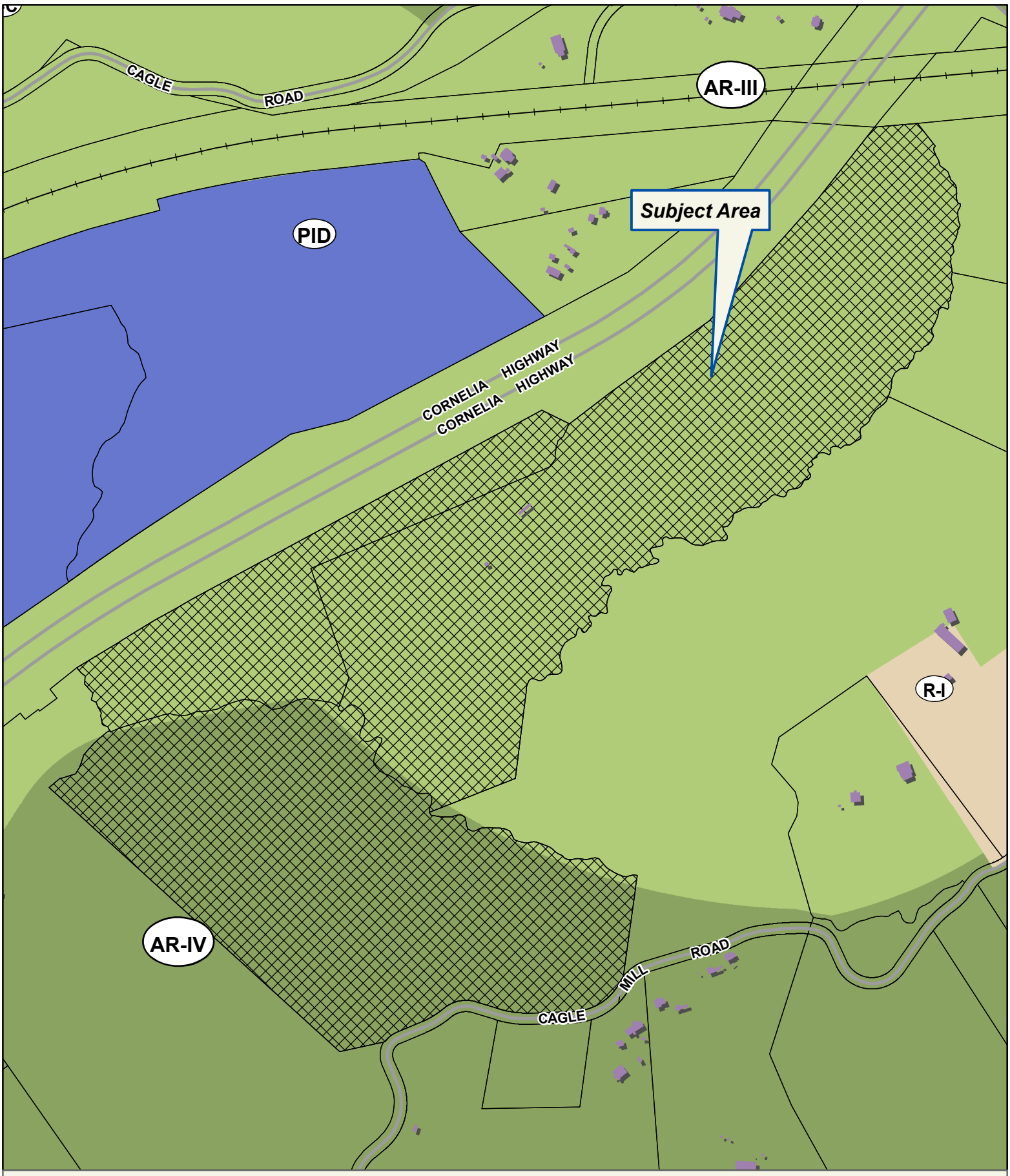


Applicant: RIDGELINE LAND PLANNING, INC.
Tax Parcel #: 15007 000129, 000270, & 000027A
Location: 4020 & 3886 CORNELIA HIGHWAY, & 4761 CAGLE MILL ROAD, LULA, GA 30554
Commission District 3 **PC Mtg. Date:** 11/07/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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Commission District 3 **PC Mtg. Date:** 11/07/2022

0 100 200 400
Feet

Zoning Boundary
City Limits
Subject Area

N

eFiled and eRecorded
DATE: 06/03/2022
TIME: 2:56 PM
DEED BOOK: 9139
PAGE: 163 - 165
FILING FEES: $25.00
TRANSFER TAX: $1,470.20
PARTICIPANT ID: 6334597300
PT61: 069-2022-005070
RECORDED BY: EAR
CLERK: Charles Baker, C.S.C
Hall County, GA

Return to: T. Treadwell Sylan
P. O. Box 3280
Gainesville, GA 30503

STATE OF GEORGIA

COUNTY OF HALL

EXECUTOR'S DEED

THIS INDENTURE is made as of 2nd day of June, 2022, between **TERESA C. ROBERTS, as Executor of the Estate of Janet C. Chamblee** (hereinafter referred to as the "Deceased"), late of Hall County, Georgia (hereinafter referred to as "Grantor") and **NCP HOLDINGS, LLC**, a Georgia limited liability company (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, acting under and by virtue of the power and authority contained in the last will and testament of the Deceased, said will having been duly probated and recorded in the Court of Probate of Fulton County, Georgia, for and in consideration of the sum of TEN AND 00/100 DOLLARS ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee the following described property:

The property described on Exhibit "A", attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the Land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

06636
00666

000666

GEORGIA, HALL COUNTY, CLERK SUPERIOR COURT
Filed in office, this 30 day of Novembe
20 09 at 3:29 Pm. Recorded in Deed
Book 6636 Page(s) 666-667
Charles Baker, Clerk By JN
3:30 Pm

025617

HALL COUNTY, Georgia
Real Estate Transfer Tax
Paid $ 134.10
Date 11-30-09
Charles Baker
Superior Court Clerk
By JN
PT61 069-2009-007059

After recording, return to: File: L
SMITH, GILLIAM, WILLIAMS, & MILES, P.A.
301 Green Street, P. O. Box 1098
Gainesville, Georgia 30503

WARRANTY DEED

THIS INDENTURE is made this 30th day of November, 2009, between **REGINALD BRYANT NELSON**, of the County of White, State of Georgia, (hereinafter referred to as "Grantor") and **NCP HOLDINGS, LLC**, A Georgia limited liability corporation, (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits.)

WITNESSETH

GRANTOR, in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee the following described property, to wit:

All of my undivided one third undivided interest in and to the property described on "Exhibit A" attached hereto for a full and complete description of subject property, said Exhibit being incorporated as a part hereof and being property located in Hall County, Georgia.

TO HAVE AND TO HOLD the Land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any way appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Land unto Grantee against the claims of all persons whomsoever.

EXECUTED under seal as of the date above.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public
Commission Expiration Date:

(NOTARIAL SEAL)
This 30th day of November, 2009

JACKI SMITH BENEFIELD NOTARY PUBLIC Exp. July 09, 2013 HALL COUNTY, GA

GRANTOR:

Reginald Bryant Nelson (SEAL)
Reginald Bryant Nelson

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in G. M. D. 1690 of Hall County, Georgia, containing 17.83 acres as shown on a Plat of Survey prepared for Reggie Nelson by Roger N. London, RLS, dated August 16, 2005, recorded in Plat Book 84G, Page 60 of the Hall County, Georgia Deed Records, to which said plat is incorporated herein by reference for a more complete description of the above referenced property.

The Parcel is subject to the existing easements of record and the existing 50-foot driveway easement as shown on the above referenced plat.

eFiled and eRecorded
DATE: 06/03/2022
TIME: 2:56 PM
DEED BOOK: 9139
PAGE: 163 - 165
FILING FEES: $25.00
TRANSFER TAX: $1,470.20
PARTICIPANT ID: 6334597300
PT61: 069-2022-005070
RECORDED BY: EAR
CLERK: Charles Baker, C.S.C
Hall County, GA

Return to: T. Treadwell Sylau
P. O. Box 3280
Gainesville, GA 30503

STATE OF GEORGIA

COUNTY OF HALL

EXECUTOR'S DEED

THIS INDENTURE is made as of 2nd day of June, 2022, between **TERESA C. ROBERTS, as Executor of the Estate of Janet C. Chamblee** (hereinafter referred to as the "Deceased"), late of Hall County, Georgia (hereinafter referred to as "Grantor") and **NCP HOLDINGS, LLC**, a Georgia limited liability company (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, acting under and by virtue of the power and authority contained in the last will and testament of the Deceased, said will having been duly probated and recorded in the Court of Probate of Fulton County, Georgia, for and in consideration of the sum of TEN AND 00/100 DOLLARS ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee the following described property:

The property described on Exhibit "A", attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the Land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

eFiled and eRecorded
DATE: 03/10/2022
TIME: 3:58 PM
DEED BOOK: 9078
PAGE: 503 - 508
FILING FEES: $25.00
TRANSFER TAX: $975.10
INTANGIBLE TAX: $0.00
PARTICIPANT ID: 6334597300
PT61: 069-2022-002062
RECORDED BY: JP
CLERK: Charles Baker, C.S.C
Hall County, GA

Return to: T. Treadwell Sylan
Stewart, Melvin & Frost, LLP
P. O. Box 3280
Gainesville, Georgia 30503

LIMITED WARRANTY DEED

GEORGIA, COUNTY OF HALL

THIS INDENTURE, made this 10th day of March, 2022, between **Skinner Family Farms LLC**, a Georgia limited liability company (hereinafter called **"GRANTOR"**), and **NCP Holdings, LLC,** a Georgia limited liability company (hereinafter called **"GRANTEE"**).

WITNESSETH: That the said **GRANTOR**, for and in consideration of the sum of ONE DOLLAR ($1.00) AND OTHER VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said **GRANTEE** the following described property, to-wit:

Property described on **Exhibit "A"** attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said **GRANTEE,** forever, in **FEE SIMPLE.**

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described property, unto the said **GRANTEE** against the claims of all persons whomsoever claiming through or under Grantor.

WHEREVER there is a reference herein to the **GRANTOR** or the **GRANTEE,** the singular includes the plural and the masculine includes the feminine and the neuter, and said terms include and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the said **GRANTOR** has hereunto set its hand and seal, the day and year above written.

Signed, sealed and delivered
in presence of:

Unofficial Witness

Notary Public

My Commission Expires:

LISA RENEE GRAHAM NOTARY PUBLIC COMMISSION EXPIRES OCT. 5, 2025 HALL COUNTY, GA

SKINNER FAMILY FARMS LLC

By: (SEAL)
Bonnie K. Skinner, Sole Manager

1122991-1

DATE: 09/04/07 COUNTY: Hall PERMIT NO. 09-2007-030-139-143266

STATE ROUTE: 365 MILE POST: 22.9

MEMORANDUM TO PERMIT APPLICANTS

The attached Permit Identification Sign is to be used in an effort to facilitate inspection procedures and to identify approved work locations on the highway right-of-way; however, the use of the sign does not relieve the applicant of the responsibility for maintaining a copy of the approved permit and plan on the job site.

You will note that all information required on this sign with the exception of the contractor's name has been inserted. If work specified by the permit is to be performed by anyone other than the applicant, please insert the name of the contractor or person performing the work in the blank space provided on the sign.

This sign is to be posted by the applicant or the contractor prior to the beginning of construction on a board and stake so as to be visible from the roadway.

When work required by the approved permit is complete, please notify the permit inspector listed below so he can inspect the work performed on highway right-of-way.

Should you have any questions in this matter, please contact our permit inspector.

Mr. Rodney Gilreath
DEPARTMENT OF TRANSPORTATION
2594 Gillsville Highway
Gainesville, Georgia 30507
Telephone: (770) 531-4069

D.O.T. 7572

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

DISTRICT NO. 1 APPROVAL DATE 09/04/2007

PERMIT NO. 09-2007-030-139 Hall COUNTY

PERMITTEE Reggie, Nelson

CONTRACTOR

STATE INSPECTOR Rodney Gilreath

TELEPHONE 770-535-5759

☒ COMMERCIAL DRIVEWAY

☐ SPECIAL ENCROACHMENT

☐ OTHER

INSPECTOR'S LOG					
INITIAL	DATE	INITIAL	DATE	INITIAL	DATE

DISPLAY THIS WITHIN WORKING AREA SO AS TO BE VISIBLE FROM HIGHWAY

REV. 06/2000

DOT 7412

REV. 01/1987
REV. 11/1993
REV. 06/2000

Distribution
(AFTER APPROVAL)
White - Applicant
Yellow - General Office
Blue - District Engineer
Green - Field Inspector

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
ATLANTA, GEORGIA
30334-1002

(FOR DOT USE ONLY)	
District No.	1
State Route No.	036500
Mile Point No.	22.9
County	Hall
Permit No.	09-2007-030-139

1432666

APPLICATION AND PERMIT FOR (CHECK ONE)

☐ **COMMERCIAL DRIVEWAY** ☐ **NONCOMMERCIAL DRIVEWAY**

☐ **CITY STREET INTERSECTION** ☐ **COUNTY ROAD INTERSECTION**

TO: GEORGIA DEPARTMENT OF TRANSPORTATION, ATLANTA, GEORGIA 30334-1002

Application is hereby made by Reggie Nelson (Name of Applicant) 706-878-9577 (Area Code) Phone No.

2061 Tesnatee Gap Valley Rd. (Post Office Address) Cleveland GA 30528 (City and State Zip Code)

for permission to construct a Driveway and/ or Road Access on the Right-of-Way of *STATE ROUTE NO.* 036500 *U.S.* _____ *within the City Limits of* _____ *and in* Hall *County*, in accordance with the ATTACHED PLANS, subject to the REQUIREMENTS of the Georgia Department of Transportation and subject to any SPECIAL REQUIREMENTS set forth herein. This drive and/or Road Access is proposed to serve a Commercial Development (Name and Type of Development)

to be located on the property on the S (N. S. E. W.) side of the route beginning 1850 (From Nearest Street) Feet,

W (N. S. E. W.) of the center line, of Cagle Road (Nearest Street or Road) and Fronting 1950 (Total Frontage Used)

Feet further W (N. S. E. W.) along said Highway; and at mile point 22.9

Permit requested this 16 day of August, 20 07.

NOTE: By signing this application, I hereby certify that:

- The number and size of driveways shown below is the only access that will be requested for the property described above and may be modified or eliminated by DOT upon a change of use of this property
- The DOT has the right to revoke this permit upon 30 days written notice
- The DOT assumes no responsibility for maintaining the permitted construction beyond the back of curb or normal edge of pavement
- **CHECK ONE**

☑ The above applicant is owner in fee simple of the property described herein.

☐ The above applicant has leased the property herein from the _____ and owner, said lease began on _____ and ends on _____

X Trinta Bowen (Witness in Ink on All Copies) By Reggie Nelson (Type or Print Name)

Preston Bowen (Witness in Ink on All Copies) X Reggie Nelson (Sign in Ink on All Copies)

Title X Owner (If Agent or Official for Applicant)

FORM TO BE COMPLETED BELOW THIS LINE BY GEORGIA DEPARTMENT OF TRANSPORTATION

☑ *Non-Limited Access – Approval by District Office* ☐ *Limited Access – Approval by General Office*

SPECIAL REQUIREMENTS: (by DOT only)

PERMIT GRANTED to make the above-described installation (2 rt. in / rt. out (No. and Size of Driveways)) in accordance with REQUIREMENTS of the Georgia Department of Transportation; this 4th day of September, 20 07.

This permit is to be strictly construed and no work other than that specifically described above is hereby authorized. The work authorized herein must begin within three months from the date of approval and must become completed on a schedule satisfactory to the department and not to exceed twelve months from the date the permit is approved.

No modifications or changes may be made to the text of this permit, unless agreed upon in writing by the Department. A copy of the form for this permit is on file with the Department's Office of Traffic Operations, General Office, and the language therein shall be deemed to control in the event of any dispute concerning the specific provisions of this permit or any modifications to same.

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
By Russell R. McMurry
District Engineer
Title

sdk

THIS PERMIT IS APPROVED SUBJECT TO THE REVISIONS AND ADDITIONS SHOWN IN RED ON THE ATTACHED PLAN COPY AND SHALL REMAIN DEPENDENT UPON COMPLIANCE WITH THESE.

EXHIBIT "A"

All of that tract or parcel of land lying and being in Lula District, GMD 1690 of Hall County, Georgia and being more particularly described as follows:

To reach the **POINT OF BEGINNING** commence at the intersection of the northerly r/w of Whitehall Road (60' r/w) and the westerly r/w of Cagle Mill Road (60 'r/w) and proceed thence along the westerly r/w of Cagle Mill Road (60 'r/w) the following courses and distances:

1) thence 151.55 feet along the arc of a curve to the Right, said curve having a radius of 507.59 feet and being subtended by a chord of North 22°06'35" West, 150.99 feet to a point;
2) thence North 13°33'23" West for a distance of 104.11 feet to a point;
3) thence 58.45 feet along the arc of a curve to the Left, said curve having a radius of 1470.00 feet and being subtended by a chord of North 14°41'44" West, 58.45 feet to a point;
4) thence North 15°50'05" West for a distance of 148.14 feet to a point; thence 119.61 feet along the arc of a curve to the Left, said curve having a radius of 320.68 feet and being subtended by a chord of North 26°31'11" West, 118.92 feet to a point;
5) thence North 37°12'18" West for a distance of 38.85 feet to a point; thence 49.79 feet along the arc of a curve to the Left, said curve having a radius of 970.00 feet and being subtended by a chord of North 38°40'32" West, 49.78 feet to a point;
6) thence North 40°08'46" West for a distance of 82.85 feet to a point;
7) thence 83.70 feet along the arc of a curve to the Right, said curve having a radius of 376.59 feet and being subtended by a chord of North 33°46'43" West, 83.53 feet to a point;
8) thence 92.24 feet along the arc of a curve to the Right, said curve having a radius of 376.59 feet and being subtended by a chord of North 20°23'39" West, 92.01 feet to a point;
9) thence North 13°22'37" West for a distance of 84.13 feet to a point;
10) thence 235.27 feet along the arc of a curve to the Right, said curve having a radius of 2030.00 feet and being subtended by a chord of North 10°03'24" West, 235.14 feet to a point;
11) thence North 06°44'12" West for a distance of 24.35 feet to a point;
12) thence 279.03 feet along the arc of a curve to the Right, said curve having a radius of 2399.42 feet and being subtended by a chord of North 03°24'18" West, 278.88 feet to a point;
13) thence 149.76 feet along the arc of a curve to the Left, said curve having a radius of 1936.85 feet and being subtended by a chord of North 02°17'19" West, 149.72 feet to a point;
14) thence North 04°30'13" West for a distance of 62.77 feet to a point;
15) thence 163.42 feet along the arc of a curve to the Right, said curve having a radius of 436.90 feet and being subtended by a chord of North 06°12'44" East, 162.47 feet to a point;
16) thence North 16°55'40" East for a distance of 89.71 feet to a point;
17) thence 141.56 feet along the arc of a curve to the Left, said curve having a radius of 556.36 feet and being subtended by a chord of North 09°38'20" East, 141.18 feet to a point;
18) thence North 02°21'00" East for a distance of 115.29 feet to a point;
19) thence 19.50 feet along the arc of a curve to the Right, said curve having a radius of 534.93 feet and being subtended by a chord of North 03°23'39" East, 19.50 feet to a point;
20) thence North 04°26'19" East for a distance of 81.00 feet to a point;

21) thence 114.10 feet along the arc of a curve to the Right, said curve having a radius of 237.75 feet and being subtended by a chord of North 18°11'12" East, 113.00 feet to a point;
22) thence 59.16 feet along the arc of a curve to the Right, said curve having a radius of 198.87 feet and being subtended by a chord of North 40°27'27" East, 58.94 feet to a point;
23) thence North 48°58'48" East for a distance of 97.01 feet to a point;
24) thence 39.52 feet along the arc of a curve to the Left, said curve having a radius of 132.57 feet and being subtended by a chord of North 40°26'21" East, 39.38 feet to a point;
25) thence 207.13 feet along the arc of a curve to the Left, said curve having a radius of 216.94 feet and being subtended by a chord of North 04°32'44" East, 199.35 feet to a point;
26) thence North 22°48'26" West for a distance of 94.77 feet to a point;
27) thence 101.24 feet along the arc of a curve to the Right, said curve having a radius of 106.98 feet and being subtended by a chord of North 04°18'10" East, 97.50 feet to the **POINT OF BEGINNING.**

From the **POINT OF BEGINNING** thus established depart the westerly r/w of Cagle Mill Road (60' r/w) and proceed thence South 77°44'26" West for a distance of 196.34 feet to a concrete monument found; Thence North 47°39'17" West for a distance of 1669.14 feet to an iron pin placed (1/2" re-bar); thence North 47°39'17" West for a distance of 48.86 feet to a point on the centerline of the North Oconee River; thence along the centerline of the North Oconee River the following courses and distances:

1) thence North 32°05'09" East for a distance of 22.08 feet to a point;
2) thence North 58°45'00" East for a distance of 115.15 feet to a point;
3) thence North 36°02'20" East for a distance of 62.93 feet to a point;
4) thence North 34°03'11" East for a distance of 93.82 feet to a point;
5) thence North 50°25'05" East for a distance of 78.88 feet to a point;
6) thence North 71°31'50" East for a distance of 224.47 feet to a point;
7) thence South 88°11'22" East for a distance of 102.83 feet to a point;
8) thence North 81°48'43" East for a distance of 135.47 feet to a point;
9) thence North 68°42'22" East for a distance of 131.09 feet to a point;
10) thence South 79°37'14" East for a distance of 84.16 feet to a point;
11) thence South 47°17'56" East for a distance of 40.43 feet to a point;
12) thence North 89°15'54" East for a distance of 38.19 feet to a point;
13) thence North 71°20'39" East for a distance of 67.36 feet to a point;
14) thence North 59°40'37" East for a distance of 51.46 feet to a point;
15) thence South 78°39'47" East for a distance of 155.51 feet to a point;
16) thence South 62°17'51" East for a distance of 45.05 feet to a point;
17) thence North 50°10'39" East for a distance of 38.70 feet to a point;
18) thence South 65°03'21" East for a distance of 72.16 feet to a point;
19) thence South 07°17'37" West for a distance of 117.47 feet to a point;
20) thence South 41°27'02" East for a distance of 22.79 feet to a point;
21) thence North 73°06'12" East for a distance of 30.10 feet to a point;
22) thence North 56°25'08" East for a distance of 31.32 feet to a point;
23) thence South 64°42'46" East for a distance of 27.34 feet to a point;
24) thence South 25°14'09" West for a distance of 64.72 feet to a point;
25) thence South 01°00'34" West for a distance of 57.17 feet to a point;
26) thence South 51°35'57" East for a distance of 81.33 feet to a point;
27) thence South 60°33'01" East for a distance of 68.13 feet to a point;
28) thence South 66°02'26" East for a distance of 129.48 feet to a point;
29) thence South 10°07'14" East for a distance of 38.77 feet to a point;

30) thence South 26°11'48" West for a distance of 47.83 feet to a point;
31) thence South 88°24'44" East for a distance of 94.67 feet to a point;
32) thence South 81°07'56" East for a distance of 67.75 feet to a point;
33) thence South 33°23'44" East for a distance of 39.81 feet to a point;
34) thence South 65°09'36" East for a distance of 54.52 feet to a point;
35) thence North 85°29'18" East for a distance of 63.94 feet to a point;
36) thence South 67°45'54" East for a distance of 73.28 feet to a point;
37) thence South 55°50'09" East for a distance of 52.13 feet to a point;
38) thence North 89°06'05" East for a distance of 68.26 feet to a point;
39) thence South 71°14'38" East for a distance of 59.41 feet to a point;
40) thence South 48°38'39" East for a distance of 42.74 feet to a point;
41) thence South 66°48'01" East for a distance of 90.75 feet to a point;
42) thence North 82°11'06" East for a distance of 43.35 feet to a point;
43) thence South 81°42'18" East for a distance of 71.09 feet to a point;
44) thence South 37°17'41" East for a distance of 20.67 feet to a point;
45) thence South 55°16'39" East for a distance of 52.21 feet to a point;
46) thence South 80°44'26" East for a distance of 89.25 feet to a point;
47) thence South 38°36'37" East for a distance of 18.83 feet to a point;

thence departing the centerline of the North Oconee River and proceeding South 08°02'04" West for a distance of 13.05 feet to an iron pin found (1/2"open topo pipe with a 1/2: re-bar in the center);

thence South 08°02'04" West for a distance of 426.95 feet to an iron pin placed (1/25" re-bar) on the northerly r/w of Cagle Mill Road (60' r/w); thence along the northerly r/w of Cagle Mill Road (60' r/w) the following courses and distances:

1) thence South 33°22'45" West for a distance of 72.22 feet to a point;
2) thence 70.61 feet along the arc of a curve to the Right, said curve having a radius of 139.05 feet and being subtended by a chord of South 47°55'32" West, 69.85 feet to a point;
3) thence South 62°28'19" West for a distance of 18.74 feet to a point;
4) thence 95.07 feet along the arc of a curve to the Right, said curve having a radius of 253.93 feet and being subtended by a chord of South 73°11'52" West, 94.52 feet to a point;
5) thence 260.22 feet along the arc of a curve to the Right, said curve having a radius of 1766.83 feet and being subtended by a chord of South 88°08'33" West, 259.99 feet to a point;
6) thence 65.25 feet along the arc of a curve to the Right, said curve having a radius of 261.42 feet and being subtended by a chord of North 80°29'18" West, 65.08 feet to a point;
7) thence North 73°20'18" West for a distance of 24.99 feet to a point;
8) thence 93.94 feet along the arc of a curve to the Right, said curve having a radius of 1951.14 feet and being subtended by a chord of North 71°57'33" West, 93.93 feet to a point;
9) thence 146.85 feet along the arc of a curve to the Left, said curve having a radius of 150.82 feet and being subtended by a chord of South 81°31'32" West, 141.12 feet to a point;
10) thence South 53°37'51" West for a distance of 40.78 feet to a point;
11) thence 122.86 feet along the arc of a curve to the Right, said curve having a radius of 369.03 feet and being subtended by a chord of South 63°10'08" West, 122.30 feet to a point;
12) thence 56.17 feet along the arc of a curve to the Left, said curve having a radius of 330.45 feet and being subtended by a chord of South 67°50'15" West, 56.10 feet to a point;

13) thence South 62°58'06" West for a distance of 42.78 feet to a point;
14) thence 58.92 feet along the arc of a curve to the Left, said curve having a radius of 106.98 feet and being subtended by a chord of South 47°11'25" West, 58.18 feet to the **POINT OF BEGINNING.**

Said tract or parcel containing 51.31860 acres, or 2,235,438 square feet.

EXHIBIT "A"

All that tract or parcel of land, together with all improvements thereon, lying and being in the 9th Land District, GMD 1690, Hall County, Georgia, and being 65.345 acres, as more fully shown and described according to a survey of the property of Billy Banks, prepared by Roy Terrell, Registered Surveyor, dated April, 1982, and being more fully described according to said Terrell Survey as follows:

BEGINNING at a right-of-way marker located on the Southeasterly right-of-way of State Route #365, which right-of-way marker is located South 22 degrees 35 minutes West 1201.98 feet from the intersection of Land Lot Nos. 90, 91, 93 and 94; and running thence from said beginning point along the Southerly right-of-way of the Southern Railroad North 85 degrees 58 minutes East 192.71 feet to an iron pin set on said Southerly right-of-way of Southern Railroad; thence running along a fence South 25 degrees 56 minutes East 135.81 feet to a point located at a ditch and a springhead; thence running South 3 degrees 52 minutes West 33.87 feet to a point; thence South 31 degrees 22 minutes East 193.26 feet to a point; thence South 2 degrees 01 minutes West 131.08 feet to a point; thence South 9 degrees 43 minutes West 187.18 feet to a point; thence South 3 degrees 12 minutes East 67.93 feet to a point; thence South 8 degrees 48 minutes West 100.88 feet to a point; thence North 69 degrees 29 minutes West 26.50 feet to a point; thence South 72 degrees 00 minutes West 25.15 feet to a point; thence South 20 degrees 21 minutes West 95.38 feet to a point; thence South 11 degrees 23 minutes East 32.26 feet to a point; thence South 44 degrees 18 minutes West 269.81 feet to a point; thence South 6 degrees 55 minutes West 69.46 feet to a point; thence South 41 degrees 23 minutes West 181.99 feet to a point; thence South 19 degrees 35 minutes West 52.45 feet to a point; thence South 33 degrees 04 minutes West 48.62 feet to a point; thence South 55 degrees 02 minutes West 36.15 feet to a point; thence South 78 degrees 19 minutes West 54.66 feet to a point; thence South 20 degrees 47 minutes West 44.79 feet to a point; thence North 80 degrees 07 minutes West 44.93 feet to a point; thence South 54 degrees 42 minutes West 37.88 feet to a point; thence South 20 degrees 57 minutes West 34.75 feet to a point; thence South 8 degrees 50 minutes West 72.20 feet to a point; thence South 65 degrees 37 minutes West 86.95 feet to a point; thence South 48 degrees 16 minutes west 36.57 feet to a point; thence South 69 degrees 50 minutes West 93.08 feet to a point; thence South 24 degrees 26 minutes West 19.23 feet to a point; thence North 81 degrees 02 minutes West 61.84 feet to a point; thence South 68 degrees 01 minutes West 73.67 feet to a point; thence South 30 degrees 15 minutes West 63.53 feet to a point; thence South 1 degree 18 minutes West 61.37 feet to a point; thence South 87 degrees 27 minutes West 72.37 feet to a point; thence South 23 degrees 28 minutes West 20.04 feet to a point; thence North 86 degrees 30 minutes West 69.58 feet to a point; thence North 71 degrees 31 minutes West 112.88 feet to a point; thence South 41 degrees 52 minutes West 104.70 feet to a point; thence South 58 degrees, 48 minutes East 46.64 feet to a point; thence South 71 degrees 18 minutes West 95.35 feet to a point; thence South 64 degrees 17 minutes West 32.18 feet to a point; thence North 85 degrees 07 minutes West 86.04 feet to a point; thence South 49 degrees 43 minutes West 70.83 feet to a point; thence South 47 degrees 03 minutes East 50.65 feet to a point; thence South 13 degrees 22 minutes West 115.40 feet to a point; thence South 86 degrees 04 minutes West 79.88 feet to a point; thence South 10 degrees 42 minutes West 74.18 feet to a point; thence North 38 degrees 39 minutes West 30.41 feet to a point; thence South 43 degrees 12 minutes West 114.10 feet to a point; thence South 83 degrees 48 minutes West 133.91 feet to a point; thence South 65 degrees 28 minutes West 83.87 feet to a point; thence North 78 degrees 46 minutes West 54.04 feet to a point; thence South 21 degrees 59 minutes West 61.91 feet to a point located at a 24 inch maple tree; thence South 8 degrees 22 minutes West 378.86 feet to an 8 foot hickory tree; thence South 69 degrees 50 minutes West 407 feet to a point located in the center line of the Oconee River, which is the property line; thence running in a Northwesterly direction along the center line of said Oconee River North 05 degree 54 minutes East 74.47 feet to a point; thence North 77 degrees 57 minutes West 67.30 feet to a point; thence North 57 degrees 09 minutes West 191.10 feet to a point; thence North 9 degrees 49 minutes East 124.22 feet to a point; thence North 77 degrees 12 minutes West 76.38 feet to a point; thence North 9 degrees 46 minutes West 119.07 feet to a point; thence North 81 degrees 48 minutes West 109.78 feet to an iron pin found on the Southeasterly right-of-way of an old abandoned County Road; thence North 20 degrees 21 minutes East 137.19 feet running along the Easterly right-of-way of said abandoned road to an iron pin found; thence running North 18 degrees 32 minutes West 508.82 feet to an iron pin found at a corner common to property owned by Georgia Kraft Company; thence running North 68 degrees 13 minutes East 1,147.66 feet along property of Georgia Kraft Company to an iron pin set; thence running North 22 degrees 12 minutes East 78.22 feet to a point; thence running North 28 degrees 04 minutes East 131.50 feet to a right-of-way marker located 285.80 feet from the center line of State Route 365; thence running along the Southeasterly right-of-way of said State Route 365 North 53 degrees 39 minutes East 228.57 feet to a destroyed right-of-way marker located 250 feet from the center line of said State Route #365; thence North 55 degrees 11 minutes East 539.41 feet to a point 225 feet from the center line of State Route 365; thence running North 42 degrees 59 minutes East 714.19 feet to a right-of-way marker located 105 feet from the center line of State Route 365; thence running North 39 degrees 30 minutes East 440.01 feet to the original point of beginning.

Subject realty is the same piece of property acquired by Elt Jackson Cagle a/k/a E.J. CAGLE from William N. Banks by Warranty Deed dated December 6, 1983, and recorded in Hall County, Georgia Deed Book 420 at page 131-3.

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Tuesday, October 18, 2022 12:31 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)
Subject: HCPC Tentative Agenda 11.7.22

Please find Environmental Health comments below:

Item 1, 3461 Thompson Bridge Road, Michael James Remodeling: An existing system evaluation will be required. All proposed additions (including parking) must meet required setbacks from septic system.

Item 2, 3600 Maple Valley Drive, Brunson: Please be advised that Environmental Health will be unable to approve any sign easement/separation of property by plat as either would cause the parent parcel (3604 Maple Valley) to be a non-conforming lot in regards to non-restricted lot size as required by the Hall County Board of Health Lot Size Resolution.

Item 3, 4319 Winder Hwy, Genuine Mapping: No comment. Public sewer.

Items 4&5, 6580 Cleveland Hwy, Schermerhorn: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 6, 4020/3886 Cornelia Hwy/4761 Cagle Mill Road, Ridgeline: No comment. Public sewer.

Item 7, 2581 Ramsey Circle, CMWB: No comment. Public sewer.

Item 8, 0 Old Winder Hwy, Baker: No comment.

Item 9, 5741 Holiday Road, Babbs: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Thursday, October 20, 2022 9:45 AM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Chavers, Veronica E; Peevy, Jonathan
Subject: RE: Tentative Planning Agenda for November 7, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see GDOT comments in red below

Thank you,

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Thursday, October 13, 2022 9:27 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Ellis Still (Planning) <estill@hallcounty.org>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Lamar Carver (Building Inspection) <lcarver@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Michael Vieira (Fire Services) <mvieira@hallcounty.org>; Mike Little (Parks and Leisure) <mlittle@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford <nswafford@gainesville.org>; Pam Cravero <Pam.Cravero@hallco.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; Wanda Sutton (Engineering) <wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for November 7, 2022

Good morning –

Here is the Tentative Agenda and Maps for the **Monday, November 7, 2022** Hall County Planning Commission Meeting.

Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report.

When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by **Thursday, October 20th.** Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – October 17, 2022

OLD BUSINESS

1. **3461 Thompson Bridge Road | Rezone |** from Residential-I (R-I) to Office and Institutional (O-I) on a 6.85± acre tract located on the west side of Thompson Bridge Road at its intersection with Tommy Aaron Drive | Zoned R-I; Tax Parcel 10114 000039A | **Proposed use: office** | ** Commission District 2 | **Michael James Remodeling, applicant.**

NEW BUSINESS

2. **3600 Maple Valley Drive | Variance** | for a rear yard setback variance from 15 feet to 3 feet on a .02± acre tract located on the east side of Maple Valley Drive at its intersection with Friendship Road | Zoned R-I; Tax Parcel 15048H000001 (pt.) | **Proposed Use: new sign monument** | * Commission District 1 | **Brunson & Company, LLC, applicant.**
   GDOT Coordination Required. Sign appears to be off GDOT ROW but is showing minor earthwork ROW.

3. **4319 Winder Highway | Use Subject to Planning Commission approval |** on a .98± acre tract located on the east side of Winder Highway approximately 344 feet from its intersection with Strickland Road | Zoned H-B; Tax Parcel 15037B000037 | **Proposed use: office & warehouse** | * Commission District 1 | **Genuine Mapping and Design, LLC, applicant.**
   GDOT Coordination In Progress - See GDOT Access Permit A-139-008366-1 under review.

4. **6580 Cleveland Highway | Amend Conditions |** of a Light-Industrial (I-I) on a 8.67± acre tract located on the east side of Cleveland Highway approximately 1,712 feet from its intersection with Hub Head Road | Zoned I-I; Tax Parcel 12083 000003B | **Proposed use: self-storage and boat & RV storage** | ** Commission District 3 | **Diane Schermerhorn, applicant.**
   GDOT Coordination In Progress – See Page 12/21 of this application package for initial GDOT comments.

5. **6580 Cleveland Highway | Use Subject to County Commission approval** | on a 8.67± acre tract located on the east side of Cleveland Highway approximately 1,712 feet from its intersection with Hub Head Road | Zoned I-I; Tax Parcel 12083 000003B | **Proposed use: self-storage and boat & RV storage** | ** Commission District 3 | **Diane Schermerhorn, applicant.**
   See Comment above

6. **4020 & 3886 Cornelia Highway and 4761 Cagle Mill Road | Rezone** | from Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 134.14± acre tract located on the south side of Cornelia Highway approximately 679 feet from its intersection with Cagle Road | Zoned AR-III & AR-IV; Tax Parcel 15007 000129, 000270, & 000027A | **Proposed use: heavy industrial** | ** Commission District 3 | **Ridgeline Land Planning, Inc, applicant.**
   GDOT Coordination In Progress – See GDOT Access Permit A-139-008556-1

7. **2581 Ramsey Circle | Rezone |** from Agricultural-Residential-III (AR-III) to Planned Residential Development (PRD) on a 35.14± acre tract located on the north side of Ramsey Circle at its intersection with White Sulphur Road; Zoned AR-III; Tax Parcel 09113 000001 (pt.) | **Proposed use: 305-unit multi-family** complex | ** Commission District 3 | **CMWB Company, LLC, applicant.**
   None

8. **0 & 0 Old Winder Highway | Rezone |** from Planned Commercial Development (PCD) to Agricultural-Residential-IV (AR-IV) on a 13.38± acre tract located on the west side of Old Winder Highway approximately 771 feet from its intersection with Ridgemoor Drive | Zoned PCD; Tax Parcel 15039A000003 & 000029 (pt.)| **Proposed use: agricultural uses** | ** Commission District 1 | **Ben Baker, Baker & Summy, PC, applicant.**
   GDOT Coordination shown on page 12/14 of the application package. No coordination required at this time for zoning change, but coordination would be required if property will be developed. Note that SR 211 is tentatively scheduled to begin widening under GDOT PI 0007233 within the next 4-7 years.

9. **5741 Holiday Road | Rezone |** from Highway-Business (H-B) to Planned Commercial Development (PCD) on a 2.12± acre tract located on the east side of Holiday road at its intersection with Green Road | Zoned H-B; Tax Parcel 07329 001005 | **Proposed use: boat & RV storage** | ** Commission District 2 | **Torris J. Babbs, PE, applicant.**
   GDOT Coordination required

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, December 8, 2022 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, December 8, 2022. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Thank you,

Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
GEORGIA
We have it all in Hall

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: October 20, 2022

Subject: November 7, 2022 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the November 7, 2022 meeting. Upon review, we provide the following comments.

1. **3461 Thompson Bridge Road | Rezone |** from Residential-I (R-I) to Office and Institutional (O-I) on a 6.85± acre tract located on the west side of Thompson Bridge Road at its intersection with Tommy Aaron Drive | Zoned R-I; Tax Parcel 10114 000039A | **Proposed use: office** | ** Commission District 2 | **Michael James Remodeling, applicant.**

   a) **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.
   Show buffer and impervious setback from wrested vegetation, not centerline of creek.
   b) **Traffic**: Driveway may need to be upgraded to accommodate two-way traffic.
   c) **Utilities**: City of Gainesville Sewer.

NEW BUSINESS

2. **3600 Maple Valley Drive | Variance** | for a rear yard setback variance from 15 feet to 3 feet on a .02± acre tract located on the east side of Maple Valley Drive at its intersection with Friendship Road | Zoned R-I; Tax Parcel 15048H000001 (pt.) | **Proposed Use: new sign monument** | * Commission District 1 | **Brunson & Company, LLC, applicant.**

   a) **Engineering**: Improvements are shown within the private property of 3604 Maple Valley Drive, who is not the applicant on this appeal. Suggest obtaining permission from property owner defining maintenance requirements.
   b) **Traffic**: Location appears to be on State right-of-way and may not be permitted. Applicant should verify with GDOT prior to consideration and provide correspondence indicating location approval, otherwise, the location will need to be modified.
   c) **Utilities**: No comments.

HALL COUNTY
GEORGIA

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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

3. **4319 Winder Highway | Use Subject to Planning Commission approval |** on a .98± acre tract located on the east side of Winder Highway approximately 344 feet from its intersection with Strickland Road | Zoned H-B; Tax Parcel 15037B000037 | **Proposed use: office & warehouse** | * Commission District 1 | **Genuine Mapping and Design, LLC, applicant.**

   a) **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.
   b) **Traffic:** GDOT permit will be required.
   c) Utilities: City of Oakwood sewer district.

4. **6580 Cleveland Highway | Amend Conditions |** of a Light-Industrial (I-I) on a 8.67± acre tract located on the east side of Cleveland Highway approximately 1,712 feet from its intersection with Hub Head Road | Zoned I-I; Tax Parcel 12083 000003B | **Proposed use: self-storage and boat & RV storage** | ** Commission District 3 | **Diane Schermerhorn, applicant.**

   a) **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.
   b) **Traffic:** GDOT permit required.
   c) **Utilities:** Septic proposed, requires Environmental Health approval.

5. **6580 Cleveland Highway | Use Subject to County Commission approval** | on a 8.67± acre tract located on the east side of Cleveland Highway approximately 1,712 feet from its intersection with Hub Head Road | Zoned I-I; Tax Parcel 12083 000003B | **Proposed use: self-storage and boat & RV storage** | ** Commission District 3 | **Diane Schermerhorn, applicant.**

   a) **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.
   b) **Traffic:** GDOT permit required.
   c) **Utilities:** Septic system proposed, requires Environmental Health approval.

6. **4020 & 3886 Cornelia Highway and 4761 Cagle Mill Road | Rezone** | from Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 134.14± acre tract located on the south side of Cornelia Highway approximately 679 feet from its intersection with Cagle Road | Zoned AR-III & AR-IV; Tax Parcel 15007 000129, 000270, & 000027A | **Proposed use: heavy industrial** | ** Commission District 3 | **Ridgeline Land Planning, Inc, applicant.**

HALL COUNTY
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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

a) **Engineering:** Flood (not future Hall County studied)
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.
North Oconee Reservoir Watershed Protection.
District doubles all stream buffers and impervious setbacks.
Show stream buffers/setbacks from wrested vegetation not centerline of stream.
b) **Traffic:** GDOT permit required. While access to Cagle Mill Road is not proposed on the concept, it should be noted that it would not be permitted.
c) **Utilities:** Sewer on Cornelia Highway lift station to remain private. Developer to construct manhole on property to connect to existing manhole on HWY 365.

7. **2581 Ramsey Circle | Rezone |** from Agricultural-Residential-III (AR-III) to Planned Residential Development (PRD) on a 35.14± acre tract located on the north side of Ramsey Circle at its intersection with White Sulphur Road; Zoned AR-III; Tax Parcel 09113 000001 (pt.) | **Proposed use: 305-unit multi-family** complex | ** Commission District 3 | **CMWB Company, LLC, applicant.**

a) **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.
Stream buffers/impervious setbacks from wrested vegetation not centerline of stream.
b) **Traffic:** White Sulphur Road is under the City of Gainesville's jurisdiction; access and any required improvements must be approved and permitted through the City. Access to Ramsey Circle is proposed to be a gated emergency access only and it should be noted that this is the only type of access to Ramsey Circle that would be considered.
c) **Utilities:** Sewer available on White Sulphur. All lift stations to remain private.
Sewer availability letter is required.

8. **0 & 0 Old Winder Highway | Rezone | from Planned Commercial Development (PCD) to Agricultural-Residential-IV (AR-IV) on a 13.38± acre tract located on the west side of Old Winder Highway approximately 771 feet from its intersection with Ridgemoor Drive | Zoned PCD; Tax Parcel 15039A000003 & 000029 (pt.)| Proposed use: agricultural uses | ** Commission District 1 | Ben Baker, Baker & Summy, PC, applicant.**

HALL COUNTY
GEORGIA

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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

a) **Engineering:** Further subdivisions of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than 6.
b) **Traffic:** No comments.
c) **Utilities:** No sanitary sewer available.

9. **5741 Holiday Road | Rezone |** from Highway-Business (H-B) to Planned Commercial Development (PCD) on a 2.12± acre tract located on the east side of Holiday road at its intersection with Green Road | Zoned H-B; Tax Parcel 07329 001005 | **Proposed use: boat & RV storage** | ** Commission District 2 | **Torris J. Babbs, PE, applicant.**

a) **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.
b) **Traffic:** Driveway will need to meet Hall County commercial standards.
c) **Utilities:** No comments.

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Thursday, October 20, 2022 2:34 PM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Michael Vieira (Fire Services); John Tucker (Fire Services); Jeff Suggs (Fire Services)
Subject: Tentative Agenda 11/7 Fire Comments

10/20/22

Hall County Fire comments for Tentative Agenda **Monday, November 7, 2022** Hall County Planning Commission Meeting.

New Business

2. **3600 Maple Valley Drive | Variance** | for a rear yard setback variance from 15 feet to 3 feet on a .02± acre tract located on the east side of Maple Valley Drive at its intersection with Friendship Road | Zoned R-I; Tax Parcel 15048H000001 (pt.) | **Proposed Use: new sign monument** | * Commission District 1 | **Brunson & Company, LLC, applicant.**
   Hall County Fire Marshal's Office has no comments regarding rear yard setback variance as proposed.

3. **4319 Winder Highway | Use Subject to Planning Commission approval |** on a .98± acre tract located on the east side of Winder Highway approximately 344 feet from its intersection with Strickland Road | Zoned H-B; Tax Parcel 15037B000037 | **Proposed use: office & warehouse** | * Commission District 1 | **Genuine Mapping and Design, LLC, applicant.**
   Hall County Fire Marshal's Office has no comments regarding office and warehouse as proposed.

4. **6580 Cleveland Highway | Amend Conditions |** of a Light-Industrial (I-I) on a 8.67± acre tract located on the east side of Cleveland Highway approximately 1,712 feet from its intersection with Hub Head Road | Zoned I-I; Tax Parcel 12083 000003B | **Proposed use: self-storage and boat & RV storage** | ** Commission District 3 | **Diane Schermerhorn, applicant.**
   1) **IFC Section 507, all storage buildings must be with in the 400' hose lay distance requirements from a fire hydrant as the truck travels. Fire hydrant(s) may have to be installed along the fire access route to meet the hose lay distance requirements.**
   2) **IFC Section 903, 20,000 SF climate controlled storage building exceeds the 12,000 SF sprinkler threshold requirements and may be required to have a fire suppression system installed.**
   3) **IFC Section 506.1, access controlled gate will require a Knox key switch override device for fire department access into the gated development.**
   4) **Note: water will be supplied by Gainesville Water not Hall County.**

5. **6580 Cleveland Highway | Use Subject to County Commission approval** | on a 8.67± acre tract located on the east side of Cleveland Highway approximately 1,712 feet from its intersection with Hub Head Road | Zoned I-I; Tax Parcel 12083 000003B | **Proposed use: self-storage and boat & RV storage** | ** Commission District 3 | **Diane Schermerhorn, applicant.**
   1) Same requirements as above.

6. **4020 & 3886 Cornelia Highway and 4761 Cagle Mill Road | Rezone** | from Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II) on a 134.14± acre tract located on the south side of Cornelia Highway approximately 679 feet from its intersection with Cagle Road | Zoned AR-III & AR-IV; Tax Parcel 15007 000129, 000270, & 000027A | **Proposed use: heavy industrial** | ** Commission District 3 | **Ridgeline Land Planning, Inc, applicant.**
   1) IFC Section D104.1, buildings exceeding three stories or 30 feet in height shall have not fewer than two means of fire apparatus access for each structure.
   2) IFC Section D104.2, buildings having a gross building area of more than 62,000 SF shall be provided with two separate and approved fire apparatus access roads.

3) IFC Section D104.3, where two fire apparatus roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.
4) IFC Section D105.2, aerial apparatus access roads shall have a minimum unobstructed width of 26' exclusive of shoulders in the immediate vicinity of the building or portion thereof.
5) IFC Section D103.4, dead end fire apparatus roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with table D103.4
6) IFC Section 903.2, where required approved automatic sprinkler systems in new buildings shall be provided in the locations described in sections 903.2.1 through 903.2.12
7) IFC Section 503, fire apparatus access roads shall be provided and maintained in accordance with section s 503.1.1 through 503.1.3
8) **IFC Section 506.1, access controlled gate(s) will require a Knox key switch override device for fire department access.**
9) **IFC Section 510, emergency responder radio coverage confirmation will apply to each building**

7. **2581 Ramsey Circle | Rezone |** from Agricultural-Residential-III (AR-III) to Planned Residential Development (PRD) on a 35.14± acre tract located on the north side of Ramsey Circle at its intersection with White Sulphur Road; Zoned AR-III; Tax Parcel 09113 000001 (pt.) | **Proposed use: 305-unit multi-family** complex | ** Commission District 3 | **CMWB Company, LLC, applicant.**
   1) **IFC Section 506.1, access controlled gate(s) will require a Knox key switch override device for fire department access.**
   2) IFC Section D105.2, aerial apparatus access roads shall have a minimum unobstructed width of 26' exclusive of shoulders in the immediate vicinity of the building or portion thereof.
   3) **NFPA 13R fire protection system will be required to be installed, tested and certified.**
   4) **IFC Section 912, fire department connections shall be installed on each building and located no greater than 50' from a fire hydrant. Fire department connections shall be located so that the fire apparatus and hose connected to the supply system (fire hydrant) will not obstruct access to the building for other fire apparatus.**
   5) **NFPA 72 fire alarm system shall be installed, tested and certified throughout all apartment buildings including clubhouse.**
   6) **IFC Section 510, emergency responder radio coverage confirmation will apply to each building.**

8. **0 & 0 Old Winder Highway | Rezone |** from Planned Commercial Development (PCD) to Agricultural-Residential-IV (AR-IV) on a 13.38± acre tract located on the west side of Old Winder Highway approximately 771 feet from its intersection with Ridgemoor Drive | Zoned PCD; Tax Parcel 15039A000003 & 000029 (pt.)| **Proposed use: agricultural uses** | ** Commission District 1 | **Ben Baker, Baker & Summy, PC, applicant.**
   1) **Hall County Fire Marshal's Office has no comments regarding zoning request as proposed.**

9. **5741 Holiday Road | Rezone |** from Highway-Business (H-B) to Planned Commercial Development (PCD) on a 2.12± acre tract located on the east side of Holiday road at its intersection with Green Road | Zoned H-B; Tax Parcel 07329 001005 | **Proposed use: boat & RV storage** | ** Commission District 2 | **Torris J. Babbs, PE, applicant.**
   1) **IFC Section 507, all storage buildings must be with in the 400' hose lay distance requirements from a fire hydrant as the truck travels. Fire hydrant(s) may have to be installed along the fire access route to meet the hose lay distance requirements.**
   2) **IFC Section 506.1, access controlled gate will require a Knox key switch override device for fire department access into the gated development.**

Regards,

John Hornick, NPQ Fire Inspector 1, Plans Review
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: RIDGELINE LAND PLANNING

REQUEST: REZONE FROM AR-III & AR-IV TO HI FOR HEAVY INDUSTRIAL USES

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 11-07-2022
Time: 05:15 PM

AND

COUNTY COMMISSION
Date: 12-08-2022
Time: 06:00 PM

HALL COUNTY GOVERNMENTAL CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE
APPLICATION FOR RIDGELINE LAND PLANNING
REQUEST TO REZONE FROM AR-III & AR-IV TO I-II
FOR HEAVY INDUSTRIAL USES
Date: 2024 2025
Time: 2:15 PM
Date: 12/05/2024
Time: 2:15:45 PM
FOR MORE INFORMATION CALL

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: RIDGELINE LAND PLANNING
REQUEST: REZONE FROM AR-III & AR-IV TO I-1
FOR HEAVY INDUSTRIAL USES
PUBLIC HEARINGS WILL BE HELD ON:
Date: 11-01-2022 AND Date: 12-08-2022
Time: 05:15 PM Time: 06:00 PM
FOR MORE INFORMATION CALL (770) 531-6809

ZONING NOTICE

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: RIDGELINE LAND PLANNING

REQUEST: REZONE FROM AR-III & AR-IV TO I-II FOR HEAVY INDUSTRIAL USES

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 11-07-2022
Time: 05:15PM

AND

COUNTY COMMISSION
Date: 12-08-2022
Time: 06:00PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT:
RIDGELINE LAND PLANNING, INC
REQUEST:
REZONE FROM AR-III + AR-IV TO I-II
FOR HEAVY INDUSTRIAL
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date:
Time:
COUNTY COMMISSION
Date: 1-26-2023
Time: 6:00 pm
HALL COUNTY GOVERNMENT CENTER, 2ND FLOOR, DIDDER ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: RIDGELINE LAND PLANNING, INC

REQUEST: REZONE FROM AR-III + AR-IV TO I-II FOR HEAVY INDUSTRIAL

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: _____
Time: _____

COUNTY COMMISSION
Date: 1-25-2023
Time: 6:00 p.m.

HALL COUNTY GOVERNMENT CENTER, 2875 BRADFORD DRIVE, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE
LAND PLANNING, INC
FROM AR-III + AR-IV TO I-II
FOR HEAVY INDUSTRIAL
Date:
Time:

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: RIDGELINE LAND PLANNING, INC

REQUEST: REZONE FROM AR-III + AR-IV TO I-II FOR HEAVY INDUSTRIAL

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: _____
Time: _____

COUNTY COMMISSION
Date: 1-26-2003
Time: 6:00 P.M.

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH BALDWIN COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THE FOLLOWING

APPLICANT:
RIDGELINE LAND PLANNING, INC

REQUEST:
REZONE FROM AR-1 & AR-IV TO I-1
FOR HEAVY INDUSTRIAL

PUBLIC HEARING SCHEDULED

Date: [illegible]
Time: [illegible]

Date: 1-24-2023
Time: 6:00 p.m.

FOR MORE INFORMATION CALL [illegible]

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: RIDGELINE LAND PLANNING, INC

REQUEST: REZONE FROM AR-III & AR-IV TO I-II FOR HEAVY INDUSTRIAL

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date:
Time:

COUNTY COMMISSION
Date: 1-26-2023
Time: 6:00 P.M

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: RIDGELINE LAND PLANNING, INC.

REQUEST: REZONE FROM AR-III & AR-IV TO HI FOR HEAVY INDUSTRIAL

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION	COUNTY COMMISSION
Date: —	Date: FEB. 23, 2023
Time: —	Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: RIDGELINE LAND PLANNING, INC.

REQUEST: REZONE FROM AR-III & AR-IV TO HI FOR HEAVY INDUSTRIAL

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION	COUNTY COMMISSION
Date: —	Date: FEB. 23, 2023
Time: —	Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: RIDGELINE LAND PLANNING, INC.
REQUEST: REZONE FROM AR-III & AR-IV TO HI FOR
HEAVY INDUSTRIAL
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: —
Time: —
COUNTY COMMISSION
Date: FEB 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE GA
FOR MORE INFORMATION CALL: (770) 531-6895

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: RIDGELINE LAND PLANNING, INC.

REQUEST: REZONE FROM AR-III & AR-IV TO HI FOR HEAVY INDUSTRIAL

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: —
Time: —

COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: RIDGELINE LAND PLANNING, INC.
REQUEST: REZONE FROM AR-II & AR-IV TO HI FOR HEAVY INDUSTRIAL
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: —
Time: —
COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: RIDGELINE LAND PLANNING, INC.

REQUEST: REZONE FROM AR-III & AR-IV TO HI FOR HEAVY INDUSTRIAL

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: —
Time: —

COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 17/2023

SUBJECT: **5871 McEver Road | Rezone** | from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 | **Proposed use: RV & boat storage** | Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.** NOTE: Tabled at the January 12, 2023 Voting Meeting until the February 23, 2023 Voting Meeting.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD
Recommendation:

Approval, with conditions: 1. All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development. a. The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application. b. A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations. c. Where the development boarders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer. d. The development shall permit boat and RV storage e. The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines. f. The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1. 2. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions. 3. The development shall occur as depicted on the site plan presented. Minor changes shall be approved by the Planning Director provided there is no increase in the number of units or buildings and the changes do not create the need for variances in the Hall County development standards 4. A landscape plan shall be approved by Planning Director prior to LDP. 5. The applicant shall submit architectural elevations of all four sides of the structures for approval by the Planning Director prior to issuance of LDP. The only variances from the Gateway Corridor is to allow metal posts in between the bays and standing seam metal roofs. The project shall adhere to existing conditions of phase 1 with the exception of all buildings along McEver Road to be masonry on the back and sides facing McEver Road. 6. Signage shall require a separate permit and must meet Gateway Corridor Overlay district standards found in 17.40.060. 7. The buffer shall be protected in perpetuity by deed that follows the property, the removal or modifications of this condition shall require action by the Board of Commission. 8. Two amended site plans showing all Planning Commission conditions must be submitted before going in front of the BOC. One site plan shall be topographical and the second shall indicate all building locations without topography. 9. No more than 172 units shall be allowed on this property for phase 2. 10. Before LDP is issued all buffer requirements of phase 1 must be confirmed to meet all requirements of phase 1 rezoning and conditional use. 11. An 8 foot height privacy fence shall be built along the rear of buildings N and O.

Purpose of Request:

5871 McEver Road | Rezone | from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 | Proposed use: RV & boat storage | Commission District 2 | Anchor Inn RV & Boat Storage, applicant.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
JR	JR	JR	JR

Attorney	Administration	Clerk
JR	JR	JR

Attachments:

Updated Board Memo - as of 2/7/23
Board Memo
Recommendation Report
Application
Narrative
Updated Site Plan - as of 1/11/2023
Site Plan
Maps
Renderings
Legal Description
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Notice Sign Photos
Updated Notice Signs - as of 2/3/23
Public Comment - Opposition from Shelly Day - Submitted on 2/17/2023
Public Comment - Opposition from Saleena Phillips - Submitted 2/17/2023

HALL COUNTY
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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **5871 McEver Road | Rezone |** to allow an RV & boat storage | Anchor Inn RV & Boat Storage, applicant.

The request before you is the application of Anchor Inn RV & Boat Storage to allow RV & boat storage on 9.06± acre. ***It should be noted that a simultaneous conditional use request accompanies this request but has separate reports and memos. Although you may wish to hear the two (2) associated items (rezoning and conditional use) at the same time, please deliberate and vote separately on each.***

This item is located within Commission District 2.

At your January 12, 2023 voting meeting, you tabled this item to allow the applicant an opportunity to install the landscape buffer required for his Phase 1 development but never installed. **An inspection on February 6, 2023 revealed that some landscaping has been installed adjacent to the residential properties but it is not sufficient. Staff has notified the applicant that the additional plantings must be installed before February 20, 2023. A follow-up inspection will be conducted on February 20, 2023 prior so staff can provide an update the February 20th work session.**

At their December 5, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the Rezoning request with eleven (11) conditions **(5-0).**

There were no written comments submitted in advance of the Planning Commission meeting; **one (1) individual spoke in favor and three (3) individuals spoke in opposition** during the public hearing.

There have been no changes to the request since the Planning Commission took action.

Planning Commission Approval Conditions:

1. All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development.

a. The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.
b. A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations.
c. Where the development boarders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer.
d. The development shall permit boat and RV storage
e. The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines.
f. The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1.

2. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions.
3. The development shall occur as depicted on the site plan presented. Minor changes shall be approved by the Planning Director provided there is no increase in the number of units or buildings and the changes do not create the need for variances in the Hall County development standards
4. A landscape plan shall be approved by Planning Director prior to LDP.
5. The applicant shall submit architectural elevations of all four sides of the structures for approval by the Planning Director prior to issuance of LDP. The only variances from the Gateway Corridor is to allow metal posts in between the bays and standing seam metal roofs. The project shall adhere to existing conditions of phase 1 with the exception of all buildings along McEver Road to be masonry on the back and sides facing McEver Road.
6. Signage shall require a separate permit and must meet Gateway Corridor Overlay district standards found in 17.40.060.
7. The buffer shall be protected in perpetuity by deed that follows the property, the removal or modifications of this condition shall require action by the Board of Commission.
8. Two amended site plans showing all Planning Commission conditions must be submitted before going in front of the BOC. One site plan shall be topographical and the second shall indicate all building locations without topography.
9. No more than 172 units shall be allowed on this property for phase 2.
10. Before LDP is issued all buffer requirements of phase 1 must be confirmed to meet all requirements of phase 1 rezoning and conditional use.
11. An 8 foot height privacy fence shall be built along the rear of buildings N and O.

Please note that denial of the rezoning request is an automatic denial of the associated conditional use request but this will need to be stated by the chairman after the rezoning vote, should the rezoning be denied.

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GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: December 13, 2022

Subject: **5871 McEver Road | Rezone |** to allow an RV & boat storage | Anchor Inn RV & Boat Storage, applicant.

The request before you is the application of Anchor Inn RV & Boat Storage to allow RV & boat storage on 9.06± acre. ***It should be noted that a simultaneous conditional use request accompanies this request but has separate reports and memos. Although you may wish to hear all two (2) associated items (rezoning and conditional use) at the same time, please deliberate and vote separately on each.***

This item is located within Commission District 2.

At their December 5, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the Rezoning request with eleven (11) conditions **(5-0).**

There were no written comments submitted in advance of the Planning Commission meeting; **one (1) individual spoke in favor and three (3) individuals spoke in opposition** during the public hearing.

There have been no changes to the request since the Planning Commission took action.

Planning Commission Approval Conditions:

1. All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development.
   a. The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.
   b. A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations.

c. Where the development boarders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer.
d. The development shall permit boat and RV storage
e. The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines.
f. The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1.

2. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions.
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6. Signage shall require a separate permit and must meet Gateway Corridor Overlay district standards found in 17.40.060.
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9. No more than 172 units shall be allowed on this property for phase 2.
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11. An 8 foot height privacy fence shall be built along the rear of buildings N and O.

Please note that denial of the rezoning request is an automatic denial of the associated conditional use request but this will need to be stated by the chairman after the rezoning vote, should the rezoning be denied.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Anchor Inn RV & Boat Storage

Request ..... Rezone from Agricultural Residential III (AR-III, 17.110) to Highway Business (H-B, 17.150)

Proposed Use ..... RV & boat storage

Size ..... 9.06± acres

Zoning ..... Current AR-III | Proposed H-B

Location ..... **5871 McEver Road** | Tax Parcel 08119 000233

Commission District ..... Two

Planning Commission Date ..... December 5, 2022

Staff Recommendation ..... **Approval with conditions based on the findings that this request meets the criteria outlined in 17.380.060 and that the adjacent property was rezoned to Highway Business (H-B, 17.150) for the same use in 2019.**

Planning Commission Recommendation……Approval, with conditions
Vote: 5-0

Planning Commission Rezoning Conditions:

1. All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development.
   a. The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.
   b. A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations.
   c. Where the development boarders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer.
   d. The development shall permit boat and RV storage
   e. The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines.
   f. The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1.

2. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions.
3. The development shall occur as depicted on the site plan presented. Minor changes shall be approved by the Planning Director provided there is no increase in the number of units or buildings and the changes do not create the need for variances in the Hall County development standards
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6. Signage shall require a separate permit and must meet Gateway Corridor Overlay district standards found in 17.40.060.
7. The buffer shall be protected in perpetuity by deed that follows the property, the removal or modifications of this condition shall require action by the Board of Commission.
8. Two amended site plans showing all Planning Commission conditions must be submitted before going in front of the BOC. One site plan shall be topographical and the second shall indicate all building locations without topography.
9. No more than 172 units shall be allowed on this property for phase 2.
10. Before LDP is issued all buffer requirements of phase 1 must be confirmed to meet all requirements of phase 1 rezoning and conditional use.
11. An 8 foot height privacy fence shall be built along the rear of buildings N and O.

There is a concurrent conditional use application; the two items can be heard together but shall require two separate motions and votes.

Public Forum:

Gary McCrowskie, 6218 Yorktown Court, Flowery Branch, spoke in favor. Stated that the buildings were well built but requested there to be a privacy fence to block the view into his house.

Julie Paris, 5919 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were the visibility and fencing around the property.

Nathan Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were excessive storage units in the county.

Shelly Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were approximate distance to residences.

Summary Analysis

The applicant is requesting to rezone the 9.02± acre property from Agricultural Residential III (AR-III, 17.110) to Highway Business (H-B, 17.150) for the purpose of expanding an existing boat & RV storage lot with 172 additional spaces. Access to this new phase will be through the existing entrance on Lights Ferry Road with no access proposed from McEver Road. The hours of operation will remain the same as the current facility, the

office is open Monday – Friday, 9:00am through 5:00pm. Access to the storage facility is the same, Monday – Sunday.

The submitted site plan depicts the two rows of storage buildings parallel to McEver Road. A central access drive bisects the proposed storage buildings. The access drive ends in a cul-de-sac on the western portion of the property. A decorative steel fence with brick columns boarders McEver Road with the remainder of the property using a black vinyl fence. A 35 foot planted buffer follows the rear property line where is it adjacent to residentially zoned parcels.

Within the Gateway Corridors Overlay District (GCOD, 17.420), boat & RV storage requires conditional use approval from the Board of Commissioners, which is being heard concurrent to this request.

No variances were requested nor have any been identified by staff during review.

Based on the future land-use plan, staff finds the *requested zoning designation is inconsistent* with the future land use map designation of Lake Area Residential but the neighboring property was rezoned to Highway-Business in 2019 for the same use.

Zoning Analysis

The proposed boat & RV storage facility is inconsistent with the Comprehensive Plan as the future land use designation is Lake Area Residential. The parcel is not part of the Lake Supportive Corridor, though the neighboring property was rezoned to Highway-Business in 2019 for the same use. This rezoning and concurrent conditional use request is to facilitate an expansion of the use approved in 2019.

When considering a zoning amendment to the zoning maps, the following items must be considered (17.380.060):

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed boat & RV storage development is proposed adjacent to a Highway Business (H-B, 17.150) zoned parcel which was recently approved for the same use on June 25, 2019. The current request will allow expansion of the use approved in 2019.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not have an adverse effect on the existing use or usability of adjacent or nearby property. Boat & RV storage traditionally a low impact use, with those who store their vehicles on the property visiting infrequently.**

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property is currently undeveloped and zoned Agricultural Residential III (AR-III, 17.110). The property has reasonable economic use as currently zoned.**

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed use of a boat & RV storage facility will not 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.**

5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed zoning of Highway Business (H-B, 17.150) is inconsistent with the Comprehensive Plan as the future land use designation is Lake Area Residential. The parcel is not part of the Lake Supportive Corridor, though the neighboring property was rezoned to Highway-Business in 2019 for the same use.**

6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**

7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**

9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The appears to have been vacant as far back as GIS aerial imagery goes.**

10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any changing conditions that affect the use and development of the property.**

11. Whether the change would create an isolated district unrelated to the surrounding districts, such as "spot zoning;" **The adjacent parcel has a designation as Highway Business (H-B, 17.150).**

12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.**

13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The request does not appear to be out of scale with the needs of the County as a whole, as there is a need for additional storage facilities in proximity to Lake Lanier.**

14. 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 the proposed boat & RV storage without rezoning; however, the current rezoning is requested in order to expand the existing facility.**

15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The proposed use could not be handled alternatively as a variance.**

16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **The property will be required to meet all local, state, and federal requirements pertaining to stormwater management as part of the development process.**

17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

- **Highway Business (H-B, 17.150):** the Highway Business zoning district allows for a variety of commercial uses both permitted and submitted to either Planning Commission of Board of Commission approval.

- The property falls within the **Gateway Corridors Overlay District, (**17.420.**)** which provides supplemental design standards for non-residential property development. The will be subject to the standards found within 17.420.050 (non-residential property development standards) which relate to building materials, landscaping, and buffer requirements.

The applicant has met the submission requirements for a rezoning request (17.380.050).

Development Support and Constraints – Departmental /agency comments

Hall County Environmental Health
An email dated November 14, 2022 from Emily McGahee states: "Must meet all Environmental Health commercial septic system permitting requirements if plumbing proposed and public sewer not available. A detailed business plan must be submitted to Hall County Environmental Health for review."

Hall County Fire Rescue
In an email dated November 18, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, states:

1. IFC Section 507.5.1 where a building(s) is constructed and is more than 400' from a fire hydrant on an approved fire access route fire hydrant(s) shall be installed. Fire hydrant(s) may have to be installed to meet fire code.

Hall County Public Works and Utilities

In a memo dated October 20, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

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. Stream and impervious setback from wrested vegetation not centerline of stream.

Traffic:
Adequate connection to roadway is not clear. Traffic study will be required that documents/impacts to the McEver Road/Lights Ferry intersection. Improvements that remediate impacts to intersection will be required.

Utilities:
Flowery Branch Sewer District

Georgia Department of Transportation
Per an email dated November 17, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor confirmed that GDOT coordination will be required.

- **Excerpts from the minutes of the December 5, 2022 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Miles Montgomery, 7185 Shady Grove Road, Cumming, presented the request. The applicant stated that the existing entrance off Lights Ferry Road would be utilized, they will not need access off McEver Road. The applicant stated that they would like for the building requirements under Gateway Corridor to only be applied to the portions facing the road.

Rodney Hellemn, 6098 Jim Crow Road, Flowery Branch, presented the request. The applicant addressed that their building was inspected and approved after BOC approval in 2019. The applicant stated that they do not want to be an eye sore to the community.

Public Forum:

Gary McCrowskie, 6218 Yorktown Court, Flowery Branch, spoke in favor. Stated that the buildings were well built but requested there to be a privacy fence to block the view into his house.

Julie Paris, 5919 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were the visibility and fencing around the property.

Nathan Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were excessive storage units in the county.

Shelly Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were approximate distance to residences.

Planning Commission Comments:

Mr. Braswell questioned if the buildings along McEver Road would be open facing the road. Mr. Montgomery stated that they are closed facing the road. Mr. Hunt suggested a 35 foot buffer to the surrounding residences. Mr. Bell questioned if the property is built in compliance to the 2019 approval conditions. Mr. Braswell questioned the width of the driveway between the buildings. Mr. Hellemn stated that it was 60 feet wide. Mr. Hunt questioned the fencing around the property. Mr. Hellemn stated a decorative fence would run along McEver Road and wrap around the cul-de-sac and towards the back of the property connect to a chain-link fence. Mr. Hunt questioned the privacy fence that would be built to accommodate for some property owners towards the back. Mr. Hellemn stated it would be an 8 foot height fence. Mr. Bell stated that his problem with the planted buffers was what type of trees were used and how long they took to mature to meet their purpose. Ms. Pilcher commented that residents would have to endure a lot of grading in a community they have been in. Mr. Braswell stated that it would be ideal if there were an undisturbed buffer at the property line abutting neighboring residence. Ms. Pilcher questioned how many units there would be in total. The applicant stated 166 units. Ms. Doveton stated the narrative requested 172 units. Mr. Bell suggested a 25 foot undisturbed buffer with a 10 foot planted buffer.

***Motion:* A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 5-0**

Conditions:

1. *All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development.*
    a. *The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.*
    b. *A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations.*
    c. *Where the development boarders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer.*
    d. *The development shall permit boat and RV storage*
    e. *The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines.*
    f. *The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1.*
2. *The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions.*
3. *The development shall occur as depicted on the site plan presented. Minor changes shall be approved by the Planning Director provided there is no increase in the number of units or buildings and the changes do not create the need for variances in the Hall County development standards*
4. *A landscape plan shall be approved by Planning Director prior to LDP.*
5. *The applicant shall submit architectural elevations of all four sides of the structures for approval by the Planning Director prior to issuance of LDP. The only variances from the Gateway Corridor is to allow metal posts in between the bays and standing seam metal roofs. The project shall adhere to existing conditions of phase 1 with the exception of all buildings along McEver Road to be masonry on the back and sides facing McEver Road.*
6. *Signage shall require a separate permit and must meet Gateway Corridor Overlay district standards found in 17.40.060.*
7. *The buffer shall be protected in perpetuity by deed that follows the property, the removal or modifications of this condition shall require action by the Board of Commission.*
8. *Two amended site plans showing all Planning Commission conditions must be submitted before going in front of the BOC. One site plan shall be topographical and the second shall indicate all building locations without topography.*
9. *No more than 172 units shall be allowed on this property for phase 2.*
10. *Before LDP is issued all buffer requirements of phase 1 must be confirmed to meet all requirements of phase 1 rezoning and conditional use.*
11. *An 8 foot height privacy fence shall be built along the rear of buildings N and O.*

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 | f: 770-531-3902

HALL COUNTY
GEORGIA
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ZONING APPLICATION

Applicant (Name & Mailing Address)
Anchor Inn RV & Boat Storage
6127 Lights Ferry Rd
Flowery Branch, GA 30542
Phone 770-945-9524
Email Address rgmarine@bellsouth.net

Property Owner (Name & Mailing Address)
Anchor Inn, LLC
6127 Lights Ferry Rd
Flowery Branch, GA 30542
Phone 770-945-9524
Email Address rgmarine@bellsouth.net

Proposed Use RV & Boat Storage

Contact Person (Name & Mailing Address)
Rodney Hellemn
6127 Lights Ferry Rd
Flowery Branch, GA 30542
Phone 770-945-9524
Email Address rgmarine@bellsouth.net

Status of Applicant
- [X] Owner
- [ ] Option to Purchase
- [ ] Area Resident
- [ ] Other

Requested Action
Existing Zoning: AR-III
Rezone to: H-B
Fee:$ ~~55~~ 0.00
Receipt #: 859053
Check #: 5648 (1000.00 for cup and zoning)

Tax Parcel Number 08119 ~~000003~~ 000233
Acreage 9.084 Ac
Location Address ~~5820~~ 5871 McEver Rd

I hereby certify that the above information and all attached information are true and correct.

Sign _____ Date: 10/13/22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: 10/14/2022 Taken by: D. Webb

Tentative Planning Commission Date: 12/5 Tentative County Commission Date: 1/12/2023

County Commission District: 2

PLANNING AND DEVELOPMENT DEPARTMENT
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AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) Anchor Inn, LLC

Address 6127 Lights Ferry Rd
Flowery Branch, GA 30542

Phone Number 770-945-9524

Name of applicant(s) Rodney Hellemn

Address 6127 Lights Ferry Rd
Flowery Branch, GA 30542

Phone Number 770-945-9524

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s)

Personally appeared before me
Rodney Hellemn

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public Exp 11/29/25

ANITA HIGGINS NOTARY PUBLIC GWINNETT COUNTY, GEORGIA EXPIRES NOVEMBER 29, 2025

10/13/22
Date

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not X

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 10-13-22

Applicant's/Owner's Name (Printed): Rodney Hellemn

REQUEST FOR
REZONING ACTION & CONDITIONAL USE PERMIT
FROM HALL COUNTY ZONING BOARD

FOR

ANCHOR INN RV & BOAT STORAGE PH. II
5871 McEver Road

NATURE OF REQUEST

To obtain rezoning of subject property and conditional use permit for parked auto storage.

PURPOSE OF REQUEST

To allow for development of a second phase of storage units to an existing RV & Boat storage facility.

NARRATIVE

The scope of this project is to provide a second phase to an existing RV & Boat storage facility. Access to the second phase will be through the existing access that serves the existing storage facility located off Lights Ferry Road. No access will be proposed of McEver Road. Hours of operation for the existing office will be that of 9am-5pm Monday-Friday and storage facility access Monday-Sunday will remain the same as the existing storage facility.

This property is a 9.084 ac. tract of land, Tract 3 as shown on the division of the parent parcel and combination survey for Foster Road Inc. The property is currently zoned AR-III and requesting rezoning to H-B to match existing storage facility. The existing storage facility consist of Tract 1 and Tract 2 as shown on the stated parcel and combination survey.

To the north is McEver Road. The property to the south is the existing Lights Ferry Landing residential subdivision. To the east is the existing Anchor Inn RV & Boat Storage facility. To the west is a residential single-family property.

Both potable water and sanitary sewer are available to this tract, but no new service is proposed for this phase of development. Two proposed stormwater detention facilities are proposed for this phase of development and will meet all current stormwater design manual requirements.

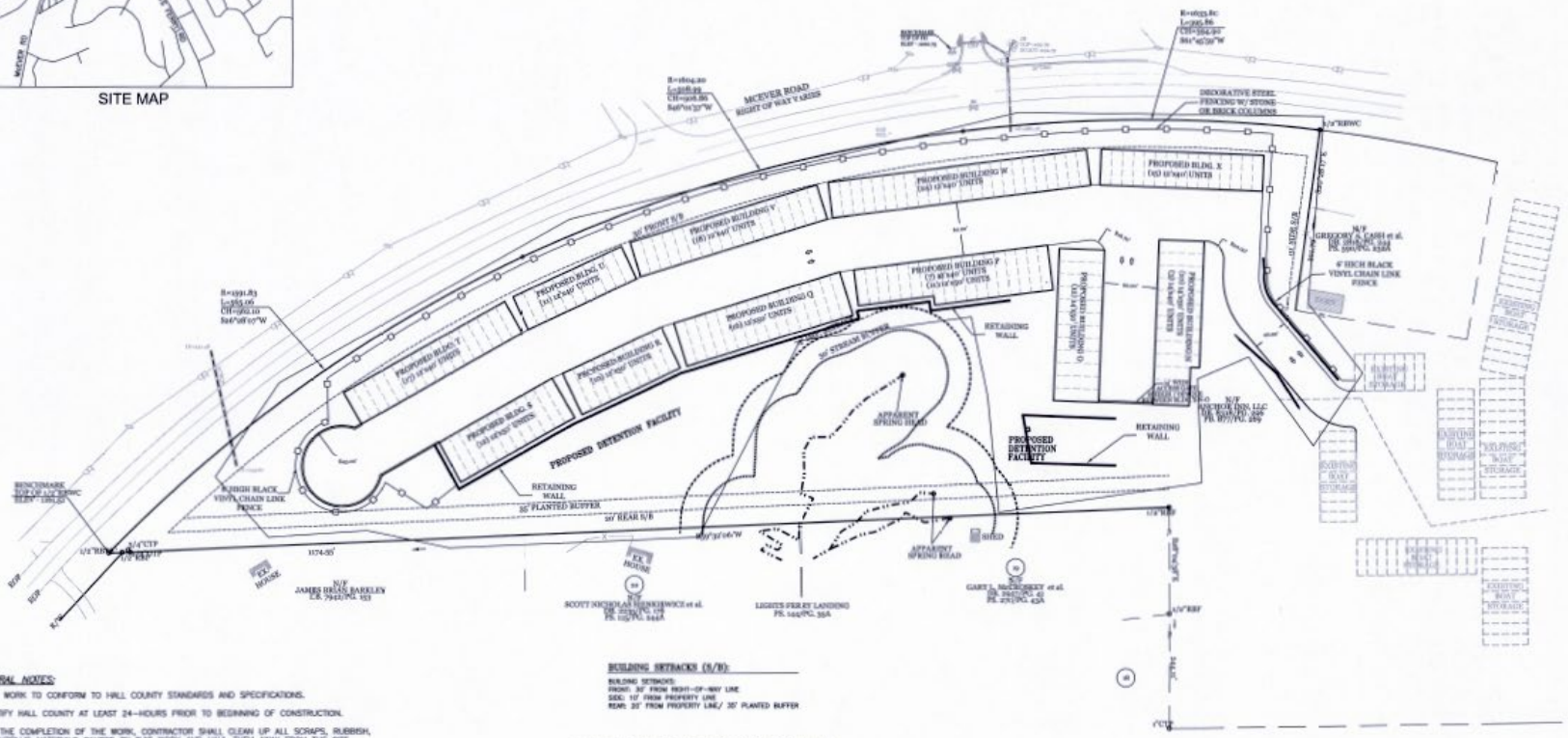
We feel that the requested rezoning and conditional use permit for an extension to the existing Anchor Inn RV & Boat storage facility would not create problems for any of the neighbors due to there is an existing current facility operating at this location. We do not believe that allowing this rezoning of this property would in any way devalue or pose hardships on any of the surrounding properties.

Received 1-11-2023

SITE MAP

EXISTING ZONING: AR-III
PROPOSED ZONING: H-B
TAX ID # 08119 000003
CURRENT ADDRESS: 5820 MCEVER ROAD
HALL COUNTY, GEORGIA
TOTAL AREA: 7.06 ACRES

811 Know what's below. Call before you dig.



GENERAL NOTES:

1. ALL WORK TO CONFORM TO HALL COUNTY STANDARDS AND SPECIFICATIONS.
2. NOTIFY HALL COUNTY AT LEAST 24-HOURS PRIOR TO BEGINNING OF CONSTRUCTION.
3. AT THE COMPLETION OF THE WORK, CONTRACTOR SHALL CLEAN UP ALL SCRAPS, RUBBISH, AND SURPLUS MATERIALS CAUSED BY THIS WORK AND HAUL THEM AWAY FROM THE SITE. REMOVE ALL ASPHALTIC MATERIALS FROM ADJACENT SURFACES AND LEAVE IN NEAT, CLEAN, AND ORDERLY CONDITION. HOSE AND WASH DOWN ALL ASPHALT AND RELATED CONCRETE PAVING TO REMOVE ALL MUD, DEBRIS, AND OTHER EXTRANEOUS MATERIALS, JUST PRIOR TO FINAL INSPECTION.
4. GRADE ALL HANDICAP RAMPS WITH A 12:1 MAX SLOPE.
5. PARKING REQUIREMENTS:
   BOAT STORAGE W/ NO OFFICE SPACE: N/A
6. PROPOSED USE IS THAT OF RV & BOAT STORAGE. ACCESS WILL BE VIA EXISTING SECURITY GATE THAT SERVES ANCHOR INN PHASE I.
7. NO ADDITIONAL SIGNAGE PROPOSED FOR THIS PHASE OF DEVELOPMENT.
8. SECURITY LIGHTING FOR PHASE II WILL MATCH THAT OF EXISTING PHASE I. NO SPILL LIGHTING TO BE PROPOSED.
9. NO DOMESTIC WATER OR SANITARY SEWER PROPOSED FOR THIS PHASE OF DEVELOPMENT.
10. PROPOSED BUFFERS WILL MATCH THOSE APPROVED UNDER ANCHOR INN PHASE I.

BUILDING SETBACKS (S/B):

BUILDING SETBACKS:
FRONT: 30' FROM RIGHT-OF-WAY LINE
SIDE: 15' FROM PROPERTY LINE
REAR: 20' FROM PROPERTY LINE/ 30' PLANTED BUFFER

OWNER/OPERATOR/PRIMARY PERMITTEE:

ANCHOR INN RV & BOAT STORAGE PHASE II
6127 LIGHTS FERRY ROAD
FLOWERY BRANCH, GA 30542
PHONE: 770-945-9524
24 HR. CONTACT: RODNEY HELLEMN
PHONE: 770-945-9524
EMAIL: rgmarine@bellsouth.net

GRAPHIC SCALE
60 0 60 120 240
1 inch = 60 ft.

REVISIONS

NO.	DATE	REMARKS

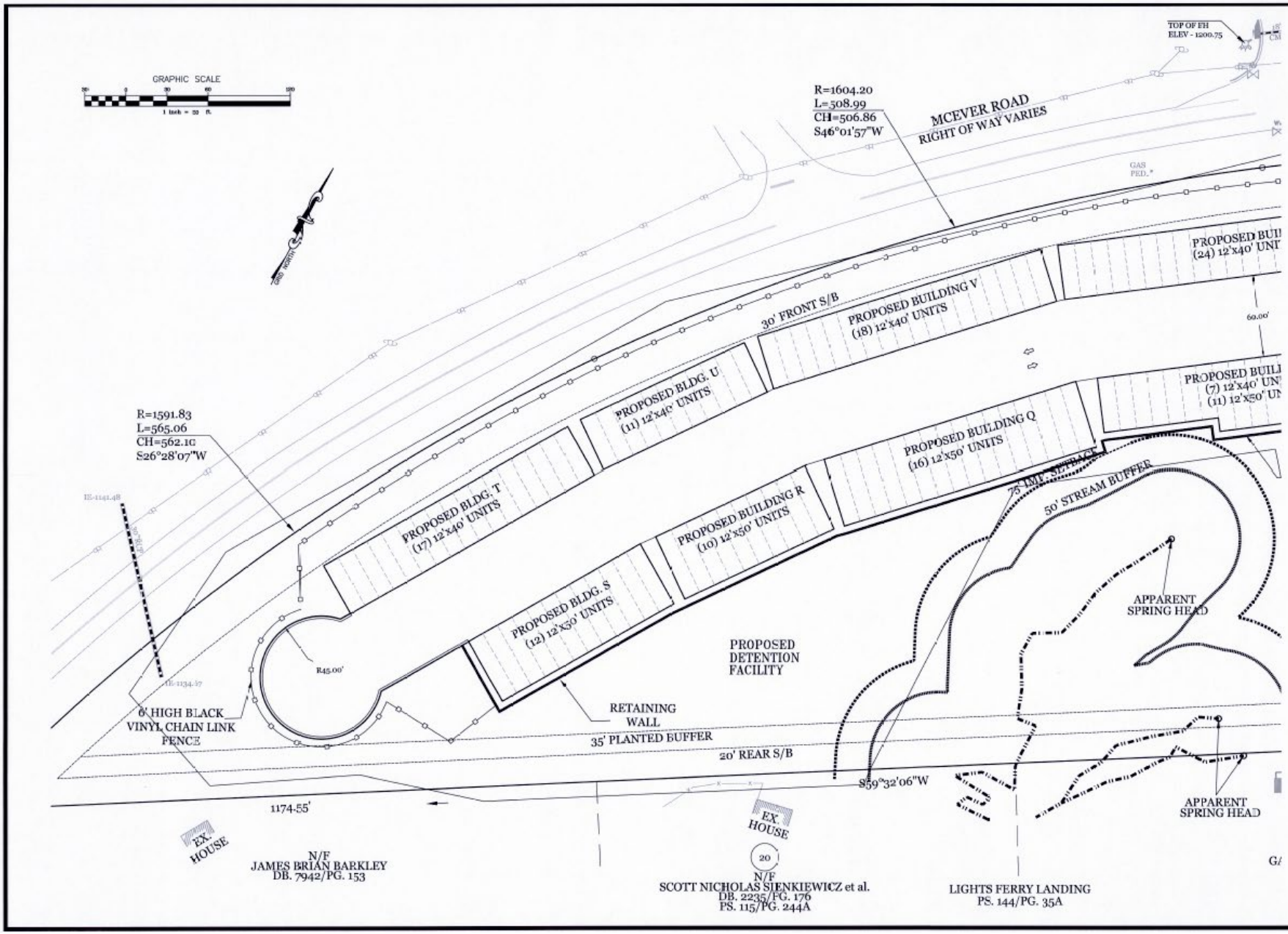
Civilscapes, Inc.
CIVIL DESIGN & LANDSCAPE ARCHITECTURE
P.O. BOX 2115
CUMMING, GEORGIA 30028
Office: 678-513-8836 Email: civilscapesdesign@yahoo.com

SITE PLAN
FOR
ANCHOR INN RV & BOAT STORAGE
PHASE II
LAND LOT 119 / 8TH DISTRICT
HALL COUNTY, GEORGIA

SHEET NUMBER 1.0

SCALE 1" = 60'
DATE 10/13/22
PROJECT NO. 22-057

Received 1-11-2023



REVISIONS

NO.	DATE	REMARKS

SEAL

GEORGIA REGISTERED LANDSCAPE ARCHITECT

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THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF THE WORK.

Civilscapes, Inc.
CIVIL DESIGN & LANDSCAPE ARCHITECTURE
P.O. BOX 2115
CUMMING, GEORGIA 30028
Office: 678-513-8836 Email: civilscapesdesign@yahoo.com

SITE PLAN
FOR
ANCHOR INN RV & BOAT STORAGE
PHASE II
LAND LOT 119 / 8TH DISTRICT
HALL COUNTY, GEORGIA

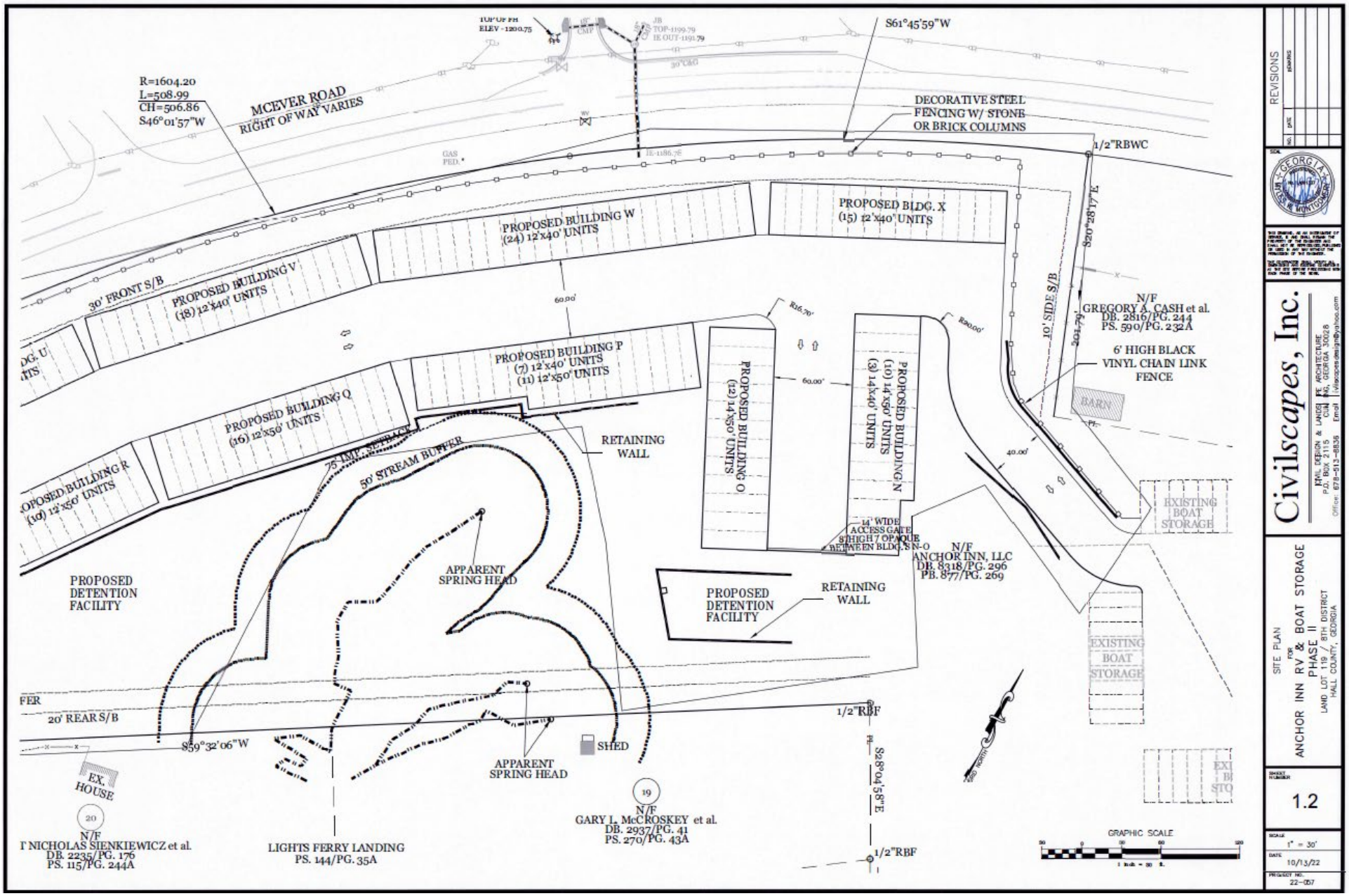
SHEET NUMBER
1.1

SCALE
1" = 30'

DATE
10/13/22

PROJECT NO.
22-057

Received 1-11-2023



REVISIONS

NO.	DATE	REMARKS

Civilscapes, Inc.
CIVIL DESIGN & LAND DEVELOPMENT ARCHITECTURE
P.O. Box 2115 Cumming, GEORGIA 30028
Office: 678-513-8535 Email: civilscapes.design@yahoo.com

SITE PLAN
FOR
ANCHOR INN RV & BOAT STORAGE
PHASE II
LAND LOT 119 / 8TH DISTRICT
HALL COUNTY, GEORGIA

SHEET NUMBER
1.2

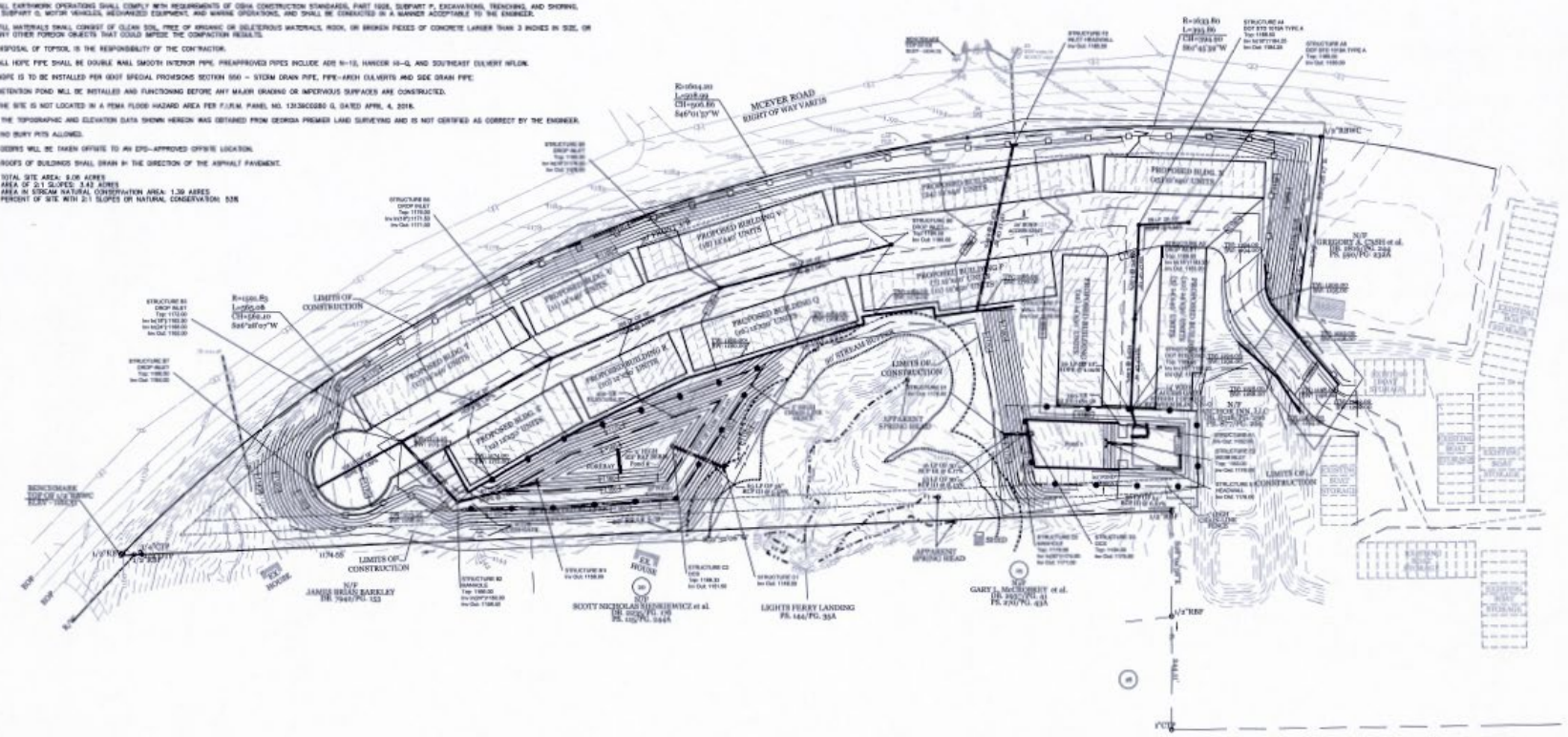
SCALE
1" = 30'

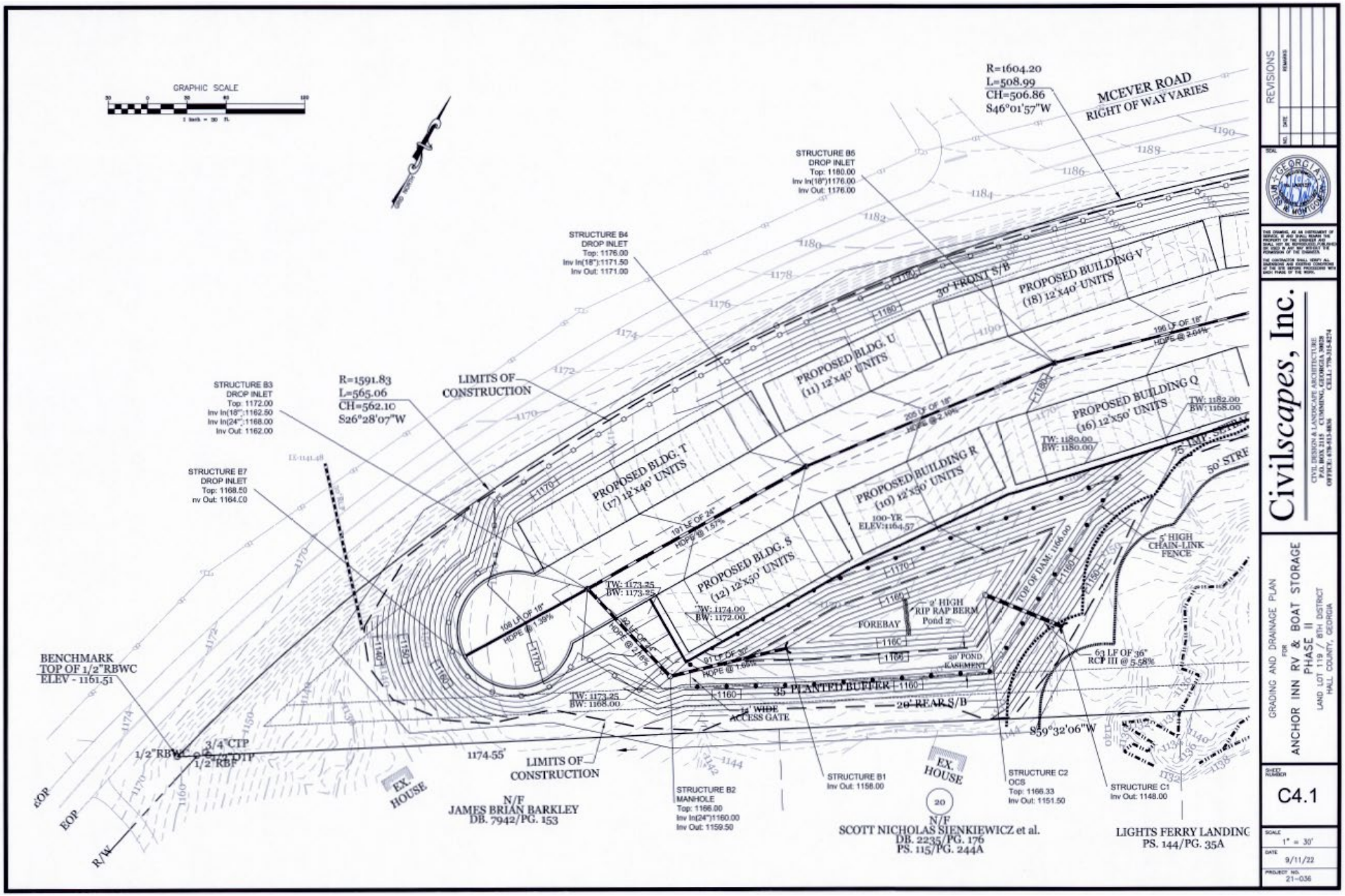
DATE
10/13/22

PROJECT NO.
22-057

GENERAL NOTES:

1. THIS PROJECT IS LOCATED WITHIN 2007 OF STATE WATERS.
2. A 50-FOOT UNDISTURBED BUFFER SHALL BE MAINTAINED ADJACENT TO ALL STREAMS. AN ADDITIONAL 25-FOOT IMPERVIOUS BUFFER SHALL ALSO BE MAINTAINED.
3. THERE ARE NO WETLANDS BEING DISTURBED ON THIS SITE.
4. CONSTRUCTION SHALL BE LIMITED TO AREAS SO INDICATED ON THE DRAWINGS. AREAS OUTSIDE OF THE LIMITS OF CONSTRUCTION SHALL BE ENCROACHED UPON ONLY BY WRITTEN PERMISSION OR EASEMENT. THIS PROVISION APPLIES TO BOTH PERSONNEL AND EQUIPMENT.
5. SUBGRADE PREPARATION: SUBGRADE PREPARATION SHALL BE IN ACCORDANCE WITH GEORGIA DOT SPECIFICATIONS AND THESE REGULATIONS. IF ANY SECTIONS OF THE SUBGRADE ARE COMPOSED OF TOPSOIL, ORGANIC, OR OTHER UNSUITABLE OR UNSTABLE MATERIAL, SUCH MATERIAL SHALL BE REMOVED AND REPLACED WITH SUITABLE MATERIAL AND THEN THOROUGHLY COMPACTED AS SPECIFIED FOR FILL OR STABILIZED WITH 5" CRE OR A GEO-TEXTILE OR GEO-GRID.
6. FILL SHALL BE PLACED IN UNIFORM, HORIZONTAL LAYERS NOT MORE THAN 8" THICK (LOOSE MEASUREMENT). MOISTURE CONTENT SHALL BE ADJUSTED AS NECESSARY TO COMPACT MATERIAL TO 95% OF MAXIMUM DRY DENSITY EXCEPT FOR THE TOP 24" WHICH SHALL BE COMPACTED TO 98% OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D698.
7. PAVING SUBCONTRACTOR SHALL EXAMINE ALL AREAS ALL AREAS MADE READY FOR HIS WORK, INCLUDING BUT NOT LIMITED TO, SUBGRADE COMPACTION, MOISTURE CONTENT, DRAINAGE, CURBS, GRADES AND ELEVATIONS, CATCH BASINS, AND MANS. ANY DEFECTS WHICH MAY ADVERSELY AFFECT PROPER INSTALLATION OF THIS WORK SHALL BE REPORTED TO THE ENGINEER IN WRITING AND SHALL HAVE BEEN CORRECTED BEFORE THE START OF THIS WORK. BEGINNING OF WORK SHALL SIGNIFY ACCEPTANCE OF SURFACES BY THE PAVING CONTRACTOR.
8. PAVING OPERATIONS SHALL NOT BEGIN UNTIL ALL UNDERGROUND WORK OF OTHER TRADES HAVE BEEN COMPLETED AND ALL DRAINAGE STRUCTURES INSTALLED IN AREAS WHICH ARE TO BE PAVED.
9. BEFORE PROCEEDING, VERIFY ALL GRADES AND ELEVATIONS TO ENSURE PROPER AND ADEQUATE DRAINAGE OF AT LEAST ¼" PER FOOT.
10. VERIFY ALL GRADES AND ELEVATIONS SHOWN ON THE DRAWINGS BEFORE PROCEEDING WITH WORK. WHILE GRADES AND ELEVATIONS WILL IN GENERAL CONFORM TO THOSE SHOWN ON DRAWINGS, OWNER RESERVES THE RIGHT TO MAKE MINOR MODIFICATIONS BY REASONABLE FIELD ADJUSTMENTS PRIOR TO COMPLETION OF SUBGRADE WORK.
11. ASPHALT PAVING SHALL BE DONE IN DRY WEATHER WHEN SUBGRADE IS SUFFICIENTLY STABLE TO BE PROPERLY COMPACTED, GROUND MOISTURE SHALL NOT BE SEALED UNDER PAVEMENT. ALL WORK SHALL BE IN ACCORDANCE WITH APPLICABLE SECTIONS OF THE REFERENCE STANDARDS.
12. ALL THICKNESSES SPECIFIED ARE MEASURED AFTER COMPACTION.
13. ALL EARTHWORK OPERATIONS SHALL COMPLY WITH REQUIREMENTS OF OSHA CONSTRUCTION STANDARDS, PART 1926, SUBPART P, EXCAVATIONS, TRENCHING, AND SHORING, AND SUBPART O, MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS, AND SHALL BE CONDUCTED IN A MANNER ACCEPTABLE TO THE ENGINEER.
14. FILL MATERIALS SHALL CONSIST OF CLEAN SOIL FREE OF ORGANIC OR DELETERIOUS MATERIALS, ROCK, OR BROKEN PIECES OF CONCRETE LARGER THAN 3 INCHES IN SIZE, OR OF ANY OTHER FOREIGN OBJECTS THAT COULD IMPEDE THE COMPACTION RESULTS.
15. DISPOSAL OF TOPSOIL IS THE RESPONSIBILITY OF THE CONTRACTOR.
16. ALL HDPE PIPE SHALL BE DOUBLE WALL SMOOTH INTERIOR PIPE. PREAPPROVED PIPES INCLUDE ADS N-12, HANCOR HI-Q, AND SOUTHEAST CULVERT N-FLOW.
17. HDPE IS TO BE INSTALLED PER GDOT SPECIAL PROVISIONS SECTION 550 – STORM DRAIN PIPE, PIPE-ARCH CULVERTS AND SIDE DRAIN PIPE.
18. DETENTION POND WILL BE INSTALLED AND FUNCTIONING BEFORE ANY MAJOR GRADING OR IMPERVIOUS SURFACES ARE CONSTRUCTED.
19. THE SITE IS NOT LOCATED IN A FEMA FLOOD HAZARD AREA PER F.I.R.M. PANEL NO. 13139C0080 G, DATED APRIL 4, 2018.
20. THE TOPOGRAPHIC AND ELEVATION DATA SHOWN HEREON WAS OBTAINED FROM GEORGIA PREMIER LAND SURVEYING AND IS NOT CERTIFIED AS CORRECT BY THE ENGINEER.
21. NO BURY PITS ALLOWED.
22. DEBRIS WILL BE TAKEN OFFSITE TO AN EPD-APPROVED OFFSITE LOCATION.
23. ROOFS OF BUILDINGS SHALL DRAIN IN THE DIRECTION OF THE ASPHALT PAVEMENT.
24. TOTAL SITE AREA: 8.06 ACRES
AREA OF 2:1 SLOPES: 3.43 ACRES
AREA IN STREAM NATURAL CONSERVATION AREA: 1.39 ACRES
PERCENT OF SITE WITH 2:1 SLOPES OR NATURAL CONSERVATION: 53%


MCEVER ROAD
RIGHT-OF-WAY VARIES
PROPOSED BUILDING V
PROPOSED BUILDING F
PROPOSED BUILDING Q
PROPOSED BUILDING R
PROPOSED BLDG. T
PROPOSED BLDG. S
LIMITS OF CONSTRUCTION
30' STREAM BUFFER
APPARENT SPRING HEAD
JAMES BRIAN BARKLEY DB. 7944/PG. 153
SCOTT NICHOLAS HENKIEWICZ et al. DB. 8026/PG. 196 PB. 102/PG. 164
LIGHTS FERRY LANDING PB. 144/PG. 35A
GARY L. MCCORMIRT et al. DB. 3937/PG. 81 PB. 87/PG. 63A
GREGORY A. CRISP et al. DB. 5826/PG. 3268 PB. 99/PG. 63A
ANCHOR INN RV & BOAT STORAGE, LLC DB. 8026/PG. 196 PB. 102/PG. 164
EXISTING RV & BOAT STORAGE
EXISTING BUILDING
EXISTING GRAVEL ROAD
EXISTING ASPHALT ROAD
EXISTING GRAVEL PARKING
EXISTING ASPHALT PARKING
EXISTING CONCRETE PARKING
EXISTING CONCRETE SIDEWALK
EXISTING CONCRETE PAD
EXISTING GAZEBO
EXISTING DOCK
EXISTING BOAT RAMP



REVISIONS

NO.	DATE	REMARKS

SEAL

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THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES WITH EACH PHASE OF THE WORK.

Civilscapes, Inc.
CIVIL DESIGN & LANDSCAPE ARCHITECTURE
P.O. BOX 2115 CUMMING, GEORGIA 30028
OFFICE: 678-455-8856 CELL: 770-315-8274

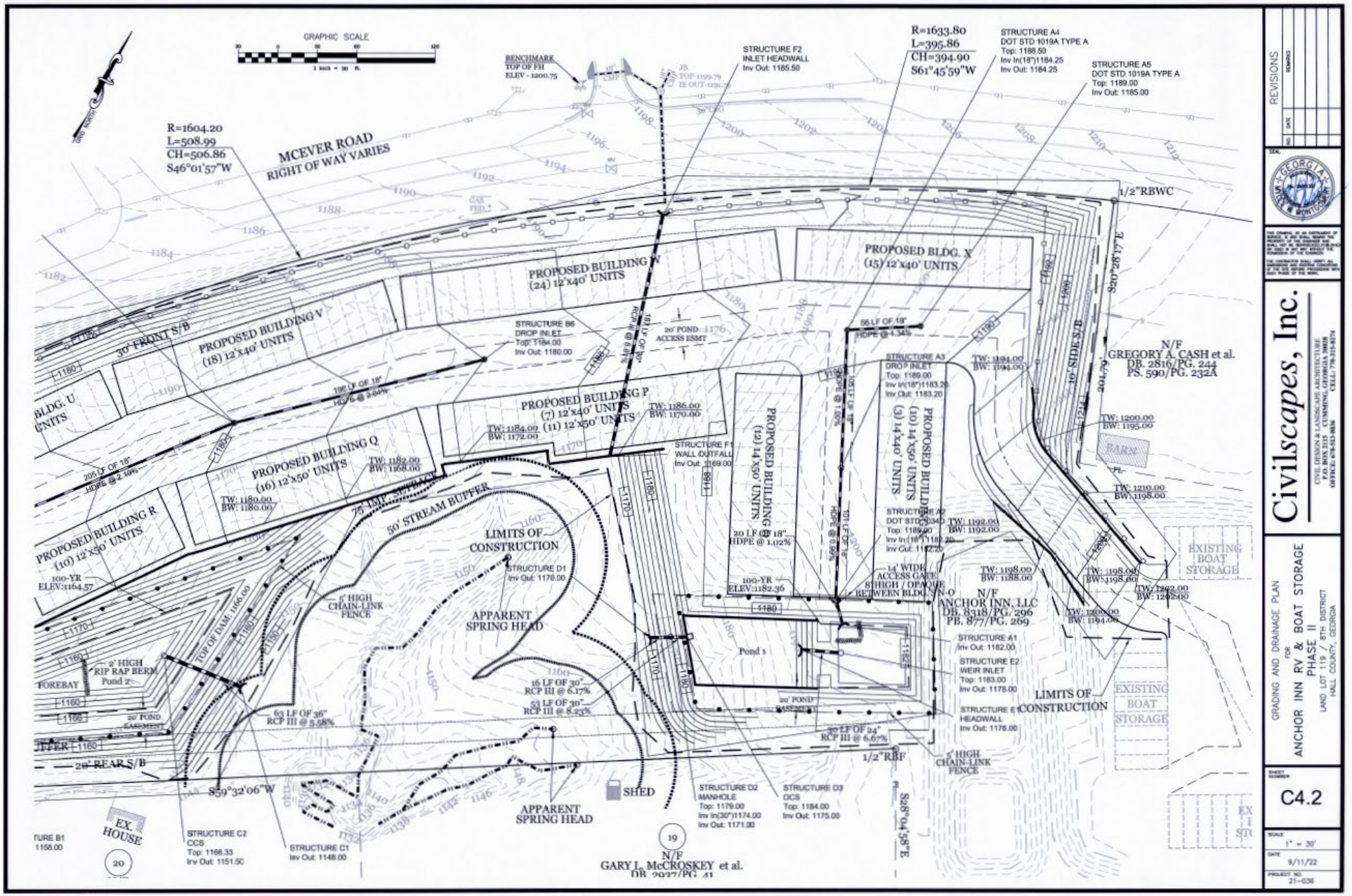
GRADING AND DRAINAGE PLAN
FOR
ANCHOR INN RV & BOAT STORAGE
PHASE II
LAND LOT 119 / 8TH DISTRICT
HALL COUNTY, GEORGIA

SHEET NUMBER
C4.1

SCALE
1" = 30'

DATE
9/11/22

PROJECT NO.
21-036



REVISIONS

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SEAL

GEORGIA

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OFFICE: 678-513-8836 CELL: 770-315-8274

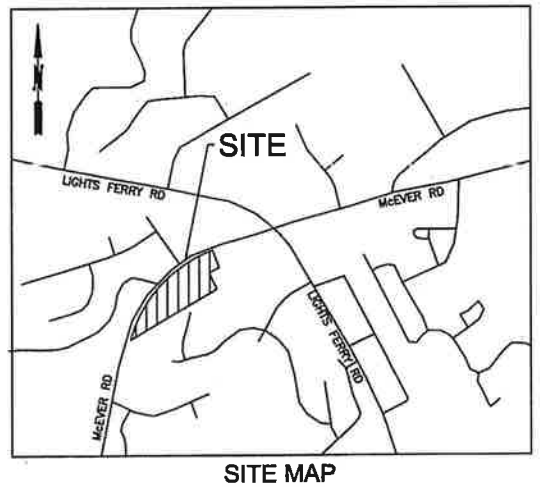
GRADING AND DRAINAGE PLAN
FOR
ANCHOR INN RV & BOAT STORAGE
PHASE II
LAND LOT 119 / 8TH DISTRICT
HALL COUNTY, GEORGIA

SHEET NUMBER
C4.2

SCALE
1" = 30'

DATE
9/11/22

PROJECT NO.
21-036

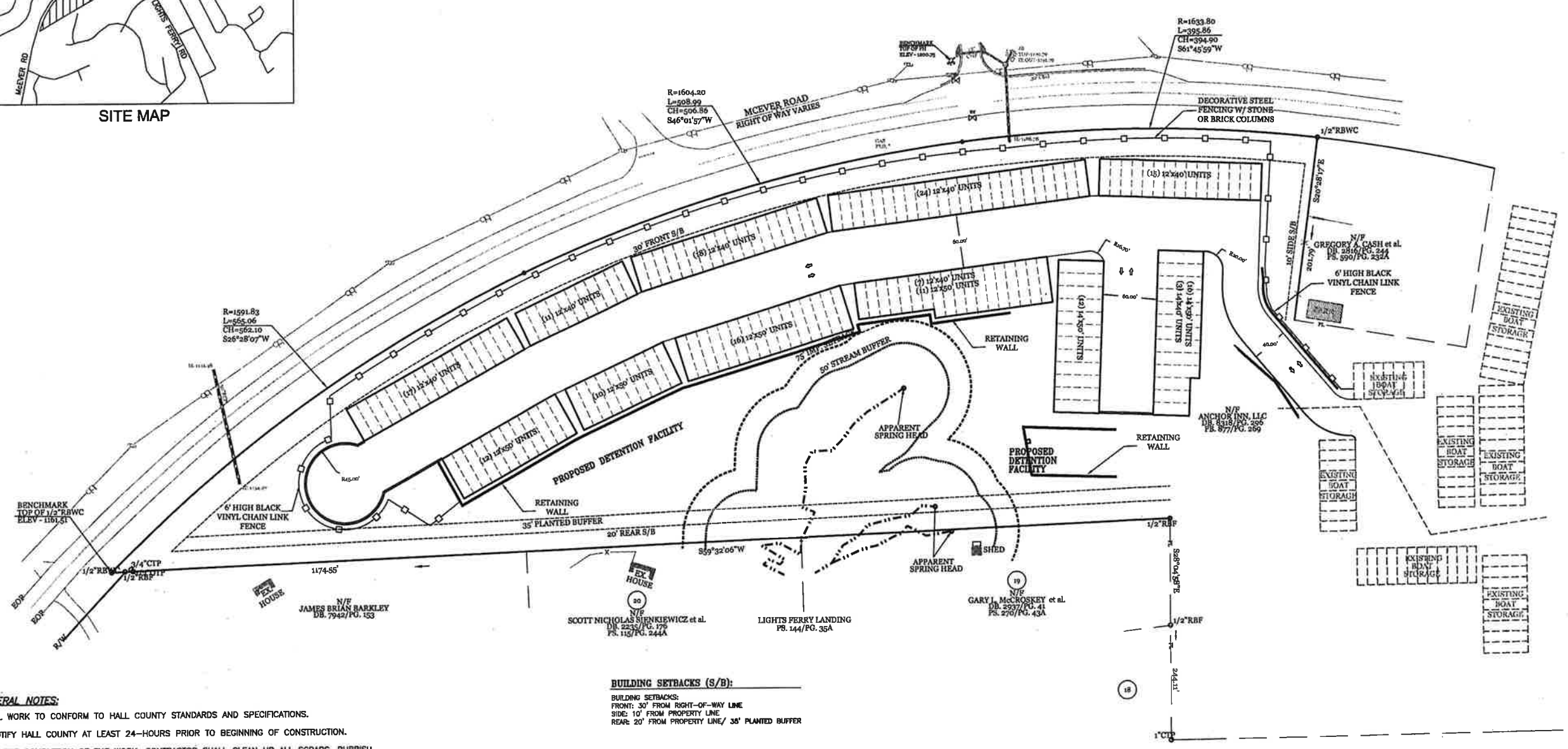


SITE MAP

EXISTING ZONING: AR-III
PROPOSED ZONING: H-B
TAX ID # 08119 000003
CURRENT ADDRESS: 5820 MCEVER ROAD
HALL COUNTY, GEORGIA
TOTAL AREA: 7.06 ACRES

811
Know what's below.
Call before you dig.

GRID NORTH


R=1604.20
L=508.99
CH=506.86
S46°01'57"W
MCEVER ROAD
RIGHT OF WAY VARIES
R=1633.80
L=395.86
CH=394.90
S61°45'59"W
DECORATIVE STEEL FENCING W/ STONE OR BRICK COLUMNS
1/2"RBWC
S30°28'17"E
N/F
GREGORY A. CASH et al.
DB. 2516/PG. 244
PB. 590/PG. 232A
6' HIGH BLACK VINYL CHAIN LINK FENCE
EXISTING BOAT STORAGE
EXISTING BOAT STORAGE
EXISTING BOAT STORAG

A DIVISION OF A PARENT PARCEL AND COMBINATION SURVEY

LOCATED IN LAND LOTS 111 AND 119 OF THE 8TH LAND DISTRICT
HALL COUNTY, GEORGIA
REFERENCE DEEDS: D.B. 932, PG. 98 AND D.B. 7484, PG. 289

eFiled & eRecorded
DATE: 8/13/2019
TIME: 11:53 AM
PLAT BOOK: 00877
PAGE: 00269
RECORDING FEES: $8.00
PARTICIPANT ID: 9651848499
CLERK: Charles Baker
Hall County, GA
NOTE: by ch

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

SURVEYOR CERTIFICATION

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO THE INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Joseph P. Brewer Ga. RLS #3209 — 7-16-2019

HALL COUNTY GEORGIA

Hall County Government
BOARD OF COMMISSIONERS

July 2, 2019

Forest Pond Inc
6504 Flat Creek Road
Flowery Branch, GA 30542

RE: Application to Rezone

To Whom It May Concern:

Please be advised that at its Special Called Voting Meeting of June 25, 2019, the Hall County Board of Commissioners voted, unanimously, to approve the following zone with the Board conditions, along with an added 25ft setback:

- Application of Foster Rd Inc, to rezone from Agricultural-Residential (AR) to Industrial (I) Property Described: (9.064) +/- 12.134 acres located at the intersection of Lights Ferry Road and McEver Road; & (2.147) Lights Ferry Road and 5677 McEver Road, Gainesville, GA; Part Tract (9.064) 5002222 and (2.147) 5002203 (pt.). Proposed Use: Boat Storage. Conditions Stated Is:

  Conditions:
  1) The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.
  2) Where the development borders the Lights Ferry Landing Subdivision, there shall be a 35 foot vegetated buffer.
  3) The development shall operate both 8AM and 8PM except.
  4) The development shall have decorative steel fencing with stone or brick columns along McEver Road and Lights Ferry Road. There shall be a 6 foot high black vinyl chain link fence along all other property lines.
  5) Entrance shall be located on Lights Ferry Road, which was the original plan.

Please contact me if you have questions or if you require any additional information concerning this matter of the Board.

Lisa A. Stephens
Hall County Commission Clerk

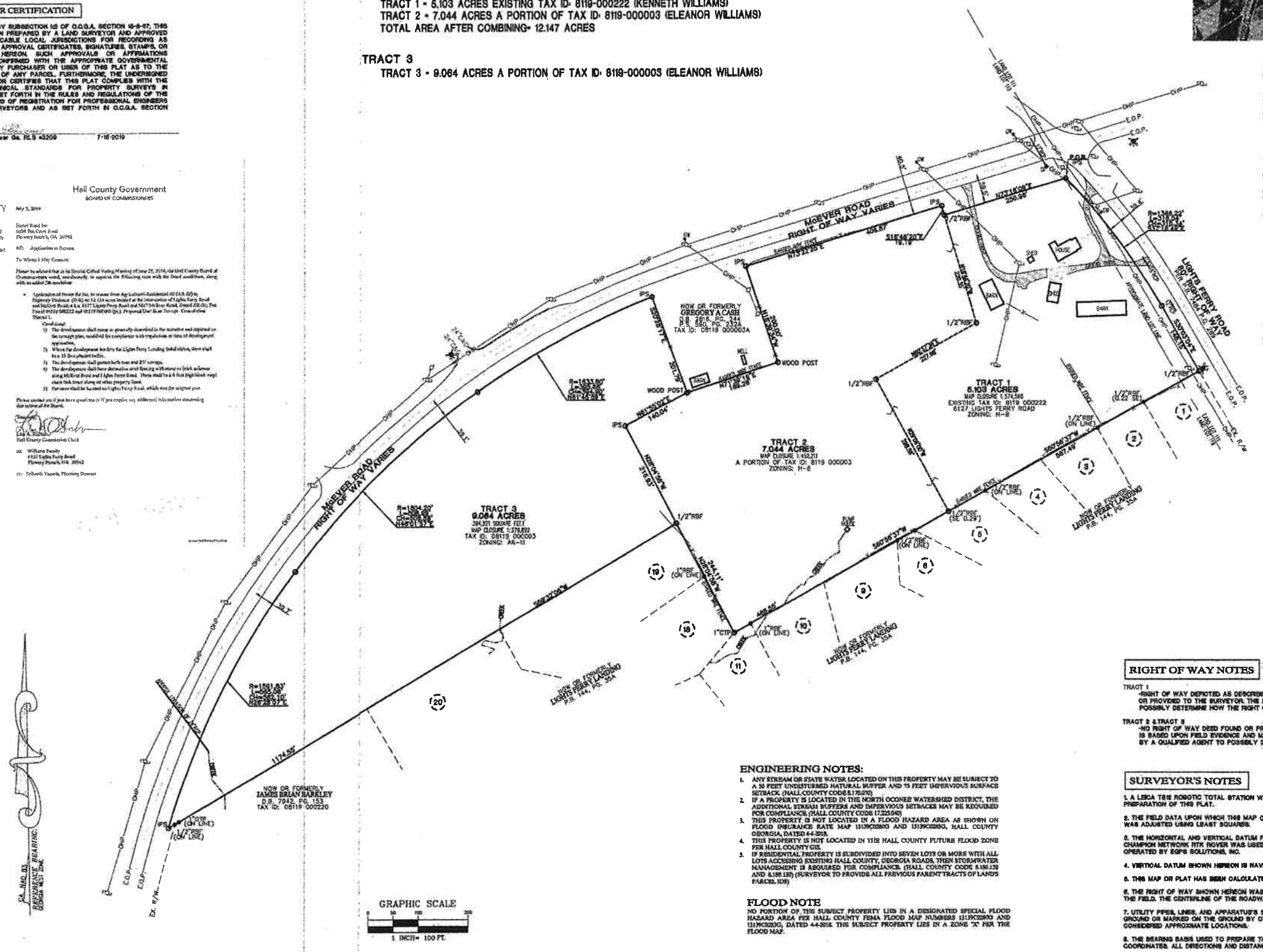
cc: Williams Family
6127 Lights Ferry Road
Flowery Branch, GA 30542

cc: Srikanth Vasavda, Planning Director

AREA SUMMARY

TRACT 1 AND TRACT 2 TO BE COMBINED:
TRACT 1 = 5.103 ACRES EXISTING TAX ID: 8119-000222 (KENNETH WILLIAMS)
TRACT 2 = 7.044 ACRES A PORTION OF TAX ID: 8119-000003 (ELEANOR WILLIAMS)
TOTAL AREA AFTER COMBINING= 12.147 ACRES

TRACT 3
TRACT 3 = 9.064 ACRES A PORTION OF TAX ID: 8119-000003 (ELEANOR WILLIAMS)



UTILITY LEGEND

- W — UNDERGROUND WATERLINES
- TELE / FO — UNDERGROUND TELEPHONE OR COMMUNICATION LINES OR FIBER OPTICS
- UP — UNDERGROUND POWER LINES
- OHP — OVERHEAD POWER LINES
- S — UNDERGROUND SANITARY SEWER LINE
- GAS — UNDERGROUND GAS SEWER LINE

SYMBOL LEGEND

- LIGHT POLE
- POWER POLE
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- STORM PIPE

TEXT LEGEND

- CL — CENTER LINE
- C&G — CURB & GUTTER
- RCP — REINFORCED CONCRETE PIPE
- CMP — CORRUGATED METAL PIPE
- SCP — SCHEDULE PIPE
- TOB — TOP OF BANK
- FFE — FINISHED FLOOR ELEVATION
- IPF — IRON PIN FOUND
- IPS — IRON PIN SET
- RBF — REBAR FOUND
- RBS — REBAR SET
- N/F — NOW OR FORMERLY
- PL — PROPERTY LINE
- POT — POINT OF TANGENCY
- POB — POINT OF BEGINNING
- POC — POINT OF COMMENCEMENT
- POT — POINT OF TAN
- RW — RIGHT OF WAY
- WM — WATER METER
- WV — WATER VALVE
- DI — DROP INLET STRUCTURE
- SSMH — SANITARY SEWER MANHOLE
- T.B.M. — TEMPORARY BENCH MARK

RECORDING PERMIT

BY S McDaniel 8.12.19
HALL COUNTY PLANNING COMMISSION

ENGINEERING APPROVED
7/30/19
HALL COUNTY, GEORGIA

HALL COUNTY GA DEPT. OF PUBLIC HEALTH 8-12-19

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.

Tract 1 & 2 permit #5999
Tract 3 soils by Dan Arthur

RIGHT OF WAY NOTES

TRACT 1
-RIGHT OF WAY DEPICTED AS DESCRIBED IN DEED BOOK 7484 PAGE 289. NO RIGHT OF WAY DEED FOUND, OR PROVIDED TO THE SURVEYOR. THE SURVEYOR SUGGEST A TITLE SEARCH BY A QUALIFIED AGENT TO POSSIBLY DETERMINE HOW THE RIGHT OF WAY AFFECTS THE PROPERTY.

TRACT 2 & TRACT 3
-NO RIGHT OF WAY DEED FOUND OR PROVIDED TO THE SURVEYOR. THE RIGHT OF WAY DEPICTED HEREON IS BASED UPON FIELD EVIDENCE AND MAINTENANCE BY THE COUNTY. THE SURVEYOR SUGGEST A TITLE SEARCH BY A QUALIFIED AGENT TO POSSIBLY DETERMINE HOW THE RIGHT OF WAY AFFECTS THE PROPERTY.

ENGINEERING NOTES:

1. ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL BUFFER AND 75 FEET IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE § 170.070)
2. IF A PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THE ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE 17.225.040)
3. THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP 13139C0200G AND 13139C0202G, HALL COUNTY GEORGIA, DATED 4-4-2018.
4. THIS PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY GIS.
5. IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 150.120 AND § 150.130) (SURVEYOR TO PROVIDE ALL PREVIOUS PARENT TRACTS OF LANDS PARCEL ID'S)

FLOOD NOTE

NO PORTION OF THE SUBJECT PROPERTY LIES IN A DESIGNATED SPECIAL FLOOD HAZARD AREA PER HALL COUNTY FEMA FLOOD MAP NUMBERS 13139C0200G AND 13139C0202G, DATED 4-4-2018. THE SUBJECT PROPERTY LIES IN A ZONE "X" PER THE FLOOD MAP.

SURVEYOR'S NOTES

1. A LEICA TS12 ROBOTIC TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 76,698 FEET AND WAS ADJUSTED USING LEAST SQUARES.
3. THE HORIZONTAL AND VERTICAL DATUM FOR WHICH THIS SURVEY IS BASED WAS OBTAINED BY THE USE OF GPS. A CHAMPION NETWORK RTK ROVER WAS USED TO COLLECT CORRECTED MEASUREMENTS REPORTED BY A REAL TIME NETWORK OPERATED BY EGPS SOLUTIONS, INC.
4. VERTICAL DATUM SHOWN HEREON IS NAVD 88 AND AS REPORTED BY THE RTN OPERATED BY EGPS SOLUTIONS, INC.
5. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND CAN BE FOUND ON EACH TRACT.
6. THE RIGHT OF WAY SHOWN HEREON WAS CALCULATED FROM DEEDS AND PLATS OF RECORD AND MONUMENTS FOUND IN THE FIELD. THE CENTERLINE OF THE ROADWAY DOES NOT REPRESENT THE CENTERLINE OF THE RIGHT OF WAY.
7. UTILITY PIPES, LINES, AND APPARATUS'S SHOWN ARE FROM OBSERVED EVIDENCE ONLY BY WHAT WAS VISIBLE ABOVE GROUND OR MARKED ON THE GROUND BY OTHERS. ALL BELOW GROUND UTILITIES SHOWN ON THIS MAP SHOULD BE CONSIDERED APPROXIMATE LOCATIONS.
8. THE BEARING BASIS USED TO PREPARE THIS PLAT IS BASED UPON NAD-83, GEORGIA STATE PLANE, WEST ZONE COORDINATES. ALL DIRECTIONS AND DISTANCES SHOWN HEREON ARE A GROUND LEVEL PROJECTION OF THE SYSTEM.

PREPARED BY: A GEORGIA LAND SURVEYING FIRM: LSF# 001105
acre
PROFESSIONAL SURVEYORS
LAND DEVELOPMENT SURVEYING AND MAPPING
ACRE GROUP, INC.
P.O. BOX 54 | LOGANVILLE | GEORGIA, 30052 | 770.290.0059

REVISION:

NO.	DATE:

SURVEY INFORMATION:
DATE: 7/15/2019 LAND LOTS: 111 & 119 DISTRICT: 8TH COUNTY: HALL
CITY: N/A SCALE: 1"=100 DRAWN BY: D. J. BENNETT
JOB NUMBER: 19-177 DATE OF FIELD WORK: 3/7/2019

A DIVISION OF A PARENT PARCEL AND COMBINATION SURVEY:

FOSTER ROAD INC.

SHEET:
1 OF 1

IN THE DRAWINGS BEFORE PROCEEDING WITH WORK. WHILE GRADES AND ELEVATIONS WILL IN GENERAL CONFORM TO THOSE TO MAKE MINOR MODIFICATIONS BY REASONABLE FIELD ADJUSTMENTS PRIOR TO COMPLETION OF SUBGRADE WORK.

HER WHEN SUBGRADE IS SUFFICIENTLY STABLE TO BE PROPERLY COMPACTED. GROUND MOISTURE SHALL NOT BE SEALED ANCE WITH APPLICABLE SECTIONS OF THE REFERENCE STANDARDS.

TOR COMPACTION.

ITH REQUIREMENTS OF OSHA CONSTRUCTION STANDARDS, PART 1926, SUBPART P, EXCAVATIONS, TRENCHING, AND SHORING. UIPMENT, AND MARINE OPERATIONS, AND SHALL BE CONDUCTED IN A MANNER ACCEPTABLE TO THE ENGINEER.

, FREE OF ORGANIC OR DELETERIOUS MATERIALS, ROCK, OR BROKEN PIECES OF CONCRETE LARGER THAN 3 INCHES IN SIZE, OR LOSE THE COMPACTION RESULTS.

F THE CONTRACTOR.

H INTERIOR PIPE. PREAPPROVED PIPES INCLUDE ADS N-12, HANCOR H-Q, AND SOUTHEAST CULVERT N-TUFLOW.

PROVISIONS SECTION 550 – STORM DRAIN PIPE, PIPE-ARCH CULVERTS AND SIDE DRAIN PIPE.

STORMS BEFORE ANY MAJOR GRADING OR IMPERVIOUS SURFACES ARE CONSTRUCTED.

AZARD AREA PER F.I.R.M. PANEL NO. 13133C0228 G, DATED APRIL 4, 2018.

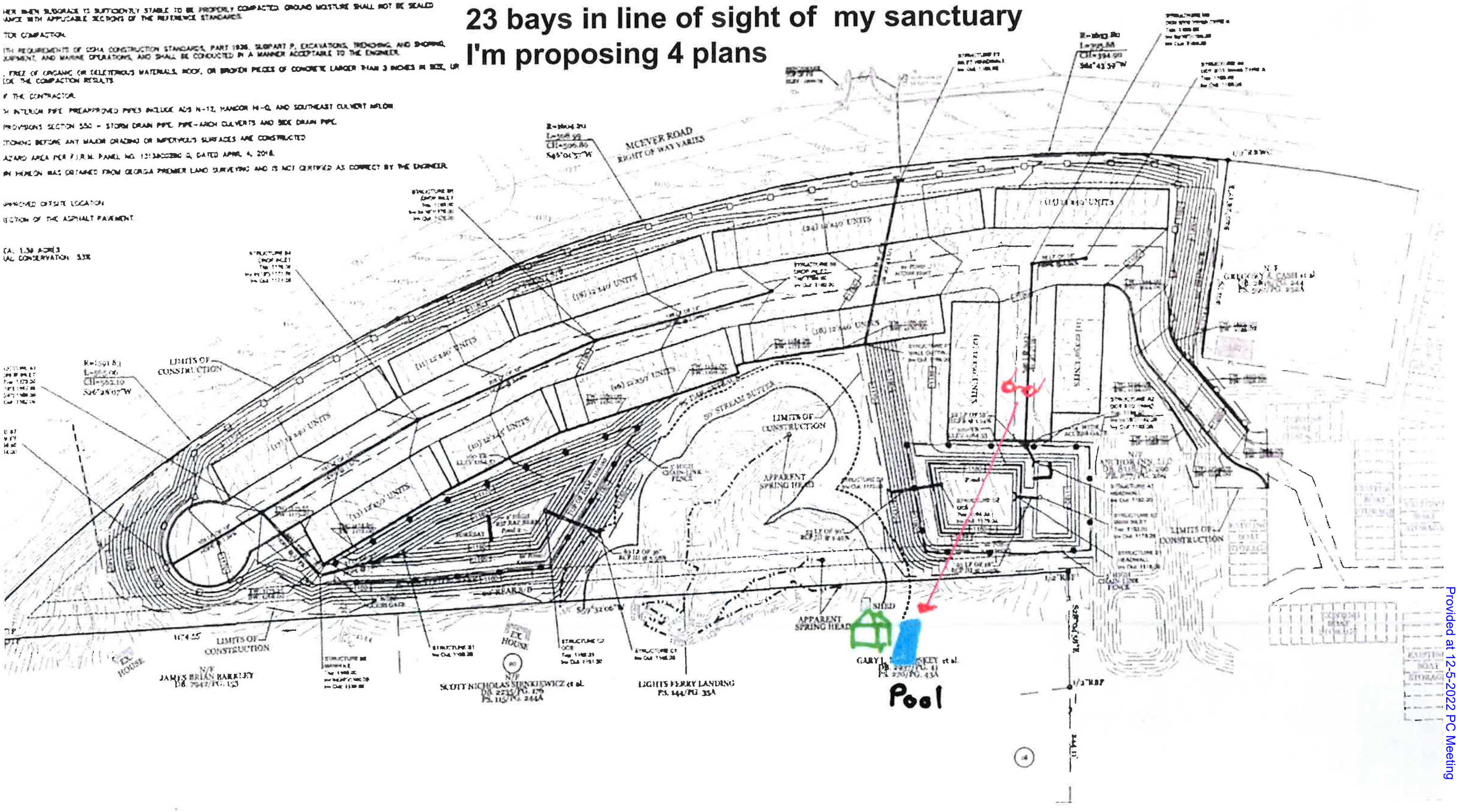
M HAZELON WAS OBTAINED FROM GEORGIA PREMIER LAND SURVEYING AND IS NOT CERTIFIED AS CORRECT BY THE ENGINEER.

APPROVED OFFSITE LOCATION

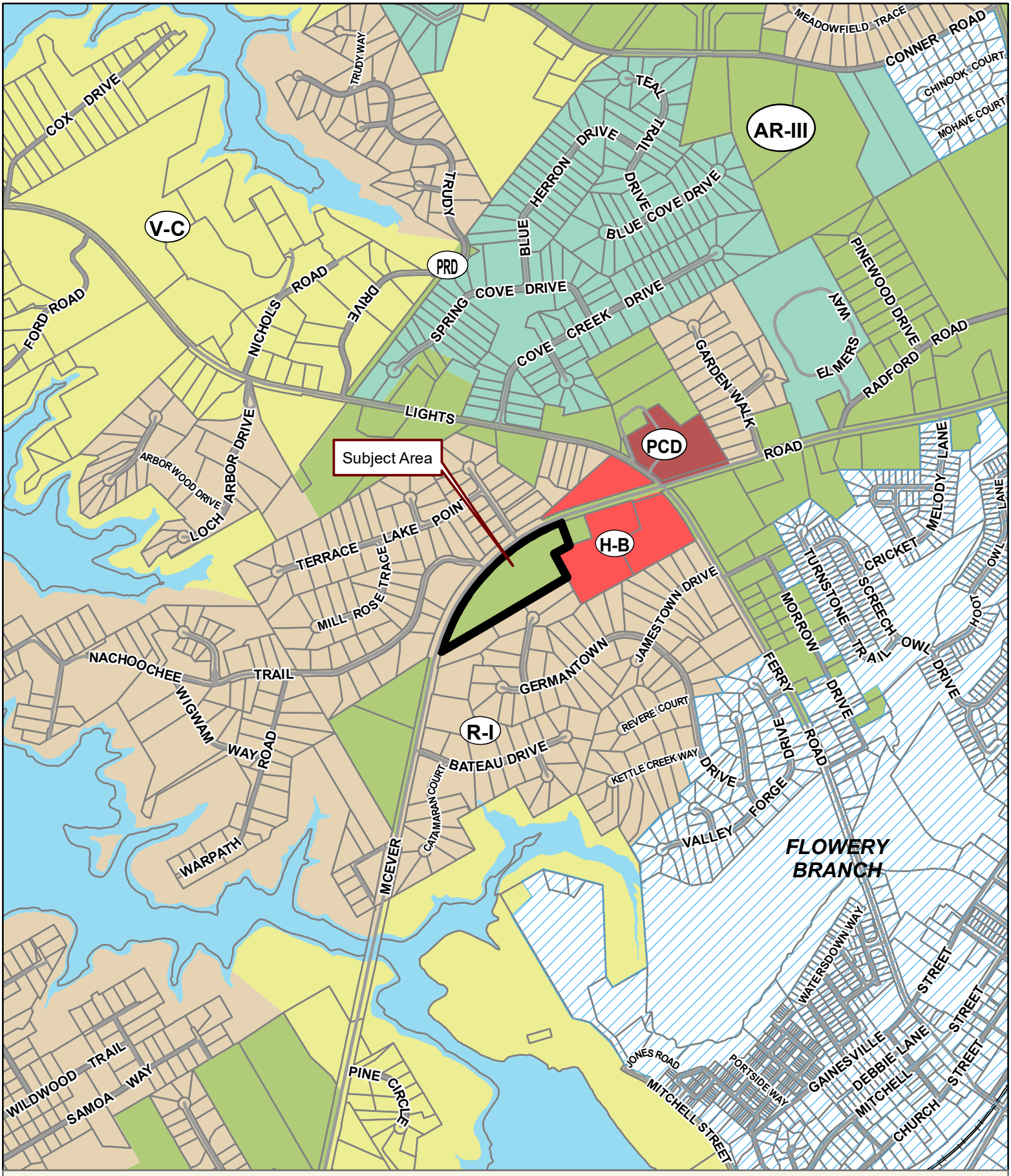
LECTION OF THE ASPHALT PAVEMENT.

CA: 1.38 ACRES
IAL CONSERVATION: 5.3%

23 bays in line of sight of my sanctuary
I'm proposing 4 plans



Provided at 12-5-2022 PC Meeting

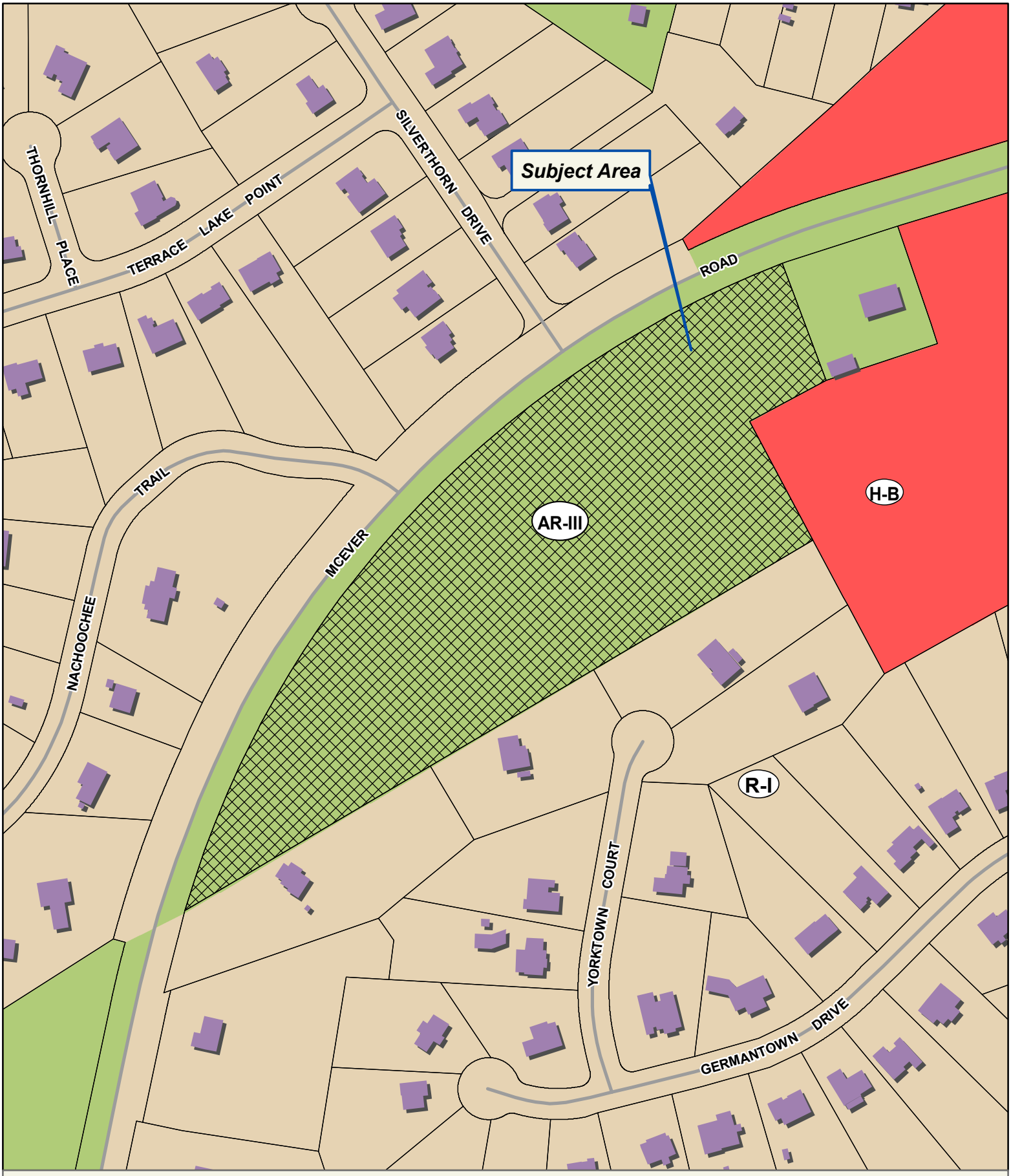


Applicant: ANCHOR INN RV & BOAT STORAGE
Tax Parcel #: 08119 000233
Location: 5871 MCEVER ROAD, FLOWERY BRANCH, GA 30542
Commission District 2 **PC Mtg. Date:** 12/05/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

Applicant: ANCHOR INN RV & BOAT STORAGE
Tax Parcel #: 08119 000233
Location: 5871 MCEVER ROAD, FLOWERY BRANCH, GA 30542
Commission District 2 **PC Mtg. Date:** 12/05/2022

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

Boat storage Birds Eye View

From: Andrew Eubanks (eubanks02475@gmail.com)

To: rwh@bellsouth.net

Date: Monday, December 5, 2022 at 03:51 PM EST

Provided at 12-5-2022 PC Meeting

5871 McEver Road

All that tract or parcel of land lying and being in the Land Lot 119 of the 8th Land District, Hall County, Georgia and being more particularly described as follows;

To find the True Point of Beginning, commence at the intersection of the southwest right of way of Lights Ferry Road (80' right of way) and the southeast right of way of McEver Road (right of way varies), said point marked by an iron pin set; THENCE traveling on said southeast right of way of McEver Road South 73 Degrees 18 Minutes 09 Seconds West for a distance of 250.96 feet to a point, said point marked by a ½ inch rebar pin found; THENCE continuing North 16 Degrees 46 Minutes 20 Seconds West for a distance of 19.19 feet to a point, said point marked by an iron pin set; THENCE on said right of way South 73 Degrees 22 Minutes 25 Seconds West for a distance of 406.87 feet to a point, said point marked by an iron pin set; THENCE leaving said right of way South 18 Degrees 39 Minutes 34 Seconds East for a distance of 200.00 feet to a point, said point marked by a wood post; THENCE South 71 Degrees 39 Minutes 19 Seconds West for a distance of 189.28 feet to a point, said point marked by an iron pin set, said point being, THE TRUE POINT OF BEGINNING.

THENCE from said point as thus established, traveling South 61 Degrees 55 Minutes 02 Seconds West for a distance of 140.04 feet to a point, said point marked by an iron pin set; THENCE South 28 Degrees 04 Minutes 58 Seconds East for a distance of 216.93 feet to a point, said point marked by a ½ inch rebar pin found; THENCE South 59 Degrees 32 Minutes 06 Seconds West for a distance of 1174.55 feet to a point on the southeast right of way of McEver Road (right of way varies), said point marked by an iron pin set; THENCE on said right of way along a curve to the right having a radius of 1591.83 feet and an arc length of 565.06 feet being subtended by a chord bearing of North 26 Degrees 28 Minutes 07 Seconds East and a chord distance of 562.10 feet to a point; THENCE along a curve to the right having a radius of 1604.20 feet and an arc length of 508.99 feet being subtended by a chord bearing of North 46 Degrees 01 Minutes 57 Seconds East and a chord distance of 506.86 feet to a point; THENCE on said right of way along a curve to the right having a radius of 1633.80 feet and an arc length of 395.86 feet being subtended by a chord bearing of North 61 Degrees 45 Minutes 59 Seconds East and a chord distance of 394.90 feet to a point, said point marked by an iron pin set; THENCE leaving said right of way South 20 Degrees 28 Minutes 17 Seconds East for a distance of 201.79 feet to a point, said point marked by a wood post, said point being THE TRUE POINT OF BEGINNING.

Said property contains 9.064 Acres and shown as Tract 3 on survey entitled "A Division of a Parent Parcel and Combination Survey for Foster Road Inc., recorded in Plat Book 877, page 269, Hall County records.

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Monday, November 14, 2022 12:09 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)
Subject: HCPC Tentative Agenda 12.5.22

Please find Environmental Health comments below:

Items 1 & 2, 4745 Cagle Mill Rd, Boling: 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.

Item 3, 2124 Imperial Drive, Maynard: An existing system evaluation will be required.

Item 4, 3252/3264 Poplar Springs Road, Lykins: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat as the lots are considered lots of record.

Item 5, 5625/5633 Bogus Road, Mejia: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat.

Items 6 & 7, 5871 McEver Road, Anchor Inn: Must meet all Environmental Health commercial septic system permitting requirements if plumbing proposed and public sewer not available. A detailed business plan must be submitted to Hall County Environmental Health for review.

Item 8, 6541 Henry Smith, Crawford: Environmental Health issued a septic permit (OSC 7294) for storage building/barn (sink/toilet) in May 2022. The system has not been installed as of this date.

Item 9, Text Amendment: No comment

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Thursday, November 17, 2022 2:20 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Chavers, Veronica E; Peevy, Jonathan
Subject: RE: Tentative Planning Agenda for December 5, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see our comments in red below

#4 (Lynkin) – is the proposal just to move the property line? If so, disregard comment below about GDOT coordination being required.

Thank you,

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Friday, November 11, 2022 11:14 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Bill Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Ellis Still (Planning) <estill@hallcounty.org>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Michael Vieira (Fire Services) <mvieira@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford (nswafford@gainesvillega.org) <nswafford@gainesvillega.org>; Pam Cravero <Pam.Cravero@hallco.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; Wanda Sutton

(Engineering) <wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for December 5, 2022

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, December 5, 2022** Hall County Planning Commission Meeting.

Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report.

When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by **Friday, November 18th**. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES - November 21, 2022

OLD BUSINESS

1. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) and Agricultural Residential-IV (AR-IV) to Planned Residential Development (PRD) on a 69.50± acre tract located on the west side of Cagle Mill Road approximately 429 feet from Noah Martin Drive | Zoned AR-III & AR-IV; Tax Parcel 15007 000254 (pt.) | **Proposed use: single family, townhome, & cluster home development, 225 residential units** | ** Commission District 3 | **Josh Boling, applicant.**

2. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) to Light Industrial (I-I) on a 5.30± acre tract located on the east side of Cornelia Highway approximately 4,970 feet from Cagle Road | Zoned AR-III; Tax Parcel 15007 000254 (pt.) | **Proposed use: 2 commercial outparcels** | ** Commission District 3 | **Josh Boling, applicant.**

NEW BUSINESS

3. **2124 Imperial Drive | Variance |** for a left side yard setback variance from 10 feet to 3 feet on a .93± acre tract located on the east side of Imperial Drive approximately 72 feet from its intersection with Elysian Circle | Zoned R-I ; Tax Parcel 00094 000006H **| Proposed use: above ground pool |** * Commission District 4 **| Jeff Maynard & Vanessa Schaeffer , applicant.**
   None

4. **3264 & 3252 Poplar Springs Road | Variance |** for a road frontage variance from 150 to 109 feet on a 1.91± acre tract located on the south side of Poplar Springs Road approximately 736 feet from its intersection with Hawthorne Drive | Zoned R-I & AR-III; Tax Parcel 15036C000008 (pt.) & 000009A | **Proposed use: reconfiguration plat** | * Commission District 1 | **Brian Lykins, applicant.**
   GDOT coordination required.

5. **5625 & 5633 Bogus Road | Variance |** for a variance on road frontages and required lot widths from 150 feet to 80 feet for two proposed lots on a 3± acre tract located on the east side of Bogus Road approximately 1,345 feet from its intersection with Wellspring Trail | Zoned AR-IV ; Tax Parcel 12050 000042 & 000043 **| Proposed use: 2-lot subdivision |** * Commission District 3 | **Francisco Mejia, applicant.**
   None

6. **5871 McEver Road | Rezone |** from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax

Parcel 08119 000233 | **Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**
None

7. **5871 McEver Road | Use Subject to County Commission Approval |** on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 | **Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**
None

8. **6541 Henry Smith Road | Appeal an Administrative Decision |** for a Use Subject to Planning Commission approval on a 5.65± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road | Zoned AR-IV; Tax Parcel 11023 000024 |**Proposed use: rural business |** * Commission District 3 | **Tyler Crawford, applicant.**
None

9. **Section 17.20.300 | Text Amendment, Official Code of Hall County, GA | Amend the Definition of Community Residence |** 17.20.300, ("pregnant or parenting youth who are displaced and /or in State custody.") by amending the definition of a Community Residence. The intent of the proposed change is to expand the type of care facility allowed as a Community Residence. | ** All Districts | **Crystal F. Toombs, applicant.**
None

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, January 12, 2023 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, January 12, 2023. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Thank you,
Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
GEORGIA
We have it all in Hall

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

HALL COUNTY
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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: November 17, 2022

Subject: December 5, 2022 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the December 5, 2022 meeting. Upon review, we provide the following comments.

OLD BUSINESS

1. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) and Agricultural Residential-IV (AR-IV) to Planned Residential Development (PRD) on a 69.50± acre tract located on the west side of Cagle Mill Road approximately 429 feet from Noah Martin Drive | Zoned AR-III & AR-IV; Tax Parcel 15007 000254 (pt.) **| Proposed use: single family, townhome, & cluster home development, 225 residential units |** ** Commission District 3 | **Josh Boling, applicant.**

   a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater threshold for impervious surfaces and/or disturbed acreage
   Show FEMA and Hall County studied flood plain
   Part of North Oconee Water Protection District.
   Hall County will not maintain a bridge over river.
   b) **Traffic:** 1. Access onto Cornelia Hwy (SR365) must be approved and permitted by GDOT.
   2. Internal roadways are proposed to be private; however, they still need to meet Hall County Code Title 16 (subdivision regulations). Any proposed variances to Title 16 must be specific, justified and approved through the rezoning process. In addition, there is a proposed bridge shown near the Cornelia Hwy (SR365) entrance and it should be noted that Hall County does not accept bridges into County maintenance. A cul-de sac will be required at the end of the proposed County maintained section. Current site plan does not meet Hall County requirements.
   3. Recommend that the gravel section of Cagle Mill Road from existing end of pavement to White Hall Road (approximately 1,400 feet) be improved and paved to Hall County standards to provide safe and efficient access to and from the site via Old Cornelia Highway/White Hall Road.
   4. Recommend that all necessary improvements be the financial responsibility of the developer and constructed concurrently with the development.
   c) **Utilities:** Hall County Sewer district.
   Sewer lift station @ 365.

HALL COUNTY
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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

2. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) to Light Industrial (I-I) on a 5.30± acre tract located on the east side of Cornelia Highway approximately 4,970 feet from Cagle Road | Zoned AR-III; Tax Parcel 15007 000254 (pt.) | **Proposed use: 2 commercial outparcels** | ** Commission District 3 | **Josh Boling, applicant.**

   a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater threshold for impervious surfaces and/or disturbed acreage.
   Show FEMA and Hall County studied flood plain.
   Part of North Oconee Water Protection District.
   Show buffer and impervious setback from wrested vegetation, not centerline of creek. (150')
   Hall County will not maintain bridge over river.
   b) **Traffic:** 1. Access onto Cornelia Hwy (SR365) must be approved and permitted by GDOT.
   2. Roadway will need to meet Hall County industrial standards.
   3. There is a proposed bridge shown near the Cornelia Hwy (SR365) entrance and it should be noted that Hall County does not accept bridges into County maintenance. A cul-de sac will be required at the end of the proposed County maintained section.
   4. Recommend that all necessary improvements be the financial responsibility of the developer and constructed concurrently with the development.
   c) **Utilities:** Sewer at 365, need sewer availability letter flows?

NEW BUSINESS

3. **2124 Imperial Drive | Variance |** for a left side yard setback variance from 10 feet to 3 feet on a .93± acre tract located on the east side of Imperial Drive approximately 72 feet from its intersection with Elysian Circle | Zoned R-I ; Tax Parcel 00094 000006H **| Proposed use: above ground pool |** * Commission District 4 **| Jeff Maynard & Vanessa Schaeffer , applicant.**

   a) **Engineering:** No Comments
   b) **Traffic**: No Comments
   c) **Utilities**: No Comments

4. **3264 & 3252 Poplar Springs Road | Variance |** for a road frontage variance from 150 to 109 feet on a 1.91± acre tract located on the south side of Poplar Springs Road approximately 736 feet from its intersection with Hawthorne Drive | Zoned R-I & AR-III; Tax Parcel 15036C000008 (pt.) & 000009A | **Proposed use: reconfiguration plat** | * Commission District 1 | **Brian Lykins, applicant.**

   a) **Engineering:** No Comments
   b) **Traffic:** Need authorization from the GDOT for new or modifications to existing driveways.
   c) Utilities: City of Oakwood Sewer District

HALL COUNTY
GEORGIA

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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

5. **5625 & 5633 Bogus Road | Variance |** for a variance on road frontages and required lot widths from 150 feet to 80 feet for two proposed lots on a 3± acre tract located on the east side of Bogus Road approximately 1,345 feet from its intersection with Wellspring Trail | Zoned AR-IV ; Tax Parcel 12050 000042 & 000043 **| Proposed use: 2-lot subdivision |** * Commission District 3 | **Francisco Mejia, applicant.**

a) **Engineering:** No Comments
b) **Traffic:** No Comments
c) **Utilities:** No Comments

6. **5871 McEver Road | Rezone |** from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 **| Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**

a) **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. Stream and impervious setback from wrested vegetation not centerline of stream.
b) **Traffic:** Adequate connection to roadway is not clear. Traffic study will be required that documents/impacts to the McEver Road/Lights Ferry intersection. Improvements that remediate impacts to intersection will be required.
c) **Utilities:** Flowery Branch Sewer District

7. **5871 McEver Road | Use Subject to County Commission Approval |** on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 **| Proposed use: RV & boat storage |** ** Commission District 2 **| Anchor Inn RV & Boat Storage, applicant.**

a) **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.
b) **Traffic:** Adequate connection to roadway is not clear. Traffic study will be required that documents/impacts to the McEver Road/Lights Ferry intersection. Improvements that remediate impacts to intersection will be required.
c) **Utilities:** No Comments

8. **6541 Henry Smith Road | Appeal an Administrative Decision |** for a Use Subject to Planning Commission approval on a 5.65± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road | Zoned AR-IV; Tax Parcel 11023 000024 **|Proposed use: rural business |** * Commission District 3 | **Tyler Crawford, applicant.**

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Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

a) **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.
b) **Traffic:** No Comments
c) **Utilities:** No Comments

9. **Section 17.20.300 | Text Amendment, Official Code of Hall County, GA | Amend the Definition of Community Residence** | 17.20.300, ("pregnant or parenting youth who are displaced and /or in State custody.") by amending the definition of a Community Residence. The intent of the proposed change is to expand the type of care facility allowed as a Community Residence. | ** All Districts | **Crystal F. Toombs, applicant.**

a) **Engineering:** No Comments
b) **Traffic:** No Comments
c) **Utilities:** No Comments

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Friday, November 18, 2022 12:28 PM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Michael Vieira (Fire Services)
Subject: Planning Commission Fire Comments

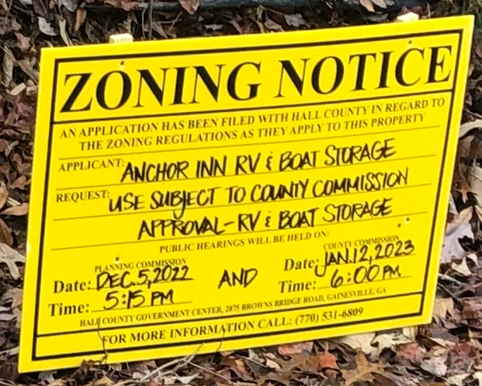
1. **5871 McEver Road | Rezone |** from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 **| Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**
   IFC Section 507.5.1 where a building(s) is constructed and is more than 400' from a fire hydrant on an approved fire access route fire hydrant(s) shall be installed. Fire hydrant(s) may have to be installed to meet fire code.

2. **5871 McEver Road | Use Subject to County Commission Approval |** on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 **| Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**
   IFC Section 507.5.1 where a building(s) is constructed and is more than 400' from a fire hydrant on an approved fire access route fire hydrant(s) shall be installed. Fire hydrant(s) may have to be installed to meet fire code.

Regards,

John Hornick, NPQ Fire Inspector 1, Plans Review
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: REZONE FROM AR-III TO H-B FOR RV & BOAT STORAGE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION Date: DEC. 5, 2022 Time: 5:15 PM
AND
COUNTY COMMISSION Date: JAN. 12, 2023 Time: 6:00 PM.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809


ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL - RV & BOAT STORAGE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION Date: DEC. 5, 2022 Time: 5:15 PM
AND
COUNTY COMMISSION Date: JAN. 12, 2023 Time: 6:00 PM.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

ANCHOR INN RV & BOAT STORAGE
REQUEST FROM R1 TO HC FOR
RV & BOAT STORAGE

Date: JAN 10 2023 AND Date: JAN 12 2023
Time: 5:30 PM Time: 6:00 PM

ZONING NOTICE

AN APPLICATION WAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: ANCHOR INN RV & BOAT STORAGE

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL - RV & BOAT STORAGE

Date: DEC. 5 2022 AND Date: JAN 12 2023
Time: 5:30 PM Time: 6:00 PM.

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: REZONE FROM AR-III TO H-B FOR RV & BOAT STORAGE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: ∅
Time: ∅
COUNTY COMMISSION
Date: FEB 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809
ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR RV & BOAT STORAGE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: ∅
Time: ∅
COUNTY COMMISSION
Date: FEB 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

ANCHOR MARINA BY / BOAT STORAGE

USE SUBJECT TO COUNTY COMMISSION

APPROVAL FOR RV / BOAT STORAGE

Date: FEB 27 2023

Time: 6:00 PM

ZONING NOTICE

ANCHOR MARINA BY / BOAT STORAGE

PETITION FROM AR-1 TO MHB FOR

RV / BOAT STORAGE

Date: FEB 27 2023

Time: 6:00 PM

ZONING NOTICE
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: USE SUBJECT TO COUNTY COMMISION APPROVAL FOR RV & BOAT STORAGE
Date:
Time:
Date: FEB 23,2023
Time: 6:00 PM
FOR MORE INFORMATION CALL (770) 532-4884
ZONING NOTICE
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: REZONE FROM AR-III TO HB FOR RV & BOAT STORAGE
Date:
Time:
Date: FEB 23,2023
Time: 6:00 PM
FOR MORE INFORMATION CALL (770) 532-4884

Print

Board of Commissioners Voting Meeting Comments - February 23, 2023 - Submission #69430

Date Submitted: 2/17/2023

Comments completed in the form below will be submitted into the record for the February 23, 2023 Voting Meeting of the Hall County Board of Commissioners.

First Name*

Saleena

Last Name*

Phillips

Address1*

5960 Nachoochee Trail

Address2

City*

Flowery Branch

State*

Ga

Zip*

30542

Item for Comment*

5871 McEver Road | Rezone | Use Subject to County Commission Approval

Select from the list below which item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

We strongly oppose the approval of this additional boat and RV storage. The current storage on Lights Ferry is an eyesore as it has insufficient plantings to screen the unsightly boats and RV parking lot. We do not want an extension of that in front of our neighborhood. We believe this type of commercial property is an eyesore and devalues our home. We are strongly opposed. It would be acceptable if they left the buffer berm currently there undisturbed so as to hide the unsightly parking lot in front of our subdivision.
Sincerely,
Saleena and Greg Phillips

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

saleena@comcast.net

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

Print

Board of Commissioners Voting Meeting Comments - February 23, 2023 - Submission #69430

Date Submitted: 2/17/2023

Comments completed in the form below will be submitted into the record for the February 23, 2023 Voting Meeting of the Hall County Board of Commissioners.

First Name*

Saleena

Last Name*

Phillips

Address1*

5960 Nachoochee Trail

Address2

City*

Flowery Branch

State*

Ga

Zip*

30542

Item for Comment*

5871 McEver Road | Rezone | Use Subject to County Commission Approval

Select from the list below which item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

We strongly oppose the approval of this additional boat and RV storage. The current storage on Lights Ferry is an eyesore as it has insufficient plantings to screen the unsightly boats and RV parking lot. We do not want an extension of that in front of our neighborhood. We believe this type of commercial property is an eyesore and devalues our home. We are strongly opposed. It would be acceptable if they left the buffer berm currently there undisturbed so as to hide the unsightly parking lot in front of our subdivision.
Sincerely,
Saleena and Greg Phillips

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

saleena@comcast.net

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 18/2023

SUBJECT: **5871 McEver Road | Use Subject to County Commission Approval** | on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 | **Proposed use: RV & boat storage** | Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.** NOTE: Tabled at the January 12, 2023 Voting Meeting until the February 23, 2023 Voting Meeting.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD
Recommendation:

Approval, with conditions: 1. All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development. a. The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application. b. A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations. c. Where the development boarders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer. d. The development shall permit boat and RV storage e. The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines. f. The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1. 2. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions. 3. The dev shall occur as depicted on the site plan presented. Minor changes shall be approved by the Planning Director provided there is no increase in the number of units or buildings and the changes do not create the need for variances in the Hall Co dev standards 4. A landscape plan shall be approved by Planning Director prior to LDP. 5. The applicant shall submit architectural elevations of all four sides of the structure for approval by the Planning Director prior to issuance of LDP. The only variances from the Gateway Corridor is to allow metal posts in between the bays and standing seam metal roofs. The project shall adhere to existing conditions of phase 1 with the exception of all buildings along McEver Road to be masonry on the back and sides facing McEver Road. 6. Signage shall require a separate permit and must meet Gateway Corridor overlay district standards found in 17.40.060. 7. The buffer shall be protected in perpetuity by deed that follows the property, the removal or modifications of this condition shall require action by the Board of Commission. 8. Two amended site plans showing all Planning Commission conditions must be submitted before going in front of the BOC. One site plan shall be topographical and the second shall indicate all building locations without topography. 9. No more than 172 units shall be allowed on this property for phase 2. 10. Before LDP is issued all buffer requirements of phase 1 must be confirmed to meet all requirements of phase 1 rezoning and conditional use. 11. An 8 foot height privacy fence shall be built along the rear of buildings N and O.

Purpose of Request:

5871 McEver Road | Use Subject to County Commission Approval | on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 | Proposed use: RV & boat storage | Commission District 2 | Anchor Inn RV & Boat Storage, applicant.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
JR	JR	JR	JR

Attorney	Administration	Clerk
JR	JR	JR

Attachments:

Updated Board Memo - as of 2/7/23
Board Memo

Recommendation Report
Application
Narrative
Site Plan
Maps
Renderings
Legal Description
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Notice Sign Photos
Updated Notice Signs - as of 2/3/23
Public Comment - Opposition from Saleena Phillips - Submitted 2/17/2023
Public Comment - Opposition from Shelly Day - Submitted 2/17/2023

HALL COUNTY
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GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **5871 McEver Road | Use Subject to County Commission Approval |** to allow an RV & boat storage | Anchor Inn RV & Boat Storage, applicant.

The request before you is the application of Anchor Inn RV & Boat Storage to allow RV & boat storage on 9.06± acre. ***It should be noted that a simultaneous rezone request accompanies this request but has separate reports and memos. Although you may wish to hear all two (2) associated items (rezoning and conditional use) at the same time, please deliberate and vote separately on each.*** This item is located within Commission District 2.

At your January 12, 2023 voting meeting, you tabled this item to allow the applicant an opportunity to install the landscape buffer required for his Phase 1 development but never installed. **An inspection on February 6, 2023 revealed that some landscaping has been installed adjacent to the residential properties but it is not sufficient. Staff has notified the applicant that the additional plantings must be installed before February 20, 2023. A follow-up inspection will be conducted on February 20, 2023 prior so staff can provide an update the February 20th work session.**

At their December 5, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the Rezoning request with eleven (11) conditions **(5-0).**

There were no written comments submitted in advance of the Planning Commission meeting and **one (1) individual spoke in favor and three (3) individuals spoke in opposition** during the public hearing.

There have been no changes to the request since the Planning Commission took action.

The Planning Commission imposed the same conditions on both the rezoning request and conditional use request.

Planning Commission Approval Conditions:

1. All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development.
    a. The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.
    b. A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations.
    c. Where the development boarders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer.
    d. The development shall permit boat and RV storage
    e. The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines.
    f. The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1.
2. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions.
3. The development shall occur as depicted on the site plan presented. Minor changes shall be approved by the Planning Director provided there is no increase in the number of units or buildings and the changes do not create the need for variances in the Hall County development standards
4. A landscape plan shall be approved by Planning Director prior to LDP.
5. The applicant shall submit architectural elevations of all four sides of the structures for approval by the Planning Director prior to issuance of LDP. The only variances from the Gateway Corridor is to allow metal posts in between the bays and standing seam metal roofs. The project shall adhere to existing conditions of phase 1 with the exception of all buildings along McEver Road to be masonry on the back and sides facing McEver Road.
6. Signage shall require a separate permit and must meet Gateway Corridor Overlay district standards found in 17.40.060.
7. The buffer shall be protected in perpetuity by deed that follows the property, the removal or modifications of this condition shall require action by the Board of Commission.
8. Two amended site plans showing all Planning Commission conditions must be submitted before going in front of the BOC. One site plan shall be topographical and the second shall indicate all building locations without topography.
9. No more than 172 units shall be allowed on this property for phase 2.
10. Before LDP is issued all buffer requirements of phase 1 must be confirmed to meet all requirements of phase 1 rezoning and conditional use.
11. An 8 foot height privacy fence shall be built along the rear of buildings N and O.

Please note that denial of the rezoning request is an automatic denial of the associated conditional use requests but this will need to be stated by the chairman after the rezoning vote.

HALL COUNTY
GEORGIA
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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: December 13, 2022

Subject: **5871 McEver Road | Use Subject to County Commission Approval |** to allow an RV & boat storage | Anchor Inn RV & Boat Storage, applicant.

The request before you is the application of Anchor Inn RV & Boat Storage to allow RV & boat storage on 9.06± acre. ***It should be noted that a simultaneous rezone request accompanies this request but has separate reports and memos Although you may wish to hear all two (2) associated items (rezoning and conditional use) at the same time, please deliberate and vote separately on each.*** This item is located within Commission District 2.

At their December 5, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the Rezoning request with eleven (11) conditions **(5-0).**

There were no written comments submitted in advance of the Planning Commission meeting and **one (1) individual spoke in favor and three (3) individuals spoke in opposition** during the public hearing.

There have been no changes to the request since the Planning Commission took action.

The Planning Commission imposed the same conditions on both the rezoning request and conditional use request.

Planning Commission Approval Conditions:

1. All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development.
   a. The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.
   b. A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations.

c. Where the development boarders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer.
d. The development shall permit boat and RV storage
e. The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines.
f. The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1.

2. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions.
3. The development shall occur as depicted on the site plan presented. Minor changes shall be approved by the Planning Director provided there is no increase in the number of units or buildings and the changes do not create the need for variances in the Hall County development standards
4. A landscape plan shall be approved by Planning Director prior to LDP.
5. The applicant shall submit architectural elevations of all four sides of the structures for approval by the Planning Director prior to issuance of LDP. The only variances from the Gateway Corridor is to allow metal posts in between the bays and standing seam metal roofs. The project shall adhere to existing conditions of phase 1 with the exception of all buildings along McEver Road to be masonry on the back and sides facing McEver Road.
6. Signage shall require a separate permit and must meet Gateway Corridor Overlay district standards found in 17.40.060.
7. The buffer shall be protected in perpetuity by deed that follows the property, the removal or modifications of this condition shall require action by the Board of Commission.
8. Two amended site plans showing all Planning Commission conditions must be submitted before going in front of the BOC. One site plan shall be topographical and the second shall indicate all building locations without topography.
9. No more than 172 units shall be allowed on this property for phase 2.
10. Before LDP is issued all buffer requirements of phase 1 must be confirmed to meet all requirements of phase 1 rezoning and conditional use.
11. An 8 foot height privacy fence shall be built along the rear of buildings N and O.

Please note that denial of the rezoning request is an automatic denial of the associated conditional use requests but this will need to be stated by the chairman after the rezoning vote.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Anchor Inn RV & Boat Storage

Request ..... Conditional use to allow boat & RV storage

Proposed Use ..... RV & boat storage

Size ..... 9.06± acres

Zoning ..... Current Agricultural Residential III (AR-III, 17.110) | Planned Highway Business (H-B, 17.150)

Location ..... **5871 McEver Road** | Tax Parcel 08119 000233

Commission District ..... Two

Planning Commission Date ..... December 5, 2022

Staff Recommendation ..... **Approval with conditions based on the findings that this request meets the criteria outlined in 17.380.060 and that the adjacent property was rezoned to Highway Business (H-B, 17.150) for the same use in 2019.**

Planning Commission Recommendation.....**Approval, with conditions**
Vote: 5-0

Planning Commission Conditional Use Conditions:

1. All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development.
   a. The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.
   b. A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations.
   c. Where the development boarders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer.
   d. The development shall permit boat and RV storage
   e. The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines.
   f. The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1.

2. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions.
3. The development shall occur as depicted on the site plan presented. Minor changes shall be approved by the Planning Director provided there is no increase in the number of units or buildings and the changes do not create the need for variances in the Hall County development standards
4. A landscape plan shall be approved by Planning Director prior to LDP.
5. The applicant shall submit architectural elevations of all four sides of the structures for approval by the Planning Director prior to issuance of LDP. The only variances from the Gateway Corridor is to allow metal posts in between the bays and standing seam metal roofs. The project shall adhere to existing conditions of phase 1 with the exception of all buildings along McEver Road to be masonry on the back and sides facing McEver Road.
6. Signage shall require a separate permit and must meet Gateway Corridor Overlay district standards found in 17.40.060.
7. The buffer shall be protected in perpetuity by deed that follows the property, the removal or modifications of this condition shall require action by the Board of Commission.
8. Two amended site plans showing all Planning Commission conditions must be submitted before going in front of the BOC. One site plan shall be topographical and the second shall indicate all building locations without topography.
9. No more than 172 units shall be allowed on this property for phase 2.
10. Before LDP is issued all buffer requirements of phase 1 must be confirmed to meet all requirements of phase 1 rezoning and conditional use.
11. An 8 foot height privacy fence shall be built along the rear of buildings N and O.

There is a concurrent rezoning request on this agenda. The Planning Commission can hear the rezoning and conditional use items simultaneously but must vote on them separately.

The following report is being written under the assumption the rezoning is approved. Should the Planning Commission deny the rezoning request, the conditional use subject to County Commission is automatically denied since boat & RV storage are not allowed in the AR-III zoning district.

Public Forum:

Gary McCrowskie, 6218 Yorktown Court, Flowery Branch, spoke in favor. Stated that the buildings were well built but requested there to be a privacy fence to block the view into his house.

Julie Paris, 5919 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were the visibility and fencing around the property.

Nathan Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were excessive storage units in the county.

Shelly Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were approximate distance to residences.

Summary Analysis

The applicant is requesting conditional use approval on a 9.02± acre tract of land zoned currently zoned Agricultural Residential III (AR-III, 17.110) for the purpose of expanding an existing boat & RV storage lot with an additional 172 parking spaces. The property lies within the Gateway Corridors Overlay District (GCOD). **Within the Gateway Corridors Overlay District (GCOD, 17.420), boat & RV storage requires conditional use approval from the Board of Commissioners.**

Access to this new phase will be through the existing entrance on Lights Ferry Road with no access proposed from McEver Road. The hours of operation will remain the same as the current facility, the office is open Monday – Friday, 9:00am through 5:00pm. Access to the storage facility is the same, Monday – Sunday.

The submitted site plan depicts two rows of storage buildings parallel to McEver Road. A central access drive bisects the proposed storage buildings. The access drive ends in a cul-de-sac on the western portion of the property. A decorative steel fence with brick columns boarders McEver Road with the remainder of the property using a black vinyl fence. A 35 foot planted buffer follows the rear property line where is it adjacent to residentially zoned parcels.

No variances were requested as part of this application and none have been identified by staff during review.

Based on the future land-use plan, staff finds the *requested zoning designation is inconsistent* with the future land use map designation of Lake Area Residential but the neighboring property was rezoned to Highway-Business in 2019 for the same use. The current request is to facilitate expansion of the use approved in 2019.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision (17.380.060) the planning commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed boat & RV storage development is proposed adjacent to a Highway Business (H-B, 17.150) zoned parcel which was recently approved for the same use on June 25, 2019.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not have an adverse effect on the existing use or usability of adjacent or nearby property. Boat & RV storage traditionally a low impact use, with those who store their vehicles on the property visiting infrequently.**

3. 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 use of a boat & RV storage facility will not 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.**

4. 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 inconsistent with the Comprehensive Plan as the future land use designation is Lake Area Residential. The parcel is not part of the Lake Supportive Corridor which does support the proposed use. Even though the proposal is inconsistent with the Comprehensive Plan, the neighboring property was rezoned to Highway-Business in 2019 for the same use. The current request seeks approval to expand the use approved in 2019.**

5. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The request does not appear to be out of scale with the needs of the County as a whole, as there is a need for additional storage facilities in proximity to Lake Lanier.**

6. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **The property will be required to meet all local, state, and federal requirements pertaining to stormwater management as part of the development process.**

- **Highway Business (H-B, 17.150):** the Highway Business zoning district allows for a variety of commercial uses both permitted and submitted to either Planning Commission of Board of Commission approval.

- The property falls within the **Gateway Corridors Overlay District, (**17.420.**)** which provides supplemental design standards for non-residential property development. The will be subject to the standards found within 17.420.050 (non-residential property development standards) which relate to building materials, landscaping, and buffer requirements.

Development Support and Constraints

Hall County Environmental Health

An email dated November 14, 2022 from Emily McGahee states: "Must meet all Environmental Health commercial septic system permitting requirements if plumbing proposed and public sewer not available. A detailed business plan must be submitted to Hall County Environmental Health for review."

Hall County Fire Rescue

In an email dated November 18, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, states:

1. IFC Section 507.5.1 where a building(s) is constructed and is more than 400' from a fire hydrant on an approved fire access route fire hydrant(s) shall be installed. Fire hydrant(s) may have to be installed to meet fire code.

Hall County Public Works and Utilities

In a memo dated October 20, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

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. Stream and impervious setback from wrested vegetation not centerline of stream.

Traffic:
Adequate connection to roadway is not clear. Traffic study will be required that documents/impacts to the McEver Road/Lights Ferry intersection. Improvements that remediate impacts to intersection will be required.

Utilities:
Flowery Branch Sewer District

Georgia Department of Transportation
Per an email dated November 17, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor confirmed that GDOT coordination will be required.

- **Excerpts from the minutes of the December 5, 2022 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Miles Montgomery, 7185 Shady Grove Road, Cumming, presented the request. The applicant stated that the existing entrance off Lights Ferry Road would be utilized, they will not need access off McEver Road. The applicant stated that they would like for the building requirements under Gateway Corridor to only be applied to the portions facing the road.

Rodney Hellemn, 6098 Jim Crow Road, Flowery Branch, presented the request. The applicant addressed that their building was inspected and approved after BOC approval in 2019. The applicant stated that they do not want to be an eye sore to the community.

Public Forum:

Gary McCrowskie, 6218 Yorktown Court, Flowery Branch, spoke in favor. Stated that the buildings were well built but requested there to be a privacy fence to block the view into his house.

Julie Paris, 5919 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were the visibility and fencing around the property.

Nathan Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were excessive storage units in the county.

Shelly Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were approximate distance to residences.

Planning Commission Comments:

Mr. Braswell questioned if the buildings along McEver Road would be open facing the road. Mr. Montgomery stated that they are closed facing the road. Mr. Hunt suggested a 35 foot buffer to the surrounding residences. Mr. Bell questioned if the property is built in compliance to the 2019 approval conditions. Mr. Braswell questioned the width of the driveway between the buildings. Mr. Hellemn stated that it was 60 feet wide. Mr. Hunt questioned the fencing around the property. Mr. Hellemn stated a decorative fence would run along McEver Road and wrap around the cul-de-sac and towards the back of the property connect to a chain-link fence. Mr. Hunt questioned the privacy fence that would be built to accommodate for some

property owners towards the back. Mr. Hellemn stated it would be an 8 foot height fence. Mr. Bell stated that his problem with the planted buffers was what type of trees were used and how long they took to mature to meet their purpose. Ms. Pilcher commented that residents would have to endure a lot of grading in a community they have been in. Mr. Braswell stated that it would be ideal if there were an undisturbed buffer at the property line abutting neighboring residence. Ms. Pilcher questioned how many units there would be in total. The applicant stated 166 units. Ms. Doveton stated the narrative requested 172 units. Mr. Bell suggested a 25 foot undisturbed buffer with a 10 foot planted buffer.

Motion: ***A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 5-0***

Conditions:

1. *All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development.*
    a. *The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.*
    b. *A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations.*
    c. *Where the development boarders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer.*
    d. *The development shall permit boat and RV storage*
    e. *The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines.*
    f. *The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1.*
2. *The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions.*
3. *The development shall occur as depicted on the site plan presented. Minor changes shall be approved by the Planning Director provided there is no increase in the number of units or buildings and the changes do not create the need for variances in the Hall County development standards*
4. *A landscape plan shall be approved by Planning Director prior to LDP.*
5. *The applicant shall submit architectural elevations of all four sides of the structures for approval by the Planning Director prior to issuance of LDP. The only variances from the Gateway Corridor is to allow metal posts in between the bays and standing seam metal roofs. The project shall adhere to existing conditions of phase 1 with the exception of all buildings along McEver Road to be masonry on the back and sides facing McEver Road.*
6. *Signage shall require a separate permit and must meet Gateway Corridor Overlay district standards found in 17.40.060.*
7. *The buffer shall be protected in perpetuity by deed that follows the property, the removal or modifications of this condition shall require action by the Board of Commission.*
8. *Two amended site plans showing all Planning Commission conditions must be submitted before going in front of the BOC. One site plan shall be topographical and the second shall indicate all building locations without topography.*

9. *No more than 172 units shall be allowed on this property for phase 2.*
10. *Before LDP is issued all buffer requirements of phase 1 must be confirmed to meet all requirements of phase 1 rezoning and conditional use.*
11. *An 8 foot height privacy fence shall be built along the rear of buildings N and O.*

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 | f: 770-531-3902

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ZONING APPLICATION

Applicant (Name & Mailing Address)
Anchor Inn RV & Boat Storage
6127 Lights Ferry Rd
Flowery Branch, GA 30542
Phone 770-945-9524
Email Address rgmarine@bellsouth.net

Property Owner (Name & Mailing Address)
Anchor Inn, LLC
6127 Lights Ferry Rd
Flowery Branch, GA 30542
Phone 770-945-9524
Email Address rgmarine@bellsouth.net

Proposed Use RV & Boat Storage

Contact Person (Name & Mailing Address)
Rodney Hellemn
6127 Lights Ferry Rd
Flowery Branch, GA 30542
Phone 770-945-9524
Email Address rgmarine@bellsouth.net

Status of Applicant
- [X] Owner
- [ ] Option to Purchase
- [ ] Area Resident
- [ ] Other

Requested Action
Existing Zoning: AR-III
Rezone to: H-B
Fee:$ ~~55~~ 0.00
Receipt #: 859053
Check #: 5648 (1000.00 for cup and zoning)

Tax Parcel Number 08119 ~~000003~~ 000233
Acreage 9.084 Ac
Location Address ~~5820~~ 5871 McEver Rd

I hereby certify that the above information and all attached information are true and correct.

Sign _____ Date: 10/13/22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: 10/14/2022 Taken by: D. Webb

Tentative Planning Commission Date: 12/5 Tentative County Commission Date: 1/12/2023

County Commission District: 2

PLANNING AND DEVELOPMENT DEPARTMENT
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AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) Anchor Inn, LLC

Address 6127 Lights Ferry Rd
Flowery Branch, GA 30542

Phone Number 770-945-9524

Name of applicant(s) Rodney Hellemn

Address 6127 Lights Ferry Rd
Flowery Branch, GA 30542

Phone Number 770-945-9524

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s)

Personally appeared before me
Rodney Hellemn

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public Exp 11/29/25

ANITA HIGGINS NOTARY PUBLIC GWINNETT COUNTY, GEORGIA EXPIRES NOVEMBER 29, 2025

10/13/22
Date

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not X

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 10-13-22

Applicant's/Owner's Name (Printed): Rodney Hellemn

REQUEST FOR
REZONING ACTION & CONDITIONAL USE PERMIT
FROM HALL COUNTY ZONING BOARD

FOR

ANCHOR INN RV & BOAT STORAGE PH. II
5871 McEver Road

NATURE OF REQUEST

To obtain rezoning of subject property and conditional use permit for parked auto storage.

PURPOSE OF REQUEST

To allow for development of a second phase of storage units to an existing RV & Boat storage facility.

NARRATIVE

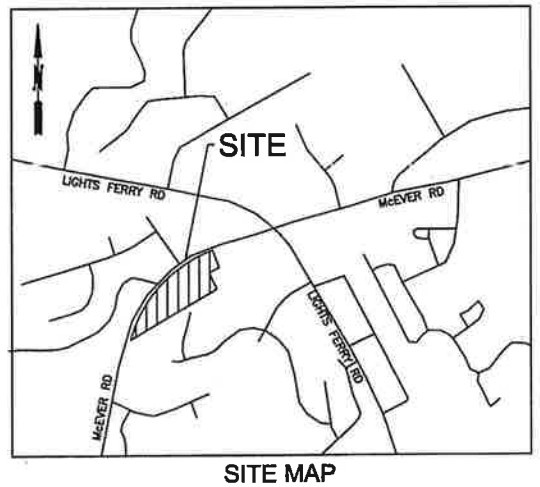
The scope of this project is to provide a second phase to an existing RV & Boat storage facility. Access to the second phase will be through the existing access that serves the existing storage facility located off Lights Ferry Road. No access will be proposed of McEver Road. Hours of operation for the existing office will be that of 9am-5pm Monday-Friday and storage facility access Monday-Sunday will remain the same as the existing storage facility.

This property is a 9.084 ac. tract of land, Tract 3 as shown on the division of the parent parcel and combination survey for Foster Road Inc. The property is currently zoned AR-III and requesting rezoning to H-B to match existing storage facility. The existing storage facility consist of Tract 1 and Tract 2 as shown on the stated parcel and combination survey.

To the north is McEver Road. The property to the south is the existing Lights Ferry Landing residential subdivision. To the east is the existing Anchor Inn RV & Boat Storage facility. To the west is a residential single-family property.

Both potable water and sanitary sewer are available to this tract, but no new service is proposed for this phase of development. Two proposed stormwater detention facilities are proposed for this phase of development and will meet all current stormwater design manual requirements.

We feel that the requested rezoning and conditional use permit for an extension to the existing Anchor Inn RV & Boat storage facility would not create problems for any of the neighbors due to there is an existing current facility operating at this location. We do not believe that allowing this rezoning of this property would in any way devalue or pose hardships on any of the surrounding properties.

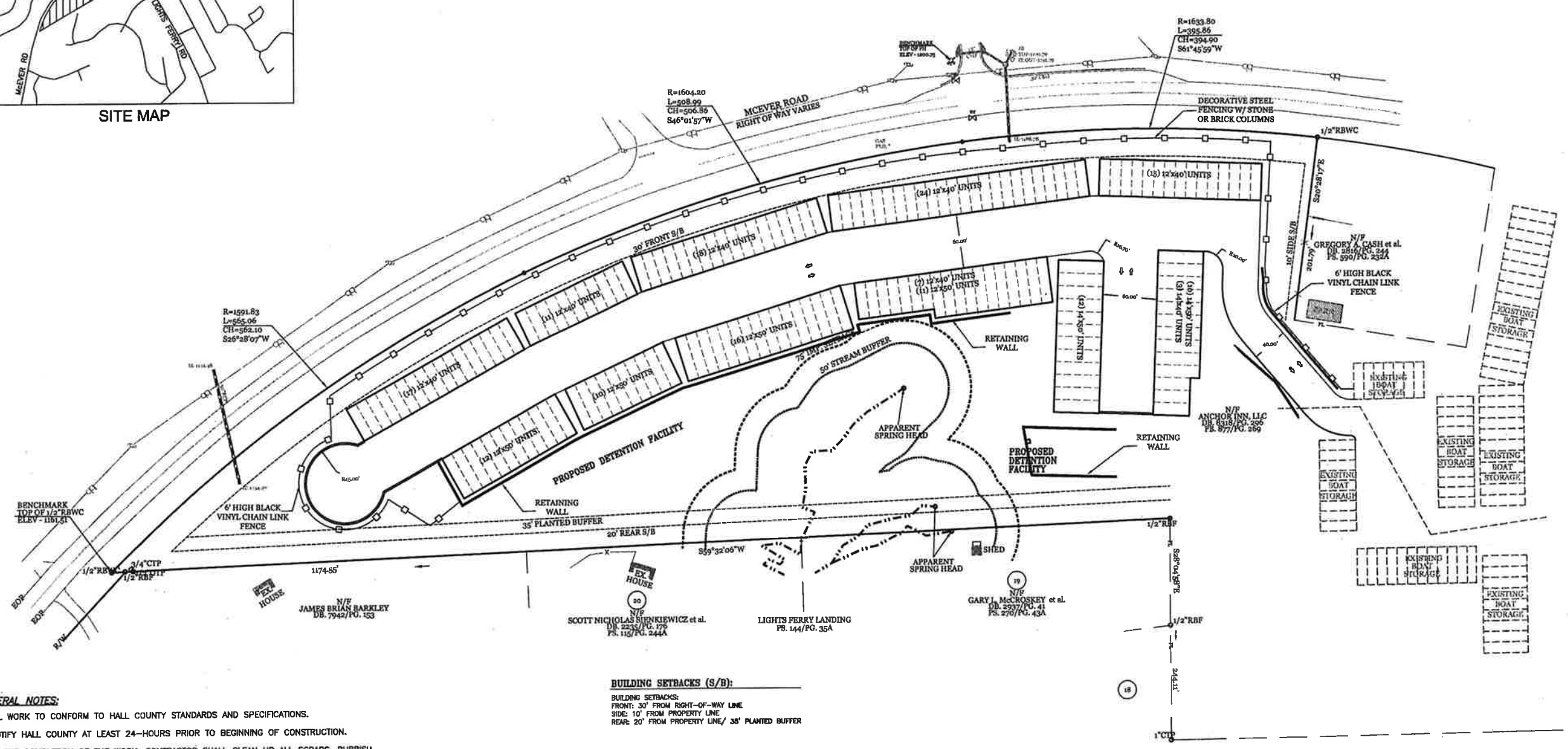


SITE MAP

EXISTING ZONING: AR-III
PROPOSED ZONING: H-B
TAX ID # 08119 000003
CURRENT ADDRESS: 5820 MCEVER ROAD
HALL COUNTY, GEORGIA
TOTAL AREA: 7.06 ACRES

811
Know what's below.
Call before you dig.

GRID NORTH


R=1604.20
L=508.99
CH=506.86
S46°01'57"W
MCEVER ROAD
RIGHT OF WAY VARIES
R=1633.80
L=395.86
CH=394.90
S61°45'59"W
DECORATIVE STEEL FENCING W/ STONE OR BRICK COLUMNS
1/2"RBWC
S30°28'17"E
N/F
GREGORY A. CASH et al.
DB. 2516/PG. 244
PB. 590/PG. 232A
6' HIGH BLACK VINYL CHAIN LINK FENCE
EXISTING BOAT STORAGE
EXISTING BOAT STORAGE
EXISTING BOAT STORAG

A DIVISION OF A PARENT PARCEL AND COMBINATION SURVEY

LOCATED IN LAND LOTS 111 AND 119 OF THE 8TH LAND DISTRICT
HALL COUNTY, GEORGIA
REFERENCE DEEDS: D.B. 932, PG. 98 AND D.B. 7484, PG. 289

eFiled & eRecorded
DATE: 8/13/2019
TIME: 11:53 AM
PLAT BOOK: 00877
PAGE: 00269
RECORDING FEES: $8.00
PARTICIPANT ID: 9651848499
CLERK: Charles Baker
Hall County, GA
NOTE: by ch

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

SURVEYOR CERTIFICATION

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO THE INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Joseph P. Brewer Ga. RLS #3209 — 7-16-2019

HALL COUNTY GEORGIA

Hall County Government
BOARD OF COMMISSIONERS

July 2, 2019

Forest Pond Inc
6504 Flat Creek Road
Flowery Branch, GA 30542

RE: Application to Rezone

To Whom It May Concern:

Please be advised that at its Special Called Voting Meeting of June 25, 2019, the Hall County Board of Commissioners voted, unanimously, to approve the following zone with the Board conditions, along with an added 25ft setback:

- Application of Foster Rd Inc, to rezone from Agricultural-Residential (AR) to Industrial (I) Property Described: (9.064) +/- 12.134 acres located at the intersection of Lights Ferry Road and McEver Road; & (2.147) Lights Ferry Road and 5677 McEver Road, Gainesville, GA; Part Tract (9.064) 5002222 and (2.147) 5002203 (pt.). Proposed Use: Boat Storage. Conditions Stated Is:

  Conditions:
  1) The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.
  2) Where the development borders the Lights Ferry Landing Subdivision, there shall be a 35 foot vegetated buffer.
  3) The development shall operate both 8AM and 8PM except.
  4) The development shall have decorative steel fencing with stone or brick columns along McEver Road and Lights Ferry Road. There shall be a 6 foot high black vinyl chain link fence along all other property lines.
  5) Entrance shall be located on Lights Ferry Road, which was the original plan.

Please contact me if you have questions or if you require any additional information concerning this matter of the Board.

Lisa A. Stephens
Hall County Commission Clerk

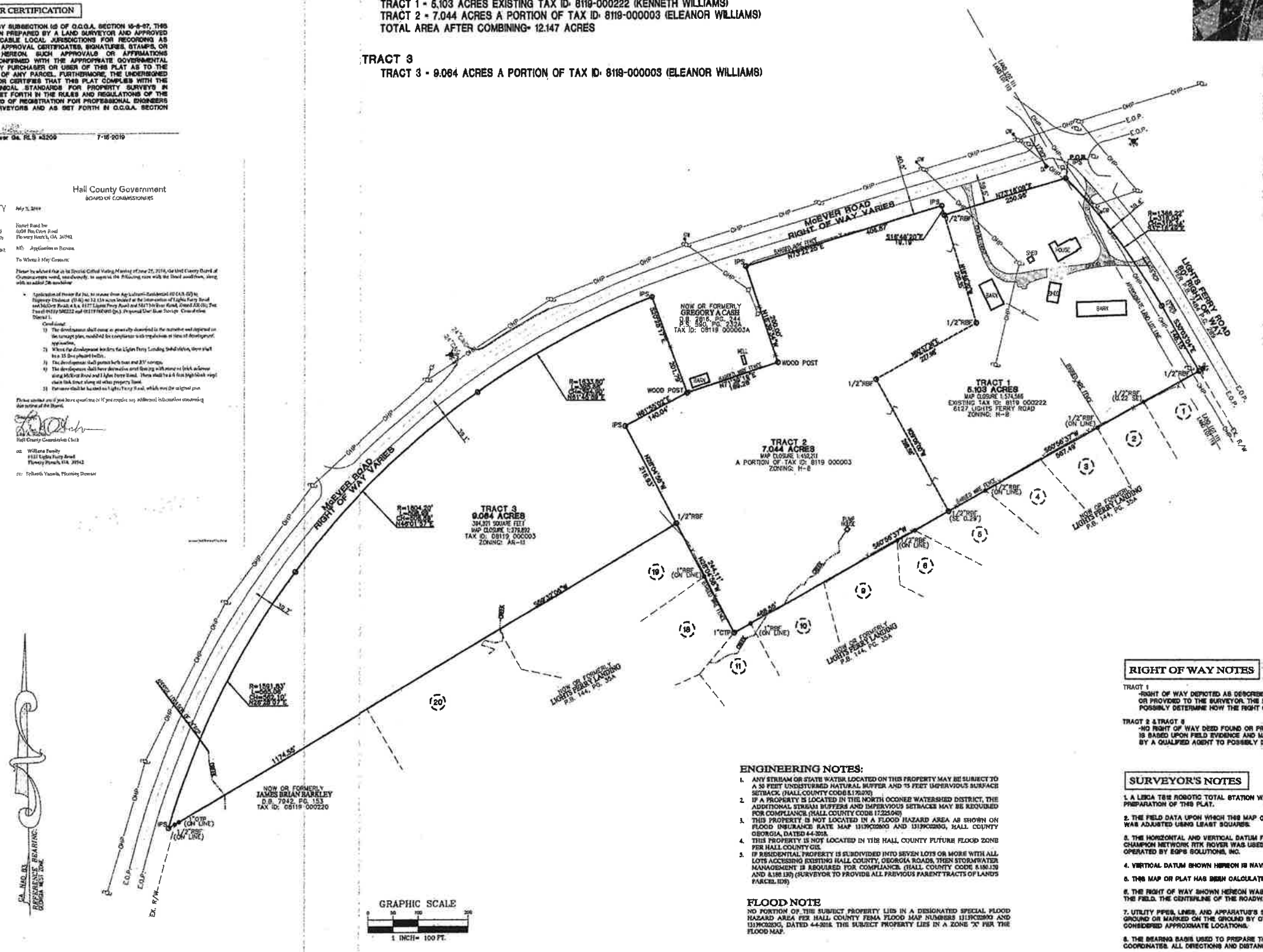
cc: Williams Family
6127 Lights Ferry Road
Flowery Branch, GA 30542

cc: Srikanth Vasavda, Planning Director

AREA SUMMARY

TRACT 1 AND TRACT 2 TO BE COMBINED:
TRACT 1 = 5.103 ACRES EXISTING TAX ID: 8119-000222 (KENNETH WILLIAMS)
TRACT 2 = 7.044 ACRES A PORTION OF TAX ID: 8119-000003 (ELEANOR WILLIAMS)
TOTAL AREA AFTER COMBINING= 12.147 ACRES

TRACT 3
TRACT 3 = 9.064 ACRES A PORTION OF TAX ID: 8119-000003 (ELEANOR WILLIAMS)



UTILITY LEGEND

- W — UNDERGROUND WATERLINES
- TELE / FO — UNDERGROUND TELEPHONE OR COMMUNICATION LINES OR FIBER OPTICS
- UP — UNDERGROUND POWER LINES
- OHP — OVERHEAD POWER LINES
- S — UNDERGROUND SANITARY SEWER LINE
- GAS — UNDERGROUND GAS SEWER LINE

SYMBOL LEGEND

- LIGHT POLE
- POWER POLE
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- STORM PIPE

TEXT LEGEND

- CL — CENTER LINE
- C&G — CURB & GUTTER
- RCP — REINFORCED CONCRETE PIPE
- CMP — CORRUGATED METAL PIPE
- SCP — SCHEDULE PIPE
- TOB — TOP OF BANK
- FFE — FINISHED FLOOR ELEVATION
- IPF — IRON PIN FOUND
- IPS — IRON PIN SET
- RBF — REBAR FOUND
- RBS — REBAR SET
- N/F — NOW OR FORMERLY
- PL — PROPERTY LINE
- POT — POINT OF TANGENCY
- POB — POINT OF BEGINNING
- POC — POINT OF COMMENCEMENT
- POT — POINT OF TAN
- RW — RIGHT OF WAY
- WM — WATER METER
- WV — WATER VALVE
- DI — DROP INLET STRUCTURE
- SSMH — SANITARY SEWER MANHOLE
- T.B.M. — TEMPORARY BENCH MARK

RECORDING PERMIT

BY S McDaniel 8.12.19
HALL COUNTY PLANNING COMMISSION

ENGINEERING APPROVED
7/30/19
HALL COUNTY, GEORGIA

HALL COUNTY GA DEPT. OF PUBLIC HEALTH 8-12-19

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.

Tract 1 & 2 permit #5999
Tract 3 soils by Dan Arthur

RIGHT OF WAY NOTES

TRACT 1
-RIGHT OF WAY DEPICTED AS DESCRIBED IN DEED BOOK 7484 PAGE 289. NO RIGHT OF WAY DEED FOUND, OR PROVIDED TO THE SURVEYOR. THE SURVEYOR SUGGEST A TITLE SEARCH BY A QUALIFIED AGENT TO POSSIBLY DETERMINE HOW THE RIGHT OF WAY AFFECTS THE PROPERTY.

TRACT 2 & TRACT 3
-NO RIGHT OF WAY DEED FOUND OR PROVIDED TO THE SURVEYOR. THE RIGHT OF WAY DEPICTED HEREON IS BASED UPON FIELD EVIDENCE AND MAINTENANCE BY THE COUNTY. THE SURVEYOR SUGGEST A TITLE SEARCH BY A QUALIFIED AGENT TO POSSIBLY DETERMINE HOW THE RIGHT OF WAY AFFECTS THE PROPERTY.

ENGINEERING NOTES:

1. ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL BUFFER AND 75 FEET IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE § 170.070)
2. IF A PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THE ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE 17.225.040)
3. THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP 13139C0200G AND 13139C0202G, HALL COUNTY GEORGIA, DATED 4-4-2018.
4. THIS PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY GIS.
5. IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 150.120 AND § 150.130) (SURVEYOR TO PROVIDE ALL PREVIOUS PARENT TRACTS OF LANDS PARCEL ID'S)

FLOOD NOTE

NO PORTION OF THE SUBJECT PROPERTY LIES IN A DESIGNATED SPECIAL FLOOD HAZARD AREA PER HALL COUNTY FEMA FLOOD MAP NUMBERS 13139C0200G AND 13139C0202G, DATED 4-4-2018. THE SUBJECT PROPERTY LIES IN A ZONE "X" PER THE FLOOD MAP.

SURVEYOR'S NOTES

1. A LEICA TS12 ROBOTIC TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 76,698 FEET AND WAS ADJUSTED USING LEAST SQUARES.
3. THE HORIZONTAL AND VERTICAL DATUM FOR WHICH THIS SURVEY IS BASED WAS OBTAINED BY THE USE OF GPS. A CHAMPION NETWORK RTK ROVER WAS USED TO COLLECT CORRECTED MEASUREMENTS REPORTED BY A REAL TIME NETWORK OPERATED BY EGPS SOLUTIONS, INC.
4. VERTICAL DATUM SHOWN HEREON IS NAVD 88 AND AS REPORTED BY THE RTN OPERATED BY EGPS SOLUTIONS, INC.
5. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND CAN BE FOUND ON EACH TRACT.
6. THE RIGHT OF WAY SHOWN HEREON WAS CALCULATED FROM DEEDS AND PLATS OF RECORD AND MONUMENTS FOUND IN THE FIELD. THE CENTERLINE OF THE ROADWAY DOES NOT REPRESENT THE CENTERLINE OF THE RIGHT OF WAY.
7. UTILITY PIPES, LINES, AND APPARATUS'S SHOWN ARE FROM OBSERVED EVIDENCE ONLY BY WHAT WAS VISIBLE ABOVE GROUND OR MARKED ON THE GROUND BY OTHERS. ALL BELOW GROUND UTILITIES SHOWN ON THIS MAP SHOULD BE CONSIDERED APPROXIMATE LOCATIONS.
8. THE BEARING BASIS USED TO PREPARE THIS PLAT IS BASED UPON NAD-83, GEORGIA STATE PLANE, WEST ZONE COORDINATES. ALL DIRECTIONS AND DISTANCES SHOWN HEREON ARE A GROUND LEVEL PROJECTION OF THE SYSTEM.

PREPARED BY: A GEORGIA LAND SURVEYING FIRM: LSF# 001105
acre
PROFESSIONAL SURVEYORS
LAND DEVELOPMENT SURVEYING AND MAPPING
ACRE GROUP, INC.
P.O. BOX 54 | LOGANVILLE | GEORGIA, 30052 | 770.290.0059

REVISION:

NO.	DATE:

SURVEY INFORMATION:
DATE: 7/15/2019 LAND LOTS: 111 & 119 DISTRICT: 8TH COUNTY: HALL
CITY: N/A SCALE: 1"=100 DRAWN BY: D. J. BENNETT
JOB NUMBER: 19-177 DATE OF FIELD WORK: 3/7/2019

A DIVISION OF A PARENT PARCEL AND COMBINATION SURVEY:

FOSTER ROAD INC.

SHEET:
1 OF 1

IN THE DRAWINGS BEFORE PROCEEDING WITH WORK. WHILE GRADES AND ELEVATIONS WILL IN GENERAL CONFORM TO THOSE TO MAKE MINOR MODIFICATIONS BY REASONABLE FIELD ADJUSTMENTS PRIOR TO COMPLETION OF SUBGRADE WORK.

HER WHEN SUBGRADE IS SUFFICIENTLY STABLE TO BE PROPERLY COMPACTED. GROUND MOISTURE SHALL NOT BE SEALED ANCE WITH APPLICABLE SECTIONS OF THE REFERENCE STANDARDS.

TOR COMPACTION.

ITH REQUIREMENTS OF OSHA CONSTRUCTION STANDARDS, PART 1926, SUBPART P, EXCAVATIONS, TRENCHING, AND SHORING. UIPMENT, AND MARINE OPERATIONS, AND SHALL BE CONDUCTED IN A MANNER ACCEPTABLE TO THE ENGINEER.

, FREE OF ORGANIC OR DELETERIOUS MATERIALS, ROCK, OR BROKEN PIECES OF CONCRETE LARGER THAN 3 INCHES IN SIZE, OR LOSE THE COMPACTION RESULTS.

F THE CONTRACTOR.

H INTERIOR PIPE. PREAPPROVED PIPES INCLUDE ADS N-12, HANCOR H-Q, AND SOUTHEAST CULVERT N-TUFLOW.

PROVISIONS SECTION 550 – STORM DRAIN PIPE, PIPE-ARCH CULVERTS AND SIDE DRAIN PIPE.

STORMS BEFORE ANY MAJOR GRADING OR IMPERVIOUS SURFACES ARE CONSTRUCTED.

AZARD AREA PER F.I.R.M. PANEL NO. 13133C0228 G, DATED APRIL 4, 2018.

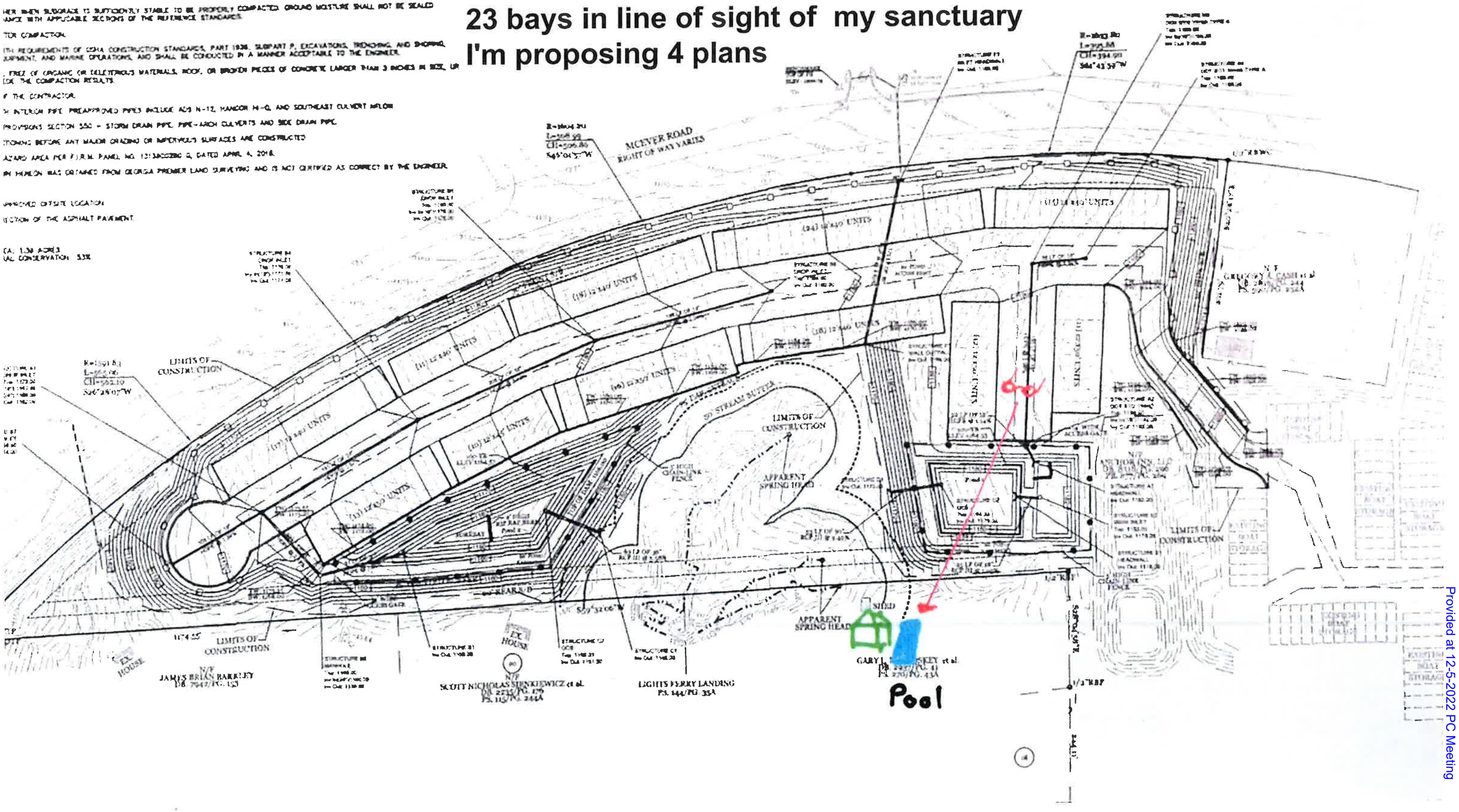
M HAZELON WAS OBTAINED FROM GEORGIA PREMIER LAND SURVEYING AND IS NOT CERTIFIED AS CORRECT BY THE ENGINEER.

APPROVED OFFSITE LOCATION

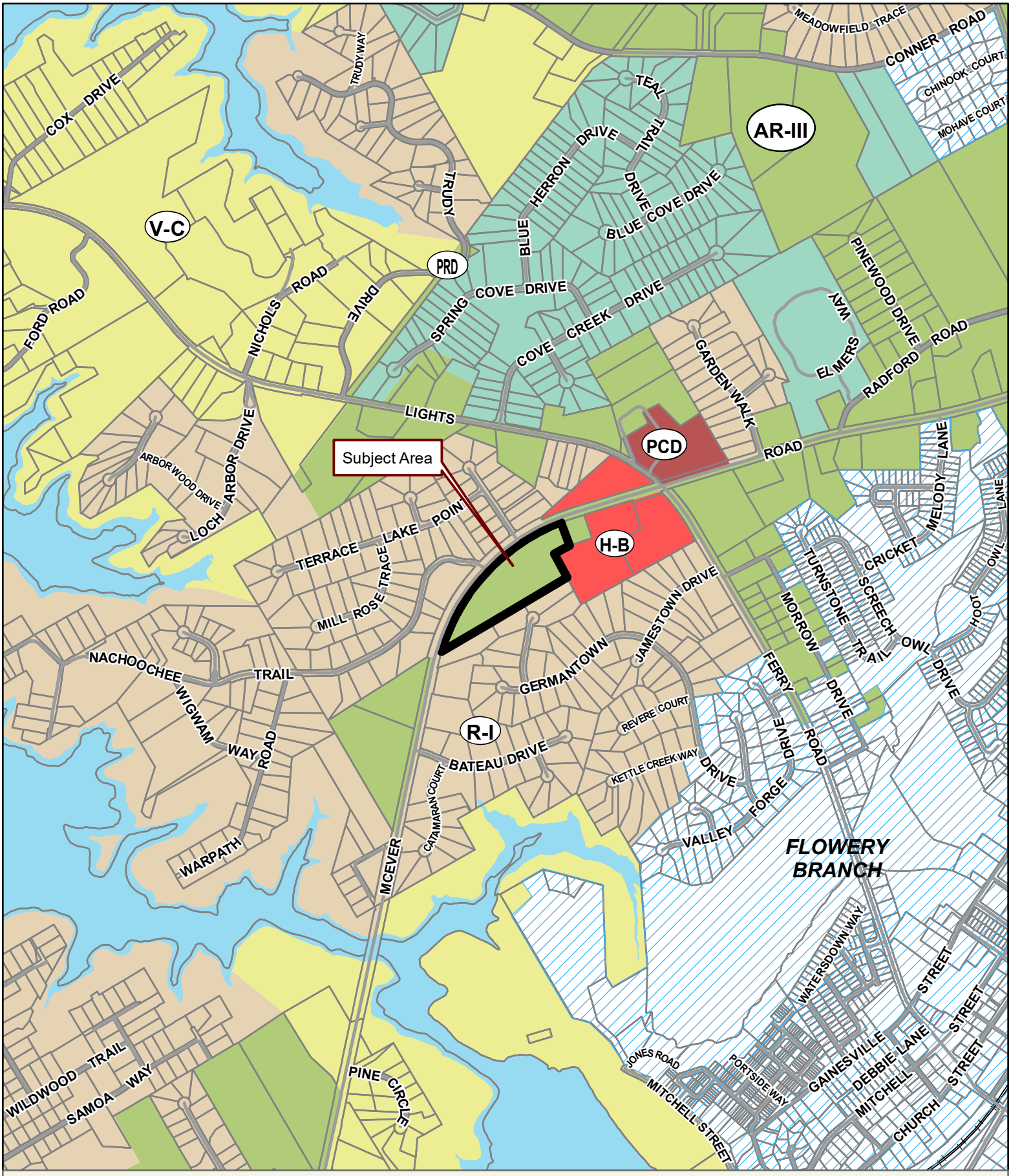
LECTION OF THE ASPHALT PAVEMENT.

CA: 1.38 ACRES
IAL CONSERVATION: 5.3%

23 bays in line of sight of my sanctuary
I'm proposing 4 plans



Provided at 12-5-2022 PC Meeting

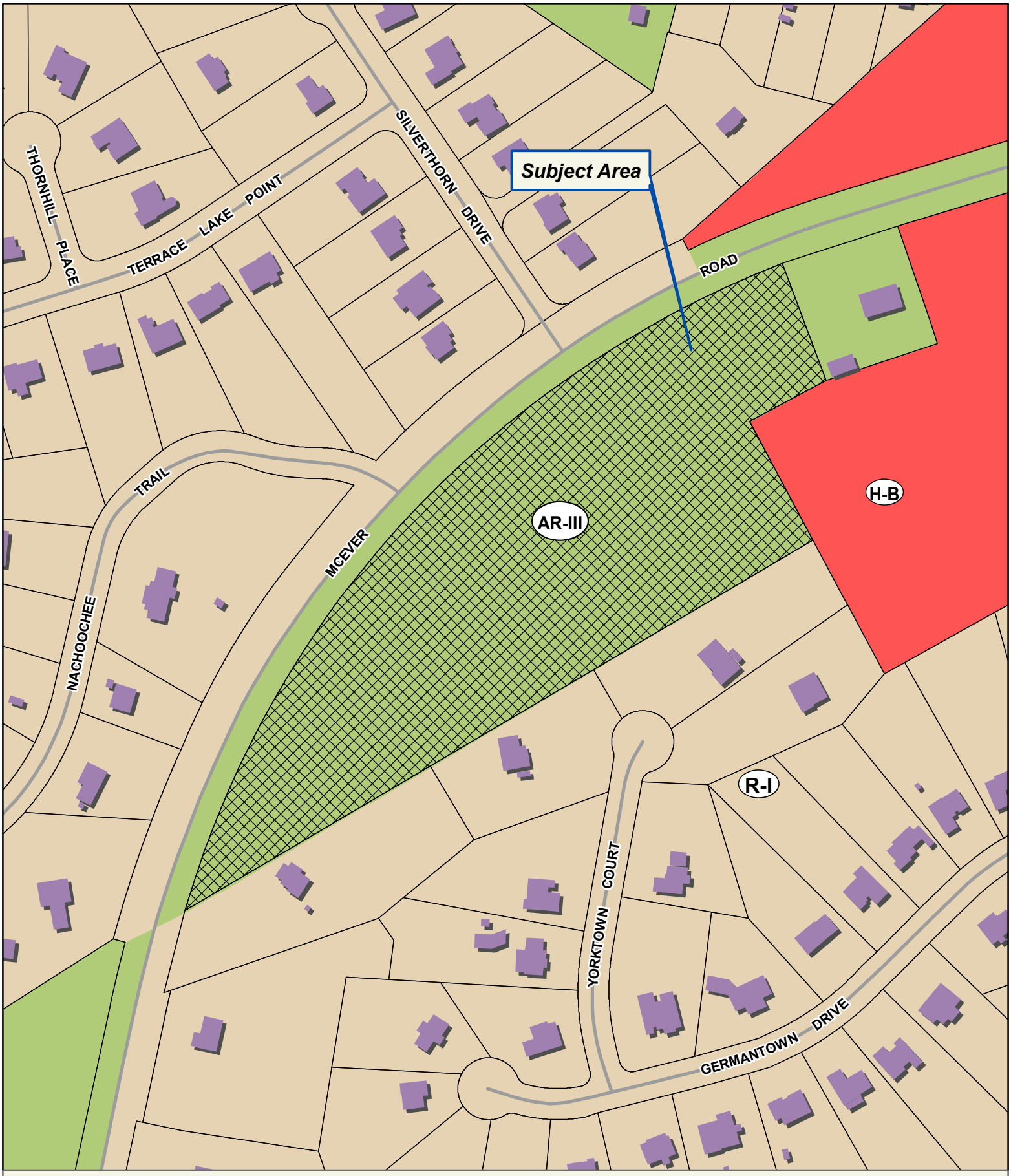


Applicant: ANCHOR INN RV & BOAT STORAGE
Tax Parcel #: 08119 000233
Location: 5871 MCEVER ROAD, FLOWERY BRANCH, GA 30542
Commission District 2 **PC Mtg. Date:** 12/05/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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0 50 100 200
Feet

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N

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0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

Boat storage Birds Eye View

From: Andrew Eubanks (eubanks02475@gmail.com)

To: rwh@bellsouth.net

Date: Monday, December 5, 2022 at 03:51 PM EST

Provided at 12-5-2022 PC Meeting

5871 McEver Road

All that tract or parcel of land lying and being in the Land Lot 119 of the 8th Land District, Hall County, Georgia and being more particularly described as follows;

To find the True Point of Beginning, commence at the intersection of the southwest right of way of Lights Ferry Road (80' right of way) and the southeast right of way of McEver Road (right of way varies), said point marked by an iron pin set; THENCE traveling on said southeast right of way of McEver Road South 73 Degrees 18 Minutes 09 Seconds West for a distance of 250.96 feet to a point, said point marked by a ½ inch rebar pin found; THENCE continuing North 16 Degrees 46 Minutes 20 Seconds West for a distance of 19.19 feet to a point, said point marked by an iron pin set; THENCE on said right of way South 73 Degrees 22 Minutes 25 Seconds West for a distance of 406.87 feet to a point, said point marked by an iron pin set; THENCE leaving said right of way South 18 Degrees 39 Minutes 34 Seconds East for a distance of 200.00 feet to a point, said point marked by a wood post; THENCE South 71 Degrees 39 Minutes 19 Seconds West for a distance of 189.28 feet to a point, said point marked by an iron pin set, said point being, THE TRUE POINT OF BEGINNING.

THENCE from said point as thus established, traveling South 61 Degrees 55 Minutes 02 Seconds West for a distance of 140.04 feet to a point, said point marked by an iron pin set; THENCE South 28 Degrees 04 Minutes 58 Seconds East for a distance of 216.93 feet to a point, said point marked by a ½ inch rebar pin found; THENCE South 59 Degrees 32 Minutes 06 Seconds West for a distance of 1174.55 feet to a point on the southeast right of way of McEver Road (right of way varies), said point marked by an iron pin set; THENCE on said right of way along a curve to the right having a radius of 1591.83 feet and an arc length of 565.06 feet being subtended by a chord bearing of North 26 Degrees 28 Minutes 07 Seconds East and a chord distance of 562.10 feet to a point; THENCE along a curve to the right having a radius of 1604.20 feet and an arc length of 508.99 feet being subtended by a chord bearing of North 46 Degrees 01 Minutes 57 Seconds East and a chord distance of 506.86 feet to a point; THENCE on said right of way along a curve to the right having a radius of 1633.80 feet and an arc length of 395.86 feet being subtended by a chord bearing of North 61 Degrees 45 Minutes 59 Seconds East and a chord distance of 394.90 feet to a point, said point marked by an iron pin set; THENCE leaving said right of way South 20 Degrees 28 Minutes 17 Seconds East for a distance of 201.79 feet to a point, said point marked by a wood post, said point being THE TRUE POINT OF BEGINNING.

Said property contains 9.064 Acres and shown as Tract 3 on survey entitled "A Division of a Parent Parcel and Combination Survey for Foster Road Inc., recorded in Plat Book 877, page 269, Hall County records.

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Monday, November 14, 2022 12:09 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)
Subject: HCPC Tentative Agenda 12.5.22

Please find Environmental Health comments below:

Items 1 & 2, 4745 Cagle Mill Rd, Boling: 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.

Item 3, 2124 Imperial Drive, Maynard: An existing system evaluation will be required.

Item 4, 3252/3264 Poplar Springs Road, Lykins: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat as the lots are considered lots of record.

Item 5, 5625/5633 Bogus Road, Mejia: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat.

Items 6 & 7, 5871 McEver Road, Anchor Inn: Must meet all Environmental Health commercial septic system permitting requirements if plumbing proposed and public sewer not available. A detailed business plan must be submitted to Hall County Environmental Health for review.

Item 8, 6541 Henry Smith, Crawford: Environmental Health issued a septic permit (OSC 7294) for storage building/barn (sink/toilet) in May 2022. The system has not been installed as of this date.

Item 9, Text Amendment: No comment

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Thursday, November 17, 2022 2:20 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Chavers, Veronica E; Peevy, Jonathan
Subject: RE: Tentative Planning Agenda for December 5, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see our comments in red below

#4 (Lynkin) – is the proposal just to move the property line? If so, disregard comment below about GDOT coordination being required.

Thank you,

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Friday, November 11, 2022 11:14 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Bill Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Ellis Still (Planning) <estill@hallcounty.org>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Michael Vieira (Fire Services) <mvieira@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford (nswafford@gainesvillega.org) <nswafford@gainesvillega.org>; Pam Cravero <Pam.Cravero@hallco.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; Wanda Sutton

(Engineering) <wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for December 5, 2022

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, December 5, 2022** Hall County Planning Commission Meeting.

Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report.

When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by **Friday, November 18th**. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES - November 21, 2022

OLD BUSINESS

1. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) and Agricultural Residential-IV (AR-IV) to Planned Residential Development (PRD) on a 69.50± acre tract located on the west side of Cagle Mill Road approximately 429 feet from Noah Martin Drive | Zoned AR-III & AR-IV; Tax Parcel 15007 000254 (pt.) | **Proposed use: single family, townhome, & cluster home development, 225 residential units** | ** Commission District 3 | **Josh Boling, applicant.**

2. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) to Light Industrial (I-I) on a 5.30± acre tract located on the east side of Cornelia Highway approximately 4,970 feet from Cagle Road | Zoned AR-III; Tax Parcel 15007 000254 (pt.) | **Proposed use: 2 commercial outparcels** | ** Commission District 3 | **Josh Boling, applicant.**

NEW BUSINESS

3. **2124 Imperial Drive | Variance |** for a left side yard setback variance from 10 feet to 3 feet on a .93± acre tract located on the east side of Imperial Drive approximately 72 feet from its intersection with Elysian Circle | Zoned R-I ; Tax Parcel 00094 000006H **| Proposed use: above ground pool |** * Commission District 4 **| Jeff Maynard & Vanessa Schaeffer , applicant.**
   None

4. **3264 & 3252 Poplar Springs Road | Variance |** for a road frontage variance from 150 to 109 feet on a 1.91± acre tract located on the south side of Poplar Springs Road approximately 736 feet from its intersection with Hawthorne Drive | Zoned R-I & AR-III; Tax Parcel 15036C000008 (pt.) & 000009A | **Proposed use: reconfiguration plat** | * Commission District 1 | **Brian Lykins, applicant.**
   GDOT coordination required.

5. **5625 & 5633 Bogus Road | Variance |** for a variance on road frontages and required lot widths from 150 feet to 80 feet for two proposed lots on a 3± acre tract located on the east side of Bogus Road approximately 1,345 feet from its intersection with Wellspring Trail | Zoned AR-IV ; Tax Parcel 12050 000042 & 000043 **| Proposed use: 2-lot subdivision |** * Commission District 3 | **Francisco Mejia, applicant.**
   None

6. **5871 McEver Road | Rezone |** from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax

Parcel 08119 000233 | **Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**
None

7. **5871 McEver Road | Use Subject to County Commission Approval |** on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 | **Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**
None

8. **6541 Henry Smith Road | Appeal an Administrative Decision |** for a Use Subject to Planning Commission approval on a 5.65± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road | Zoned AR-IV; Tax Parcel 11023 000024 |**Proposed use: rural business |** * Commission District 3 | **Tyler Crawford, applicant.**
None

9. **Section 17.20.300 | Text Amendment, Official Code of Hall County, GA | Amend the Definition of Community Residence |** 17.20.300, ("pregnant or parenting youth who are displaced and /or in State custody.") by amending the definition of a Community Residence. The intent of the proposed change is to expand the type of care facility allowed as a Community Residence. | ** All Districts | **Crystal F. Toombs, applicant.**
None

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, January 12, 2023 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, January 12, 2023. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Thank you,
Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
GEORGIA
We have it all in Hall

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: November 17, 2022

Subject: December 5, 2022 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the December 5, 2022 meeting. Upon review, we provide the following comments.

OLD BUSINESS

1. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) and Agricultural Residential-IV (AR-IV) to Planned Residential Development (PRD) on a 69.50± acre tract located on the west side of Cagle Mill Road approximately 429 feet from Noah Martin Drive | Zoned AR-III & AR-IV; Tax Parcel 15007 000254 (pt.) **| Proposed use: single family, townhome, & cluster home development, 225 residential units |** ** Commission District 3 | **Josh Boling, applicant.**

   a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater threshold for impervious surfaces and/or disturbed acreage
   Show FEMA and Hall County studied flood plain
   Part of North Oconee Water Protection District.
   Hall County will not maintain a bridge over river.
   b) **Traffic:** 1. Access onto Cornelia Hwy (SR365) must be approved and permitted by GDOT.
   2. Internal roadways are proposed to be private; however, they still need to meet Hall County Code Title 16 (subdivision regulations). Any proposed variances to Title 16 must be specific, justified and approved through the rezoning process. In addition, there is a proposed bridge shown near the Cornelia Hwy (SR365) entrance and it should be noted that Hall County does not accept bridges into County maintenance. A cul-de sac will be required at the end of the proposed County maintained section. Current site plan does not meet Hall County requirements.
   3. Recommend that the gravel section of Cagle Mill Road from existing end of pavement to White Hall Road (approximately 1,400 feet) be improved and paved to Hall County standards to provide safe and efficient access to and from the site via Old Cornelia Highway/White Hall Road.
   4. Recommend that all necessary improvements be the financial responsibility of the developer and constructed concurrently with the development.
   c) **Utilities:** Hall County Sewer district.
   Sewer lift station @ 365.

HALL COUNTY
GEORGIA

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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

2. **4745 Cagle Mill Road | Rezone |** from Agricultural Residential-III (AR-III) to Light Industrial (I-I) on a 5.30± acre tract located on the east side of Cornelia Highway approximately 4,970 feet from Cagle Road | Zoned AR-III; Tax Parcel 15007 000254 (pt.) | **Proposed use: 2 commercial outparcels** | ** Commission District 3 | **Josh Boling, applicant.**

   a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater threshold for impervious surfaces and/or disturbed acreage.
   Show FEMA and Hall County studied flood plain.
   Part of North Oconee Water Protection District.
   Show buffer and impervious setback from wrested vegetation, not centerline of creek. (150')
   Hall County will not maintain bridge over river.
   b) **Traffic:** 1. Access onto Cornelia Hwy (SR365) must be approved and permitted by GDOT.
   2. Roadway will need to meet Hall County industrial standards.
   3. There is a proposed bridge shown near the Cornelia Hwy (SR365) entrance and it should be noted that Hall County does not accept bridges into County maintenance. A cul-de sac will be required at the end of the proposed County maintained section.
   4. Recommend that all necessary improvements be the financial responsibility of the developer and constructed concurrently with the development.
   c) **Utilities:** Sewer at 365, need sewer availability letter flows?

NEW BUSINESS

3. **2124 Imperial Drive | Variance |** for a left side yard setback variance from 10 feet to 3 feet on a .93± acre tract located on the east side of Imperial Drive approximately 72 feet from its intersection with Elysian Circle | Zoned R-I ; Tax Parcel 00094 000006H **| Proposed use: above ground pool |** * Commission District 4 **| Jeff Maynard & Vanessa Schaeffer , applicant.**

   a) **Engineering:** No Comments
   b) **Traffic**: No Comments
   c) **Utilities**: No Comments

4. **3264 & 3252 Poplar Springs Road | Variance |** for a road frontage variance from 150 to 109 feet on a 1.91± acre tract located on the south side of Poplar Springs Road approximately 736 feet from its intersection with Hawthorne Drive | Zoned R-I & AR-III; Tax Parcel 15036C000008 (pt.) & 000009A | **Proposed use: reconfiguration plat** | * Commission District 1 | **Brian Lykins, applicant.**

   a) **Engineering:** No Comments
   b) **Traffic:** Need authorization from the GDOT for new or modifications to existing driveways.
   c) Utilities: City of Oakwood Sewer District

HALL COUNTY
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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

5. **5625 & 5633 Bogus Road | Variance |** for a variance on road frontages and required lot widths from 150 feet to 80 feet for two proposed lots on a 3± acre tract located on the east side of Bogus Road approximately 1,345 feet from its intersection with Wellspring Trail | Zoned AR-IV ; Tax Parcel 12050 000042 & 000043 **| Proposed use: 2-lot subdivision |** * Commission District 3 | **Francisco Mejia, applicant.**

a) **Engineering:** No Comments
b) **Traffic:** No Comments
c) **Utilities:** No Comments

6. **5871 McEver Road | Rezone |** from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 **| Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**

a) **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. Stream and impervious setback from wrested vegetation not centerline of stream.
b) **Traffic:** Adequate connection to roadway is not clear. Traffic study will be required that documents/impacts to the McEver Road/Lights Ferry intersection. Improvements that remediate impacts to intersection will be required.
c) **Utilities:** Flowery Branch Sewer District

7. **5871 McEver Road | Use Subject to County Commission Approval |** on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 **| Proposed use: RV & boat storage |** ** Commission District 2 **| Anchor Inn RV & Boat Storage, applicant.**

a) **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.
b) **Traffic:** Adequate connection to roadway is not clear. Traffic study will be required that documents/impacts to the McEver Road/Lights Ferry intersection. Improvements that remediate impacts to intersection will be required.
c) **Utilities:** No Comments

8. **6541 Henry Smith Road | Appeal an Administrative Decision |** for a Use Subject to Planning Commission approval on a 5.65± acre tract located on the west side of Henry Smith Road at its intersection with Edwards Road | Zoned AR-IV; Tax Parcel 11023 000024 **|Proposed use: rural business |** * Commission District 3 | **Tyler Crawford, applicant.**

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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

a) **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.
b) **Traffic:** No Comments
c) **Utilities:** No Comments

9. **Section 17.20.300 | Text Amendment, Official Code of Hall County, GA | Amend the Definition of Community Residence** | 17.20.300, ("pregnant or parenting youth who are displaced and /or in State custody.") by amending the definition of a Community Residence. The intent of the proposed change is to expand the type of care facility allowed as a Community Residence. | ** All Districts | **Crystal F. Toombs, applicant.**

a) **Engineering:** No Comments
b) **Traffic:** No Comments
c) **Utilities:** No Comments

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Friday, November 18, 2022 12:28 PM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Michael Vieira (Fire Services)
Subject: Planning Commission Fire Comments

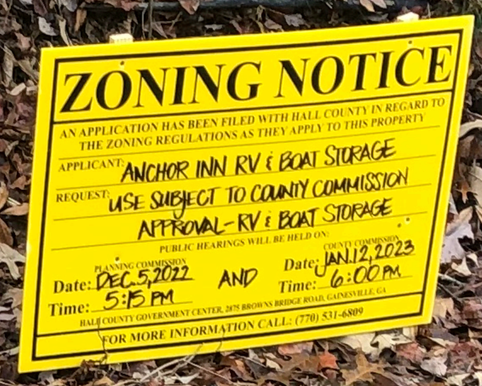
1. **5871 McEver Road | Rezone |** from Agricultural-Residential-III (AR-III) to Highway-Business (H-B) on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 **| Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**
   IFC Section 507.5.1 where a building(s) is constructed and is more than 400' from a fire hydrant on an approved fire access route fire hydrant(s) shall be installed. Fire hydrant(s) may have to be installed to meet fire code.

2. **5871 McEver Road | Use Subject to County Commission Approval |** on a 9.06± acre tract located on the east side of McEver Road at its intersection with Silverthorn Drive | Zoned AR-III; Tax Parcel 08119 000233 **| Proposed use: RV & boat storage |** ** Commission District 2 | **Anchor Inn RV & Boat Storage, applicant.**
   IFC Section 507.5.1 where a building(s) is constructed and is more than 400' from a fire hydrant on an approved fire access route fire hydrant(s) shall be installed. Fire hydrant(s) may have to be installed to meet fire code.

Regards,

John Hornick, NPQ Fire Inspector 1, Plans Review
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: REZONE FROM AR-III TO H-B FOR RV & BOAT STORAGE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION Date: DEC. 5, 2022 Time: 5:15 PM
AND
COUNTY COMMISSION Date: JAN. 12, 2023 Time: 6:00 PM.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809


ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL - RV & BOAT STORAGE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION Date: DEC. 5, 2022 Time: 5:15 PM
AND
COUNTY COMMISSION Date: JAN. 12, 2023 Time: 6:00 PM.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

ANCHOR INN RV & BOAT STORAGE
REQUEST FROM R1 TO HC FOR
RV & BOAT STORAGE

Date: JAN 10 2023 AND Date: JAN 12 2023
Time: 5:30 PM Time: 6:00 PM

ZONING NOTICE

AN APPLICATION WAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: ANCHOR INN RV & BOAT STORAGE

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL - RV & BOAT STORAGE

Date: DEC. 5 2022 AND Date: JAN 12 2023
Time: 5:30 PM Time: 6:00 PM.

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: REZONE FROM AR-III TO H-B FOR RV & BOAT STORAGE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: ∅
Time: ∅
COUNTY COMMISSION
Date: FEB 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809
ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR RV & BOAT STORAGE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: ∅
Time: ∅
COUNTY COMMISSION
Date: FEB 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

ANCHOR MARINA BY / BOAT STORAGE

USE SUBJECT TO COUNTY COMMISSION

APPROVAL FOR RV / BOAT STORAGE

Date: FEB 27 2023

Time: 6:00 PM

ZONING NOTICE

ANCHOR MARINA BY / BOAT STORAGE

PETITION FROM AR-1 TO MHB FOR

RV / BOAT STORAGE

Date: FEB 27 2023

Time: 6:00 PM

ZONING NOTICE
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: USE SUBJECT TO COUNTY COMMISION APPROVAL FOR RV & BOAT STORAGE
Date:
Time:
Date: FEB 23,2023
Time: 6:00 PM
FOR MORE INFORMATION CALL (770) 532-4884
ZONING NOTICE
APPLICANT: ANCHOR INN RV & BOAT STORAGE
REQUEST: REZONE FROM AR-III TO HB FOR RV & BOAT STORAGE
Date:
Time:
Date: FEB 23,2023
Time: 6:00 PM
FOR MORE INFORMATION CALL (770) 532-4884

Print

Board of Commissioners Voting Meeting Comments - February 23, 2023 - Submission #69428

Date Submitted: 2/17/2023

Comments completed in the form below will be submitted into the record for the February 23, 2023 Voting Meeting of the Hall County Board of Commissioners.

First Name*

Shelly

Last Name*

Day

Address1*

5961 Warpath Rd

Address2

City*

Flowery Branch

State*

Ga

Zip*

30542

Item for Comment*

5871 McEver Road | Rezone | Use Subject to County Commission Approval

Select from the list below which item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

I am adamantly opposed to the commercial rezoning for an RV and Boat storage. Lowering of property values in the area has not been addressed even though it is inevitable and the applicant does not care. What happens to the two natural springs found on the survey? The applicant did not seem to want to comply with conditions on the first or the new project nor seemed knowledgeable about the process and property itself. “ For Sale “ signs have been seen on some of the boats out there. If this is now a RETAIL lot then taxes would have to be paid and the category /status changes of the property! Please consider saying NO to this display of greed and lack of concern for the environment and surrounding neighbors.

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

bella2times@gmail.com

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

Print

Board of Commissioners Voting Meeting Comments - February 23, 2023 - Submission #69428

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Last Name*

Day

Address1*

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City*

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State*

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Zip*

30542

Item for Comment*

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Your Comments*

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Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

bella2times@gmail.com

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 16/2023

SUBJECT: **4053 Cleveland Highway | Rezone** | from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant** | Commission District 3 | **Reginald Crayton, P.E., applicant.** NOTE: Tabled at the January 12, 2023 Voting Meeting until the February 23, 2023 Voting Meeting.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD

Recommendation:

Approval, with conditions: 1. The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant. 2. The project building elevations, materials, and colors shall be submitted to the Director of Planning and Development during the design review process for approval. 3. The development shall conform to Gateway Corridor Standards with the following exception: Standing seam roof panels shall be allowed if chosen with the color being approved by the Director of Planning and Development. 4. Driveway design and location shall be approved by Hall County Engineering and GDOT prior to the design review process. 5. All conditions of zoning shall be included on the final plat prior to recording. 6. 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." 7. The project shall meet all requirements of the Hall County Engineering Department.

Purpose of Request: **History:**

4053 Cleveland Highway | Rezone | from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III; Tax Parcel 12025 000036 | Proposed use: grocery store, convenience store with gas & restaurant | Commission District 3 | Reginald Crayton, P.E., applicant.

Facts and Issues: **Options:**

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
JR	JR	JR	JR

Attorney	Administration	Clerk
JR	JR	JR

Attachments:

Updated Board Memo - as of 2/10/2023
Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Public Comments
Public Comment - Opposition - Robbie Westbrooks
Public Comment - Opposition - Michelle Ladewig
Notice Sign Photos
Updated Notice Signs - as of 2/3/23

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DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **4053 Cleveland Highway** | **Rezone** | from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) to allow a grocery store, convenience store with gas & restaurant | **Reginald Crayton, P.E., applicant.**

The request before you is the rezoning application of Reginald Crayton, P.E., to allow a grocery store, convenience store with gas & restaurant (shopping center, per definition in 17.20.1010) on 6.34± acres. ***It should be noted that a simultaneous conditional use request accompanies this request but has separate memos.*** This item is located within Commission District 3.

At your January 12, 2023 you tabled this item so the applicant could revise their site plan to address concerns raised during the public hearing and from the Board of Commissioners. As of February 6, 2023, no revised site plan has been received. Multiple residents spoke in opposition to the rezoning at the January 12, 2023 meeting but no one spoke in opposition at the Planning Commission meeting on November 21, 2022.

At their November 21, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the conditional use request with seven (7) conditions **(4-0, Pilcher absent). The Planning Commission voted on a conditional use and the rezoning, although only the rezoning request was before them. A separate legal advertisement has been run for the conditional use. It has been placed on this agenda as well. The items can be heard together but require two separate motions and votes. Denial of the rezoning automatically results in denial of the conditional use.**

There were no written comments submitted in advance of the Planning Commission meeting and no one spoke during the public forum.

There have been no changes to the request since the Planning Commission took action.

Planning Commission Approval Conditions:

1. The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant.
2. The project building elevations, materials, and colors shall be submitted to the Director of Planning and Development during the design review process for approval.
3. The development shall conform to Gateway Corridor Standards with the following exception: Standing seam roof panels shall be allowed if chosen with the color being approved by the Director of Planning and Development.
4. Driveway design and location shall be approved by Hall County Engineering and GDOT prior to the design review process.
5. All conditions of zoning shall be included on the final plat prior to recording.
6. 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."

7. The project shall meet all requirements of the Hall County Engineering Department.

Please note that the BOC votes on the rezoning request on 1-12-2023. If the BOC denies the rezoning request, this request is null and will be removed from the 1-26-23 BOC agenda.

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DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: December 5, 2022

Subject: **4053 Cleveland Highway | Rezone |** from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) to allow a grocery store, convenience store with gas & restaurant | Reginald Crayton, P.E., applicant.

The request before you is the rezoning application of Reginald Crayton, P.E., to allow a grocery store, convenience store with gas & restaurant on 6.34± acres. This item is located within Commission District 3.

The proposed use (a shopping center) is a use requiring County Commission approval but no concurrent application was submitted for review or approval. This is not unusual since applicants often want assurance of the appropriate zoning classification prior to investing in more detailed plans for a conditional use application. **The Planning Commission voted to approve the use along with the rezoning. The use shall require a separate legal ad and sign posting before the Board of Commissioners can approve it. Should you approve the rezoning request, the use will be on your January 26, 2023 voting meeting agenda.**

At their November 21, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the Rezoning request (and use of a shopping center) with seven (7) conditions **(4-0, Pilcher absent).**

There were no written comments submitted in advance of the Planning Commission meeting and no one spoke during the public forum.

There have been no changes to the request since the Planning Commission took action.

Planning Commission Approval Conditions:

1. The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by

the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant.

2. The project building elevations, materials, and colors shall be submitted to the Director of Planning and Development during the design review process for approval.
3. The development shall conform to Gateway Corridor Standards with the following exception: Standing seam roof panels shall be allowed if chosen with the color being approved by the Director of Planning and Development.
4. Driveway design and location shall be approved by Hall County Engineering and GDOT prior to the design review process.
5. All conditions of zoning shall be included on the final plat prior to recording.
6. 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."

7. The project shall meet all requirements of the Hall County Engineering Department.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Reginald Crayton, P.E.

Request ..... Rezone from Agricultural Residential III (AR-III, 17.110) to Suburban Shopping (S-S, 17.140)

Proposed Use ..... Grocery store, convenience store with gas & restaurant

Size ..... 6.35± acres

Zoning ..... Current AR-III | Proposed SS

Location ..... **4053 Cleveland Highway** | Tax Parcel 12025 000036

Commission District ..... Three

Planning Commission Date ..... November 21, 2022

Staff Recommendation ..... **Approval with conditions, based on the findings that this request is consistent with the Comprehensive Plan and that it meets the criteria outlined in 17.380.060.**

Planning Commission Recommendation.....Approval, with conditions

Vote: 4-0 (Pilcher absent)

1. *The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant.*
2. *The project building elevations, materials, and colors shall be submitted to the Director of Planning and Development during the design review process for approval.*
3. *The development shall conform to Gateway Corridor Standards with the following exception: Standing seam roof panels shall be allowed if chosen with the color being approved by the Director of Planning and Development.*
4. *Driveway design and location shall be approved by Hall County Engineering and GDOT prior to the design review process.*
5. *All conditions of zoning shall be included on the final plat prior to recording.*

6. 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."

7. The project shall meet all requirements of the Hall County Engineering Department.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting approval to rezone 6.35± acres from Agricultural Residential III (AR-III, 17.110) to Suburban Shopping (S-S, 17.140) to develop the tract for retail purposes. The narrative submitted by the applicant states that the proposed rezoning will allow for the three proposed uses consisting of an 11,000 square foot grocery store, 4,000 square foot restaurant, and a 3,250 square foot convenience store with a gas station. The site is currently developed with a single-family residence.

The subject property is located on the west side of Cleveland Highway / US Highway 129, bounded by Jim Hood Road to the north and residential properties to the west and south of the property. The hours of operation for said establishments have not yet been determined, neither has the signage. However, the narrative states that the signage will be in compliance with the Zoning Regulations (Title 17) and will be no more than the maximum monument sign dimensions for nonresidential uses (48 square feet for the grocery store and 32 square feet for the restaurant and convenience store). The property also lies within the Gateway Corridor Overlay District (GCOD, Chapter 17.420).

The narrative states that according to the Zoning Regulations (Title 17), the minimum area and setback requirements are as follows: minimum lot size is 15,000 square feet, minimum frontage is 100 feet, front yard setback is 30 feet from the property line, minimum side yard setback is 20 feet, and the minimum rear yard setback is 10 feet, as shown on the conceptual site plan.

Water will be provided to the property by the City of Gainesville and sewage will be handled by an on-site septic system on the property. The property will maintain a minimum 10 feet landscape stripe along Cleveland Highway and Jim Hood Road and a 25 foot transitional property where it adjoins residential parcels.

Based on the future land-use plan, staff finds the *requested zoning designation* is consistent with the future land use map designation of a Community Crossroad within a Mixed Use Corridor; it should be noted that the use of a shopping center within the Suburban Shopping (S-S, 17.140) zoning district requires

Planning Commission approval. A subsequent application will be required if the rezoning request is approved. Although listed as several different uses in this application, the proposal meets the definition of a shopping center (17.20.1010).

Zoning Analysis

- The proposed use of a grocery store, convenience store with gas & restaurant is consistent with the future land use map designation of a Community Crossroad within a Mixed Use Corridor.

When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The proposed zoning classification of Suburban Shopping (S-S, 17.140) is suitable in view of the use and development of adjacent and nearby property. The intersection of Cleveland Highway and Jim Hood Road has been identified as a Community Crossroad in the Comprehensive Plan.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not have an adverse effect on the existing use or usability of adjacent or nearby property. The property abuts a divided 4-lane highway, (Hwy 129), and the nearest residential structure from the proposed shopping center is located at 4127 Jim Hood Road.**

3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The subject parcel has reasonable economic use as currently zoned. The property is developed with a single-family residence and can continue to be utilized as such.**

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **The proposed use of a grocery store, restaurant, & convenience store with a fueling station has the potential to increase traffic on the existing streets, but will likely attract customers who already travel the along Cleveland Highway rather than attracting new trips.**

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use of a grocery store, convenience store with gas & restaurant is consistent with the future land use map designation of a Community Crossroad within a Mixed Use Corridor.**

6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**

7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned. The property contains a single-family residential structure which could continue to be used as such under the existing zoning designation.**

9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **This criteria is not applicable to the application since the subject property is currently developed with a single-family residence. While it is unknown if the residence is occupied, there is nothing regulatory preventing it from being utilized in this manner.**

10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any changing conditions that affect the use and development of the property.**

11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed Suburban Shopping (S-S, 17.140) zoning classification would introduce a non-residential classification to this corner of the intersection of Jim Hood Road and Cleveland Highway. That being said, the properties to the north of Jim Hood Road are already zoned Suburban Shopping (S-S, 17.140).**

12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no indication that the present zoning district boundaries are illogically drawn.**

13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed use of a grocery store, convenience store with gas & restaurant would likely attract nearby residents and does not appear to be out of scale with the needs of the immediate neighborhood.**

14. 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 the type of retail uses proposed and are already appropriately zoned.**

15. 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 since the proposed use is neither permitted nor conditional in the AR-III district (17.110).**

16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and federal regulations. As a result there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted. If the rezoning is approved, the proposed use requires a separate conditional use approval from the Hall County Planning Commission.**

17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning of the property.**

Suburban Shopping (S-S) standards are found in chapter 17.140 which include the permitted and conditional uses allowed within the S-S district.

17.380.050. - Submission requirements for a rezoning request

A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in chapter 17.30 to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized

agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. 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.**

B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:

1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **The applicant has submitted a narrative and constitutional objections but did not specifically address the criteria listed in** 17.380.060.C.

2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district**. Proposal meets this requirement.**

C. For any application for a slow rate land treatment system (see chapter 17.20), the following additional requirements apply. **The development proposes to utilize an on-site septic system and as such this requirement is not applicable.**

D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **The proposed development is commercial and as a result this requirement is not applicable.**

Development Support and Constraints –Departmental /agency comments

Hall County Environmental Health
An email dated October 31, 2022 from Emily McGahee states “Non-domestic wastewater treatment and disposal must be permitted by EPD.”

Hall County Fire Rescue
In an email dated November 2, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, states “The Hall County Fire Marshal’s Office has no comments regarding the planned commercial development as proposed.”

Hall County Public Works and Utilities
In a memo dated November 3, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

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. Show buffer and impervious setback from wrested vegetation, not centerline of creek.

Traffic:
GDOT permit required

Utilities:
Gainesville/Hall county sewer district. No sewer available. On-site septic system proposed for wastewater, therefore Health Department approval required.

Georgia Department of Transportation
Per an email dated November 2, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor, confirmed that this project **will** require GDOT coordination.

- **Excerpts from the minutes of the November 21, 2022 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request. Ms. Doveton stated that a conditional use would need to be considered for the shopping center.

Raj Umani, 195 Antler Trail, Alpharetta, presented the request. The applicant stated that the grocery store would roughly be about 11,000 sq. ft., restaurant 4,000 sq. ft. and convenience store with gas 3,000 sq. ft.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Bell questioned if the grocery store would be independent. The applicant stated it was. Mr. Bell questioned if the restaurant would also be independent. The applicant stated that as of right not they have not identified that. Mr. Braswell wanted to make sure that the applicant understood that Gateway Standards were applicable to the property.

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

Conditions:

1. *The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant.*
2. *The project building elevations, materials, and colors shall be submitted to the Director of Planning and Development during the design review process for approval.*
3. *The development shall conform to Gateway Corridor Standards with the following exception: Standing seam roof panels shall be allowed if chosen with the color being approved by the Director of Planning and Development.*
4. *Driveway design and location shall be approved by Hall County Engineering and GDOT prior to the design review process.*
5. *All conditions of zoning shall be included on the final plat prior to recording.*

6. 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."
7. The project shall meet all requirements of the Hall County Engineering Department.

***Motion:* A motion to approve a Conditional Use to County Commission approval, with conditions was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0 (Pilcher absent)**

Conditions:

1. *The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant.*
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PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
GEORGIA
We have it all in Hall

ZONING APPLICATION

Applicant (Name & Mailing Address)

Reginald Crayton, PE
6075 Barfield Rd
Sandy Springs, GA 30328
Phone 404-428-3445
Email Address reggie@getpland.net

Property Owner (Name & Mailing Address)

Jang Cho
3723 Wickford Lane
Peachtree Corners, 30096
Phone
Email Address jncho@gmail.com

Proposed Use Grocery Store, Convenience Store w/gas, restaurant

Contact Person (Name & Mailing Address)

Reginald Crayton, PE
6075 Barfield Rd
Sandy Springs, GA 30328
Phone 404-428-3445
Email Address reggie@getpland.net

Status of Applicant

- ☐ Owner
- ☐ Option to Purchase
- ☐ Area Resident
- ☒ Other

Requested Action

Existing Zoning: AR-III
Rezone to: S-S
Fee:$
Receipt #:
Check #:

Tax Parcel Number 12025 000036
Acreage 6.35
Location Address 4053 Cleveland Hwy, Gainesville, GA 30506

I hereby certify that the above information and all attached information are true and correct.

Sign Reginald Crayton, PE Date: 9/12/22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

Tentative Planning Commission Date: _____ Tentative County Commission Date: _____

County Commission District: _____

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____I have not_X___

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 10/11/2022

Applicant's/Owner's Name (Printed): Muradali Umani

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
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**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Reginald Crayton, PE **Date:** 9/22/22

Applicant's/Owner's Name (Printed): Reginald Crayton

pland
ENGINEERING & ARCHITECTURE

Reginald Crayton, PE
6075 Barfield Rd
Sandy Springs, GA 30328

September 12, 2022

Re: Application for 4053 Cleveland Highway
Gainesville, GA 30506

The Applicant, Reginald Crayton, Agent for the Owner, hereby submits a Zoning Application for approximately a 6.35-acre tract, herein after referred to as "Property", located at 4053 Cleveland Highway, Gainesville, GA 30506 (Parcel Number 12025 000036). The request to rezone from AR-III (Agricultural Residential) to SS (Suburban Shopping), to develop the tract for retail uses.

As stated in the paragraph above, the property currently is zoned AR III, Agriculture Residential, and currently has an existing residential home located onsite. The property is bounded by Jim Hood Road to the north, Cleveland Highway to the east, residential properties to the west and south of the property. The proposed rezoning to SS, Suburban Shopping, will only allow for the three proposed uses of a 11,000-sf grocery store, 4,000 sf restaurant and 3,250 sf convenience store with gas station. At this moment the hours of operation have not been determined. All the proposed developments will have associated utilities, parking and stormwater.

According to Hall County zoning ordinance the minimum area and set back requirements are as follows: minimum lot size is 15,000 sf, minimum frontage is 100 ft, front yard set back 30 ft from the property line, minimum side yard setback 20 ft, and the minimum rear yard set is 10 ft, as shown on the conceptual site plan.

Signage has not been determined but will be in compliance with the Hall County Unified Code and will be no more than the maximum monument sign dimensions for nonresidential uses, 48 sf for the grocery store and 32 sf for the restaurant and Convenience store.

Water will be provided to the "Property" by the City of Gainesville, and Sewage will be handled by a septic tank located on the property.

pland
ENGINEERING & ARCHITECTURE

The subject "Property" will maintain a minimum of a 10 ft landscape stripe around the property to maintain the buffer requirements.

The proposed development will be consistent with the intent of the zoning ordinance for the use will have no adverse impact on the surrounding properties.
The Applicant requests that based upon the factors mentioned above that this Application be approved for the rezoning of the subject Property.

4053 Cleveland Highway
Gainesville, GA 30506

GENERAL NOTES:

OWNER: RAJ UMANI
PHONE:

DEVELOPER: VANTAGE COMMERCIAL CONTRACTORS LLC
3060 OAK DRIVE
LAWRENCEVILLE, GA 30044
CONTACT: VIRAL PAREKH
PHONE: 404-884-3834

ENGINEER: PLAND ENGINEERING AND ARCHITECHURE
CONTACT: REGINALD CRAYTON, P.E
PHONE: 404-428-3445

SITE ADDRESS: 4053 CLEVELAND HWY
GAINESVILLE, GA 30506

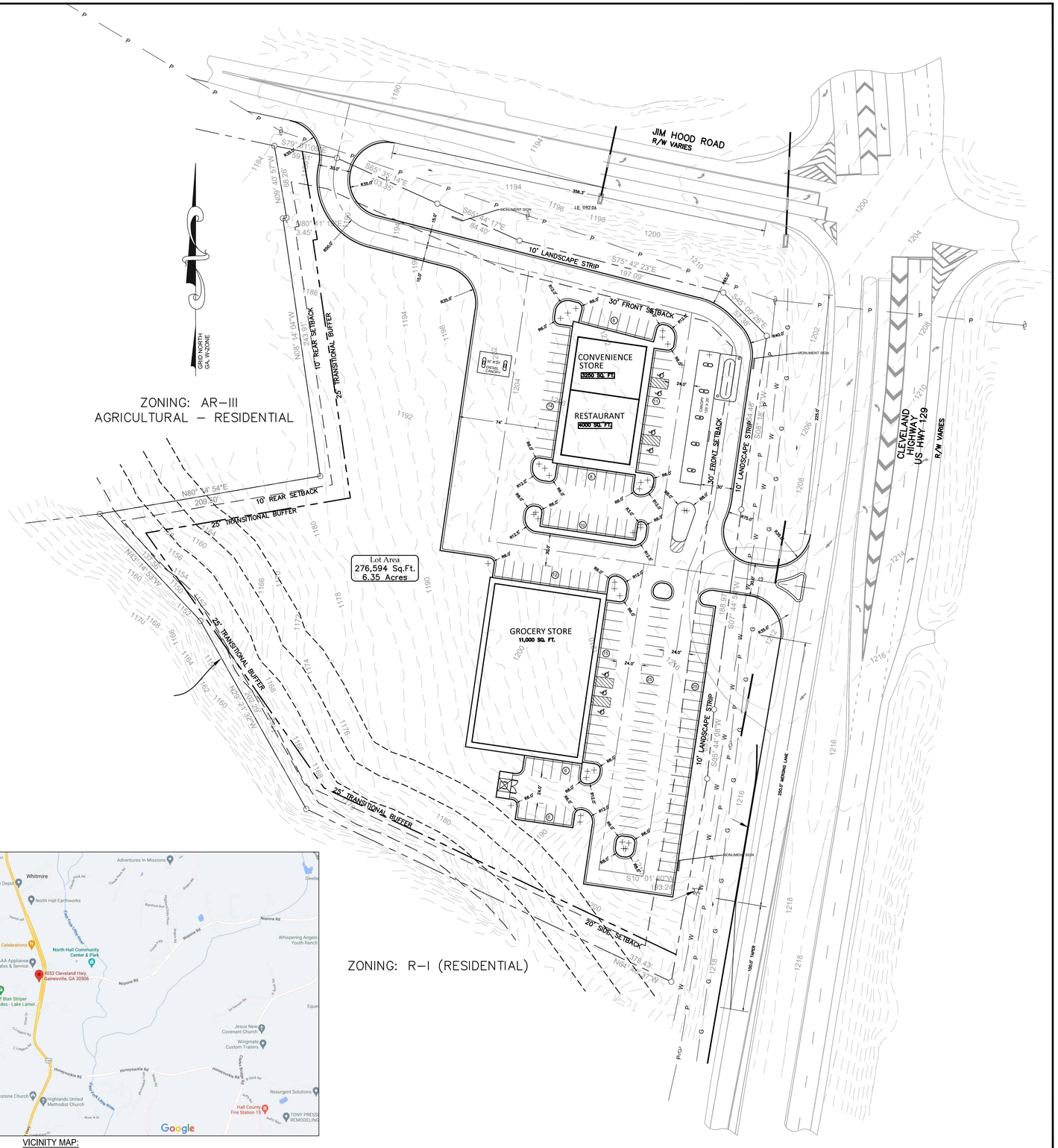
1. PARCEL NUMBER: 12025 000036
2. PARCEL AREA: 6.35 ACRES, 276,594 SF
3. CURRENT ZONING: AR-III (AGRICULTURAL RESIDENTIAL - III)
   PROPOSED ZOIING: S-S (SUBURBAN SHOPPING DISTRICT)
4. DISTRICT: 12TH
5. LAND LOT: 25
6. SURVEY OBTAINED FROM W.L.B ASSOCIATES, INC
   349 CHERYL COURT, JONESBORO, GA 30238
7. ALL CONTRACTORS UTILIZING THIS PLAN SET AND THE INFORMATION CONTAINED THEREON SHOULD
8. CALL 1800-282-7411 3 DAYS BEFORE BEGINNING CONSTRUCTION.
9. PROPOSED BUILDINGS USE:
   CONVENIENCE STORE WITH FUELING STATION
   NUMBER OF STORIES: 1
   PROPOSED BUILDING AREA = 3250 SF

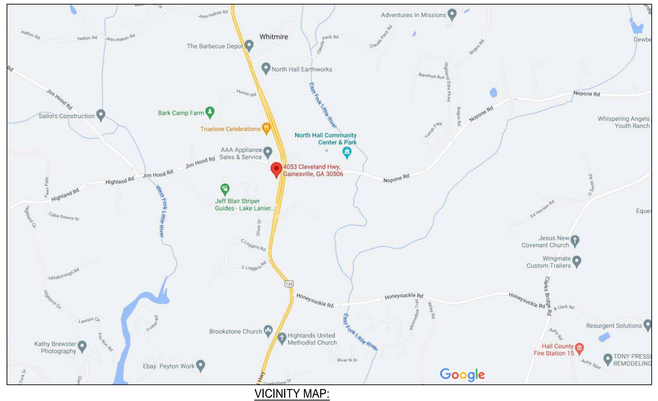
   RESTAURANT
   NUMBER OF STORIES:1
   PROPOSED BUILDING AREA = 4,000 SF

   GROCERY STORE
   NUMBER OF STORIES:1
   PROPOSED BUILDING AREA = 11,000 SF
10. MIN LOT AREA: 15,000 SF
11. MIN LOT FRONTAGE: 100
12. MINIMUM FRONT YARD SET BACK: 30 FEET
13. MINIMUM SIDE YARD SETBACK: 20 FEET
14. MINIMUM REAR YARD SETBACK: 10 FEET
15. PARKING REQUIREMENT:

	MINIMUM REQUIRED	SPACES PROVIDED
CONVENIENCE STORE WITH FUELING STATION:	1 SPACE PER 200 SF 16 SPACES REQUIRED	16 SPACES
RESTAURANT:	9.5 SPACES PER 1,000 SF 38 SPACES REQUIRED	43 SPACES PROVIDED
GROCERY STORE:	1 SPACE PER 200 SF 55 SPACES REQUIRED	79 SPACES PROVIDED

16. PUBLIC WATER SERVICE WILL BE PROVIDED TO THE PROPERTY BY THE CITY OF GAINESVILLE.
17. SEWER/SEWAGE WILL BE HANDLED ON SITE BY A SEPTIC SYSTEM.





VICINITY MAP:

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

811 Know what's below. Call before you dig.

E-SEAL AND SIGNATURE
E-SEALED: E-SEALED-DATE

pland
ENGINEERING & ARCHITECTURE
6075 BARFILED ROAD
SANDY SPRINGS, GA 30328
DIRECT: 404-644-2457
reggie@getpland.net
www.getpland.net

#	DATE	REVISION DESCRIPTION	BY

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SCOPE OF DOCUMENT:
THE CONTRACTOR SHALL EXECUTE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF ARCHITECTURAL DESIGN CONCEPTS, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS AND THE TYPE OF STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING SYSTEMS AS INDICATED IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE CONTRACT ON THE BASIS OF THE GENERAL SCOPE OF THE PROJECT AS DESCRIBED IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, EQUIPMENT, EXECUTION AND COMPLETION OF THE WORK. TRADE CONTRACTORS RESPONSIBLE FOR ANY SHOP DRAWINGS REQUIRED FOR THE COMPLETION OF WORK AS NECESSARY.

NOT RELEASED FOR CONSTRUCTION

SHEET DESCRIPTION:
PRELIMINARY SITE PLAN

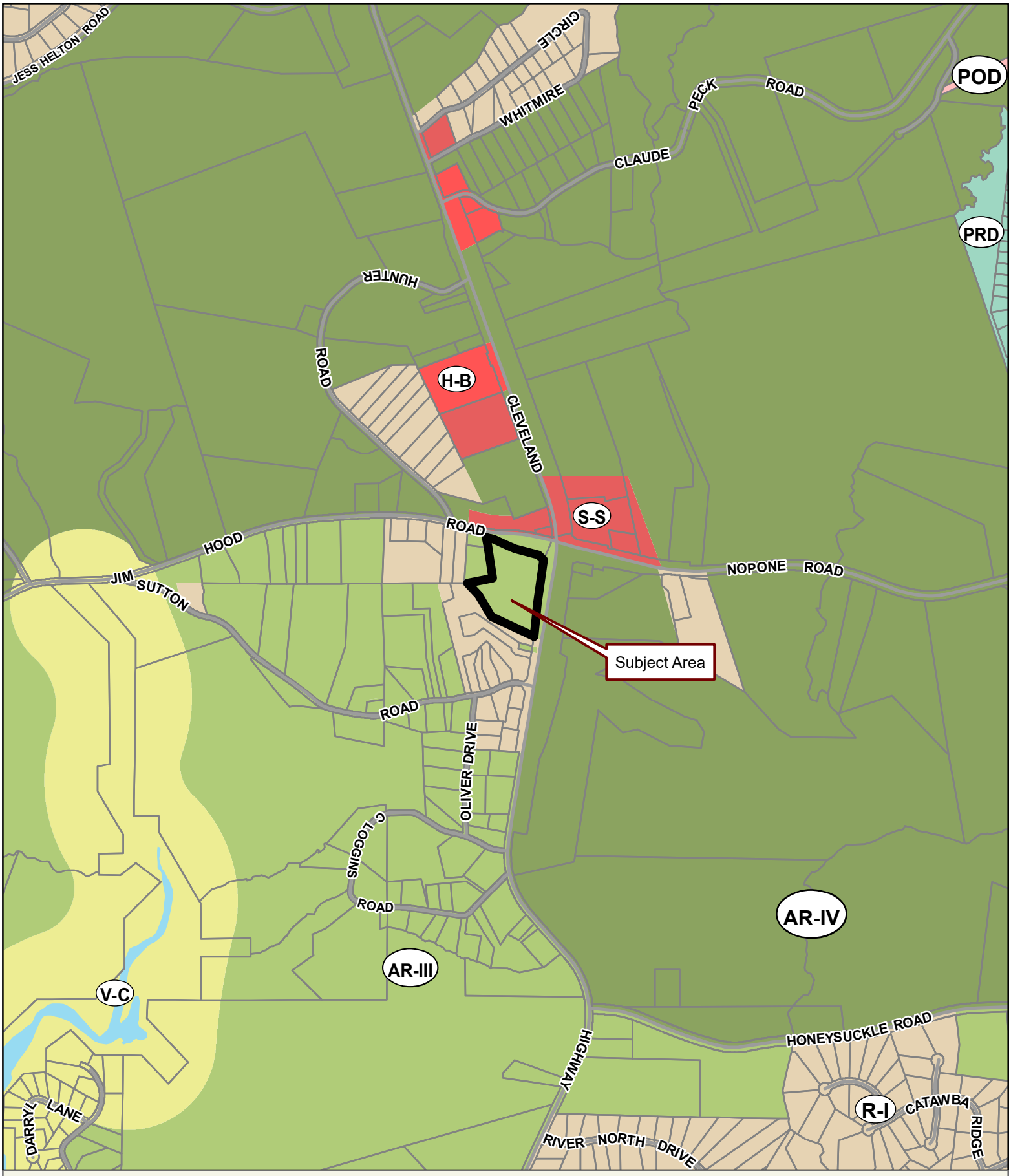
LOCATION:
4053 CLEVELAND HWY
GAINESVILLE, GA 30506

CHECKED BY:
RC

DRAWN BY:
RC

CIVIL

JOB NO:	SHEET
#######	C.1
DATE: 3/6/2022	

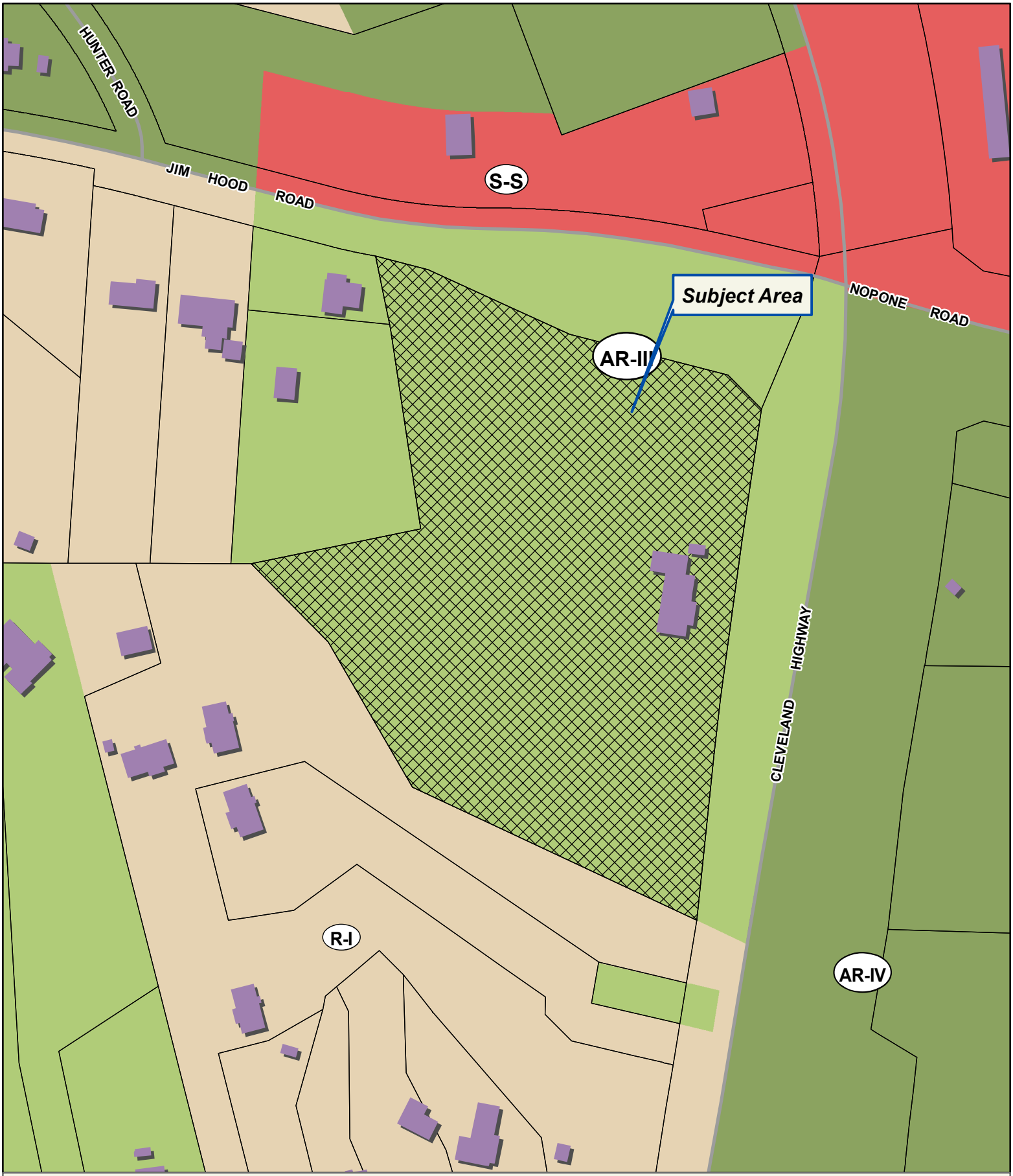


Applicant: REGINALD CRAYTON, PE
Tax Parcel #: 12025 000036
Location: 4053 CLEVELAND HIGHWAY, GAINESVILLE, GA 30506
Commission District 3 **PC Mtg. Date:** 11/21/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: REGINALD CRAYTON, PE
Tax Parcel #: 12025 000036
Location: 4053 CLEVELAND HIGHWAY, GAINESVILLE, GA 30506
Commission District 3 **PC Mtg. Date:** 11/21/2022

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

Applicant: REGINALD CRAYTON, PE
Tax Parcel #: 12025 000036
Location: 4053 CLEVELAND HIGHWAY, GAINESVILLE, GA 30506
Commission District 3 **PC Mtg. Date:** 11/21/2022

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Monday, October 31, 2022 4:22 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 11.21.22

Please find Environmental Health comments below:

Item 1, 2363 Whippoorwill Lane, Beddingfield: Must meet all Environmental Health residential septic system permitting requirements. Existing system evaluation and/or septic system modification may be required for system serving existing home on property. Level 3 Soil Evaluation will be required prior to application if existing septic system will not be used.

Item 2, 5385 Winder Hwy, Dell Group: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

Item 3, 4336 Cornelia Hwy, Le Tily: No comment.

Item 4, 3519 White Sulphur Rd, Reynolds-Hemmer: No comment. Public sewer.

Item 5, 4139 Cagle Road, DeLeon: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

Item 6, 3055 Tumbling Creek Road, Rochester: No comment. Public sewer.

Item 7, 4053 Cleveland Hwy, Crayton: Non-domestic wastewater treatment and disposal must be permitted by EPD.

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Wednesday, November 2, 2022 10:05 AM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Subject: RE: Tentative Planning Agenda for November 21, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see GDOT responses in red below

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Thursday, October 27, 2022 10:44 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Ellis Still (Planning) <estill@hallcounty.org>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Michael Vieira (Fire Services) <mvieira@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford <nswafford@gainesville.org>; Pam Cravero <Pam.Cravero@hallco.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; Wanda Sutton (Engineering) <wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for November 21, 2022

Good morning –

Here is the Tentative Agenda and Maps for the **Monday, November 21, 2022** Hall County Planning Commission Meeting.

Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report.

When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by **Thursday, November 3rd.** Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES - November 7, 2022

OLD BUSINESS

1. **2363 Whippoorwill Lane | Variance** | for a front yard setback variance from 55 feet to 35 feet, right side yard setback variance from 10 feet to 3 feet, and a left side yard setback variance from 10 feet to 9 feet on a .14± acre tract located on the west side of Whippoorwill Lane approximately 848 feet from its intersection with Sportsman Club Road | Zoned R-I; Tax Parcel 00109A000029 | Proposed use: single-family residence | * Commission District 4 | **Thomas Ryan & Vicki Beddingfield, applicant.**

2. **5385 Winder Highway | Amend Conditions |** of a Planned Commercial Development (PCD) on a 21.20± acre tract located on the north side of Winder Highway at its intersection with Benefield Road | Zoned PCD; Tax Parcel 15028B000015 **| Proposed use: car condos, storage, commercial uses, and retail |** ** Commission District 1 | **The Dell Group, LLC, applicant.**

NEW BUSINESS

3. **4336 Cornelia Highway | Variance |** for a sign variance on sign design and dimensions with an Amended to Planned Commercial Development conditions on a 14.09± acre tract located on the south side of Cornelia Highway approximately 1,497 feet from its intersection with Lula Road | Zoned PCD; Tax Parcel 09085 000008 | **Proposed use: new monument sign** | ** Commission District 3 | **Sophie Le Tily (Big Mouth Signs), applicant.**
   GDOT coordination required to verify no work being performed in GDOT R/W

4. **3519 White Sulphur Road | Use subject to County Commission Approval |** on a 5.45± acre tract located on the east side of White Sulphur Road at its intersection with Cornelia Highway | Zoned I-II; Tax Parcel 15020A000030 | **Proposed use: trailer storage** | ** Commission District 3 | **Reynolds-Hemmer Properties, LP, applicant.**
   GDOT Coordination required

5. **4139 Cagle Road | Use subject to County Commission Approval |** on a 7.43± acre tract located on the north side of Cagle Road approximately 1,637 feet from its intersection with Eli Jackson Road | Zoned AR-III & V-C; Tax Parcel 09099 000008 | **Proposed use: 2-lot subdivision |** ** Commission District 3 | **Robert & Valerie DeLeon, applicant.**
   None

6. **3055 Tumbling Creek Road | Amend conditions |** of a Planned Residential Development (PRD) on a 5.1± acre tract located on the west side of Tumbling Creek Road at approximately 30 feet from its intersection with Campus Pointe Circle | Zoned PRD; Tax Parcel 08026 000005 (pt.) | **Proposed use: 38-unit residential rental community** | ** Commission District 2 | **Rochester/DCCM, applicant.**
   None

7. **4053 Cleveland Highway | Rezone |** from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant |** ** Commission District 3 | **Reginald Crayton, P.E., applicant.**
   GDOT Coordination Required

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: November 3, 2022

Subject: November 21, 2022 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the November 21, 2022 meeting. Upon review, we provide the following comments.

OLD BUSINESS

1. **2363 Whippoorwill Lane | Variance** | for a front yard setback variance from 55 feet to 35 feet, right side yard setback variance from 10 feet to 3 feet, and a left side yard setback variance from 10 feet to 9 feet on a .14± acre tract located on the west side of Whippoorwill Lane approximately 848 feet from its intersection with Sportsman Club Road | Zoned R-I; Tax Parcel 00109A000029 | Proposed use: single-family residence | * Commission District 4 | **Thomas Ryan & Vicki Beddingfield, applicant.**

   a) **Engineering:** Show flood Hall County studied and FEMA.
   b) **Traffic:** No comments.
   c) **Utilities:** No comments.

2. **5385 Winder Highway | Amend Conditions |** of a Planned Commercial Development (PCD) on a 21.20± acre tract located on the north side of Winder Highway at its intersection with Benefield Road | Zoned PCD; Tax Parcel 15028B000015 **| Proposed use: car condos, storage, commercial uses, and retail |** ** Commission District 1 | **The Dell Group, LLC, applicant.**

   a) **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.
   Show stream buffers and impervious setback from wrested vegetation not centerline of stream.
   b) **Traffic:** No comments.
   c) **Utilities:** No sewer in the area of project; septic proposed requires Health Department Approval.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

NEW BUSINESS

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   a) **Engineering:** No comments.
   b) **Traffic**: No comments.
   c) **Utilities**: No comments.

4. **3519 White Sulphur Road | Use subject to County Commission Approval |** on a 5.45± acre tract located on the east side of White Sulphur Road at its intersection with Cornelia Highway | Zoned I-II; Tax Parcel 15020A000030 | **Proposed use: trailer storage** | ** Commission District 3 | **Reynolds-Hemmer Properties, LP, applicant.**

   a) **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.
   b) **Traffic:** No comments.
   c) **Utilities:** No comments.

5. **4139 Cagle Road | Use subject to County Commission Approval |** on a 7.43± acre tract located on the north side of Cagle Road approximately 1,637 feet from its intersection with Eli Jackson Road | Zoned AR-III & V-C; Tax Parcel 09099 000008 | **Proposed use: 2-lot subdivision |** ** Commission District 3 | **Robert & Valerie DeLeon, applicant.**

   a) **Engineering:** Further subdivisions of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than 6.
   b) **Traffic:** No comments.
   c) **Utilities:** No comments.

6. **3055 Tumbling Creek Road | Amend conditions |** of a Planned Residential Development (PRD) on a 5.1± acre tract located on the west side of Tumbling Creek Road at approximately 30 feet from its intersection with Campus Pointe Circle | Zoned PRD; Tax Parcel 08026 000005 (pt.) | **Proposed use: 38-unit residential rental community** | ** Commission District 2 | **Rochester/DCCM, applicant.**

   a) **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.
   Show buffer and impervious setback from wrested vegetation, not centerline of creek.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

There seems to be a "Tumbling Creek Preserve Trail" through proposed development. Need to verify ownership and/or easements.

b) **Traffic:** No comments.

c) **Utilities:** City of Gainesville sewer district.

7. **4053 Cleveland Highway | Rezone |** from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant** | ** Commission District 3 | **Reginald Crayton, P.E., applicant.**

a) **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.
Show buffer and impervious setback from wrested vegetation, not centerline of creek.

b) **Traffic:** GDOT permit required.

c) **Utilities:** Gainesville/Hall County sewer district.
No sewer available. On-site septic system proposed for wastewater, therefore Health Department approval required.

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Wednesday, November 2, 2022 2:17 PM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Subject: Agenda Review #7

7. **4053 Cleveland Highway | Rezone |** from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant |** ** Commission District 3 | **Reginald Crayton, P.E., applicant.**

   The Hall County Fire Marshal's Office has no comments regarding the planned commercial development as proposed.

Regards,

John Hornick, NPQ Fire Inspector 1, Plans Review
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

Category Planning & Zoning has received a new request.

Here is what we have on file:

All

#1352

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	12/20/2022 8:27 PM
Source:	Website 172.71.22.13

SUBMITTER

Michelle Ladewig
4098 Sutton road 4098 Sutton road
Gainesville, GA 30506

CONTACT

mladewig4@yahoo.com
7705309444

4053 Cleveland highway
Gainesville , Ga 30506

REQUEST DETAILS

Description

Zoning notice for 4053 Cleveland highway. This should NOT be resigned. That is a residential area. Secondly, Cleveland highway merges from 2 lanes to 1 right there, which is already a traffic issue. Adding a grocery store, gas station, and restaurant there will further cause congestion. The community does NOT want commercial establishments here

Your Information

Name
Michelle Ladewig
Fax Number
Email Address
mladewig4@yahoo.com
Preferred Contact Method
email

Jennifer Rivera (Administration)

From: Robbie Westbrooks <robbie.westbrooks@gmail.com>
Sent: Friday, December 30, 2022 7:50 AM
To: Jennifer Rivera (Administration)
Subject: Letter to Commissioner Poole

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Jennifer,
Thanks for responding to my email. Could you please make sure Commissioner Poole receives this before the January 12th meeting?
Thanks
Robbie Westbrooks

Dear Commissioner Poole,

First, please let me congratulate you on winning the race for Hall County District 3 Commissioner. I wish you success and hope to be able to support your decisions going forward.

I would like to express my concerns regarding the proposed shopping center development on Cleveland Hwy at Jim Hood Road. This proposed development includes a grocery store, convenience store and a restaurant.

In my opinion, this development is not necessary for the residents in this area of Hall County. Planning commissioner Stan Hunt stated that this project may relieve the traffic flow into Gainesville by giving people a place to shop closer. It should be noted that there are already 4 convenience stores, 5 gas stations, 6 restaurants, one hardware store, and one IGA grocery store all within a 3 mile radius of this property. There is also a Dollar General only .2 of a mile further out. This is more than adequate for the area given the current population and rate of residential growth in the area. Additionally, further development could increase the already high traffic safety hazard at this intersection.

This area of Hall County is largely agricultural. There is even a 50 acre agricultural education center operated by the school system within a mile of this proposed development. I am certain there are underserved areas elsewhere in the county that could benefit from this type of development, I would urge you to consider these points when making your decision and casting your vote regarding this project at the Commissioners meeting on January 12th.

Sincerely,

Robert W. Westbrooks

Jennifer Rivera (Administration)

From: Brian Stewart (Administration)
Sent: Tuesday, February 7, 2023 8:12 AM
To: Anael Dominguez (Planning); Jennifer Rivera (Administration); Abril Olivas (Administration)
Subject: FW: New request received

Good morning,

See below regarding another zoning comment.

Thanks,

Brian Stewart
Digital Media Specialist
Hall County Government
O: (770) 297-2642 | C: (470) 623-0204

HALL COUNTY
GEORGIA
We have it all in Hall

From: Hall County Government <do_not_reply@civicplus.com>
Sent: Monday, February 6, 2023 7:12 PM
To: Brian Stewart (Administration) <bstewart@hallcounty.org>
Subject: New request received

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Category Planning & Zoning has received a new request.

Here is what we have on file:

All **#1384**

		SUBMITTER	
Category:	Planning & Zoning	**Michelle Ladewig**	View Request
Priority:	3	4098 Sutton road 4098 Sutton road	
Assigned To:	Stewart Brian	Gainesville, GA 30506	

Submitted: 2/6/2023 7:11 PM
Source: Website 108.162.237.65

CONTACT
mladewig4@yahoo.com
7705309444

4053 Cleveland highway
Gainesville, Ga 30506

REQUEST DETAILS

Description

I would like to contest the rezoning of 4053 Cleveland highway from residential to commercial. An updated reason we do not need this to happen is they are now planning a publix on limestone/Jesse jewell. There is no need for a grocery store right here when we now will have 2 grocery stores 10 minutes away (Kroger/Publix), another Kroger less than 15 minutes away on Thompson bridge, and an IGA 5 minutes north. Please do not refine this property-keep it residential. We do not want or need more congestion and traffic in this area

Your Information

Name
Michelle Ladewig
Fax Number
Email Address
mladewig4@yahoo.com
Preferred Contact Method
email

ZONING NOTICE

REGINALD CRAWFORD, JR.

REZONE FROM AR-1 TO SS FOR

CONVENIENCE STORE WITH GAS & RESTAURANT

Date: NOV 3 2022 AND Date: DEC 12 2022

Time: 5 P.M. Time: 6:00 PM

ZONING NOTICE

ZONING NOTICE

A PUBLIC HEARING ON THE ABOVE MATTER WILL BE HELD BY THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY COMMISSION CHAMBERS, 2ND FLOOR, COURTHOUSE, 1 COURTHOUSE SQUARE, DALTON, GEORGIA ON THE DATE AND TIME SHOWN BELOW.

APPLICANT: REGINALD GRAYSON, ET

REQUEST: REZONE FROM AR-1 TO RS-150

CONVENIENCE STORE WITH GAS (ESTABLISHED)

Date: NOVEMBER 14, 2022 AND Date: JANUARY 17, 2023

Time: 5:15 PM Time: 6:00 PM

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: REGINALD CRAYTON, P.E.

REQUEST: REZONE FROM AR-III TO S-S FOR GROCERY STORE, CONVENIENCE STORE W/GAS & RESTAURANT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: —
Time: —

COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: REGINALD CRAYTON, P.E.

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL - CONVENIENCE STORE W/GAS & RESTAURANT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: —
Time: —

BOC ONLY

COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

Feb 3, 2023 13:44:35
4279 Hunter Road
Gainesville
Hall County
Georgia

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: REGINALD CRAYTON, P.E.

REQUEST: REZONE FROM AR-III TO S-S FOR GROCERY STORE, CONVENIENCE STORE W/GAS & RESTAURANT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: —
Time: —

COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTIC

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGA
THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPE

APPLICANT: REGINALD CRAYTON, P.E.

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPR
CONVENIENCE STORE W/GAS & RESTAURANT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: —
Time: —

BOC ONLY

COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

Feb 3, 2023 13:51:38
4279 Hunter Road
Gainesville
Hall County
Georgia

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: REGINALD CRAYTON, P.E.

REQUEST: REZONE FROM AR-III TO S-S FOR GROCERY STORE, CONVENIENCE STORE W/GAS & RESTAURANT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION	COUNTY COMMISSION
Date: —	Date: FEB. 23, 2023
Time: —	Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: REGINALD CRAYTON, P.E.

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL- CONVENIENCE STORE W/GAS & RESTAURANT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION	COUNTY COMMISSION
Date: —	BOC ONLY
Time: —	Date: FEB. 23, 2023
	Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

Feb 3, 2023 13:53:06
4053 Cleveland Highway
Gainesville
Hall County
Georgia

AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 5/2023

SUBJECT: **4053 Cleveland Highway | Use Subject to County Commission Approval** | on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III, pending BOC Approval S-S; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant** | Commission District 3 | **Reginald Crayton, P.E., applicant.**

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD

Recommendation:

Approval, with conditions:

1. The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant.
2. The project building elevations, materials, and colors shall be submitted to the Director of Planning and Development during the design review process for approval.
3. The development shall conform to Gateway Corridor Standards with the following exception: Standing seam roof panels shall be allowed if chosen with the color being approved by the Director of Planning and Development.
4. Driveway design and location shall be approved by Hall County Engineering and GDOT prior to the design review process.
5. All conditions of zoning shall be included on the final plat prior to recording.
6. 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."
7. The project shall meet all requirements of the Hall County Engineering Department.

Purpose of Request:

4053 Cleveland Highway | Use Subject to County Commission Approval | on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III, pending BOC Approval S-S; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant |** Commission District 3 | **Reginald Crayton, P.E., applicant.**

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Updated Board Memo - as of 2/10/2023
Board Memo
Application
Narrative
Site Plan
Maps
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Public Comments
Notice Sign Photos
Legal Ad

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **4053 Cleveland Highway | Use Subject to County Commission Approval |** to allow a grocery store, convenience store with gas & restaurant | Reginald Crayton, P.E., applicant.

The request before you is the conditional use application of Reginald Crayton, P.E., to allow a grocery store, convenience store with gas & restaurant (shopping center, per definition in 17.20.1010) on 6.34± acres. ***It should be noted that a simultaneous rezoning request accompanies this request but has separate memos.*** This item is located within Commission District 3.

At your January 12, 2023 regular meeting you tabled the associated rezoning request so the applicant could revise their site plan to address concerns raised during the public hearing and from the Board of Commissioners. Multiple residents spoke in opposition to the rezoning at the January 12, 2023 meeting but no one spoke in opposition at the Planning Commission meeting on November 21, 2022.

At their November 21, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the conditional use request with seven (7) conditions **(4-0, Pilcher absent). The Planning Commission voted on a conditional use and the rezoning, although only the rezoning request was before them. A separate legal advertisement was published for the conditional use and a sign posted, as per posting policy. The Conditional Use has been placed on this agenda as well. The rezoning public hearing was closed on 1-26-2023 Denial of the rezoning automatically results in denial of the conditional use, but the Chairman will need to state this during the meeting.**

There were no written comments submitted in advance of the Planning Commission meeting and no one spoke during the public forum.

There have been no changes to the request since the Planning Commission took action.
The Planning Commission imposed the same conditions on both the rezoning and conditional use.

Planning Commission Approval Conditions:

1. The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant.
2. The project building elevations, materials, and colors shall be submitted to the Director of Planning and Development during the design review process for approval.
3. The development shall conform to Gateway Corridor Standards with the following exception: Standing seam roof panels shall be allowed if chosen with the color being approved by the Director of Planning and Development.
4. Driveway design and location shall be approved by Hall County Engineering and GDOT prior to the design review process.
5. All conditions of zoning shall be included on the final plat prior to recording.
6. 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."

7. The project shall meet all requirements of the Hall County Engineering Department.

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **4053 Cleveland Highway | Use Subject to County Commission Approval |** to allow a grocery store, convenience store with gas & restaurant | **Reginald Crayton, P.E., applicant.**

The request before you is the conditional use application of Reginald Crayton, P.E., to allow a grocery store, convenience store with gas & restaurant (shopping center, per definition in 17.20.1010) on 6.34± acres. ***It should be noted that a simultaneous rezoning request accompanies this request but has separate memos. The items may be heard together but require separate motions and votes.*** This item is located within Commission District 3.

The Rezoning request was tabled to February 23, 2023, at your January 12, 2023, meeting. No additional staff report has been prepared for this item since the criteria considered for the rezoning and conditional uses are the same within Section 17.30.60.C of the regulations and since the Planning Commission recommended the same conditions for both the rezoning and conditional use items.

At their November 21, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the conditional use request with seven (7) conditions **(4-0, Pilcher absent). The Planning Commission voted on a conditional use and the rezoning, although only the rezoning request was before them. A separate legal advertisement has been run for the conditional use and the sign posted to meet the posting requirements for the conditional use.**

There were no written comments submitted in advance of the Planning Commission meeting and no one spoke during the public forum. **However, multiple people spoke in opposition at the January 12, 2023 meeting when the public hearing was held for the rezoning request.**

There have been no changes to the request since the Planning Commission took action.

Planning Commission Approval Conditions:

1. The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant.
2. The project building elevations, materials, and colors shall be submitted to the Director of Planning and Development during the design review process for approval.
3. The development shall conform to Gateway Corridor Standards with the following exception: Standing seam roof panels shall be allowed if chosen with the color being approved by the Director of Planning and Development.
4. Driveway design and location shall be approved by Hall County Engineering and GDOT prior to the design review process.
5. All conditions of zoning shall be included on the final plat prior to recording.
6. 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."

7. The project shall meet all requirements of the Hall County Engineering Department.

If the BOC denies the rezoning request, this request is automatically denied but the chairman should note this when the vote for the rezoning is taken.

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
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ZONING APPLICATION

Applicant (Name & Mailing Address)

Reginald Crayton, PE
6075 Barfield Rd
Sandy Springs, GA 30328
Phone 404-428-3445
Email Address reggie@getpland.net

Property Owner (Name & Mailing Address)

Jang Cho
3723 Wickford Lane
Peachtree Corners, 30096
Phone
Email Address jncho@gmail.com

Proposed Use Grocery Store, Convenience Store w/gas, restaurant

Contact Person (Name & Mailing Address)

Reginald Crayton, PE
6075 Barfield Rd
Sandy Springs, GA 30328
Phone 404-428-3445
Email Address reggie@getpland.net

Status of Applicant

- ☐ Owner
- ☐ Option to Purchase
- ☐ Area Resident
- ☒ Other

Requested Action

Existing Zoning: AR-III
Rezone to: S-S
Fee:$
Receipt #:
Check #:

Tax Parcel Number 12025 000036
Acreage 6.35
Location Address 4053 Cleveland Hwy, Gainesville, GA 30506

I hereby certify that the above information and all attached information are true and correct.

Sign Reginald Crayton, PE Date: 9/12/22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

Tentative Planning Commission Date: _____ Tentative County Commission Date: _____

County Commission District: _____

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____I have not_X___

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 10/11/2022

Applicant's/Owner's Name (Printed): Muradali Umani

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

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**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Reginald Crayton, PE **Date:** 9/22/22

Applicant's/Owner's Name (Printed): Reginald Crayton

pland
ENGINEERING & ARCHITECTURE

Reginald Crayton, PE
6075 Barfield Rd
Sandy Springs, GA 30328

September 12, 2022

Re: Application for 4053 Cleveland Highway
Gainesville, GA 30506

The Applicant, Reginald Crayton, Agent for the Owner, hereby submits a Zoning Application for approximately a 6.35-acre tract, herein after referred to as "Property", located at 4053 Cleveland Highway, Gainesville, GA 30506 (Parcel Number 12025 000036). The request to rezone from AR-III (Agricultural Residential) to SS (Suburban Shopping), to develop the tract for retail uses.

As stated in the paragraph above, the property currently is zoned AR III, Agriculture Residential, and currently has an existing residential home located onsite. The property is bounded by Jim Hood Road to the north, Cleveland Highway to the east, residential properties to the west and south of the property. The proposed rezoning to SS, Suburban Shopping, will only allow for the three proposed uses of a 11,000-sf grocery store, 4,000 sf restaurant and 3,250 sf convenience store with gas station. At this moment the hours of operation have not been determined. All the proposed developments will have associated utilities, parking and stormwater.

According to Hall County zoning ordinance the minimum area and set back requirements are as follows: minimum lot size is 15,000 sf, minimum frontage is 100 ft, front yard set back 30 ft from the property line, minimum side yard setback 20 ft, and the minimum rear yard set is 10 ft, as shown on the conceptual site plan.

Signage has not been determined but will be in compliance with the Hall County Unified Code and will be no more than the maximum monument sign dimensions for nonresidential uses, 48 sf for the grocery store and 32 sf for the restaurant and Convenience store.

Water will be provided to the "Property" by the City of Gainesville, and Sewage will be handled by a septic tank located on the property.

pland
ENGINEERING & ARCHITECTURE

The subject "Property" will maintain a minimum of a 10 ft landscape stripe around the property to maintain the buffer requirements.

The proposed development will be consistent with the intent of the zoning ordinance for the use will have no adverse impact on the surrounding properties.
The Applicant requests that based upon the factors mentioned above that this Application be approved for the rezoning of the subject Property.

4053 Cleveland Highway
Gainesville, GA 30506

GENERAL NOTES:

OWNER: RAJ UMANI
PHONE:

DEVELOPER: VANTAGE COMMERCIAL CONTRACTORS LLC
3060 OAK DRIVE
LAWRENCEVILLE, GA 30044
CONTACT: VIRAL PAREKH
PHONE: 404-884-3834

ENGINEER: PLAND ENGINEERING AND ARCHITECHURE
CONTACT: REGINALD CRAYTON, P.E
PHONE: 404-428-3445

SITE ADDRESS: 4053 CLEVELAND HWY
GAINESVILLE, GA 30506

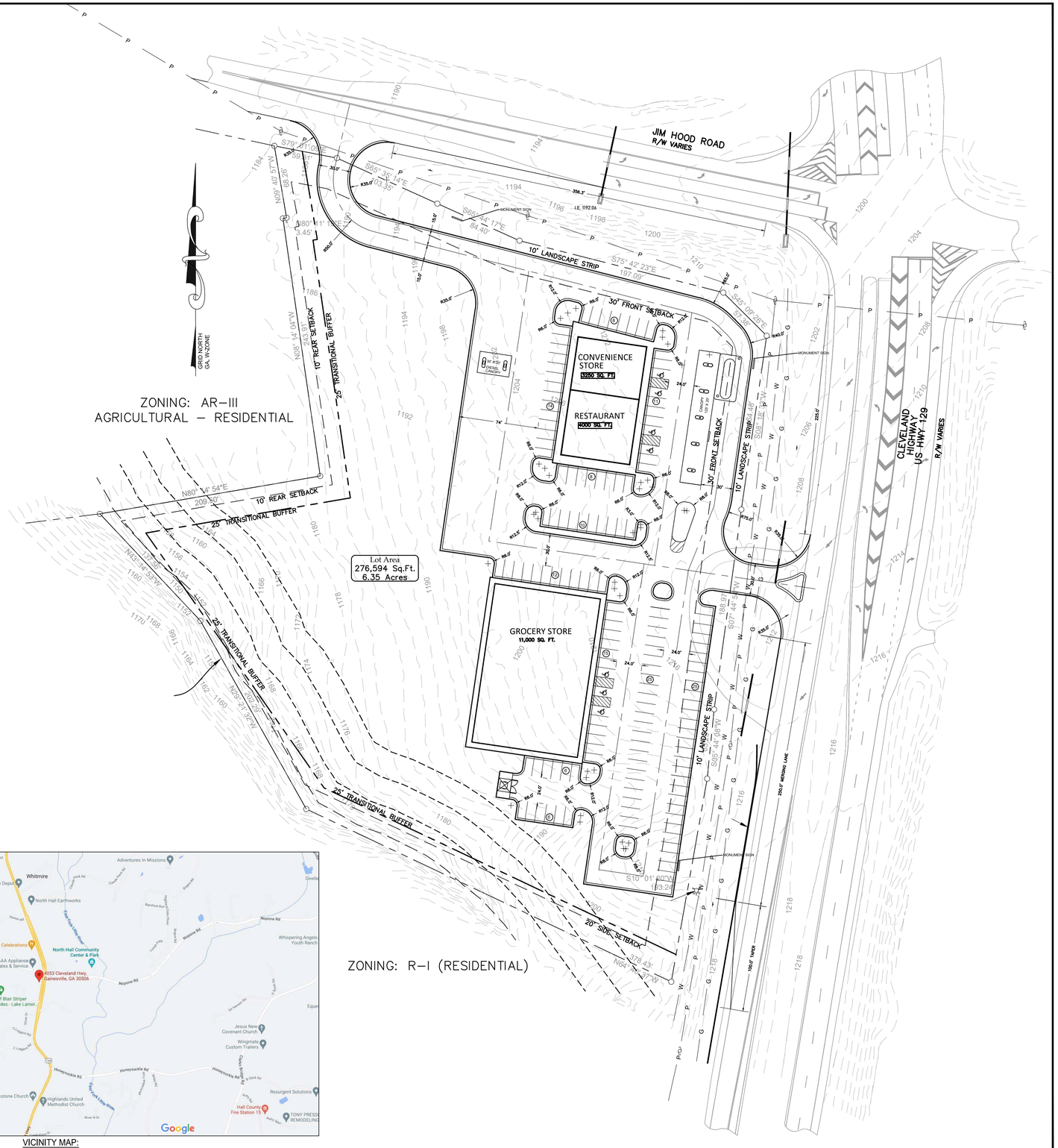
1. PARCEL NUMBER: 12025 000036
2. PARCEL AREA: 6.35 ACRES, 276,594 SF
3. CURRENT ZONING: AR-III (AGRICULTURAL RESIDENTIAL - III)
   PROPOSED ZOIING: S-S (SUBURBAN SHOPPING DISTRICT)
4. DISTRICT: 12TH
5. LAND LOT: 25
6. SURVEY OBTAINED FROM W.L.B ASSOCIATES, INC
   349 CHERYL COURT, JONESBORO, GA 30238
7. ALL CONTRACTORS UTILIZING THIS PLAN SET AND THE INFORMATION CONTAINED THEREON SHOULD
8. CALL 1800-282-7411 3 DAYS BEFORE BEGINNING CONSTRUCTION.
9. PROPOSED BUILDINGS USE:
   CONVENIENCE STORE WITH FUELING STATION
   NUMBER OF STORIES: 1
   PROPOSED BUILDING AREA = 3250 SF

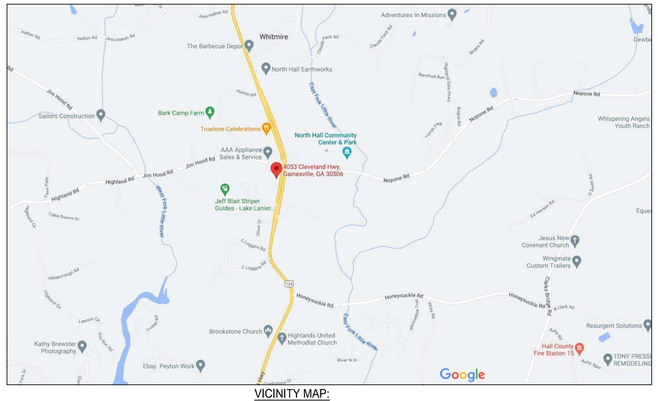
   RESTAURANT
   NUMBER OF STORIES:1
   PROPOSED BUILDING AREA = 4,000 SF

   GROCERY STORE
   NUMBER OF STORIES:1
   PROPOSED BUILDING AREA = 11,000 SF
10. MIN LOT AREA: 15,000 SF
11. MIN LOT FRONTAGE: 100
12. MINIMUM FRONT YARD SET BACK: 30 FEET
13. MINIMUM SIDE YARD SETBACK: 20 FEET
14. MINIMUM REAR YARD SETBACK: 10 FEET
15. PARKING REQUIREMENT:

	MINIMUM REQUIRED	SPACES PROVIDED
CONVENIENCE STORE WITH FUELING STATION:	1 SPACE PER 200 SF 16 SPACES REQUIRED	16 SPACES
RESTAURANT:	9.5 SPACES PER 1,000 SF 38 SPACES REQUIRED	43 SPACES PROVIDED
GROCERY STORE:	1 SPACE PER 200 SF 55 SPACES REQUIRED	79 SPACES PROVIDED

16. PUBLIC WATER SERVICE WILL BE PROVIDED TO THE PROPERTY BY THE CITY OF GAINESVILLE.
17. SEWER/SEWAGE WILL BE HANDLED ON SITE BY A SEPTIC SYSTEM.





VICINITY MAP:

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

811 Know what's below. Call before you dig.

E-SEAL AND SIGNATURE
E-SEALED: E-SEALED-DATE

pland
ENGINEERING & ARCHITECTURE
6075 BARFILED ROAD
SANDY SPRINGS, GA 30328
DIRECT: 404-644-2457
reggie@getpland.net
www.getpland.net

#	DATE	REVISION DESCRIPTION	BY

COPYRIGHT NOTE:
THESE DRAWINGS, COPIES, AND ALL RELATED DOCUMENTS ARE THE PROPERTY OF THE DESIGN TEAM & MAY NOT BE REPRODUCED OR USED IN ANY MANNER WHATSOEVER WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE DESIGN TEAM. ALL RIGHTS RESERVED. THESE DRAWINGS ARE NOT TO BE USED FOR ANY PROJECT OTHER THAN THE SPECIFIC PROJECT AND LOCATION OTHER THAN THIS SPECIFIC PROJECT WITH OUT THE EXPRESS WRITTEN CONSENT OF THE DESIGN TEAM.

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SCOPE OF DOCUMENT:
THE CONTRACTOR SHALL EXECUTE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF ARCHITECTURAL DESIGN CONCEPTS, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS AND THE TYPE OF STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING SYSTEMS AS INDICATED IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE CONTRACT ON THE BASIS OF THE GENERAL SCOPE OF THE PROJECT AS DESCRIBED IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, EQUIPMENT, EXECUTION AND COMPLETION OF THE WORK. TRADE CONTRACTORS RESPONSIBLE FOR ANY SHOP DRAWINGS REQUIRED FOR THE COMPLETION OF WORK AS NECESSARY.

NOT RELEASED FOR CONSTRUCTION

SHEET DESCRIPTION:
PRELIMINARY SITE PLAN

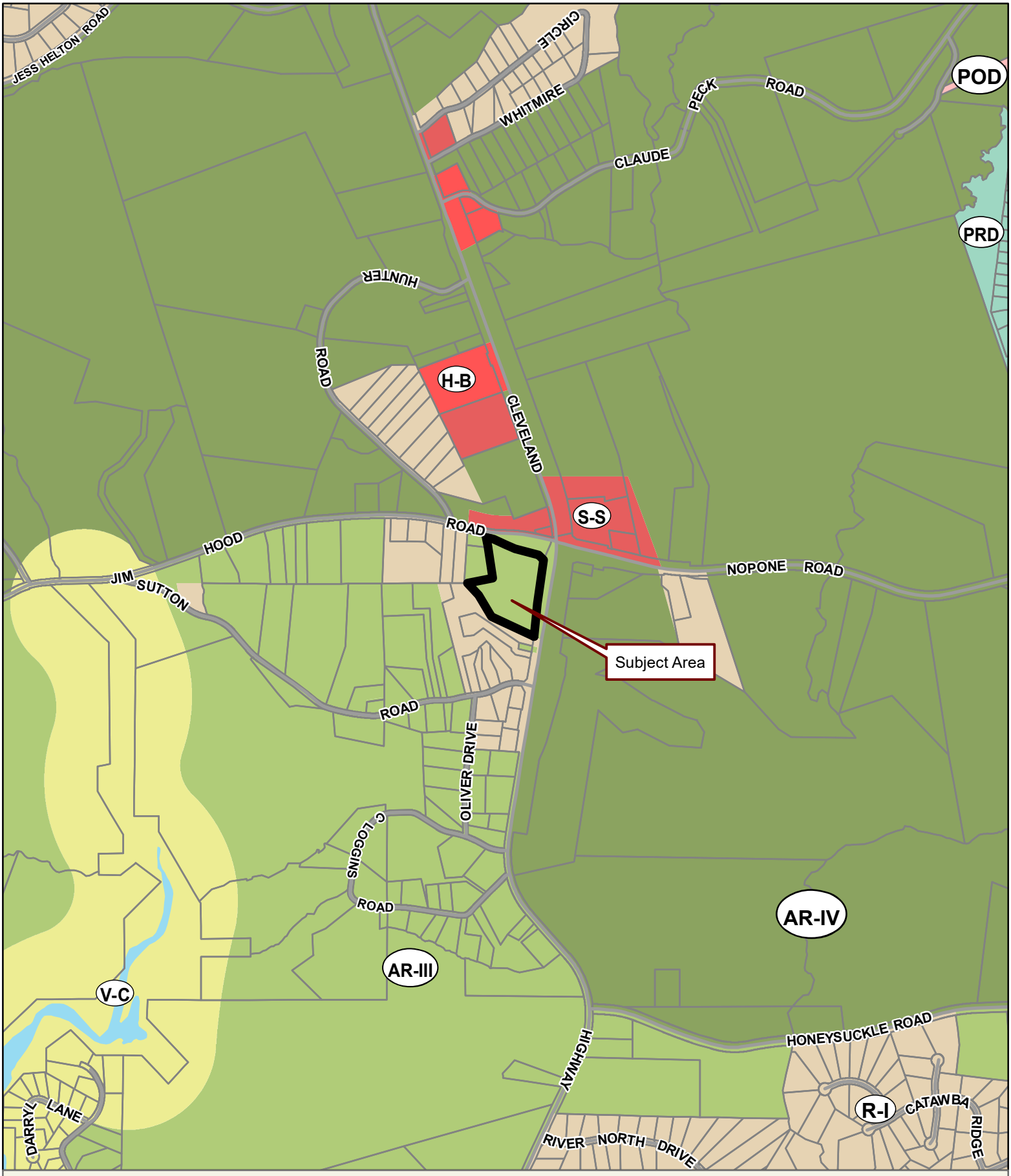
LOCATION:
4053 CLEVELAND HWY
GAINESVILLE, GA 30506

CHECKED BY:
RC

DRAWN BY:
RC

CIVIL

JOB NO:	SHEET
#######	C.1
DATE: 3/6/2022	

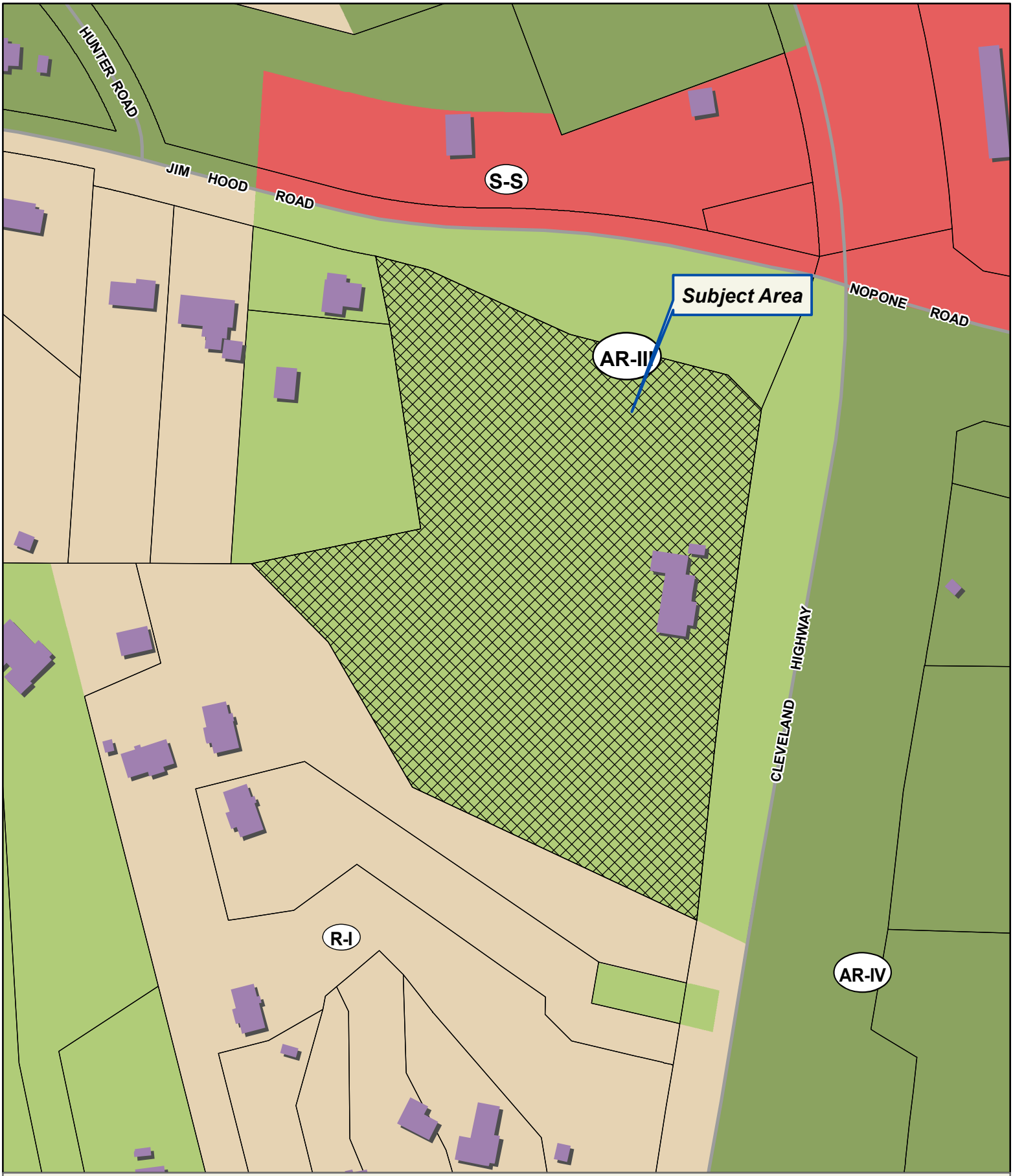


Applicant: REGINALD CRAYTON, PE
Tax Parcel #: 12025 000036
Location: 4053 CLEVELAND HIGHWAY, GAINESVILLE, GA 30506
Commission District 3 **PC Mtg. Date:** 11/21/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: REGINALD CRAYTON, PE
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0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

Applicant: REGINALD CRAYTON, PE
Tax Parcel #: 12025 000036
Location: 4053 CLEVELAND HIGHWAY, GAINESVILLE, GA 30506
Commission District 3 **PC Mtg. Date:** 11/21/2022

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Monday, October 31, 2022 4:22 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 11.21.22

Please find Environmental Health comments below:

Item 1, 2363 Whippoorwill Lane, Beddingfield: Must meet all Environmental Health residential septic system permitting requirements. Existing system evaluation and/or septic system modification may be required for system serving existing home on property. Level 3 Soil Evaluation will be required prior to application if existing septic system will not be used.

Item 2, 5385 Winder Hwy, Dell Group: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

Item 3, 4336 Cornelia Hwy, Le Tily: No comment.

Item 4, 3519 White Sulphur Rd, Reynolds-Hemmer: No comment. Public sewer.

Item 5, 4139 Cagle Road, DeLeon: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

Item 6, 3055 Tumbling Creek Road, Rochester: No comment. Public sewer.

Item 7, 4053 Cleveland Hwy, Crayton: Non-domestic wastewater treatment and disposal must be permitted by EPD.

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Wednesday, November 2, 2022 10:05 AM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Subject: RE: Tentative Planning Agenda for November 21, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see GDOT responses in red below

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Thursday, October 27, 2022 10:44 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Ellis Still (Planning) <estill@hallcounty.org>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Michael Vieira (Fire Services) <mvieira@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford <nswafford@gainesville.org>; Pam Cravero <Pam.Cravero@hallco.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; Wanda Sutton (Engineering) <wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for November 21, 2022

Good morning –

Here is the Tentative Agenda and Maps for the **Monday, November 21, 2022** Hall County Planning Commission Meeting.

Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report.

When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by **Thursday, November 3rd.** Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES - November 7, 2022

OLD BUSINESS

1. **2363 Whippoorwill Lane | Variance** | for a front yard setback variance from 55 feet to 35 feet, right side yard setback variance from 10 feet to 3 feet, and a left side yard setback variance from 10 feet to 9 feet on a .14± acre tract located on the west side of Whippoorwill Lane approximately 848 feet from its intersection with Sportsman Club Road | Zoned R-I; Tax Parcel 00109A000029 | Proposed use: single-family residence | * Commission District 4 | **Thomas Ryan & Vicki Beddingfield, applicant.**

2. **5385 Winder Highway | Amend Conditions |** of a Planned Commercial Development (PCD) on a 21.20± acre tract located on the north side of Winder Highway at its intersection with Benefield Road | Zoned PCD; Tax Parcel 15028B000015 **| Proposed use: car condos, storage, commercial uses, and retail |** ** Commission District 1 | **The Dell Group, LLC, applicant.**

NEW BUSINESS

3. **4336 Cornelia Highway | Variance |** for a sign variance on sign design and dimensions with an Amended to Planned Commercial Development conditions on a 14.09± acre tract located on the south side of Cornelia Highway approximately 1,497 feet from its intersection with Lula Road | Zoned PCD; Tax Parcel 09085 000008 | **Proposed use: new monument sign** | ** Commission District 3 | **Sophie Le Tily (Big Mouth Signs), applicant.**
   GDOT coordination required to verify no work being performed in GDOT R/W

4. **3519 White Sulphur Road | Use subject to County Commission Approval |** on a 5.45± acre tract located on the east side of White Sulphur Road at its intersection with Cornelia Highway | Zoned I-II; Tax Parcel 15020A000030 | **Proposed use: trailer storage** | ** Commission District 3 | **Reynolds-Hemmer Properties, LP, applicant.**
   GDOT Coordination required

5. **4139 Cagle Road | Use subject to County Commission Approval |** on a 7.43± acre tract located on the north side of Cagle Road approximately 1,637 feet from its intersection with Eli Jackson Road | Zoned AR-III & V-C; Tax Parcel 09099 000008 | **Proposed use: 2-lot subdivision |** ** Commission District 3 | **Robert & Valerie DeLeon, applicant.**
   None

6. **3055 Tumbling Creek Road | Amend conditions |** of a Planned Residential Development (PRD) on a 5.1± acre tract located on the west side of Tumbling Creek Road at approximately 30 feet from its intersection with Campus Pointe Circle | Zoned PRD; Tax Parcel 08026 000005 (pt.) | **Proposed use: 38-unit residential rental community** | ** Commission District 2 | **Rochester/DCCM, applicant.**
   None

7. **4053 Cleveland Highway | Rezone |** from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant |** ** Commission District 3 | **Reginald Crayton, P.E., applicant.**
   GDOT Coordination Required

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: November 3, 2022

Subject: November 21, 2022 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the November 21, 2022 meeting. Upon review, we provide the following comments.

OLD BUSINESS

1. **2363 Whippoorwill Lane | Variance** | for a front yard setback variance from 55 feet to 35 feet, right side yard setback variance from 10 feet to 3 feet, and a left side yard setback variance from 10 feet to 9 feet on a .14± acre tract located on the west side of Whippoorwill Lane approximately 848 feet from its intersection with Sportsman Club Road | Zoned R-I; Tax Parcel 00109A000029 | Proposed use: single-family residence | * Commission District 4 | **Thomas Ryan & Vicki Beddingfield, applicant.**

   a) **Engineering:** Show flood Hall County studied and FEMA.
   b) **Traffic:** No comments.
   c) **Utilities:** No comments.

2. **5385 Winder Highway | Amend Conditions |** of a Planned Commercial Development (PCD) on a 21.20± acre tract located on the north side of Winder Highway at its intersection with Benefield Road | Zoned PCD; Tax Parcel 15028B000015 **| Proposed use: car condos, storage, commercial uses, and retail |** ** Commission District 1 | **The Dell Group, LLC, applicant.**

   a) **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.
   Show stream buffers and impervious setback from wrested vegetation not centerline of stream.
   b) **Traffic:** No comments.
   c) **Utilities:** No sewer in the area of project; septic proposed requires Health Department Approval.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

NEW BUSINESS

3. **4336 Cornelia Highway | Variance |** for a sign variance on sign design and dimensions with an Amended to Planned Commercial Development conditions on a 14.09± acre tract located on the south side of Cornelia Highway approximately 1,497 feet from its intersection with Lula Road | Zoned PCD; Tax Parcel 09085 000008 | **Proposed use: new monument sign** | ** Commission District 3 | **Sophie Le Tily (Big Mouth Signs), applicant.**

   a) **Engineering:** No comments.
   b) **Traffic**: No comments.
   c) **Utilities**: No comments.

4. **3519 White Sulphur Road | Use subject to County Commission Approval |** on a 5.45± acre tract located on the east side of White Sulphur Road at its intersection with Cornelia Highway | Zoned I-II; Tax Parcel 15020A000030 | **Proposed use: trailer storage** | ** Commission District 3 | **Reynolds-Hemmer Properties, LP, applicant.**

   a) **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.
   b) **Traffic:** No comments.
   c) **Utilities:** No comments.

5. **4139 Cagle Road | Use subject to County Commission Approval |** on a 7.43± acre tract located on the north side of Cagle Road approximately 1,637 feet from its intersection with Eli Jackson Road | Zoned AR-III & V-C; Tax Parcel 09099 000008 | **Proposed use: 2-lot subdivision |** ** Commission District 3 | **Robert & Valerie DeLeon, applicant.**

   a) **Engineering:** Further subdivisions of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than 6.
   b) **Traffic:** No comments.
   c) **Utilities:** No comments.

6. **3055 Tumbling Creek Road | Amend conditions |** of a Planned Residential Development (PRD) on a 5.1± acre tract located on the west side of Tumbling Creek Road at approximately 30 feet from its intersection with Campus Pointe Circle | Zoned PRD; Tax Parcel 08026 000005 (pt.) | **Proposed use: 38-unit residential rental community** | ** Commission District 2 | **Rochester/DCCM, applicant.**

   a) **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.
   Show buffer and impervious setback from wrested vegetation, not centerline of creek.

HALL COUNTY
GEORGIA

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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

There seems to be a "Tumbling Creek Preserve Trail" through proposed development. Need to verify ownership and/or easements.

b) **Traffic:** No comments.

c) **Utilities:** City of Gainesville sewer district.

7. **4053 Cleveland Highway | Rezone |** from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant** | ** Commission District 3 | **Reginald Crayton, P.E., applicant.**

a) **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.
Show buffer and impervious setback from wrested vegetation, not centerline of creek.

b) **Traffic:** GDOT permit required.

c) **Utilities:** Gainesville/Hall County sewer district.
No sewer available. On-site septic system proposed for wastewater, therefore Health Department approval required.

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Wednesday, November 2, 2022 2:17 PM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Subject: Agenda Review #7

7. **4053 Cleveland Highway | Rezone |** from Agriculture-Residential-III (AR-III) to Suburban-Shopping (SS) on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant |** ** Commission District 3 | **Reginald Crayton, P.E., applicant.**

   The Hall County Fire Marshal's Office has no comments regarding the planned commercial development as proposed.

Regards,

John Hornick, NPQ Fire Inspector 1, Plans Review
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

Category Planning & Zoning has received a new request.

Here is what we have on file:

All

#1352

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	12/20/2022 8:27 PM
Source:	Website 172.71.22.13

SUBMITTER

Michelle Ladewig
4098 Sutton road 4098 Sutton road
Gainesville, GA 30506

CONTACT

mladewig4@yahoo.com
7705309444

4053 Cleveland highway
Gainesville , Ga 30506

REQUEST DETAILS

Description

Zoning notice for 4053 Cleveland highway. This should NOT be resigned. That is a residential area. Secondly, Cleveland highway merges from 2 lanes to 1 right there, which is already a traffic issue. Adding a grocery store, gas station, and restaurant there will further cause congestion. The community does NOT want commercial establishments here

Your Information

Name
Michelle Ladewig
Fax Number
Email Address
mladewig4@yahoo.com
Preferred Contact Method
email

Feb 3, 2023 13:44:35
4279 Hunter Road
Gainesville
Hall County
Georgia

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: REGINALD CRAYTON, P.E.

REQUEST: REZONE FROM AR-III TO S-S FOR GROCERY STORE, CONVENIENCE STORE W/GAS & RESTAURANT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: —
Time: —

COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTIC

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGA
THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPE

APPLICANT: REGINALD CRAYTON, P.E.

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPR
CONVENIENCE STORE W/GAS & RESTAURANT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: —
Time: —

BOC ONLY

COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

Feb 3, 2023 13:51:38
4279 Hunter Road
Gainesville
Hall County
Georgia

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: REGINALD CRAYTON, P.E.
REQUEST: REZONE FROM AR-II TO S-S FOR GROCERY STORE, CONVENIENCE STORE W/GAS & RESTAURANT
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: —
Time: —
COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809
ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: REGINALD CRAYTON, P.E.
REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL- CONVENIENCE STORE W/GAS & RESTAURANT
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: —
Time: —
BOC ONLY
COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809
Feb 3, 2023 13:53:06
4053 Cleveland Highway
Gainesville
Hall County
Georgia

PUBLISH Wednesday, February 8, 2023

TO: Trent Sexton [tsexton@gainesvilletimes.com]
CLASSIFIEDS 770-535-6336
FAX: 770/532-8187

FROM: Ana Dominguez PO# ADominguez
HALL CO. PLANNING DEPT.
Customer # 4303 379217
PHONE: 770/531-6809 FAX: 770/531-3902

BILLING AND TEARSHEET for the following legal ad should be mailed to:
Hall County Planning Department
P.O. Box 1435
Gainesville, GA 30503

NOTICE is hereby given that the **Hall County Board of Commission** shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 6:00 p.m. on **Thursday, February 23, 2023** to consider the following:

1. **4053 Cleveland Highway | Use Subject to County Commission Approval |** on a 6.34± acre tract located on the west side of Cleveland Highway at its intersection with Jim Hood Road | Zoned AR-III, pending BOC Approval S-S; Tax Parcel 12025 000036 | **Proposed use: grocery store, convenience store with gas & restaurant |** Commission District 3 | **Reginald Crayton, P.E., applicant.**

NOTE: In accordance with Georgia law, anyone who
(a) wishes to express opposition to the proposed rezoning and
(b) has made, within two years immediately preceding the filing of the proposed rezoning, campaign contributions aggregating $250 or more to a member of the County Commission shall file a disclosure of contributions with the Planning Department at least five (5) days prior to the first hearing of the proposed rezoning by the County Commission. (OCGA § 36-67A-3[C]).

AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 60/2023

SUBJECT: **3515 Friendship Road | Variance |** a variance from §17.420 to allow gravel parking within the Gateway Corridors Overlay District; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet; on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B **| Proposed use: event venue |** Commission District 1 **| Matthew Miller, applicant.**

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD

Recommendation:
Denial.

Purpose of Request:
3515 Friendship Road | Variance | a variance from §17.420 to allow gravel parking within the Gateway Corridors Overlay District; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet; on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue** | Commission District 1 | **Matthew Miller, applicant.**

History:

Facts and Issues: **Options:**

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Withdrawal Request
Board Memo
Recommendation Report
Application
Narrative
Updated Site Plan
Original Site Plan
Maps
Deed
Legal Description
Environmental Health Comments
Public Works Comments
Fire Comments
Public Comments
Notice Sign Photos

Jennifer Rivera (Administration)

From: Anael Dominguez (Planning)
Sent: Wednesday, February 15, 2023 2:03 PM
To: Jennifer Rivera (Administration)
Subject: RE: Trail of Terror Withdrawal

It's the USE CC and VAR on 3515 Friendship Rd for Matthew Miller (2-23-2023 BOC).

Trail of Terror is the name of the business.

From: Jennifer Rivera (Administration) <jrivera@hallcounty.org>
Sent: Wednesday, February 15, 2023 2:00 PM
To: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Subject: FW: Trail of Terror Withdrawal

Is this at your level or mine? I don't see an application with the name 'Trail of Terror'.

Jennifer Rivera
Board of Commission Clerk
Hall County Government
Tel: 770-297-2684
jrivera@hallcounty.org
www.hallcounty.org

HALL COUNTY
GEORGIA
We have it all in Hall

From: Randi Doveton (Planning) <rdoveton@hallcounty.org>
Sent: Wednesday, February 15, 2023 11:35 AM
To: Anael Dominguez (Planning) <adominguez@hallcounty.org>; Jennifer Rivera (Administration) <jrivera@hallcounty.org>
Subject: Fwd: Trail of Terror Withdrawal

Sent from my iPhone

Begin forwarded message:

> **From:** Ed Myers <ed@myers-and-co.com>
> **Date:** February 15, 2023 at 11:25:45 AM EST
> **To:** "David Webb (Planning)" <dwebb@hallcounty.org>
> **Cc:** "Randi Doveton (Planning)" <rdoveton@hallcounty.org>, mrlakelanier@yahoo.com, Sidney

Curtin <sidneycurtin88@icloud.com>
Subject: Trail of Terror Withdrawal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

David,

We would like to request the application for the Trail of Terror be withdrawn. We will not be moving forward with this project at this location.

Let me know if you need anything else for this request.

Thank you.

Ed Myers
Myers & Co
770-654-9172

HALL COUNTY
GEORGIA
We have it **all** in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **3515 Friendship Road | Variance |** a variance from §17.420 to allow gravel parking within the Gateway Corridors Overlay District; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet | **Proposed use: event venue | | Matthew Miller, applicant.**

The request before you is the request of Matthew Miller to allow an event venue on 12.99± acres. ***It should be noted that a simultaneous conditional use request accompanies this request but has separate memos and reports. The items may be heard at the same time, however, separate motions and votes are required.*** This item is located within Commission District 1.

At their January 17, 2023 meeting, the Hall County Planning Commission voted to recommend denial **(5-0)**.

There were ten **(10) written comments in opposition** submitted in advance of the Planning Commission meeting and **five (5) individuals spoke in opposition during the public hearing.**

There has been no change since the Planning Commission took action.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Matthew Miller

Request ..... Variance from 17.420.050.E to allow gravel parking within the Gateway Corridors Overlay District; a variance from 17.50.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from 17.50.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet

Proposed Use ..... Event venue

Size ..... 12.99± acres

Zoning ..... Agricultural Residential III (AR-III, 17.110)

Location ..... **3515 Friendship Road** | Tax Parcel 15048 000026B

Commission District ..... One

Planning Commission Date ..... January 17, 2023

Staff Recommendation ..... **Denial of the setback variances from 17.215.040 because the applicant has not shown 2.60.030.K has been fully met and based on the Planning Commission's decision for another event venue whose parking was less than 200FT to a property line and more than 250FT to the nearest residence.**

Planning Commission Recommendation……Denial
Vote: 5-0

It should be noted that this application has a symbiotic relationship with the conditional use application of Mr. Miller's for an agri-entertainment venue, appearing on this same agenda. The items can be heard together but require separate motions and votes.

Public Forum:

Kathy Garland, 3549 Friendship Road, Buford, spoke in opposition. Concerns were trespassing, noise, traffic, and creek.

Adolfo Guzman, 3520 Autumn Farm Terrace, Buford, spoke in opposition. Concerns were traffic and safety.

James Basile, 3639 Buttercup Court, Buford, spoke in opposition. Concerns were traffic and noise.

Michelle Williams, 3614 Goldenrod Lane, Buford, spoke in opposition. Concerns were acreage, traffic, noise, hours of operation and visual intrusion.

Joseph Garland, 3539 Friendship Road, Buford, spoke in opposition. Concerns were traffic, safety, parking lot size and location.

Summary Analysis

The applicant is requesting three variances from the Zoning Regulations (Title 17) as part of a conditional use request for an agri-entertainment venue on the subject parcel. The applicant's narrative describes a business that would operate annual seasonal events for Valentine's Day, Easter, Halloween, etc. The primary seasonal event will be a haunted trail that will operate in September and October. In the future, the property would be leased for private events and weddings. Events will be able to accommodate 250 guests.

Two **variances** related to setbacks for agri-entertainment venues (17.215), as presented, is approved because the proposal does not meet the requirements.

- The structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner (17.215.040).

  Required setback for any structure used as a venue = 300FT
  House (to be used as event space) = 95FT

  Necessary variance = 205FT

  Required setback for any structure used as a venue = 300FT
  Barn (to be used for ticket sales) = 150FT

  Necessary variance = 150FT

  Required setback for any structure used as a venue = 300FT
  Garage (to be used as storage for venue) = 215FT

  Necessary variance = 85FT

- All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner (17.215.040).

  Required parking setback = 200FT
  Proposed parking setback = 50FT

  Necessary variance = 150FT

An additional **variance** is requested from the non-residential property development standard (17.420.050) of the Gateway Corridors Overlay District (GCOD, 17.420), which requires that parking areas shall be paved with asphalt, concrete (or pervious materials approved by the director). Within an agri-entertainment venue,

parking shall be permitted on grass or gravel 17.215.040, ***because the property falls within the GCOD a variance is needed to permit the use of gravel.***

Zoning Analysis

The Planning Commission is herby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that 2.60.030.J provided the request meets the criteria set forth in 2.60.030.K.

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **The variances relating to building setbacks have been requested to accommodate the existing structures on the site. Even if the applicant were to demolish the buildings and rebuild, the narrow width and floodplain on eastern portion of the lot would make it virtually impossible to locate an agri-entertainment structure without needing a variance. In regards to the parking location and material, the proposed location works with the site topography to try and reduce the visibility and impact of the location. The applicant is requesting to use gravel within the Gateway Corridors Overlay District (GCOD, 17.420) to be more consistent with an agricultural setting.**

2. The application of the requirements of this Title 17 to this particular piece of property would create an unusual hardship; **The application of the requirements of Title 17 to this particular piece of property would not create an unusual hardship. The property can continue to be used as currently developed, with single-family residential and agricultural uses.**

3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; and **No, the subject property is larger in size than other properties in the area. The applicant has proposed to use existing structures that do not meet the requirements of the agri-entertainment venue standards (17.215.040).**

4. Such conditions are not the result of any actions of the property owner; and **The applicant is proposing the development standards for the project that require the variance request.**

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of Title 17; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by Title 17 or for a conditional use which has been denied by the county planning commission. **It is difficult to assess the full impacts of a development on the public, but if these variances were granted there should not be detriment to the public good or impair the intent of Title 17. The property will be subject to all other applicable local, state, and federal development standards.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health
In an email dated January 3, 2023 Emily McGahee states:

"Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat,

soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. 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 Marshal
An email dated January 3, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following preliminary comments:

"The Hall County Fire Marshal's Office will require a Certified Land Surveyor to prepare and draft a conceptual plan including verification of boundaries, fire access, topography, existing / proposed building locations and all utilities. The Hall County Fire Marshal's Office will not comment on a hand sketched concept plan."

Hall County Public Works and Utilities
In a memo dated December 30, 2022, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

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:
No Comment.

Utilities
No Hall County Sewer.

Georgia Department of Transportation

No comments were received for this agenda.

Public Comments
The Planning Department has received four letters in opposition of the request. These are included as part of the packet.

- **Excerpts from the minutes of the January 17, 2023 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Ed Myers, 752 Chattahoochee Place, Gainesville, presented the request. The applicant stated that an established parking lot would improve traffic flow. The applicant discussed closing hours for Sunday – Thursday to be by 10 p.m. and Friday- Saturday closing by 12:00 a.m. The applicant stated the haunted trail would run through September and October. The applicant stated that there shall be a solid fence with landscaping to shield the neighboring residents and there has been meetings with the HOA to discuss the development.

Sydney Curtain, 3883 Clarks Bridge Road, Gainesville, presented the request. The applicant stated that coordination has been made with GDOT.

Rebuttal

Mr. Myers stated that there will be an 8 foot privacy fence that can have an extended chain link fence towards the creek. Mr. Myers stated that bigger events will have security present and security cameras would be placed around the property for safety. Mr. Myers stated there is a system to manage traffic along the location. Mr. Myers stated that the only part that would require construction would be the driveway and parking lot.

Public Forum:

Kathy Garland, 3549 Friendship Road, Buford, spoke in opposition. Concerns were trespassing, noise, traffic, and creek.

Adolfo Guzman, 3520 Autumn Farm Terrace, Buford, spoke in opposition. Concerns were traffic and safety.

James Basile, 3639 Buttercup Court, Buford, spoke in opposition. Concerns were traffic and noise.

Michelle Williams, 3614 Goldenrod Lane, Buford, spoke in opposition. Concerns were acreage, traffic, noise, hours of operation and visual intrusion.

Joseph Garland, 3539 Friendship Road, Buford, spoke in opposition. Concerns were traffic, safety, parking lot size and location.

Planning Commission Comments:

Mr. Braswell questioned the ingress and egress of the property regarding coordination with GDOT. Mr. Sosebee questioned the fence height. Mr. Myers stated it would be 8 feet height.

Motion: A motion to deny was made by Mr. Sosebee and seconded by Mr. Hunt. Vote: 5-0

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
GEORGIA
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VARIANCE APPLICATION

Applicant (Name and Mailing Address)

Matthew Miller
3608 Sunflower Dr.
Buford, GA 30519

Phone 770-967-9333

Email Address mrlakelanier@yahoo.com

Property Owner (Name and Mailing Address)

Willian Nam
3515 Friendship Rd
Buford, GA 30519

Phone 404-944-7414

Email Address ewnam2000@gmail.com

Location of Property 3515 Friendship Road

Present Zoning AR-III Existing Structures house, garage & barn

---

Type of Appeal:

X	Setback Variance	___ Front Yard	From ___ ft. to ___ ft.
		___ Right Side Yard	From ___ ft. to ___ ft.
		___ Left Side Yard	From ___ ft. to ___ ft.
_____	Road Frontage Variance	___ Rear Yard	From ___ ft. to ___ ft.
		___ Road Frontage	From ___ ft. to ___ ft.
_____	Sign Variance	___ Sign Area	From ___ ft. to ___ ft.
		___ Sign Height	From ___ ft. to ___ ft.
_____	Hardship Mobile Home	___ Doctor's Letter	___ Terms Agreement

---

Supporting Documents: ___ Plat of Property; X Site Plan; X Deed of Property; ___ Floor Plans; ___ Hardship Statement; ___ Other

Fee (Must be paid for application to be complete): $ _____

Hardship Mobile Home:

I understand that, if granted, the mobile home must be removed from the property when my hardship ceases to exist.

_____
(Signature)

I hereby certify that the above information is true & correct to the best of my knowledge.

Sign _____ Date 12/16/22

I hereby withdraw this application.

Sign _____ Date _____

Staff Use Only

Application Date: _____ Taken by: _____

Tentative Planning Commission Date: _____ If Appealed County Commission Date: _____

County Commission District: _____

PLANNING AND DEVELOPMENT DEPARTMENT
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AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) WILLIAM NAM

Address 3515 FRIENDSHIP RD.
BUFORD, GA. 30519

Phone Number 404-944-7414

Name of applicant(s) MATTHEW MILLER

Address 3608 SUNFLOWER DR.
BUFORD, GA. 30519

Phone Number 7709679333

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s)

Personally appeared before me

Donna L. Johnson

DONNA L JOHNSON NOTARY PUBLIC HALL COUNTY, GEORGIA MY COMMISSION EXPIRES JANUARY 18, 2025

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public

10/31/2022
Date

PLANNING AND DEVELOPMENT DEPARTMENT
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have** X I have not ✓

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 10/31/22

Applicant's/Owner's Name (Printed): William W. NAm

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
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**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 10/31/22

Applicant's/Owner's Name (Printed): MATTHEW MILLER

PLANNING AND DEVELOPMENT DEPARTMENT
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STATEMENT OF HARDSHIP

The Hall County Planning Commission has the authority, in specific cases, to grant variances from the terms of the Zoning Regulations when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Regulations will, in specific cases, result in unnecessary hardship and so that the resolution shall be observed, public safety and welfare secured, and substantial justice done. The authority to grant such variances shall be limited to those instances where a hardship is clearly established as required by the Zoning Regulations.

In all cases involving requests for residential variances from the terms of the Zoning Regulations, a plat or survey of the property prepared by a registered surveyor, architect, or engineer shall be required. In all cases involving variances for commercial or industrial uses of land, a site plan of the property prepared by a registered surveyor, architect, or engineer shall be required. Variances may be granted only upon a finding by the board that:

Describe how each situation listed below relates to your application:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship). See Attachment

2. The application of the requirements of this resolution to this particular property would create an unusual hardship.

3. Such conditions are peculiar to the particular piece of property involved and not common to other properties in the neighborhood. That is, the application of the regulation would deprive the applicant of the rights commonly enjoyed by others in the neighborhood.

4. Such conditions are not the result of any actions of the property owner.

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this resolution provided; however, that no variance may be granted for a use of land or building or structure that is prohibited by this resolution. For example, granting the variance would not confer any special privilege that is denied by this regulation to other property in the same zoning district.

I hereby certify that the above information and all attached information is true and correct.

Applicant _____ **Date** 12/16/22

Statement of Hardship

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship).**

The buildings on the property are existing and the usable width of the lot is less than 400 feet outside of the stream buffers. This geometry prohibits meeting the setback requirements for the parking lot and event building.

2. **The application of the requirements of this resolution to this particular property would create an unusual hardship.**

The geometry of the property prohibits the application of these setbacks.

3. **Such conditions are peculiar to the particular piece of property involved and not common to other properties in the neighborhood. That is, the application of the regulation would deprive the applicant of the rights commonly enjoyed by others in the neighborhood.**

It is not physically possible to apply all of these regulations due to the configuration of the property.

4. **Such conditions are not the result of any actions of the property owner.**

The configuration of the lot and existing buildings is the current configuration of the property and the applicant has an option to purchase.

5. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this resolution provided; however, that no variance may be granted for a use of land or building or structure that is prohibited by this resolution. For example, granting the variance would not confer any special privilege that is denied by this regulation to other property in the same zoning district.**

The granting of this variance will allow this business to operate. It is in the same area they have been operating for several year. Therefore, granting the requested variances would not cause detriment to the public good or impair the purposes or intent of this resolution.

Narrative

Trail of Terror

Agri-Entertainment Special Use
With Variances

Existing Site Description

The proposed property is 12.99 acres located on the north side of Friendship Road between Friendship Farm Drive and Maple Valley Drive in South Hall County, Georgia. The property is currently zoned AR-III. According to Hall County GIS data, the surrounding and adjacent properties are zoned AR III & R-I.

Proposed Development

The proposed property will be used for a haunted trail during September and October and eventually an event center. The existing barn will be converted into the ticket sale / trail entrance. Traffic flow will have one way in and out drives going through a gravel parking lot to control traffic. Events will be able to accommodate 250 people at a time. Non-spill lighting will be used in the parking lot and will only be turned on for events.

A restroom building will be constructed near the ticket line for customers. This will be served by City of Gainesville water with an on-site sewer system.

The existing garage will remain and be used for storage of exhibits and supplies.

The existing house on the property will remain and eventually be renovated and used for events such as weddings.

This development lies within the Gateway Corridors Overlay District. There will be minimal construction compared to a typical development. The frontage of the site will enhance the existing landscaping to present an upscale family image. One monument sign will be placed in the middle of the property along the Friendship Road frontage.

Hours of operations will comply with the current agri-entertainment requirements.

Variances for the agri-entertainment

1. The existing house is only 95 feet from the property line. This property line is along a creek with a large flood plain. The Friendship Farm S/D is adjacent to the boundary. The existing house is nearly 500 feet from the nearest house in the subdivision, so the intent of this regulation is met.
2. Parking will be 50 feet off the western property line. The proposed parking will be on the back side of a hill that shields if from the neighboring property owners. It will be over 200 feet from the adjacent house. To further protect the adjacent property, a 6 foot solid privacy fence will be installed along with evergreen fast growing landscaping. This will provide a real buffer with the adjoining property owners.

Variances for the GCOD

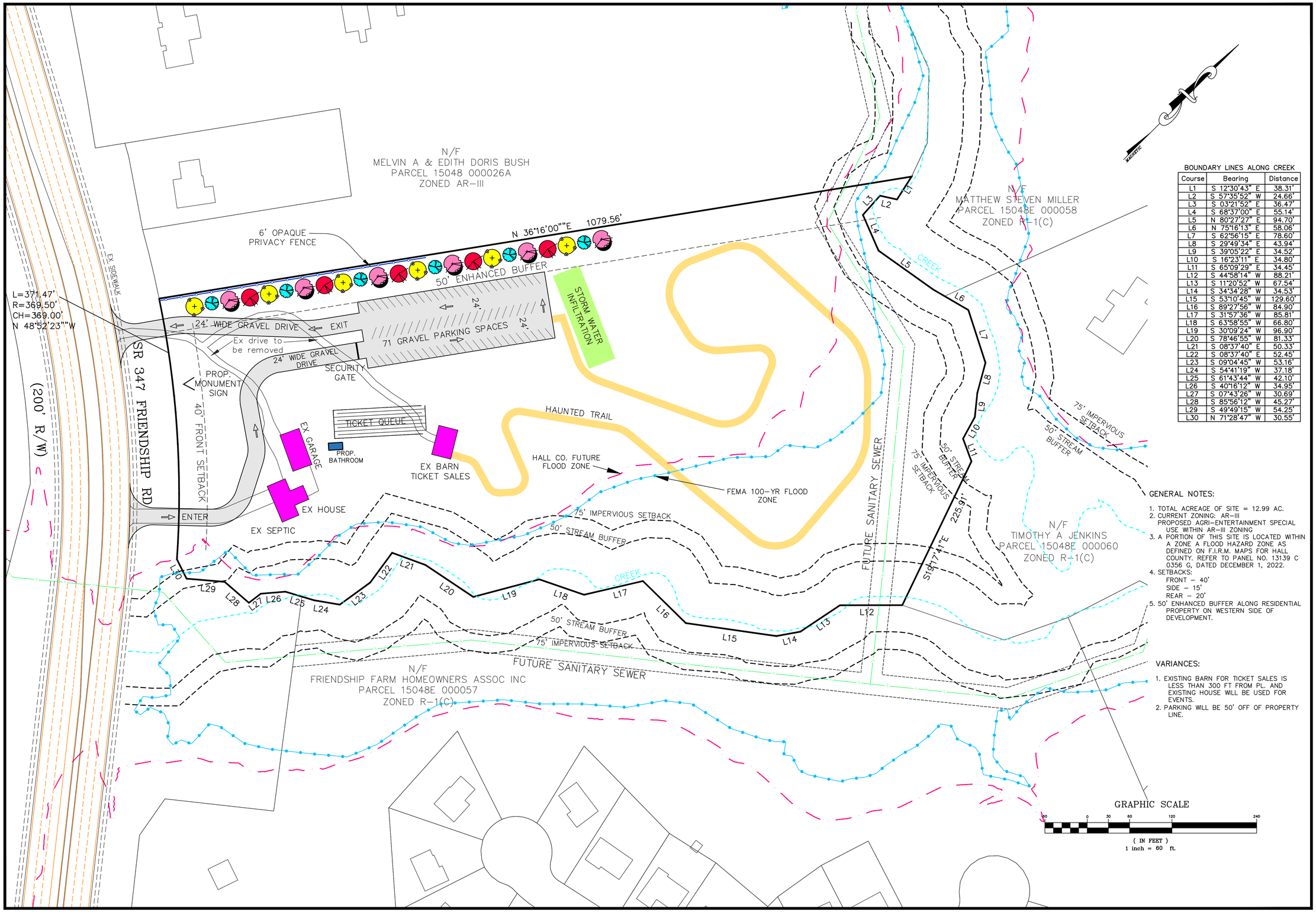
1. The parking lot will be gravel and not paved as required by the GCOD regulations. This will minimize storm water runoff which will be more beneficial as the parking lot will have limited use due to the number of activities through the year.

Building Setbacks and Buffers

Front: 40'
Side: 15'
Rear: 20'
Buffers: 50' Enhanced Landscaped Buffer along the western boundary.

Storm Water Management

Storm water will be detained in infiltration trenches. The construction will require minimal land disturbance and impervious areas. The runoff discharges into an existing creek that forms the northern and eastern boundary. The site will comply with all current storm water regulations for Hall County.



BOUNDARY LINES ALONG CREEK

Course	Bearing	Distance
L1	S 12°30'43" E	38.31'
L2	S 57°35'52" W	24.66'
L3	S 03°21'52" E	36.47'
L4	S 68°37'00" E	55.14'
L5	N 80°27'27" E	94.70'
L6	N 75°16'13" E	58.06'
L7	S 62°56'15" E	78.60'
L8	S 29°49'34" E	43.94'
L9	S 39°05'22" E	34.52'
L10	S 16°23'11" E	34.80'
L11	S 65°09'29" E	34.45'
L12	S 44°58'14" W	88.21'
L13	S 11°20'52" W	67.54'
L14	S 34°34'28" W	34.53'
L15	S 53°10'45" W	129.60'
L16	S 89°27'56" W	84.90'
L17	S 31°57'36" W	85.81'
L18	S 63°58'55" W	66.80'
L19	S 30°09'24" W	96.90'
L20	S 78°46'55" W	81.33'
L21	S 08°37'40" E	50.33'
L22	S 08°37'40" E	52.45'
L23	S 09°04'45" W	53.16'
L24	S 54°41'19" W	37.18'
L25	S 61°43'44" W	42.10'
L26	S 40°16'12" W	34.95'
L27	S 07°43'26" W	30.69'
L28	S 85°56'12" W	45.27'
L29	S 49°49'15" W	54.25'
L30	N 71°28'47" W	30.55'

GENERAL NOTES:

1. TOTAL ACREAGE OF SITE = 12.99 AC.
2. CURRENT ZONING: AR-III
   PROPOSED AGRI-ENTERTAINMENT SPECIAL USE WITHIN AR-III ZONING
3. A PORTION OF THIS SITE IS LOCATED WITHIN A ZONE A FLOOD HAZARD ZONE AS DEFINED ON F.I.R.M. MAPS FOR HALL COUNTY. REFER TO PANEL NO. 13139 C 0356 G, DATED DECEMBER 1, 2022.
4. SETBACKS:
   FRONT – 40'
   SIDE – 15'
   REAR – 20'
5. 50' ENHANCED BUFFER ALONG RESIDENTIAL PROPERTY ON WESTERN SIDE OF DEVELOPMENT.

VARIANCES:

1. EXISTING BARN FOR TICKET SALES IS LESS THAN 300 FT FROM PL. AND EXISTING HOUSE WILL BE USED FOR EVENTS.
2. PARKING WILL BE 50' OFF OF PROPERTY LINE.

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Seal

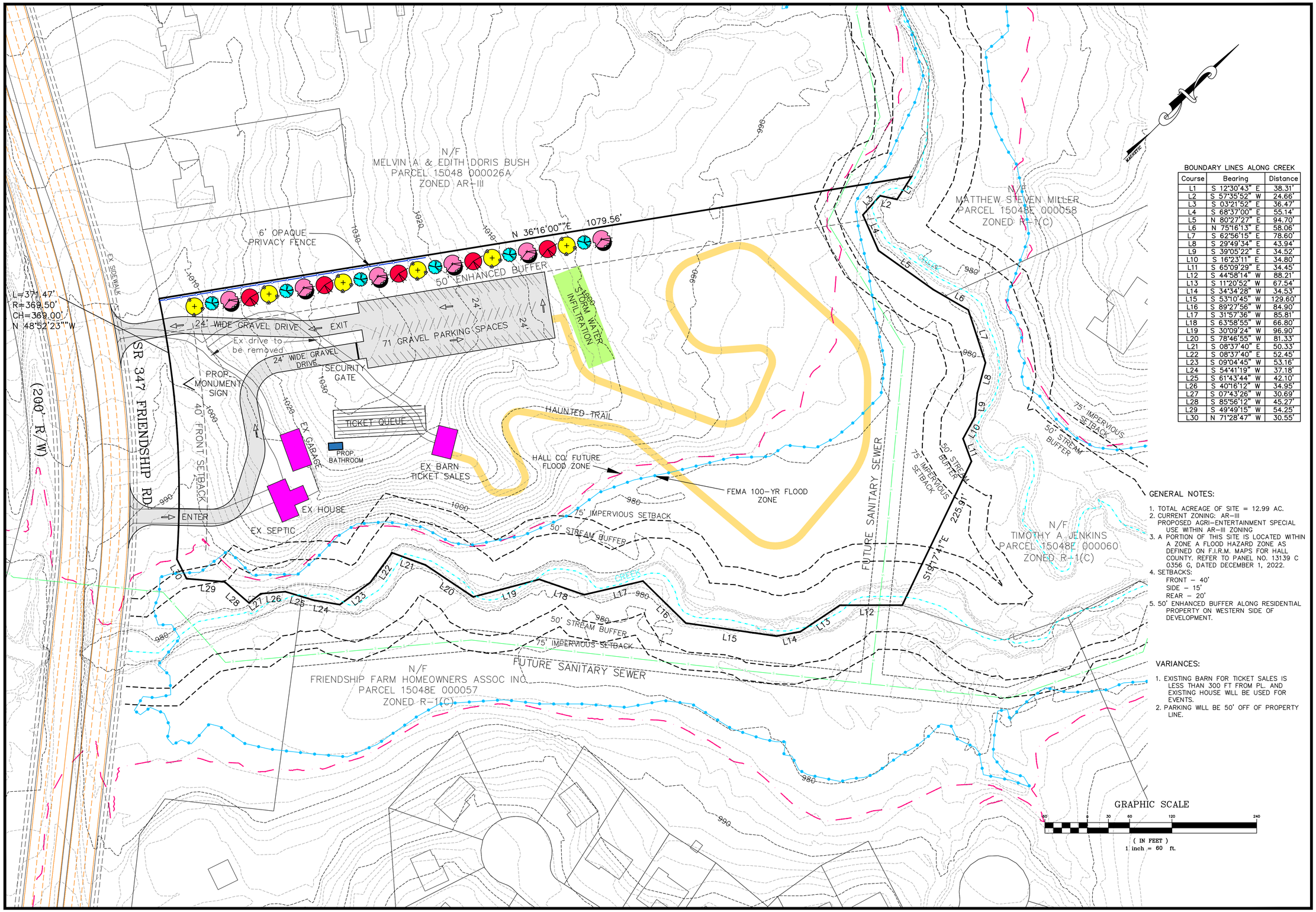
MYERS & CO.
civil engineers
P.O. BOX 634
GAINESVILLE, GA 30503
770-297-9793
ed@myers-and-co.com

Project Description
TRAIL OF TERROR
PARCEL 15048 000026B
GMD 1419, ROBERTS DISTRICT
HALL COUNTY, GEORGIA

DATE 12-15-22
JOB NO. 22-24
Sheet Title
PROPOSED SITE PLAN

Revisions

SHEET
RZ-1



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VARIANCES:

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Seal

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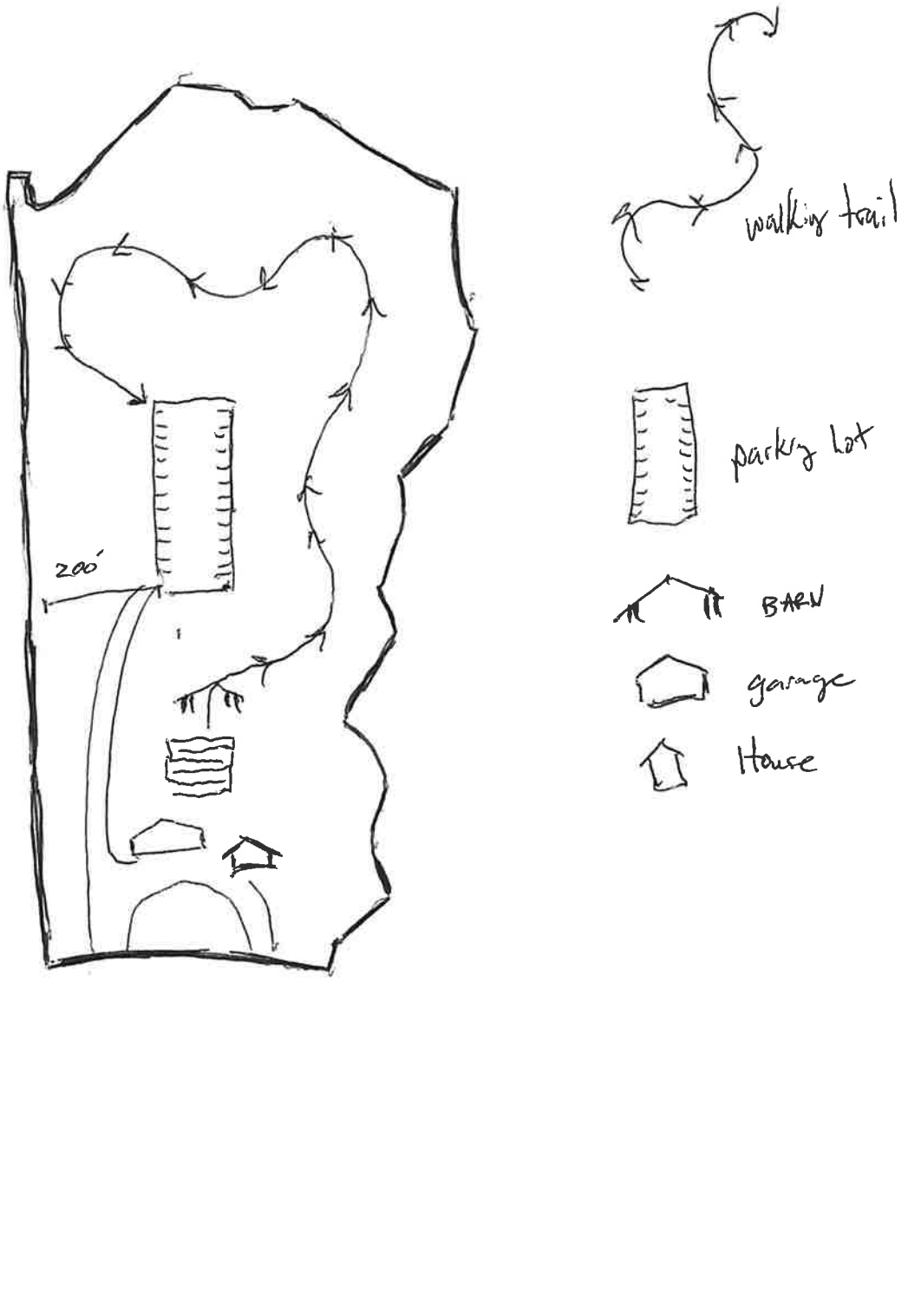
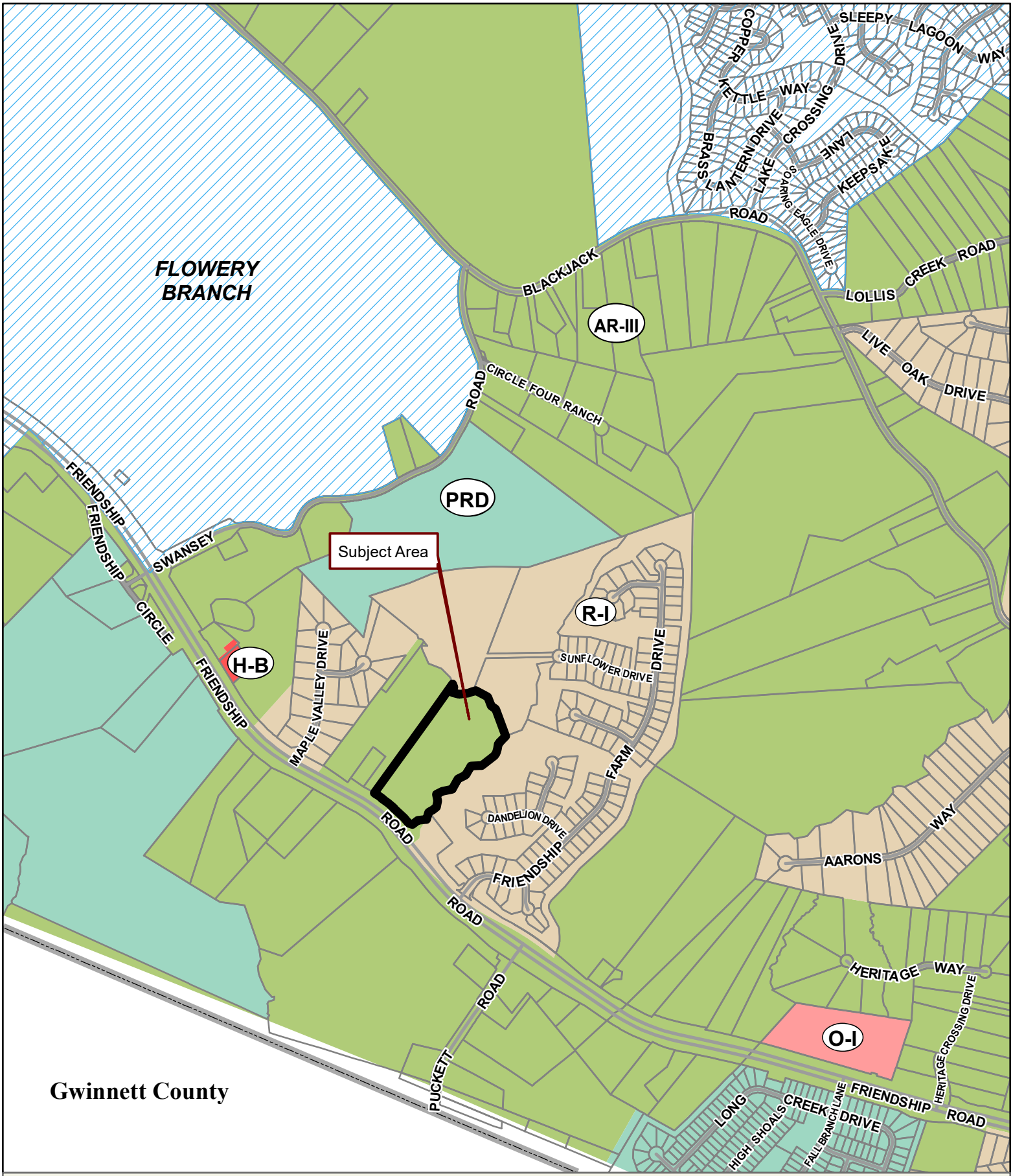
Project Description
TRAIL OF TERROR
PARCEL 15048 000026B
GMD 1419, ROBERTS DISTRICT
HALL COUNTY, GEORGIA

DATE 12-15-22
JOB NO. 22-24
Sheet Title PROPOSED SITE PLAN

Revisions

SHEET RZ-1


walking trail
parking Lot
BARN
garage
House
200'
0
200'
400'
100'
300'

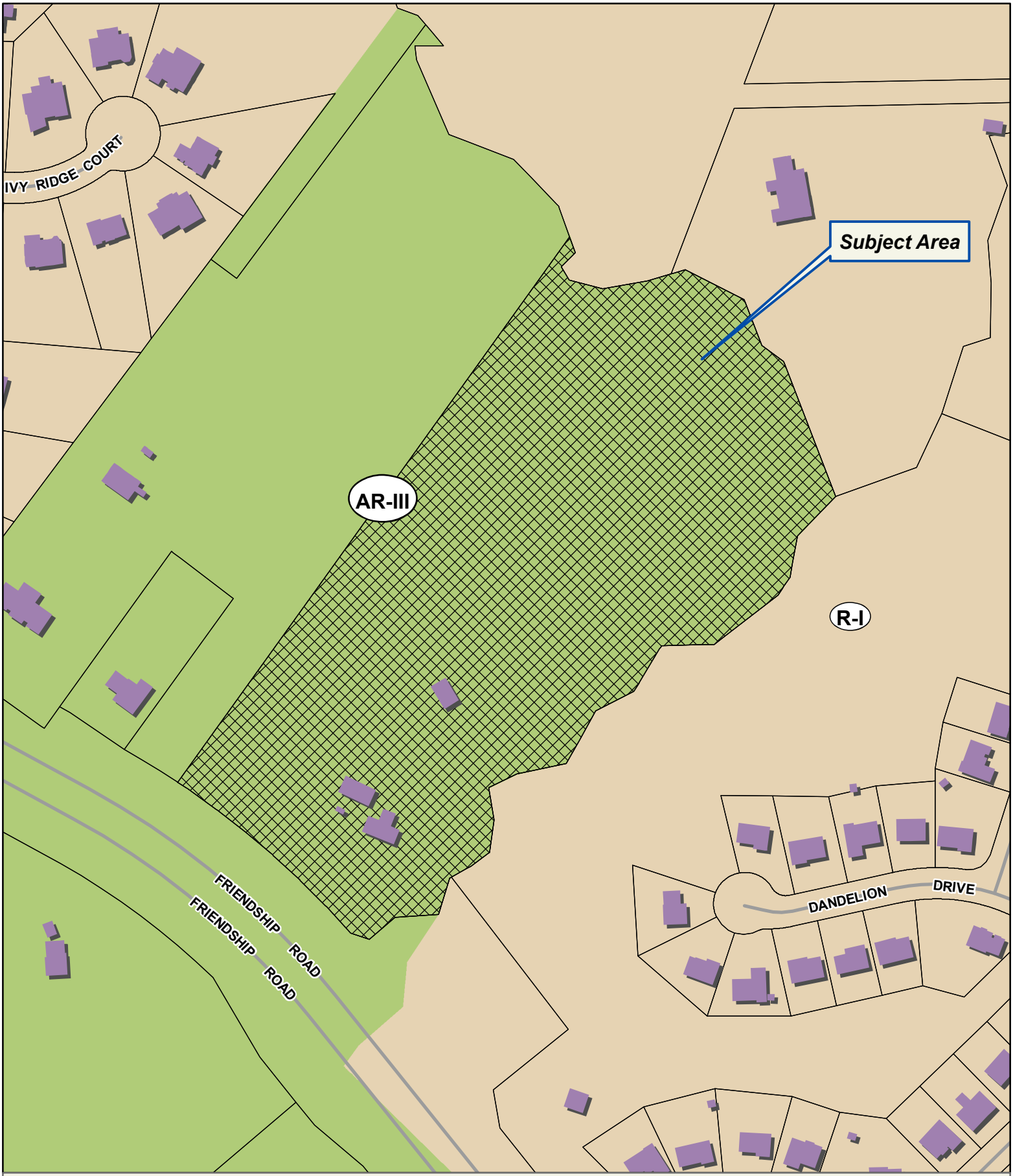


Applicant: MATTHEW MILLER
Tax Parcel #: 15048 000026B
Location: 3515 FRIENDSHIP ROAD, BUFORD, GA 30519
Commission District 1 **PC Mtg. Date:** 01/17/2023

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

RETURN RECORDED DOCUMENT TO:
KIM, GOLDBER & IM, LLC
3700 CRESTWOOD PARKWAY, SUITE 350
DULUTH, GA 30096
RS21098

eFiled and eRecorded
DATE: 05/26/2021
TIME: 3:24 PM
DEED BOOK: 8831
PAGE: 708 - 708
FILING FEES: $25.00
TRANSFER TAX: $420.00
PARTICIPANT ID: 0483180913
PT61: 069-2021-005207
RECORDED BY: CH
CLERK: Charles Baker, C.S.C
Hall County, GA

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF GWINNETT

FILE #: RS21098

This Indenture made this **25th day of MAY 2021** between **ALAN C. JONES**, as party or parties of the first part, hereinafter called Grantor, and **WILLIAM NAM AND JIN Y. NAM**, as **JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP**, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S ($10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

3515 FRIENDSHIP ROAD, BUFORD, GEORGIA 30519

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE ROBERTS DISTRICT GMD 1419, HALL COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED ACCORDING TO A PLAT ENTITLED 'SURVEY FOR HERMAN DEAN WEEKS AND REXINE L. WEEKS, DATED MARCH 24, 1995, PREPARED BY JOSEPH N. SAVAGE, GEORGIA REGISTERED LAND SURVEYOR, AND RECORDED IN PLAT SLIDE PAGE HALL COUNTY, GEORGIA PLAT RECORDS. SAID PLAT AND THE DESCRIPTIONS CONTAINED THEREON ARE HEREBY INCORPORATED HEREIN BY REFERENCE FOR A COMPLETE DESCRIPTION OF SAID PROPERTY. SAID PROPERTY IS MORE FULLY DESCRIBED ACCORDING TO SAID PLAT AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD (80 FOOT RIGHT OF WAY) AND THE CENTERLINE OF AN UNNAMED CREEK WHICH ALSO FORMS THE BOUNDARY OF THE PROPERTY NOW OR FORMERLY OF MRS. PAUL R. WILLIAMS, THENCE RUNNING ALONG THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 44 DEGREES 56 MINUTES 19 SECONDS WEST 257.18 FEET TO A POINT; NORTH 47 DEGREES 49 MINUTES 59 SECONDS WEST 228.89 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING THENCE NORTH 36 DEGREES 16 MINUTES 00 SECONDS EAST 1206.26 FEET TO THE CENTERLINE OF A CREEK, THENCE RUNNING ALONG AND WITH THE MEANDERS OF SAID CREEK IN A GENERALLY SOUTHEASTERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES: SOUTH 12 DEGREES 30 MINUTES 43 SECONDS EAST 38.31 FEET TO A POINT; SOUTH 57 DEGREES 35 MINUTES 52 SECONDS WEST 24.66 FEET TO A POINT; SOUTH 03 DEGREES 21 MINUTES 52 SECONDS EAST 36.47 FEET TO A POINT; SOUTH 68 DEGREES 37 MINUTES 00 SECONDS EAST 55.14 FEET TO A POINT; NORTH 80 DEGREES 27 MINUTES 27 SECONDS EAST 94.70 FEET TO A POINT; NORTH 75 DEGREES 16 MINUTES 13 SECONDS EAST 58.06 FEET TO A POINT, SOUTH 62 DEGREES 56 MINUTES 15 SECONDS EAST 78.60 FEET TO A POINT; SOUTH 29 DEGREES 49 MINUTES 34 SECONDS EAST 43.94 FEET TO A POINT; SOUTH 39 DEGREES 05 MINUTES 22 SECONDS EAST 34.52 FEET TO A POINT; SOUTH 16 DEGREES 23 MINUTES 11 SECONDS EAST 34.80 FEET TO A POINT: SOUTH 65 DEGREES 09 MINUTES 29 SECONDS EAST 34.45 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF SAID CREEK AND RUNNING THENCE SOUTH 19 DEGREES 17 MINUTES 41 SECONDS EAST 225.91 FEET TO A POINT LOCATED IN THE CENTERLINE OF ANOTHER CREEK; THENCE RUNNING ALONG AND WITH THE MEANDERS OF SAID CREEK IN A GENERALLY SOUTHWESTERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES: SOUTH 44 DEGREES 58 MINUTES 14 SECONDS WEST 88.21 FEET TO A POINT; SOUTH 11 DEGREES 20 MINUTES 52 SECONDS WEST 67.54 FEET TO A POINT; SOUTH 34 DEGREES 34 MINUTES 28 SECONDS WEST 34.53 FEET TO A POINT; SOUTH 53 DEGREES 10 MINUTES 45 SECONDS WEST 129.60 FEET TO A POINT; SOUTH 89 DEGREES 27 MINUTES 56 SECONDS WEST 84.90 FEET TOA POINT; SOUTH 31 DEGREES 57 MINUTES 36 SECONDS WEST 85.81 FEET TO A POINT; SOUTH 63 DEGREES 58 MINUTES 55 SECONDS WEST 66.80 FEET TO A POINT; SOUTH 30 DEGREES 09 MINUTES 24 SECONDS WEST 96.90 FEET TO A POINT; SOUTH 78 DEGREES 46 MINUTES 55 SECONDS WEST 81.33 FEET TO A POINT; SOUTH 65 DEGREES 02 MINUTES 59 SECONDS WEST 50.33 FEET TO A POINT; SOUTH 08 DEGREES 37 MINUTES 40 SECONDS EAST 52.45 FEET TO A POINT; SOUTH 09 DEGREES 04 MINUTES 45 SECONDS WEST 53.16 FEET TO A POINT, SOUTH 54 DEGREES 41 MINUTES 19 SECONDS WEST 37.18 FEET TO A POINT; SOUTH 61 DEGREES 43 MINUTES 44 SECONDS WEST 42.10 FEET TO A POINT; SOUTH 40 DEGREES 16 MINUTES 12 SECONDS WEST 34.95 FEET TO A POINT; SOUTH 07 DEGREES 43 MINUTES 26 SECONDS WEST 30.69 FEET TO A POINT, SOUTH 32 DEGREES 07 MINUTES 20 SECONDS WEST 99.19 FEET TO A POINT; SOUTH 07 DEGREES 55 MINUTES 31 SECONDS WEST 60.79 FEET TO A POINT; SOUTH 39 DEGREES 07 MINUTES 47 SECONDS WEST 34.86 FEET TO A POINT; SOUTH 47 DEGREES 39 MINUTES 17 SECONDS WEST 55.34 FEET TO A POINT LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD AND THE POINT OF BEGINNING, ACCORDING TO SAID SURVEY, SAID TRACT CONTAINS 14.366 ACRES.

TAX ID#: 15048-000026B

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behalf of the said Grantee forever in **FEE SIMPLE.**

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

GRANTOR:

WITNESS

ALAN C. JONES

NOTARY PUBLIC (SEAL)

SUYEON KIM
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
My Commission Expires 06-23-2021

WARRANTY DEED FORM 1008 CLYDE CASTLEBERRY CO., COVINGTON, GA. 30209

State of Georgia, Gwinnett *County* 263

THIS INDENTURE, Made this 2nd day of March in the year of our Lord One Thousand Nine Hundred and Ninety between

DEAN WEEKS

of the County of Hall and State of Georgia of the first part, and

REXINE WEEKS

of the County of Hall and State of Georgia of the second part

WITNESSETH That the said party of the first part for and in consideration of the sum of LOVE AND AFFECTION----------XXXXX in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted, bargained sold and conveyed and by these presents does grant, bargain sell and convey unto the said party of the second part her heirs and assigns all the following described property, to wit

A One-Half Undivided Interest In

All that tract or parcel of land lying and being in the 1419th G.M.D. (Roberts District) of the 7th District of Hall County, Georgia, being 21.94 acres according to plat of survey for Mrs. Ruby Puckett by Keith Rochester & Associates dated March 13, 1969, more particularly described as follows.

BEGINNING at the intersection of the northeastern right of way of Friendship Road with the centerline of an unnamed creek at the property of Mrs Paul Williams, thence running Northeasterly along the centerline of the meanderings of said creek to an iron pin in the centerline of said creek at the property of Mrs. Paul Williams; thence running North 17 degrees 50 minutes West 230.8 feet to an iron pin in the center of a creek, thence Westerly along the centerline of the meanderings of said creek to an iron pin in the center of said creek; which iron pin is 232.9 feet on a course of South 23 degrees 28 minutes East from the intersection of the Western boundary of the property of Furillo and said creek; thence South 36 degrees 16 minutes West 1206.1 feet to an iron pin on the Northeastern right of way of Friendship Road; thence North 53 degrees 15 minutes West 176.3 feet along said right of way to a point; thence North 48 degrees 59 minutes West 222 7 feet along said right of way to a point; thence North 45 degrees 34 minutes West 330.5 feet along said right of way to the point of beginning.

Less and excepted from the above described property is that property described in Warranty Deed from Dean Weeks and Fred R. Maxwell to Melvin A. Bush, dated July 19, 1975, recorded in Deed Book 576, Page 585, Hall County Records, containing 7.00 acres.

Georgia, Hall County, Clerk Superior Court
Filed in office, this 13 day of Mar. 1990
at 12:00 M. Recorded in Book 1449 Page 263
this 14 day of Mar, 1990.
Dwight S. Wood, Clerk

3d Rec # 68373
mail pay'n Kilgore

TO HAVE AND TO HOLD The said bargained premises, together with all and singular the rights members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of Rexine Weeks the said party of the second part, her heirs and assigns forever in **Fee Simple**

And the said party of the first part, for his heirs executors and administrators, will warrant and forever defend the right and title to the above described property unto the said party of the second part her heirs and assigns against the claims of all persons whomsoever

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and affixed his seal the day and year first above written

Signed sealed and delivered in presence of

Dean Weeks (Seal)
DEAN WEEKS

~~HALL COUNTY, Georgia~~ (Seal)
Real Estate Transfer Tax

(Witness) (Seal)
Paid $ -0-

(Notary Public) Notary Public, Gwinnett County, Georgia My Commission Expires Jan 15 1991 Date 3-13-90 (Seal)

Date Executed 03/02/90

DWIGHT S. WOOD
Clerk of Superior Court

GARNER & KILGORE

04119
.0550

000550

King and Mongenstern
380 Dahlonega St.
Suite 100
Cumming, GA 30040

GEORGIA, HALL COUNTY, CLERK
SUPERIOR COURT FILED IN OFFICE
AND RECORDED IN BOOK 4119
PAGE (S) 550-551 THIS 14
DAY OF Feb 20 02 AT 10:47 AM
DWIGHT S. WOOD, CLERK BY
19678, 81

005773

JOINT TENANCY WITH SURVIVORSHIP WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FORSYTH

This Indenture made this **18th** day of **January,** in the year **Two Thousand One, between DEAN WEEKS**, of the County of HALL, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **ALAN C. JONES AND SHAWNN E. JONES, as joint tenants with rights of survivorship and not as tenants in common** as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S ($10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants with rights of survivorship and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE ROBERTS DISTRICT GMD 1419, HALL COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED ACCORDING TO A PLAT ENTITLED "SURVEY FOR HERMAN DEAN WEEKS AND REXINE L. WEEKS," DATED MARCH 24, 1995, PREPARED BY JOSEPH N. SAVAGE, GEORGIA REGISTERED LAND SURVEYOR, AND RECORDED IN PLAT SLIDE_____,PAGE_____, HALL COUNTY, GEORGIA PLAT RECORDS. SAID PLAT AND THE DESCRIPTIONS CONTAINED THEREON ARE HEREBY INCORPORATED HEREIN BY REFERENCE FOR A COMPLETE DESCRIPTION OF SAID PROPERTY. SAID PROPERTY IS MORE FULLY DESCRIBED ACCORDING TO SAID PLAT AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD (80 FOOT RIGHT OF WAY) AND THE CENTERLINE OF AN UNNAMED CREEK WHICH ALSO FORMS THE BOUNDARY OF THE PROPERTY NOW OR FORMERLY OF MRS. PAUL R. WILLIAMS, THENCE RUNNING ALONG THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 44 DEGREES 56 MINUTES 19 SECONDS WEST 257.18 FEET TO A POINT; NORTH 47 DEGREES 49 MINUTES 59 SECONDS WEST 228.89 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING THENCE NORTH 36 DEGREES 16 MINUTES 00 SECONDS EAST 1206.26 FEET TO THE CENTERLINE OF A CREEK; THENCE RUNNING ALONG AND WITH THE MEANDERS OF SAID CREEK IN A GENERALLY SOUTHEASTERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES: SOUTH 12 DEGREES 30 MINUTES 43 SECONDS EAST 38.31 FEET TO A POINT; SOUTH 57 DEGREES 35 MINUTES 52 SECONDS WEST 24.66 FEET TO A POINT; SOUTH 03 DEGREES 21 MINUTES 52 SECONDS EAST 36.47 FEET TO A POINT; SOUTH 68 DEGREES 37 MINUTES 00 SECONDS EAST 55.14 FEET TO A POINT; NORTH 80 DEGREES 27 MINUTES 27 SECONDS EAST 94.70 FEET TO A POINT; NORTH 75 DEGREES 16 MINUTES 13 SECONDS EAST 58.06 FEET TO A POINT; SOUTH 62 DEGREES 56 MINUTES 15 SECONDS EAST 78.60 FEET TO A POINT; SOUTH 29 DEGREES 49 MINUTES 34 SECONDS EAST 43.94 FEET TO A POINT; SOUTH 39 DEGREES 05 MINUTES 22 SECONDS EAST 34.52 FEET TO A POINT; SOUTH 16 DEGREES 23 MINUTES 11 SECONDS EAST 34.80 FEET TO A POINT; SOUTH 65 DEGREES 09 MINUTES 29 SECONDS EAST 34.45 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF SAID CREEK AND RUNNING THENCE SOUTH 19 DEGREES 17 MINUTES 41 SECONDS EAST 225.91 FEET TO A POINT LOCATED IN THE CENTERLINE OF ANOTHER CREEK; THENCE RUNNING ALONG AND WITH THE MEANDERS OF SAID CREEK IN A GENERALLY SOUTHWESTERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES; SOUTH 44 DEGREES 58 MINUTES 14 SECONDS WEST 88.21 FEET TO A POINT; SOUTH 11 DEGREES 20 MINUTES 52 SECONDS WEST 67.54 FEET TO A POINT; SOUTH 34 DEGREES 34 MINUTES 28 SECONDS WEST 34.53 FEET TO A POINT; SOUTH 53 DEGREES 10 MINUTES 45 SECONDS WEST 129.60 FEET TO A POINT; SOUTH 89 DEGREES 27 MINUTES 56 SECONDS WEST 84.90 FEET TO A POINT; SOUTH 31 DEGREES 57 MINUTES 36 SECONDS WEST 85.81 FEET TO A POINT; SOUTH 63 DEGREES 58 MINUTES 55 SECONDS WEST 66.80 FEET TO A POINT; SOUTH 30 DEGREES 09 MINUTES 24 SECONDS WEST 96.90 FEET TO A POINT; SOUTH 78 DEGREES 46 MINUTES 55 SECONDS WEST 81.33 FEET TO A POINT; SOUTH 65 DEGREES 02 MINUTES 59 SECONDS WEST 50.33 FEET TO A POINT; SOUTH 08 DEGREES 37 MINUTES 40 SECONDS EAST 52.45 FEET TO A POINT; SOUTH 09 DEGREES 04 MINUTES 45 SECONDS WEST 53.16 FEET TO A POINT; SOUTH 54 DEGREES 41 MINUTES 19 SECONDS WEST 37.18 FEET TO A POINT; SOUTH 61 DEGREES 43 MINUTES 44 SECONDS WEST 42.10 FEET TO A POINT; SOUTH 40 DEGREES 16 MINUTES 12 SECONDS WEST 34.95 FEET TO A POINT; SOUTH 07 DEGREES 43 MINUTES 26 SECONDS WEST 30.69 FEET TO A POINT; SOUTH 32 DEGREES 07 MINUTES 20 SECONDS WEST 99.19 FEET TO A

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ACCORDING TO SAID SURVEY, SAID TRACT CONTAINS 14.566 ACRES.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees, as joint tenants with rights of survivorship and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-19, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

Notary Public
My commission expires

LESLIE PAXTON NOTARY PUBLIC GEORGIA EXPIRES JUNE 24, 2005 DAWSON COUNTY

DEAN WEEKS (Seal)

(Seal)

HALL COUNTY, Georgia
Real Estate Transfer Tax
Paid $ 300.00
Date 2-14-02
DWIGHT S. WOOD
Clerk Superior Court
By

Prepared by:
KING & MORGENSTERN
380 DAHLONEGA STREET
SUITE 100
CUMMING, GEORGIA 30040

Trail of Terror. Legal Desc.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE ROBERTS DISTRICT GMD 1419, HALL COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED ACCORDING TO A PLAT ENTITLED 'SURVEY FOR HERMAN DEAN WEEKS AND REXINE L. WEEKS,' DATED MARCH 24, 1995, PREPARED BY JOSEPH N. SAVAGE, GEORGIA REGISTERED LAND SURVEYOR, AND RECORDED IN PLAT SLIDE _____, PAGE _____, HALL COUNTY, GEORGIA PLAT RECORDS. SAID PLAT AND THE DESCRIPTIONS CONTAINED THEREON ARE HEREBY INCORPORATED HEREIN BY REFERENCE FOR A COMPLETE DESCRIPTION OF SAID PROPERTY. SAID PROPERTY IS MORE FULLY DESCRIBED ACCORDING TO SAID PLAT AS FOLLOWS:

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THIS DEED IS PURSUANT TO THE PARTIES' DIVORCE AGREEMENT IN CIVIL ACTION FILE NO. 10A-07562-2, GWINNETT COUNTY SUPERIOR COURT.

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Tuesday, January 3, 2023 10:27 AM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 1.17.23

Please find Environmental Health comments below:

Item 1, 6600 Shoal Creek Road, Martin: This plat is currently under review by the Hall County Plat Review Team. Comments were provided to the owner on 11.15.22.

Items 2 and 3, 3515 Friendship Road, Miller: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. 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.

Item 4, 2079, 0, & 0 Memorial Park Drive, Sutherland: No comment. Public sewer.

Items 5 and 6, 1600C Athens Hwy, Vargas: No parking of stock, employee, or customer vehicles on top of or within 5' of drainline or 10' from septic tank. All proposed additions must meet required setbacks from septic system.

Item 7, 5937 Union Church Road, Rochester: Connection to public sewer required if available within 200' of property. If sewer not available, must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 8, Text Amendment: No comment.

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: December 30, 2022

Subject: January 17, 2023 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the January 17, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **6600 Shoal Creek Road | Variance |** a variance from §17.240.150 (flag lot width and frontage standards) from 150 feet to 101 feet on a 7.86± acre tract located on the east side of Shoal Creek Road at its intersection with Kenimer Road | Zoned AR-IV; Tax Parcel 12059 000008 | **Proposed use: 2 residential lots |** * Commission District 3 | **Clarence K. & DeJuan B. Martin, applicants.**

   a) **Engineering:** No Comment
   b) **Traffic:** No Comment
   c) **Utilities:** No Comment

2. **3515 Friendship Road | Use Subject to County Commission Approval |** on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue |** ** Commission District 1 | **Matthew Miller, applicant.**

   a) **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.show flood Hall County studied and FEMA.
   b) **Traffic:** GDOT permit is required for driveway connection to Friendship Road
   c) **Utilities:** Any type of sanitary sewer will require a design plan approval from Public Works.

3. **3515 Friendship Road | Variance |** a variance from §17.420 to allow gravel parking within the Gateway Corridors Overlay District; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet; on a 12.99± acre tract located on the north

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue |** ** Commission District 1 | **Matthew Miller, applicant.**

a) **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.
Show flood Hall County studied and FEMA.
b) **Traffic**: No Comment
c) **Utilities**: Hall County Health Department approval required for septic system. No Hall County Sewer.

4. **2079, 0, & 0 Memorial Park Drive | Use Subject To County Commission Approval |** on a 15.83± acre tract located on the north side of Memorial Park Drive at its intersection with Centennial Drive | Zoned I-I; Tax Parcel 08007 003011, 003029, & 08008 000044 **| Proposed use: egg processing |** ** Commission District 4 **| David Sutherland, applicant.**

a) **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.
b) **Traffic:** No Comment
c) **Utilities:** No Comment

5. **1600 Athens Highway Building C | Rezone |** from Highway-Business (H-B) to Light-Industrial (I-I) on a .64± acre tract located at the south side of Athens Highway approximately 554 feet from its intersection with Old County Dump Road | Zoned H-B; Tax Parcel 15032 000050 **| Proposed use: Countertop manufacturing with Outdoor Storage** | ** Commission District 3 **| Gerardo Vargas, applicant.**

a) **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.
b) **Traffic:** GDOT permit will be required for any modification to the driveway.
c) **Utilities:** No Comment

6. **1600 Athens Highway Building C | Use Subject to County Commission Approval |** on a .64± acre tract located at the south side of Athens Highway approximately 554 feet from its intersection with Old County Dump Road | Zoned H-B; Tax Parcel 15032 000050 **| Proposed use: Countertop manufacturing with Outside Storage** | ** Commission District 3 **| Gerardo Vargas, applicant.**

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

a) **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.
b) **Traffic:** No Comments
c) Utilities: No Comments

7. **5937 Union Church Road | Rezone |** from Agricultural-Residential-IV (AR-IV) to Highway-Business (H-B) on a 1.33± acre tract located on the north side of Union Church Road at its intersection with Old Winder Highway | Zoned AR-IV; Tax Parcel 15039A000024 | **Proposed use: 8000 SF speculative building |** ** Commission District 1 | **Rochester|DCCM, applicant.**

a) **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.
Show flood Hall County studied and FEMA.
b) **Traffic:** GDOT permit will be required for driveway connection to Old Winder Highway.
c) **Utilities:** Sanitary sewer verify if intent is available at site, design shall meet Hall County Standards. Availability letter needed for Hall County Sewer.

8. **Section 17.180 | Text Amendment** | Proposed amendment to Section 17.180. A copy of the proposed amendment is available from the Hall County Planning office | ** All Commission Districts | **Hall County Planning, applicant.**

a) **Engineering:** No Comment
b) **Traffic:** No Comment
c) **Utilities:** No Comment

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Tuesday, January 3, 2023 9:27 AM
To: Randi Doveton (Planning)
Cc: Anael Dominguez (Planning)
Subject: Fire Comments

Tentative Planning Agenda for January 17, 2023

1. **3515 Friendship Road | Variance |** a variance from §17.420 to allow gravel parking within the Gateway Corridors Overlay District; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet; on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue |** ** Commission District 1 | **Matthew Miller, applicant.** The Hall County Fire Marshal's Office will require a Certified Land Surveyor to prepare and draft a conceptual plan including verification of boundaries, fire access, topography, existing / proposed building locations and all utilities. The Hall County Fire Marshal's Office will not comment on a hand sketched concept plan.

Regards,

John Hornick, NPQ Fire Service Plans Examiner 1
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

Anael Dominguez (Planning)

From: Brittany Walker (Planning)
Sent: Tuesday, January 3, 2023 9:31 AM
To: Anael Dominguez (Planning)
Subject: FW: 3515 Friendship Road, Buford GA Variance Request Objection

---

From: Ashley Anderson <ashes00@gmail.com>
Sent: Tuesday, January 3, 2023 9:25 AM
To: Planning <planning@hallcounty.org>
Subject: 3515 Friendship Road, Buford GA Variance Request Objection

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear elected officials,

I am here by voicing my opposition to the application for variance for 3515 Friendship Road, Buford GA at Tax Parcel 15048 000026B. The homeowners that live immediately next to this property are adamantly against this variance change. We object to this for the following reasons.

A. It will cause undue traffic problems for all of the homeowners of Friendship Farms Neighborhood. The neighborhood entrance will be impossible to exit onto Friendship Farm road due to the extreme traffic this event (Trail of Terror) causes. For years we have seen the ridiculous traffic that Trail of Terror and Ball 6 lanes of Friendship Road. This will require thousands of cars to turn around and do a U turn at the break in the median, at the entrance of Friendship Farms.

B. It will decrease the home values for all homes that are within sight of the proposed gravel parking lot.

C. It will have a negative environmental impact as there is a natural creek and water way in the area said gravel pit is expected. There are lots of animals in the area that will be displaced.

D. It will deprive homeowners of peace & quiet as this event "Trail of Terror" operates until 2AM for months. This neighborhood has lots of young children. Obscenely loud crowds will deprive developing children of their needed sleep in order to grow.

F. This land was never zoned Commercial. It's forest land, and not farm land.

I pray that you actually listen to the hardworking homeowners of Hall county when we speak out against allowing such a nuisance to operate next door.

Mr. Ashley Anderson
3603 Friendship Farm Drive, Buford, GA
01/03/2023

--

Best Regards,

Ashley Anderson
ashes00@gmail.com
(M) 770.406.6070

Print

Board of Commissioners Work Session Comments - January 9, 2023 - Submission #66562

Date Submitted: 1/3/2023

Comments completed in the form below will be submitted into the record for the January 9, 2023 Work Session of the Hall County Board of Commissioners.

First Name*

Ashley

Last Name*

Anderson

Address1*

3603 Friendship Farm Drive

Address2

City*

Buford

State*

GA

Zip*

30519

Your Comments*

Dear elected officials,

I am hear by voicing my opposition to the application for variance for 3515 Friendship Road, Buford GA at Tax Parcel 15048 000026B. The homeowners that live immediately next to this property are adamantly against this variance change. We object to this for the following reasons.

A. It will cause undue traffic problems for all of the homeowners of Friendship Farms Neighborhood. The neighborhood entrance will impossible to exit onto Friendship Farm road due to the extreme traffic this event (Trail of Terror) causes. For years we have seen the ridiculous traffic that Trail of Terror and Ball 6 lanes of traffic of Friendship Road. This will require thousands of cars to turn around and do a U turn at the break in the median, at the entrance of Friendship Farms.

B. It will decrease the home values for all homes that are within sight of the proposed gravel parking lot.

C. It will have a negative environmental impact as there is a natural creek and water way in the area said gravel pit is expected. There are lots of animals in the area that will be displaced.

D. It will deprive homeowners of peace & quite as this event "Trail of Terror" operates until 2AM for months. This neighborhood has lots of young children. Obscenely loud crowds will deprive developing children of their needed sleep in order to grow.

F. This land was never zoned Commercial. Its forest land, and not farm land.

I pray that you actually listen to the hardworking homeowners of Hall county when we speak out against allowing such a nuisance to operate next door.

Mr. Ashley Anderson
3603 Friendship Farm Drive, Buford, GA

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

ashes00@gmail.com

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

Anael Dominguez (Planning)

From: Randi Doveton (Planning)
Sent: Thursday, January 5, 2023 12:05 PM
To: Anael Dominguez (Planning)
Subject: FW: Objection to Variance request for 3515 Friendship Road

---

From: Ashley Anderson <ashes00@gmail.com>
Sent: Thursday, January 5, 2023 8:32 AM
To: Planning <planning@hallcounty.org>
Subject: Objection to Variance request for 3515 Friendship Road

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear elected officials,

I am here by voicing my opposition to the application for variance for 3515 Friendship Road, Buford GA at Tax Parcel 15048 000026B. The homeowners that live immediately next to this property are adamantly against this variance change. We object to this for the following reasons.

A. It will cause undue traffic problems for all of the homeowners of Friendship Farms Neighborhood. The neighborhood entrance will be impossible to exit onto Friendship Farm road due to the extreme traffic this event (Trail of Terror) causes. For years we have seen the ridiculous traffic that Trail of Terror and Ball 6 lanes of Friendship Road. This will require thousands of cars to turn around and do a U turn at the break in the median, at the entrance of Friendship Farms.

B. It will decrease the home values for all homes that are within sight of the proposed gravel parking lot.

C. It will have a negative environmental impact as there is a natural creek and water way in the area said gravel pit is expected. There are lots of animals in the area that will be displaced.

D. It will deprive homeowners of peace & quiet as this event "Trail of Terror" operates until 2AM for months. This neighborhood has lots of young children. Obscenely loud crowds will deprive developing children of their needed sleep in order to grow.

F. This land was never zoned Commercial. It's forest land, and not farm land.

I pray that you actually listen to the hardworking homeowners of Hall county when we speak out against allowing such a nuisance to operate next door.

Mr. Ashley Anderson
3603 Friendship Farm Drive, Buford, GA
01/05/2023

--

Best Regards,

Ashley Anderson

Print

Board of Commissioners Work Session Comments - January 9, 2023 - Submission #66713

Date Submitted: 1/6/2023

Comments completed in the form below will be submitted into the record for the January 9, 2023 Work Session of the Hall County Board of Commissioners.

First Name*

Ashley

Last Name*

Anderson

Address1*

3603 Friendship Farm Drive

Address2

City*

Buford

State*

GA

Zip*

30519

Your Comments*

Dear elected officials,

I am here by voicing my opposition to the application for variance for 3515 Friendship Road, Buford GA at Tax Parcel 15048 000026B. The homeowners that live immediately next to this property are adamantly against this variance change. We object to this for the following reasons.

A. It will cause undue traffic problems for all of the homeowners of Friendship Farms Neighborhood. The neighborhood entrance will be impossible to exit onto Friendship Farm road due to the extreme traffic this event (Trail of Terror) causes. For years we have seen the ridiculous traffic that Trail of Terror and Ball 6 lanes of Friendship Road. This will require thousands of cars to turn around and do a U turn at the break in the median, at the entrance of Friendship Farms.

B. It will decrease the home values for all homes that are within sight of the proposed gravel parking lot.

C. It will have a negative environmental impact as there is a natural creek and water way in the area said gravel pit is expected. There are lots of animals in the area that will be displaced.

D. It will deprive homeowners of peace & quiet as this event "Trail of Terror" operates until 2AM for months. This neighborhood has lots of young children. Obscenely loud crowds will deprive developing children of their needed sleep in order to grow.

F. This land was never zoned Commercial. It's forest land, and not farm land.

I pray that you actually listen to the hardworking homeowners of Hall county when we speak out against allowing such a nuisance to operate next door.

Mr. Ashley Anderson
3603 Friendship Farm Drive, Buford, GA
01/06/2023

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

ashes00@gmail.com

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

Print

Board of Commissioners Voting Meeting Comments - January 12, 2023 - Submission #66974

Date Submitted: 1/9/2023

Comments completed in the form below will be submitted into the record for the January 12, 2023 Voting Meeting of the Hall County Board of Commissioners.

First Name*

Ashley

Last Name*

Anderson

Address1*

3603 Friendship Farm Drive

Address2

City*

Buford

State*

GA

Zip*

30519

Item for Comment*

General Public Comments

Select from the list below which item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

Dear elected officials,

I am here by voicing my opposition to the application for variance for 3515 Friendship Road, Buford GA at Tax Parcel 15048 000026B. The homeowners that live immediately next to this property are adamantly against this variance change. We object to this for the following reasons.

A. It will cause undue traffic problems for all of the homeowners of Friendship Farms Neighborhood. The neighborhood entrance will be impossible to exit onto Friendship Farm road due to the extreme traffic this event (Trail of Terror) causes. For years we have seen the ridiculous traffic that Trail of Terror and Ball 6 lanes of Friendship Road. This will require thousands of cars to turn around and do a U turn at the break in the median, at the entrance of Friendship Farms.

B. It will decrease the home values for all homes that are within sight of the proposed gravel parking lot.

C. It will have a negative environmental impact as there is a natural creek and water way in the area said gravel pit is expected. There are lots of animals in the area that will be displaced.

D. It will deprive homeowners of peace & quiet as this event "Trail of Terror" operates until 2AM for months. This neighborhood has lots of young children. Obscenely loud crowds will deprive developing children of their needed sleep in order to grow.

F. This land was never zoned Commercial. It's forest land, and not farm land.

I pray that you actually listen to the hardworking homeowners of Hall county when we speak out against allowing such a nuisance to operate next door.

Mr. Ashley Anderson
3603 Friendship Farm Drive, Buford, GA
01/09/2023

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

ashes00@gmail.com

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

Anael Dominguez (Planning)

From: Brittany Walker (Planning)
Sent: Monday, January 9, 2023 2:35 PM
To: Anael Dominguez (Planning)
Subject: FW: 3515 Friendship Road variances request

From: Grim_Reaper 05 <cguzman83.cg@gmail.com>
Sent: Monday, January 9, 2023 2:18 PM
To: Planning <planning@hallcounty.org>
Subject: 3515 Friendship Road variances request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I live inside Friendship Farms Subdivision which is located across the creek from the property at 3515 Friendship Rd.
3515 Friendship Rd is located between a 127 residential homes subdivision on the left, 2 residential homes within feet of this property to the right and then another subdivision on the other side of them. The noise and traffic because of this property at 3515 Friendship Rd would effect nearly 200 homes surrounding it. We have been informed that the owner, Matthew Miller, plans to hold different types of venues on this property including the Trail of Terror from September until November. This particular venue runs starting at dark until at least 2:00 am with loud music, people screaming and people being chased with a chainsaw. The old location for Trail of Terror was on a property next to a church which was 1/2 a mile away and the noise could still be heard from our subdivision but no one lived next to it.
Friendship Rd is 6 lanes separated by a concrete divider. The property at 3515 Friendship Rd has no opening in front of it. If traffic comes from Hog Mountain they would have to make a U-turn in front of Friendship Farm subdivision, go across 3 lanes, and then slow down to pull into 3515's parking lot. Once the parking lot is full the traffic would be backed up. This would add more unwanted traffic, accidents, wait time for homeowners to get home and unwanted noise.
Thank you for taking our concerns into consideration. I do not agree with building a parking lot, allowing venues of any kind on this property nor moving of the building.
Cindy Guzman

Print

Planning Commission Comments - January 17, 2023 - Submission #67327

Date Submitted: 1/15/2023

Comments completed in the form below will be submitted into the record for the January 17, 2023 meeting of the Hall County Planning Commission.

First Name*

Denise

Last Name*

Cardone-Young

Address1*

3542 Dandelion Drive

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

3. 3515 Friendship Road | Variance

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

This variance would negatively impact our neighboring property with noice, environment, traffic and lightning all being substantial concerns. There is no entrance to this property without turning around in front of Friendship Farm Subdivision causing serious dangerous traffic conditions for current residents, there is also no turn lane for deceleration. This property is also directly behind our house and will impact the sounds we hear way past bedtime, the view we see with an ugly lit parking area and the current peaceful environment which we are used to. Our backyard directly looks at the property (picture attached of our fence line and the subject property at the tree line) and we will absolutely be negatively impacted by this variance. Please do not approve this use for a residential area without considering the negative impacts to current homeowners.

Please write your comments in the box above.

File Upload

40EFA24A-2FA4-4431-9996-2D3A47B7AB28.jpeg

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Dc.young.ga@gmail.com or 770-853-2952

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Anael Dominguez (Planning)

From: Brittany Walker (Planning)
Sent: Tuesday, January 17, 2023 9:11 AM
To: Anael Dominguez (Planning)
Subject: FW: 3515 Friendship Rd variance request

From: Eric Young <e.young.ga@gmail.com>
Sent: Sunday, January 15, 2023 12:00 PM
To: Planning <planning@hallcounty.org>
Subject: 3515 Friendship Rd variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern

The property in question of the variance request would have a direct impact to the current quality of life of the residents of the Friendship Farms subdivision specifically in traffic on Friendship Road, in noise going into the late hours of the night and the environmental associated with having an event type venue next door.

I feel there would also be an undeniable environmental impact to Mitchell Creek that runs adjacent to the property. Adding a parking lot to accommodate 50 to 75 vehicles would cause a runoff issue in what should be considered an obvious Environmentally sensitive area of Mitchell Creek

There will also be a major impact to the traffic pattern during the times of use. As I am sure you are all aware there is no opening in the median of Friendship Rd to accommodate entrance of egress from this property. The added traffic by such an event center requiring a 50 to 75 vehicle parking area would be forced to make U turns in front of both subdivisions on either side of the property thus causing additional hazards for motorists on an already busy and dare I say dangerous road. This can be accounted for by the numerous traffic stops that occur in-front of the Friendship farms sub division. I would also refer you the the parking and traffic issues seen yearly at the Buford Corn Maze. Speaking of the corn maze is it really necessary to have 2 of these types of businesses in less that 3 miles apart on an already busy road?

I can also see an issue with crowd control. 2 months out of the year having patrons wandering out in the forested area getting off the trail an ending up off this property and near someone's private residence could also present a hazard.

I'm my opinion this property in question is not suited for this type of facility and for numerous reasons has not been zoned for this type of use. This currently is a residential area and should should reman so.

I thank you for your time and consideration in this matter.

Eric Young
3542 Dandelion Dr
Buford GA 30519

Print

Planning Commission Comments - January 17, 2023 - Submission #67445

Date Submitted: 1/16/2023

Comments completed in the form below will be submitted into the record for the January 17, 2023 meeting of the Hall County Planning Commission.

First Name*

Gail

Last Name*

McDougal

Address1*

3527 Autumn Farm Terrace

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

4. 3515 Friendship Road | Use Subject to County Commission Approval

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

As a homeowner in the Friendship Farms Subdivision I would like to voice my concern and opposition to the application and possible approval of the 3515 Friendship Road Variance to allow gravel parking and an Agri-Entertainment venue at 3515 Friendship Road.

I oppose this proposed venue as it will negatively impact the value of my property and the properties of my neighborhood. It will also cause the undue burden of high impact traffic and possible pollution of Mitchell creek. I would also like to ask the commissioners if anyone of them would like to have an entertainment venue as your next door neighbor?

Also as of note, in the original marketing of the property it was marketed as 13 individual home sites, I would not oppose a limited number of individual homes as it would have a positive impact on the value of our neighborhood.

Thank you,
Gail McDougal

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

gmcdougal3527@gmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - January 17, 2023 - Submission #67217

Date Submitted: 1/13/2023

Comments completed in the form below will be submitted into the record for the January 17, 2023 meeting of the Hall County Planning Commission.

First Name*

Michele

Last Name*

Williams

Address1*

3614 Goldenrod Lane

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

4. 3515 Friendship Road | Use Subject to County Commission Approval

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

I object to this change request. Please see attached for concerns and questions.

Please write your comments in the box above.

File Upload

inbound7986217339320785938.pdf

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

mickyw1868@yahoo.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

In 2018, Matt Miller was granted a "conditional use" permit for a 37.5-acre site at 3760 Friendship Circle for the agri-entertainment venue.
Mr Miller wants to move the venue from a 37.5 acre tract to a 13 acre tract. The new site is bordered by 123 homes in Friendship Farms, 24 homes on Maple Valley Ct. and other residential lots. There are currently no other venues of this size surrounded by residential communities in the Friendship Road corridor.
I do not support this variance due to several concerns and questions.

1. Traffic problems related to the physical layout of the lot and the intersection [not just an increase in traffic] will negatively impact the Friendship Farm subdivision. Friendship Rd is limited access and venue traffic from I985 direction will require U Turns at the subdivision entrance. In addition, the property is located at the bottom of 2 hills and there is currently no turn in lane or way for traffic to get up to speed when leaving property.
2. Damages in the form of noise and visual intrusions on peace and privacy, including Friendship Farm pool and playground area, would occur in direct conflict with Ordinance section 8.80
    a. Loud music, screams, chainsaws, motorbikes can be heard from the current location 1.1 miles away. We expect the new location noise will be at a level detrimental to our enjoyment of our property and subdivision amenities.
    b. Current venue location lists hours of operation until midnight on weekends.
    c. Open flames are used in the Trail of Terror and proposed property is heavily wooded unlike the current location.
    d. No fencing to protect surrounding residential areas from intrusion.
3. What is the impact of stormwater run off to the creek if large portions of property are converted to gravel parking or landscape is significantly changed to accommodate venue?
4. This is a septic property which has a large flood plain and is bordered by a creek. How will the change to an event venue impact the environment?

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: MATTHEW MILLER
REQUEST: VARIANCES TO: ALLOW GRAVEL PARKING & REDUCE SETBACKS FOR EVENT STRUCTURES & PARKING
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JAN. 17, 2023
Time: 5:15 PM
AND
COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE
ZONING NOTICE

AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 61/2023

SUBJECT: **3515 Friendship Road | Use Subject to County Commission Approval |** on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B **| Proposed use: event venue |** Commission District 1 **| Matthew Miller, applicant.**

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD

Recommendation:
Denial.

Purpose of Request:
3515 Friendship Road | Use Subject to County Commission Approval | on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue** | Commission District 1 | **Matthew Miller, applicant.**

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Board Memo
Recommendation Report
Application
Updated Narrative
Original Narrative
Updated Site Plan
Original Site Plan
Maps
Deed
Legal Description
Environmental Health Comments
Public Works Comments
Fire Comments
Public Comments
Withdrawal Request
Notice Sign Photo

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **3515 Friendship Road | Use Subject to County Commission Approval | Proposed use: event venue | Matthew Miller, applicant.**

The request before you is the conditional use request of Matthew Miller to allow an event venue on 12.99± acres. ***It should be noted that a simultaneous variance request accompanies this request but has separate memos and reports. The items can be heard simultaneously but separate motions and votes are required.*** This item is located within Commission District 1.

At their January 17, 2023 meeting, the Hall County Planning Commission voted to recommend denial **(5-0)**.

There were ten **(10) written comments in opposition** submitted in advance of the Planning Commission meeting and **five (5) individuals spoke in opposition during the public hearing.**

There has been no change since the Planning Commission took action.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Matthew Miller

Request ..... Conditional Use to allow an event venue

Proposed Use ..... Event venue

Size ..... 12.99± acres

Zoning ..... Agricultural Residential III (AR-III, 17.110)

Location ..... **3515 Friendship Road** | Tax Parcel 15048 000026B

Commission District ..... One

Planning Commission Date ..... January 17, 2023

Staff Recommendation ..... **Denial, even though the proposed use is consistent with the Comprehensive Plan, the use requires variances in 17.215.040.C and 17.215.040.D; without the variances, the use is not possible , and the Planning Commission has previously denied a similar variance request for an Agri-entertainment venue.**

Planning Commission Recommendation……Denial
Vote: 5-0

An associated variance application has been submitted in conjunction with the use application. The items can be heard together but will require separate motions and votes since they are two distinct agenda items. The variance should be voted on first because without the variances, the use cannot occur on this property.

Public Forum:

Kathy Garland, 3549 Friendship Road, Buford, spoke in opposition. Concerns were trespassing, noise, traffic, and creek.

Adolfo Guzman, 3520 Autumn Farm Terrace, Buford, spoke in opposition. Concerns were traffic and safety.

James Basile, 3639 Buttercup Court, Buford, spoke in opposition. Concerns were traffic and noise.

Michelle Williams, 3614 Goldenrod Lane, Buford, spoke in opposition. Concerns were acreage, traffic, noise, hours of operation and visual intrusion.

Joseph Garland, 3539 Friendship Road, Buford, spoke in opposition. Concerns were traffic, safety, parking lot size and location.

Summary Analysis

The applicant is seeking approval for a *Use Subject to County Commission* for the purpose of operating an agri-entertainment event venue (17.215). The applicant's narrative describes a business that would operate annual seasonal events for Valentine's Day, Easter, Halloween, etc. The primary seasonal event will be a haunted trail that will operate in September and October. In the future, the property would be leased for private events and weddings. Events will be able to accommodate 250 guests. Non-spill lighting will be used in the parking area and only turned on when there is an event.

The proposed operating hours will be Sunday – Thursday, 9:00am – 10:00pm, and Friday – Saturday, 9:00am – 12:00am/midnight, which is consistent with the requirements of 17.215 . The narrative states that the existing residence is 95 feet from the eastern boundary (right side property line), which is a creek with a large floodplain. Friendship Farms Subdivision is adjacent to this boundary, which has a large area of open space between the subject property and the residential lots within the subdivision. The closest residence in Friendship Farms Subdivision measures approximately 450 feet from the residence on the subject property. The existing barn, which will be used for ticket sales, is also less than the 300 foot setback requirement from adjacent property lines, but it is further away than the residence. **The applicant contends that the intent of the setback requirements for structures used as agri-entertainment venues 17.215 (agri-entertainment events within the AR-III, 17.110, and AR-IV, 17.120 zoning districts) has been met.**

The proposed parking will be along the western boundary (left side property line) and is 50 feet from adjacent properties. The parking lot will be located on the backside of a hill and will have a 50 foot vegetated buffer between the parking lot and adjacent properties. The nearest house is approximately 250 feet from the proposed parking lot. **Again, the applicant feels the intent of the parking setbacks found 17.215.040.D has been met. The parking lot is proposed to be gravel and will contain 71 spaces. *17.215.040.D states the parking must be at least 200FT from a property line, not the nearest residence.***

The narrative continues to state that there will be one monument sign for the property, located in the middle of the frontage along Friendship Road. The road frontage will be enhanced by landscaping and 50 foot vegetated buffers is proposed along the western property line, adjacent to the parking lot.

The narrative explains that a new restroom facility will be added adjacent to the ticket queue that will be served by City of Gainesville water and an on-site septic system. The garage will be used for storage of exhibits and supplies. The existing house will be renovated in the future and used for private events, such as weddings.

Stormwater management will be handled by infiltration trenches. The narrative states that construction will include minimal land disturbance and new impervious area. The runoff discharges into an existing creek that forms the northern and eastern boundary. The narrative continues that the site will comply with stormwater regulations for Hall County.

The submitted site plan shows the existing structures, the proposed ticketing queue and restrooms, monument sign, vegetated buffer, and approximately location of the haunted trail.

The applicant has requested relief from the setback requirements for parking lots and structures as required for agri-entertainment venues in 17.215. Additionally, the applicant has requested relief from the requirements of the Gateway Corridors Overlay District (GCOD, 17.420) requirement of paved parking. A separate variance staff report has been prepared for these requests.

Based on the future land use classification of a Mixed-Use Corridor, staff finds the *requested use consistent* with the Comprehensive Plan. **These corridors include retail activities, office-based employment, civic uses, and single-family residential uses. While the proposed uses is not explicitly identified, it is generally consistent with the intent of the mixed-use corridor.**

Zoning Analysis

The proposed use of an agri-entertainment venue is generally consistent with the intent of the Mixed-Use Corridor in the Comprehensive Plan.

Per Planning Commission and Hall County Commission consideration and decision (17.380.060), the planning commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed use of an event venue is suitable in view of the use, development, and zoning of adjacent and nearby properties. The subject property is zoned Agricultural Residential III (AR-III, 17.110) and is adjacent to the west with other Agricultural Residential III (AR-III, 17.110) zoned properties. Adjacent to the east and north are Residential I (R-I, 17.60). While none of the adjacent properties include non-residential uses, the proposed venue is located on Friendship Road, which is identified as a mixed-use corridor in the Comprehensive Plan.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The use proposal should not have an adverse effect on the existing use or usability of adjacent or nearby property. If approved as an agri-entertainment venue the property will be subject to the requirements of the Chapter 8.80, Noise Control and other applicable local, state, and federal regulations.**

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property is currently developed with a single family residence, detached garage, and a barn. The property has reasonable economic values as currently zoned; allowable uses within the Agricultural Residential III (AR-III, 17.110) zoning district.**

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed development should not result in a use which could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. Additionally, as this is a conditional use request, the**

underlying Agricultural Residential III (AR-III, 17.110) will not change. Access to Friendship Rd shall require GDOT approval.

5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The Comprehensive Plan has identified this section of Friendship Road as a Mixed-Use Corridor. These corridors include retail activities, office-based employment, civic uses, and single-family residential uses. While the proposed uses is not explicitly identified, it is generally consistent with the intent of the mixed-use corridor.**

6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**

7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**

9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently developed with a single family residence and customary accessory structures.**

10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is unaware of any changing conditions that affect the use and development of the property.**

11. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The requested use approval is not out of scale with the needs of the county as a whole. Private event venues and seasonal event spaces are needed to serve the community. The proposed location on Friendship Road that is identified as a mixed-use corridor by the Comprehensive Plan is consistent with the use of the area.**

12. 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 zoned Agricultural Residential III (AR-III, 17.110) that the applicant could apply for the conditional use approval which would not require variances, but there is no location where this use is permitted by right.**

13. 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 should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.

Per 17.215, agri-entertainment is defined as the gathering of individuals for social, celebratory or entertainment purposes at an agricultural location (venue) located in an agricultural district, wherein a fee is charged by the owner or representative of the property for the use of the venue. This use is subject to the approval of the Board of Commissioners, per the requirements of 17.215.020. Events to be held include farm weddings, receptions, public gatherings or similar agri-entertainment uses as defined or as determined by the Hall County Planning Director, per 17.217.030.A.

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health
In an email dated January 3, 2023 Emily McGahee states:

"Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. 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 Marshal
An email dated January 3, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following preliminary comments:

"The Hall County Fire Marshal's Office will require a Certified Land Surveyor to prepare and draft a conceptual plan including verification of boundaries, fire access, topography, existing / proposed building locations and all utilities. The Hall County Fire Marshal's Office will not comment on a hand sketched concept plan."

Hall County Public Works and Utilities
In a memo dated December 30, 2022, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

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.
Show flood Hall County studied and FEMA.

Traffic:
GDOT permit is required for driveway connection to Friendship Road.

Utilities
Any type of sanitary sewer will require a design plan approval from Public Works

Georgia Department of Transportation

No comments were received for this agenda.

Public Comments

The Planning Department has received four letters in opposition of the request. These are included as part of the packet.

- **Excerpts from the minutes of the January 17, 2023 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Ed Myers, 752 Chattahoochee Place, Gainesville, presented the request. The applicant stated that an established parking lot would improve traffic flow. The applicant discussed closing hours for Sunday – Thursday to be by 10 p.m. and Friday- Saturday closing by 12:00 a.m. The applicant stated the haunted trail would run through September and October. The applicant stated that there shall be a solid fence with landscaping to shield the neighboring residents and there has been meetings with the HOA to discuss the development.

Sydney Curtain, 3883 Clarks Bridge Road, Gainesville, presented the request. The applicant stated that coordination has been made with GDOT.

Rebuttal

Mr. Myers stated that there will be an 8 foot privacy fence that can have an extended chain link fence towards the creek. Mr. Myers stated that bigger events will have security present and security cameras would be placed around the property for safety. Mr. Myers stated there is a system to manage traffic along the location. Mr. Myers stated that the only part that would require construction would be the driveway and parking lot.

Public Forum:

Kathy Garland, 3549 Friendship Road, Buford, spoke in opposition. Concerns were trespassing, noise, traffic, and creek.

Adolfo Guzman, 3520 Autumn Farm Terrace, Buford, spoke in opposition. Concerns were traffic and safety.

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Joseph Garland, 3539 Friendship Road, Buford, spoke in opposition. Concerns were traffic, safety, parking lot size and location.

Planning Commission Comments:

Mr. Braswell questioned the ingress and egress of the property regarding coordination with GDOT. Mr. Sosebee questioned the fence height. Mr. Myers stated it would be 8 feet height.

Motion: ***A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0***

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
GEORGIA
We have it all in Hall

CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

MATTHEW MILLER
3608 SUNFLOWER DR.
BUFORD, GA. 30519
Phone 7709679333
Email Address MBLAKELANIER@YAHOO

Property Owner (Name & Mailing Address)

WILLIAM NAM
3515 FRIENDSHIP RD.
BUFORD, GA. 30519
Phone 404 944 7414
Email Address EWNAM2000@GMAIL.COM

Proposed Use EVENTS VENUE

Contact Person (Name & Mailing Address)

MATTHEW MILLER
3608 SUNFLOWER DR.
BUFORD, GA. 30519
Phone 7709679333
Email Address MBLAKELANIER@YAHOO
Tax Parcel Number 15048 000026B
Location Address 3515 FRIENDSHIP RD. BUFORD, GA. 30519

Status of Applicant

- ☐ Owner
- ☑ Option to Purchase
- ☐ Area Resident
- ☐ Other

Zoning: AG-3, ENT.
Acreage 13.14

Requested Action

Permissive Use:
☐ HCPC ☑ HCC
Fee:$ 600.00
Receipt #:
Check #:

I hereby certify that the above information and all attached information are true and correct.

Sign [signature] Date: 10/31/22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

Tentative Planning Commission Date: _____ Tentative County Commission Date: _____

County Commission District: _____

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AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) WILLIAM NAM

Address 3515 FRIENDSHIP RD.
BUFORD, GA. 30519

Phone Number 404-944-7414

Name of applicant(s) MATTHEW MILLER

Address 3608 SUNFLOWER DR.
BUFORD, GA. 30519

Phone Number 7709679333

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s)

Personally appeared before me

Donna L. Johnson

DONNA L JOHNSON NOTARY PUBLIC HALL COUNTY, GEORGIA MY COMMISSION EXPIRES JANUARY 18, 2025

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public

10/31/2022
Date

PLANNING AND DEVELOPMENT DEPARTMENT
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HALL COUNTY
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have** X I have not ✓

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 10/31/22

Applicant's/Owner's Name (Printed): William W. NAm

PLANNING AND DEVELOPMENT DEPARTMENT
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Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 10/31/22

Applicant's/Owner's Name (Printed): MATTHEW MILLER

Narrative

Trail of Terror

Agri-Entertainment Special Use
With Variances

Existing Site Description

The proposed property is 12.99 acres located on the north side of Friendship Road between Friendship Farm Drive and Maple Valley Drive in South Hall County, Georgia. The property is currently zoned AR-III. According to Hall County GIS data, the surrounding and adjacent properties are zoned AR III & R-I.

Proposed Development

The proposed property will be used for a haunted trail during September and October and eventually an event center. The existing barn will be converted into the ticket sale / trail entrance. Traffic flow will have one way in and out drives going through a gravel parking lot to control traffic. Events will be able to accommodate 250 people at a time. Non-spill lighting will be used in the parking lot and will only be turned on for events.

A restroom building will be constructed near the ticket line for customers. This will be served by City of Gainesville water with an on-site sewer system.

The existing garage will remain and be used for storage of exhibits and supplies.

The existing house on the property will remain and eventually be renovated and used for events such as weddings.

This development lies within the Gateway Corridors Overlay District. There will be minimal construction compared to a typical development. The frontage of the site will enhance the existing landscaping to present an upscale family image. One monument sign will be placed in the middle of the property along the Friendship Road frontage.

Hours of operations will comply with the current agri-entertainment requirements.

Variances for the agri-entertainment

1. The existing house is only 95 feet from the property line. This property line is along a creek with a large flood plain. The Friendship Farm S/D is adjacent to the boundary. The existing house is nearly 500 feet from the nearest house in the subdivision, so the intent of this regulation is met.
2. Parking will be 50 feet off the western property line. The proposed parking will be on the back side of a hill that shields if from the neighboring property owners. It will be over 200 feet from the adjacent house. To further protect the adjacent property, a 6 foot solid privacy fence will be installed along with evergreen fast growing landscaping. This will provide a real buffer with the adjoining property owners.

Building Setbacks and Buffers

Front: 40'
Side: 15'
Rear: 20'
Buffers: 50' Enhanced Landscaped Buffer along the western boundary.

Storm Water Management

Storm water will be detained in infiltration trenches. The construction will require minimal land disturbance and impervious areas. The runoff discharges into an existing creek that forms the northern and eastern boundary. The site will comply with all current storm water regulations for Hall County.

NARRATIVE

WE ARE PROPOSING TO OPERATE AN ANNUAL EVENTS VENUE AT 3515 FRIENDSHIP RD. BUFORD, GA. 30519. THE CURRENT ZONING IS AG-3 / AGRI ENT.

WE WILL BE USING THE PROPERTY FOR SEASONAL EVENTS SUCH AS VALENTINES PAY, EASTER EGG HUNTS, HALLOWEEN HAUNTED TRAIL, AND A CHRISTMAS WINTER WONDERLAND. WE WILL BE ALSO LEASING THE PROPERTY FOR EVENTS AND WEDDINGS.

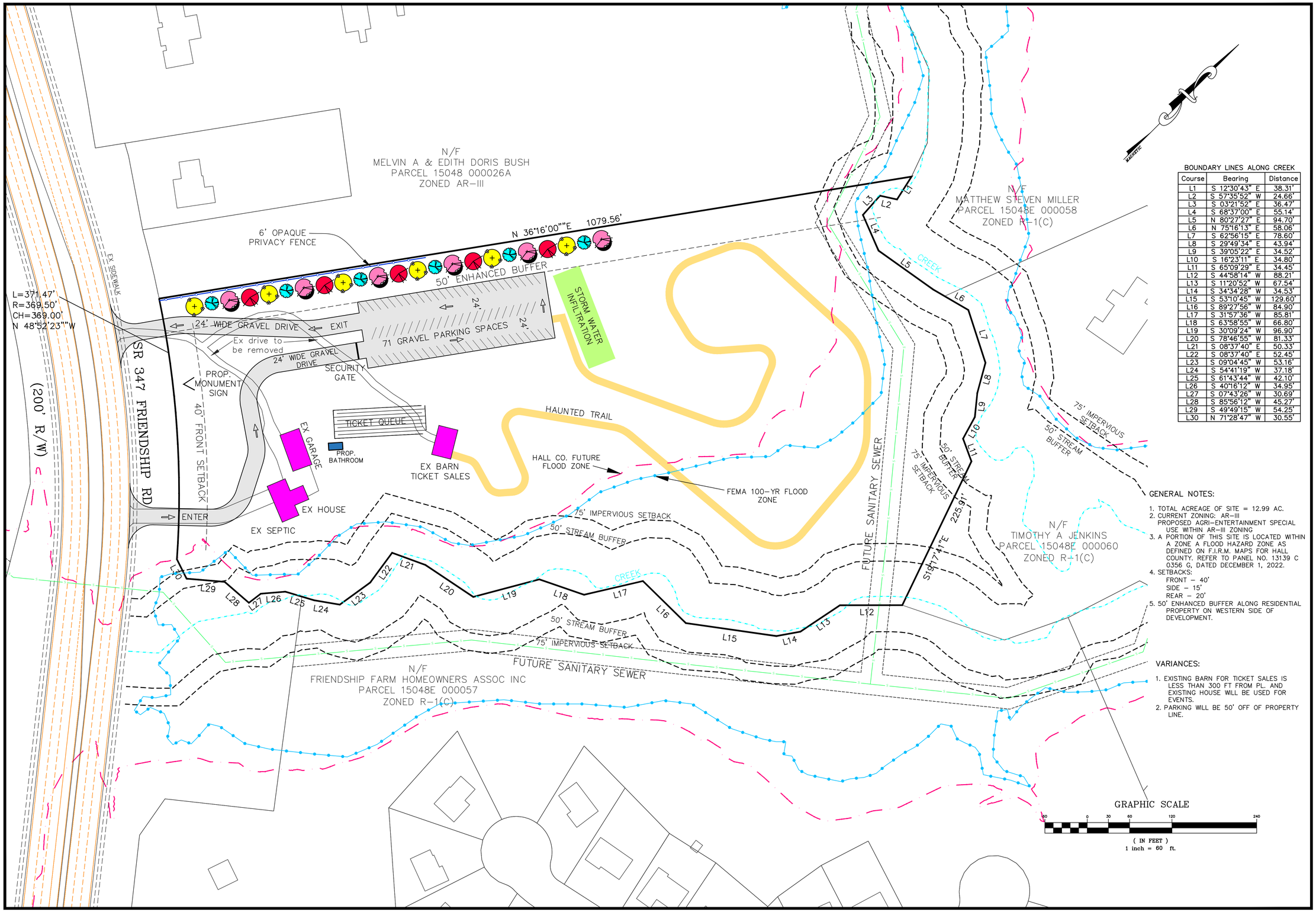
OPERATING HOURS WILL BE SUNDAY-THURSDAY 9:00AM-10:00PM AND FRIDAY-SATURDAY 9:00 AM - 12:00 A.M.

OUR STRUCTURES WILL BE 300 FT. FROM ANY OTHER SURROUNDING PROPERTY OWNERS AND OUR PARKING LOT WILL BE 200 FT. FROM ANY OTHER PROPERTY OWNERS. OUR PARKING LOT WILL BE GRAVEL.

WE PROPOSE TO CONSTRUCT ONE ROAD FRONT SIGN CONSTRUCTED OF METAL AND WOOD. THE SIGN WILL BE LIT. THE SIGN WILL BE 6 FT X 12 FT.

THERE WILL BE NO CHANGE FOR WATER AND WASTEWATER DISPOSAL.

WE WILL IMPLEMENTING EROSION CONTROL (MATTING OR SILT FENCING) WHEN ANY LAND DISTURBANCE TAKES PLACE.



BOUNDARY LINES ALONG CREEK

Course	Bearing	Distance
L1	S 12°30'43" E	38.31'
L2	S 57°35'52" W	24.66'
L3	S 03°21'52" E	36.47'
L4	S 68°37'00" E	55.14'
L5	N 80°27'27" E	94.70'
L6	N 75°16'13" E	58.06'
L7	S 62°56'15" E	78.60'
L8	S 29°49'34" E	43.94'
L9	S 39°05'22" E	34.52'
L10	S 16°23'11" E	34.80'
L11	S 65°09'29" E	34.45'
L12	S 44°58'14" W	88.21'
L13	S 11°20'52" W	67.54'
L14	S 34°34'28" W	34.53'
L15	S 53°10'45" W	129.60'
L16	S 89°27'56" W	84.90'
L17	S 31°57'36" W	85.81'
L18	S 63°58'55" W	66.80'
L19	S 30°09'24" W	96.90'
L20	S 78°46'55" W	81.33'
L21	S 08°37'40" E	50.33'
L22	S 08°37'40" E	52.45'
L23	S 09°04'45" W	53.16'
L24	S 54°41'19" W	37.18'
L25	S 61°43'44" W	42.10'
L26	S 40°16'12" W	34.95'
L27	S 07°43'26" W	30.69'
L28	S 85°56'12" W	45.27'
L29	S 49°49'15" W	54.25'
L30	N 71°28'47" W	30.55'

GENERAL NOTES:

1. TOTAL ACREAGE OF SITE = 12.99 AC.
2. CURRENT ZONING: AR-III
   PROPOSED AGRI-ENTERTAINMENT SPECIAL USE WITHIN AR-III ZONING
3. A PORTION OF THIS SITE IS LOCATED WITHIN A ZONE A FLOOD HAZARD ZONE AS DEFINED ON F.I.R.M. MAPS FOR HALL COUNTY. REFER TO PANEL NO. 13139 C 0356 G, DATED DECEMBER 1, 2022.
4. SETBACKS:
   FRONT – 40'
   SIDE – 15'
   REAR – 20'
5. 50' ENHANCED BUFFER ALONG RESIDENTIAL PROPERTY ON WESTERN SIDE OF DEVELOPMENT.

VARIANCES:

1. EXISTING BARN FOR TICKET SALES IS LESS THAN 300 FT FROM PL. AND EXISTING HOUSE WILL BE USED FOR EVENTS.
2. PARKING WILL BE 50' OFF OF PROPERTY LINE.

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Seal

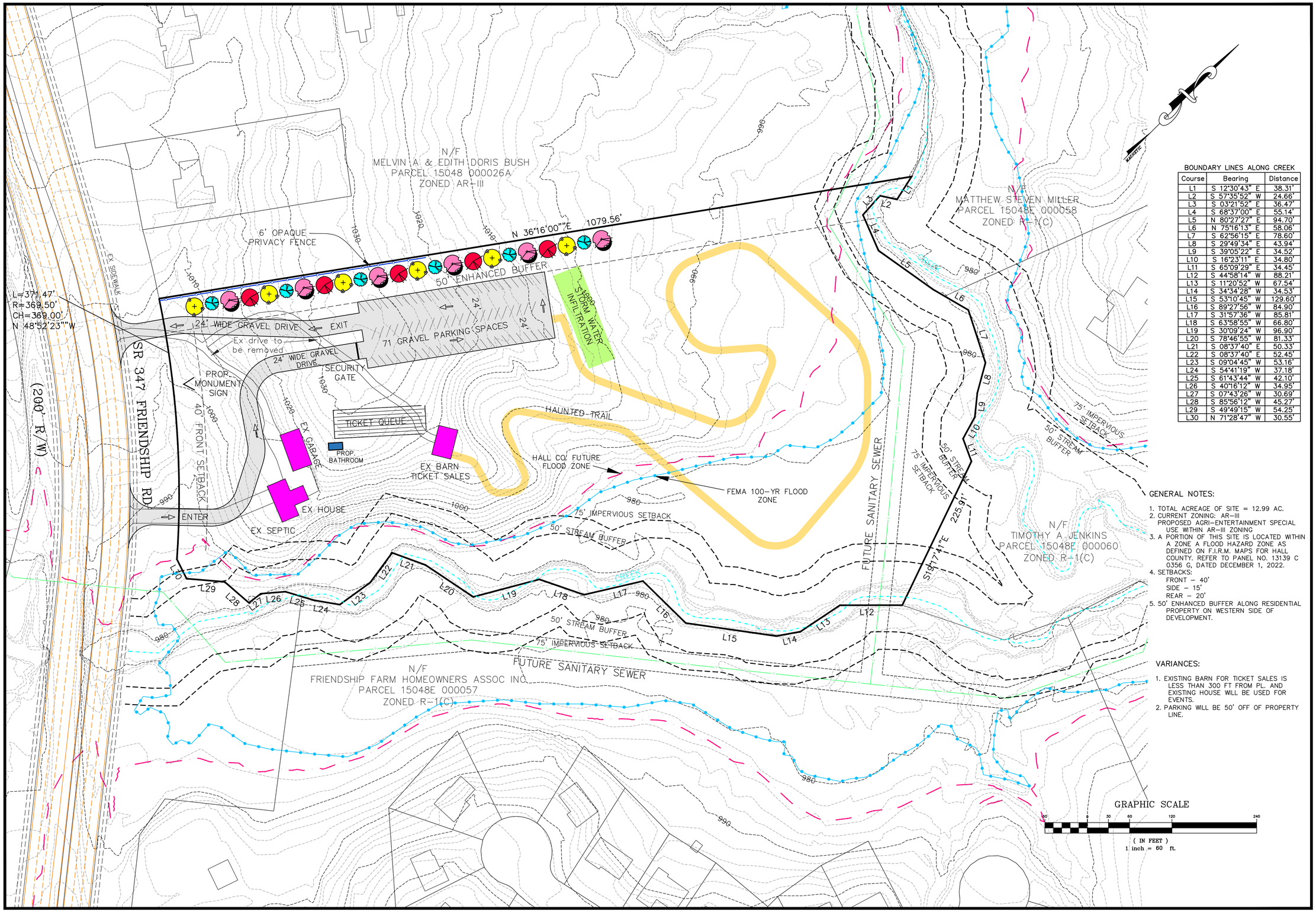
MYERS & CO.
civil engineers
P.O. BOX 634
GAINESVILLE, GA 30503
770-297-9793
ed@myers-and-co.com

Project Description
TRAIL OF TERROR
PARCEL 15048 000026B
GMD 1419, ROBERTS DISTRICT
HALL COUNTY, GEORGIA

DATE 12-15-22
JOB NO. 22-24
Sheet Title
PROPOSED SITE PLAN

Revisions

SHEET
RZ-1



BOUNDARY LINES ALONG CREEK

Course	Bearing	Distance
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L2	S 57°35'52" W	24.66'
L3	S 03°21'52" E	36.47'
L4	S 68°37'00" E	55.14'
L5	N 80°27'27" E	94.70'
L6	N 75°16'13" E	58.06'
L7	S 62°56'15" E	78.60'
L8	S 29°49'34" E	43.94'
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L16	S 89°27'56" W	84.90'
L17	S 31°57'36" W	85.81'
L18	S 63°58'55" W	66.80'
L19	S 30°09'24" W	96.90'
L20	S 78°46'55" W	81.33'
L21	S 08°37'40" E	50.33'
L22	S 08°37'40" E	52.45'
L23	S 09°04'45" W	53.16'
L24	S 54°41'19" W	37.18'
L25	S 61°43'44" W	42.10'
L26	S 40°16'12" W	34.95'
L27	S 07°43'26" W	30.69'
L28	S 85°56'12" W	45.27'
L29	S 49°49'15" W	54.25'
L30	N 71°28'47" W	30.55'

GENERAL NOTES:

1. TOTAL ACREAGE OF SITE = 12.99 AC.
2. CURRENT ZONING: AR-III
   PROPOSED AGRI-ENTERTAINMENT SPECIAL USE WITHIN AR-III ZONING
3. A PORTION OF THIS SITE IS LOCATED WITHIN A ZONE A FLOOD HAZARD ZONE AS DEFINED ON F.I.R.M. MAPS FOR HALL COUNTY. REFER TO PANEL NO. 13139 C 0356 G, DATED DECEMBER 1, 2022.
4. SETBACKS:
   FRONT – 40'
   SIDE – 15'
   REAR – 20'
5. 50' ENHANCED BUFFER ALONG RESIDENTIAL PROPERTY ON WESTERN SIDE OF DEVELOPMENT.

VARIANCES:

1. EXISTING BARN FOR TICKET SALES IS LESS THAN 300 FT FROM PL. AND EXISTING HOUSE WILL BE USED FOR EVENTS.
2. PARKING WILL BE 50' OFF OF PROPERTY LINE.

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2022
MYERS & COMPANY, INC.
ALL RIGHTS RESERVED.
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Seal

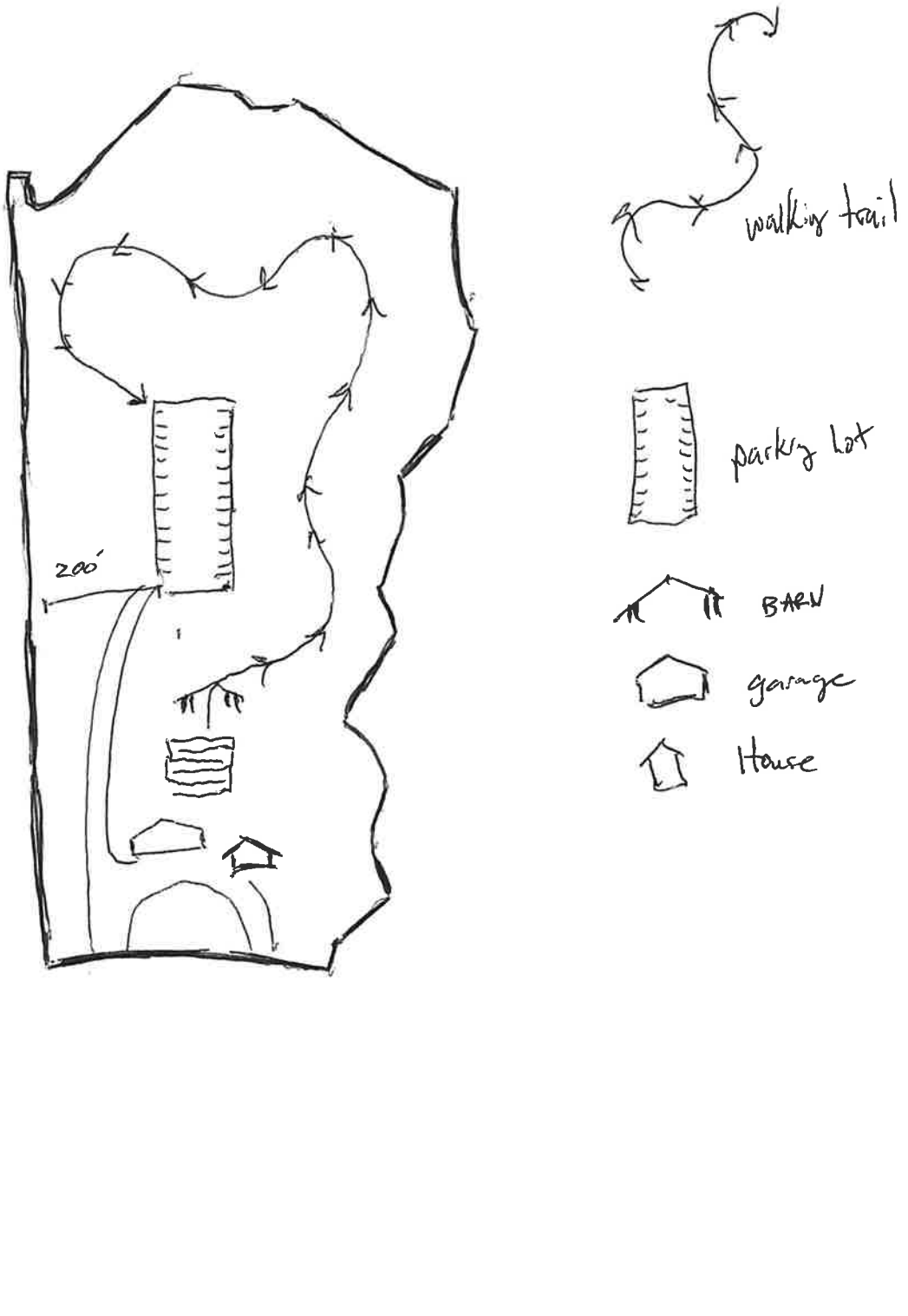
MYERS & CO.
civil engineers
P.O. BOX 634
GAINESVILLE, GA 30503
770-297-9793
ed@myers-and-co.com

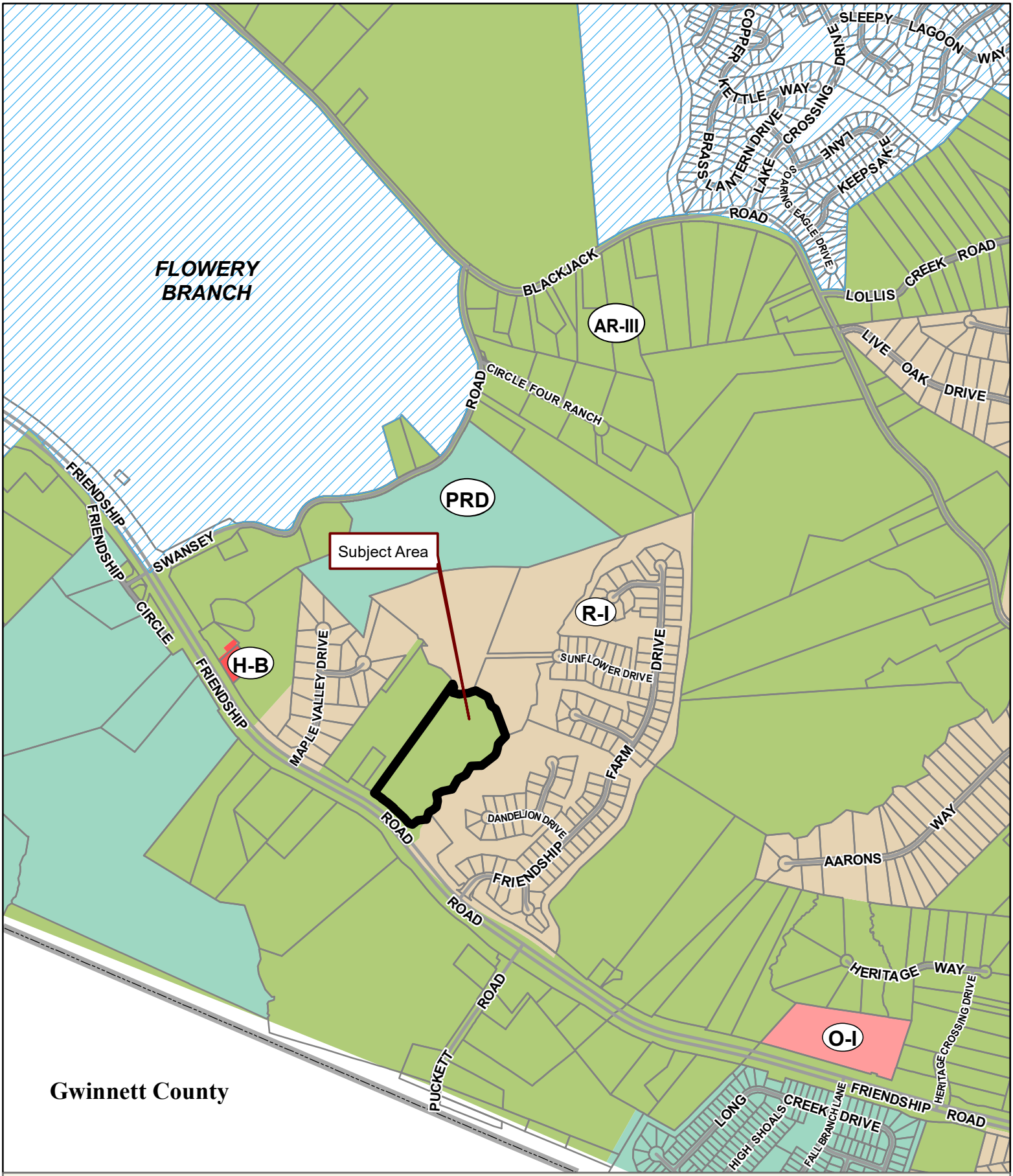
Project Description
TRAIL OF TERROR
PARCEL 15048 000026B
GMD 1419, ROBERTS DISTRICT
HALL COUNTY, GEORGIA

DATE 12-15-22
JOB NO. 22-24
Sheet Title PROPOSED SITE PLAN

Revisions

SHEET RZ-1


walking trail
parking Lot
BARN
garage
House
200'
0
200'
400'
100'
300'

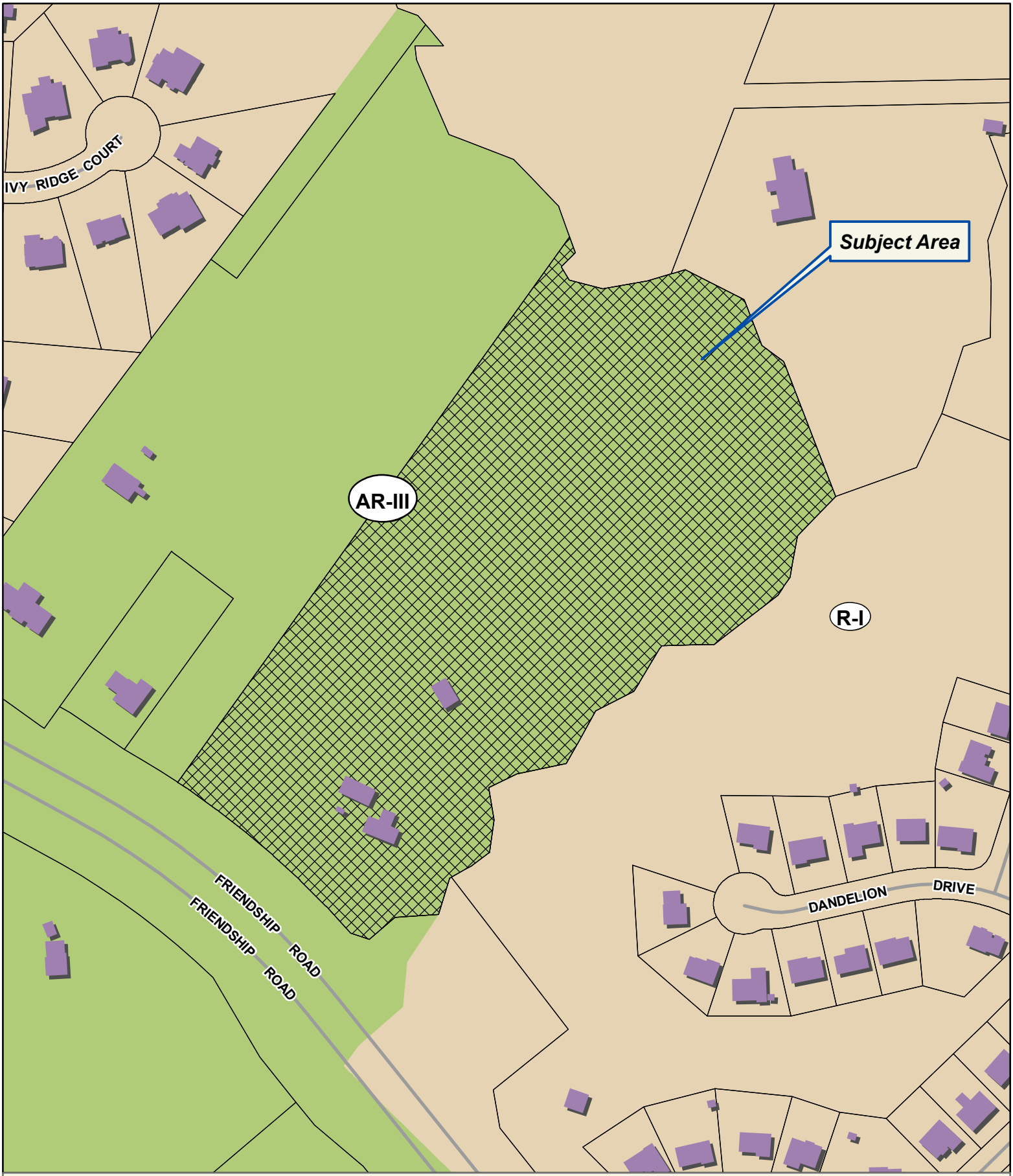


Applicant: MATTHEW MILLER
Tax Parcel #: 15048 000026B
Location: 3515 FRIENDSHIP ROAD, BUFORD, GA 30519
Commission District 1 **PC Mtg. Date:** 01/17/2023

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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N

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0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

RETURN RECORDED DOCUMENT TO:
KIM, GOLDBER & IM, LLC
3700 CRESTWOOD PARKWAY, SUITE 350
DULUTH, GA 30096
RS21098

eFiled and eRecorded
DATE: 05/26/2021
TIME: 3:24 PM
DEED BOOK: 8831
PAGE: 708 - 708
FILING FEES: $25.00
TRANSFER TAX: $420.00
PARTICIPANT ID: 0483180913
PT61: 069-2021-005207
RECORDED BY: CH
CLERK: Charles Baker, C.S.C
Hall County, GA

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF GWINNETT

FILE #: RS21098

This Indenture made this **25th day of MAY 2021** between **ALAN C. JONES**, as party or parties of the first part, hereinafter called Grantor, and **WILLIAM NAM AND JIN Y. NAM**, as **JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP**, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S ($10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

3515 FRIENDSHIP ROAD, BUFORD, GEORGIA 30519

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE ROBERTS DISTRICT GMD 1419, HALL COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED ACCORDING TO A PLAT ENTITLED 'SURVEY FOR HERMAN DEAN WEEKS AND REXINE L. WEEKS, DATED MARCH 24, 1995, PREPARED BY JOSEPH N. SAVAGE, GEORGIA REGISTERED LAND SURVEYOR, AND RECORDED IN PLAT SLIDE PAGE HALL COUNTY, GEORGIA PLAT RECORDS. SAID PLAT AND THE DESCRIPTIONS CONTAINED THEREON ARE HEREBY INCORPORATED HEREIN BY REFERENCE FOR A COMPLETE DESCRIPTION OF SAID PROPERTY. SAID PROPERTY IS MORE FULLY DESCRIBED ACCORDING TO SAID PLAT AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD (80 FOOT RIGHT OF WAY) AND THE CENTERLINE OF AN UNNAMED CREEK WHICH ALSO FORMS THE BOUNDARY OF THE PROPERTY NOW OR FORMERLY OF MRS. PAUL R. WILLIAMS, THENCE RUNNING ALONG THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 44 DEGREES 56 MINUTES 19 SECONDS WEST 257.18 FEET TO A POINT; NORTH 47 DEGREES 49 MINUTES 59 SECONDS WEST 228.89 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING THENCE NORTH 36 DEGREES 16 MINUTES 00 SECONDS EAST 1206.26 FEET TO THE CENTERLINE OF A CREEK, THENCE RUNNING ALONG AND WITH THE MEANDERS OF SAID CREEK IN A GENERALLY SOUTHEASTERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES: SOUTH 12 DEGREES 30 MINUTES 43 SECONDS EAST 38.31 FEET TO A POINT; SOUTH 57 DEGREES 35 MINUTES 52 SECONDS WEST 24.66 FEET TO A POINT; SOUTH 03 DEGREES 21 MINUTES 52 SECONDS EAST 36.47 FEET TO A POINT; SOUTH 68 DEGREES 37 MINUTES 00 SECONDS EAST 55.14 FEET TO A POINT; NORTH 80 DEGREES 27 MINUTES 27 SECONDS EAST 94.70 FEET TO A POINT; NORTH 75 DEGREES 16 MINUTES 13 SECONDS EAST 58.06 FEET TO A POINT, SOUTH 62 DEGREES 56 MINUTES 15 SECONDS EAST 78.60 FEET TO A POINT; SOUTH 29 DEGREES 49 MINUTES 34 SECONDS EAST 43.94 FEET TO A POINT; SOUTH 39 DEGREES 05 MINUTES 22 SECONDS EAST 34.52 FEET TO A POINT; SOUTH 16 DEGREES 23 MINUTES 11 SECONDS EAST 34.80 FEET TO A POINT: SOUTH 65 DEGREES 09 MINUTES 29 SECONDS EAST 34.45 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF SAID CREEK AND RUNNING THENCE SOUTH 19 DEGREES 17 MINUTES 41 SECONDS EAST 225.91 FEET TO A POINT LOCATED IN THE CENTERLINE OF ANOTHER CREEK; THENCE RUNNING ALONG AND WITH THE MEANDERS OF SAID CREEK IN A GENERALLY SOUTHWESTERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES: SOUTH 44 DEGREES 58 MINUTES 14 SECONDS WEST 88.21 FEET TO A POINT; SOUTH 11 DEGREES 20 MINUTES 52 SECONDS WEST 67.54 FEET TO A POINT; SOUTH 34 DEGREES 34 MINUTES 28 SECONDS WEST 34.53 FEET TO A POINT; SOUTH 53 DEGREES 10 MINUTES 45 SECONDS WEST 129.60 FEET TO A POINT; SOUTH 89 DEGREES 27 MINUTES 56 SECONDS WEST 84.90 FEET TOA POINT; SOUTH 31 DEGREES 57 MINUTES 36 SECONDS WEST 85.81 FEET TO A POINT; SOUTH 63 DEGREES 58 MINUTES 55 SECONDS WEST 66.80 FEET TO A POINT; SOUTH 30 DEGREES 09 MINUTES 24 SECONDS WEST 96.90 FEET TO A POINT; SOUTH 78 DEGREES 46 MINUTES 55 SECONDS WEST 81.33 FEET TO A POINT; SOUTH 65 DEGREES 02 MINUTES 59 SECONDS WEST 50.33 FEET TO A POINT; SOUTH 08 DEGREES 37 MINUTES 40 SECONDS EAST 52.45 FEET TO A POINT; SOUTH 09 DEGREES 04 MINUTES 45 SECONDS WEST 53.16 FEET TO A POINT, SOUTH 54 DEGREES 41 MINUTES 19 SECONDS WEST 37.18 FEET TO A POINT; SOUTH 61 DEGREES 43 MINUTES 44 SECONDS WEST 42.10 FEET TO A POINT; SOUTH 40 DEGREES 16 MINUTES 12 SECONDS WEST 34.95 FEET TO A POINT; SOUTH 07 DEGREES 43 MINUTES 26 SECONDS WEST 30.69 FEET TO A POINT, SOUTH 32 DEGREES 07 MINUTES 20 SECONDS WEST 99.19 FEET TO A POINT; SOUTH 07 DEGREES 55 MINUTES 31 SECONDS WEST 60.79 FEET TO A POINT; SOUTH 39 DEGREES 07 MINUTES 47 SECONDS WEST 34.86 FEET TO A POINT; SOUTH 47 DEGREES 39 MINUTES 17 SECONDS WEST 55.34 FEET TO A POINT LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD AND THE POINT OF BEGINNING, ACCORDING TO SAID SURVEY, SAID TRACT CONTAINS 14.366 ACRES.

TAX ID#: 15048-000026B

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behalf of the said Grantee forever in **FEE SIMPLE.**

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

GRANTOR:

WITNESS

ALAN C. JONES

NOTARY PUBLIC (SEAL)

SUYEON KIM
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
My Commission Expires 06-23-2021

WARRANTY DEED FORM 1008 CLYDE CASTLEBERRY CO., COVINGTON, GA. 30209

State of Georgia, Gwinnett *County* 263

THIS INDENTURE, Made this 2nd day of March in the year of our Lord One Thousand Nine Hundred and Ninety between

DEAN WEEKS

of the County of Hall and State of Georgia of the first part, and

REXINE WEEKS

of the County of Hall and State of Georgia of the second part

WITNESSETH That the said party of the first part for and in consideration of the sum of LOVE AND AFFECTION----------XXXXX in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted, bargained sold and conveyed and by these presents does grant, bargain sell and convey unto the said party of the second part her heirs and assigns all the following described property, to wit

A One-Half Undivided Interest In

All that tract or parcel of land lying and being in the 1419th G.M.D. (Roberts District) of the 7th District of Hall County, Georgia, being 21.94 acres according to plat of survey for Mrs. Ruby Puckett by Keith Rochester & Associates dated March 13, 1969, more particularly described as follows.

BEGINNING at the intersection of the northeastern right of way of Friendship Road with the centerline of an unnamed creek at the property of Mrs Paul Williams, thence running Northeasterly along the centerline of the meanderings of said creek to an iron pin in the centerline of said creek at the property of Mrs. Paul Williams; thence running North 17 degrees 50 minutes West 230.8 feet to an iron pin in the center of a creek, thence Westerly along the centerline of the meanderings of said creek to an iron pin in the center of said creek; which iron pin is 232.9 feet on a course of South 23 degrees 28 minutes East from the intersection of the Western boundary of the property of Furillo and said creek; thence South 36 degrees 16 minutes West 1206.1 feet to an iron pin on the Northeastern right of way of Friendship Road; thence North 53 degrees 15 minutes West 176.3 feet along said right of way to a point; thence North 48 degrees 59 minutes West 222 7 feet along said right of way to a point; thence North 45 degrees 34 minutes West 330.5 feet along said right of way to the point of beginning.

Less and excepted from the above described property is that property described in Warranty Deed from Dean Weeks and Fred R. Maxwell to Melvin A. Bush, dated July 19, 1975, recorded in Deed Book 576, Page 585, Hall County Records, containing 7.00 acres.

Georgia, Hall County, Clerk Superior Court
Filed in office, this 13 day of Mar. 1990
at 12:00 M. Recorded in Book 1449 Page 263
this 14 day of Mar, 1990.
Dwight S. Wood, Clerk

3d Rec # 68373
mail pay'n Kilgore

TO HAVE AND TO HOLD The said bargained premises, together with all and singular the rights members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of Rexine Weeks the said party of the second part, her heirs and assigns forever in **Fee Simple**

And the said party of the first part, for his heirs executors and administrators, will warrant and forever defend the right and title to the above described property unto the said party of the second part her heirs and assigns against the claims of all persons whomsoever

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and affixed his seal the day and year first above written

Signed sealed and delivered in presence of

Dean Weeks (Seal)
DEAN WEEKS

~~HALL COUNTY, Georgia~~ (Seal)
Real Estate Transfer Tax

(Witness) (Seal)
Paid $ -0-

(Notary Public) Notary Public, Gwinnett County, Georgia My Commission Expires Jan 15 1991 Date 3-13-90 (Seal)

Date Executed 03/02/90

DWIGHT S. WOOD
Clerk of Superior Court

GARNER & KILGORE

04119
.0550

000550

King and Mongenstern
380 Dahlonega St.
Suite 100
Cumming, GA 30040

GEORGIA, HALL COUNTY, CLERK
SUPERIOR COURT FILED IN OFFICE
AND RECORDED IN BOOK 4119
PAGE (S) 550-551 THIS 14
DAY OF Feb 20 02 AT 10:47 AM
DWIGHT S. WOOD, CLERK BY
19678, 81

005773

JOINT TENANCY WITH SURVIVORSHIP WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FORSYTH

This Indenture made this **18th** day of **January,** in the year **Two Thousand One, between DEAN WEEKS**, of the County of HALL, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **ALAN C. JONES AND SHAWNN E. JONES, as joint tenants with rights of survivorship and not as tenants in common** as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S ($10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants with rights of survivorship and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE ROBERTS DISTRICT GMD 1419, HALL COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED ACCORDING TO A PLAT ENTITLED "SURVEY FOR HERMAN DEAN WEEKS AND REXINE L. WEEKS," DATED MARCH 24, 1995, PREPARED BY JOSEPH N. SAVAGE, GEORGIA REGISTERED LAND SURVEYOR, AND RECORDED IN PLAT SLIDE_____,PAGE_____, HALL COUNTY, GEORGIA PLAT RECORDS. SAID PLAT AND THE DESCRIPTIONS CONTAINED THEREON ARE HEREBY INCORPORATED HEREIN BY REFERENCE FOR A COMPLETE DESCRIPTION OF SAID PROPERTY. SAID PROPERTY IS MORE FULLY DESCRIBED ACCORDING TO SAID PLAT AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD (80 FOOT RIGHT OF WAY) AND THE CENTERLINE OF AN UNNAMED CREEK WHICH ALSO FORMS THE BOUNDARY OF THE PROPERTY NOW OR FORMERLY OF MRS. PAUL R. WILLIAMS, THENCE RUNNING ALONG THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 44 DEGREES 56 MINUTES 19 SECONDS WEST 257.18 FEET TO A POINT; NORTH 47 DEGREES 49 MINUTES 59 SECONDS WEST 228.89 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING THENCE NORTH 36 DEGREES 16 MINUTES 00 SECONDS EAST 1206.26 FEET TO THE CENTERLINE OF A CREEK; THENCE RUNNING ALONG AND WITH THE MEANDERS OF SAID CREEK IN A GENERALLY SOUTHEASTERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES: SOUTH 12 DEGREES 30 MINUTES 43 SECONDS EAST 38.31 FEET TO A POINT; SOUTH 57 DEGREES 35 MINUTES 52 SECONDS WEST 24.66 FEET TO A POINT; SOUTH 03 DEGREES 21 MINUTES 52 SECONDS EAST 36.47 FEET TO A POINT; SOUTH 68 DEGREES 37 MINUTES 00 SECONDS EAST 55.14 FEET TO A POINT; NORTH 80 DEGREES 27 MINUTES 27 SECONDS EAST 94.70 FEET TO A POINT; NORTH 75 DEGREES 16 MINUTES 13 SECONDS EAST 58.06 FEET TO A POINT; SOUTH 62 DEGREES 56 MINUTES 15 SECONDS EAST 78.60 FEET TO A POINT; SOUTH 29 DEGREES 49 MINUTES 34 SECONDS EAST 43.94 FEET TO A POINT; SOUTH 39 DEGREES 05 MINUTES 22 SECONDS EAST 34.52 FEET TO A POINT; SOUTH 16 DEGREES 23 MINUTES 11 SECONDS EAST 34.80 FEET TO A POINT; SOUTH 65 DEGREES 09 MINUTES 29 SECONDS EAST 34.45 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF SAID CREEK AND RUNNING THENCE SOUTH 19 DEGREES 17 MINUTES 41 SECONDS EAST 225.91 FEET TO A POINT LOCATED IN THE CENTERLINE OF ANOTHER CREEK; THENCE RUNNING ALONG AND WITH THE MEANDERS OF SAID CREEK IN A GENERALLY SOUTHWESTERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES; SOUTH 44 DEGREES 58 MINUTES 14 SECONDS WEST 88.21 FEET TO A POINT; SOUTH 11 DEGREES 20 MINUTES 52 SECONDS WEST 67.54 FEET TO A POINT; SOUTH 34 DEGREES 34 MINUTES 28 SECONDS WEST 34.53 FEET TO A POINT; SOUTH 53 DEGREES 10 MINUTES 45 SECONDS WEST 129.60 FEET TO A POINT; SOUTH 89 DEGREES 27 MINUTES 56 SECONDS WEST 84.90 FEET TO A POINT; SOUTH 31 DEGREES 57 MINUTES 36 SECONDS WEST 85.81 FEET TO A POINT; SOUTH 63 DEGREES 58 MINUTES 55 SECONDS WEST 66.80 FEET TO A POINT; SOUTH 30 DEGREES 09 MINUTES 24 SECONDS WEST 96.90 FEET TO A POINT; SOUTH 78 DEGREES 46 MINUTES 55 SECONDS WEST 81.33 FEET TO A POINT; SOUTH 65 DEGREES 02 MINUTES 59 SECONDS WEST 50.33 FEET TO A POINT; SOUTH 08 DEGREES 37 MINUTES 40 SECONDS EAST 52.45 FEET TO A POINT; SOUTH 09 DEGREES 04 MINUTES 45 SECONDS WEST 53.16 FEET TO A POINT; SOUTH 54 DEGREES 41 MINUTES 19 SECONDS WEST 37.18 FEET TO A POINT; SOUTH 61 DEGREES 43 MINUTES 44 SECONDS WEST 42.10 FEET TO A POINT; SOUTH 40 DEGREES 16 MINUTES 12 SECONDS WEST 34.95 FEET TO A POINT; SOUTH 07 DEGREES 43 MINUTES 26 SECONDS WEST 30.69 FEET TO A POINT; SOUTH 32 DEGREES 07 MINUTES 20 SECONDS WEST 99.19 FEET TO A

POINT; SOUTH 07 DEGREES 55 MINUTES 31 SECONDS WEST 60.79 FEET TO A POINT; SOUTH 39 DEGREES 07 MINUTES 47 SECONDS WEST 34.86 FEET TO A POINT; SOUTH 47 DEGREES 39 MINUTES 17 SECONDS WEST 55.34 FEET TO A POINT LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD AND THE POINT OF BEGINNING.

ACCORDING TO SAID SURVEY, SAID TRACT CONTAINS 14.566 ACRES.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees, as joint tenants with rights of survivorship and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-19, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

Notary Public
My commission expires

LESLIE PAXTON NOTARY PUBLIC GEORGIA EXPIRES JUNE 24, 2005 DAWSON COUNTY

DEAN WEEKS (Seal)

(Seal)

HALL COUNTY, Georgia
Real Estate Transfer Tax
Paid $ 300.00
Date 2-14-02
DWIGHT S. WOOD
Clerk Superior Court
By

Prepared by:
KING & MORGENSTERN
380 DAHLONEGA STREET
SUITE 100
CUMMING, GEORGIA 30040

Trail of Terror. Legal Desc.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE ROBERTS DISTRICT GMD 1419, HALL COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED ACCORDING TO A PLAT ENTITLED 'SURVEY FOR HERMAN DEAN WEEKS AND REXINE L. WEEKS,' DATED MARCH 24, 1995, PREPARED BY JOSEPH N. SAVAGE, GEORGIA REGISTERED LAND SURVEYOR, AND RECORDED IN PLAT SLIDE _____, PAGE _____, HALL COUNTY, GEORGIA PLAT RECORDS. SAID PLAT AND THE DESCRIPTIONS CONTAINED THEREON ARE HEREBY INCORPORATED HEREIN BY REFERENCE FOR A COMPLETE DESCRIPTION OF SAID PROPERTY. SAID PROPERTY IS MORE FULLY DESCRIBED ACCORDING TO SAID PLAT AS FOLLOWS:

BEGINNING AT A POINT LOCATED AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD (80 FOOT RIGHT OF WAY) AND THE CENTERLINE OF AN UNNAMED CREEK WHICH ALSO FORMS THE BOUNDARY OF THE PROPERTY NOW OR FORMERLY OF MRS. PAUL R. WILLIAMS, THENCE RUNNING ALONG THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 44 DEGREES 56 MINUTES 19 SECONDS WEST 257.18 FEET TO A POINT; NORTH 47 DEGREES 49 MINUTES 59 SECONDS WEST 228.89 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING THENCE NORTH 36 DEGREES 16 MINUTES 00 SECONDS EAST 1206.26 FEET TO THE CENTERLINE OF A CREEK; THENCE RUNNING ALONG AND WITH THE MEANDERS OF SAID CREEK IN A GENERALLY SOUTHEASTERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES: SOUTH 12 DEGREES 30 MINUTES 43 SECONDS EAST 38.31 FEET TO A POINT; SOUTH 57 DEGREES 35 MINUTES 52 SECONDS WEST 24.66 FEET TO A POINT; SOUTH 03 DEGREES 21 MINUTES 52 SECONDS EAST 36.47 FEET TO A POINT; SOUTH 68 DEGREES 37 MINUTES 00 SECONDS EAST 55.14 FEET TO A POINT; NORTH 80 DEGREES 27 MINUTES 27 SECONDS EAST 94.70 FEET TO A POINT; NORTH 75 DEGREES 16 MINUTES 13 SECONDS EAST 58.06 FEET TO A POINT; SOUTH 62 DEGREES 56 MINUTES 15 SECONDS EAST 78.60 FEET TO A POINT; SOUTH 29 DEGREES 49 MINUTES 34 SECONDS EAST 43.94 FEET TO A POINT; SOUTH 39 DEGREES 05 MINUTES 22 SECONDS EAST 34.52 FEET TO A POINT; SOUTH 16 DEGREES 23 MINUTES 11 SECONDS EAST 34.80 FEET TO A POINT; SOUTH 65 DEGREES 09 MINUTES 29 SECONDS EAST 34.45 FEET TO A POINT; THENCE LEAVING THE CENTERLINE OF SAID CREEK AND RUNNING THENCE SOUTH 19 DEGREES 17 MINUTES 41 SECONDS EAST 225.91 FEET TO A POINT LOCATED IN THE CENTERLINE OF ANOTHER CREEK; THENCE RUNNING ALONG AND WITH THE

MEANDERS OF SAID CREEK IN A GENERALLY SOUTHWESTERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES: SOUTH 44 DEGREES 58 MINUTES 14 SECONDS WEST 88.21 FEET TO A POINT; SOUTH 11 DEGREES 20 MINUTES 52 SECONDS WEST 67.54 FEET TO A POINT; SOUTH 34 DEGREES 34 MINUTES 28 SECONDS WEST 34.53 FEET TO A POINT; SOUTH 53 DEGREES 10 MINUTES 45 SECONDS WEST 129.60 FEET TO A POINT; SOUTH 89 DEGREES 27 MINUTES 56 SECONDS WEST 84.90 FEET TO A POINT; SOUTH 31 DEGREES 57 MINUTES 36 SECONDS WEST 85.81 FEET TO A POINT; SOUTH 63 DEGREES 58 MINUTES 55 SECONDS WEST 66.80 FEET TO A POINT; SOUTH 30 DEGREES 09 MINUTES 24 SECONDS WEST 96.90 FEET TO A POINT; SOUTH 78 DEGREES 46 MINUTES 55 SECONDS WEST 81.33 FEET TO A POINT; SOUTH 65 DEGREES 02 MINUTES 59 SECONDS WEST 50.33 FEET TO A POINT; SOUTH 08 DEGREES 37 MINUTES 40 SECONDS EAST 52.45 FEET TO A POINT; SOUTH 09 DEGREES 04 MINUTES 45 SECONDS WEST 53.16 FEET TO A POINT; SOUTH 54 DEGREES 41 MINUTES 19 SECONDS WEST 37.18 FEET TO A POINT; SOUTH 61 DEGREES 43 MINUTES 44 SECONDS WEST 42.10 FEET TO A POINT; SOUTH 40 DEGREES 16 MINUTES 12 SECONDS WEST 34.95 FEET TO A POINT; SOUTH 07 DEGREES 43 MINUTES 26 SECONDS WEST 30.69 FEET TO A POINT; SOUTH 32 DEGREES 07 MINUTES 20 SECONDS WEST 99.19 FEET TO A POINT; SOUTH 07 DEGREES 55 MINUTES 31 SECONDS WEST 60.79 FEET TO A POINT; SOUTH 39 DEGREES 07 MINUTES 47 SECONDS WEST 34.86 FEET TO A POINT; SOUTH 47 DEGREES 39 MINUTES 17 SECONDS WEST 55.34 FEET TO A POINT LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF FRIENDSHIP ROAD AND THE POINT OF BEGINNING. ACCORDING TO SAID SURVEY, SAID TRACT CONTAINS 14.566 ACRES.

THIS DEED IS PURSUANT TO THE PARTIES' DIVORCE AGREEMENT IN CIVIL ACTION FILE NO. 10A-07562-2, GWINNETT COUNTY SUPERIOR COURT.

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Tuesday, January 3, 2023 10:27 AM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 1.17.23

Please find Environmental Health comments below:

Item 1, 6600 Shoal Creek Road, Martin: This plat is currently under review by the Hall County Plat Review Team. Comments were provided to the owner on 11.15.22.

Items 2 and 3, 3515 Friendship Road, Miller: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. 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.

Item 4, 2079, 0, & 0 Memorial Park Drive, Sutherland: No comment. Public sewer.

Items 5 and 6, 1600C Athens Hwy, Vargas: No parking of stock, employee, or customer vehicles on top of or within 5' of drainline or 10' from septic tank. All proposed additions must meet required setbacks from septic system.

Item 7, 5937 Union Church Road, Rochester: Connection to public sewer required if available within 200' of property. If sewer not available, must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 8, Text Amendment: No comment.

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: December 30, 2022

Subject: January 17, 2023 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the January 17, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **6600 Shoal Creek Road | Variance |** a variance from §17.240.150 (flag lot width and frontage standards) from 150 feet to 101 feet on a 7.86± acre tract located on the east side of Shoal Creek Road at its intersection with Kenimer Road | Zoned AR-IV; Tax Parcel 12059 000008 | **Proposed use: 2 residential lots |** * Commission District 3 | **Clarence K. & DeJuan B. Martin, applicants.**

   a) **Engineering:** No Comment
   b) **Traffic:** No Comment
   c) **Utilities:** No Comment

2. **3515 Friendship Road | Use Subject to County Commission Approval |** on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue |** ** Commission District 1 | **Matthew Miller, applicant.**

   a) **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.show flood Hall County studied and FEMA.
   b) **Traffic:** GDOT permit is required for driveway connection to Friendship Road
   c) **Utilities:** Any type of sanitary sewer will require a design plan approval from Public Works.

3. **3515 Friendship Road | Variance |** a variance from §17.420 to allow gravel parking within the Gateway Corridors Overlay District; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet; on a 12.99± acre tract located on the north

HALL COUNTY
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t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue |** ** Commission District 1 | **Matthew Miller, applicant.**

a) **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.
Show flood Hall County studied and FEMA.
b) **Traffic**: No Comment
c) **Utilities**: Hall County Health Department approval required for septic system. No Hall County Sewer.

4. **2079, 0, & 0 Memorial Park Drive | Use Subject To County Commission Approval |** on a 15.83± acre tract located on the north side of Memorial Park Drive at its intersection with Centennial Drive | Zoned I-I; Tax Parcel 08007 003011, 003029, & 08008 000044 **| Proposed use: egg processing |** ** Commission District 4 **| David Sutherland, applicant.**

a) **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.
b) **Traffic:** No Comment
c) **Utilities:** No Comment

5. **1600 Athens Highway Building C | Rezone |** from Highway-Business (H-B) to Light-Industrial (I-I) on a .64± acre tract located at the south side of Athens Highway approximately 554 feet from its intersection with Old County Dump Road | Zoned H-B; Tax Parcel 15032 000050 **| Proposed use: Countertop manufacturing with Outdoor Storage** | ** Commission District 3 **| Gerardo Vargas, applicant.**

a) **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.
b) **Traffic:** GDOT permit will be required for any modification to the driveway.
c) **Utilities:** No Comment

6. **1600 Athens Highway Building C | Use Subject to County Commission Approval |** on a .64± acre tract located at the south side of Athens Highway approximately 554 feet from its intersection with Old County Dump Road | Zoned H-B; Tax Parcel 15032 000050 **| Proposed use: Countertop manufacturing with Outside Storage** | ** Commission District 3 **| Gerardo Vargas, applicant.**

HALL COUNTY
GEORGIA

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t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

a) **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.
b) **Traffic:** No Comments
c) Utilities: No Comments

7. **5937 Union Church Road | Rezone |** from Agricultural-Residential-IV (AR-IV) to Highway-Business (H-B) on a 1.33± acre tract located on the north side of Union Church Road at its intersection with Old Winder Highway | Zoned AR-IV; Tax Parcel 15039A000024 | **Proposed use: 8000 SF speculative building |** ** Commission District 1 | **Rochester|DCCM, applicant.**

a) **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.
Show flood Hall County studied and FEMA.
b) **Traffic:** GDOT permit will be required for driveway connection to Old Winder Highway.
c) **Utilities:** Sanitary sewer verify if intent is available at site, design shall meet Hall County Standards. Availability letter needed for Hall County Sewer.

8. **Section 17.180 | Text Amendment** | Proposed amendment to Section 17.180. A copy of the proposed amendment is available from the Hall County Planning office | ** All Commission Districts | **Hall County Planning, applicant.**

a) **Engineering:** No Comment
b) **Traffic:** No Comment
c) **Utilities:** No Comment

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Tuesday, January 3, 2023 9:14 AM
To: Randi Doveton (Planning)
Cc: Anael Dominguez (Planning)
Subject: Fire Comments

Tentative Planning Agenda for January 17, 2023

1. **3515 Friendship Road | Use Subject to County Commission Approval |** on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue |** ** Commission District 1 | **Matthew Miller, applicant.** The Hall County Fire Marshal's Office will require a Certified Land Surveyor to prepare and draft a conceptual plan including verification of boundaries, fire access, topography, existing / proposed building locations and all utilities. The Hall County Fire Marshal's Office will not comment on a hand sketched concept plan.

Regards,

John Hornick, NPQ Fire Service Plans Examiner 1
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

Anael Dominguez (Planning)

From: Brittany Walker (Planning)
Sent: Tuesday, January 3, 2023 9:31 AM
To: Anael Dominguez (Planning)
Subject: FW: 3515 Friendship Road, Buford GA Variance Request Objection

---

From: Ashley Anderson <ashes00@gmail.com>
Sent: Tuesday, January 3, 2023 9:25 AM
To: Planning <planning@hallcounty.org>
Subject: 3515 Friendship Road, Buford GA Variance Request Objection

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear elected officials,

I am here by voicing my opposition to the application for variance for 3515 Friendship Road, Buford GA at Tax Parcel 15048 000026B. The homeowners that live immediately next to this property are adamantly against this variance change. We object to this for the following reasons.

A. It will cause undue traffic problems for all of the homeowners of Friendship Farms Neighborhood. The neighborhood entrance will be impossible to exit onto Friendship Farm road due to the extreme traffic this event (Trail of Terror) causes. For years we have seen the ridiculous traffic that Trail of Terror and Ball 6 lanes of Friendship Road. This will require thousands of cars to turn around and do a U turn at the break in the median, at the entrance of Friendship Farms.

B. It will decrease the home values for all homes that are within sight of the proposed gravel parking lot.

C. It will have a negative environmental impact as there is a natural creek and water way in the area said gravel pit is expected. There are lots of animals in the area that will be displaced.

D. It will deprive homeowners of peace & quiet as this event "Trail of Terror" operates until 2AM for months. This neighborhood has lots of young children. Obscenely loud crowds will deprive developing children of their needed sleep in order to grow.

F. This land was never zoned Commercial. It's forest land, and not farm land.

I pray that you actually listen to the hardworking homeowners of Hall county when we speak out against allowing such a nuisance to operate next door.

Mr. Ashley Anderson
3603 Friendship Farm Drive, Buford, GA
01/03/2023

--

Best Regards,

Ashley Anderson
ashes00@gmail.com
(M) 770.406.6070

Print

Board of Commissioners Work Session Comments - January 9, 2023 - Submission #66562

Date Submitted: 1/3/2023

Comments completed in the form below will be submitted into the record for the January 9, 2023 Work Session of the Hall County Board of Commissioners.

First Name*

Ashley

Last Name*

Anderson

Address1*

3603 Friendship Farm Drive

Address2

City*

Buford

State*

GA

Zip*

30519

Your Comments*

Dear elected officials,

I am hear by voicing my opposition to the application for variance for 3515 Friendship Road, Buford GA at Tax Parcel 15048 000026B. The homeowners that live immediately next to this property are adamantly against this variance change. We object to this for the following reasons.

A. It will cause undue traffic problems for all of the homeowners of Friendship Farms Neighborhood. The neighborhood entrance will impossible to exit onto Friendship Farm road due to the extreme traffic this event (Trail of Terror) causes. For years we have seen the ridiculous traffic that Trail of Terror and Ball 6 lanes of traffic of Friendship Road. This will require thousands of cars to turn around and do a U turn at the break in the median, at the entrance of Friendship Farms.

B. It will decrease the home values for all homes that are within sight of the proposed gravel parking lot.

C. It will have a negative environmental impact as there is a natural creek and water way in the area said gravel pit is expected. There are lots of animals in the area that will be displaced.

D. It will deprive homeowners of peace & quite as this event "Trail of Terror" operates until 2AM for months. This neighborhood has lots of young children. Obscenely loud crowds will deprive developing children of their needed sleep in order to grow.

F. This land was never zoned Commercial. Its forest land, and not farm land.

I pray that you actually listen to the hardworking homeowners of Hall county when we speak out against allowing such a nuisance to operate next door.

Mr. Ashley Anderson
3603 Friendship Farm Drive, Buford, GA

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

ashes00@gmail.com

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

Anael Dominguez (Planning)

From: Randi Doveton (Planning)
Sent: Thursday, January 5, 2023 12:05 PM
To: Anael Dominguez (Planning)
Subject: FW: Objection to Variance request for 3515 Friendship Road

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From: Ashley Anderson <ashes00@gmail.com>
Sent: Thursday, January 5, 2023 8:32 AM
To: Planning <planning@hallcounty.org>
Subject: Objection to Variance request for 3515 Friendship Road

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear elected officials,

I am here by voicing my opposition to the application for variance for 3515 Friendship Road, Buford GA at Tax Parcel 15048 000026B. The homeowners that live immediately next to this property are adamantly against this variance change. We object to this for the following reasons.

A. It will cause undue traffic problems for all of the homeowners of Friendship Farms Neighborhood. The neighborhood entrance will be impossible to exit onto Friendship Farm road due to the extreme traffic this event (Trail of Terror) causes. For years we have seen the ridiculous traffic that Trail of Terror and Ball 6 lanes of Friendship Road. This will require thousands of cars to turn around and do a U turn at the break in the median, at the entrance of Friendship Farms.

B. It will decrease the home values for all homes that are within sight of the proposed gravel parking lot.

C. It will have a negative environmental impact as there is a natural creek and water way in the area said gravel pit is expected. There are lots of animals in the area that will be displaced.

D. It will deprive homeowners of peace & quiet as this event "Trail of Terror" operates until 2AM for months. This neighborhood has lots of young children. Obscenely loud crowds will deprive developing children of their needed sleep in order to grow.

F. This land was never zoned Commercial. It's forest land, and not farm land.

I pray that you actually listen to the hardworking homeowners of Hall county when we speak out against allowing such a nuisance to operate next door.

Mr. Ashley Anderson
3603 Friendship Farm Drive, Buford, GA
01/05/2023

--

Best Regards,

Ashley Anderson

Print

Board of Commissioners Work Session Comments - January 9, 2023 - Submission #66713

Date Submitted: 1/6/2023

Comments completed in the form below will be submitted into the record for the January 9, 2023 Work Session of the Hall County Board of Commissioners.

First Name*

Ashley

Last Name*

Anderson

Address1*

3603 Friendship Farm Drive

Address2

City*

Buford

State*

GA

Zip*

30519

Your Comments*

Dear elected officials,

I am here by voicing my opposition to the application for variance for 3515 Friendship Road, Buford GA at Tax Parcel 15048 000026B. The homeowners that live immediately next to this property are adamantly against this variance change. We object to this for the following reasons.

A. It will cause undue traffic problems for all of the homeowners of Friendship Farms Neighborhood. The neighborhood entrance will be impossible to exit onto Friendship Farm road due to the extreme traffic this event (Trail of Terror) causes. For years we have seen the ridiculous traffic that Trail of Terror and Ball 6 lanes of Friendship Road. This will require thousands of cars to turn around and do a U turn at the break in the median, at the entrance of Friendship Farms.

B. It will decrease the home values for all homes that are within sight of the proposed gravel parking lot.

C. It will have a negative environmental impact as there is a natural creek and water way in the area said gravel pit is expected. There are lots of animals in the area that will be displaced.

D. It will deprive homeowners of peace & quiet as this event "Trail of Terror" operates until 2AM for months. This neighborhood has lots of young children. Obscenely loud crowds will deprive developing children of their needed sleep in order to grow.

F. This land was never zoned Commercial. It's forest land, and not farm land.

I pray that you actually listen to the hardworking homeowners of Hall county when we speak out against allowing such a nuisance to operate next door.

Mr. Ashley Anderson
3603 Friendship Farm Drive, Buford, GA
01/06/2023

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

ashes00@gmail.com

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

Print

Board of Commissioners Voting Meeting Comments - January 12, 2023 - Submission #66974

Date Submitted: 1/9/2023

Comments completed in the form below will be submitted into the record for the January 12, 2023 Voting Meeting of the Hall County Board of Commissioners.

First Name*

Ashley

Last Name*

Anderson

Address1*

3603 Friendship Farm Drive

Address2

City*

Buford

State*

GA

Zip*

30519

Item for Comment*

General Public Comments

Select from the list below which item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

Dear elected officials,

I am here by voicing my opposition to the application for variance for 3515 Friendship Road, Buford GA at Tax Parcel 15048 000026B. The homeowners that live immediately next to this property are adamantly against this variance change. We object to this for the following reasons.

A. It will cause undue traffic problems for all of the homeowners of Friendship Farms Neighborhood. The neighborhood entrance will be impossible to exit onto Friendship Farm road due to the extreme traffic this event (Trail of Terror) causes. For years we have seen the ridiculous traffic that Trail of Terror and Ball 6 lanes of Friendship Road. This will require thousands of cars to turn around and do a U turn at the break in the median, at the entrance of Friendship Farms.

B. It will decrease the home values for all homes that are within sight of the proposed gravel parking lot.

C. It will have a negative environmental impact as there is a natural creek and water way in the area said gravel pit is expected. There are lots of animals in the area that will be displaced.

D. It will deprive homeowners of peace & quiet as this event "Trail of Terror" operates until 2AM for months. This neighborhood has lots of young children. Obscenely loud crowds will deprive developing children of their needed sleep in order to grow.

F. This land was never zoned Commercial. It's forest land, and not farm land.

I pray that you actually listen to the hardworking homeowners of Hall county when we speak out against allowing such a nuisance to operate next door.

Mr. Ashley Anderson
3603 Friendship Farm Drive, Buford, GA
01/09/2023

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

ashes00@gmail.com

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

Anael Dominguez (Planning)

From: Brittany Walker (Planning)
Sent: Monday, January 9, 2023 2:35 PM
To: Anael Dominguez (Planning)
Subject: FW: 3515 Friendship Road variances request

From: Grim_Reaper 05 <cguzman83.cg@gmail.com>
Sent: Monday, January 9, 2023 2:18 PM
To: Planning <planning@hallcounty.org>
Subject: 3515 Friendship Road variances request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I live inside Friendship Farms Subdivision which is located across the creek from the property at 3515 Friendship Rd.
3515 Friendship Rd is located between a 127 residential homes subdivision on the left, 2 residential homes within feet of this property to the right and then another subdivision on the other side of them. The noise and traffic because of this property at 3515 Friendship Rd would effect nearly 200 homes surrounding it. We have been informed that the owner, Matthew Miller, plans to hold different types of venues on this property including the Trail of Terror from September until November. This particular venue runs starting at dark until at least 2:00 am with loud music, people screaming and people being chased with a chainsaw. The old location for Trail of Terror was on a property next to a church which was 1/2 a mile away and the noise could still be heard from our subdivision but no one lived next to it.
Friendship Rd is 6 lanes separated by a concrete divider. The property at 3515 Friendship Rd has no opening in front of it. If traffic comes from Hog Mountain they would have to make a U-turn in front of Friendship Farm subdivision, go across 3 lanes, and then slow down to pull into 3515's parking lot. Once the parking lot is full the traffic would be backed up. This would add more unwanted traffic, accidents, wait time for homeowners to get home and unwanted noise.
Thank you for taking our concerns into consideration. I do not agree with building a parking lot, allowing venues of any kind on this property nor moving of the building.
Cindy Guzman

Print

Planning Commission Comments - January 17, 2023 - Submission #67327

Date Submitted: 1/15/2023

Comments completed in the form below will be submitted into the record for the January 17, 2023 meeting of the Hall County Planning Commission.

First Name*

Denise

Last Name*

Cardone-Young

Address1*

3542 Dandelion Drive

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

3. 3515 Friendship Road | Variance

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

This variance would negatively impact our neighboring property with noice, environment, traffic and lightning all being substantial concerns. There is no entrance to this property without turning around in front of Friendship Farm Subdivision causing serious dangerous traffic conditions for current residents, there is also no turn lane for deceleration. This property is also directly behind our house and will impact the sounds we hear way past bedtime, the view we see with an ugly lit parking area and the current peaceful environment which we are used to. Our backyard directly looks at the property (picture attached of our fence line and the subject property at the tree line) and we will absolutely be negatively impacted by this variance. Please do not approve this use for a residential area without considering the negative impacts to current homeowners.

Please write your comments in the box above.

File Upload

40EFA24A-2FA4-4431-9996-2D3A47B7AB28.jpeg

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Dc.young.ga@gmail.com or 770-853-2952

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Anael Dominguez (Planning)

From: Brittany Walker (Planning)
Sent: Tuesday, January 17, 2023 9:11 AM
To: Anael Dominguez (Planning)
Subject: FW: 3515 Friendship Rd variance request

From: Eric Young <e.young.ga@gmail.com>
Sent: Sunday, January 15, 2023 12:00 PM
To: Planning <planning@hallcounty.org>
Subject: 3515 Friendship Rd variance request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern

The property in question of the variance request would have a direct impact to the current quality of life of the residents of the Friendship Farms subdivision specifically in traffic on Friendship Road, in noise going into the late hours of the night and the environmental associated with having an event type venue next door.

I feel there would also be an undeniable environmental impact to Mitchell Creek that runs adjacent to the property. Adding a parking lot to accommodate 50 to 75 vehicles would cause a runoff issue in what should be considered an obvious Environmentally sensitive area of Mitchell Creek

There will also be a major impact to the traffic pattern during the times of use. As I am sure you are all aware there is no opening in the median of Friendship Rd to accommodate entrance of egress from this property. The added traffic by such an event center requiring a 50 to 75 vehicle parking area would be forced to make U turns in front of both subdivisions on either side of the property thus causing additional hazards for motorists on an already busy and dare I say dangerous road. This can be accounted for by the numerous traffic stops that occur in-front of the Friendship farms sub division. I would also refer you the the parking and traffic issues seen yearly at the Buford Corn Maze. Speaking of the corn maze is it really necessary to have 2 of these types of businesses in less that 3 miles apart on an already busy road?

I can also see an issue with crowd control. 2 months out of the year having patrons wandering out in the forested area getting off the trail an ending up off this property and near someone's private residence could also present a hazard.

I'm my opinion this property in question is not suited for this type of facility and for numerous reasons has not been zoned for this type of use. This currently is a residential area and should should reman so.

I thank you for your time and consideration in this matter.

Eric Young
3542 Dandelion Dr
Buford GA 30519

Print

Planning Commission Comments - January 17, 2023 - Submission #67445

Date Submitted: 1/16/2023

Comments completed in the form below will be submitted into the record for the January 17, 2023 meeting of the Hall County Planning Commission.

First Name*

Gail

Last Name*

McDougal

Address1*

3527 Autumn Farm Terrace

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

4. 3515 Friendship Road | Use Subject to County Commission Approval

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

As a homeowner in the Friendship Farms Subdivision I would like to voice my concern and opposition to the application and possible approval of the 3515 Friendship Road Variance to allow gravel parking and an Agri-Entertainment venue at 3515 Friendship Road.

I oppose this proposed venue as it will negatively impact the value of my property and the properties of my neighborhood. It will also cause the undue burden of high impact traffic and possible pollution of Mitchell creek. I would also like to ask the commissioners if anyone of them would like to have an entertainment venue as your next door neighbor?

Also as of note, in the original marketing of the property it was marketed as 13 individual home sites, I would not oppose a limited number of individual homes as it would have a positive impact on the value of our neighborhood.

Thank you,
Gail McDougal

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

gmcdougal3527@gmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - January 17, 2023 - Submission #67217

Date Submitted: 1/13/2023

Comments completed in the form below will be submitted into the record for the January 17, 2023 meeting of the Hall County Planning Commission.

First Name*

Michele

Last Name*

Williams

Address1*

3614 Goldenrod Lane

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

4. 3515 Friendship Road | Use Subject to County Commission Approval

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

I object to this change request. Please see attached for concerns and questions.

Please write your comments in the box above.

File Upload

inbound7986217339320785938.pdf

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

mickyw1868@yahoo.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

In 2018, Matt Miller was granted a "conditional use" permit for a 37.5-acre site at 3760 Friendship Circle for the agri-entertainment venue.
Mr Miller wants to move the venue from a 37.5 acre tract to a 13 acre tract. The new site is bordered by 123 homes in Friendship Farms, 24 homes on Maple Valley Ct. and other residential lots. There are currently no other venues of this size surrounded by residential communities in the Friendship Road corridor.
I do not support this variance due to several concerns and questions.

1. Traffic problems related to the physical layout of the lot and the intersection [not just an increase in traffic] will negatively impact the Friendship Farm subdivision. Friendship Rd is limited access and venue traffic from I985 direction will require U Turns at the subdivision entrance. In addition, the property is located at the bottom of 2 hills and there is currently no turn in lane or way for traffic to get up to speed when leaving property.
2. Damages in the form of noise and visual intrusions on peace and privacy, including Friendship Farm pool and playground area, would occur in direct conflict with Ordinance section 8.80
    a. Loud music, screams, chainsaws, motorbikes can be heard from the current location 1.1 miles away. We expect the new location noise will be at a level detrimental to our enjoyment of our property and subdivision amenities.
    b. Current venue location lists hours of operation until midnight on weekends.
    c. Open flames are used in the Trail of Terror and proposed property is heavily wooded unlike the current location.
    d. No fencing to protect surrounding residential areas from intrusion.
3. What is the impact of stormwater run off to the creek if large portions of property are converted to gravel parking or landscape is significantly changed to accommodate venue?
4. This is a septic property which has a large flood plain and is bordered by a creek. How will the change to an event venue impact the environment?

Jennifer Rivera (Administration)

From: Anael Dominguez (Planning)
Sent: Wednesday, February 15, 2023 2:03 PM
To: Jennifer Rivera (Administration)
Subject: RE: Trail of Terror Withdrawal

It's the USE CC and VAR on 3515 Friendship Rd for Matthew Miller (2-23-2023 BOC).

Trail of Terror is the name of the business.

From: Jennifer Rivera (Administration) <jrivera@hallcounty.org>
Sent: Wednesday, February 15, 2023 2:00 PM
To: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Subject: FW: Trail of Terror Withdrawal

Is this at your level or mine? I don't see an application with the name 'Trail of Terror'.

Jennifer Rivera
Board of Commission Clerk
Hall County Government
Tel: 770-297-2684
jrivera@hallcounty.org
www.hallcounty.org

HALL COUNTY
GEORGIA
We have it all in Hall

From: Randi Doveton (Planning) <rdoveton@hallcounty.org>
Sent: Wednesday, February 15, 2023 11:35 AM
To: Anael Dominguez (Planning) <adominguez@hallcounty.org>; Jennifer Rivera (Administration) <jrivera@hallcounty.org>
Subject: Fwd: Trail of Terror Withdrawal

Sent from my iPhone

Begin forwarded message:

> **From:** Ed Myers <ed@myers-and-co.com>
> **Date:** February 15, 2023 at 11:25:45 AM EST
> **To:** "David Webb (Planning)" <dwebb@hallcounty.org>
> **Cc:** "Randi Doveton (Planning)" <rdoveton@hallcounty.org>, mrlakelanier@yahoo.com, Sidney

Curtin <sidneycurtin88@icloud.com>
Subject: Trail of Terror Withdrawal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

David,

We would like to request the application for the Trail of Terror be withdrawn. We will not be moving forward with this project at this location.

Let me know if you need anything else for this request.

Thank you.

Ed Myers
Myers & Co
770-654-9172

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: MATTHEW MILLER
REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL- EVENT VENUE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JAN. 17, 2023
Time: 5:15 PM
AND
COUNTY COMMISSION
Date: FEB. 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

AGENDA ITEM

Planning and Development

REPORT TO:	**Work Session (02/20/23)**
REPORT TO:	**Voting Meeting (02/23/23)**
ITEM NO:	59/2023
SUBJECT:	**6016 Lanier Islands Parkway | Amend Conditions |** of a Highway-Business (H-B) on a 9.65± acre tract located on the west side of Lanier Islands Parkway approximately 492 feet from its intersection with Beards Road | Zoned H-B; Tax Parcel 07330 001004 **| Proposed use: boat & RV storage |** Commission District 2 | **Jan Fisher, applicant.**

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD
Recommendation:

Approval, with conditions:

1. The development shall occur as shown on the site plan dated 1-17-2023; the Planning Director can approve changes related to topographic or geological conditions provided there is no increase in number of slips which is capped at 315.

2. Prior to the issuance of any land disturbance permit for the site, a site inspection shall be conducted to determine compliance of the current development to the original conditions of zoning and the Gateway Corridors Overlay District (GCOD, 17.420) standards. The applicant shall then work with the Planning Director to determine a timeline for bringing any deficiencies into compliance with these requirements.

3. Applicant shall submit a landscape and lighting plan to Planning Director for approval prior to issuance of a land disturbance permit.

4. Applicant will submit architectural elevations of all four sides of all proposed structures to the Planning Director for approval prior to issuance of a land disturbance permit per the submitted site plan mentioned in condition 1.

5. Maximum number of boat slips for entire property shall not exceed 315. A maximum of six (6) additional storage awnings are authorized.

6. No variances in GCOD standards are granted on buildings 1 - 4 except those specified by the Planning Commission. Buildings 5, 6, and 7 shall be allowed to match existing buildings from phase 1 construction.

7. All Zoning Conditions shall be included in all Construction plans. Standard Development Review process shall be followed.

8. Standing seem roof panels shall be allowed with the color to be selected by the Planning Director.

9. Tractor trailers shall not be stored or parked on site.

10. Non operable cars shall not be stored on site.

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. Metal post shall be allowed in between each bay.

13. There shall be no automotive repairs or mechanical repairs on site, which include campers, RV's, as well as cars.

Purpose of Request:
6016 Lanier Islands Parkway | Amend Conditions | of a Highway-Business (H-B) on a 9.65± acre tract located on the west side of Lanier Islands Parkway approximately 492 feet from its intersection with Beards Road | Zoned H-B; Tax Parcel 07330 001004 | **Proposed use: boat & RV storage |** Commission District 2 | **Jan Fisher, applicant.**

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance

Submit	Approve	Budget	Finance
AD	RD	TS	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Updated Site Plan
Original Site Plan
Maps
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Notice Sign Photo

HALL COUNTY
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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **6016 Lanier Islands Parkway | Amend Conditions |** of a Highway-Business (H-B) on a 9.65± acre **| Proposed use: boat & RV storage | Jan Fisher, applicant.**

The request before you is the request of Jan Fisher to allow boat & RV storage on 9.65± acres. **It should be noted that a simultaneous variance request accompanies this request but has a separate report. The Planning Commission heard and voted on the variance and rezone with one motion, there is only one memo since the matters were considered by the Planning Commission as one item.** This item is located within Commission District 2.

At their January 17, 2023 meeting, the Hall County Planning Commission voted to recommend approval with thirteen (13) conditions **(5-0)**.

There were **no written comments** submitted in advance of the Planning Commission meeting and **no one spoke during the public hearing.**

There have been no changes to the request since the Planning Commission took action.

Planning Commission Approval Conditions:

1. The development shall occur as shown on the site plan dated 1-17-2023; the Planning Director can approve changes related to topographic or geological conditions provided there is no increase in number of slips which is capped at 315.
2. Prior to the issuance of any land disturbance permit for the site, a site inspection shall be conducted to determine compliance of the current development to the original conditions of zoning and the Gateway Corridors Overlay District (GCOD, 17.420) standards. The applicant shall then work with the Planning Director to determine a timeline for bringing any deficiencies into compliance with these requirements.
3. Applicant shall submit a landscape and lighting plan to Planning Director for approval prior to issuance of a land disturbance permit.

4. Applicant will submit architectural elevations of all four sides of all proposed structures to the Planning Director for approval prior to issuance of a land disturbance permit per the submitted site plan mentioned in condition 1.
5. Maximum number of boat slips for entire property shall not exceed 315. A maximum of six (6) additional storage awnings are authorized.
6. No variances in GCOD standards are granted on buildings 1 - 4 except those specified by the Planning Commission. Buildings 5, 6, and 7 shall be allowed to match existing buildings from phase 1 construction.
7. All Zoning Conditions shall be included in all Construction plans. Standard Development Review process shall be followed.
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12. Metal post shall be allowed in between each bay.
13. There shall be no automotive repairs or mechanical repairs on site, which include campers, RV's, as well as cars.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Jan Fisher

Request ..... Amend Conditions

Proposed Use ..... Boat & RV storage

Size ..... 9.65± acres

Zoning ..... H-B, Highway Business 17.150

Location ..... **6016 Lanier Islands Parkway** | Tax Parcel 07330 001004.

Commission District ..... Two

Planning Commission Date ..... January 17, 2023

Staff Recommendation ..... **Approval, based on the findings that the request is consistent with the Comprehensive Plan Lake Supportive Corridor future land use classification.**

Planning Commission Recommendation.....**Approval, with conditions**
Vote: 5-0

Planning Commission Conditions:

1. *The development shall occur as shown on the site plan dated 1-17-2023; the Planning Director can approve changes related to topographic or geological conditions provided there is no increase in number of slips which is capped at 315.*
2. *Prior to the issuance of any land disturbance permit for the site, a site inspection shall be conducted to determine compliance of the current development to the original conditions of zoning and the Gateway Corridors Overlay District (GCOD, 17.420) standards. The applicant shall then work with the Planning Director to determine a timeline for bringing any deficiencies into compliance with these requirements.*
3. *Applicant shall submit a landscape and lighting plan to Planning Director for approval prior to issuance of a land disturbance permit.*
4. *Applicant will submit architectural elevations of all four sides of all proposed structures to the Planning Director for approval prior to issuance of a land disturbance permit per the submitted site plan mentioned in condition 1.*
5. *Maximum number of boat slips for entire property shall not exceed 315. A maximum of six (6) additional storage awnings are authorized.*
6. *No variances in GCOD standards are granted on buildings 1 - 4 except those specified by the Planning Commission. Buildings 5, 6, and 7 shall be allowed to match existing buildings from phase 1 construction.*

7. *All Zoning Conditions shall be included in all Construction plans. Standard Development Review process shall be followed.*
8. *Standing seem roof panels shall be allowed with the color to be selected by the Planning Director.*
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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:*
    "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. *Metal post shall be allowed in between each bay.*
13. *There shall be no automotive repairs or mechanical repairs on site, which include campers, RV's, as well as cars.*

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting approval to amend conditions of zoning on a 9.65± Highway Business (H-B, 17.150) parcel for the purpose of expanding an existing boat & RV storage facility. The narrative submitted by the applicant states that the expansion will provide an additional 80 parking slips on unused land. There are currently 235 established boat & RV slips. If approved, there would be a total of 315 storage slips for boat & RV storage.

An updated site plan was submitted on January 3, 2023. The new plan is very similar to the plan originally submitted, showing an additional 80 parking slips split between six (6) buildings. Of these new buildings, three (3) of them have notes that the ends and/or walls will meet Gateway Corridors Overlay District (GCOD, 17.420) standards, as shown below, as portions of these structures will be visible from Lanier Islands Parkway. **The intention to meet GCOD (17.420) standards on these three (3) buildings are the only changes to the site plan. Therefore, the remainder of the report is the same as presented on 12-19-22.**

It should be noted that the original rezoning request was for a two phased development. The first phase would have consisted of a 13,000 sq. ft. building that would include covered boat storage for 200 boats and offer boat sales and service. A second building of 10,000 sq. ft. would have been used for office warehouse. Finally, a small building of 800 sq. ft. that would house an ice vending machine. The total proposed square footage for all three buildings in phase one was 23,800 sq. ft. Phase two of the project would include a 13,000 sq. ft. building to be used as an office warehouse and a 10,000 sq. ft. retail shopping center along Holiday Rd. The total proposed square footage in phase two would be 23,000 sq. ft. **It does not appear that the business developed per the original rezoning plan, the site is currently developed with nine (9) storage awnings instead of the buildings described above.**

The property was rezoned to Highway Business (H-B, 17.150) on September 27, 2007, with 10 conditions:

1. The development of the site shall occur as generally depicted and described in the concept plan and project narrative submitted on August 27, 2007, modified as necessary for compliance with development standards in force at the time of site plan approval.

2. Development is approved for three enclosed buildings, Building D (the front building) shall be a retail shopping center with a maximum height of 26 ft.; Building A shall be a maximum of 11,532 sq. ft. and a maximum height of 26 ft.; Building B shall be a maximum of 10,050 sq. ft. with a maximum height of 26 ft. Covered boat storage is limited to a maximum of 192 slips that shall be located in the rear of the property with a maximum height of 22 ft. ***Highlighted is the portion the applicant seeks to amend***.

3. All development within 370 feet from the front property line back shall comply Gateway Corridor Overlay District standards. However all roofing materials used throughout the development shall comply with Gateway Corridor Overlay District standards.

4. Metal buildings are only permitted in the non-Gateway Overlay District portion of the property and shall be painted in earth tones to compliment the colors of the front portion of the development.

5. Chain link fencing is only permitted at the rear portion of the property; 525 ft. from the rear property line forward (outdoor boat storage portion only). Chain link fencing shall be installed on the inside of a planted evergreen buffer as shown on site plan submitted so that the landscaping is facing out and screens the fence. **This condition is not being met.**

6. Final roadway design and placement are subject to approval by the Hall County Engineering Department and/or the Georgia Department of Transportation.

7. Any access improvements required by either the Georgia Department of Transportation and/or the Hall County Engineering Department for this project shall be the financial responsibility of the applicant/developer.

8. The vehicle parking areas shall be paved with either asphalt or concrete. **Some areas appear to be gravel.**

9. Any outdoor lighting on the premises shall be of a non-spill type.

10. All conditions of zoning shall be made a part of any plat created for the property.

The applicants proposed use of boat & RV storage requires an amendment of condition two (2), which limits the development to a maximum of 192 storage slips.

The current request is only to amend the September 27, 2007 rezoning condition which placed a cap on the number of storage slips for the development.

The subject property is located in the southernmost part of the county, on the south side of Lanier Islands Parkway / State Highway 347, just east of Lake Lanier Islands. The narrative states that the business will continue to operate in the same manner, if the expansion is approved.

Based on the future land-use plan, staff finds the requested *amendment to conditions of zoning is consistent* with the Future Land Use Map designation of a Lake Supportive Corridor. These corridors are adjacent to Lake Lanier and should accommodate lake-oriented commercial uses with effective screening, where appropriate. The increase in storage slips for a boat storage facility is consistent with the Comprehensive Plan.

Zoning Analysis

The proposed use of an expansion of existing boat & RV and self-storage storage slips is consistent with the Comprehensive Plan future land use designation of a Lake Supportive Corridor. **These corridors are adjacent to Lake Lanier and should accommodate lake-oriented commercial uses with effective screening, where appropriate. *It should be noted that the property* is not currently meeting the previously imposed rezoning conditions related to fencing, paving, and etcetera.**

- **17.380.050. - Submission requirements for a rezoning request have been met.**

- **The property is within the Gateway Corridor Overlay District (GCOD) and is surrounded by AR-III properties. The entire property should be brought up to GCOD standards or the Planning Commission will need grant variances from the standards found in 17.420.050.**

Development Support and Constraints

Hall County Environmental Health
An email dated December 2, 2022 from Emily McGahee states "Must meet all Environmental Health commercial septic system permitting requirements if plumbing proposed for any part of the property. A detailed business plan must be submitted to Hall County Environmental Health for review. Please be advised that proposed buildings shown in attached site plan appear to be over existing, unapproved septic system drainline, which is plastic chamber."

Hall County Public Works and Utilities

In a memo dated December 1, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

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:
No comment.

Utilities:
No Hall County Sanitary Sewer in the area.

Georgia Department of Transportation
In an email dated November 23, 2022, Jonathan Peevy, Assistant District Traffic Engineer, indicated that coordination would be required.

- **Excerpts from the minutes of the January 17, 2023 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Doug Sherrill, 131 Prominence Court, Dawsonville, presented the request. The applicant stated that the new owners of the property are seeking to revive the location. There will be asphalt with no gravel and an opaque fence across the property line.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell requested to go over the revised site plan with the applicant to discuss the changes that were noted. Building materials to meet Gateway Standards were discussed. Mr. Braswell stated that the front entrance fence would be brick stone columns with ornamental fencing.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 5-0

Conditions:

1. *The development shall occur as shown on the site plan dated 1-17-2023; the Planning Director can approve changes related to topographic or geological conditions provided there is no increase in number of slips which is capped at 315.*
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PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY GEORGIA
We have it all in Hall

CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)
Jan Fisher
5200 Northside Dr
Atlanta Ga 30327
Phone 404) 791-9202
Email Address janschwob@gmail.com

Property Owner (Name & Mailing Address)
Sam Anthony
2200 Forest Dr
Cumming Ga 30041
Phone 7) 757-0588
Email Address SamyAnthony@yahoo.com

Proposed Use Amend conditions of approval / Boat + RV Storage

Contact Person (Name & Mailing Address)
Jan Fisher
5200 Northside Dr
Atlanta Ga 30327
Phone 404) 791 9202
Email Address jauschwob@gmail.com

Status of Applicant
- ☐ Owner
- ☑ Option to Purchase
- ☐ Area Resident
- ☐ Other

Requested Action
Permissive Use:
☐ HCPC ☒ HCC
Fee:$ 550.00
Receipt #: 859058
Check #: 1103

Zoning: ~~PCD~~ H-B
Acreage
Tax Parcel Number 07 330 001004
Location Address 6016 Lanier Islands Pkwy Buford Ga 30518

I hereby certify that the above information and all attached information are true and correct.

Sign Jan J. Fisher Date: 10-14-22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: 10/31 Taken by: _____

Tentative Planning Commission Date: 12/19/22 Tentative County Commission Date: 01/26/23

County Commission District: 7

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
GEORGIA
We have it all in Hall

AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) Samuel M Anthony

Address 2200 Forest Dr Cumming Ga. 30041

Phone Number 770-757-0588

Name of applicant(s) Jan Fisher

Address 5200 Northside Dr
Atlanta Ga 30327

Phone Number 404) 791-9202

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s) Samuel M Anthony

Personally appeared before me

SAMUEL M ANTHONY

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Kim Bowmar
Notary Public

EXP: 8-13-23

KIM BOWMAR NOTARY PUBLIC HALL COUNTY, GEORGIA

10-31-22
Date

PLANNING AND DEVELOPMENT DEPARTMENT
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HALL COUNTY
We have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not ✓

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Samuel M Anthony **Date:** 10-31-22

Applicant's/Owner's Name (Printed): Samuel M Anthony

PLANNING AND DEVELOPMENT DEPARTMENT
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(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

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I hereby certify that I have read the above and that:

I have**____ I have not X

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Jan S. Fisher **Date:** 10-14-22

Applicant's/Owner's Name (Printed): Jan Fisher

October 31, 2022

Narrative for the Planning and Development Department:

The proposed property is located at 6016 Lanier Islands Parkway in Buford, GA 30518. This is currently an established 235 boat/rv slip storage facility. The slips are constructed with all steel construction with white heat reflective roofs. The current zoning is HB with conditions. We will continue to run the business in the same manner, for we are not changing the business. We would like to add an additional 80 slips on the additional land. Please see attached drawing. To the best of my knowledge, LDP (Land Development Planner) has created the plan based on the setback's requirements and other conditions the Hall County Development office requires. We intend to make sure adequate lighting and security cameras are in place throughout the property. Currently, water is not used on the property. We plan on having all the required setbacks and buffers that the county requires. This expansion should have little or no impact on our neighboring properties. Currently the property is completely fenced in. we want to continue with the safety feature; however, in the front (where the dotted line is) we want to create a nicer fence. Facing the street, we would like to have an attractive fence made of metal and brick pylons every 6 to 8 feet. We believe this will add huge street appeal.

Thank you for your help on this matter.

Jan Schwob Fisher

Received 1-3-2023

RESERVED FOR RECORDING INFORMATION

BASIS OF BEARING
GRID NORTH GEORGIA WEST ZONE

SURVEY NOTES

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 69,054 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.

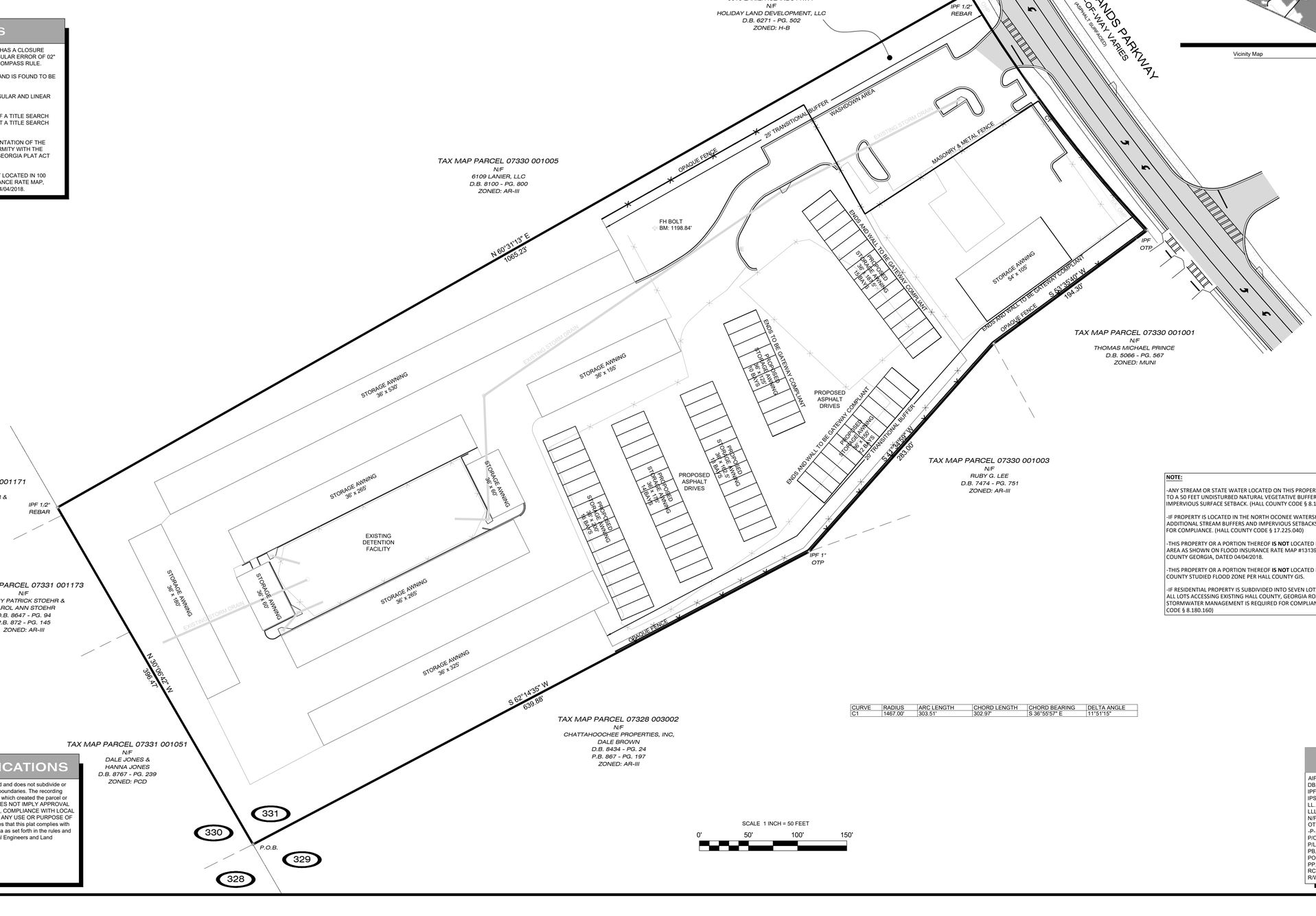
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 293,654 FEET.

3. EQUIPMENT USED: TOPCON GPT 3002W 2" FOR ANGULAR AND LINEAR MEASUREMENTS.

4. THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY PRODUCE.

5. IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE GEORGIA PLAT ACT OCGA 15-6-67.

6. BY GRAPHICALLY SCALING, THIS PROPERTY IS NOT LOCATED IN 100 YEAR FLOOD ZONE, REFERENCE MAP: FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER: 13139C0288G, DATED 04/04/2018.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1467.00'	303.51'	302.97'	S 36°55'57" E	11°51'15"

SURVEYOR CERTIFICATIONS

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors as set forth in O.C.G.A. Section 15-6-67.

Douglas R. Sherrill

LEGEND

AIF.....ANGLE IRON FOUND
DB,PG.....DEED BOOK, PAGE
IPF.....IRON PIN FOUND
IPS.....IRON PIN SET (1/2" REBAR)
LL.....LAND LOT
LLL.....LAND LOT LINE
N/F.....NOW OR FORMERLY
OTP.....OPEN TOP PIPE
-P-.....POWER LINE
P/C.....PROPERTY CORNER
P/L.....PROPERTY LINE
PB,PG.....PLAT BOOK, PAGE
POB.....POINT OF BEGINNING
PP.....POWER POLE
RCP.....REINFORCED CONCRETE PIPE
R/W.....RIGHT-OF-WAY

NOTE:

-ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FEET IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE § 8.170.070)

-IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040)

-THIS PROPERTY OR A PORTION THEREOF **IS NOT** LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP #13139C0288G, HALL COUNTY GEORGIA, DATED 04/04/2018.

-THIS PROPERTY OR A PORTION THEREOF **IS NOT** LOCATED IN THE HALL COUNTY STUDIED FLOOD ZONE PER HALL COUNTY GIS.

-IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 8.180.160)

LAND SURVEYING AND PLANNING
GA #2985
131 Prominence Court
Dawsonville, GA 30534
Office: 706.300.7178
www.LDPofga.com
doug@ldpofga.com
LSF001192

LDP
LAND DEVELOPMENT PROFESSIONALS

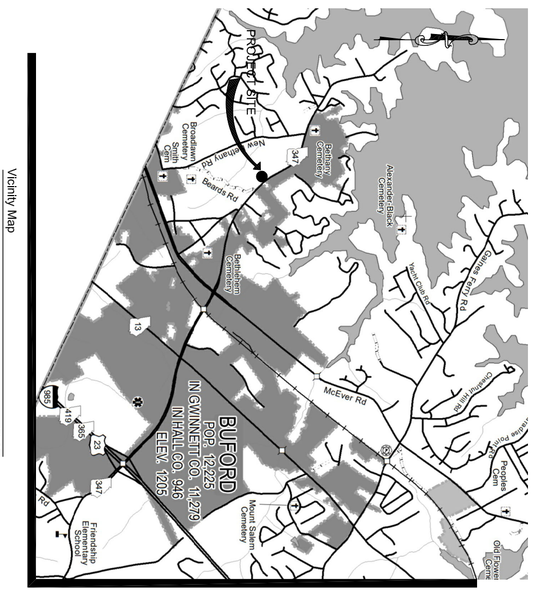
Oct. 13, 2022
FIELD CREW: LDP
DRAWN BY: DRS
Job Number: 5104.001
DRWG FILE: Schwob
FIELD DATE: Oct 12, 2022
Checked By: LDP

Revision No.	Date:	Description:

GEORGIA
DOUGLAS R. SHERRILL
No. 3095
Registered
LAND SURVEYOR

BOUNDARY SITE PLAN
Jan Schwob
Located in:
Land Lot 331 - 7th District - 1st Section
Hall County, Georgia

Sheet No.
1 of 1



LEGEND

AIF	ANGLE IRON FOUND
DB.PG	DEED BOOK, PAGE
IPF	IRON PIN FOUND
IPS	IRON PIN SET (1/2" REBAR)
LL	LAND LOT
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OTP	OPEN TOP PIPE
-P-	POWER LINE
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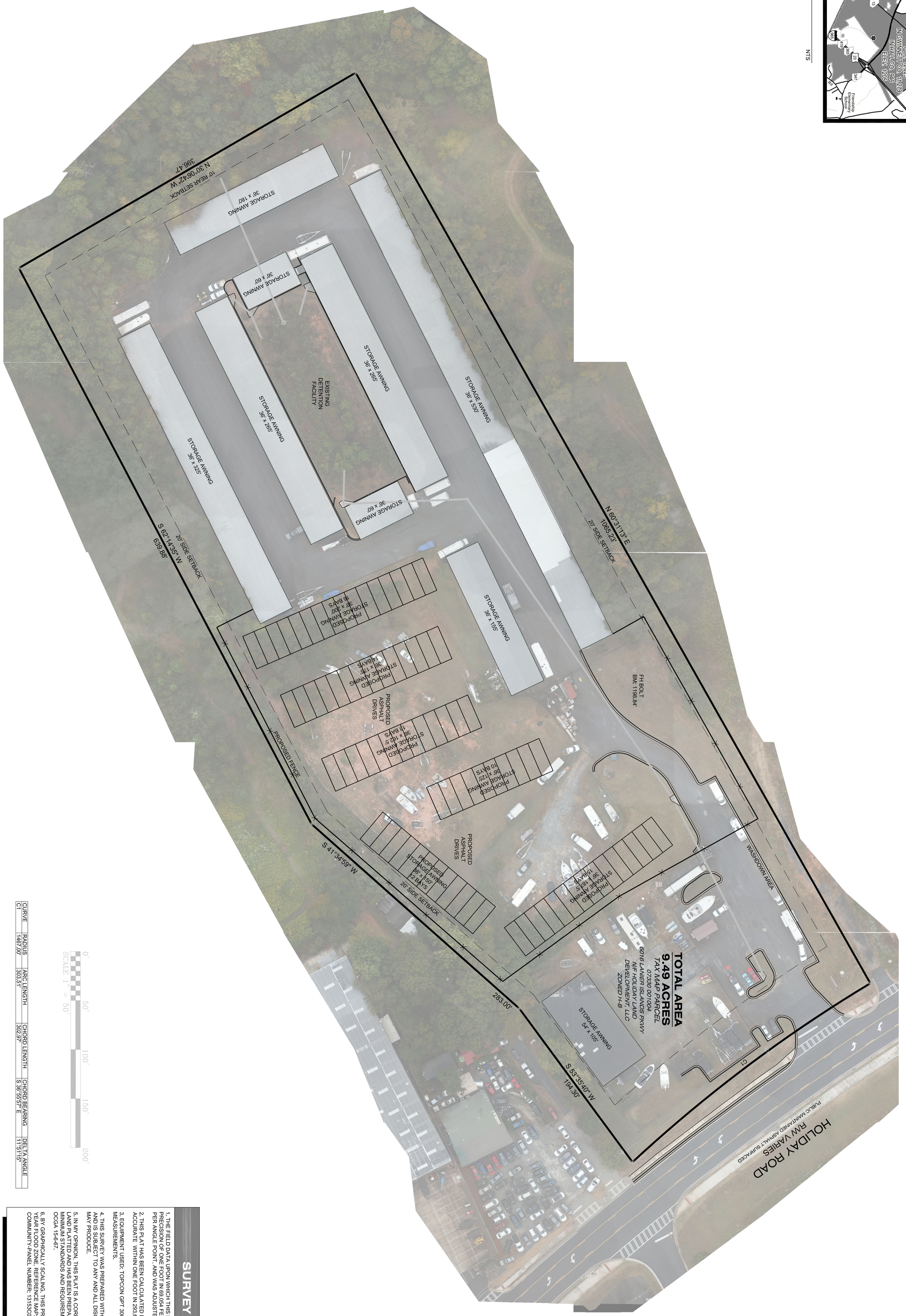
POB	POINT OF BEGINNING
PP	POWER POLE
RCP	REINFORCED CONCRETE PIPE
R/W	RIGHT-OF-WAY



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1467.00'	303.51'	302.97'	S 36°55'57" E	11°51'15"

SCALE 1" = 50'

0' 50' 100' 150' 200'

BASIS OF BEARING
GEORGIA GRID NORTH

SURVEY NOTES

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 69,054 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
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6. BY GRAPHICALLY SCALING, THIS PROPERTY IS NOT LOCATED IN 100 YEAR FLOOD ZONE REFERENCE MAP: FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER: 13153C0151E, DATED 9/28/2007.

CONCEPTUAL SITE PLAN

Jan Schwob

Located In:
Land Lot 370 - 7th District - 1st Section
Hall County, Georgia

DOUGLAS R. SHERRILL — GEORGIA REGISTERED — No. 2995 Professional — SURVEYOR

Revision No.	Date:	Description:

Oct. 13, 2022
FIELD CREW: LDP
DRAWN BY: DRS
Job Number:
5000.001
DRWG FILE: Schwob
FIELD DATE:
Oct 12, 2022
Checked By: LDP

LDP
LAND DEVELOPMENT PROFESSIONALS

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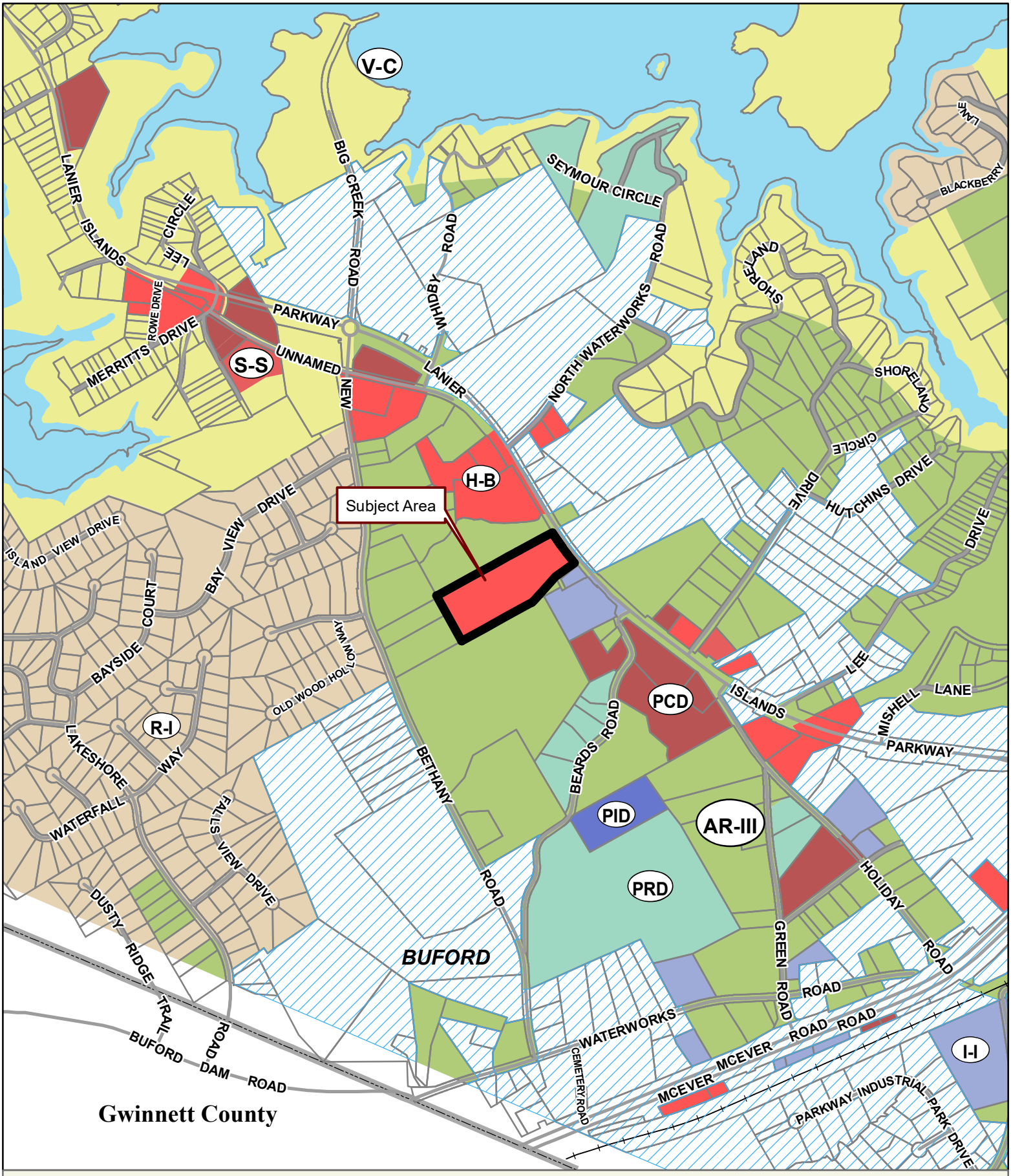
LSF001192

Sheet No.
1 of 1



Applicant: JAN FISHER
Tax Parcel #: 07330 001004
Location: 6016 LANIER ISLANDS PARKWAY, BUFORD, GA 30518
Commission District 2 **PC Mtg. Date:** 12/19/2022

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Tax Parcel #: 07330 001004
Location: 6016 LANIER ISLANDS PARKWAY, BUFORD, GA 30518
Commission District 2 **PC Mtg. Date:** 12/19/2022

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

Applicant: JAN FISHER
Tax Parcel #: 07330 001004
Location: 6016 LANIER ISLANDS PARKWAY, BUFORD, GA 30518
Commission District 2 **PC Mtg. Date:** 12/19/2022

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Friday, December 2, 2022 4:07 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 12.19.22

Please find Environmental Health comments below:

Item 1, 2621 Commander Drive, Brumbalow: Level 3 soil evaluation required prior to application for septic expansion permit, septic replacement permit, or existing system evaluation to use existing system for new construction. Level 3 soil evaluation should be performed for entire property. Environmental Health requirements discussed with applicant on 11.18.22.

Item 2, 4562 Wahoo Drive, Thompson: Any proposed additions must meet all residential permitting requirements. A site visit will be required for Environmental Health to determine location of existing septic system in regards to any proposed additions as no septic records are on file for the property. Due to limited area available on the lot, no additional bedrooms can be permitted with any proposed construction.

Item 3, 6016 Lanier Islands Pkwy, Fisher: Must meet all Environmental Health commercial septic system permitting requirements if plumbing proposed for any part of the property. A detailed business plan must be submitted to Hall County Environmental Health for review. Please be advised that proposed buildings shown in attached site plan appear to be over existing, unapproved septic system drainline, which is plastic chamber.

Item 4, 3625 McEver Road, 3625 McEver Road, LLC: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Peevy, Jonathan <jpeevy@dot.ga.gov>
Sent: Wednesday, November 23, 2022 11:51 AM
To: Anael Dominguez (Planning)
Cc: Niebauer, Parker J
Subject: RE: Tentative Planning Agenda for December 19, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The following will require GDOT coordination:

- 6016 Lanier Islands Parkway
- 3625 McEver Road

Jonathan Peevy, P.E.
Assistant District Traffic Engineer

Georgia Department of Transportation

District 1 Traffic Operations
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8276 office

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Wednesday, November 23, 2022 11:26 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Bill Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Ellis Still (Planning) <estill@hallcounty.org>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Michael Vieira (Fire Services) <mvieira@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford (nswafford@gainesvillega.org) <nswafford@gainesvillega.org>; Pam Cravero <Pam.Cravero@hallco.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; Wanda Sutton (Engineering) <wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for December 19, 2022

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, December 19th, 2022** Hall County Planning Commission Meeting.

Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report.

When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by **Thursday, December 1st**. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – December 5, 2022

NEW BUSINESS

1. **2621 Commander Drive | Variance** | for a right side yard setback variance from 15 feet to 9 feet and a left side yard setback variance from 15 feet to 9 feet on a .41± acre tract located on the south side of Commander Drive approximately 230 feet from its intersection with Lee Land Road | Zoned AR-III; Tax Parcel 15030 002029 | **Proposed use: mobile home** | * Commission District 4 | **Bobby Brumbelow, applicant.**

2. **4562 Wahoo Drive | Variance** | for a rear yard setback variance from 10 feet to 0 feet on a .48± acre tract located at the terminus of Wahoo Drive | Zoned V-C; Tax Parcel 11037 000001 **| Proposed use: existing home** | * Commission District 3 | **Kim & Steve Thompson, applicant.**

3. **6016 Lanier Islands Parkway | Amend Conditions |** of a Highway-Business (H-B) on a 9.65± acre tract located on the west side of Lanier Islands Parkway approximately 492 feet from its intersection with Beards Road | Zoned H-B; Tax Parcel 07330 001004 **| Proposed use: boat & RV storage |** ** Commission District 2 | **Jan Fisher, applicant.**

4. **3625 McEver Road, 3634 & 3640 Pleasant Hill Road | Rezone |** from Agricultural-Residential-III (AR-III) to Planned Commercial Development (PCD) on a 11.36± acre tract located on the east side of McEver Road approximately 626 feet from its intersection with Whitling Road | Zoned AR-III; Tax Parcel 08032 000006, 000021A, & 000080 | **Proposed use: self-storage facility** | ** Commission District 4 | **3625 McEver Road, LLC, applicant.**

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, January 26, 2023 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, January 26, 2023. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Thank you,

Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: December 1, 2022

Subject: December 19, 2022 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the December 19, 2022 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **2621 Commander Drive | Variance** | for a right side yard setback variance from 15 feet to 9 feet and a left side yard setback variance from 15 feet to 9 feet on a .41± acre tract located on the south side of Commander Drive approximately 230 feet from its intersection with Lee Land Road | Zoned AR-III; Tax Parcel 15030 002029 **| Proposed use: mobile home** | * Commission District 4 | **Bobby Brumbelow, applicant.**

    a) **Engineering:** No Comment
    b) **Traffic:** No Comment
    c) **Utilities:** No Comment

2. **4562 Wahoo Drive | Variance** | for a rear yard setback variance from 10 feet to 0 feet on a .48± acre tract located at the terminus of Wahoo Drive | Zoned V-C; Tax Parcel 11037 000001 **| Proposed use: existing home** | * Commission District 3 | **Kim & Steve Thompson, applicant.**

    a) **Engineering:** No Comment
    b) **Traffic:** No Comment
    c) **Utilities:** No Comment

3. **6016 Lanier Islands Parkway | Amend Conditions** | of a Highway-Business (H-B) on a 9.65± acre tract located on the west side of Lanier Islands Parkway approximately 492 feet from its intersection with Beards Road | Zoned H-B; Tax Parcel 07330 001004 **| Proposed use: boat & RV storage** | ** Commission District 2 | **Jan Fisher, applicant.**

    a) **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.
    b) **Traffic**: No comment.
    c) **Utilities**: No Hall County Sanitary Sewer in the area.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

4. **3625 McEver Road, 3634 & 3640 Pleasant Hill Road | Rezone |** from Agricultural-Residential-III (AR-III) to Planned Commercial Development (PCD) on a 11.36± acre tract located on the east side of McEver Road approximately 626 feet from its intersection with Whitling Road | Zoned AR-III; Tax Parcel 08032 000006, 000021A, & 000080 | **Proposed use: self-storage facility** | ** Commission District 4 | **3625 McEver Road, LLC, applicant.**

   a) 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 buffer and impervious setback from wrested vegetation, not the centerline of creek.
   b) Traffic: Access must be approved/permitted by GDOT.
   c) Utilities: No Hall County Sanitary Sewer in the area.

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Friday, December 2, 2022 3:17 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning)
Subject: Tentative Agenda 12/19

Tentative Agenda and Maps for the **Monday, December 19th, 2022**

1. **6016 Lanier Islands Parkway | Amend Conditions |** of a Highway-Business (H-B) on a 9.65± acre tract located on the west side of Lanier Islands Parkway approximately 492 feet from its intersection with Beards Road | Zoned H-B; Tax Parcel 07330 001004 **| Proposed use: boat & RV storage |** ** Commission District 2 | **Jan Fisher, applicant.**
   The Hall County Fire Marshal's Office has no comments as proposed.

Regards,

John Hornick, NPQ Fire Inspector 1, Plans Review
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: Jan Fisher

REQUEST: AMEND Zoning Conditions For Boat / R.V. Storage

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 1-17-23
Time: 5:15

COUNTY COMMISSION
Date: 2-23-23
Time: 6:00

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 62/2023

SUBJECT: **2079, 0, & 0 Memorial Park Drive | Use Subject To County Commission Approval |** on a 15.83± acre tract located on the north side of Memorial Park Drive at its intersection with Centennial Drive | Zoned I-I; Tax Parcel 08007 003011, 003029, & 08008 000044 **| Proposed use: egg processing |** Commission District 4 **| David Sutherland, applicant.**

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD

Recommendation:

Approval, with conditions:

1. A combination Plat for all three tracts shall be recorded before final CO is issued on the new structure.
2. All conditions of zoning shall be made part of any plats or site plans created for the property.
3. The site Development shall be subject to compliance with the following standards:

   i. i. The development shall generally occur as depicted on the site plan submitted by Rindt McDuff dated 10-2022 modified for compliance with zoning conditions and Hall County regulations. The Planning Director can approve changes in the layout related to engineering constrains provided the revisions do not create a need for any variance, does not reduce setback requirements, Hall County Developmental Standards, or reduce any required buffers.

Purpose of Request:

2079, 0, & 0 Memorial Park Drive | Use Subject To County Commission Approval | on a 15.83± acre tract located on the north side of Memorial Park Drive at its intersection with Centennial Drive | Zoned I-I; Tax Parcel 08007 003011, 003029, & 08008 000044 | **Proposed use: egg processing |** Commission District 4 | **David Sutherland, applicant.**

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Deed
Legal Description
Environmental Health Comments
Public Works Comments
Fire Comments
Notice Sign Photos

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **2079, 0, & 0 Memorial Park Drive | Use Subject To County Commission Approval |** on a 15.83± acre tract **| Proposed use: egg processing | David Sutherland, applicant.**

The request before you is the request of David Sutherland to allow egg processing on 15.83± acres. This is an expansion of the existing facility located on this property. This item is located within Commission District 4.

At their January 17, 2023 meeting, the Hall County Planning Commission voted to recommend approval with three (3) conditions **(5-0)**.

There were **no written comments** submitted in advance of the Planning Commission meeting and **no one spoke during the public hearing.**

There have been no changes to the request since the Planning Commission took action.

Planning Commission Approval Conditions:

1. A combination Plat for all three tracts shall be recorded before final CO is issued on the new structure.
2. All conditions of zoning shall be made part of any plats or site plans created for the property.
3. The site Development shall be subject to compliance with the following standards:
    i. The development shall generally occur as depicted on the site plan submitted by Rindt McDuff dated 10-2022 modified for compliance with zoning conditions and Hall County regulations. The Planning Director can approve changes in the layout related to engineering constrains provided the revisions do not create a need for any variance, does not reduce setback requirements, Hall County Developmental Standards, or reduce any required buffers.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Sonstegard Foods of Georgia, Inc.

Request ..... Use Subject to County Commission Approval

Proposed Use ..... Egg Processing (Food Processing 17.160.040.G)

Size ..... 17.696 ± acres

Zoning ..... Light Industrial District (I-I, 17.160) (All tracts)

Location ..... **2079 Memorial Park Drive, 0 Memorial Park Drive, 0 Memorial Park Drive** | Tax Parcel 08007 003011, 08007 003029, 08008 000044

Commission District ..... Four

Planning Commission Date ..... January 17, 2023

Staff Recommendation ..... **Approval, because the proposed use is consistent with the uses on adjacent and nearby parcels and the zoning district in which it lies.**

Planning Commission Recommendation.....Approval, with conditions
Vote: 5-0

Planning Commission Conditions:

1. A combination Plat for all three tracts shall be recorded before final CO is issued on the new structure.
2. All conditions of zoning shall be made part of any plats or site plans created for the property.
3. The site Development shall be subject to compliance with the following standards:
    i. The development shall generally occur as depicted on the site plan submitted by Rindt McDuff dated 10-2022 modified for compliance with zoning conditions and Hall County regulations. The Planning Director can approve changes in the layout related to engineering constrains provided the revisions do not create a need for any variance, does not reduce setback requirements, Hall County Developmental Standards, or reduce any required buffers.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant, Sonstegard Foods of Georgia, Inc., is requesting a conditional use permit (CUP) from the Hall County Board of Commissioners. The purpose of the request is to change the classification of an existing egg processing plant upon Tax Parcel 08007 003011 (i.e., 2079 Memorial Park Drive), from a nonconforming to an authorized conditional use; and, to allow the future expansion of said use and construction of customary supporting structures onto adjacent Tax Parcel(s) 08008 000044 and 08007 003029. All three tax parcels which are the subject of this request are currently owned by Sonstegard Foods of Georgia, Inc. and zoned Light Industrial District (I-I). There are no applicable overlays or previous zoning relief found issued to the properties. Within the Light Industrial (I-I) zoning district, food processing plants involving animals or animal by-products (i.e., egg processing), are subject to approval of the County Commission (17.160.040.G).

The applicant's project narrative gives a detailed overview of business operations. Employees at 2079 Memorial Park Drive egg processing facility receive shipments of whole eggs and use them to manufacture new egg products. These new products are sold and shipped to institutional buyers such as universities, prisons, and manufacturers of other grocery goods such as salad dressings or breads. Specific actions performed by employees include the "cleaning, breaking, separating, mixing, drying, packaging, and shipment of large volumes of egg products" either as "individual components or mixed together per client needs." No animals, alive or deceased, are kept on-site. Hall County business license records show, this facility has been in continuous operation upon the premises since 1987. They currently employ 60 people, but have historically employed as many as 90 people in the past.

If the CUP is denied, Sonstegard may continue their operations. However, as a non-conforming use, they would remain limited to the parcel, building footprint, and scale of operations in effect at the time the use became non-conforming, i.e., circa 2003. This is because Hall County Code prohibits the enlargement of nonconforming uses. Examples of "enlargement" given by the code include changes in the size of the building, hours of operation, use of additional land, and [use of] more powerful equipment, among other actions (17.340.010.A). The intent of this regulation is to encourage the amortization of non-conforming uses and to support an orderly transition to those which are allowed by-right.

If a CUP is denied, nonconforming standards would be applied as written, with immediate impacts on permitting. Sonstegard has two open permits in the pipeline, HDV2018-00018 and HDV2020-00022. Previously authorized, these permits now require revision in order to reflect accurate site conditions and adjustments made in the field, some of which went beyond the originally authorized scope of work. Approval of the CUP would enable Hall County to re-issue these permits, following plan revision and re-review; and, to allow the applicant to perform any field corrections needed to bring past building expansion(s) and detention ponds, storage areas, parking lots, and access drives built upon abutting Sonstegard lands, into compliance with current ordinances.

In support of their CUP application, Sonstegard has submitted site plans which show existing site conditions and the long-term vision held for their property. The long-term site plan, provides Sonstegard's response to staff queries on how the business proposes to address existing freight, outdoor storage, and employee parking concerns. At the pre-application meeting for this CUP application, Sonstegard made clear that they would prefer to not be tied to any specific site plan for the long-term, instead preferring to make incremental changes as market conditions allow. Their immediate focus is performing the tasks necessary to finalize HDV2018-00018 and HDV2020-00022 and to obtain Certificates of Occupancy and/or Completion for that work.

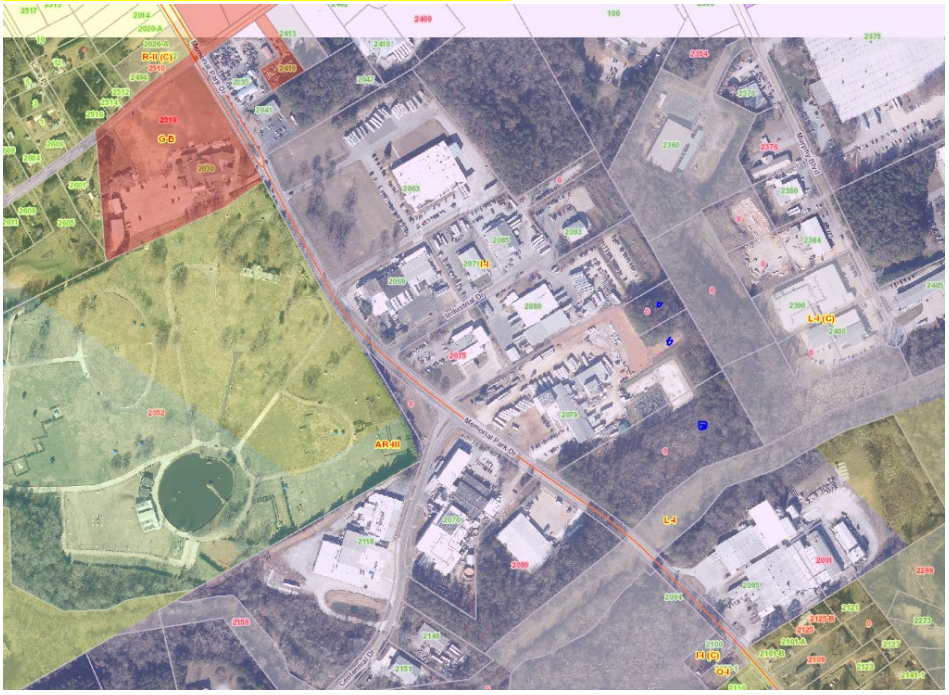
The applicant has not requested any variances. However, staff has identified the following requirements from which a variance may be needed:

Code Section	Standard	Applicant's Proposed Standard

17.250.020.-Off Street Parking.	Off street parking facilities required to be constructed of dust-free materials which have a surface resistant to erosion, drained to prevent damage to abutting properties or public streets, and arranged to provide safe access to pedestrians and vehicles.	Current site provides two gravel parking areas, one on each side of the processing facility. These are not dust-free, paved facilities. Freight vehicles mainly park upon the northern most lot; occasionally parking over pedestrian walkways, to maintain a clear vehicular access the loading docks and rear of the facility. No immediate site changes are proposed; but long-term site plan depicts two new paved parking areas, one dedicated for employee parking at in front of the egg processing facility and the other adjacent a new loading/unloading area upon Tract (-0044).
17.250.020.A.28.- Off street parking table.	Industrial uses require 1.6 parking spaces for each 1000 gross square feet of floor area. For the existing square footage (50,569 SF), 80.0 spaces are required. For the proposed future square footage (60,507 SF), 96.8 spaces would be required.	Current site can accommodate approximately 40 passenger vehicles (as seen from review of aerial imagery). No immediate changes to employee parking arrangements are proposed; but, the long-term site plan shows 84 passenger spaces in a new paved lot in front of the egg processing facility.
17.250.050.2.-Off-street loading and unloading space table.	Wholesale and Industry uses require 1 loading dock space measuring 15 feet by 50 feet (with 14 foot clearance) is required for each 10,000 SF of floor area or fraction thereof. For the existing square footage (50, 569 SF), 5 loading spaces are required. For the proposed future gross square footage (60, 507 SF), 6 loading spaces are required.	Current site provides 2 loading spaces on a concrete pad off the existing dry storage building. It is unclear if there are existing loading spaces in the rear of the egg processing facility. No immediate changes to current number of loading docks is proposed; but long-term site plan proposes 9 new loading spaces on concrete pad and 5 paved parking spaces for freight on Tax Parcel (-0044) to the south.
17.260.010.c and d.- Outdoor storage.	Non-operable vehicles (such as freight truck boxes which may detach from body of the vehicle) must be kept inside an enclosed building, and must may not be visible to surrounding properties.	Current site has no dedicated freight parking or storage areas, so cabins and truck boxes are often parked or left in gravel parking area in front of processing facility or behind the facility wherever space allows. No immediate changes are proposed to current freight parking arrangement; but long-term site plan proposes use of Tract (-

		3029) in rear as potential overflow area for outdoor freight parking, for freight not accommodated by the dedicated parking area on Tract (-0044).

Staff finds the *requested use is not consistent* with the Lake Residential future land use classification in Comprehensive Plan. This future land use classification supports low density residential development and neighborhoods in this area, not industrial uses. ***However, the adjacent parcels are developed with light industrial uses, similar to the one proposed.***



Sonstegard's long term site plan does preserve an undisturbed Flood Plain and stream buffer upon Tax Parcel (-0044) to the south and does offer some sidewalks throughout Tax Parcel (-3011) which are desirable features in Lake Residential districts. However, the nature of the manufacturing use and its accompanying auto-centric circulation arrangements, with wide curb cuts and short distances to intersections, do not advance the Comprehensive Plan vision for the tracts. **Given the existing developments surrounding the subject property, and that this is area is largely already developed with light industrial uses, the current Comprehensive Plan update, expected to be adopted in June 2024, will correct the oversight of this area being classified as Lake Area Residential.**

Zoning Analysis for CUP:

The proposed use of an egg processing plant is not consistent with the "Lake Residential" future land use classification, characterized by low density residential development and neighborhoods but it is consistent with the existing land uses on adjacent and nearby properties, as well as the current zoning designation of Light Industrial (L-I,17.160). When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **Sonstegard's property does not border any residential uses or residentially zoned property. Neighboring sites to the north and west are currently used for poultry processing. These include Blue Coach Foods at 2075 Memorial Park Drive, Gold Creek Processing LLC at 2080 Memorial Park Drive, and Gold Creek Foods at 2076 Memorial Park Drive. To the south and east, are parcels within the jurisdiction of City of Gainesville, also zoned Light Industrial. The proposed use is suitable in view of the use and development of adjacent and nearby properties.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use is not expected to have an adverse effect on the existing use or usability of adjacent or nearby property. However, as currently platted, Tax Parcel (-3029) in the rear does not have direct access to Memorial Park Drive. As such no buildings are allowed to be placed or erected upon its premises (17.240.130.A). Further, the existing conditions site plan shows that a rear access drive and detention pond constructed as part of HDV2018-00018 encroaches on this tract. A combination plat is advised to reconcile this area of non-compliance and to ensure that tract maintains its access to a public road.**

3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has reasonable economic use as currently zoned, as evidenced by its continuous operation since 1987.**

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **It is not expected that the proposed use would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. However, staff recognizes that the intensity of development allowed by the zoning code (one principal building per 0.3 acres or 15,000 square feet) (17.240.110) is approximately three times greater than what the Comprehensive Plan recommends for sites within the Lake Residential character area (one dwelling per acre). If the CUP is granted, to temper this difference, staff recommends setting a maximum gross square footage allowance of 70,000 SF across the 17.76 acre assembly. This provides**

±10,000 more square feet than what is depicted on the long-term site plan submitted by the applicant, to grant some future flexibility in design.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **Egg processing, which falls under the umbrella of "Food Processing" (**17.160.040.G**) is not consistent with the Lake Residential future land use character area set by the Comprehensive Plan. Lake Residential supports low density residential uses, not industrial uses. However, it is consistent with the adjacent land uses and the zoning district of light industrial (L-I).**

6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**

7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property values including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **If the CUP is granted, it would enable the owner to make site investments which are more responsive to operational needs and changes in market demand. Public benefits that could emerge from such investments include additional employment opportunities or increased tax revenue that could be leveraged to serve Hall County at-large. However, issuance would create a precedent along Memorial Park Drive corridor that could be cited by other poultry processing businesses who may also seek a CUP in the future. If the CUP is denied, Sonstegard would not be allowed to make any site or building changes which "enlarge" the non-conforming use (17.340.010). Authorized work would be limited to regular maintenance, interior renovations that do not affect the building envelope, and repairs or replacement for damages below 75% of the fair sale value of the property.**

9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **No tract is currently vacant. Tract -3011 has an egg processing plant; Tract -3029 has part of a detention pond and paved access; and, Tract -0044 has part of a water treatment pond. These improvements have been on-site for a number of years and are comparable to manufacturing site improvements made upon neighboring tracts. Notably, however, half of Tract -0044 remains undisturbed and vacant due to the presence of a FEMA flood plain, state buffer in the space between the water treatment facility and property line bordering the City of Gainesville.**

10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **At their pre-application meeting, the applicant informed staff that the bird flu pandemic in 2022 had disrupted the predictability and frequency of egg shipments; and made predicting when funding would be available for future or major site improvements challenging. Staff review of the Livestock, Dairy, and Poultry Outlook published by the USDA Economic Research Service in December 2022, confirmed that, "the total number of table-egg layers lost to HPAI [highly pathologic avian influenza] since February 2022 has increased to 39.4 million birds," and that producers nationally "are taking a cautious approach to expanding production in the near-term."**

11. Whether the change would create an isolated district unrelated to the surrounding districts; **No, the proposed development is adjacent to other Light Industrial (I-I) (17.160) zoned properties and this is not a rezoning but a conditional use within the existing zoning designation.**

12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundary is illogically drawn.**

13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the requested use approval is not out of scale with the needs of the county as a whole. The proposed development is consistent with the surrounding development pattern.**

14. 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 industrial uses based on the Future Land Use Map. The Comprehensive Plan supports master planned industrial developments in [Employment] Activity Centers and general industrial uses in [Employment] Corridors.**

15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, this request cannot be handled by a variance request to the Planning Commission. Code allows Planning Commission to authorize changes, enlargement, rebuilding, alteration, repair or replacement for non-conforming structures – but only in circumstances when the property's zoning cannot be changed (i.e., either through rezoning or through issuance of a CUP) (17.340.020.F).**

16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and federal regulations. As a result there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**

17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning of the property. It just appears that the Comprehensive Plan has recently shifted the vision for the area from an industrial corridor to a residential one.**

17.380.050. - Submission requirements have been met.

Zoning Analysis for Variance(s)

The Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that 2.60.030.J, provided the request meets the criteria set forth in 2.60.030.K.

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **There do not appear to be extraordinary and exceptional conditions pertaining to Tract (-3011). However, Tract (-3029) to the rear of the egg processing facility is a landlocked tract, and Tract (-0044) to the south is significantly impacted by the presence of a flood plain, protected stream buffer against Flat Creek, and a sanitary sewer easement. Staff recommends that relief be issued from 17.260.010.c and d.-Outdoor storage to enable use of Tract (-3029) for overflow freight parking and outdoor storage, because site inspection revealed a need for this overflow area. Further the tract's unique placement and the use of the egg facility as a liner building limits its visibility from Memorial Park Drive, upholding the intent of the ordinance. Relief is not advised for any other staff-identified variance because there is no topographical, lot shape, or lot size based reason to support their issuance.**

2. The application of the requirements of this Title 17 to this particular piece of property would create an unusual hardship; **Due to present egg market instability as a result of the 2022 bird flu, implementation of the requirements mandating the immediate construction of required**

loading areas and additional parking, as necessary to mitigate current shortfalls, may present financial hardship upon the applicant. The degree of hardship is unknown, as actual financial calculations of this impact cannot be determined with current information filed.

3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; and **Yes, the topographical and placement conditions described for Tract (-3029) and Tract (-0044) are unique to the particular property involved and are not common to other properties in the neighborhood.**

4. Such conditions are not the result of any actions of the property owner; and **The need for outdoor storage and parking arrangements for overflow freight are the result of unpredicted changes to delivery frequency stemming from bird flu impacts; however, the current shortfall of loading docks and employee parking areas, and the fact current facilities are made of gravel, are the result of past owner investments and site design conditions.**

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of Title 17; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by Title 17 or for a conditional use which has been denied by the county planning commission. **Relief, if granted, to Tract (-3029) from 17.260.010.c and d would not cause substantial detriment to the public good or impair the purposes and intent of Title 17. Relief, if granted, for the other staff-identified regulations which require paved parking facilities and a specific number of passenger vehicles and loading docks, may undermine the intent of the ordinance. Such intent is to mitigate soil erosion, and to ensure adequate parking areas for the proposed square footage of the use and safe traffic circulation throughout the property with appropriate separation for passenger and freight vehicles.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health
An email dated January 3, 2023, from Emily McGahee states “No comment. Public sewer.”

Hall County Fire Marshal
An email dated January 3, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant states, “The Hall County Fire Marshal’s Office has no comments as proposed.”

Hall County Public Works and Utilities
In a memo dated January 3, 2023, from Srikanth Yamala, 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 thresholds for impervious surfaces and/or disturbed acreage.

Traffic:
No Comment.

Utilities

No Comment.

City of Gainesville Water Resources

As of January 3, 2023, no comments have been received from Nick Swafford, Permitting Services Manager, regarding this case.

Georgia Department of Transportation

As of January 3, 2023, no comments have been received from GDOT for this agenda.

- **Excerpts from the minutes of the January 17, 2023 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Jason Cousineau, 334 Cherokee Street, Marietta, presented the request. The applicant stated that the reason for this request is that the owners would like to expand their business that is non-conforming at the moment.

David Sutherland, 7258 Sloan Stephens Road, Alto, presented the request. The applicant stated that the expansion is to keep up with the demand.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated that the conditional use is only valid for 12 months which means plans need to be submitted in that time frame to avoid expiration. Mr. Cousineau stated that the process has already been initiated.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 5-0

Conditions:

1. *A combination Plat for all three tracts shall be recorded before final CO is issued on the new structure.*
2. *All conditions of zoning shall be made part of any plats or site plans created for the property.*
3. *The site Development shall be subject to compliance with the following standards:*
    i. *The development shall generally occur as depicted on the site plan submitted by Rindt McDuff dated 10-2022 modified for compliance with zoning conditions and Hall County regulations. The Planning Director can approve changes in the layout related to engineering constrains provided the revisions do not create a need for any variance, does not reduce setback requirements, Hall County Developmental Standards, or reduce any required buffers.*

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 | f: 770-531-3902

HALL COUNTY
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CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)
David Sutherland - Authorized Owner's Representative
2079 Memorial Park Drive
Gainesville, GA 30504
Phone 712-209-1786
Email Address david@sunrisefarms.us

Property Owner (Name & Mailing Address)
Sonstegard Foods of Georgia, Inc.
2079 Memorial Park Drive
Gainesville, GA 30504
Phone 800-533-3184
Email Address info@sonstegard.com

Proposed Use Egg Processing

Contact Person (Name & Mailing Address)
David Sutherland
2079 Memorial Park Drive
Gainesville, GA 30504
Phone 712-209-1786
Email Address david@sunrisefarms.us

Status of Applicant
X Owner
☐ Option to Purchase
☐ Area Resident
☐ Other

Requested Action
Permissive Use:
☐ HCPC ☒ HCC
Fee:$ ~~750.00~~
Receipt #: 859076
Check #: 111319 a CC

Zoning: I-I
Acreage 17.76
Tax Parcel Number 08007-003029, 08007-003011, 08008-000044
Location Address Memorial Park Drive

I hereby certify that the above information and all attached information are true and correct.

Sign Patty O Sonstegard Date: 10/20/22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____

2079, 0, & 0 memorial park Drive

Staff Use Only

Application Date: 12/02/22 Taken by: Micl

Tentative Planning Commission Date: 02/06/23 Tentative County Commis

County Commission District: _____

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
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AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s): Sonstegard Foods of Georgia, Inc.

Address: 2079 Memorial Park Drive
Gainesville, GA 30504

Phone Number: 800-533-3184

Name of applicant(s): David Sutherland

Address: 2079 Memorial Park Drive
Gainesville, GA 30504

Phone Number: 712-209-1786

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s) Philip D Sonstegard

Personally appeared before me
PHILIP D SONSTEGARD

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Max J Barnett
Notary Public

10/20/22
Date

MY COMMISSION EXPIRES
OCTOBER 5, 2027

MAX J. BARNETT
NOTARY PUBLIC
SOUTH DAKOTA
SEAL SEAL

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 | f: 770-531-3902

HALL COUNTY
We have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not X

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): N/A Office: N/A

Dollar Amount: N/A Date of Contribution: N/A

Applicant's/Owner's Signature: Philip O Sonstegard **Date:** 10/20/22

Applicant's/Owner's Name (Printed): PHILIP O SONSTEGARD

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 | f: 770-531-3902

HALL COUNTY
GEORGIA
We have it all in Hall!

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(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

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I hereby certify that I have read the above and that:

I have**____ I have not X

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: David Sutherland Date: 11-30-2022

Applicant's/Owner's Name (Printed): DAVID SUTHERLAND

SONSTEGARD FOODS – CONDITIONAL USE PERMIT NARRATIVE

Sonstegard Foods owns three parcels at their facility in Gainesville GA. Sonstegard has continuously operated at this facility since 1987. Sonstegard provides egg products on a large scale to many food manufacturers and producers and is credited with providing critical ingredients to manufacturers of many of the products consumers see on grocery store shelves each day. Per hall county GIS no Sonstegard owned parcel is within a Hall County overlay district. The three parcels that Sonstegard owns are 08008 000044, 08007 003011, 08007 003029. All three Sonstegard owned parcels are zone I-1 or light industrial.

Sonstegard Foods in Gainesville GA, processes large volumes of eggs for use in many industrial food supply industries. Millions of eggs are processed each day. Sonstegard provides egg products to schools, universities, large scale food producing businesses, and government facilities. Processing eggs involves cleaning, breaking, separating, mixing, drying, packaging, and shipping large volumes of egg products either separated into individual components, or mixed together per client needs. No whole eggs are provided by Sonstegard to clients. Clientele of Sonstegard would include large institutions like prisons or universities, as well as salad dressing and bread manufacturers. Anyone who requires a large amount of egg products could be a client of Sonstegard. No animals, alive or deceased, are ever present on site at Sonstegard.

Sonstegard Foods in Gainesville is a 24 hour per day business. While some processes may not be operational outside normal business hours, employees are present at the facility 24 hours per day. Intake of egg shipments can occur at any time of day but usually occurs during normal business hours. With the proposed receiving area, this will likely change, so currently there is a minimal operational crew present overnight. During the day the eggs are cracked and "processed" into various components and containers. The day shift, is where the majority of the workforce is present on site and accounts for roughly 50-75% of total work force. The bulk of freight traffic currently occurs during the day. Sonstegard, at the Gainesville facility currently employs approximately 60 employees, but has employed as many as 90 employees in the past.

The minimum lot area for light industrial zoned parcels is 15,000 square feet (SF). The minimum lot frontage for light industrial zoned parcels is 100 feet. The front yard setback for light industrial zoned parcels is 75 feet from the centerline of road or 50 feet from the property line, whichever is greater. Side and rear yard setbacks are both 20 feet for light industrial zoned parcels. The provided proposed site plan indicates the only improvements to the site that are known at this time. Outside of the parking area and receiving docks/trailer staging area, no other improvements to the site are currently planned. Typically, no vehicles are serviced on site. There is occasionally the need to repair a refrigerated semi-trailer on site, but a specialty service provider is used for this instance. Fork lift equipment is also serviced on site but is limited to the interior of the building and is completed by a specialty service provider as well. No service building/department exists on site, and no substantial servicing of equipment is conducted on site minus the previously mentioned instances. Outdoor storage needs would be limited to materials or vehicles related to the everyday operation of the facility. Semi-trailer

storage is anticipated on site as well as some auxiliary vehicles related to the processing of eggs. No incremental development is anticipated on site. Any outside storage of building materials would be in relation to active facility construction and would be cleaned up upon completion of the project.

Sonstegard does not provide service to the general public. Only authorized employees or visitors are allowed onto Sonstegard property. Sonstegard maintains business signage, with a large sign on the front of their freezer building. It is for this reason as well, that an exterior lighting plan is not implemented. Lighting is provided for personnel and employees on the interior and exterior of their facility, but no lighting plan for other areas is proposed.

Water and sanitary service is provided by Hall County. Sonstegard has a waste pre-treatment facility at the back area of their plant to treat egg waste prior to dispensing into the County's sanitary collection system.

Most of the abutting properties that border Sonstegard owned parcels are zoned light industrial as well, and are of a similar type of chicken/egg/industrial production nature. No plans currently exist to buffer neighboring properties, and no complaints regarding the nature by which Sonstegard conducts its business have been received. No residentially zoned properties abut Sonstegard owned parcels. The City of Gainesville abuts the southern Sonstegard owned parcel for apparent sanitary sewer infrastructure.

The reason for this Conditional Use Permit requested by Sonstegard is to utilize two adjacent parcels owned by Sonstegard Foods for the same purpose as that of the main parcel, which is the production of egg products.

There will not be an adverse effect on the surrounding area in which the proposed use will be located. The property is surrounded by other light industrial and chicken related processing facilities. The intended use of the parcel is the same as the main parcel, egg processing.

The requested use is compatible with the surrounding area. Several other chicken related processing facilities surround the parcels in question. Sonstegard is located in an area where many other industrial businesses are located.

The quiet enjoyment of surrounding properties will not be adversely affected. The facility is already operating and does not interfere with the adjacent neighboring businesses/properties. No complaints regarding Sonstegard's stated business have been received.

Property values will not experience any change in value due to the use of the parcel in question. Values may actually increase due to the development of the parcel in question. The surrounding area is mostly zoned light industrial.

Traffic and parking considerations are included in the future use plan for this facility. Traffic on Memorial drive will remain unchanged as the proposed improvements are meant to streamline

already operating capacity. No additional shipping will be added with this request. Parking for the daily employees is not adequate, but has been manageable. Parking is provided, but spaces are not defined, and double parking has occurred. This is a need that is recognized by Sonstegard Foods and is intended to be addressed with their next proposed project.

Sonstegard maintains minimal personnel during non business hours of operation. While workers are present during the day, most of the business is carried out within the plant walls. Outdoor noises or activities would be limited to the periodic use of large equipment like fork lifts or semi-trucks and trailers.

Rindt-McDuff Associates, Inc.
334 Cherokee Street
Marietta, Georgia 30060

(770) 427-8123

LETTER OF TRANSMITTAL

To: Hall County Development Review

2875 Browns Bridge Road

Gainesville GA 30504

Date: 12-02-2022	Job No. R2022-118
Attention: Hall County Planning	
Re: Sonstegard Foods	
Conditional Use Permit Application	

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via the following items:

☐ Shop drawings ☐ Prints ☒ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☒ Other: Check for Fees

Copies	Date	No.	Description
1	12-02-2022		Conditional Use Permit Application Package
1	12-02-2022		CD with Digital Copies of Application Package
1	12-02-2022		Check for Application Fees
			As-Built Hydro Report
			Check for As-Built Review Fees

THESE ARE TRANSMITTED as checked below:

☒ For approval ☐ Approved As Submitted ☐ Resubmitted _____ copies for approval

☒ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comments ☐ _____

☐ FOR BIDS DUE 20___ ☐ PRINTS RETURNED AFTER LOAN TO US

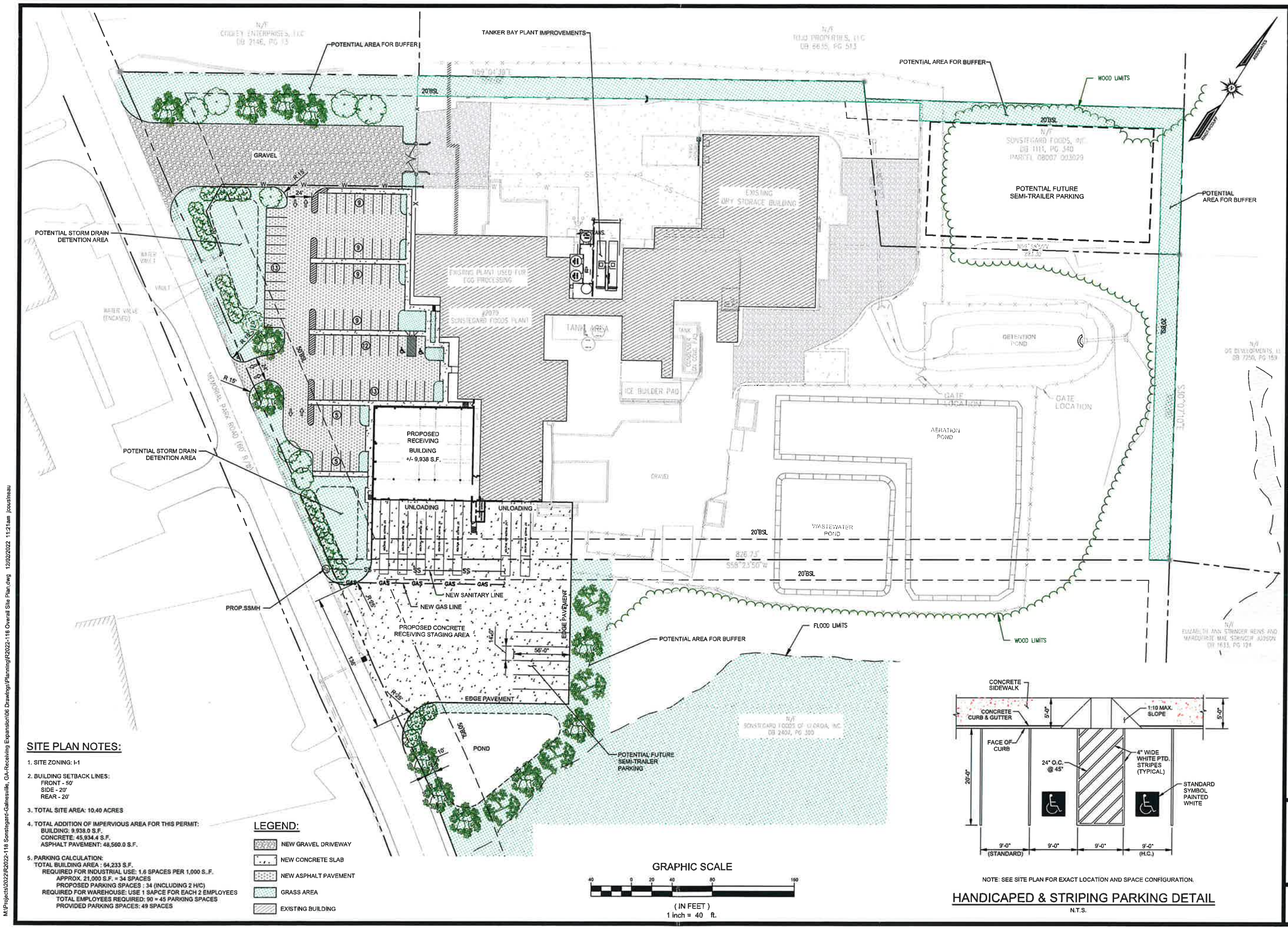
REMARKS: Please accept the attached conditional use permit application package, CD, and check for review fees for the Sonstegard Foods requested use permit application.

Please let me know if you have any questions or comments.

Thanks. Jason Cousineau - 770-427-8123

SIGNED: Jason Cousineau

If enclosures are not as noted, kindly notify us at once.



SITE PLAN NOTES:

1. SITE ZONING: I-1
2. BUILDING SETBACK LINES:
   FRONT - 50'
   SIDE - 20'
   REAR - 20'
3. TOTAL SITE AREA: 10.40 ACRES
4. TOTAL ADDITION OF IMPERVIOUS AREA FOR THIS PERMIT:
   BUILDING: 9,938.0 S.F.
   CONCRETE: 45,934.4 S.F.
   ASPHALT PAVEMENT: 48,560.0 S.F.
5. PARKING CALCULATION:
   TOTAL BUILDING AREA : 64,233 S.F.
   REQUIRED FOR INDUSTRIAL USE: 1.6 SPACES PER 1,000 S..F.
   APPROX. 21,000 S.F. = 34 SPACES
   PROPOSED PARKING SPACES : 34 (INCLUDING 2 H/C)
   REQUIRED FOR WAREHOUSE: USE 1 SAPCE FOR EACH 2 EMPLOYEES
   TOTAL EMPLOYEES REQUIRED: 90 = 45 PARKING SPACES
   PROVIDED PARKING SPACES: 49 SPACES

LEGEND:

- NEW GRAVEL DRIVEWAY
- NEW CONCRETE SLAB
- NEW ASPHALT PAVEMENT
- GRASS AREA
- EXISTING BUILDING

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

NOTE: SEE SITE PLAN FOR EXACT LOCATION AND SPACE CONFIGURATION.

HANDICAPED & STRIPING PARKING DETAIL

N.T.S.

No.	Revisions	Initial	Date

RINDT ENGINEERING + ENVIRONMENTAL

SONSTEGARD FOODS, INC.
CONDITION USE PERMITTING PLANS

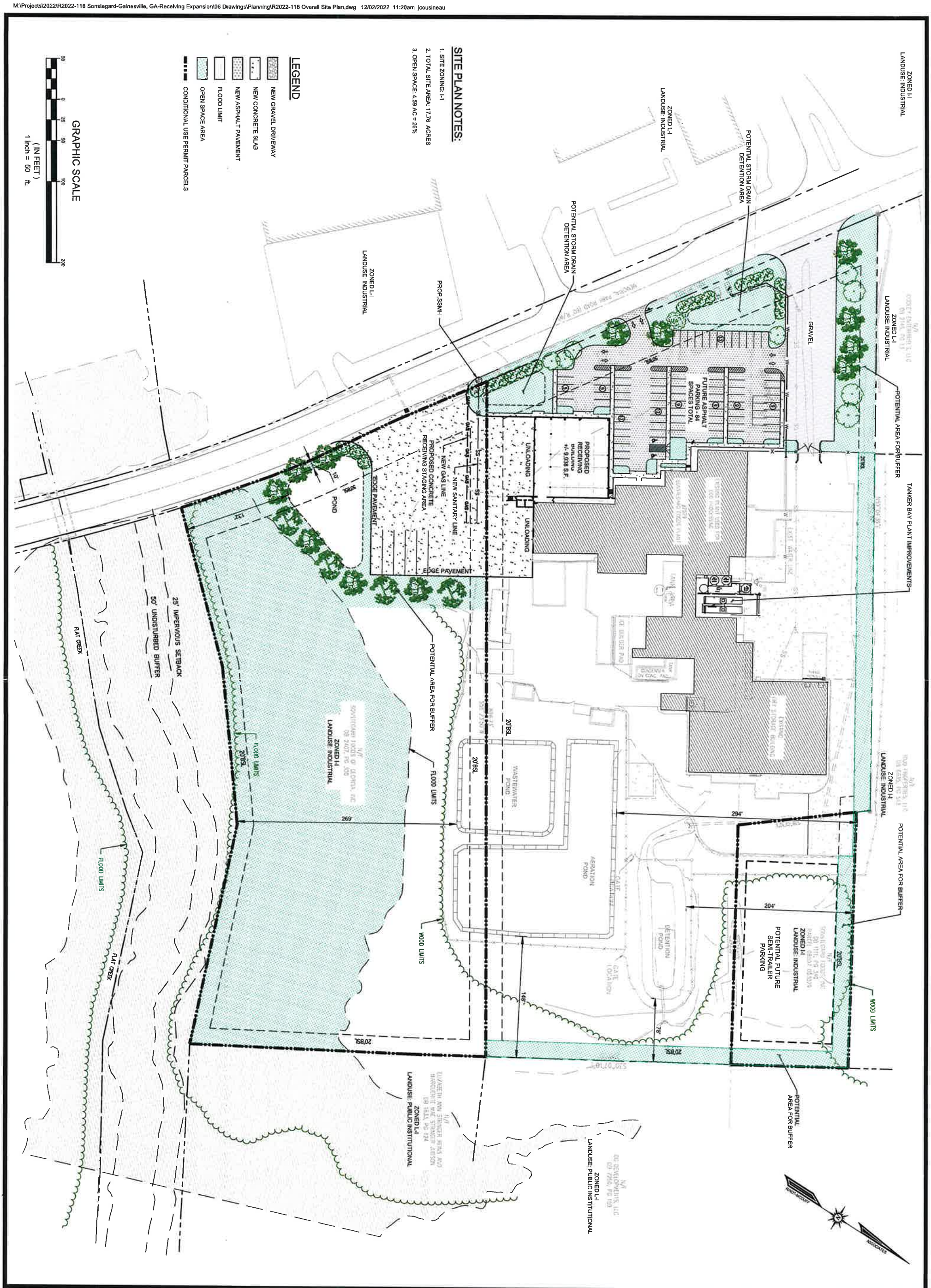
SITE PLAN

Drawn: AE
Design: AE
Checked: JC
Project No: R2022-118
Scale: 1" = 40'
Date: OCTOBER, 2022
R2022-118 Overall Site Plan.dwg

Sheet No.
3 of 3

M:\Projects\2022\R2022-118 Sonstegard-Gainesville, GA-Receiving Expansion\06 Drawings\Planning\R2022-118 Overall Site Plan.dwg 12/02/2022 11:21am jcousineau

M:\Projects\2022\R2022-118 Sonstegard-Gainesville, GA-Receiving Expansion\06 Drawings\Planning\R2022-118 Overall Site Plan.dwg 12/02/2022 11:20am jcousineau

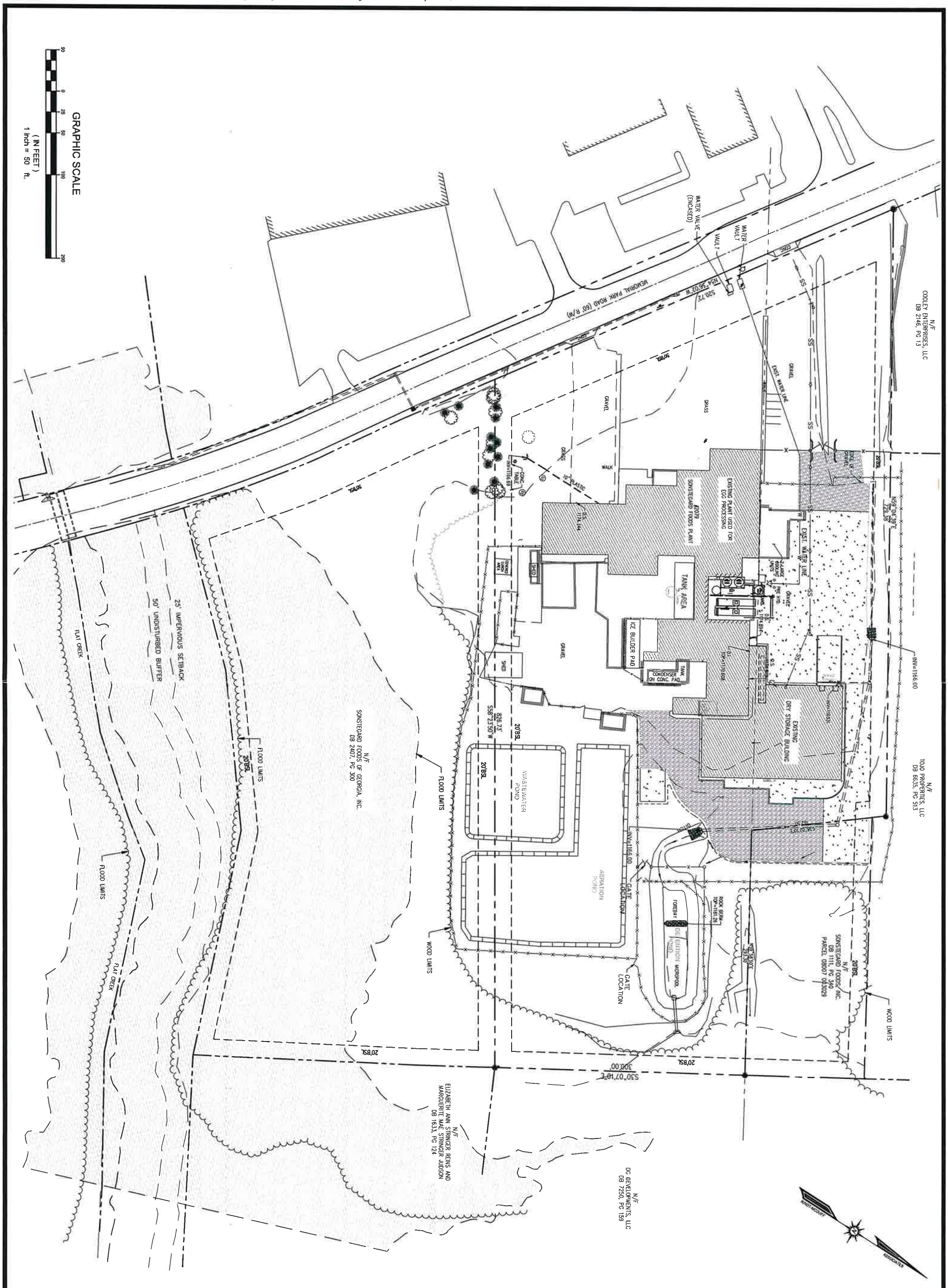


Drawn: AE	SONSTEGARD FOODS, INC.	RINDT ENGINEERING + ENVIRONMENTAL	
Design: AE	CONDITION USE PERMITTING PLANS		
Checked: JC			
Project No: R2022-118			
Scale: 1" = 40'	OVERALL SITE PLAN		
Date: OCTOBER, 2022			
R2022-118 Overall Site Plan.dwg			

No.	Revisions	Initial	Date

Sheet No. 2 of 3

M:\Projects\2022\R2022-118 Sonstegard-Gainesville, GA-Receiving Expansion\06 Drawings\Planning\R2022-118 Overall Site Plan.dwg 12/02/2022 11:19am jcousineau



Sheet No. 1 of 3	Drawn: AE Design: AE Checked: JC Project No: R2022-118 Scale: 1" = 40' Date: OCTOBER, 2022 R2022-118 Overall Site Plan.dwg	SONSTEGARD FOODS, INC. CONDITION USE PERMITTING PLANS OVERALL EXISTING SITE PLAN	RINDT ENGINEERING + ENVIRONMENTAL

No.	Revisions	Initial	Date

THIS BLOCK IS RESERVED FOR
THE CLERK OF SUPERIOR COURT

NOTES:

THE PROPERTY IS ZONED I-1. SITE AREAS 335,985 SF FT OR 7.713 ACRES.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 17,335 AND AN ANGULAR ERROR OF 15" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.

A PRECISION FOCUS 35 TOTAL STATION WAS USED TO OBTAIN LINEAR AND ANGULAR MEASUREMENTS. LINEAR DISTANCES SHOWN ARE GROUND HORIZONTAL DISTANCES.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 516,870 FEET.

FIELD WORK WAS COMPLETED ON NOVEMBER 8, 2022.

NO NGS MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.

BEARINGS AND DISTANCES SHOWN HEREON WERE FIELD MEASURED AND ARE IN SUBSTANTIAL AGREEMENT WITH THE DESCRIPTION UNLESS OTHERWISE NOTED HEREON.

SPG SURVEYING, LLC DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON, THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESSED CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

PART OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE AE) AS DEFINED BY F.I.R.M. COMMUNITY PANEL NUMBER 13139C0188G, REVISED DATE OF APRIL 4, 2018, HALL COUNTY, GEORGIA, AND UNINCORPORATED AREAS.

UNLESS STATED OTHERWISE HEREON, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OF TITLE OR TITLE SEARCH OF THE PROPERTY.

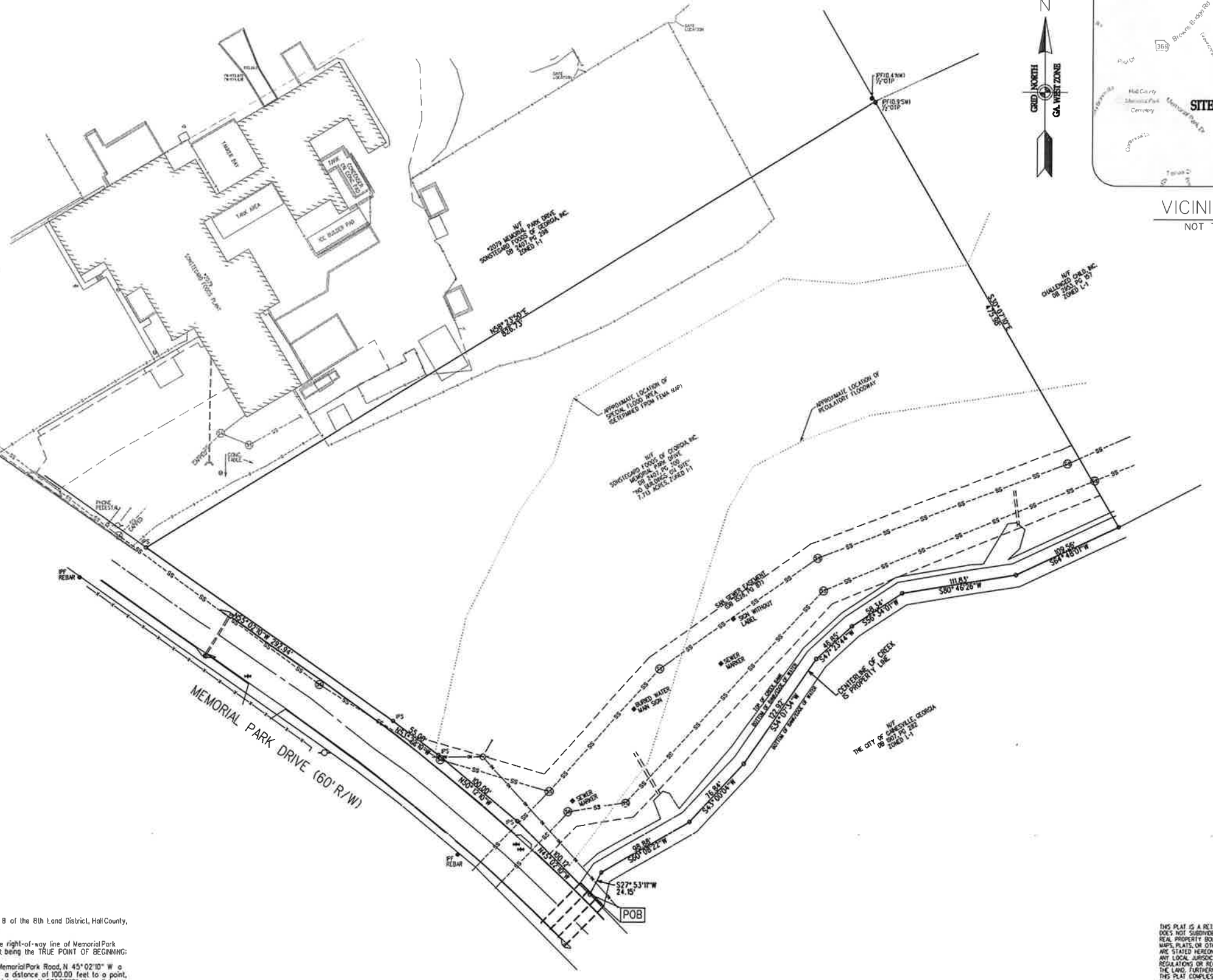
UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF THE PREMISES ARE SHOWN. THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EXISTING EASEMENTS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK LINES WHETHER OR NOT THEY ARE SHOWN ON THE PLAT HEREON OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY EASEMENTS.

REPRODUCTIONS OF THIS PLAT ARE NOT VALID UNLESS SEALED AND SIGNED WITH AN ORIGINAL SIGNATURE.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER & LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON AND WAS BASED ON VISIBLE ABOVE GROUND EVIDENCE SUCH AS MANHOLES, CATCH BASINS, FIRE HYDRANTS, WATER METERS, ETC. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

THIS PROPERTY WAS SURVEYED BASED ON THE LAND DESCRIPTIONS IN THE FOLLOWING REFERENCE MATERIAL:

1. WARRANTY DEED TO SONSTEGARD FOODS OF GEORGIA INC. RECORDED IN HALL COUNTY, GEORGIA IN DB 2407, PAGE 300. THERE ARE TWO EASEMENTS REFERENCED IN THIS DEED. ONE FOR A SANITARY SEWER EASEMENT - SHOWN ON SURVEY, AND ONE TO DREDGE FLAT CREEK - NO EASEMENT FOUND.
2. WARRANTY DEED TO SONSTEGAARD FOODS OF GEORGIA INC. RECORDED IN HALL COUNTY, GEORGIA IN DB 247, PAGE 298.


N
GRID NORTH
GA. WEST ZONE
N/F
SONSTEGARD FOODS OF GEORGIA INC.
1225 MEMORIAL PARK DRIVE
DB 2407 PG 300
ZONED I-1
N/F
SONSTEGARD FOODS OF GEORGIA INC.
1225 MEMORIAL PARK DRIVE
TAX ID 15 035
7.713 ACRES +/- ON SITE
ZONED I-1
N/F
CHALLENGER CAR CO. INC.
DB 2050 PG 107
ZONED I-1
N/F
THE CITY OF GAINESVILLE, GEORGIA
DB 0607 PG 282
ZONED I-1
TANK FARM
TANK AREA
TANK 2 CONCRETE
ICE BUILDER PAD
OVERHEAD POWER LINES
POWER POLE
GUY WIRE
FIRE HYDRANT
SEWER MANHOLE
SEWER MANHOLE
SEWER MANHOLE

THIS BLOCK IS RESERVED FOR
THE CLERK OF SUPERIOR COURT

NOTES:

THE PROPERTY IS ZONED I-1. SITE AREAS 43,563 SF FT OR 1.000 ACRES.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 17,336 AND AN ANGULAR ERROR OF 15" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.

A PRECISION FOCUS 35 TOTAL STATION WAS USED TO OBTAIN LINEAR AND ANGULAR MEASUREMENTS. LINEAR DISTANCES SHOWN ARE GROUND HORIZONTAL DISTANCES.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 1,000,000+ FEET.

FIELD WORK WAS COMPLETED ON NOVEMBER 8, 2022.

NO NGS MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.

BEARINGS AND DISTANCES SHOWN HEREON WERE FIELD MEASURED AND ARE IN SUBSTANTIAL AGREEMENT WITH THE DESCRIPTION UNLESS OTHERWISE NOTED HEREON.

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NO PART OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE AE) AS DEFINED BY F.I.R.M. COMMUNITY PANEL NUMBER 13139C0108G, REVISED DATE OF APRIL 4, 2018, HALL COUNTY, GEORGIA, AND UNINCORPORATED AREAS.

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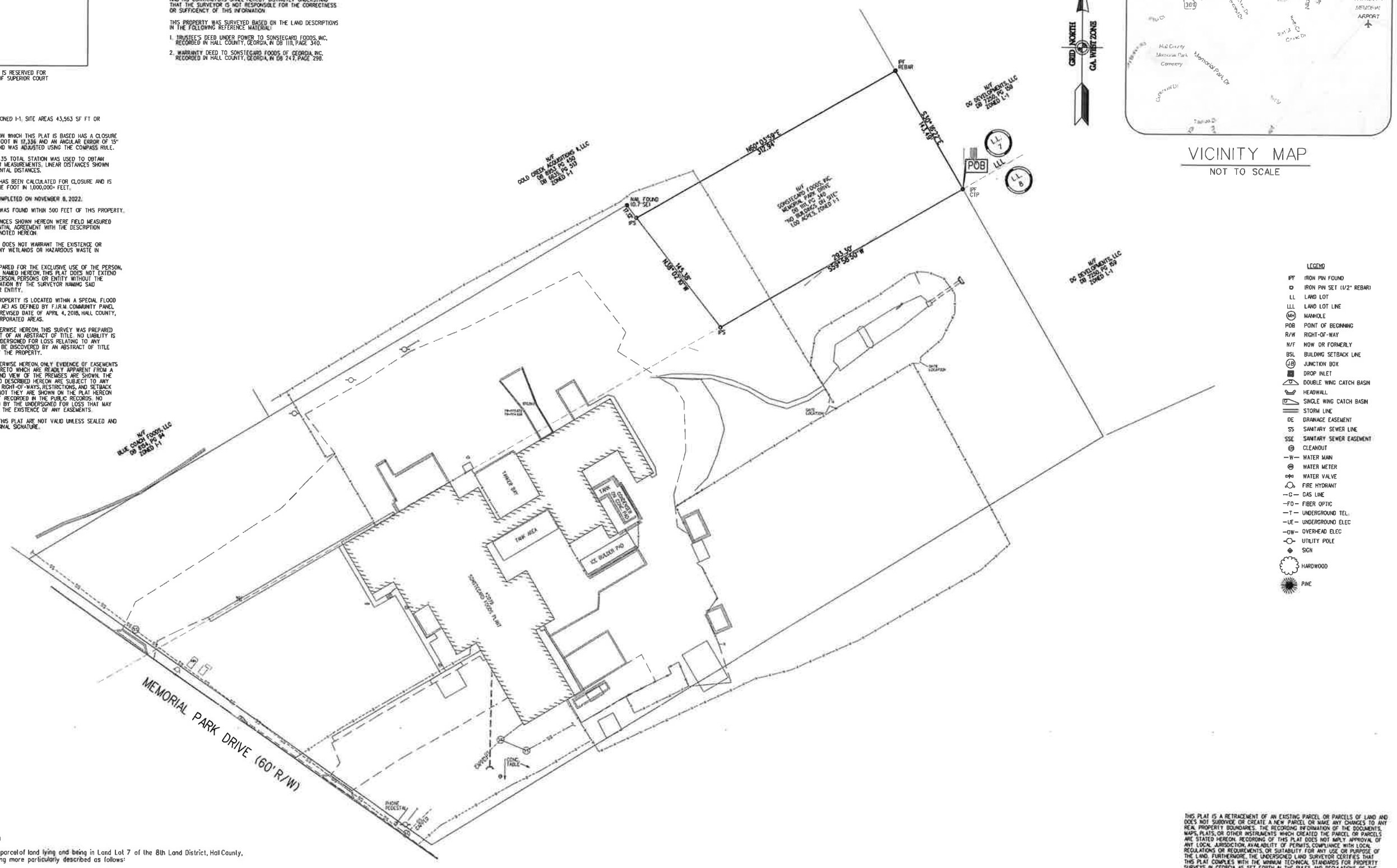
REPRODUCTIONS OF THIS PLAT ARE NOT VALID UNLESS SEALED AND SIGNED WITH AN ORIGINAL SIGNATURE.

NOTES (CONT):

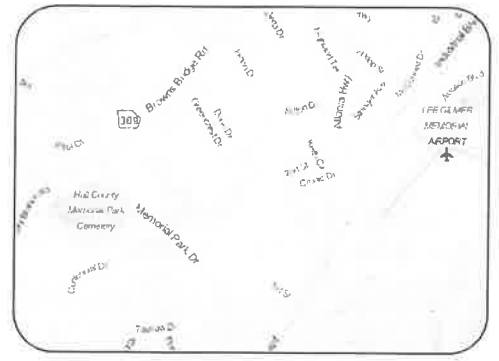
INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER & LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON AND WAS BASED ON VISIBLE ABOVE GROUND EVIDENCE SUCH AS MANHOLES, CATCH BASINS, FIRE HYDRANTS, WATER METERS, ETC. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

THIS PROPERTY WAS SURVEYED BASED ON THE LAND DESCRIPTIONS IN THE FOLLOWING REFERENCE MATERIAL:

1. TRUSTEE'S DEED UNDER POWER TO SONSTEGARD FOODS, INC. RECORDED IN HALL COUNTY, GEORGIA, IN DB 1111, PAGE 340.
2. WARRANTY DEED TO SONSTEGARD FOODS OF GEORGIA INC. RECORDED IN HALL COUNTY, GEORGIA, IN DB 247, PAGE 298.



GRAPHIC SCALE
50 25 0 50 100FT
SCALE: 1" = 50'



VICINITY MAP
NOT TO SCALE

LEGEND

IPF	IRON PIN FOUND
IPS	IRON PIN SET (1/2" REBAR)
LL	LAND LOT
LLL	LAND LOT LINE
MH	MANHOLE
POB	POINT OF BEGINNING
R/W	RIGHT-OF-WAY
N/F	NOW OR FORMERLY
BSL	BUILDING SETBACK LINE
JB	JUNCTION BOX
	DROP INLET
	DOUBLE WING CATCH BASIN
	HEADWALL
	SINGLE WING CATCH BASIN
	STORM LINE
DE	DRAINAGE EASEMENT
SS	SANITARY SEWER LINE
SSE	SANITARY SEWER EASEMENT
CO	CLEANOUT
W	WATER MAIN
	WATER METER
	WATER VALVE
	FIRE HYDRANT
G	GAS LINE
FO	FIBER OPTIC
T	UNDERGROUND TEL.
UE	UNDERGROUND ELEC
OW	OVERHEAD ELEC
	UTILITY POLE
	SIGN
	HARDWOOD
	PINE

Legal Description

All that tract or parcel of land lying and being in Land Lot 7 of the 8th Land District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a crimp top pipe at the intersection of the easterly property line of Sonstegard Foods, Inc., DB 1111, PG 340 and the common line to Land Lots 7 & 8, said point being the TRUE POINT OF BEGINNING;

thence along said common Land Lot Line, S 59° 58'50" W a distance of 293.30 feet to a point, thence leaving said Land Lot Line, N 38°02'10" W a distance of 145.38 feet to a point, thence N 60°03'59" E a distance of 312.94 feet to a rebar found, thence S 30° 16'22" E a distance of 143.49 feet to a point, and the TRUE POINT OF BEGINNING.

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDING OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Steven P Griggs

STEVEN P. GRIGGS, R.L.S. NO. 2845

GEORGIA REGISTERED No. 2845 11-28-22 LAND SURVEYOR STEVEN P. GRIGGS

Boundary Survey for: DB 1111 PG 340
Sonstegard Foods, Inc., Memorial Park Drive
Land Lots 7, 8th District, Hall County, Georgia
for
Sonstegard Foods of Georgia Inc.

REVISIONS	BY:	DATE:

File No. 201321.10
Drawn By: SG
Approved By: SG
Reviewed By: SG
Date: 11/28/2022
Project No. 201321.001

SPG Surveying, LLC
Professional Surveying Engineering Services
1025 Winding Creek Trail, Atlanta, Georgia 30339
Phone (404) 587-2170 Fax (404) 255-5855

SHEET 1 OF 1

$FILE$
$TIME$
$DATE$

Boundary Survey for:
Sonstegard Foods at 2079 Memorial Park Drive
Land Lots 7 & 8, 8th District, Hall County, Georgia
for
Sonstegard Foods of Georgia Inc.

SPG Surveying, LLC
Professional Surveying & Construction Services
1025 Winding Creek Trail, Alpharetta, Georgia 30328
Phone (404) 557-2170 Fax (404) 253-5825

Project No. 201321.001	2/10/20	11/28/22	added boundary survey information
	Date: 11/22/2019	Reviewed By: SG	
		Approved By: SG	
		Drawn By: SG	
		File No. 201321.02	

REVISIONS	DATE
added topographic survey for proposed south driveway	11/28/22
	2/10/20

SHEET 1 OF 1

STEVEN P. CHIPPS, RLS NO 2845

Steven P Chipps

11-28-22

GEORGIA REGISTERED LAND SURVEYOR

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS ARE STATED HEREON OF THIS PLAT DOES NOT MEET OR EXCEED THE REQUIREMENTS OF ANY LOCAL JURISDICTION AVAILABILITY OF PERMITS CONFORMANCE WITH LOCAL ANY LOCAL JURISDICTION REGULATIONS WHICH CREATED THE PARCEL OR PARCELS HERE PLATTED OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON OF THIS PLAT DOES NOT MEET OR EXCEED THE REQUIREMENTS OF ANY LOCAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS NOT LOCAL JURISDICTION AVAILABILITY OF PERMITS CONFORMANCE WITH LOCAL REGULATIONS OR REQUIREMENTS OF SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. PARTIES HEREBY THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AND SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 0-6-67.

LEGEND

IPF	IRON PIN FOUND
o	IRON PIN SET 1/2" REBAR
LL	LAND LOT
LLL	LAND LOT LINE
MH	MANHOLE
R/W	RIGHT-OF-WAY
POB	POINT OF BEGINNING
N/F	NOW OR FORMERLY
BSL	BUILDING SETBACK LINE
JB	JUNCTION BOX
	DOUBLE WING CATCH BASIN
	DROP INLET
	HEADWALL
	SINGLE WING CATCH BASIN
DE	DRAINAGE EASEMENT
SS	SANITARY SEWER LINE
SSE	SANITARY SEWER EASEMENT
	CLEANOUT
W	WATER MAIN
	WATER METER
	WATER VALVE
G	GAS LINE
	FIRE HYDRANT
FO	FIBER OPTIC
T	UNDERGROUND TEL.
UE	UNDERGROUND ELEC.
OHP	OVERHEAD ELEC.
	UTILITY POLE
	SIGN
	HARDWOOD
	PINE

GRAPHIC SCALE
50 25 0 50 100FT
SCALE: 1"=50'

VICINITY MAP
NOT TO SCALE

SITE AREA

Blooms & Bees Rd

Cherokee View Dr

Hickory Flat Dr

Jeff Davis Pl NE

APPROX. N

GLA WATER ZONE

HOOKER CREEK

N

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 7 & 8 of the 8th Land District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point located on the northeasterly right-of-way line of Memorial Park Drive (60'r/w), said beginning point being located 1515.6 feet from the centerline of Flowery Branch Road as measured along the northeasterly right-of-way line of Memorial Park Drive, said point being the TRUE POINT OF BEGINNING;

Thence leaving said right-of-way line, N 59°04'39" E a distance of 729.38 feet to a point, thence S 38°02'10" E a distance of 162.30 feet to a point on the Land Lot Line common to Land Lot 7 & 8, thence along said Land Lot Line, S 59°58'50" E a distance of 291.30 feet to a crimp top found, thence leaving said Land Lot Line, S 30°07'07" E a distance of 300.00 feet to a point, thence S 72°35'07" W a distance of 826.73 feet to a point on said northeasterly right-of-way line of Memorial Park Drive, thence along said right-of-way line, N 54°56'02" W a distance of 520.72 feet to a point, and the TRUE POINT OF BEGINNING.

NOTES:

THE PROPERTY IS ZONED I-1. SITE AREAS 391,289 SF FT OR 8.983 ACRES.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 13,316 AND AN ANGULAR ERROR OF 15-PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.

A PRECISION FOCUS 35 TOTAL STATION WAS USED TO OBTAIN LINEAR AND ANGULAR MEASUREMENTS. LINEAR DISTANCES SHOWN ARE GROUND HORIZONTAL DISTANCES.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 1,000,000+ FEET.

FIELD WORK WAS COMPLETED ON NOVEMBER 8, 2022.

NO NGS MOUNUENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY.

BEARNGS AND DISTANCES SHOWN HEREON WERE FIELD MEASURED AND ARE IN SATISFACTORY AGREEMENT WITH THE DESCRIPTION UNLESS OTHERWISE NOTED HEREON.

SPG SURVEYING, LLC DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY WELLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESSED CERTIFICATION BY THE SURVEYOR MAKING SAD PERSON, PERSONS OR ENTITY.

NO PART OF THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA ZONE AS DEFINED BY FLMA COMMUNITY PANEL NUMBER 13139C0886E, REVISED DATE OF APRIL 4, 2018, HALL COUNTY, GEORGIA AND UNINCORPORATED AREAS.

UNLESS STATED OTHERWISE HEREON THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OF TITLE OR TITLE SEARCH OF THE PROPERTY.

UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF THE PREMISES ARE SHOWN. THE PREMISES SHOWN ARE DESCRIBED HEREON ARE SUBJECT TO ANY EXISTING EASEMENTS, RESTRICTIONS AND SETBACKS LAWS WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY EASEMENTS.

REPRODUCTIONS OF THIS PLAT ARE NOT VALID UNLESS SEALED AND SIGNED WITH AN ORIGINAL SIGNATURE.

THIS BLOCK IS RESERVED FOR THE CLERK OF SUPERIOR COURT

NOTES (CONT):

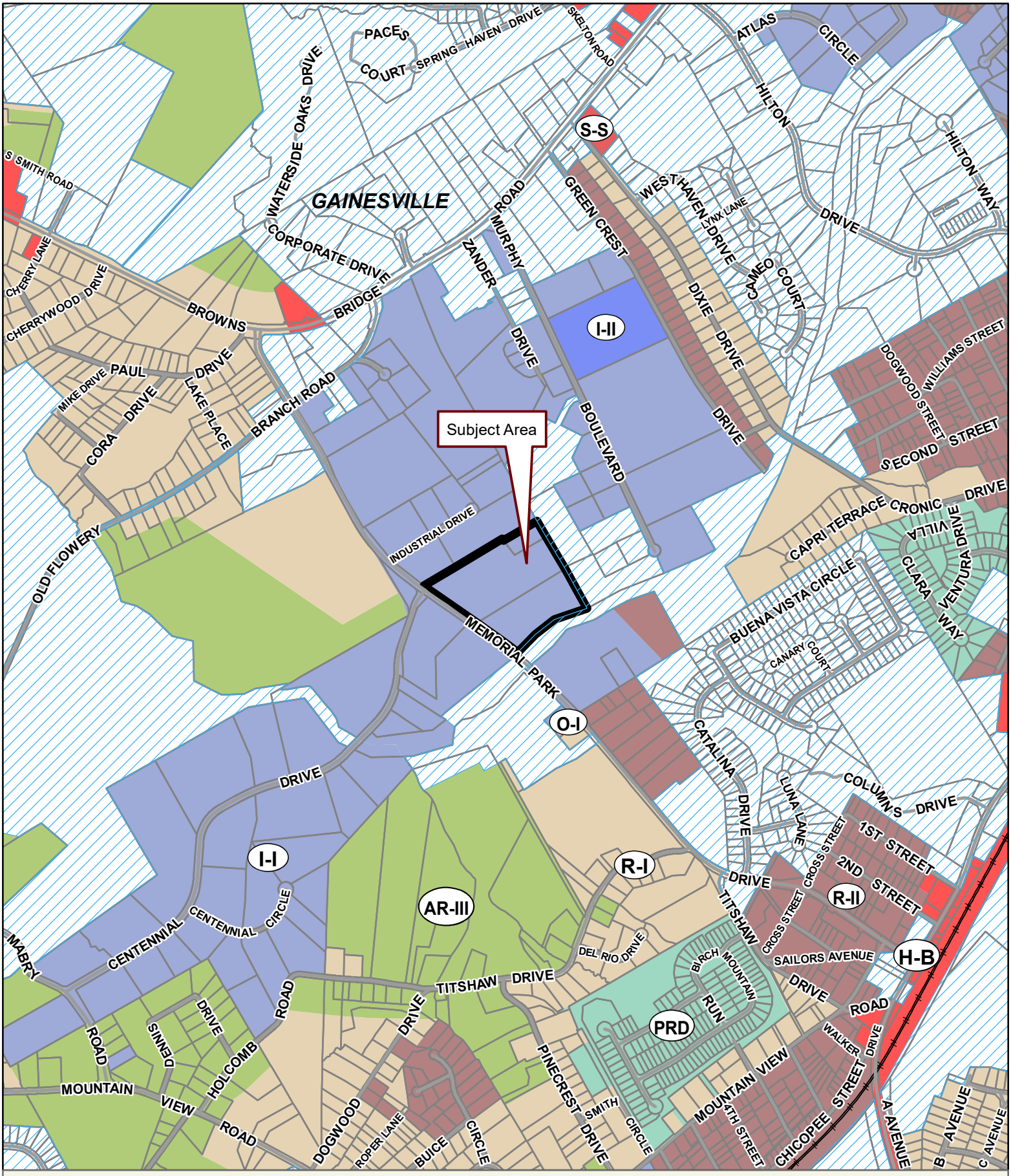
INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER & LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON AND WAS BASED ON VISIBLE ABOVE GROUND EVIDENCE SUCH AS MANHOLES, CATCH BASINS, FIRE HYDRANTS, WATER VALVES, ETC. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE COMPLETE AND ACCURATE. THE OWNER, HIS EMPLOYEES, CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

THIS PROPERTY WAS SURVEYED BASED ON THE LAND DESCRIPTIONS IN THE FOLLOWING REFERENCE MATERIAL:

1. WARRANTY DEED TO SONSTEGARD FOODS OF GEORGIA, INC. RECORDED IN HALL COUNTY, GEORGIA W DB 747, PAGE 298, THENCE TWO COUNTY ROADS IN THIS DEED ONE FOR A SHORT SEMI EXCLUSIVE - SHOWN ON SURVEY, NO ONE TO DEDICT (LAT CHECK - NO EASEMENT FOUND

2. WARRANTY DEED TO SONSTEGARD FOODS OF GEORGIA INC. RECORDED IN HALL COUNTY, GEORGIA W DB 747, PAGE 298.

MEMORIAL PARK DRIVE (60' R/W)
POB
PRO 8'SW
REBAR
N59°04'39"E
729.38'
S38°02'10"E
162.30'
N59°58'50"W
291.30'
S30°07'07"E
300.00'
S72°35'07"W
826.73'
N54°56'02"W
520.72'
LLL
LLL
LLL

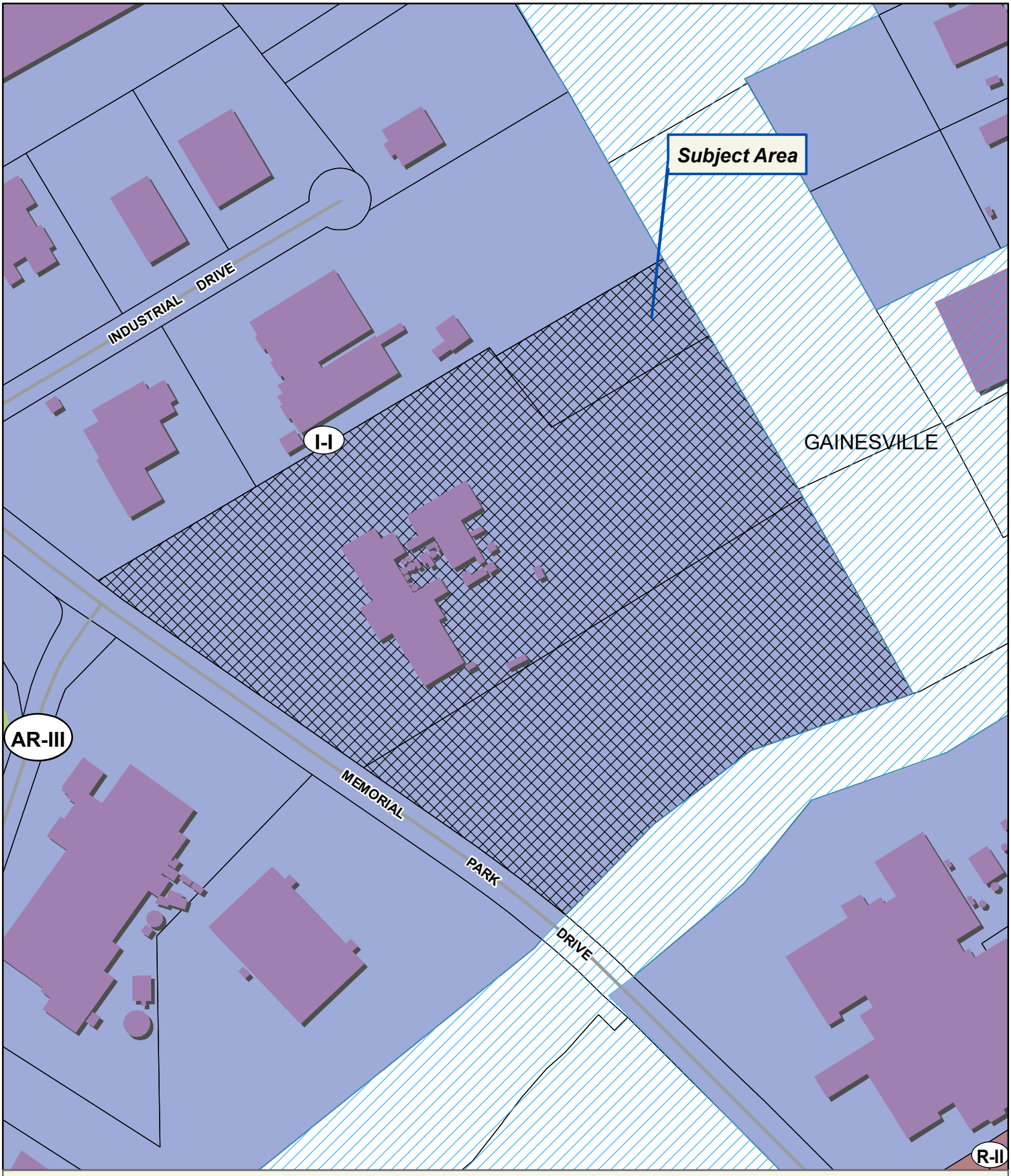


Applicant: DAVID SUTHERLAND
Tax Parcel #: 08007 003011, 003029, & 08008 000044
Location: 2079, 0, & 0 MEMORIAL PARK DRIVE, GAINESVILLE, GA 30504
Commission District 4 **PC Mtg. Date:** 01/17/2023

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: DAVID SUTHERLAND
Tax Parcel #: 08007 003011, 003029, & 08008 000044
Location: 2079, 0, & 0 MEMORIAL PARK DRIVE, GAINESVILLE, GA 30504
Commission District 4 **PC Mtg. Date:** 01/17/2023

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

Applicant: DAVID SUTHERLAND
Tax Parcel #: 08007 003011, 003029, & 08008 000044
Location: 2079, 0, & 0 MEMORIAL PARK DRIVE, GAINESVILLE, GA 30504
Commission District 4 **PC Mtg. Date:** 01/17/2023

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

CORRECTIVE

340

274

TRUSTEE'S DEED UNDER POWER

STATE OF GEORGIA,
COUNTY OF HALL

THIS INDENTURE, made and entered into this the 21st day of May, 1987, between THE FIRST NATIONAL BANK OF GAINESVILLE, as Trustee under a Trust Agreement with ETHEL STRINGER dated June 8, 1982, ("Grantor") and SONSTEGARD FOODS, INC., a Georgia corporation (the "Grantee").

W I T N E S S E T H:

WHEREAS, pursuant to a deed dated June 8, 1982, funding the Trust created under a Trust Agreement of even date therewith, and recorded in Deed Book 769, pages 263-264 of the Hall County Records, (the "Trust Agreement") Ethel Stringer (a/k/a Ethel Lucille Stringer) conveyed certain property, including the property hereinafter conveyed, to Benjamin M. Smith as Trustee under the Trust Agreement; and

WHEREAS, by Order of the Superior Court of Hall County, Georgia in Civil Action File No. K84-13,939, the First National Bank of Gainesville, Georgia was appointed Trustee of the Trust Agreement to replace Benjamin M. Smith who had resigned as Trustee, a certified copy of which Order is recorded in Deed Book 857, page 332 of the Hall County Records; and

WHEREAS, pursuant to and by virtue of the powers conferred on the Trustee set forth in Item Five of the Trust Agreement, which powers appear of record in Deed Book 833, pages 374-379 of the Hall County Records, the Trustee makes and delivers this deed to the Grantee.

NOW, THEREFORE, in consideration of the premises and of the sum of EIGHT THOUSAND AND NO/100 ($8,000.00) DOLLARS cash in hand paid, the receipt whereof is hereby acknowledged, the Grantor has granted, bargained, sold and conveyed and does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, the property described in the legal description attached hereto as Exhibit "A" and incorporated herein by reference (the "Property").

WHELCHEL, DUNLAP & SIGNILLIAT
POST OFFICE BOX ONE
GAINESVILLE, GEORGIA

KDB

341

TO HAVE AND TO HOLD the same together with the rights, members and appurtenances thereunto belonging, or anywise appertaining, to the proper use, benefit and behoof of the Grantee, its successors and assigns, in FEE SIMPLE; and the said Grantor, as Trustee, hereby warrants that the title to the property is free of any encumbrances placed on the property by it and that it conveys all of the right, title and interest acquired by it pursuant to the deed of the Property to the Trust by Ethel Stringer on June 8, 1982.

IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed by its duly authorized officers and its corporate seal affixed as Trustee as aforesaid the day and year first above written.

Signed, sealed and delivered
this 21st day of May,
1987.

Jerri Carder
Witness

Lori L. Armour
Notary Public
Notary Public, Hall County, Georgia
Commission Expires: Commission Expires Nov. 19, 1989
Commission Expires:

THE FIRST NATIONAL BANK OF
GAINESVILLE, as Trustee under
Trust Agreement dated June 8, 1982.

By: Baumgardner
Jerry Baumgardner, Group Vice-President
and Senior Trust Officer

Attest: Bea H. Cato
Title ASSISTANT TRUST OFFICER

(CORPORATE SEAL)

LORI L. ARMOUR NOTARY PUBLIC HALL COUNTY, GA.

HALL COUNTY, Georgia
Real Estate Transfer Tax
Paid $ 8.00
Date May 21, 1987
DWIGHT S. WOOD
Clerk of Superior Court
By Margaret Da Vance

GEORGIA, HALL COUNTY, CLERK
SUPERIOR COURT
FILED IN OFFICE, THIS 21 DAY OF May
1987 AT 3:15 P.M. RECORDED IN BOOK NO.
1109 PAGE 279-281 THIS 22 DAY OF
May 1987
Dwight S. Wood
DWIGHT S. WOOD, Clerk

Pd. WDG.
Attn. Gramm

GEORGIA, HALL COUNTY, CLERK
SUPERIOR COURT
FILED IN OFFICE, THIS 28 DAY OF May
1987 AT 4:55 P.M. RECORDED IN BOOK NO.
1111 PAGE 340-342 THIS 29 DAY OF
May 1987
Dwight S. Wood
DWIGHT S. WOOD, Clerk

Pd. WDG.

WHELCHEL, DUNLAP
& BISHILIAT
POST OFFICE BOX ONE
GAINESVILLE, GEORGIA
30501

342

278

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 7 of the 8th Land District of Hall County, Georgia containing 1.00 acre according to plat of survey entitled "Survey for First National Bank, Trustee Ethel Stringer Trust" prepared by Farley-Collins Associates, Georgia Registered Surveyors dated February 14, 1983 and last revised April 29, 1987 and being more particularly described according to said survey as follows:

TO FIND THE TRUE POINT OF BEGINNING begin at the intersection of the southerly right-of-way of Browns Bridge Road and the easterly right-of-way of Old Flowery Branch Road and thence run North 62 degrees 15 minutes 30 seconds East 279.34 feet to an iron pin; thence leaving the right-of-way of Browns Bridge Road the following courses and distances along property of Moss Robertson, Davis-Washington Lumber Company and W. Jess Murphy and Glenn Stringer Estate, to wit: South 21 degrees 28 minutes 15 seconds East 366.04 feet; South 42 degrees 50 minutes 41 seconds East 20.23 feet; South 18 degrees 22 minutes 50 seconds East 201.15 feet; South 24 degrees 14 minutes 58 seconds East 75.52 feet; South 29 degrees 14 minutes 47 seconds East 195.38 feet; South 29 degrees 02 minutes 31 seconds East 743.87 feet to an iron pin corner; South 29 degrees 02 minutes 31 seconds East 113.06 feet; South 30 degrees 05 minutes 31 seconds East 656.7 feet to an iron pin and the TRUE POINT OF BEGINNING and from this true point of beginning run South 60 degrees 15 minutes 39 seconds West 292.53 feet to an iron pin corner; thence North 37 degrees 39 minutes 58 seconds West 145.25 feet to an iron pin corner; thence North 60 degrees 08 minutes 38 seconds East 311.67 feet to an iron pin corner; thence South 30 degrees 05 minutes 31 seconds East 144.50 feet to the point of beginning.

WHELCHEL, DUNLAP
& GIDNILLIAT
POST OFFICE BOX ONE
GAINESVILLE, GEORGIA
30503

JMB

02407
0298

File: Stewart, Melvin & Frost

WARRANTY DEED

GEORGIA, COUNTY OF HALL

298

THIS INDENTURE, made this day of May in the Year of Our Lord One Thousand Nine Hundred and ninety-five between Sonstegard Foods Company, Inc.

of the State of Minnesota and County of (hereinafter called "GRANTOR"), and Sonstegard Foods of Georgia, Inc.

of the State of Georgia and County of Hall (hereinafter called "GRANTEE"),

WITNESSETH: That the said GRANTOR, for and in consideration of the sum of Ten ($10.00) and other valuable consideration DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said GRANTEE the following described property, to-wit:

All that tract or parcel of land more particularly described according to Exhibit "A" attached hereto and made a part hereof.

This deed is given to correct the name of the Grantee in the prior Deed to this property which is recorded in Deed Book 1083, pages 179-181, Hall County, Georgia Deed Records.

HALL COUNTY, Georgia
Real Estate Transfer Tax
Paid $ -0-
Date 6-30-95
DWIGHT S. WOOD
Clerk of Superior Court
By Mildred Murphy

Georgia, Hall County, Clerk Superior Court
Filed in office, this 30 day of June 1995 at 10:22 AM Recorded in Book 7407 Page 297 this 3 day of July 1995
Dwight S. Wood
DWIGHT S. WOOD, Clerk
Pd. 34352

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said GRANTEE, forever, in FEE SIMPLE.

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described property, unto the said GRANTEE against the claims of all persons whomsoever.

WHEREVER there is a reference herein to the GRANTOR or the GRANTEE, the singular includes the plural and the masculine includes the feminine and the neuter, and said terms include and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered in presence of:
Dawn McElroy
Unofficial Witness
Kathleen Altman
Notary Public, Minnehaha County, SD
My Commission Expires: 11-14-96
Date signed by Notary: 6-13-96
(SEAL)

SONSTEGARD FOODS COMPANY, INC.
By: Philip Orme Sonstegard (SEAL)
By: John Jr. Cunlon Sr. (SEAL)
Attest: Kathleen Altman (SEAL)

KATHLEEN ALTMAN
NOTARY PUBLIC
SOUTH DAKOTA

KATHLEEN ALTMAN, Notary Public
My Commission Expires Nov. 14, 1996

EXHIBIT "A"

299

All that tract or parcel of land, situate, lying and being in Land Lots 7 and 8 of the 8th Land District of Hall County, Georgia, and being 9.00 acres and is more fully shown and described in a Plat of the property of Seymour Foods, Inc., prepared by Farley Collins and Associates, Registered Surveyors, dated October 30, 1970, and revised September 18, 1974, and recorded in Plat Book 57, page 242 of the Hall County Records, and as more particularly described according to said Farley Collins & Associates Survey as follows:

BEGINNING at an iron pin located on the Northeasterly right-of-way of Memorial Park Road, said beginning point being located 1831.8 feet from the center line of Flowery Branch Road as measured along the Northeasterly right-of-way of Memorial Park Road; thence from said point of beginning North 59° 17' East 730.48 feet to an iron pin corner; thence South 38° 05' East 162.50 feet to an iron pin corner; thence North 59° 56' East 293.30 feet to an iron pin corner; thence South 30° 10' East 300.00 feet to an iron pin; thence South 58° 21' West 826.73 feet to an iron pin located on the Northeasterly right-of-way of Memorial Park Road; thence North 54° 57' West 524.0 feet along the Northeasterly right-of-way of Memorial Park Road to the point of beginning.

This being the same property that was conveyed and described in a Warranty Deed from Crystal Farms, Inc., to Seymour Foods, Inc., dated September 27, 1974, recorded in Deed Book 556, page 229, in the Office of the Clerk of the Superior Court of Hall County, Georgia.

02407
0300

Tel: Stewart Melvin & Frost

HALL COUNTY, Georgia
Real Estate Transfer Tax
Paid $ -0-
Date 6-30-95
DWIGHT S. WOOD
Clerk Superior Court
By Mildred Murphy

WARRANTY DEED

GEORGIA, COUNTY OF HALL 300

THIS INDENTURE, made this day of May in the Year of Our Lord One Thousand Nine Hundred and ninety-five between Philip Orme Sonstegard

of the State of South Dakota and County of Minnehaha (hereinafter called "GRANTOR"), and

Sonstegard Foods of Georgia, Inc.
of the State of Georgia and County of Hall (hereinafter called "GRANTEE").

WITNESSETH: That the said GRANTOR, for and in consideration of the sum of Ten ($10.00) and other valuable consideration DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said GRANTEE the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot Eight in the Eighth District of Hall County, Georgia, described as follows:

BEGINNING at the intersection of the northeast side of the right of way of Memorial Park Road with the centerline of Flat Creek; thence along the northeast side of the right of way of Memorial Park Road north 45 degrees 33 minutes west 100 feet and north 56 degrees 43 minutes west 100 feet and north 53 degrees 53 minutes west 55 feet and north 55 degrees 33 minutes west 292.94 feet to an iron pin; thence north 57 degrees 53 minutes east 826.73 feet along line of property formerly known as Crystal Farms property to an iron pin; thence south 30 degrees 38 minutes east 486.88 feet to an iron pin; thence continuing south 30 degrees 38 minutes east 20 feet to the center of Flat Creek; thence along the centerline of Flat Creek generally as follows: south 80 degrees 37 minutes west 180 feet and south 62 degrees 02 minutes west 130 feet and south 37 degrees 12 minutes west 150 feet and south 48 degrees 27 minutes west 187 feet to the beginning point. Containing 7.76 acres.

Said property is conveyed subject to Easement for City of Gainesville Sewer line near Flat Creek and Easement to Hall County and City of Gainesville to dredge Flat Creek.

This deed is given to correct the name of the Grantee in the prior Deed to this property which is recorded in Deed Book 1089, page 281, Hall County, Georgia Deed Records.

Georgia, Hall County, Clerk Superior Court
Filed in office, this 30 day of June 1995 at 2:30 P.M. Recorded in Book 2407 Page 300 this 3 day of July, 1995
DWIGHT S. WOOD, Clerk

Ord. 34352

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said GRANTEE, forever, in FEE SIMPLE.

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described property, unto the said GRANTEE against the claims of all persons whomsoever.

WHEREVER there is a reference herein to the GRANTOR or the GRANTEE, the singular includes the plural and the masculine includes the feminine and the neuter, and said terms include and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered in presence of:

Dawn McElroy
Unofficial Witness

Kathleen Altman
Notary Public, Minnehaha County, ~~GAX~~ SD

My Commission Expires: 11-14-96

Date signed by Notary: 6-13-95

(SEAL)

x Philip Orme Sonstegard
Philip Orme Sonstegard

KATHLEEN ALTMAN
NOTARY PUBLIC
SOUTH DAKOTA
SEAL SEAL

(SEAL)

KATHLEEN ALTMAN, Notary Public
My Commission Expires Nov. 14, 1996

Legal Description

All that tract or parcel of land lying and being in Land Lots 7 & 8 of the 8th Land District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point located on the northeasterly right-of-way line of Memorial Park Drive (60' r/w), said beginning point being located 1831.8 feet from the centerline of Flowery Branch Road as measured along the northeasterly right-of-way line of Memorial Park Drive, said point being the **TRUE POINT OF BEGINNING**;

thence leaving said right-of-way line, N 59°04'39" E a distance of 729.38 feet to a point, thence S 38°02'10" E a distance of 162.50 feet to a point on the Land Lot Line common to Land Lot 7 & 8, thence along said Land Lot Line, N 59°58'50" E a distance of 293.30 feet to a crimp top pipe found, thence leaving said Land Lot Line, S 30°07'10" E a distance of 300.00 feet to a point, thence S 58°23'50" W a distance of 826.73 feet to a point on said northeasterly right-of-way line of Memorial Park Drive, thence along said right-of-way line, N 54°56'02" W a distance of 520.72 feet to a point, and the **TRUE POINT OF BEGINNING**.

Said property contains 8.983 acres, more or less and more particularly shown on that drawing labeled "Boundary Survey for Sonstegard Foods at 2079 Memorial Park Drive, prepared by SPG Surveying, LLC, dated November 28, 2022.

Legal Description

All that tract or parcel of land lying and being in Land Lot 7 of the 8th Land District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a crimp top pipe at the intersection of the easterly property line of Sonstegard Foods, Inc., DB 1111, PG 340 and the common line to Land Lots 7 & 8, said point being the **TRUE POINT OF BEGINNING;**

thence along said common Land Lot Line, S 59°58'50" W a distance of 293.30 feet to a point, thence leaving said Land Lot Line, N 38°02'10" W a distance of 145.38 feet to a point, thence N 60°03'59" E a distance of 312.94 feet to a rebar found, thence S 30°16'22" E a distance of 143.49 feet to a point, and the **TRUE POINT OF BEGINNING.**

Said property contains 1.00 acres, more or less and more particularly shown on that drawing labeled "Boundary Survey for DB 1111 PG 340, Sonstegard Foods, Inc. Memorial Park Drive, prepared by SPG Surveying, LLC, dated November 28, 2022.

Legal Description

All that tract or parcel of land lying and being in Land Lot 8 of the 8th Land District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the northeast side of the right-of-way line of Memorial Park Drive (60' r/w) and the centerline of Flat Creek, said point being the **TRUE POINT OF BEGINNING;**

thence along said northeast side of the right-of-way of Memorial Park Drive, N 45°02'10" W a distance of 100.12 feet to a point, thence N 50°12'10" W a distance of 100.00 feet to a point, thence N 53°22'10" W a distance of 55.00 feet to a point, thence N 55°02'10" W a distance of 292.94 feet to a point, thence leaving said right-of-way line, N 58°23'50" E a distance of 826.73 feet to a point, thence S 30°07'10" E a distance of 475.98 feet to a point at the centerline of said Flat Creek, thence along the centerline of Flat Creek generally as follows: S 64°48'01" W a distance of 109.56 feet to a point, thence S 80°46'26" W a distance of 111.83 feet to a point, thence S 56°34'01" W a distance of 58.34 feet to a point, thence S 47°23'44" W a distance of 46.85 feet to a point, thence S 34°07'34" W a distance of 122.92 feet to a point, thence S 43°00'04" W a distance of 76.84 feet to a point, thence S 60°08'22" W a distance of 98.88 feet to a point, thence S 27°53'11" W a distance of 24.15 feet to a point, and the **TRUE POINT OF BEGINNING;**

Said property contains 7.713 acres, more or less and more particularly shown on that drawing labeled "Boundary Survey for DB 2407 PG 300 Sonstegard Foods of Georgia, INC., Memorial Park Drive, prepared by SPG Surveying, LLC, dated November 28, 2022.

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Tuesday, January 3, 2023 10:27 AM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 1.17.23

Please find Environmental Health comments below:

Item 1, 6600 Shoal Creek Road, Martin: This plat is currently under review by the Hall County Plat Review Team. Comments were provided to the owner on 11.15.22.

Items 2 and 3, 3515 Friendship Road, Miller: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. 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.

Item 4, 2079, 0, & 0 Memorial Park Drive, Sutherland: No comment. Public sewer.

Items 5 and 6, 1600C Athens Hwy, Vargas: No parking of stock, employee, or customer vehicles on top of or within 5' of drainline or 10' from septic tank. All proposed additions must meet required setbacks from septic system.

Item 7, 5937 Union Church Road, Rochester: Connection to public sewer required if available within 200' of property. If sewer not available, must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 8, Text Amendment: No comment.

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

HALL COUNTY
GEORGIA

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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: December 30, 2022

Subject: January 17, 2023 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the January 17, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **6600 Shoal Creek Road | Variance |** a variance from §17.240.150 (flag lot width and frontage standards) from 150 feet to 101 feet on a 7.86± acre tract located on the east side of Shoal Creek Road at its intersection with Kenimer Road | Zoned AR-IV; Tax Parcel 12059 000008 | **Proposed use: 2 residential lots |** * Commission District 3 | **Clarence K. & DeJuan B. Martin, applicants.**

   a) **Engineering:** No Comment
   b) **Traffic:** No Comment
   c) **Utilities:** No Comment

2. **3515 Friendship Road | Use Subject to County Commission Approval |** on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue |** ** Commission District 1 | **Matthew Miller, applicant.**

   a) **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.show flood Hall County studied and FEMA.
   b) **Traffic:** GDOT permit is required for driveway connection to Friendship Road
   c) **Utilities:** Any type of sanitary sewer will require a design plan approval from Public Works.

3. **3515 Friendship Road | Variance |** a variance from §17.420 to allow gravel parking within the Gateway Corridors Overlay District; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet; on a 12.99± acre tract located on the north

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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue |** ** Commission District 1 | **Matthew Miller, applicant.**

a) **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.
Show flood Hall County studied and FEMA.
b) **Traffic**: No Comment
c) **Utilities**: Hall County Health Department approval required for septic system. No Hall County Sewer.

4. **2079, 0, & 0 Memorial Park Drive | Use Subject To County Commission Approval |** on a 15.83± acre tract located on the north side of Memorial Park Drive at its intersection with Centennial Drive | Zoned I-I; Tax Parcel 08007 003011, 003029, & 08008 000044 **| Proposed use: egg processing |** ** Commission District 4 **| David Sutherland, applicant.**

a) **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.
b) **Traffic:** No Comment
c) **Utilities:** No Comment

5. **1600 Athens Highway Building C | Rezone |** from Highway-Business (H-B) to Light-Industrial (I-I) on a .64± acre tract located at the south side of Athens Highway approximately 554 feet from its intersection with Old County Dump Road | Zoned H-B; Tax Parcel 15032 000050 **| Proposed use: Countertop manufacturing with Outdoor Storage** | ** Commission District 3 **| Gerardo Vargas, applicant.**

a) **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.
b) **Traffic:** GDOT permit will be required for any modification to the driveway.
c) **Utilities:** No Comment

6. **1600 Athens Highway Building C | Use Subject to County Commission Approval |** on a .64± acre tract located at the south side of Athens Highway approximately 554 feet from its intersection with Old County Dump Road | Zoned H-B; Tax Parcel 15032 000050 **| Proposed use: Countertop manufacturing with Outside Storage** | ** Commission District 3 **| Gerardo Vargas, applicant.**

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SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

a) **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.
b) **Traffic:** No Comments
c) Utilities: No Comments

7. **5937 Union Church Road | Rezone |** from Agricultural-Residential-IV (AR-IV) to Highway-Business (H-B) on a 1.33± acre tract located on the north side of Union Church Road at its intersection with Old Winder Highway | Zoned AR-IV; Tax Parcel 15039A000024 | **Proposed use: 8000 SF speculative building |** ** Commission District 1 | **Rochester|DCCM, applicant.**

a) **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.
Show flood Hall County studied and FEMA.
b) **Traffic:** GDOT permit will be required for driveway connection to Old Winder Highway.
c) **Utilities:** Sanitary sewer verify if intent is available at site, design shall meet Hall County Standards. Availability letter needed for Hall County Sewer.

8. **Section 17.180 | Text Amendment** | Proposed amendment to Section 17.180. A copy of the proposed amendment is available from the Hall County Planning office | ** All Commission Districts | **Hall County Planning, applicant.**

a) **Engineering:** No Comment
b) **Traffic:** No Comment
c) **Utilities:** No Comment

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Tuesday, January 3, 2023 9:39 AM
To: Randi Doveton (Planning)
Cc: Anael Dominguez (Planning)
Subject: Fire Comments

Tentative Planning Agenda for January 17, 2023

1. **2079, 0, & 0 Memorial Park Drive | Use Subject To County Commission Approval |** on a 15.83± acre tract located on the north side of Memorial Park Drive at its intersection with Centennial Drive | Zoned I-I; Tax Parcel 08007 003011, 003029, & 08008 000044 **| Proposed use: egg processing |** ** Commission District 4 **| David Sutherland, applicant.** The Hall County Fire Marshal's Office has no comments as proposed.

Regards,

John Hornick, NPQ Fire Service Plans Examiner 1
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

SONSTEGARD FOODS
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2079 Memorial Park Drive

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: DAVID SUTHERLAND

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR EGG PROCESSING

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: JAN 11, 2023
Time: 5:15 PM

AND

ZONING COMMISSION
Date: FEB 21, 2023
Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BRISCOE DRIVE, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6389

ESTAMOS CONTRATANDO

Sonstegard Foods

• PAGO COMPETITIVO
• PTO/VACACIONES PAGADAS/401K
SE APLICAR DIRECTAMENTE EN LA PLANTA
LOS DIAS MIRECOLES @ 9AM

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: DAVID SUTHERLAND

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR EGG PROCESSING

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION — Date: JAN. 17, 2023 Time: 5:15 PM

AND

COUNTY COMMISSION — Date: FEB. 23, 2023 Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BRENAU BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6899

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ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY.
APPLICANT: DAVID SUTHERLAND
REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR EGG PROCESSING
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JAN. 17, 2023
Time: 5:15 PM
AND
COUNTY GOVERNMENT
Date: FEB. 23, 2023
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6859
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AGENDA ITEM

Planning and Development

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 64/2023

SUBJECT: **5937 Union Church Road | Rezone | from Agricultural-Residential-IV (AR-IV) to Highway-Business (H-B)** on a 1.33± acre tract located on the north side of Union Church Road at its intersection with Old Winder Highway | Zoned AR-IV; Tax Parcel 15039A000024 **| Proposed use: 8000 square foot speculative building |** Commission District 1 **| Rochester|DCCM, applicant.**

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: RD

Recommendation:

Approval, with conditions:

1. The permitted uses for the site will include the permitted uses within the Highway Business (17.150.010.) district, except for the following are prohibited: Bus stations, drive-in theaters, radio and television studios, adult establishments, hotels and motels.

2. The standards of the Gateway Corridors Overlay District (GCOD, 17.420) shall apply to the development. No variances to these standards are granted as part of this request.

3. The development shall follow all Hall County Development Review processes and stormwater requirements as established by the Official Code of Hall County and any other applicable agency.

4. The applicant shall obtain a commercial driveway permit from the Georgia Department of Transportation as part of the development process.

Purpose of Request:

5937 Union Church Road | Rezone | from Agricultural-Residential-IV (AR-IV) to Highway-Business (H-B) on a 1.33± acre tract located on the north side of Union Church Road at its intersection with Old Winder Highway | Zoned AR-IV; Tax Parcel 15039A000024 | **Proposed use: 8000 square foot speculative building** | Commission District 1 | **Rochester|DCCM, applicant.**

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Updated Site Plan
Original Site Plan
Maps
Environmental Health Comments
Public Works Comments
Fire Comments
Notice Sign Photos

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DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: February 6, 2023

Subject: **5937 Union Church Road | Rezone |** from Agricultural-Residential-IV (AR-IV) to Highway-Business (H-B) on a 1.33± acre **| Proposed use: 8000 SF speculative building | Rochester|DCCM, applicant.**

The request before you is a request to allow an 8000 SF speculative building on 1.33± acres. This item is located within Commission District 1.

At their January 17, 2023 meeting, the Hall County Planning Commission voted to recommend approval of the request with four (4) conditions **(5-0)**.

There were **no written comments** submitted in advance of the Planning Commission meeting and **no one spoke during the public hearing.**

There have been no changes to the request since the Planning Commission took action.

Planning Commission Approval Conditions:

1. The permitted uses for the site will include the permitted uses within the Highway Business (17.150.010.) district, except for the following are prohibited: Bus stations, drive-in theaters, radio and television studios, adult establishments, hotels and motels.
2. The standards of the Gateway Corridors Overlay District (GCOD, 17.420) shall apply to the development. No variances to these standards are granted as part of this request.
3. The development shall follow all Hall County Development Review processes and stormwater requirements as established by the Official Code of Hall County and any other applicable agency.
4. The applicant shall obtain a commercial driveway permit from the Georgia Department of Transportation as part of the development process.

HALL COUNTY PLANNING COMMISSION
RECEOMMENDATION REPORT

Applicant ..... Rochester | DCCM

Request ..... Rezone from Agricultural Residential IV (AR-IV, 17.120) to Highway Business (H-B, 17.150)

Proposed Use ..... 8,000 SF speculative building

Size ..... 1.33± acres

Zoning ..... Current Agricultural Residential IV (AR-IV, 17.120) | Proposed Highway Business (H-B, 17.150)

Location ..... **5937 Union Church Road** | Tax Parcel 15039A000024

Commission District ..... One

Planning Commission Date ..... January 17, 2023

Staff Recommendation ..... **Approval, as the proposed use is consistent with the Comprehensive Plan and the future land use classification of an Activity Center**

Planning Commission Recommendation.....Approval, with conditions
Vote: 5-0

Planning Commission Conditions:

1. The permitted uses for the site will include the permitted uses within the Highway Business (17.150.010.) district, except for the following are prohibited: Bus stations, drive-in theaters, radio and television studios, adult establishments, hotels and motels.
2. The standards of the Gateway Corridors Overlay District (GCOD, 17.420) shall apply to the development. No variances to these standards are granted as part of this request.
3. The development shall follow all Hall County Development Review processes and stormwater requirements as established by the Official Code of Hall County and any other applicable agency.
4. The applicant shall obtain a commercial driveway permit from the Georgia Department of Transportation as part of the development process.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to rezone a 1.33± acre parcel from Agricultural Residential IV (AR-IV, 17.120) to Highway Business (H-B, 17.150) for unspecified permitted uses within the H-B district. The applicant's site plan depicts an 8,000 square foot building with associated parking, a stormwater management area, and vegetated buffers. The narrative notes that the submitted site plan is meant to be conceptual in nature and shall not be binding to any future development of the site.

The accompanying narrative states that while there has been interest in commercial uses at this location over time, the property has not been actively marketed nor is there an option to purchase for the property. Instead, the property owners want to establish a non-residential zoning district for the purpose of marketing a future sale of the property.

As the request does not have an end user, the applicant has proposed a list of permitted uses. Specifically, the applicant is proposing that all of the permitted uses within the Highway Business (H-B, 17.150) district be allowed, with the exception of the following:

- Bus stations
- Drive-in theaters
- Radio and television studios and
- Adult establishments

The permitted uses for the site will include the permitted uses within the Highway Business (17.150.010.) district, except for those excluded above:

- Any retail or retail service establishment, including the making of articles sold at retail on the premises providing the conditions of chapter 17.210 are met.
- Banks.
- Churches and other places of worship.
- Motels, hotels.
- County uses.
- Offices, with a gross floor area not exceeding 25 percent of lot area.
- Parks for leisure and scenic appeal.
- Radio and television studios.
- Restaurants.
- Service stations, provided the conditions of chapter 17.210 are met.
- Subdivisions.
- Family day care home.
- Group day care home.
- Construction trailer, provided the conditions of chapter 17.210 are met.
- Dental laboratories.

The proposed minimum standards for the site are as follows:

Zoning Requirement	Minimum	Site
Lot Area	15,000 square feet	57,620 square feet

Lot Frontage	100 feet	371' (State Route 211) and 215' (Union Church Road)
Front Yard Setback	30 feet from right-of-way	30 feet from right-of-way
Side Yard Setback	20 feet	20 feet
Rear Yard Setback	10 feet	NA*
Vegetated Buffer along PRD	25 feet	10 feet (2 sides)
GCOD Landscape Strip	10 feet	10 feet
*As a commercial corner lot the property will have two front and two side setbacks, rather than a more typical front, two side, and a rear.		

The narrative explains that the site will be served by water provided from the City of Gainesville. Hall County sewer is available nearby, though the end user will ultimately decide if the site will utilize public sewer or on-site septic.

As part of the narrative, the applicant has proffered the following conditions:

1. The site driveway access shall be limited to a maximum of two (2).
2. Allowed uses of the limited only to the following listed uses of 17.150.010.: A, B, D, F-I, K-Q, and S.
3. The conceptual site plan is representative but not binding.

No variances were specifically requested as part of the application. Staff notes that the applicant has indicated that the site will not have a true rear yard setback, as it has two front and two side setbacks. Table 17.240.010 (minimum lot area, setback and height requirements) does not include this interpretation. The rear yard is defined in 17.20.1390 as the area situation between the rear building line and rear lot line, extending the full width of the lot.

The applicant has proposed a reduced vegetated buffer where the property is adjacent to the adjacent townhome development. Within the Gateway Corridors Overlay District (GCOD, 17.420), where a commercial zoning district abuts property zoned for single-family residential or agricultural use, the minimum width shall be 25 feet. If a six-foot high solid wood fence or masonry wall is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by ten feet.

Based on the future land-use plan, staff finds the *requested zoning designation* of Highway Business (H-B, 17.150) consistent with the Comprehensive Plan and the Activity Center future land use designation.

Zoning Analysis

The Comprehensive Plan states that the intent of the Activity Center is to enhance and create concentrated commercial uses, employment centers and mixed use development in defined areas that are served by a network of paths and streets suitable for pedestrians as well as cars. The proposed use is in close proximity to a 500± acre mixed use development and as such is consistent with the Comprehensive Plan.

When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The proposed use is suitable in view of the uses and development of**

adjacent and nearby properties. The intersection of Old Winder Highway / SR 211 and Union Church Road is an area of the county currently experiencing both commercial and residential growth.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed development should not have an adverse effect on the existing uses or usability of adjacent or nearby property. The proposed use will be subject to all applicable local, state, and federal development regulations.**

3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has reasonable economic values as currently zoned; allowable uses within the Agricultural Residential IV (AR-IV, 17.120).**

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **As the end users have not identified it is difficult to determine the frequency and intensity of traffic using the site.**

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposal is consistent with the Comprehensive Plan and the future land use classification of an Activity Center.**

6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**

7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**

9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently undeveloped and appears to have been this way for some time.**

10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **This portion of the county is rapidly changing as both residential and commercial growth is occurring in the area.**

11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning would create an isolated district unrelated to the surrounding districts. There are non-residentially zoned properties in the area, but not immediately adjacent.**

12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**

13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed use is not out of scale with the needs of the county as a whole. The subject property is adjacent to an Activity Center as identified on the future land use map and 2022 Comprehensive Plan, page 23.**

14. 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 the proposed use based on the Future Land Use Map and existing zoning designations.**

15. 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 because it is a rezoning request.**

16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process, and as a result are subject to local, state, and federal regulations. As a result there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**

17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

The subject property falls within the Gateway Corridors Overlay District (GCOD, 17.420) which provides supplemental design standards for non-residential property development.

17.380.050. - The application meets the submission requirements for a rezoning request.

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health
In an email dated January 3, 2023, Emily McGahee states "Connection to public sewer required if available within 200' of property. If sewer not available, must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan."

Hall County Fire Marshal
An email dated January 3, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Public Works and Utilities
In a memo dated December 30, 2022, from Srikanth Yamala, 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 surface and/or disturbed acreage.

Traffic:
GDOT permit will be required for driveway connection to Old Winder Highway.

Utilities

Sanitary sewer verify if intent is available at site, design shall meet Hall County Standards. Availability letter needed for Hall County Sewer.

Georgia Department of Transportation

No comments received from GDOT for this agenda.

- **Excerpts from the minutes of the January 17, 2023 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Bill Schmid, 425 Oak Street, Gainesville, presented the request. The applicant compared the zoning of neighboring properties.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell questioned the speculative building. The applicant stated that the building would conform to Gateway Standards and presented an updated site plan that took buffers into consideration.

Motion: A motion to approve, with conditions was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

Conditions:

1. *The permitted uses for the site will include the permitted uses within the Highway Business (17.150.010.) district, except for the following are prohibited: Bus stations, drive-in theaters, radio and television studios, adult establishments, hotels and motels.*
2. *The standards of the Gateway Corridors Overlay District (GCOD, 17.420) shall apply to the development. No variances to these standards are granted as part of this request.*
3. *The development shall follow all Hall County Development Review processes and stormwater requirements as established by the Official Code of Hall County and any other applicable agency.*
4. *The applicant shall obtain a commercial driveway permit from the Georgia Department of Transportation as part of the development process.*

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

RECEIVED
NOV 29 2022
Planning & Zoning Department

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ZONING APPLICATION

Applicant (Name & Mailing Address)

Rochester | DCCM - Bill Schmid, AICP
425 Oak Street, NW
Gainesville, GA 30501
Phone 678-450-5121
Email Address weschmid@rochester-assoc.com

Property Owner (Name & Mailing Address)

Billy Garrett Credit Shelter Trust B,
Guerry W. Garrett and Chris Morgan Garrett, Trustees
PO Box 1328, Cleveland, GA 30528
Phone (770) 861-6856
Email Address guerrygarrett@windstream.net

Proposed Use Highway-Business (HB) Consistent with GCOD

Contact Person (Name & Mailing Address)

Applicant Info above

Phone
Email Address

Status of Applicant

- ☐ Owner
- ☐ Option to Purchase
- ☐ Area Resident
- ☒ Other

Requested Action

Existing Zoning: AR-IV
Rezone to: H-B
Fee: $ 450.00
Receipt #: 659075
Check #: 2076

Tax Parcel Number 15039A0000024
Acreage 1.343 acres +/-
Location Address 5937 Union Church Road aka Lot 11, Mulberry Hills

I hereby certify that the above information and all attached information are true and correct.

Sign Billy Schmid Date: 11/29/2022

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign Date:

Staff Use Only

Application Date: 11/29/22
Taken by: Michelle
Tentative Planning Commission Date: 01/17/23
Tentative County Commission Date: 02/23/23
County Commission District:

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AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) Guerry W. Garrett

Address P.O. Box 1328

Cleveland, GA 30528

Phone Number (770) 861-6856

Name of applicant(s) Rochester | DCCM - Bill Schmid, AICP

Address 425 Oak Street, NW

Gainesville, GA 30501

Phone Number 678-450-5121

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s)

as Trustee for the Billy Garrett Trust Credit Shelter B

Personally appeared before me

Guerry W. Garrett

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public

KRISTIN RENTZ
NOTARY PUBLIC
MY COMMISSION EXPIRES
JUNE 30, 2023
HALL COUNTY, GEORGIA

November 28, 2022
Date

PLANNING AND DEVELOPMENT DEPARTMENT
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HALL COUNTY
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AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) Chris Morgan Garrett

Address P.O. Box 1328

Cleveland, GA 30528

Phone Number (770) 861-6856

Name of applicant(s) Rochester | DCCM - Bill Schmid, AICP

Address 425 Oak Street, NW

Gainesville, GA 30501

Phone Number 678-450-5121

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s) Chris Morgan Garrett as Trustee for the Billy Garrett Trust Credit Shelter B

Personally appeared before me

Chris Morgan Garrett

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public

KRISTIN RENTZ NOTARY PUBLIC HALL COUNTY, GEORGIA MY COMMISSION EXPIRES JUNE 30, 2023

November 28, 2022
Date

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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____I have not_X_

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

~~Applicant's/Owner's~~ **Signature:** _____ **Date:** 11/28/22

Applicant's/Owner's Name (Printed): Guerry W. Garrett, As Trustee for the Billy Garrett Trust Credit Shelter B

PLANNING AND DEVELOPMENT DEPARTMENT
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**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Chris Morgan Garrett **Date:** 11/28/2022

Applicant's/Owner's Name (Printed): __Chris Morgan Garrett, As Trustee for the Billy Garrett Trust Credit Shelter B___

PLANNING AND DEVELOPMENT DEPARTMENT
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Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/~~Owner's~~ Signature: _____ **Date:** 11/28/2022

Applicant's/Owner's Name (Printed): __William E. Schmid, AICP of Rochester | DCCM_____

Zoning Amendment Narrative
5937 Union Church Road, Hall County, Georgia 30542
Georgia SR 211 (old Winder Highway) at Union Church Road

Request:	Zoning Amendment of 1.343 acres from AR-IV to H-B with conditions
Owner:	Billy Garrett Credit Shelter Trust B Guerry W. Garrett and Chris Morgan Garrett, Trustees
Applicant's Representative:	Rochester | DCCM of Gainesville, Georgia Bill Schmid, AICP

Executive Summary

The accompanying application seeks zoning district designation change on the Hall County Official Zoning Map from AR-IV to H-B Highway Business with conditions, but no concurrent variances, for 1.343 acres of undeveloped property in rapidly growing unincorporated southeast Hall County. The Garrett property was platted in 1984 by Billy Garrett as Lot 11 of the 15-lot Mulberry Hills subdivision. The Garrett family have owned the property for almost forty years but have made no prior requests for zoning change. Lot 11 had a mobile home on the lot for several years, but never had a site-built residence constructed. The Garrett site is located at the northwest corner of the intersection of Georgia State Route 211 (Old Winder Highway) and Union Church Road.

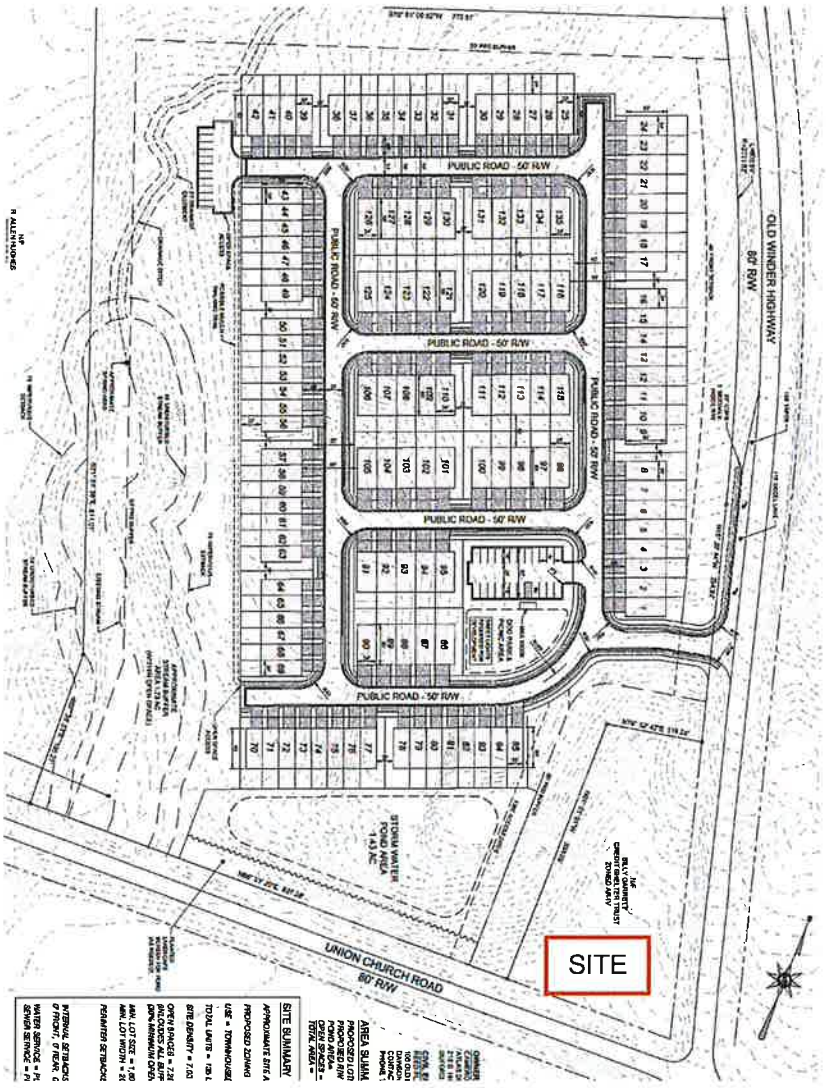
Although there have been numerous expressions of interest in commercial uses at this location over time, the property has not been actively marketed. Thus, the Garretts have no current specific development plan or contingent purchase agreement. Continued population and commercial growth in South Hall and increasing interest from potential developers of the property prompts the Garretts to seek rezoning approval at this time.

The intent is for these long-time Owners to be able to secure zoning approval, then market and sell the property to someone else to develop the undeveloped property in an economical manner consistent with the requirements of Hall County for the H-B and Gateway Corridor Overlay districts. The location and proposed uses are consistent with the Hall County Comprehensive Plan's designation of SR 211 as a "Mixed Use Corridor" and appropriate for Hall County's Highway Business (H-B). A date for completion of development is undetermined at this time.

Location/Site Description

The Garrett property is approximately 600 feet north of the city limits of Braselton at the Mulberry River and across the highway from the 508-acre Reveille mixed use development. It is currently zoned AR-IV within the Gateway Corridor Overlay district.

The site is adjacent to the southeast of 19.2 acres rezoned in November 2022 from AR-IV to Planned Residential Development for 135 townhomes.



Ten of the adjacent lots have been assembled recently to create the adjoining development shown above. Existing structures and a large area of trees will be removed for mass grading, installation of utilities, other land development activity and construction of buildings via a large investment. Because the adjacent property has not yet secured site development permits, some uncertainty remains as to its final development layout and use of land, but connection to the Garrett site is not planned. The Garrett uses will be buffered by distance and noise attenuation in buffer areas on the PRD tract as shown above and by an additional 10 feet wide planted buffer on the north and west lot lines of the Garrett property.

The Garrett property is across the street (80 feet away) from Reveille (first approved as River Walk in 2016), catty-corner to 2.132-acres of undeveloped property zoned H-B with conditions five years ago (November 9, 2017) and 80 feet north of undeveloped floodplain property zoned AR-IV, which is likely to remain undeveloped for some time to come. There are no existing residential structures planned to remain within 700 feet or more of the site.

The very large investment directly across SR 211 at Reveille, for which site development is underway, is described by the developer on the project's website as follows:

> *"Atlanta's Rotunda Land & Development Group presents Reveille, a true Live, Work, Play community including assisted living, office space, apartments, townhomes, cottage homes, a hotel, retail and an event facility to be located in South Hall at Old Winder Highway and Union Church Road. At full build out, this 508-acre site will feature walkable neighborhoods with common architectural themes throughout a historic town center design, along with nearly 100,000 square feet of retail and over 120,000 square feet of office space. A 175-room hotel will provide best in class accommodations at Reveille with convenient access to a host of amenities and attractions offered right on site."*

Subject Frontages

The Garrett site has frontage along and access from two roads, both in 80 feet rights-of-way, which are functionally classified by the Hall County Zoning Ordinance as a Major Collector (old Winder Highway from Winder Highway (SR 53) to the Gwinnett County line) and Minor Collector (Union Church from Union Circle to Winder). Both currently have two-lane road improvements. Because of recent and projected continued growth SR 211 is planned for widening to four-lanes by 2030.

The site has approximately 371 LF of frontage along SR 211 and another 215 LF along Union Church Road. Both frontages are along straight portions of roadway and have good sight distance. The number and location of future access drives are controlled by GDOT for SR 211 and by Hall County for Union Church Road. A zoning coordination letter has been requested from GDOT. This application limits the number of drives to two for SR 211 and one for Union Church Road with no more than two overall, which will provide flexibility in design of improvements to the property.

SR 211 - View to the north

Union Church Road - View to the east

Site Suitability for Rezoning and Development

The Garrett site is roughly rectangular in shape and has no streams and no large rock outcroppings to limit its development. The site has rolling topography typical for the area and is wooded with a mixture of regrowth trees. It remains undeveloped and does not represent the on-going significant changes in character of the area or immediate vicinity.

Zoning Requirements	Minimum	Site
Lot Area	15,000 SF	57,630 SF
Lot Frontage	100 Feet	371' and 215'
Front Yard S/B	30' from ROW line	30' from ROW of SR 211 and Union Church Road
Side Yard	20 Feet	20 feet (2) *
Rear Yard	10 Feet	NA *
Vegetated Buffer along PRD	10 Feet	10 feet (2 sides)
GCOD Landscape Strip	10 Feet	10 feet

(*) - As a commercial corner lot the property will have two front and two side setbacks, rather than the more typical front, two sides and a rear.

Domestic water is provided by the City of Gainesville and is located along the rights-of-way of SR 211 and Union Church Road. A commitment letter from COG has been requested. Public sewer infrastructure and capacity owned by Hall County are within the same basin to the south of the site and will be within the adjacent townhome development when completed. The decision to use an on-site sewage management system or public sewer is a financial one which is a function of the ultimate buyer's needs. No commitment to public sewer has been made at present. All dry utilities are located within a reasonable distance for service extensions. There are no known impediments to the site's successful development for the purposes to be approved by this application.

Proposed Uses

This application does not seek any variances and seeks a limited range of uses. It does not seek approval for any of the otherwise potentially allowed uses described in Sections 17.150.020, 17.150.030 or 17.150.040 of the Hall County Zoning Ordinance. These would be any specific use(s) or combination thereof requiring Planning Commission Approval, Board of Adjustment Approval, or BOC approval, respectively.

Instead, the application seeks approval of the majority, but not all of the Permitted Uses (Uses by Right) lettered A through S, inclusive as found at Section 17.150.010 of the Hall County Zoning Ordinance.

Because of the parcel size, shape, location and topography the following otherwise allowed Uses by Right in straight H-B zoning district are voluntarily eliminated by the Owner from further consideration:

C. Bus stations,

E. Drive-in theaters,

J. Radio and television studios and

R. Adult establishments

Resulting uses permitted at this H-B district location would include:

A. Any retail or retail service establishment, including the making of articles sold at retail on the premises providing the conditions of chapter 17.210 are met.

B. Banks.

D. Churches and other places of worship.

F. Motels, hotels.

G. County uses.

H. Offices, with a gross floor area not exceeding 25 percent of lot area.

I. Parks for leisure and scenic appeal.

L. Restaurants.

M. Service stations, provided the conditions of chapter 17.210 are met.

N. Subdivisions.

O. Family day care home.

P. Group day care home.

Q. Construction trailer, provided the conditions of chapter 17.210 are met.

S. Dental laboratories.

Comprehensive Plan Consistency

The project is consistent with the recently updated Hall County Comprehensive Plan (June 2022), incorporated herein by reference, and is not known or believed to conflict with any of its aims.

Conceptual Site Plan

Site plan review is not required by ordinance at the zoning amendment stage for the uses requested by the applicant. However, the Garretts want to demonstrate the ability of the site to be developed for the uses contemplated and market the property for sale upon

approval. The accompanying non-binding conceptual Rezoning Plan is drawn to scale and reflects all required setbacks and buffers. It is illustrative of one manner the site might be designed on sewer to concurrently meet requirements for one 8,000 square feet single-story building with 45 parking spaces, open space, vegetated buffers (10'-20'), landscape strip (10'), stormwater, etc. for the contemplated uses in the H-B District. Two buildings, a two-story structure, alternate driveway location(s), building shape, parking lot layout, or similar decisions by an end-user might result in a different final configuration.

The current plan is conceptual in nature, and as such may require modifications during the engineering and development process. Modifications to the locations and arrangement of buildings, roads, and other improvements that do not conflict with specific standards and requirements of Hall County Ordinances may be made by the Owner or subsequent purchaser, so long as such modifications do not change the land use or reduce buffers or setbacks required by Ordinance.

Constitutional Issues and Preservation of Rights

Typical for similar applications of this type, as part of the zoning district amendment application review process Georgia law requires the Applicant to point out that refusal by Hall County to approve this zoning amendment (rezoning) would be an arbitrary and unreasonable act and would be arbitrary and capricious, as well as vague, and result in a taking of the Applicant's and Property Owners' constitutional rights.

Potential areas of concern in properly handling this application and resulting actions include, but are not limited to, one or more violations of the:

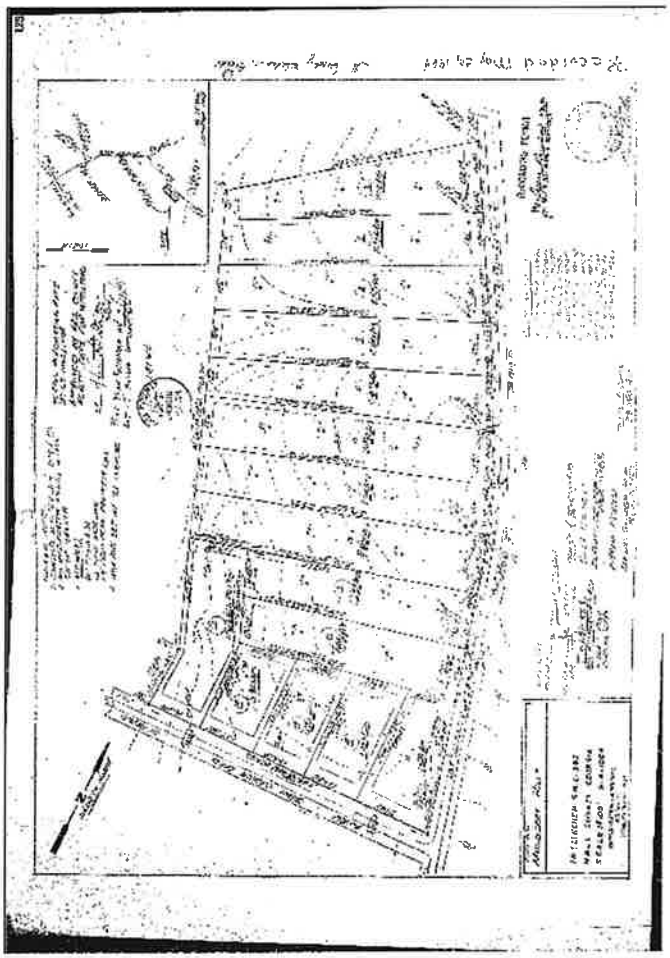
US Constitution (Constitution of the United States)
- Fifth Amendment and Fourteenth Amendment
- Commerce Clause, Article I, Section 8, Clause 3
- Just Compensation Clause of the Fifth Amendment

Georgia Constitution (Constitution of the State of Georgia of 1983)
- Article I, Section I, Paragraph I
- Article I, Section I, Paragraph II
- Article I, Section III, Paragraph I
- Article IX, Section II, Paragraph IV

Georgia Statutes (Official Code of Georgia Annotated, as amended)
- Zoning Procedures Law, O.C.G.A Section 36-66-1 et seq.

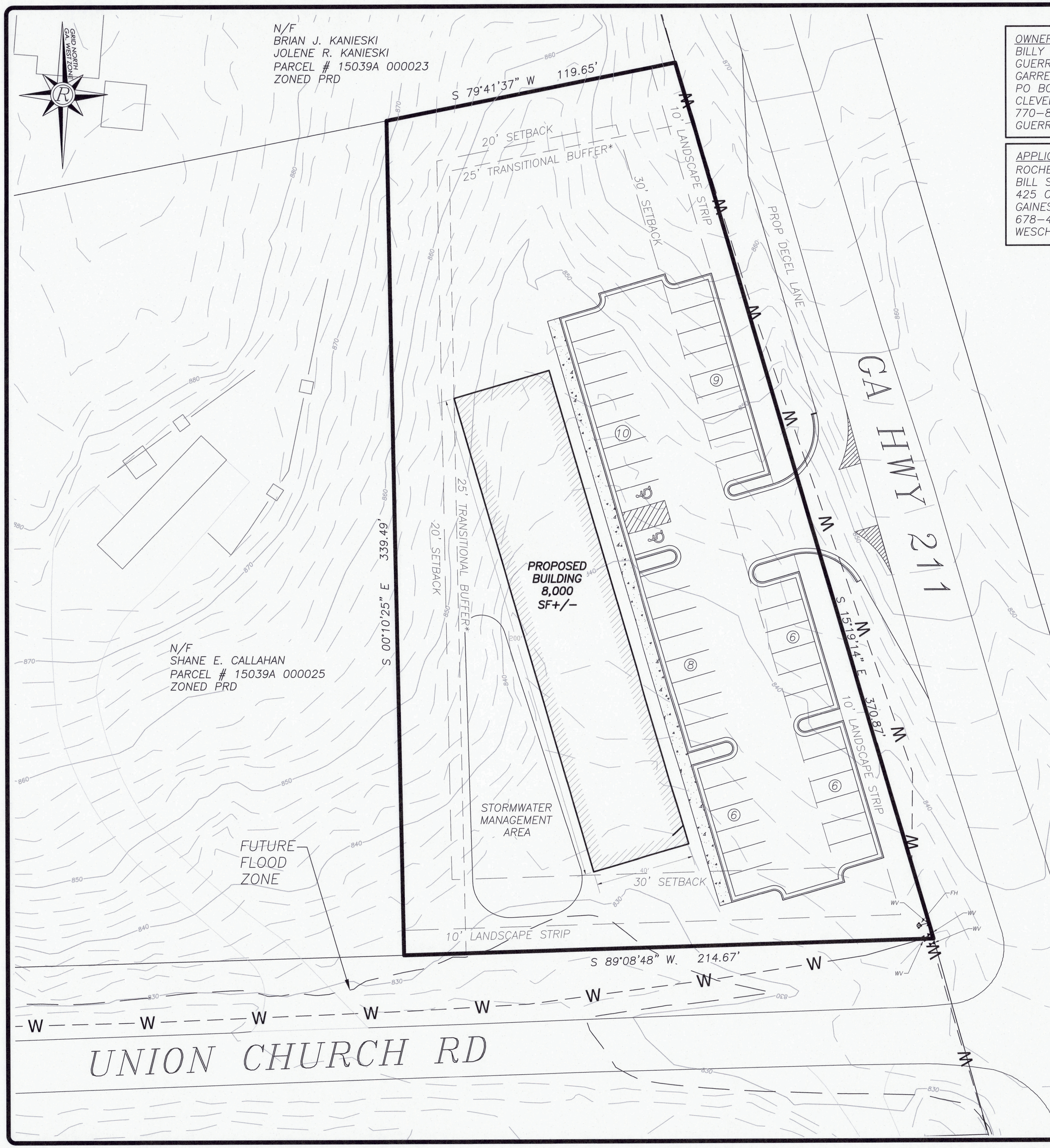
Legal Description

The subject parcel is a lot of record known as Lot 11 of Mulberry Hills as recorded May 30, 1984, by Billy Garrett and Phillip Beard in Deed Book 96 Page 124 of the public records of Hall County, Georgia. The bearings and distances from the plat are shown on the accompanying Rezoning Plan, which is incorporated by reference.



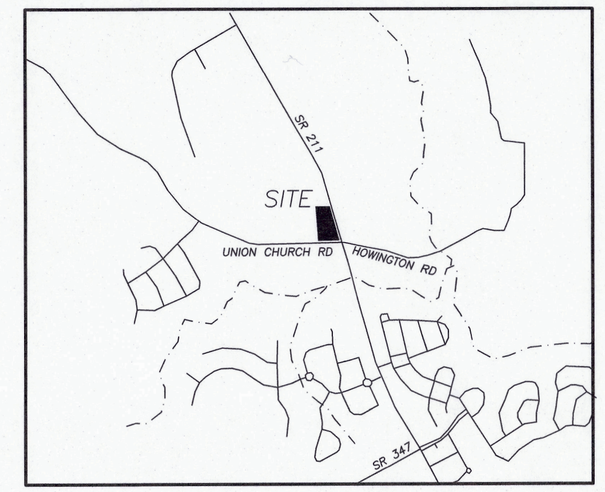
Applicant Offered Conditions

1. Site driveway access shall be limited to a maximum of two (2).
2. Allowed uses of the site shall be limited only to the following listed uses of 17.150.010: A, B, D, F-I, K-Q and S.
3. The conceptual site plan is representative but not binding.



OWNER INFORMATION:
BILLY GARRETT TRUST CREDIT SHELTER B
GUERRY GARRETT & CHRIS MORGAN
GARRETT, TRUSTEES
PO BOX 1328
CLEVELAND, GA 30528
770-861-6856
GUERRYGARRETT@WINDSTREAM.NET

APPLICANT INFORMATION:
ROCHESTER | DCCM
BILL SCHMID, AICP
425 OAK STREET
GAINESVILLE, GA 30501
678-450-5121
WESCHMID@ROCHESTER-ASSOC.COM



VICINITY MAP (N.T.S.)

*25' TRANSITIONAL BUFFER**

Materials for transitional buffer. Transitional buffers that are 25 feet in width or greater shall meet at least two of the three following criteria: be planted with a staggered double row of evergreen trees at least six feet in height, a single row of deciduous shade trees at least two inches caliper dbh, (minimum 30 feet height at maturity) and two staggered rows of evergreen shrubs at least three feet in height, planted a maximum of four feet on center, or other arrangement approved by the director that provides a dense visual screen.

Adjustments to buffer width.

a. If a six-foot high solid wood fence or masonry wall is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by ten feet. The fence or wall shall be located on the inside of the vegetation required in paragraph 3., above, with finished side facing the abutting property.

b. Walls or fences required to screen loading and service areas, outdoor storage, and accessory equipment required in section 17.420.D.3. and 4. shall not be used to reduce the width of a transitional buffer required in section 17.420.050.C.2.

SITE DATA:	
PARCEL #	15039A 000024
PARCEL SIZE	1.343 AC
CURRENT ZONING	AR-IV
PROPOSED ZONING	H-B, W/ CONDITIONS
FRONT SETBACK - SR 211	30'
FRONT SETBACK - UNION CHURCH	30'
SIDE/REAR SETBACKS	20'
LANDSCAPE STRIP	10'
PROPOSED PARKING	45

*SURVEY INFORMATION FROM FINAL PLAT FOR MULBERRY HILLS BY PATTON-PATTON & ASSOCIATES DATED 5-4-84 & RECORDED IN PLAT BOOK 96, PAGE 124.

Rochester | DCCM
Rochester and Associates, LLC
425 Oak St NW, Gainesville, GA 30501
770.718.0000 p | www.rochester-assoc.com

REZONING PLAN

LOT 11 MULBERRY HILLS
REZONING PLAN

CLINCHER GMD. 39
5937 UNION CHURCH ROAD
BRASELTON, GA 30517
HALL COUNTY, GEORGIA

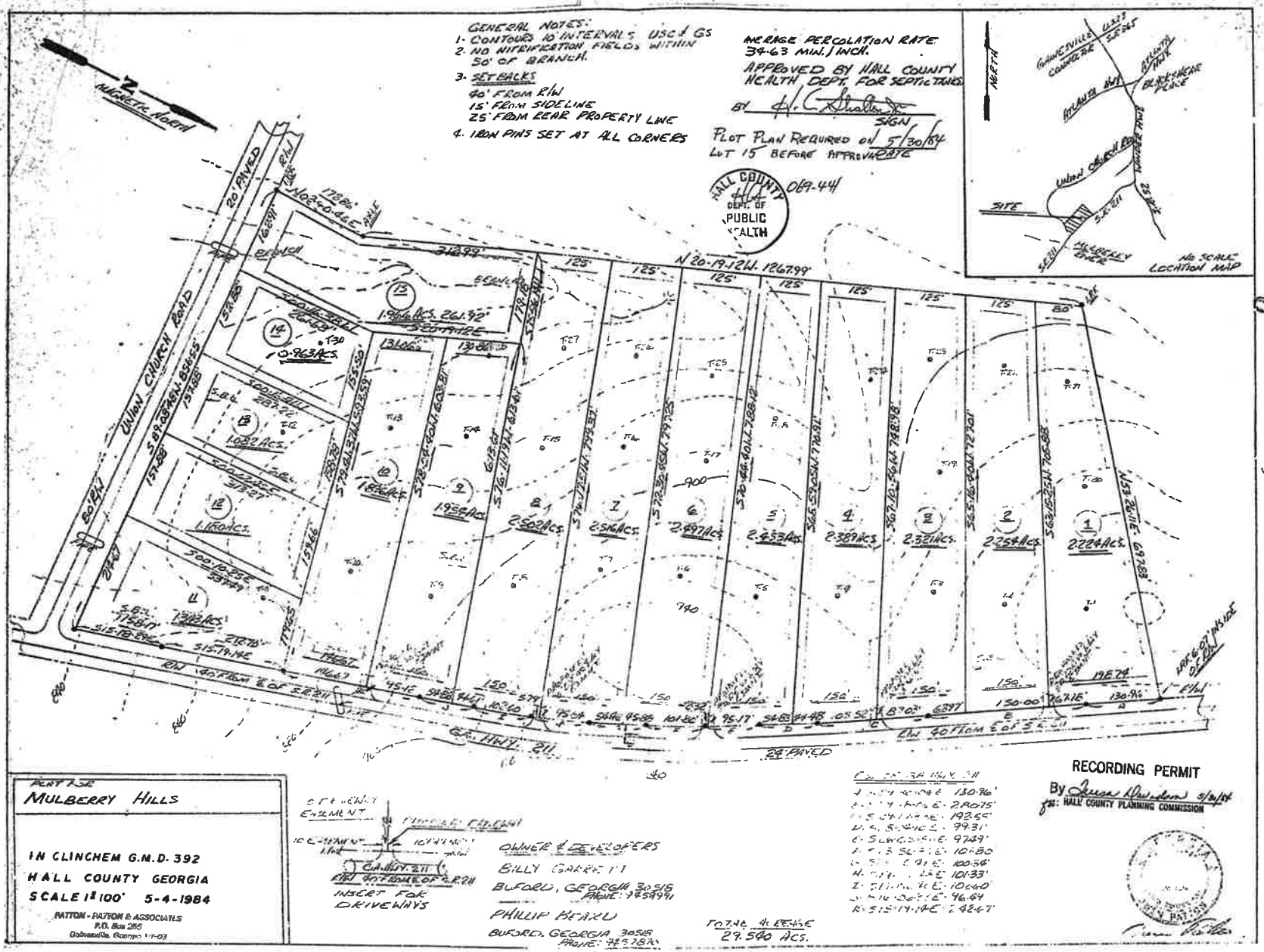
NO.	DATE	DESCRIPTION
		REVISIONS

GRAPHIC SCALE 0' 15' 20' 40' 60'

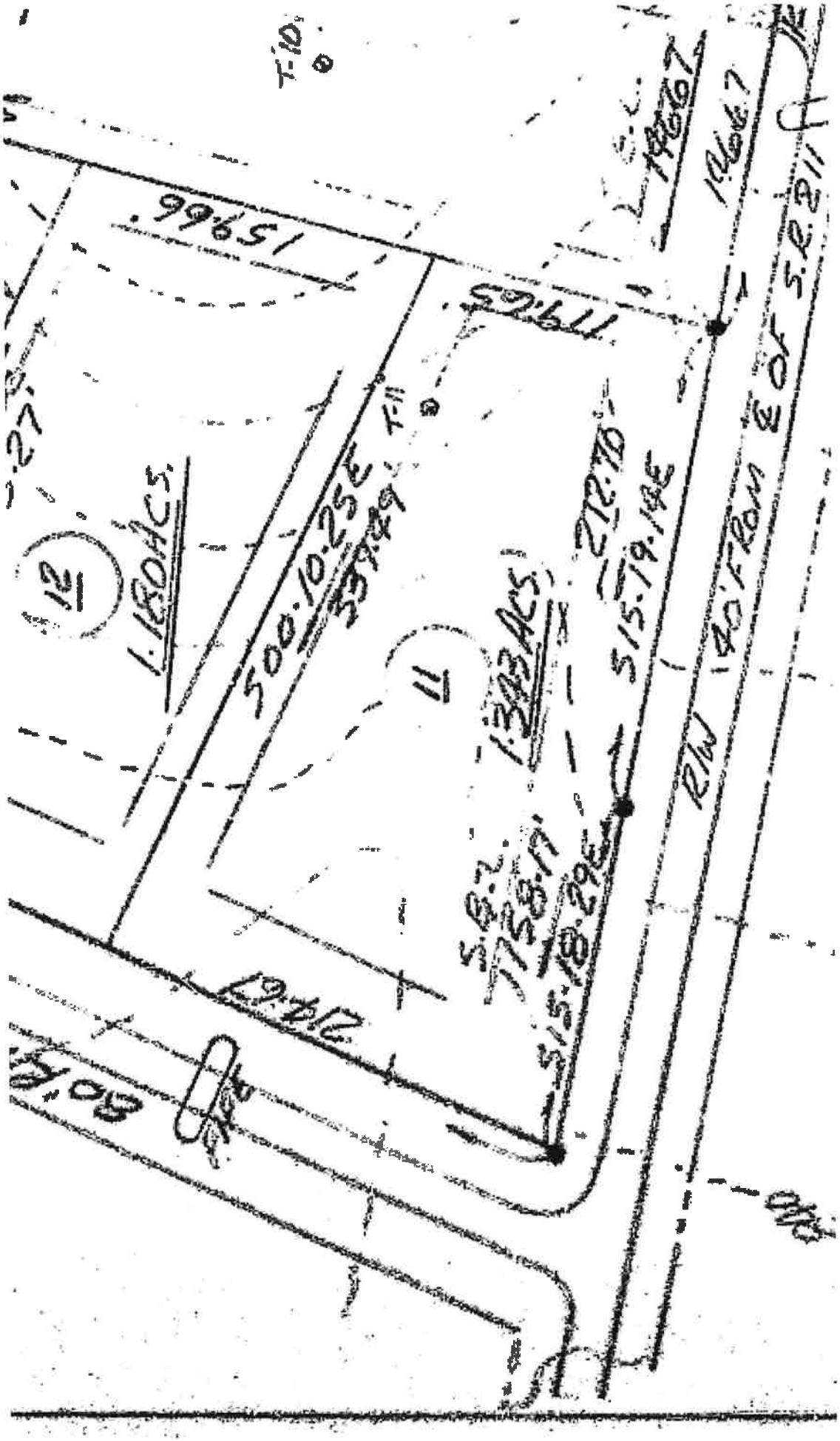
SHEET 1 OF 1

DATE: 1/17/2023
SCALE: 1" = 20'
JOB NO.: 022213.MUL
DRAWN BY: JDF
DWG NO.: BASE

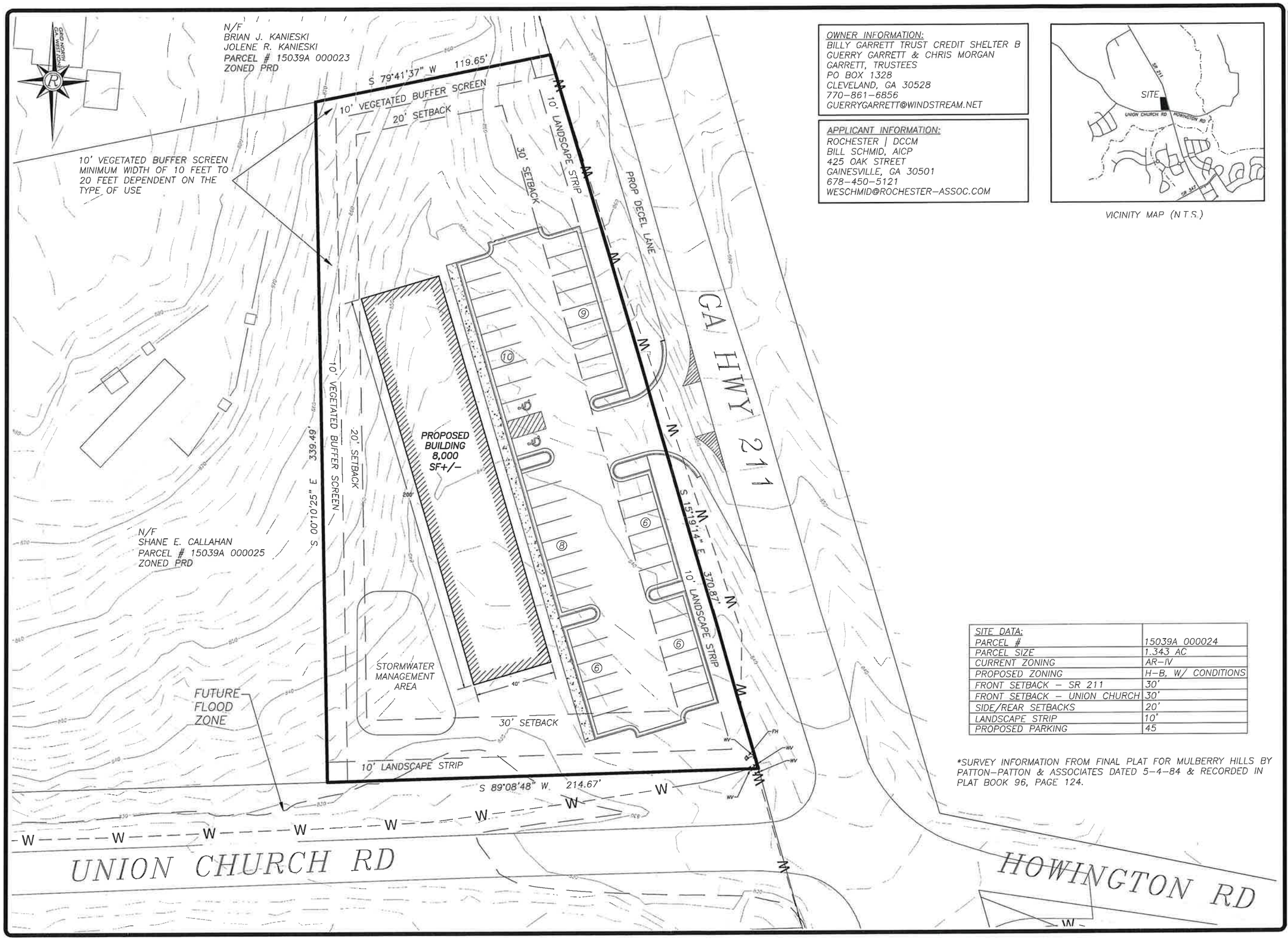
Submitted 1-17-2023



Recorded May 30, 1984
H. Grady Nelson, Clerk



T-10
159.66
119.65
T-11
12
1.180 ACS.
500.10.25E
11
1.343 ACS.
212.70
515.19.14E
R/W 40' FROM ℄ OF S.R. 211
S.R. 2
1758.17
515.18.29E
214.67
80'



OWNER INFORMATION:
BILLY GARRETT TRUST CREDIT SHELTER B
GUERRY GARRETT & CHRIS MORGAN
GARRETT, TRUSTEES
PO BOX 1328
CLEVELAND, GA 30528
770-861-6856
GUERRYGARRETT@WINDSTREAM.NET

APPLICANT INFORMATION:
ROCHESTER | DCCM
BILL SCHMID, AICP
425 OAK STREET
GAINESVILLE, GA 30501
678-450-5121
WESCHMID@ROCHESTER-ASSOC.COM

VICINITY MAP (N.T.S.)

SITE DATA:	
PARCEL #	15039A 000024
PARCEL SIZE	1.343 AC
CURRENT ZONING	AR-IV
PROPOSED ZONING	H-B, W/ CONDITIONS
FRONT SETBACK - SR 211	30'
FRONT SETBACK - UNION CHURCH	30'
SIDE/REAR SETBACKS	20'
LANDSCAPE STRIP	10'
PROPOSED PARKING	45

*SURVEY INFORMATION FROM FINAL PLAT FOR MULBERRY HILLS BY PATTON-PATTON & ASSOCIATES DATED 5-4-84 & RECORDED IN PLAT BOOK 96, PAGE 124.

Rochester | DCCM
Rochester and Associates, LLC
425 Oak St NW, Gainesville, GA 30501
770.718.0600 p | www.rochester-assoc.com

REZONING PLAN
LOT 11 MULBERRY HILLS
REZONING PLAN
CLINCHEM GMD 392
5937 UNION CHURCH ROAD
BRASELTON, GA 30517
HALL COUNTY, GEORGIA

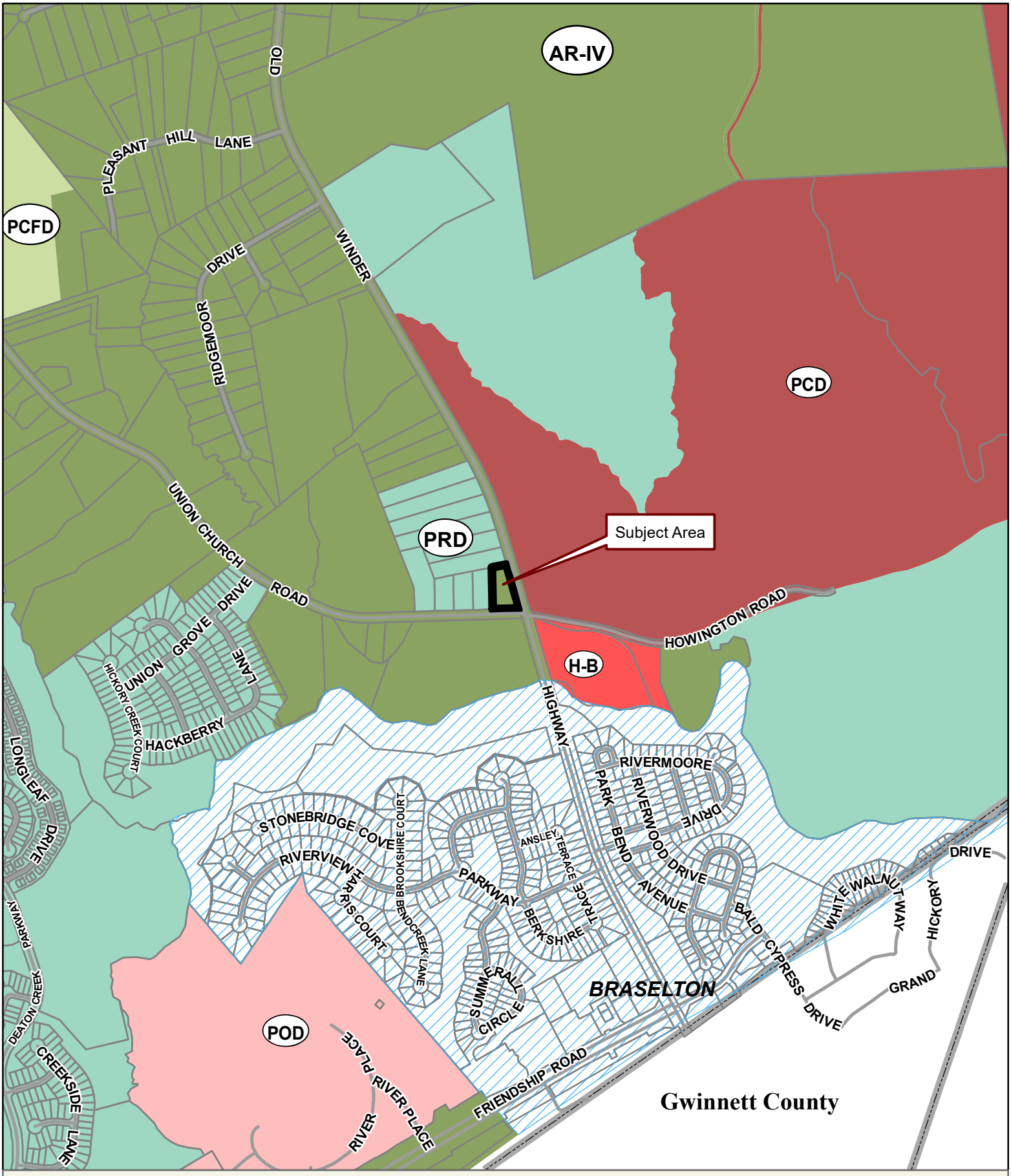
NO.	DATE	DESCRIPTION

REVISIONS

GRAPHIC SCALE
0' 15' 20' 40' 60'

SHEET 1 OF 1

DATE: 11/28/22
SCALE: 1"=20'
JOB NO.: G22129.MXA
DRAWN BY: JDF
DWG NO.: BASE

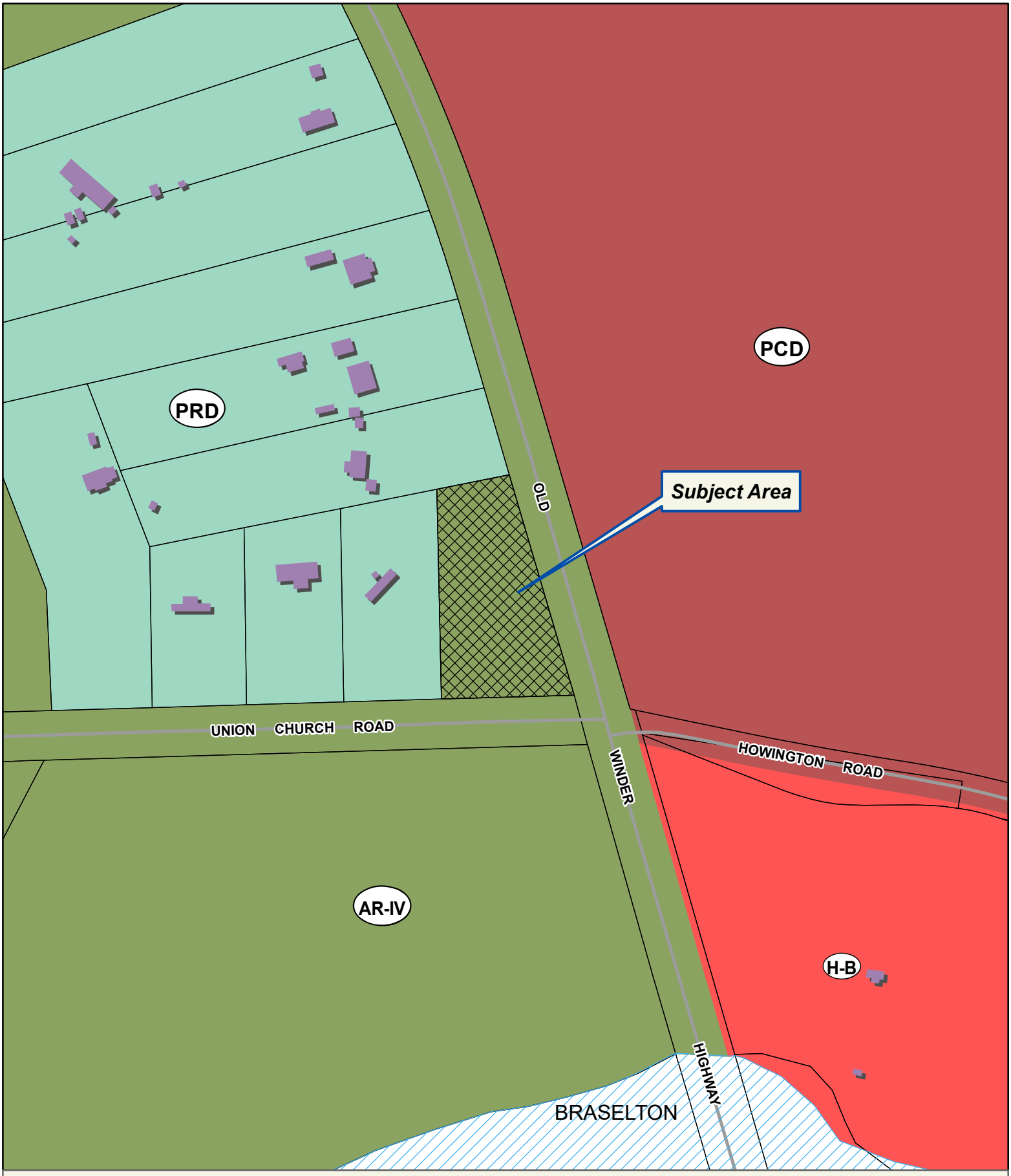


Applicant: ROCHESTER | DCCM
Tax Parcel #: 15039A000024
Location: 5937 UNION CHURCH ROAD, BRASELTON, GA 30517
Commission District 1 **PC Mtg. Date:** 01/17/2023

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: ROCHESTER | DCCM
Tax Parcel #: 15039A000024
Location: 5937 UNION CHURCH ROAD, BRASELTON, GA 30517
Commission District 1 **PC Mtg. Date:** 01/17/2023

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

Applicant: ROCHESTER | DCCM
Tax Parcel #: 15039A000024
Location: 5937 UNION CHURCH ROAD, BRASELTON, GA 30517
Commission District 1 **PC Mtg. Date:** 01/17/2023

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Tuesday, January 3, 2023 10:27 AM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 1.17.23

Please find Environmental Health comments below:

Item 1, 6600 Shoal Creek Road, Martin: This plat is currently under review by the Hall County Plat Review Team. Comments were provided to the owner on 11.15.22.

Items 2 and 3, 3515 Friendship Road, Miller: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. 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.

Item 4, 2079, 0, & 0 Memorial Park Drive, Sutherland: No comment. Public sewer.

Items 5 and 6, 1600C Athens Hwy, Vargas: No parking of stock, employee, or customer vehicles on top of or within 5' of drainline or 10' from septic tank. All proposed additions must meet required setbacks from septic system.

Item 7, 5937 Union Church Road, Rochester: Connection to public sewer required if available within 200' of property. If sewer not available, must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 8, Text Amendment: No comment.

Emily McGahee
Hall County Environmental Health
Hall County Government Center
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: December 30, 2022

Subject: January 17, 2023 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the January 17, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **6600 Shoal Creek Road | Variance |** a variance from §17.240.150 (flag lot width and frontage standards) from 150 feet to 101 feet on a 7.86± acre tract located on the east side of Shoal Creek Road at its intersection with Kenimer Road | Zoned AR-IV; Tax Parcel 12059 000008 | **Proposed use: 2 residential lots |** * Commission District 3 | **Clarence K. & DeJuan B. Martin, applicants.**

   a) **Engineering:** No Comment
   b) **Traffic:** No Comment
   c) **Utilities:** No Comment

2. **3515 Friendship Road | Use Subject to County Commission Approval |** on a 12.99± acre tract located on the north side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue |** ** Commission District 1 | **Matthew Miller, applicant.**

   a) **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.show flood Hall County studied and FEMA.
   b) **Traffic:** GDOT permit is required for driveway connection to Friendship Road
   c) **Utilities:** Any type of sanitary sewer will require a design plan approval from Public Works.

3. **3515 Friendship Road | Variance |** a variance from §17.420 to allow gravel parking within the Gateway Corridors Overlay District; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required setback for structures that will house the events from 300 feet to 95 feet; a variance from §17.040 Conditions and regulations for Agri-Entertainment: to allow a reduction in the required parking setback from 200 feet to 50 feet; on a 12.99± acre tract located on the north

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t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

side of Friendship Road approximately 669 feet from its intersection with Maple Valley Drive | Zoned AR-III; Tax Parcel 15048 000026B | **Proposed use: event venue |** ** Commission District 1 | **Matthew Miller, applicant.**

a) **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.
Show flood Hall County studied and FEMA.
b) **Traffic**: No Comment
c) **Utilities**: Hall County Health Department approval required for septic system. No Hall County Sewer.

4. **2079, 0, & 0 Memorial Park Drive | Use Subject To County Commission Approval |** on a 15.83± acre tract located on the north side of Memorial Park Drive at its intersection with Centennial Drive | Zoned I-I; Tax Parcel 08007 003011, 003029, & 08008 000044 **| Proposed use: egg processing |** ** Commission District 4 **| David Sutherland, applicant.**

a) **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.
b) **Traffic:** No Comment
c) **Utilities:** No Comment

5. **1600 Athens Highway Building C | Rezone |** from Highway-Business (H-B) to Light-Industrial (I-I) on a .64± acre tract located at the south side of Athens Highway approximately 554 feet from its intersection with Old County Dump Road | Zoned H-B; Tax Parcel 15032 000050 **| Proposed use: Countertop manufacturing with Outdoor Storage** | ** Commission District 3 **| Gerardo Vargas, applicant.**

a) **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.
b) **Traffic:** GDOT permit will be required for any modification to the driveway.
c) **Utilities:** No Comment

6. **1600 Athens Highway Building C | Use Subject to County Commission Approval |** on a .64± acre tract located at the south side of Athens Highway approximately 554 feet from its intersection with Old County Dump Road | Zoned H-B; Tax Parcel 15032 000050 **| Proposed use: Countertop manufacturing with Outside Storage** | ** Commission District 3 **| Gerardo Vargas, applicant.**

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

a) **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.
b) **Traffic:** No Comments
c) Utilities: No Comments

7. **5937 Union Church Road | Rezone |** from Agricultural-Residential-IV (AR-IV) to Highway-Business (H-B) on a 1.33± acre tract located on the north side of Union Church Road at its intersection with Old Winder Highway | Zoned AR-IV; Tax Parcel 15039A000024 | **Proposed use: 8000 SF speculative building |** ** Commission District 1 | **Rochester|DCCM, applicant.**

a) **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.
Show flood Hall County studied and FEMA.
b) **Traffic:** GDOT permit will be required for driveway connection to Old Winder Highway.
c) **Utilities:** Sanitary sewer verify if intent is available at site, design shall meet Hall County Standards. Availability letter needed for Hall County Sewer.

8. **Section 17.180 | Text Amendment** | Proposed amendment to Section 17.180. A copy of the proposed amendment is available from the Hall County Planning office | ** All Commission Districts | **Hall County Planning, applicant.**

a) **Engineering:** No Comment
b) **Traffic:** No Comment
c) **Utilities:** No Comment

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Tuesday, January 3, 2023 9:59 AM
To: Randi Doveton (Planning)
Cc: Anael Dominguez (Planning)
Subject: Fire Comments

Tentative Planning Agenda for January 17, 2023

5937 Union Church Road | Rezone | from Agricultural-Residential-IV (AR-IV) to Highway-Business (H-B) on a 1.33± acre tract located on the north side of Union Church Road at its intersection with Old Winder Highway | Zoned AR-IV; Tax Parcel 15039A000024 **| Proposed use: 8000 SF speculative building |** ** Commission District 1 | **Rochester|DCCM, applicant.** **The Hall County Fire Marshal's Office has no comments as proposed.**

Regards,

John Hornick, NPQ Fire Service Plans Examiner 1
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

Network:Dec 22, 2022 at 3:28:52 PM EST
Local:Dec 22, 2022 at 3:28:52 PM EST

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY.

APPLICANT: ROCHESTER/DCM

REQUEST: REZONE FROM AR-IV TO HB FOR 8,000 SQ FT SPECULATIVE BUILDING

PUBLIC HEARINGS WILL BE HELD ON:

Date: JAN. 17, 2023 AND Date: FEB. 23, 2023

Time: 5:15 PM Time: 6:00 PM

FOR MORE INFORMATION CALL: (770) 531-6869

Network: Dec 22, 2022 at 3:16:18 PM EST
Local: Dec 22, 2022 at 3:16:18 PM EST

Network:Dec 22, 2022 at 3:28:40 PM EST
Local:Dec 22, 2022 at 3:28:40 PM EST

BRIDGE ICES BEFORE ROAD

ZONING NOTICE

Network:Dec 22, 2022 at 3:17:26 PM EST
Local:Dec 22, 2022 at 3:17:26 PM EST

AGENDA ITEM

Public Works and Utilities

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 66/2023

SUBJECT: Public Hearing to abandon 660 linear feet of N Waterworks Road, all of Seymour Circle consisting of approximately 900 linear feet, and all of Seymour Drive consisting of approximately 760 linear feet and authorize the Chairman to execute any and all documents necessary to convey the property, subject to review and approval by the County Attorney. Commission District 2.

Meetings:

Work Session Date: 02/20/23

Voting Meeting Date: 02/23/23

Executive Summary:

Presenter: SY

Recommendation:
Conduct public hearing.

Purpose of Request:
Conduct a public hearing to abandon of 660 linear feet of N. Waterworks Road, all of Seymour Circle consisting of approximately 900 linear feet, and all of Seymour Drive consisting of approximately 760 linear feet.

History:
NA

Facts and Issues:
The abandonment section of the roadways is under contract to be purchased for a mixed-use development project.

The Board of Commissioners voted on February 9, 2023 to initiate the abandonment process. A public hearing is required to be conducted on February 23, 2023 to complete the abandonment.

Options:
NA

Funding Requested $ 0.00

Are funds within current budget? No

Source of Funds

Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
SY	SY	EW	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Petition for Abandonment

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 66/2023

Funds Requested: $ 0.00

Request Budgeted: No

Proposed Source of Funding:

Budget Transfer Requested: No

Funding Source Items:

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: SY

Phone: 770-531-6800

DocuSign Envelope ID: 4D574D66-80AD-42CF-B926-DF1CD08233E0

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Public Works Director

BILL NASH, P.E.
Asst. Public Works Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government
PUBLIC WORKS & UTILITIES
ENGINEERING

PETITION FOR ROAD ABANDONMENT/CLOSING

We, the undersigned property owners, presently own land which abuts Seymour Circle, Seymour Dr. & N. Waterworks Rd respectfully request that a portion of N. Waterworks Road and all of Seymour Dr. and Seymour Cir. be closed and abandoned by Hall County as follows:

(Section or length of road in question)

As shown on the attached Exhibit 1, approx .660 linear feet of N. Waterworks Road, all of Seymour Circle, approx. 900 linear feet, and all of Seymour Drive, approx. 760 linear feet.

We are making this request for the following reasons:

1. The roads are in poor condition and some portions nonexistent. The roads were private 3450 N. Waterside is the only property with access
2. The development "Waterside" will rebuild roads within the private development to meet current fire department standards.

We hereby certify that we represent all of the property owners which abut and have access to this section of:

N. waterworks Rd, Seymour Circle and Seymour Drive
(Road Name)

	Name (printed)		Signature	Address	Telephone #
X	Bob Seagraves	✓	DocuSigned by: Bob Seagraves E9693D6BB49F4CF...	3450 Waterworks Road	404-312-9997

Kimley»Horn

Transmittal

Date: 08/17/22 Job Number: 013721005

Project Name: FIDES - Waterside

Hall County Planning & Development Department
2875 Browns Bridge Rd
Gainesville, GA 30504

Phone Number: 470-299-7051

We are sending these by

☐ U.S. Mail ☐ FedEx ☒ Hand Delivery
☐ Other _____

We are sending you

Attached Under separate cover via _ *the following items:*

Shop drawings (Prints/Plans) Samples Specifications Change Orders

Other _____

Copies	*Date*	*No.*	*Description*
2	08-17-2022		Initial LDP Plans
1	08-17-2022		Hydrology Report
1	08-17-2022		PDF Set of Initial LDP Plans
3	08-17-2022		Digital CAD File: Site, Grading,Utility Plan, & Hydrology Report
2	08-17-2022		R/W Abandonment Exhibit #1 & Abandonment Form
1	08-17-2022		Plan Review Check
1	08-17-2022		Development Review Application

These are transmitted as checked below:

(For your use) Approved as submitted Resubmit Copies for approval
(As requested) Approved as noted Submit Copies for distribution
(For review and comment) Returned for corrections Return Corrected prints

Remarks: *Enclosed please find our plans for your review.*

Copy to: File Signed: Bob Vance

FIDES WATERSIDE
RIGHT OF WAY
ABANDONMENT EXHIBIT #1

Kimley»Horn

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K:\ALP_FNO\013121000_Fides Waterside Lake Sidney\CAD_Fides Waterside ROW Abandonment Exhibits\01 Fides Waterside ROW Abandonment Exhibit.dwg, LAYOUT1, Aug 17, 2022 12:48pm, by Marcus Stevens

8TH DISTRICT
7TH DISTRICT
APPROXIMATE LAND LOT LINE
1065' CONTOUR LINE
APPROXIMATE FLOOD ZONE
US ARMY CORPS OF ENGINEERS
LAKE SIDNEY LANIER
TRACT 1
4.14 ACRES
TRACT 2
12.06 ACRES
N/F DANIEL MCCLURE PARCEL:07330 004005
N/F MARY GRANDY LIVING TRUST PARCEL:07330 004004
N/F HERITAGE SOUTH PARTNERS L.P. PARCEL:07330 004002A
N/F KENNETH LEY PARCEL:8167 004001
N/F CITY OF BUFORD PARCEL:8167 005001
STONE WALL
ASPHALT PAVING
OHP
FP
GM
IFF C.O.E. MONUMENT
IFF 1/2" REBAR
IFF 1" OTP
IFS
IFF ANGLE IRON
OWH
OWM
W
SS
FH
PB
CONC. PED
CHAIN LINK FENCE
FENCE LINE ENCROACHES
OLD BARBED WIRE FENCE
60' ING/EGR EASEMENT
PB 390 PG 119
12" CMP IE: 1080.86'
42" CMP IE: 1082.53'
NW SEPARATE FROM PIPE
760 LF SEYMOUR DRIVE
SEYMOUR DRIVE (APPARENT 40' R/W)
900 LF SEYMOUR CIRCLE
SEYMOUR CIRCLE (APPARENT 40' R/W)
490 LF N WATERWORKS ROAD
170 LF N WATERWORKS ROAD
NORTH WATERWORKS ROAD (R/W VARIES)
ASPHALT PAVING
12" DIP WATER MAIN

TRACT 1POB
N: 1514152.66
E: 2350770.44

POB TRACT 2
N: 1514039.05
E: 2351494.66

N74°42'40"E 231.49'
FLAT CALL: N74°45'08"E 232.24'
S85°04'11"E 117.50'
FLAT CALL: S85°05'03"E 116.99'
N57°30'19"E 129.91'
FLAT CALL: N57°31'22"E 129.85'
S72°02'13"E 87.59'
FLAT CALL: S72°11'12"E 87.65'
S17°48'16"W 116.08'
FLAT CALL: S17°48'17"W 116.06'
S17°48'14"W 149.25'
FLAT CALL: S17°48'14"W 149.24'
N27°50'55"E 67.00'
FLAT CALL: N27°51'42"E 67.04'
N30°15'37"W 69.95'
FLAT CALL: N30°33'39"W 70.00'
S10°22'13"W 464.59'
FLAT CALL: S10°22'09"W 464.57'
N23°42'07"E 482.59'
FLAT CALL: N23°40'09"E 482.57'
N59°02'08"E 340.01'
FLAT CALL: N59°02'08"E 339.89'
N61°11'50"E 81.62'
FLAT CALL: N61°13'34"E 81.55'
S86°37'48"E 156.75'
FLAT CALL: S86°39'14"E 156.69'
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FLAT CALL: N84°45'43"E 30.62'
N59°15'02"E 179.52'
FLAT CALL: N59°17'29"E 179.58'
S37°14'22"W 331.93'
FLAT CALL: S37°23'17"W 331.87'
S30°45'46"E 159.55'
FLAT CALL: S30°44'43"E 159.47'
N56°53'54"E 51.35'
FLAT CALL: N56°54'17"E 51.30'
S45°41'04"E 80.62'
FLAT CALL: S45°39'43"E 80.40'
S00°04'25"W 69.33'
FLAT CALL: S00°03'14"E 69.81'
S58°28'45"W 36.78'
FLAT CALL: S58°26'53"E 36.78'
S12°55'25"E 19.41'
FLAT CALL: S14°45'51"E 19.79'
S81°36'29"W 72.39'
FLAT CALL: S81°29'34"W 48.39'
S60°23'14"W 10.77'
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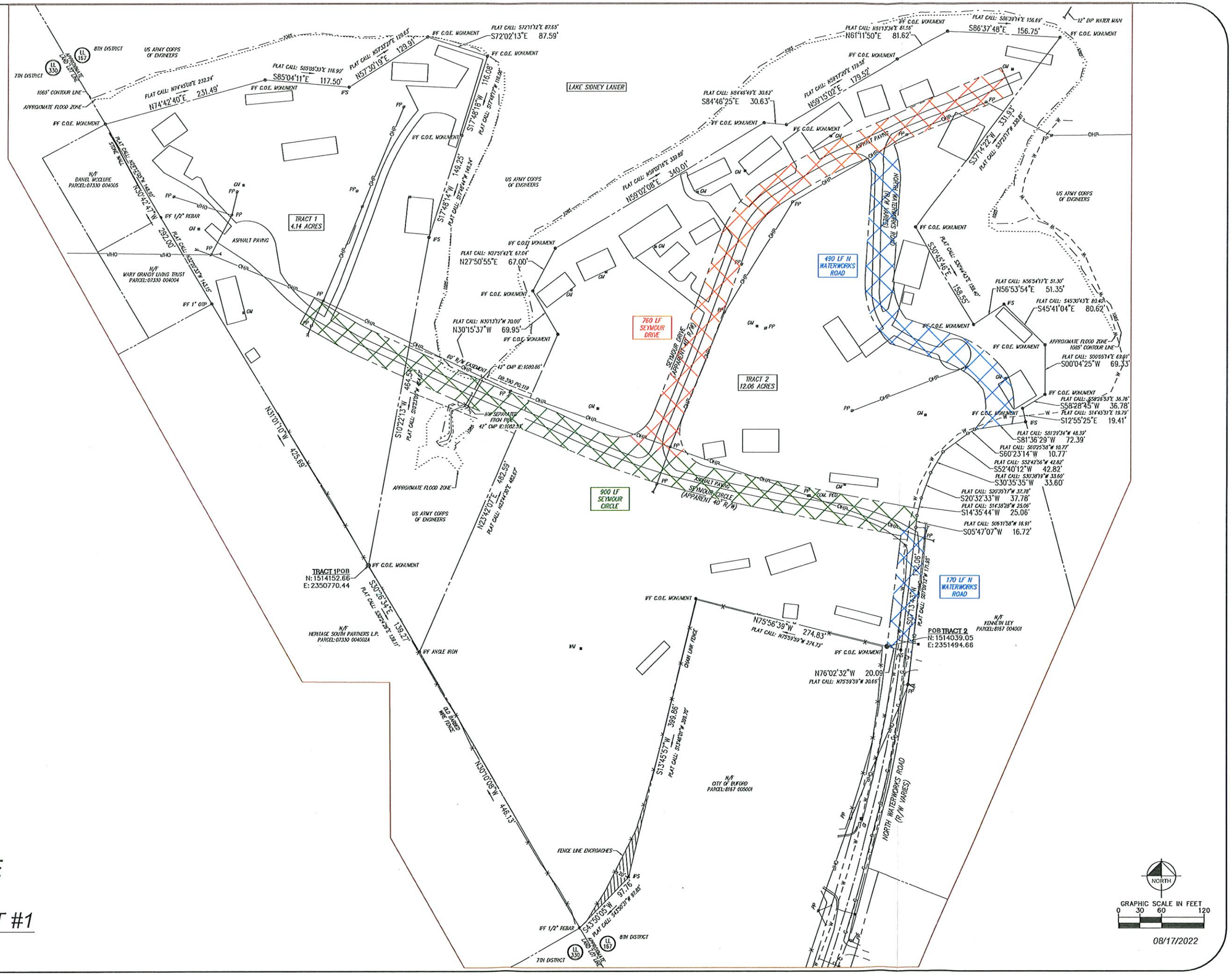
S52°40'12"W 42.82'
FLAT CALL: S52°42'56"W 42.82'
S30°35'35"W 33.60'
FLAT CALL: S30°38'19"W 33.60'
S20°32'33"W 37.78'
FLAT CALL: S20°35'17"W 37.78'
S14°35'44"W 25.06'
FLAT CALL: S14°38'28"W 25.06'
S05°47'07"W 16.72'
FLAT CALL: S06°11'58"W 16.91'
S07°13'43"W 179.05'
FLAT CALL: S07°09'12"W 179.05'
N75°56'39"W 274.83'
FLAT CALL: N75°59'39"W 274.73'
N76°02'32"W 20.09
FLAT CALL: N75°59'39"W 20.05'
S13°45'57"W 399.86'
FLAT CALL: S13°48'07"W 399.79'
N31°01'10"W 425.58'
N31°01'08"W 446.13'
S43°50'05"W 91.76'
FLAT CALL: S45°59'31"W 91.85'
S00°16'34"E 139.27'
FLAT CALL: S00°24'28"E 139.11'

NORTH
GRAPHIC SCALE IN FEET
0 30 60 120

08/17/2022



FIDES WATERSIDE
RIGHT OF WAY
ABANDONMENT EXHIBIT #1

Kimley»Horn

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AGENDA ITEM

Public Works and Utilities

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 736/2022

SUBJECT: Approve the RFQ/P #43-043 Augmented Staffing Services for CDL Drivers for the Landfill, Resource Recovery and Solid Waste Divisions to E.D. Staffing, LLC of Marietta, GA. The estimated annual cost is $626,080.00.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: SY

Recommendation:
Approve the RFQ-P #43-043 for Augmented Staffing Services for CDL Drivers for the Landfill, Resource Recovery and Solid Waste Divisions, to E.D. Staffing of Marietta, GA for an estimated annual cost of $626,080.00.

Purpose of Request:
Hall County Landfill and Solid Waste Division is seeking staffing services to provide seven (7) CDL drivers to augment the current staffing needs. The CDL drivers will be hauling trash/recycling containers via roll-off trcuks to and from the compactor sites, landfill and the recycling Center.

History:
The Solid Waste Division currently has 11 openings for CDL drivers.

Facts and Issues:
For comparision purposes, the county would be spending $654,973.48 for 7 fulltime CDL drivers (includes salary and benefits) per year. This amount is already included in the current budget. This proposal, if approved, would result in a direct savings of $28,893.48 per year and other indirect savings through any workers comp related incidents.

Options:
NA

Funding Requested	$ 626,080.00
Are funds within current budget?	No
Source of Funds	Landfill Fund
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes

Has it been reviewed by the County Attorney? Yes
Is there a deadline for this item? 2023-01-10

Approvals:

Buyer	Submit	Approve	Purchasing
AP	WS	SY	AP
Budget	**Finance**	**Attorney**	**Administration**
EW	WG	WLI	CR
Clerk			
JR			

Attachments:
Financial Supplement
Contract
Amendment #001 to Contract
Attachment #1 - Solid Waste Locations Map
Attachment #2 - Specified Equipment List
Bidder's Response (Exhibit C - Mandatory Cost Proposal Worksheet)
Bid Tab Summary

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 736/2022

Funds Requested: $ 626,080.00

Request Budgeted: No

Proposed Source of Funding:

Landfill Fund

Budget Transfer Requested:

Yes

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	010 - LANDFILL	133 - SOLID WASTE	4419 - TECHNICAL & PROFESSIONAL	$216,720.00
2034	010 - LANDFILL	133 - SOLID WASTE	4419 - TECHNICAL & PROFESSIONAL	$409,360.00

Budget Transfer Items:

Fiscal Year	Fund	Division	Account	Amount
2023	010 - LANDFILL	133 - SOLID WASTE	4104 - SALARIES	$-150,000.00
2023	010 - LANDFILL	133 - SOLID WASTE	4419 - TECHNICAL & PROFESSIONAL	$150,000.00

Additional Information/Comments:

Bill Nash, P.E. 770 531-6800 Nathan Smith 770 531-6851 Budget adjustment is from vacancy savings in salaries.

Contact for Questions: SY

Phone: (770) 531-6799

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

DIRECTOR
Wesley Geddings

Hall County Government
FINANCIAL SERVICES

CONTRACT #043-43

For the provision of

AUGMENTED STAFFING SERVICES FOR CDL DRIVERS

ARTICLE #101 - INTRODUCTION

This Contract for Augmented Staffing Services For CDL Drivers, (hereinafter "Services") as entered into on _____ and with an Effective Date of _____, is by and between; Hall County, Georgia (hereinafter "County") located at 2875 Browns Bridge Rd, Gainesville, Georgia 30504, and E.D. STAFFING LLC, located at 2470 Windy Hill Rd SE – Suite 442, Marietta, GA 30067 (hereinafter "Contractor"). Contractor is an entity that is legally registered and qualified, and holding any such licenses and certifications as may be required to render Services to do business in the State of Georgia. County and Contractor are known individually as a "Party" and collectively as the "Parties".

Whereas, the parties do mutually desire to enter into this Contract to document the provision of Services or other valuable consideration by the Contractor to the County in exchange for payment as compensation.

"This Contract is the result of the competitively bid RFQ/P# 43-043, the Contractor's response to the competitive bid, the Scope of Work, Exhibits, Attachments, and references are all incorporated herein by reference. Therefore, in consideration of the terms-and-conditions and mutual promises contained herein, the receipt and sufficiency of which are hereby acknowledged by both parties, the parties hereto agree as follows:

ARTICLE #102 – CONTRACT

A. Contractor agrees to provide the Services to the County as detailed herein as the **SCOPE OF SERVICES**, as described in the RFQ/P #43-043 and the bidder's response, and for locations shown on **ATTACHMENT #01 – SOLID WASTE LOCATIONS MAP** and utilizing County owned equipment as outlined in **ATTACHMENT #02 – SPECIFIED EQUIPMENT LIST,** which are-herein-incorporated thereof by reference.

B. Compensation. For good and valuable consideration, County hereby agrees to the compensation as provided in the attached bidder's

response entitled **EXHIBIT C – MANDATORY COST PROPOSAL WORKSHEET,** which are-herein-incorporated thereof by reference, billed monthly. All payments are in arrears.

CLASS	UNIT	COST
CDL CLASS A	Per Hour	$ 43.00
CDL CLASS B	Per Hour	$ 41.00
CDL CLASS C	Per Hour	$ 38.00

C. **Price Escalation Clause**. Contractor may request up to, but no more than, a three-percent (3%) price escalation adjustment to this contract at each time of contract renewal. Price escalation is not guaranteed.

SCOPE OF SERVICES

1. Hall County owns and operates twelve (12) compactor sites located throughout the county as shown on Attachment #01 – Solid Waste Locations Map

2. All compactor sites are open seven (7) days a week and only closed on Christmas Day.

3. Contractor is to provide Services for contracted CDL drivers to haul trash and recycling containers, via roll-off trucks and other equipment, as determined by the Landfill Division Director, to-and-from the compactor sites to the Hall County Landfill, located at 1700 Oakbrook Drive, Gainesville, GA 30507. The Landfill Division Director may also direct hauling to the Hall County Recycling Center located at 1008 Chestnut Street, Gainesville, Ga 30507.

4. Contractor to provide enough CDL drivers to work eighty-hours (80) every two (2) weeks, with a rotating schedule such as; three (3) twelve (12) hour days in a week followed by four (4) eleven (11) hour days the next week. The rotating schedule includes the drivers working every other weekend.

6. Additionally, Contractor will provide CDL drivers to haul open-top trash containers located throughout the county.

7. Contractor agrees that they are be liable for any damages to the County's equipment operated by their employees.

ARTICLE #103 - NOTICES:

To the extent that either party to this required to provide notice(s) to the other party in compliance herewith, then the party shall Contract is direct notice(s) to the following persons:

COUNTY PROJECT MANAGER
Nathan Smith
Enter Title
Hall County Landfill
Enter Street Address
Gainesville, GA 30507
nsmith@hallcounty.org
(770) 531-6851

COUNTY ISSUING OFFICER
Andy Penick, CPSM, GCPM, GCPA, MBA
Purchasing Manager
Hall County Finance Department
2875 Browns Bridge Rd
Gainesville, GA 30504
apenick@hallcounty.org
Office (770) 531-4939

CONTRACTOR'S CONTACT INFO
Jasmine Burley
Enter Title
E.D. Staffing, LLC
2470 Windy Hill Rd SE
Marietta, GA 30067
Jas.cummings@edstaffing.co
(678) 448-6511

REMIT-TO ADDRESS
Company's FEIN # 88-1377227

3464 Roxboro Rd NE
Unit 600
Atlanta, GA 30326

ARTICLE #104 – NON-EXCLUSIVE RIGHTS:

The Contract is not exclusive. The County reserves the right to select other Contractors to provide the Services similar to those described in this Contract, during the term of the Contract should the need arise or the contractor fail to perform.

ARTICLE #105 – CONTRACT TERM:

A. **Initial Contract Term**. This Contract is effective on the date of signature shown in *ARTICLE #101* by all parties unless a future date is so noted on this contract. The term will last for **Twelve (12) months** from the date of execution or the anniversary of the beginning date of work, unless terminated by the parties pursuant to *ARTICLE #107 – REMEDIES AND CONTRACT PERFORMANCE*, thereof.

B. **Contract Renewal.** The County shall have the option, in its sole discretion, to renew the Contract for up to **Four (4), One (1) Year Renewal Options**. The price, terms, and conditions in effect at the time of each renewal(s) shall remain the same unless the Contract is amended by mutual agreement.

Renewal(s) will depend upon the best interests of the County, available funding, and Contractor's performance. The County may execute its renewal options through the issuance of a Contract Renewal Document, with the evidence thereof in writing and signature by both Parties. The County does not accept nor acknowledge automatic renewals and shall have no obligations, payment or otherwise, associated therewith.

C. **Contract Extension.** The County and the Contractor may enter into a Contract Extension term past the renewal period to continue the services if this Contract terminates, or is likely to terminate, prior to the making of a new award for the identified Services. The County may with the written consent of Contractor, extend this Contract for such period as may be necessary to afford the County a continuous supply of the identified Services for up to one (1) calendar year or portions thereof.

ARTICLE #106 - CONTRACT AMENDMENTS AND MODIFICATION:

This Contract can only be modified, amended, or added to in writing and fully executed by both parties hereto. This Contract document constitutes the sole and entire Contract and understanding between the parties as to the subject matter hereof, and no verbal promises have been made by either party in relation hereto.

ARTICLE # 107 – REMEDIES AND CONTRACT PERFORMANCE:

In the event that either party to this Contract breaches this Contract, including by failure to meet the timetables set forth herein, the non-breaching party shall provide written notice to the breaching party which describes the breach of this Contract. The party whose breach is alleged shall have thirty (30) days from the date of receipt of the written notice to cure the breach or to otherwise negotiate a resolution of the breach.

If the breach has not been cured and the parties hereto have not resolved the issue described in the notice letter by thirty (30) days after receipt of the notice letter, the party authoring the letter shall be entitled to seek any and all remedies allowed by Georgia law, including damages, equitable relief, declaratory relief, specific performance, and/or seeking relief as to any bonds issued hereon. Additional provisions are;

A. **Delay or Impossibility of Performance**. Any failure or delay must be beyond the control of and without the fault or negligence of the Contractor. If the Services to be provided to the County are interrupted by a Force Majeure Event, as defined below, the County will be entitled to an equitable adjustment to the fees and other payments due to the Contractor under this Contract. If delay results from a subcontractor’s negligent conduct or failure to perform, the Contractor shall not be excused from compliance with the terms and obligations of the Contract.

Epidemics and pandemics are not considered Force Majeure events by the County.

Neither party shall be held liable or responsible to the other party nor be deemed to have defaulted under or breached this Agreement for failure or delay in fulfilling or performing any obligation under this Agreement when such failure or delay is caused by or results from causes beyond the reasonable control of the affected party, including but not limited to fire, floods, embargoes, war, acts of war, insurrections, riots, strikes, lockouts or other labor disturbances, or acts of God; provided, however, that the party so affected shall use reasonable commercial efforts to avoid or remove such causes of nonperformance, and shall continue performance hereunder with reasonable dispatch whenever such causes are removed. Either party shall provide the other party with prompt written notice of any delay or failure to perform that occurs by reason of Force Majeure.

Definition: The term 'force majeure' as defined in Black's Law Dictionary, is 'an event or effect that can be neither anticipated nor controlled. It is a contractual provision allocating the risk of loss if performance becomes impossible or impracticable, especially as a result of an event that the parties could not have anticipated or controlled."

B. Obligations beyond Contract Term. The Contract shall remain in full force and effect to the end of the specified term or until terminated or canceled pursuant to the Contract.

C. Transition Cooperation with the County and Cooperation with other Contractors. Contractor agrees that upon termination of this Contract for any reason, it shall provide sufficient efforts and reasonable cooperation and assistance to the County to ensure an orderly and efficient transition to the County or an alternative Contractor. Further, in the event that the County has entered into or enters into contracts with other Contractors related to the Services, Contractor agrees to cooperate fully with such other Contractors. Contractor shall not engage in any act that will interfere with the performance of work by any other Contractor.

ARTICLE # 108 - TERMINATION:

Either party may terminate this Contract by providing thirty (30) days written notice to the other party at any time. Should either party terminate this Contract prior to the date of automatic termination pursuant to section 4 above, Contractor shall provide the County with all deliverables up to the date of termination (30 days after the notice is provided), and the County shall pay the Contractor for all work properly performed in compliance with the terms of the Contract up to the date of termination.

A. **Termination for Convenience**. Following thirty (30) days written notice, either party may terminate the Contract in whole or in part for any reason without the payment of any penalty or incurring any further obligation to the Contractor.

B. **Termination for Cause**. The occurrence of any one or more of the following events shall constitute cause for the County to declare the Contractor in default of its obligations under the Contract:

1. The Contractor fails to deliver or has delivered nonconforming Services or fails to perform, to the County's satisfaction, any material requirement of the Contract or is in violation of a material provision of the Contract, including, but without limitation, the express warranties made by the Contractor.

2. The County determines that satisfactory performance of the Contract is substantially endangered or that a default is likely to occur.

3. The Contractor fails to make substantial and timely progress toward performance of the Contract.

4. The Contractor becomes subject to any bankruptcy or insolvency proceeding under federal or state law to the extent allowed by applicable federal or state law including bankruptcy laws; the Contractor terminates or suspends its business; or the County reasonably believes that the Contractor has become insolvent or unable to pay its obligations as they accrue consistent with applicable federal or state law.

5. The Contractor has failed to comply with applicable federal, state and local laws, rules, County ordinances, regulations and orders when performing within the scope of the Contract.

6. The Contractor has engaged in conduct that has or may expose the County or the State to liability, as determined in the County's sole discretion; or a material breach of the terms of the Contract by County upon County's failure to cure such material breach after written notice thereof has been delivered in accordance with ARTICLE #108.C. below constitutes cause for the Contractor to declare that the County is in default of its obligations under the Contract.

C. Notice of Default. If either party causes one or more of the default events set out in ARTICLE #108, then either party shall issue a written Notice-of-Default to the party that causes one or more of the default events, requesting that the breach or noncompliance be remedied within the period of time specified in the party's Notice-of-Default to the Contractor. If the breach or noncompliance is not remedied within the period of time specified in the written notice, the non-breaching party may:

1. Immediately terminate the Contract for default without additional written notice;

2. In the event of a breach by the Contractor, the County may procure substitute Services from another source and charge the difference between the Contract and the substitute Contract to the defaulting Contractor; and/or,

3. Enforce the terms and conditions of the Contract and seek any legal or equitable remedies.

C. **Termination Due to Non-Availability of Funds.**
This Contract will terminate immediately and absolutely if the County determines that adequate funds are de-appropriated such that the County cannot fulfill its obligations under the Contract, such determination being at the County's sole discretion and conclusive. County agrees to provide prompt written notice to Contractor in the event of any de-appropriation.

D. **Termination due to Failure of Contractor to Act.**
The County may terminate the Contract for any one or more of the following reasons effective immediately without advance notice:

1. In the event that the Contractor must be certified or licensed as a condition precedent to providing the Services, the revocation or loss of such license or certification may result in immediate termination of the Contract effective as of the date on which the license or certification is no longer in effect.

2. The County determines that the actions, or failure to act, of the Contractor, its agents, employees or sub-Contractors have caused, or reasonably could cause, life, health or safety to be jeopardized.

3. The Contractor furnished any statement, representation, or certification in connection with the Contract or the bidding process, which is materially false, deceptive, criminal activity, incorrect or incomplete.

4. Failure of the Contractor to obtain, provide, maintain, and deliver the Performance and Payment Bonds (if required) as and when required under this Contract, or failure to comply with any requirement pertaining to the appropriate amounts thereof as set forth in ARTICLE #123 - PERFORMANCE AND PAYMENT BOND REQUIREMENT.

E. Payment Limitation in Event of Termination. In the event of termination of the Contract for any reason by either party, the County shall pay only those amounts, if any, due and owing to the Contractor for Services actually received and

accepted by the County up to and including the date of termination of the Contract and for which the County is obligated to pay pursuant to the Contract.

F. The Contractor's Termination Duties. Upon receipt of notice of termination, the Contractor shall:

1. Cease work under the Contract and take all necessary or appropriate steps to limit disbursements and minimize costs and furnish a report within thirty (30) days of the date of notice of termination, describing the status of all work under the Contract, including, without limitation, results accomplished, conclusions resulting therefrom, and any other matters the County may require.

2. Immediately cease using and return to the County, any personal property or materials, whether tangible or intangible, provided by the County to the Contractor.

3. Comply with the County's instructions for the timely transfer of any active files and work product produced by the Contractor under the Contract.

4. Cooperate in good faith with the County, its employees, agents, and Contractors during the transition period between the notification of termination and the substitution of any replacement Contractor; and

5. Immediately return to the County any payments made by the County for goods and services that were not delivered by the Contractor.

ARTICLE # 109 – NO DEFENSE OR INDEMNIFICATION BY COUNTY:

The parties agree that the County shall not be responsible for defending or indemnifying any Contractor from any claim brought by any third party against the Contractor.

ARTICLE #110 - ASSIGNMENT AND DELEGATION BY CONTRACTOR:

The Contractor shall not assign or delegate this Contract, or any performance required by it, in whole or in part, without the prior express written consent of the County.

ARTICLE #111 – USE OF THIRD-PARTIES (Sub-Contractors):

This Contract is for the benefit of the parties hereto only and is not intended to benefit any third-party or give rise to any duty or causes of action for any third party. All restrictions, obligations and responsibilities of the Contractor under the Contract shall also apply to third parties such as sub-Contractors, if allowed in writing by the County. Any Contract with a subcontractor must also preserve the rights of the County.

ARTICLE #112 – SUPERSEDES FORMER CONTRACTS

Unless otherwise specified in the Contract, this Contract supersedes all prior Contracts or Agreements between the County and the Contractor for the Services provided in connection with the Contract.

ARTICLE #113 - SEVERABILITY:

If any paragraph, sub-paragraph, sentence, clause, phrase, or portion of this Contract is declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Contract as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the remaining portions of this Contract not so held to be invalid or the application of this Contract to other circumstances not so held to be invalid.

ARTICLE # 114 - RECORDS:

A. **Public Records Request**. The Georgia Open Records Act, as provided in O.C.G.A. § 50-18-70 et seq, requires procurement records and all other records received by or prepared or maintained on behalf of the County, shall be made open to public inspection, unless otherwise provided by law.

B. **Record Retention and Access**. The Contractor shall maintain books, records, and documents in accordance with generally accepted accounting principles and procedures and which sufficiently and properly document and calculate all charges billed to the County throughout the term of the Contract for a period of at least five (5) years following the date of final payment or completion of any required audit, whichever is later. Records to be maintained include both financial records and service records.

ARTICLE # 115 - ADDITIONAL TERMS:

A. The County shall not be bound by any terms and conditions included in any Contractor's literature, packaging, invoice, catalog, brochure, technical data sheet, on-line representation, warranties or service level agreement or other document which attempts to impose any condition in variance with or in addition to the terms and conditions contained herein.

B. The County shall not be bound to any Terms and Conditions of the Contractor that are only accessible by hyper-link. All Terms and Conditions must be in print and approved by the County.

ARTICLE # 116 - WAIVER:

The failure of any party hereto to seek a remedy for any alleged breach of this Contract shall not constitute a waiver of any claim, cause of action, or remedy allowed by Georgia law for breach thereof.

ARTICLE # 117 - CONTRACTOR AND COUNTY RIGHTS AND OBLIGATIONS:

A. The County has the right at any time to require the Contractor to put an immediate stop to any procedure, or the use of any equipment (chemical, material, etc., if applicable) considered by the County to be hazardous (or toxic) to persons, buildings, or surfaces. The Contractor will utilize acceptable substitutes as quickly as possible. In the event of such replacement, Contractor shall notify County of any resulting replacement, (ii) introduce the individual serving as the replacement to County, and (iii) provide County with a résumé and any other information regarding the individual that may be reasonably requested by County.

B. The County has the right to require the Contractor to reassign or remove any employee or subcontractor's employee from the premises temporarily or permanently when, in the County's sole opinion, the employee is not suitable. The County's decision on this matter shall be final, and Contractor will remove this employee immediately and replace with a person of at least equivalent training, experience and requisite qualifications as quickly as possible, subject to the County's prior approval.

C. Contractor agrees to obtain prior written approval from the County for the use of sub-Contractors to provide the Services described in *SCOPE OF SERVICES* prior to subcontractor's performance of work.

ARTICLE # 118– INSURANCE REQUIREMENT:

A. **Insurance Requirements.** The Contractor must maintain and warrant to Hall County insurance policies at the Contractor's own expense and must furnish the County with a Certificate of Insurance (COI) providing evidence of proof of coverage at least in the amounts indicated in this subsection. The insurance certificate must list Hall County, Georgia, Hall County Landfill, as the certificate holder and as an additional insured under the commercial general, automobile and umbrella liability policies as follows: "Hall County Government, its Board of Commissioners, its officers, employees and agents, 2875 Browns Bridge Rd, Gainesville, GA 30504".

   The policy must protect the Contractor and the County (as a Certificate Holder and Additional Insured) from any claims for bodily injury, property damage, or personal injury covered by the indemnification obligations set forth herein throughout the duration of the Contract.

The Contractor must maintain the following insurance coverage during the term of the Contract, in at least the minimum amounts set forth below, to cover all loss and liability for damages on account of bodily injury, including death therefrom, and injury to or destruction of property caused by or arising from any and all services carried on and any and all work performed by the Contractor pursuant to this Contract:

1. Workers Compensation Insurance (Occurrence) in the amounts of the statutory limits established by the General Assembly of the State of Georgia (A self-insurer must submit a certificate from the Georgia Board of Workers Compensation stating that the Contractor qualifies to pay its own workers compensation claims.). In addition, the Contractor must require all sub-Contractors occupying the premises or performing work under the Contract to obtain an insurance certificate showing proof of Workers Compensation Coverage with the following minimum coverage:

a.	Bodily injury by accident - per employee	$ 100,000
b.	Bodily injury by disease - per employee	$ 100,000
c.	Bodily injury by disease – policy limit	$ 500,000

2. Commercial General Liability Policy with at least the following minimum coverage:

a.	Each Occurrence Limit	$1,000,000
b.	Personal & Advertising Injury Limit	$1,000,000
c.	General Aggregate Limit	$3,000,000
d.	Products/Completed Ops. Aggregate Limit	$2,000,000

Automobile Liability with at least the minimum coverage: $1,000,000
Combined Single Limit to cover Any Vehicle, leased or rented by the Contractor

3.	Umbrella Liability, Excess Liability per Occurrence	$2,000,000
	Aggregate	$2,000,000

It shall be the responsibility of the Contractor to require all of its sub-Contractors to maintain Commercial General Liability insurance with business automobile liability coverage with companies and limits as stated above, and to provide a certificate evidencing that such insurance is in effect upon request. Endorsement must be provided with the insurance certificate.

B. **Insurance Certificates and General Requirements.** No Contract performance shall occur unless and until the County receives required insurance certificates.

The insurance certificate must reference the Contract number assigned by the County and document that the liability coverage purchased by the Contractor includes contractual liability coverage to insure the indemnity agreement as stated herein.

C. The Contractor understands and agrees that the foregoing policies will not be canceled, or not renewed or allowed to lapse for any reason until at least thirty (30) days prior written notice has been given to the County, or until such time as other valid and effective insurance coverage acceptable in every respect to the County and providing protection equal to protection called for in the policies referenced in this section shall have been received, accepted, and acknowledged by the County. Certificates of insurance showing such coverage to be in force shall be filed with the County prior to commencement of any work under the Contract. The foregoing policies shall be obtained from insurance companies licensed to do business in Georgia and, unless waived or modified in writing by the County, shall be an insurer with a minimum A.M. Best Rating of "A-". All such coverage shall remain in full force and effect during the term and any renewal or extension thereof. The insurance certificate must be submitted with this Contract.

D. **Waiver of Subrogation.** There is no waiver of subrogation rights by either Party with respect to insurance.

ARTICLE # 119 – NO WAIVER:

A. **Authority to Enter into Contract.** The Contractor represents and warrants that it has full authority to enter into and perform its obligations under the Contract and that the Contract constitutes a legal, valid, and binding obligation upon the Contractor in accordance with its terms. The representatives of the parties hereto also represent and warrant that they are authorized to sign this Contract on behalf of each party hereto."

B. **Solicitation**. The Contractor warrants that no person or selling agency (except bona fide employees or selling agents maintained for the purpose of securing business) has been employed or retained to solicit and secure the Contract upon an agreement or understanding for commission, percentage, brokerage or contingency.

C. **Vehicles and Equipment.** With the exception of specified County Owned Equipment and Vehicles listed in **ATTACHMENT #02.** Contractor warrants that CDL drives will not use any other County owned vehicles or equipment in the performance of this Contract without express written consent. Contractor shall be responsible for providing all transportation necessary to deliver Services under the Contract.

ARTICLE # 120 – INTELLECTUAL PROPERTY RIGHTS & OWNERSHIP:

Contractor agrees it will not use the name or any intellectual property, including but not limited to, County trademarks or logos in any manner, including commercial advertising or as a business reference, without the expressed prior written consent of the County.

ARTICLE # 121 - COMPENSATION:

A. The County will pay the Contractor for the Services provided pursuant to this Contract and in accordance with the prices quoted and conditions set forth in the Bidder's response **on EXHIBIT C – MANDATORY COST PROPOSAL WORKSHEET,** which is attached hereto and incorporated into this Contract as if fully set forth herein.

B. Payments will be made monthly in arrears to the Contractor after acceptance of the Contractor's delivered Services by the County, and after receipt of undisputed invoice to the County.

C. Prices quoted shall be firm and fixed throughout the term of this Contract, unless otherwise Amended or Modified by mutual agreement.

D. Cost may be prorated for Services added or removed under this Contract to align cost with the remaining term of Contract.

E. It is understood that this bid or proposal is made without collusion or fraud. Contractor understands and acknowledges that collusive bidding is a violation of state and federal law and may result in the cancellation of the Contract.

ARTICLE # 122 - COUNTY PAYMENT TO CONTRACTOR:

A. The County will issue a Notice to Proceed to the Contractor, and Purchase Order(s) (herein after 'PO'). The terms of this Contract shall be incorporated by reference into any and all PO(s) issued prior to the expiration or termination of this Contract. The County will issue the PO by electronic mail (e-mail) to the Contractor's representative in *ARTICLE #103 - NOTICES*. A PO is considered "issued" when the e-mail containing the PO is sent by the County to the Contractor.

The Contractor shall not deliver any Services, equipment, devices, or components thereof until authorized in writing by the County through issuance of a PO, which shall provide a commencement Notice-to-Proceed date. Any work, including but not limited to travel, preliminary meetings, planning, etc., performed outside of the terms and conditions of and before the issuance of the PO will not be considered for payment. Contractors are not to begin work or ship

any product on any verbal communication from within the County. The County will not be liable for payment for any work or product with the issuance of a verbal communication.

The **Scope of Services** shall remain in effect from the Notice to Proceed to completion of the project. The Parties agree that the County will not pay or otherwise compensate the Contractor for any Services, materials, equipment, devices or components thereof outside of the Scope of Work and/or beyond the term of this Contract, unless specifically authorized in writing as evidenced by an amendment (see *ARTICLE #106 - CONTRACT AMENDMENTS &, MODIFICATION*), a time extension letter, or as otherwise authorized by the County.

B. **Invoice/Payment.**

1. Contractor shall invoice the County via email **each month** solely to accountspayable@hallcounty.org and only after the County inspects and accepts the Services provided. Receipt of the Services does not constitute acceptance. Invoice amounts shall not exceed the Contractor's pricing set forth in *ARTICLE #102.*
2. Each invoice shall include the Contractor's current "Remit to" address; a description of the Services provided; the invoice amount; the Contract number; and the associated PO number issued. Each properly prepared invoice must be sent in accordance with the instructions listed on the PO. Standard payment terms are net 30 days (N30) in arrears from the date the invoice is accepted, following delivery of the Services.
3. The County does not pay for services not yet received but only in arrears.
4. The Contractor shall be solely responsible for paying all costs, expenses and charges it incurs in connection with its performance under the Contract.

C. **Unsatisfactory Performance; Delay of Payment.**

1. If the County determines that the quality of the Services provided are deficient, unacceptable, or unsatisfactory, the County's Project Manager identified in *ARTICLE #103* shall issue a written notice to Contractor. Contractor agrees that upon receipt of the written notice, it shall make every effort to correct the deficiency (ies) within the timeframe prescribed therein. If the Contractor fails to timely correct the deficiencies, the County reserves the right to delay payment pursuant to this *ARTICLE #122* or terminate the Contract (*ARTICLE #108 – TERMINATION PROVISIONS*).
2. **Delay of Payment Due to Contractor's Failure.** If the County determines that the Contractor has failed to perform or deliver any Services as required by the Contract, the Contractor shall not be entitled to any compensation under the Contract until such Services are delivered and accepted. In this event, the County may withhold that portion of the Contractor's compensation, which represents payment for Services that were not

delivered. To the extent that the Contractor's failure to perform or deliver in a timely manner causes the County to incur costs, the County may deduct the amount of such incurred costs from any amounts payable to Contractor. The County's authority to deduct such incurred costs shall not in any way affect the County's authority to terminate the Contract.

D. **Set-Off Against Sums Owed by the Contractor**. In the event that the Contractor owes the County any sum under the terms of the Contract, pursuant to any judgment, or pursuant to any law, the County may set off the sum owed by the Contractor against any sum owed to the Contractor, in the County's sole discretion.

E. **Final Payment.** Contractor shall issue an invoice for final payment to the County no later than thirty (30) days following the expiration or termination date of the Contract.

F. The Contractor must not "Factor or Assign Payments" to another or a financial institution. The County will only pay the party to whom it is contracted with. The County will not in any circumstances pay a third-party.

ARTICLE #123 – PERFORMANCE AND PAYMENT BONDS

Not required for staffing services

ARTICLE #124 – RETAINAGE (not applicable on this contract)

"Retainage (if required) will be withheld by Hall County in compliance with Georgia law. Hall County may hold up to ten-percent (**10%) retainage** throughout the entire project and will release said retainage at the point of final completion and final acceptance by the County."

ARTICLE #125 – VENUE AND GOVERNING LAW

The parties agree that this Contract shall be interpreted, construed, and enforced in accordance with the laws of the State of Georgia. To the extent that either party bring legal action to enforce the terms of this Contract, including suit in equity, the parties agree and consent to file any such suit in the Superior Court of Hall County, Georgia.

ARTICLE # 126 - NOTICE OF INTENT TO LITIGATE

Contractor hereby agrees not to file any civil action of disputes or claims relating to the Contract except after first giving thirty days (30) written notice to the County of the claim and the intent to initiate a civil action.

ARTICLE # 127- GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT:

A. By signing this Contract, the Contractor certifies that prior to and throughout the performance of all applicable work under this Contract it will remain in full compliance with all federal and state immigration laws, including but not limited to 8 U.S.C. § 1324a and the Georgia Security and Immigration Compliance Act (O.C.G.A. §13-10-90 et seq.), as amended by the Illegal Immigration Reform and Enforcement Act of 2011, regarding the verification of employment eligibility of employees under the Immigration Reform and Control Act of 1986. Contractor will ensure that only persons who are citizens or nationals of the United States or non-citizens authorized under federal immigration laws are employed to perform services under this Contract or any subcontract or sub-subcontract hereunder.

B. Contractor further certifies its compliance with the aforementioned federal and state immigration laws set forth by signing a sworn affidavit, the Georgia Security and Immigration Compliance Act Affidavit, notarized by an Official Notary Public, and obtaining the same affidavits from any sub-contractor providing services pursuant to this Contract.

ARTICLE # 128 – ORDER OF PRECEDENCE:

In the event of any inconsistency, ambiguity, or conflict among the specific provisions of the Contract and the Contractor's Response, the order of precedence shall be as follows:

A. First, any amendments to the Contract, including all Exhibits thereto.
B. Second, the Contract itself, including all Exhibits thereto.
C. Third, Attachments appended to the Contract.

ARTICLE # 129– CONTRACT EXHIBITS AND ATTACHMENTS:

The Parties mutually acknowledge that any following Exhibits and Attachments listed below made a part of this Contract, as though expressly written in the RFQ/P documents and the bidder's response, are-herein-incorporated into this contract by reference.

EXHIBIT C - Mandatory Cost Proposal Worksheet

ARTICLE # 130 - ENTIRE CONTRACT:

This Contract, as executed and approved, shall constitute the entire agreement between the Parties and supersedes all other prior and contemporaneous statements, agreements, and understandings between the Parties. No written or oral statements,

agreements, or understandings that are not set out, referenced, or specifically incorporated in this Contract shall in any way be binding or of effect between the Parties.

ARTICLE # 131– VALIDITY

If any paragraph, sub-paragraph, sentence, clause, phrase or any portion of this agreement shall be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this agreement as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be constructed to affect the portions of this agreement not so held to be invalid or the application of this agreement to other circumstances not so held to be invalid. The parties hereby declare that this is the intent of the parties to this agreement is to provide for separate and divisible parts.

ARTICLE #132 – SALES TAX EXEMPTION STATUS

The County is exempt from Federal Excise Taxes and from Georgia State and Local Sales and Use Taxes on the Services. The Contractor may request a copy of the County's Georgia Sales and Use Tax Exemption Certificate.

ARTICLE #133 – HOLD HARMLESS AGREEMENT

The successful respondent hereby agrees to indemnify, hold free and harmless, Hall County Government, County Commissioners, its agents, servants, employees, officers, directors and elected officials, or any other person(s) against any loss or expense. This includes attorney fees, because of any liability imposed by law upon the County, except in cases of the County's sole negligence, sustained by any person(s) on account of bodily injury or property damage arising out of or in the consequence of this agreement.

ARTICLE # 134 – CONTRACT TERMS AND CONDITIONS

1. All purchases must comply with The Official Code of Hall County Sections 3.10.010 – 3.10.190.
2. If any conflict or ambiguity arises between the Terms and Conditions herein, and The Official Code of Hall County, the latter will govern.
3. The Terms and Conditions set forth herein shall supersede and govern over all Contractor's Terms and Conditions or Service Level Agreements.
4. Hall County, Georgia, herein referred to as 'The County', retains the right to 'red-line' sections of the Supplier's Terms and Conditions if such are in conflict with the best interest of the County.
5. Acceptance of a Purchase Order (PO) and delivery of Goods or Services serves as the Supplier's full and complete acceptance of The County's Terms and Conditions.
6. The terms; supplier, vendor, bidder, offeror, Contractor, Contractor, designer, distributor, dealer or manufacturer or otherwise purveyor or source of supply or performance of service shall mean one-and-the-same, herein denoted as 'Supplier' for goods and 'Contractor' for services.
7. Furthermore, the terms; goods, materials, commodities, components, drawings, drafts, renderings, plans, physical or digital, software, SaaS, Engineering, Architectural, capital asset

equipment, vehicles, heavy earth-moving or other equipment, purchased or leased, or other such deliverables are herein denoted as 'Goods' and shall mean one-and-the-same.

8. 'Services' shall mean all services, either financial, advisory, consultative, labor, staff augmentation, construction, rehabilitation, restoration, repair, support or maintenance, communication, telephony, internet, TV or streaming, pest control, grounds maintenance, custodial and janitorial, street or paved surfaces cleaning, drain cleaning or otherwise where services are offered for consideration.
9. The County's payment terms are Net 30 days. The County may consider Prompt Pay Terms if offered at least five percent (5%) of the total cost and not less than fifteen (15) days terms. A supplier simply offering a discount does not constitute the County's acceptance of such, and the County is not be bound to the offer.
10. The Supplier shall transfer and deliver all goods or services described on the attached PO for the consideration set forth herein.
11. The Supplier shall only deliver goods and services as described on the PO and within the Scope of Work and the Supplier's Bid Response.
12. The County holds no obligation to pay for goods delivered or services rendered unless specified on a written Purchase Order or a Change Order of such.
13. The Supplier shall not construe any verbal consent to purchase goods or services as valid.
14. The County does not accept substitutions of services or goods that do not comply with the Scope of Work or Specifications set forth in the Purchase Order, Contract or Agreement, unless mutually agreed in writing by both parties.
15. The County does not accept automatic renewals with the exception of monthly subscription services.
16. The County only pays for services rendered in arrears. The County does not pay for services not yet rendered.
17. The County does not pay deposits towards goods ordered. Exceptions exist for custom made items (such as window coverings and blinds, or carpet, tile etc.), fabrication, decoration, or otherwise custom designed specifically for the County.
18. The County will accept backorders only if goods are out of stock and with prior written notice. Supplier's shall ship all quantities that it has in stock and hold orders for backorders.
19. The County participates in Cooperative Purchasing Agreements, State of Georgia Statewide Contracts, and other state, local, Intergovernmental Agreements, Memorandums-of-Understanding and other such Agreements.
20. In all cases, the jurisdiction shall be the State of Georgia, County of Hall, for arbitration or other legalities
21. Deliveries go to the ship-to addresses listed on the PO and within the time specified. The Supplier must follow instructions if multiple ship-to address exist on the PO.
22. Risk of loss of the goods shall pass to The County upon inspection and acceptance only.
23. Receipt of goods or services does not constitute acceptance.
24. Title to the goods shall remain with the Supplier until acceptance by The County.
25. The Supplier warrants that the goods are merchantable and that the Supplier has a legal right to deliver the goods and services and as described herein.
26. The County shall have the right to inspect all goods or services at the time and place of delivery.
27. Vendor agrees not to assign in full or part of the Contract to another party without the County's express written consent. Any attempted assignment or delegation shall void and make ineffectual for all purposes unless made in conformity with this paragraph.
28. The County is exempt from Federal Excise Tax and Georgia Sales and Use Tax.

29. This issuance of the PO shall not violate the Code of Ethics and Conflicts of Interest for Public Officers and Employees for Government Service set forth in the 2020 Section 45-1020 *et seq.* of the Official Code of Georgia Annotated and the Official Code of Hall County Section 3.10.070 governing Ethics.
30. All goods and services supplied pursuant to this PO shall, unless otherwise noted, must conform exactly to all of the descriptions, specifications, Exhibits and attachments contained in the Bid Solicitation upon which a PO is based and all the terms, conditions, and specifications of the Bid Solicitation are incorporated herein by reference and made a part hereof.
31. Any-and-all media production, recordings, videos, photography, artwork, plates, engravings, and other printed or digital media materials paid in full by The County is considered County property and shall be delivered to The County upon request.
32. Invoices submitted to The County will reflect the language of the PO with the PO Number printed on each invoice submitted.
33. In the event that a PO has an attached Contract or Agreement, the terms and conditions of the latter shall govern in the event of any conflict with these terms and conditions.
34. The Supplier may be suspended, terminated, or debarred if it is determined that the Supplier has made false certification(s) or has violated such certification(s) by failure to carry out the requirements herein.
35. The Supplier certifies that it and its subcontractors are not been debarred, suspended, or declared ineligible by any agency of the County, or State of Georgia or as defined in the Federal Acquisition Regulation (FAR) 48 C.F.R. Ch. 1 Subpart 9.4.
36. The Supplier certifies that the Supplier is not currently engaged in an active or pending lawsuit or other grievance, injunction, or levy against the County.
37. Goods are Free-On-Board (F.O.B.) destination and freight, shipping and delivery shall be pre-paid and added to the invoice as a separate line item.
38. The County does not pay late fees nor interest charges.
39. The Supplier shall charge the County the exact amount of freight, delivery, handling and insurance charges.
40. The County is not bound to any minimum or maximum quantity or dollar amount set by the Supplier
41. In the event there is a discrepancy between the unit price and extended price, the unit price shall govern.

[Signature Page Follows]

IN WITNESS WHEREOF, said Parties have hereunto affixed their signature and seal on the day, month, and year first above written:

E.D. STAFFING, LLC

By: _____

Title: Owner

Print Name: Jasmine Burley

Sworn to and subscribed before me this

30 Day of JANUARY, 2023

Notary Public: _____

Notary commission expires: 10/16/2026

[Locus Sigilli]

TRAVIS DAWSON
COM. EXP.
NOTARY
PUBLIC
Oct. 16, 2026
GWINNETT COUNTY, GEORGIA

HALL COUNTY, GEORGIA

By: _____
Richard Higgins, Chairman
Hall County Board of Commissioners

Print Name: _____

Sworn to and subscribed before me this

_____ Day of _____, 2023

Notary Public: _____

Notary commission expires: _____

[Locus Sigilli]

APPROVED AS TO FORM:

_____

William Linkous, County Attorney,
Justin Lawhon, Deputy County Attorney

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

DIRECTOR
Wesley Geddings

Hall County Government
FINANCIAL SERVICES

CONTRACT #043-43

For the provision of
AUGMENTED STAFFING SERVICES FOR CDL DRIVERS

AMENDMENT #001 02/08/2023

Amendment to Scope of Services paragraph #7

The paragraph as reads:

7. Contractor agrees that they are liable for any damages to the County's equipment operated by their employees.

The paragraph is hereby modified this day to read:

7. Contractor agrees that Contractor is liable to remunerate the County for any damages to the County's equipment operated by the Contractor's supplied CDL drivers, whether employed or independent contractors under their employ, to which the County finds the Contractor's CDL driver at fault for accidental, willful or negligent damages to the County's equipment.

   Furthermore, the Contract shall be between the County and Contractor and not between the County and the individual CDL drivers. Any litigation that may arise between the Contractor and the offending CDL driver that caused the damage is between those two parties and not between the County and the CDL driver. The County should not seek recompense from any CDL driver but from the Contractor itself.

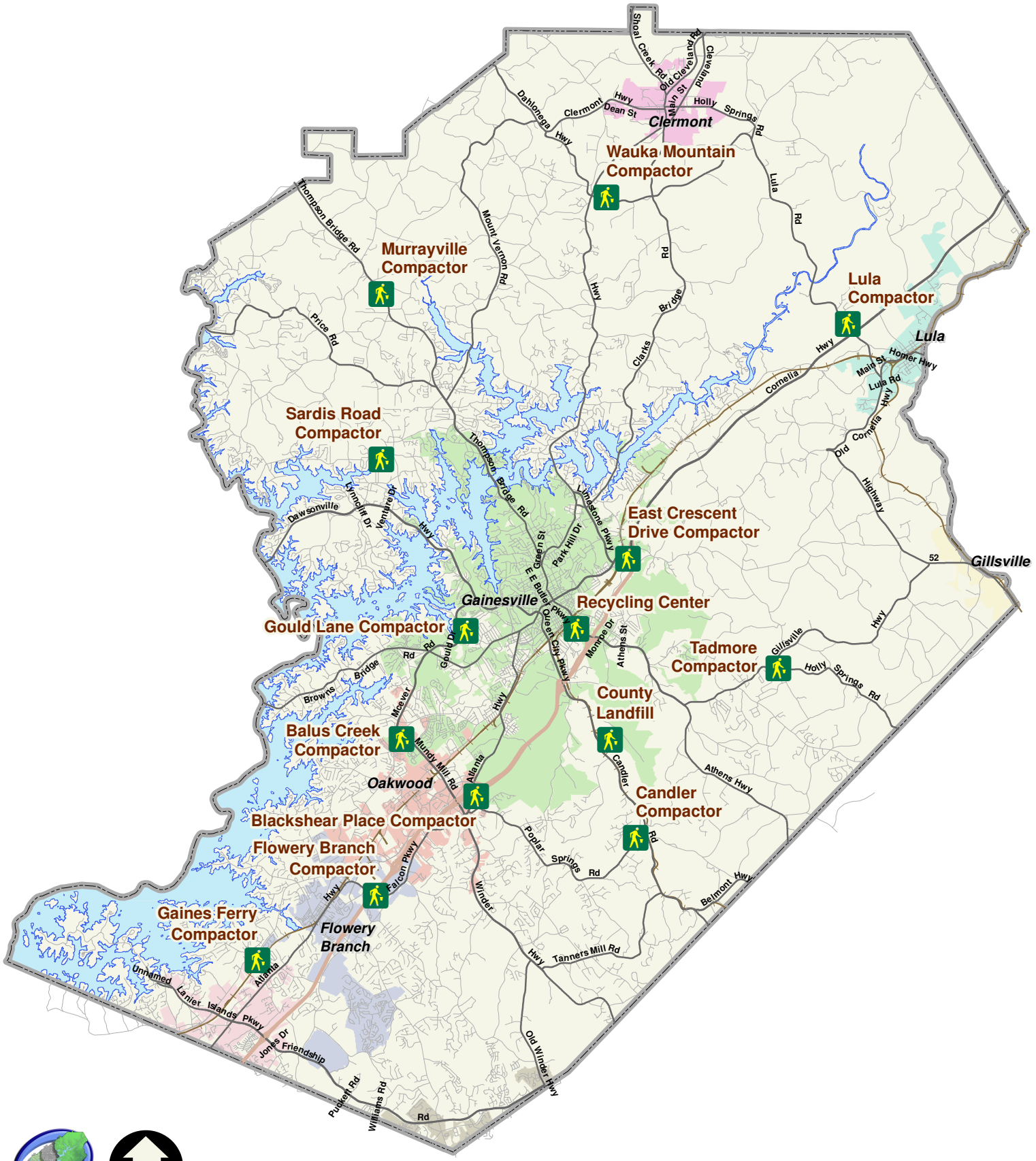
Acknowledged by E.D. STAFFING, LLC

Name: _____
Title: Owner
Print Name: Jasmine Burley
Date: 02/09/23

Andy Penick
Andy Penick
Issuing Officer
Hall County, Government
02/08/2023

ATTACHMENT #01
SOLID WASTE LOCATIONS MAP

RFQ/P #43-043 Augmented Staffing Services for CDL Drivers



Gainesville - Hall County GIS

Date: 12/22/2022

0 0.5 1 2 3 4 5 6 7 8 9 10 Miles

ATTACHMENT # 02

SPECIFIED EQUIPMENT LIST

RFQ/P #43-043 Augmented Staffing Services for CDL Drivers

1. Unit #75 - 2006 Mack Granite Roll-Off Truck
2. Unit #394 - 2013 Mack Granite Roll-Off Truck
3. Unit #401 - 2011 Mack GU813 Roll-Off Truck
4. Unit #422 - 1998 International Flat Bed Dump Truck
5. Unit #788 - 2004 Mack Granite Roll-Off Truck
6. Unit #6243 - 2014 Mack GU813 Roll-Off Truck
7. Unit #6298 - 2017 Mack GU813 Roll-Off Truck
8. Unit #F6928 - 2021 Freightliner Roll-Off Truck
9. Unit #12752 - 2020 Mack GR64B Roll-Off Truck

Original

EXHIBIT C

MANDATORY COST PROPOSAL WORKSHEET

RFQ/P #43-043 Augmented Staffing Services for CDL Drivers

Company Name:	ED Staffing LLC
Bidder's Name:	ED Staffing LLC
Date:	01/25/23

Instructions: Provide a per hour cost for each of the Classes for CDL drivers. Cost must include all cost, including insurance. EXHIBIT C must be included with the bid proposal. Failure will render the bid non-responsive.

CLASS	UNIT	COST
CDL CLASS A	Per Hour	$43.00
CDL CLASS B	Per Hour	$41.00
CDL CLASS C	Per Hour	$38.00

Revised 12/27/2022 AGP

RFQ/P #43-043 **AUGMENTED STAFFING SERVICES FOR CDL DRIVERS BID TABULATION SUMMARY**

Bid Opening Thursday, January 26, 2023 2:00PM

Bid Tabulation Tuesday, January 31, 2023

Bidders	CLASS	UNIT	COST	TOTAL HOURS PER DRIVER PER YEAR	NUMBER OF DRIVERS	TOTAL ESTIMATED ANNUALLY
Varstaff	CDL CLASS A	Per Hour	$ 48.00	2080	7	$ 698,880.00
Varstaff	CDL CLASS B	Per Hour	$ 55.00	2080	7	$ 800,800.00
Varstaff	CDL CLASS C	Per Hour	$ 41.00	2080	7	$ 596,960.00

Bidders	CLASS	UNIT	COST	TOTAL HOURS PER DRIVER	NUMBER OF DRIVERS	TOTAL ESTIMATED ANNUALLY
E.D. Staffing	CDL CLASS A	Per Hour	$ 43.00	2080	7	$ 626,080.00
E.D. Staffing	CDL CLASS B	Per Hour	$ 41.00	2080	7	$ 596,960.00
E.D. Staffing	CDL CLASS C	Per Hour	$ 38.00	2080	7	$ 553,280.00

Bidders who received a Bid Packet

22nd Century Technologies, Inc.	Failed to submit a bid	VA	onvia	Failed to submit a bid	WA
Array Corporation	Failed to submit a bid	CA	Optech	Failed to submit a bid	N/A
BuzzClan, LLC.	Failed to submit a bid	TX	Planting Healing	Failed to submit a bid	MS
Clearwater Solutions	Failed to submit a bid	N/A	Prime Vendor Inc.	Failed to submit a bid	NC
COGENT Infotech Corporation	Failed to submit a bid	PA	PWXPress	Failed to submit a bid	FL
Diskriter, Inc.	Failed to submit a bid	GA	Varstaff	Submitted bid	TX
ED Staffing	Submitted bid	GA	Vidhwan Inc.	Failed to submit a bid	CA
Infinity Ad LLC	Failed to submit a bid	N/A	TransForce	Failed to submit a bid	NJ
Morph Enterprise LLC	Failed to submit a bid	NC	Laine Federal Solutions	Failed to submit a bid	GA
North America Procurement Council, Inc. PBC	Failed to submit a bid	N/A			

The lowest responsible and responsive bidder is E.D. Staffing.

Cost based upon CDL Class-A Drivers

AGENDA ITEM

Public Works and Utilities

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 53/2023

SUBJECT: Approve the acceptance of a $187,250.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Mount Vernon Manor Subdivision. Commission District 3.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: SY

Recommendation:
Approve

Purpose of Request:
To accept a Guaranty Performance/Maintenance Agreement in the amount of $187,250.00 for Streets, Stormwater Management Facilities, and Sidewalks in Mount Vernon Manor Subdivision.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
WS	WS	EW	WG

Attorney	Administration	Clerk

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Final Plat Information
Guaranty Performance/Maintenance Agreement

Final Plat Information

Consider Acceptance of $187,250.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Mount Vernon Manor Subdivision

Subject Subdivision is located off Mount Vernon Road

NAME OF SUBDIVISION:	Mount Vernon Manor
NAME OF OWNER/DEVELOPER:	PHD Developments, LLC
ADDRESS:	6071 Mount Vernon Road Murrayville, GA 30564
TYPE OF MAINTENANCE BOND:	Guaranty Performance/Maintenance
DATE OF BOND:	January 25, 2023
AMOUNT OF BOND:	$187,250.00
FINANCIAL INSTITUTION: AND ADDRESS:	Jet Insurance Company 11440 Carmel Commons Blvd Ste 207 Charlotte, NC 28226
Account No.:	N/A

COMM. DIST.	STREET NAME	R/W IN FEET	LENGTH IN FEET	WIDTH IN FEET	TYPE OF SURFACE	STATE REF. NO.
3	Oak Manor Way	50	1191	20	P.M.	----

NOTES:

NUMBER OF LOTS:	22
CURB & GUTTER:	24" Rolled Back
TOTAL ACRES OF S/D:	AC

Bond# BX0024385

STATE OF GEORGIA,
COUNTY OF HALL

GUARANTY PERFORMANCE/MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, PHD Developments LLC (owner/principal, hereinafter referred to as "Principal"), and Jet Insurance Company (surety), a company entitled and licensed to do business as a surety in the State of Georgia and Hall County, (hereinafter referred to as "Surety"), are held and bound unto Hall County, Georgia in the sum of $ 187,250.00 * (hereinafter referred to as "bonded amount") for payment of which we bind ourselves, our heirs, executors, administrators and assigns.

WHEREAS, PHD Developments LLC (principal) is owner of the Subdivision known as Mount Vernon Manor Subdivision, which subdivision is shown on a plat prepared by _____, Georgia Registered Surveyor Number _____, and

WHEREAS, PHD Developments LLC (principal) wishes to induce the Board of Commissioners of Hall County, Georgia to approve the street system shown on the Final Plat of Mount Vernon Manor Subdivision for recording purposes, and

WHEREAS, PHD Developments LLC (principal) wishes to induce the Board of Commissioners of Hall County, Georgia to accept the streets shown on the Final Plat of Mount Vernon Manor Subdivision for public maintenance (not applicable to private developments);

PHD Developments LLC (principal) and Jet Insurance Company (surety) agree in consideration of the foregoing,

NOW, THEREFORE BE IT RESOLVED, PHD Developments LLC (principal) agrees that all construction of the street system of Mount Vernon Manor

Subdivision will be completed and maintained for fifteen (15) months according to the terms and requirements as shown on the recorded Final Plat and of the Subdivision Regulations in force in Hall County, Georgia.

PHD Developments LLC (principal), and

Jet Insurance Company (surety) agree to the following:

Sidewalks will be completed throughout entire subdivision as shown on recorded final plat within one (1) year of signing of said final plat. One inch of "F" mix asphalt may be placed anytime prior to final platting or up to one (1) year after final plat approval. In addition, Principal and Surety agree that if either the sidewalks, cuts, fills, sub-grades, shoulders, pavement, grassing, storm water management facilities, or traffic signs in Mount Vernon Manor Subdivision are improperly maintained or are found to be defective from faults in design, materials or workmanship as shown on the recorded Final Plat, or as set out in the Subdivision Regulations in force in Hall County, Georgia, then upon demand from Hall County,

Jet Insurance Company (surety) shall pay the bond amount to Hall County.

Terms of Guaranty:

PHD Developments LLC (principal) and

Jet Insurance Company (surety) shall be bound by the provisions of this agreement until a properly authorized letter is received by

Jet Insurance Company (surety) from Hall County authorizing release of

PHD Developments LLC (principal) and

Jet Insurance Company (surety) from this Guaranty Agreement.

NOTWITHSTANDING the above provisions, this Guaranty Performance/Maintenance Agreement is hereby issued on January 25, 2023 (Date) and expires on January 25, 2025 (Date, minimum 24 months from date of issuance), and the Issuer will have no more liability after that date. When

the indicated expiration date falls on Sunday or a legal holiday, or for any reason the Issuer is not open for business, the expiration date shall be extended to the next succeeding business day. Jurisdiction for any civil litigation necessary for collection of bond claims hereunder shall be in the Superior Court of Hall County, Georgia.

IN WITNESS WHEREOF, the undersigned have hereunto signed their names and affixed their seals, this 25th day of January, 2023.

- PHD Developments LLC
  PRINCIPAL

  By: _____
  (Corporate Officer or other authorized representative)

  Principal's Address:
  6071 Mount Vernon Rd
  Murrayville, GA 30564

- Jet Insurance Company
  SURETY

  By: _____
  (Authorized Representative) David Gonsalves

  Surety's Address:
  11440 Carmel Commons Blvd Ste 207
  Charlotte, NC 28226

JET INSURANCE COMPANY CORPORATE SEAL NORTH CAROLINA

- Approved:
  Hall County
  By: _____
  (Chairman)

Bond Number: BX0024385

JET INSURANCE COMPANY

POWER OF ATTORNEY

NOW ALL BY THESE PRESENTS: That **JET INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of North Carolina having its principal office in Charlotte, North Carolina does hereby constitute and appoint

Name	Limit of Liability per Bond
David Gonsalves	**$187,250.00**

its true and lawful Attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds, undertakings, contracts of indemnity, recognizances and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, provided that the liability of such shall not exceed the limit stated above.

The execution of such instrument(s) in pursuance of these presents, shall be as binding upon **JET INSURANCE COMPANY** as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at the principal office.

The Power of Attorney is executed and may be certified so, and may be revoked, pursuant to and by authority of the following resolutions adopted by the Board of Directors of **JET INSURANCE COMPANY** by unanimous written consent dated August 24, 2022, of which the following is a true excerpt:

RESOLVED that the President, or any Vice President, acting with any Secretary or Assistant Secretary, shall have power and authority to appoint Attorney(s)-in-fact, and to authorize them to execute on behalf of the Company, attach the Seal of the Company thereto and deliver, bonds, undertakings, contracts of indemnity, recognizances and other writings obligatory in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke, at any time, any such Attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of the Company adopted by unanimous written consent dated August 24, 2022, of which the following is a true excerpt:

RESOLVED that the signature of any authorized officer and the Seal of the Company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution on behalf of the Company and delivery of any bond, undertaking, contract of indemnity, recognizance and other writings obligatory in the nature thereof, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, **JET INSURANCE COMPANY** has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 24th day of August, 2022.

JET INSURANCE COMPANY

Spencer Silno, President

Richard Popp, Secretary

STATE OF SOUTH CAROLINA
County of Lancaster

On this 24th day of August, 2022 before me came the individuals who executed the preceding instrument, to me personally known, and being by me duly sworn, said that each is the herein described and authorized officer of Jet Insurance Company; that the seal affixed to said instrument is the Corporate Seal of said Company; that the Corporate Seal and each signature were duly affixed by order of the Board of Directors of said Company.

Sara C. Holt
Notary Public, State of South Carolina
County of Lancaster
My Commission Expires 05/17/2023

IN WITNESS WHEREOF, I have hereunto set my hand at Jet Insurance Company offices the day and year above written.

Sara C. Holt
Notary Public, State of South Carolina
My Commission Expires May 17, 2023

I, Richard Popp, Secretary of **JET INSURANCE COMPANY**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by **JET INSURANCE COMPANY**, which is still in full force and effect.

IN WITNESS WHEREOF, I have thereunto set my hand and attached the seal of said Company this 25th day of January 2023

Richard Popp, Secretary

AGENDA ITEM

Tax Assessors

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 50/2023

SUBJECT: Approve the real property refund in the amount of $3,925.02 for overpayment of Hall County taxes regarding property located at 4117 Creek Water Crossing, Flowery Branch, GA 30542 to Dale Struble, II.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: SW

Recommendation:

Purpose of Request:
Approve the Real Property refund in the amount of $3,925.02 for overpayment of Hall County taxes regarding property located at 4117 Creek Water Crossing, Flowery Branch, GA 30542 to Dale Struble, II.

History:

Facts and Issues:
The sketch of the residence was duplicated, thus causing the house appraisal to be duplicated. Property owner was not aware of the duplication until a staff appraiser discovered the error and contacted the property owner.

Options:

Funding Requested	$ 3,925.02
Are funds within current budget?	No
Source of Funds	General Fund
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
JS	RW	EW	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Financial Supplement
15036G000003-Struble-Refund

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 50/2023

Funds Requested: $ 3,925.02

Request Budgeted: No

Proposed Source of Funding:

General Fund

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	001 - GENERAL		3110 Real Property-Current	$3,925.02

Budget Transfer Items:

Additional Information/Comments:

Property taxes recorded in account 3110 at the fund level, and will affect all property tax districts.

Contact for Questions: SW

Phone: 770-531-6733

ORIGINAL VALUE TAX YEAR 2020

15036G000003

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				0			S0
ENTITY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	0	0	0	0	0	0.007762	0.00
School	0	0	0	0	0	0.01755	0.00
GROSS FIRE	0	0	0	0	0	0.004291	0.00
EMS	0	0	0	0	0	0.000571	0.00
Development	0	0	0	0	0	0.001005	0.00
Parks & Leisure	0	0	0	0	0	0.000364	0.00
Ins Prem Credit	0	0	0	0	0	-0.001641	0.00
Sales Tax Credit	0	0	0	0	0	-0.002909	0.00
SOLID WASTE FEE							75.00
						0.026993	**75.00**

ORIGINAL VALUE TAX YEAR 2021

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				0			S0
ENTITY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	0	0	0	0	0	0.00762	0.00
School	0	0	0	0	0	0.016485	0.00
School Bond	0	0	0	0	0	0.0005	0.00
GROSS FIRE	0	0	0	0	0	0.004275	0.00
EMS	0	0	0	0	0	0.000571	0.00
Development	0	0	0	0	0	0.001005	0.00
Parks & Leisure	0	0	0	0	0	0.000364	0.00
Ins Prem Credit	0	0	0	0	0	-0.001625	0.00
Sales Tax Credit	0	0	0	0	0	-0.002984	0.00
SOLID WASTE FEE							75.00
						0.026211	**75.00**

ORIGINAL VALUE TAX YEAR 2022

BUILDING VALUE	LAND VALUE	ACRES		VALUE			EXEMPTIONS
				912,200			S1
ENTITY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	912,200	364,880	0	2,000	362,880	0.007072	2,566.29
School	912,200	364,880	0	2,000	362,880	0.01599	5,802.45
School Bond	912,200	364,880	0	0	364,880	0.001	364.88
GROSS FIRE	912,200	364,880	0	2,000	362,880	0.004109	1,491.07
EMS	912,200	364,880	0	2,000	362,880	0.000571	207.20
Development	912,200	364,880	0	2,000	362,880	0.001005	364.69
Parks & Leisure	912,200	364,880	0	2,000	362,880	0.000364	132.09
Ins Prem Credit	912,200	364,880	0	2,000	362,880	-0.001459	-529.44
Sales Tax Credit	912,200	364,880	0	2,000	362,880	-0.002931	-1,063.60
SOLID WASTE FEE							152.48
						0.025721	**9,488.12**

CORRECTED VALUE TAX YEAR 2020

15036G000003

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				0			S0
ENTITY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	0	0	0	0	0	0.007762	0.00
School	0	0	0	0	0	0.01755	0.00
GROSS FIRE	0	0	0	0	0	0.004291	0.00
EMS	0	0	0	0	0	0.000571	0.00
Development	0	0	0	0	0	0.001005	0.00
Parks & Leisure	0	0	0	0	0	0.000364	0.00
Ins Prem Credit	0	0	0	0	0	-0.001641	0.00
Sales Tax Credit	0	0	0	0	0	-0.002909	0.00
SOLID WASTE FEE							75.00
						0.026993	**75.00**

CORRECTED VALUE TAX YEAR 2021

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				0			S0
ENTITY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	0	0	0	0	0	0.00762	0.00
School	0	0	0	0	0	0.016485	0.00
School Bond	0	0	0	0	0	0.0005	0.00
GROSS FIRE	0	0	0	0	0	0.004275	0.00
EMS	0	0	0	0	0	0.000571	0.00
Development	0	0	0	0	0	0.001005	0.00
Parks & Leisure	0	0	0	0	0	0.000364	0.00
Ins Prem Credit	0	0	0	0	0	-0.001625	0.00
Sales Tax Credit	0	0	0	0	0	-0.002984	0.00
SOLID WASTE FEE							75.00
						0.026211	**75.00**

CORRECTED VALUE TAX YEAR 2022

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				530,700			S1
ENTITY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	530,700	212,280	0	2,000	210,280	0.007072	1,487.10
School	530,700	212,280	0	2,000	210,280	0.01599	3,362.38
School Bond	530,700	212,280	0	0	212,280	0.001	212.28
GROSS FIRE	530,700	212,280	0	2,000	210,280	0.004109	864.04
EMS	530,700	212,280	0	2,000	210,280	0.000571	120.07
Development	530,700	212,280	0	2,000	210,280	0.001005	211.33
Parks & Leisure	530,700	212,280	0	2,000	210,280	0.000364	76.54
Ins Prem Credit	530,700	212,280	0	2,000	210,280	-0.001459	-306.80
Sales Tax Credit	530,700	212,280	0	2,000	210,280	-0.002931	-616.33

SOLID WASTE FEE							152.48
						0.025721	**5,563.09**

15036G000003

	2019	2020	2021	TOTAL
NET PAID	75.00	75.00	9,488.12	9,638.12
CORRECTED NET DUE	75.00	75.00	5,563.09	5,713.09
REFUND REQUESTED	0.00	0.00	3,925.02	**3,925.02**

FMV	0	0	912,200
Corrected FMV	0	0	530,700
Diff in val	0	0	381,500

AGENDA ITEM

Tax Assessors

REPORT TO: **Work Session (02/20/23)**

REPORT TO: **Voting Meeting (02/23/23)**

ITEM NO: 51/2023

SUBJECT: Approve the real property refund in the amount of $1,648.84 for overpayment of Hall County taxes regarding property located at 7366 Grand Reunion Drive, Hoschton, GA 30548 to Michael Dellas.

Meetings:

Work Session Date: 02/20/23 **Voting Meeting Date:** 02/23/23

Executive Summary:

Presenter: SW

Recommendation:

Purpose of Request:
Approve the Real Property refund in the amount of $1,648.84 for overpayment of Hall County taxes regarding property located at 7366 Grand Reunion Drive, Hoschton, GA 30548 to Michael Dellas.

History:

Facts and Issues:
The square footage of the residence was calculated incorrectly. The square footage asssessed was 3,943 - Should have been 2,943.

Options:

Funding Requested	$ 1,648.84
Are funds within current budget?	No
Source of Funds	General Fund
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
JS	RW	EW	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Financial Supplement
15041F000001-DellasRefund

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 51/2023

Funds Requested: $ 1,648.84

Request Budgeted: No

Proposed Source of Funding:

General Fund

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	001 - GENERAL		3110 Real Property-Current	$2,943.00

Budget Transfer Items:

Additional Information/Comments:

Property taxes are recorded in account 3110 at the fund level, and this will affect all property tax districts.

Contact for Questions: SW

Phone: 770-531-6733

ORIGINAL VALUE TAX YEAR 2020

15041F000001

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				404,500			S1
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	404,500	161,800	0	2,000	159,800	0.007762	1,240.37
School	404,500	161,800	0	2,000	159,800	0.01755	2,804.49
GROSS FIRE	404,500	161,800	0	2,000	159,800	0.004291	685.70
EMS	404,500	161,800	0	2,000	159,800	0.000571	91.25
Development	404,500	161,800	0	2,000	159,800	0.001005	160.60
Parks & Leisure	404,500	161,800	0	2,000	159,800	0.000364	58.17
Ins Prem Credit	404,500	161,800	0	2,000	159,800	-0.001641	-262.23
Sales Tax Credit	404,500	161,800	0	2,000	159,800	-0.002909	-464.86
SOLID WASTE FEE							135.99
						0.026993	**4,449.47**

ORIGINAL VALUE TAX YEAR 2021

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				437,400			S1
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	437,400	174,960	0	2,000	172,960	0.00762	1,317.96
School	437,400	174,960	0	2,000	172,960	0.016485	2,851.25
School Bond	437,400	174,960	0	0	174,960	0.0005	87.48
GROSS FIRE	437,400	174,960	0	2,000	172,960	0.004275	739.40
EMS	437,400	174,960	0	2,000	172,960	0.000571	98.76
Development	437,400	174,960	0	2,000	172,960	0.001005	173.82
Parks & Leisure	437,400	174,960	0	2,000	172,960	0.000364	62.96
Ins Prem Credit	437,400	174,960	0	2,000	172,960	-0.001625	-281.06
Sales Tax Credit	437,400	174,960	0	2,000	172,960	-0.002984	-516.11
SOLID WASTE FEE							134.38
						0.026211	**4,668.83**

ORIGINAL VALUE TAX YEAR 2022

BUILDING VALUE	LAND VALUE	ACRES		VALUE			EXEMPTIONS
				486,400			S1
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	486,400	194,560	0	2,000	192,560	0.007072	1,361.78
School	486,400	194,560	0	2,000	192,560	0.01599	3,079.03
School Bond	486,400	194,560	0	0	194,560	0.001	194.56
GROSS FIRE	486,400	194,560	0	2,000	192,560	0.004109	791.23
EMS	486,400	194,560	0	2,000	192,560	0.000571	109.95
Development	486,400	194,560	0	2,000	192,560	0.001005	193.52
Parks & Leisure	486,400	194,560	0	2,000	192,560	0.000364	70.09
Ins Prem Credit	486,400	194,560	0	2,000	192,560	-0.001459	-280.95
Sales Tax Credit	486,400	194,560	0	2,000	192,560	-0.002931	-564.39
SOLID WASTE FEE							138.66
						0.025721	**5,093.50**

CORRECTED VALUE TAX YEAR 2020

15041F000001

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				356,400			S1
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	356,400	142,560	0	2,000	140,560	0.007762	1,091.03
School	356,400	142,560	0	2,000	140,560	0.01755	2,466.83
GROSS FIRE	356,400	142,560	0	2,000	140,560	0.004291	603.14
EMS	356,400	142,560	0	2,000	140,560	0.000571	80.26
Development	356,400	142,560	0	2,000	140,560	0.001005	141.26
Parks & Leisure	356,400	142,560	0	2,000	140,560	0.000364	51.16
Ins Prem Credit	356,400	142,560	0	2,000	140,560	-0.001641	-230.66
Sales Tax Credit	356,400	142,560	0	2,000	140,560	-0.002909	-408.89
SOLID WASTE FEE							135.99
						0.026993	**3,930.13**

CORRECTED VALUE TAX YEAR 2021

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				385,800			S1
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	385,800	154,320	0	2,000	152,320	0.00762	1,160.68
School	385,800	154,320	0	2,000	152,320	0.016485	2,511.00
School Bond	385,800	154,320	0	0	154,320	0.0005	77.16
GROSS FIRE	385,800	154,320	0	2,000	152,320	0.004275	651.17
EMS	385,800	154,320	0	2,000	152,320	0.000571	86.97
Development	385,800	154,320	0	2,000	152,320	0.001005	153.08
Parks & Leisure	385,800	154,320	0	2,000	152,320	0.000364	55.44
Ins Prem Credit	385,800	154,320	0	2,000	152,320	-0.001625	-247.52
Sales Tax Credit	385,800	154,320	0	2,000	152,320	-0.002984	-454.52
SOLID WASTE FEE							134.38
						0.026211	**4,127.84**

CORRECTED VALUE TAX YEAR 2022

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				429,200			S1
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	429,200	171,680	0	2,000	169,680	0.007072	1,199.98
School	429,200	171,680	0	2,000	169,680	0.01599	2,713.18
School Bond	429,200	171,680	0	0	171,680	0.001	171.68
GROSS FIRE	429,200	171,680	0	2,000	169,680	0.004109	697.22
EMS	429,200	171,680	0	2,000	169,680	0.000571	96.89
Development	429,200	171,680	0	2,000	169,680	0.001005	170.53
Parks & Leisure	429,200	171,680	0	2,000	169,680	0.000364	61.76
Ins Prem Credit	429,200	171,680	0	2,000	169,680	-0.001459	-247.56
Sales Tax Credit	429,200	171,680	0	2,000	169,680	-0.002931	-497.33

SOLID WASTE FEE							138.66
						0.025721	**4,505.00**

15041F000001

	2020	2021	2022	TOTAL
NET PAID	4,449.47	4,668.83	5,093.50	14,211.80
CORRECTED NET DUE	3,930.13	4,127.84	4,505.00	12,562.96
REFUND REQUESTED	519.35	541.00	588.50	**1,648.84**

FMV	404,500	437,400	486,400
Corrected FMV	356,400	385,800	429,200
Diff in val	48,100	51,600	57,200

15-41E-1

04Oct2022

HALL COUNTY BOARD OF ASSESSORS

PO BOX 2895, GAINESVILLE GA 30503

To the Board of Assessors,

My Wife and I recently discovered that the square footage of our home was incorrect in your database. It appears that this was a typo as your system had it at 3943 Sq Ft opposed to its actual Square Footage of 2943. I have submitted this information to Lisa Barnette in the Appraisal Office and she is working to get this corrected in the system.

The appraisal was done in 2013 when we purchased the home. Since our home property taxes have been based on this incorrect square footage for many years, I am requesting your consideration for some type of refund.

I have already paid our 2022 Home taxes and fully understand that the appeal timeframe is pasted. I also understand that your office is very busy this time of the year. I am not expecting any rapid resolution, however I would appreciate your consideration of this request.

Thank you in advance for your help with this request.

SINCERELY,

Michael P Dellas

MICHAEL AND PATTY DELLAS
7366 GRAND REUNION DRIVE
HOSCHTON GA 30548
706 870-7569

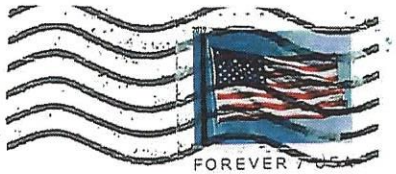
HALL COUNTY BOARD OF TAX ASSESSORS
REAL PROPERTY

OCT 07 2022

RECEIVED BY:_____

& Mrs. Michael Dellas
7366 Grand Reunion Dr.
Hoschton, GA 30548

ATLANTA METRO 301
4 OCT 2022 PM 13 L



Hall County Board of Assessors
PO Box 2895
Gainesville, GA 30503

30503-288595