

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, April 10, 2023 - 03:00 PM

Call to Order

Corrections and Maintenance

- Approve the amendment to the FY 2023 Intergovernmental Agreement with the Georgia Department of Corrections with regard to reducing the state inmate capacity at the Correctional Institution.
- Approve Change Order #2 under RFP #40-015 Spatial Needs Planning Study for Hall County Buildings for Professional Design Services related to continued Hall County Government Center phased interior renovation conceptual design work for Facilities Management to Precision Planning, Inc. of Lawrenceville, GA, in an additional amount not to exceed \$47,860.00.

County Attorney

- Approval and authorization for the Chairman and District Commissioners to execute a resolution objecting to the annexation by The City of Flowery Branch of tax parcel numbers 08100 001003A, 08100 001003B, 08100 001003C, and 08100 001003D owned by Shadow Stone Partners, LLC located on 5704 and 0 Jim Crow Road, and authorize the Board to execute any and all documents in relation to such objection, subject to review and approval by the County Attorney.
- Approval and authorization for the Chairman to execute a resolution agreeing to participate in National Opioid Settlements involving Teva, Allergan, CVS, Walgreens, and Walmart; a Memorandum of Understanding setting forth the terms of the agreement; participation forms; and any and all additional documents necessary to effectuate the settlements, and ratification of all actions taken to date concerning the same, subject to review and approval by the County Attorney.

Human Resources

5 Approve the Employment Agreement for the Assistant Director of Public Works & Utilities.

Planning and Development

- 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: self-storage facility | Commission District 3 | John S. Hemphill, applicant.
- 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | Commission District 1 | Highlands Residential, LLC, applicant.
- 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | Commission District 2 | Steve P. McKibbon, Jr., applicant.
- 2014 Edmonds Drive | Rezone | from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 1563 Calvary Church Road | Use Subject to County Commission approval | on a 12.76± acre tract located on the east side of Calvary Church Road approximately 253 feet from its intersection with Calvary Industrial Drive | Zoned I-II; Tax Parcel 15031 000097 | Proposed use: inert landfill | Commission District 4 | Southern Utility Group, applicant.
- Public Hearing: 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.
- Approval and authorization for the Chairman to execute a resolution to amend the Hall County Code of Ordinances Section 16.50.150 relating to subdivision regulations, subject to review and approval by County Attorney.

Public Works and Utilities

Approve Change Order #1 to Task Order #2022-034 under RFP/Q #42-002 Demand Services for Resurfacing, Paving, and Full Depth Reclamation of Various County Roads for the FY 2023 Resurfacing Program for Public Works & Utilities to Allied Paving Contractors, Inc. of Pendergrass, GA. The estimated cost is \$3,147,887.31.

- Approve the Intergovernmental Agreement with the Georgia Ports Authority to provide funding by the Georgia Ports Authority in the amount of \$4,800,000.00 for roadway construction near and around the entrance to the Northeast Georgia Inland Port.
- Approve the acceptance of a \$175,002.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Reunion Phase 9 Subdivision. Commission District 1.

Sheriff's Office

Approve the annual contract renewal for Medical Services for the Hall County Jail to Dr. Linwood Zoller, M.D. of Gainesville, GA. The estimated annual cost is \$171,611.53.

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

<u>Adjourn</u>

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

Corrections and Maintenance

REPORT TO: Work Session (04/10/23)

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 147/2023

Approve the amendment to the FY 2023 Intergovernmental Agreement with **SUBJECT:**

the Georgia Department of Corrections with regard to reducing the state

inmate capacity at the Correctional Institution.

Meetings:

Work Session Date: 04/10/23 **Voting Meeting Date:** 04/13/23

Executive Summary:

Presenter: WD

Recommendation:

Approve

Purpose of Request: History:

Request approval to reduce state subsidy contract from 200 inmates to 115 inmates. The 20 Transitional Center beds will remain unchanged.

Facts and Issues: **Options:**

The contract totals will be reduced from 220 to 135 inmates and TC residents.

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? 2023-04-14

Approvals:

Submit	Budget	Finance	Attorney
WD	EW	WG	WLI
Administration		Cle	erk
CR		J.	R

Attachments:

Amendment to FY 2023 IGA with DOC FY 2023 Capacity Agreement with Department of Corrections

Amendment to Intergovernmental Agreement between Georgia Department of Corrections and Hall County Capacity

- 1. This amendment is made by Georgia Department of Corrections and the Hall County, Georgia, parties to the agreement effective July 1, 2022.
- 2. Paragraph 1 of the July 1, 2022 Intergovernmental Agreement is hereby deleted and replaced in its entirety by the following:

<u>Care and Custody</u>. County agrees to provide complete care and custody of up to 135 State Offenders daily, for the term of this agreement and in accordance with all applicable state and federal laws, rules, and regulations. Without limiting the generality of the foregoing, County specifically agrees that no State Offender labor shall benefit private persons or corporations.

3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.

GEORGIA DEPARTMENT OF	HALL COUNTY
CORRECTIONS	
Ву:	Ву:
Jennifer Ammons	Richard Higgins
General Counsel	Commission Chairman
Date:	Date:
FACILITY WARDEN	COUNTY ATTORNEY
Ву:	Ву:
Walt Davis	William Linkous
Warden	General Counsel
Date:	Date:

INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN GEORGIA DEPARTMENT OF CORRECTIONS AND HALL COUNTY

COUNTY CAPACITY

THIS AGREEMENT is entered into the 1st day of July, 2022, by and between the GEORGIA DEPARTMENT OF CORRECTIONS, an agency of the State of Georgia ("Department"), and HALL COUNTY, a political subdivision of the State of Georgia ("County"), acting by and through its Board of County Commissioners, referred to individually as "Party" or together as "Parties."

WHEREAS, Department desires to contract with County for appropriate care and custody of certain offenders for which Department is responsible, ("State Offenders"); and

County desires to provide appropriate care and custody of State Offenders at a correctional institution operated by County ("Services").

NOW, THEREFORE, in consideration of these premises and the mutual promises and agreements hereinafter set forth, the parties hereby agree as follows:

- 1. <u>Care and Custody</u>. County agrees to provide complete care and custody of up to 220 State Offenders daily, for the Term of this Agreement and in accordance with all applicable state and federal laws, rules, and regulations. Without limiting the generality of the foregoing, County specifically agrees that no State Offender labor shall benefit private persons or corporations.
- 2. Recording Offender Movement in SCRIBE. County agrees to record any and all movement of State Offenders transferred in and out of the County facility by entering the movement in Department's SCRIBE system on the same day the movement occurs. Movements that are not entered in SCRIBE on the day the movement occurs will not show as an adjustment and result in an inaccurate daily count. County is solely responsible for implementing procedures to ensure that SCRIBE entries are made accurately and in a timely manner. County is responsible for verifying the State Offender count and all movements in and out of the County facility in SCRIBE on a daily basis to ensure that the count is accurate. County understands that the count reflected in SCRIBE is the official count for purposes of calculating payment under this Agreement. Late documentation, lack of documentation, or inaccurate documentation may result in delayed payment or non-payment under this Agreement. County agrees to grant Department access to County's records, documentation procedure, and personnel for purposes of auditing SCRIBE entries and verifying State Offender count at any time upon Department's

request.

- 3. Notification of Medical Treatment. County shall notify Department of any State Offender that the County transfers to a hospital for treatment that will require an overnight stay or for whom treatment is likely to cost in excess of One Thousand Dollars (\$1,000.00). Said notification shall be provided via telephone contact within Twenty-Four (24) hours of offender being admitted for treatment on an outpatient or inpatient basis. County shall notify Department pursuant to this paragraph by calling the Department's "On Call Utilization Management Nurse" at 404-863-3079 at any time of day or night.
- 4. Employee or Offender Misconduct. The County agrees that it will notify the Department within ten (10) business days after terminating an employee of the County correctional institution for misconduct or of the resignation of any employee in connection with an allegation or investigation of misconduct. The County further agrees that it will notify the Department within ten (10) business days if it, one of its employees, or any other law enforcement officer secures a criminal warrant for the arrest or otherwise pursues the prosecution of an offender being housed at the County CI for criminal conduct allegedly committed at the County CI. County agrees that it will not hire any employee terminated by Department for misconduct or who resigns from Department in connection with an allegation or investigation of misconduct.
- 5. Compensation. Department agrees to pay County the sum of Twenty-Two Dollars (\$22.00) per State Offender per day for the duration of this Agreement. County agrees that upon receipt of documentation from the Department showing inmate dates and total amount of payment, County shall validate the accuracy of the documentation in a manner as prescribed by the Department and return the validation of the same to the Business Management Unit within seven (7) business days of receiving the documentation. Department shall endeavor to pay County for Services within Forty-Five (45) days of invoice receipt in approved form. County acknowledges and agrees that the Commissioner of Corrections shall have sole authority with respect to the transfer of State Offenders to and from the County correctional institution and Department shall not incur charges for State Offenders not under the care and custody of County. A State Offender is not under the care and custody of County when a State Offender is not housed at the County facility including when a State Offender is out to court or sent to a Department facility for medical or mental health evaluation.
- 6. <u>Term of Agreement</u>. The term of this Agreement shall be from July 1, 2022 until 11:59 p.m. on June 30, 2023 (the "Term"). The Parties may, by mutual agreement in writing, extend the Term for additional time periods.
- 7. <u>Termination</u>. Department may at any time and for any reason terminate this Agreement by providing written notice in advance of such termination to County. In the event of termination under this paragraph, Department shall pay County for Services performed prior to the effective date of termination; provided, however, that payments

otherwise due County may be applied by Department against amounts due or claimed to be due to Department. In the event that County fails to comply with the provisions of this Agreement, Department may terminate this Agreement for cause and without notice. If termination is for cause, payments may be withheld by Department on account of the Services being deemed deficient and not remedied by County prior to the effective date of termination. County shall be liable to Department for any additional cost incurred by Department as a result of deficiencies in the Services to be provided hereunder.

- 8. Prison Rape Elimination Act. County agrees that it will adopt and comply with 28 C.F.R. 115, entitled the Prison Rape Elimination Act ("PREA"). As required in 28 C.F.R. 155.12, County further agrees to cooperate with Department in any audit, inspection, or investigation by Department or other entity relating to County's compliance with PREA. Department shall monitor the County's compliance with PREA and shall have the right to inspect any documents or records relating to such audit, inspection or investigation, and County will provide such documents or records at Department's request. County acknowledges that any violation of PREA is a material breach of this Agreement, is cause for termination of this Agreement and may lead to administrative and criminal sanctions. The County shall acknowledge in writing that the Department has advised the County of these matters.
- 9. <u>Sexual Harassment Prevention</u>. The State of Georgia promotes respect and dignity and does not tolerate sexual harassment in the workplace. The State is committed to providing a workplace and environment free from sexual harassment for its employees and for all persons who interact with state government. All State of Georgia employees are expected and required to interact with all persons including other employees, Governmental Entity's, and customers in a professional manner that contributes to a respectful work environment free from sexual harassment. Furthermore, the State of Georgia maintains an expectation that its Governmental Entity's and their employees and sub-contractors will interact with entities of the State of Georgia, their customers, and other Governmental Entities of the State in a professional manner that contributes to a respectful work environment free from sexual harassment.

Pursuant to the State of Georgia's Statewide Sexual Harassment Prevention Policy (the "Policy"), all Governmental Entities who are regularly on State premises or who regularly interact with State personnel must complete sexual harassment prevention training on an annual basis.

A Governmental Entity, including its employees and sub-contractors, who have violated the Policy, including but not limited to engaging in sexual harassment and/or retaliation may be subject to appropriate corrective action. Such action may include, but is not limited to, notification to the employer, removal from State premises, restricted access to State premises and/or personnel, termination of contract, and/or other corrective action(s) deemed necessary by the State.

- (i) If Governmental Entity is an individual who is regularly on State premises or who will regularly interact with State personnel, Governmental Entity certifies that:
 - (a) Governmental Entity has received, reviewed, and agreed to comply with the State of Georgia's Statewide Sexual Harassment Prevention Policy located at http://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/jointly-issued-statewide-policies/sexual-harassment-prevention-policy;
 - (b) Governmental Entity has completed sexual harassment prevention training in the last year; or will complete the Georgia Department of Administrative Services' sexual harassment prevention training located at http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training (scroll down to section for entities without a LMS section) or this direct link https://www.youtube.com/embed/NjVt0DDnc2s?rel=0 prior to accessing State premises and prior to interacting with State employees; and on an annual basis thereafter; and,
 - (c) Upon request by the State, Governmental Entity will provide documentation substantiating the completion of sexual harassment training.
- (ii) If Governmental Entity has employees and sub-contractors that are regularly on State premises or who will regularly interact with State personnel, Governmental Entity certifies that:
 - (a) Governmental Entity will ensure that such employees and subcontractors have received, reviewed, and agreed to comply with the State of Georgia's Statewide Sexual Harassment Prevention Policy located at http://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/jointly-issued-statewide-policies/sexual-harassment-prevention-policy;
 - (b) Governmental Entity has provided sexual harassment prevention training in the last year to such employees and sub-contractors and will continue to do so on an annual basis; or Governmental Entity will ensure that such employees and sub-contractors complete the Georgia Department of Administrative Services' sexual harassment prevention

training located at http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training (scroll down to section for entities without a LMS section) or this direct link https://www.youtube.com/embed/NjVt0DDnc2s?rel=0 prior to accessing State premises and prior to interacting with State employees; and on an annual basis thereafter; and

(c) Upon request of the State, Governmental Entity will provide documentation substantiating such employees and sub-contractor's acknowledgment of the State of Georgia's Statewide Sexual Harassment Prevention Policy and annual completion of sexual harassment prevention training.

10. <u>Notices</u>. Any notice under this Agreement, other than those referenced in Paragraph 3, "Notification of Medical Treatment," shall be deemed duly given if delivered by hand (against receipt) or if sent by registered or certified mail, return receipt requested, to a Party hereto at the address set forth below or to such other address as the Parties may designate by notice from time to time in accordance with this Agreement.

If to the County:

Hall County Board of Commissioners

Chairman, Richard Higgins

PO Drawer 1435

Gainesville, GA 30503

With a copy to:

Hall County Prison

Warden, Walt Davis 1968 Barber Road Gainesville, GA 30507

If to the Department:

Jennifer Ammons

General Counsel

Georgia Department of Corrections

State Office South, Gibson Hall, 3rd Floor

P.O. Box 1529

Forsyth, Georgia 31029

With a copy to:

Robert Toole

Facilities Director

Georgia Department of Corrections State Office South, Gibson Hall, 1st Floor

P.O. Box 1529

Forsyth, Georgia 31029

11. Reimbursement of Medical Costs.

- a. Department agrees to reimburse County for certain costs of medical services required for medical conditions which: (1) pose an immediate threat to life or limb, and (2) occur under circumstances in which the State Offender cannot reasonably be placed in a state institution for the receipt of this care ("Emergency Medical Services"). Department's obligation to reimburse County for the cost of any medical services, to include Emergency Medical Services, arises only when the cost per State Offender per incident exceeds One Thousand Dollars (\$1,000.00), and Department shall only be liable for the amount in excess of One Thousand Dollars (\$1,000.00), subject to the limitations of this paragraph and other applicable laws and regulations.
- b. County agrees to invoice Department monthly for the actual cost of Emergency Medical Services paid by County. If there existed any rate agreement between County and the hospital or hospital authority at the time Emergency Medical Services were rendered, the invoice must reflect such rate. All invoices from County must include an invoice or receipt from the hospital that clearly shows the actual cost of Emergency Medical Services paid by County.
- c. Department is not liable to County for any late fees or charges imposed by the hospital, hospital authority (collectively, "Late Fees"), or other service provider, for late or nonpayment by the County. County agrees to exclude Late Fees from its invoices to Department.
- d. If Department reasonably determines that there is a difference between the actual cost incurred by County and the invoice sent to Department, Department may assess an administrative fee of one-half (1/2) of the difference to cover the administrative costs incurred by the Department. Department shall send County written notice of any administrative fees, and County shall have Thirty (30) days to make payment or to dispute the fee in writing. If County does not make payment of undisputed administrative fees by the due date, Department is entitled to a setoff of the same amount against future payments owing to County.
- e. Pursuant to O.C.G.A. § 42-5-2(c), Department shall reimburse County no more than the applicable Georgia Medicaid Rate for Emergency Medical Services provided to a State Offender by a hospital, hospital authority, or other service provider. Department shall not be liable to County for any amount paid by County to a hospital, hospital authority, or other service provider, in excess of the Medicaid Rate for emergency services provided to a State Offender.
- 12. Entire Agreement. . This Agreement constitutes the entire agreement and

understanding between the parties hereto and replaces, cancels and supersedes any prior agreements and understandings relating to the subject matter hereof, and all prior representations, agreements, understandings and undertakings between the parties hereto with respect to the subject matter hereof are merged herein.

- 13. <u>Sole Benefit</u>. Department and County enter into this Agreement for their sole benefit. Department and County do not intend to give any rights pursuant to this Agreement to any other parties.
- 14. <u>Choice of Law and Venue</u>. The Contract shall be governed in all respects by the laws of the State of Georgia. Any lawsuit or other action brought against the Department and the State based upon or arising from this Agreement shall be brought in the Superior Court of Fulton County, Georgia.
- 15. <u>Amendment</u>. The Parties recognize and agree that it may be necessary or convenient for the Parties to amend this Agreement and the Parties agree to cooperate fully in connection with such amendments if and as necessary. However, no change, modification or amendment to this Agreement shall be effective unless the same is reduced to writing and signed by the Parties.
- 16. <u>Counterparts</u>. This Agreement may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute one agreement. No Party shall be bound by this Agreement until all Parties have executed it.

IN WITNESS WHEREOF, the parties have caused the authorized representatives of each to execute this Agreement on the day and year first above written.

GEORGIA DEPARTMENT OF	HALL COUNTY:
CORRECTIONS:	AM.
By: Jenfly	By:
Jennifer Ammons	
General Counsel	Print Name: _Richard Higgins
Date:07/11/2022	Title O- o- o- o- o-
	Title:_Commission Chairman
	Date: May 26, 2022

FACILITY WARDEN	
By: () State - COLV	_

Print Name: Walt Davis
Date: 6-1-22

COUNTY ATTORNEY

Print Name: Van Styhans Date: May 26, 2022



AGENDA ITEM

Corrections and Maintenance

REPORT TO: Work Session (04/10/23)

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 176/2023

Approve Change Order #2 under RFP #40-015 Spatial Needs Planning Study for Hall County Buildings for Professional Design Services related to **SUBJECT:**

continued Hall County Government Center phased interior renovation

conceptual design work for Facilities Management to Precision Planning, Inc. of Lawrenceville, GA, in an additional amount not to exceed \$47,860.00.

Meetings:

Work Session Date: 04/10/23 Voting Meeting Date: 04/13/23

Executive Summary:

Presenter: WD

Recommendation:

Approve.

Purpose of Request:

To continue phased interior renovations at the HCGC based on the Hall County Spatial Needs Assessment report completed by PPI at the end of 2022. Conceptual design was previously completed for the first level and portions of the fourth level, followed by full design and construction of portions of the fourth level work. In order to evaluate future projects in terms of staging and budgeting, the Department is requesting additional conceptual designs of the Lower Level (Board of Elections/Marshals' Office). Second Level (Shared Conference Center), Third Level (Community Development and Infrastructure), a portion of the Fourth Level (future Human Resources space).

History:

Change order to PO #413124-2 for CPI Spatial Needs Assessment Master Plan in the amount of \$175,000.00.

Facts and Issues:

The Facilities Management Division is the new department name for the recent combination of Construction Management and Building and Maintenance Division into one (1) division.

Options:

Funding Requested

\$ 47,860.00

Are funds within current budget?

Yes

Source of Funds

Capital Projects

Does the action involve a Resolution, Ordinance, Contract,

No

Agreement, etc.?

Yes

Has it been reviewed by the County Attorney? Is there a deadline for this item?

2023-04-20

Approvals:

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

Attachments:

Financial Supplement First Change Order Second Change Order



HALL COUNTY BOARD OF COMMISSIONERS FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 176/2023

Funds Requested: \$ 47,860.00 **Request Budgeted:** Yes

Proposed Source of Funding: Budget Transfer Requested:

Capital Projects No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	005 - CAPITAL	587 - CONST MGMT	4488 -	\$47,860.00
2023	PROJECTS	- CAP PROJECTS	REMODEL/RENOVATIONS	Ψ47,000.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: KI **Phone:** 678-617-4517



March 23, 2021

Mr. Marty Nix, Assistant County Administrator Hall County Government 2875 Browns Bridge Road, 4th Floor Gainesville, GA 30504 mnix@hallcounty.org

Re:

Hall County Administration Building Renovations -4th Floor Proposal for Professional Design Services

Dear Mr. Nix:

Precision Planning, Inc. (PPI) is pleased to offer Hall County (Client) this proposal for professional design services related to renovations at the Hall County Administration Building in Gainesville, Georgia. The scope of services below is based upon our discussions and experience with projects of a similar nature. The attached table of estimated hours and rates is formatted in accordance with our Standby Services agreement with Hall County, dated October 10, 2017.

Project Understanding

PPI previously provided space programming and conceptual design services related to renovations of portions of the third and fourth floors of the Hall County Administration Building. It is our understanding that the Client wishes to move forward with full design services for fourth floor renovations and has requested that PPI provide Construction Documents and Permitting services for this work. The Client will procure construction services and will manage construction of the project in-house.

Project Scope of Services

I. Construction Documents and Permitting

- A. PPI will attend a kick-off meeting with the Client to confirm goals and objectives for the project and to verify approval of the previously prepared Conceptual Floor Plan.
- B. PPI will prepare Construction Documents (drawings and specifications) suitable for permitting, procurement, and construction of the project. Disciplines shall include architecture, interior design (finishes and furniture), limited plumbing engineering, low voltage and limited electrical engineering (lighting design not included).
- C. PPI will assist the Client with permitting of the project, including submittal of the documents for review by governing agencies, making revisions as requested, and conducting a final walk-through to obtain required approvals.
- D. PPI will issue a full set of permitted Construction Documents to the Client in hard copy and electronic media.

Additional Services

The following additional services may be proposed and billed according to the attached Schedule of Standard Hourly Rates:

- 1. Additional meetings required or requested by the Client not listed above
- 2. Design changes after approval of Conceptual Design Documents, or services required due to significant changes in the project including, but not limited to, size, quality, complexity or Client's schedule

Mr. Marty Nix, Assistant County Administrator Hall County Government March 23, 2021 Page 2

- 3. Civil, Structural, Mechanical/HVAC Engineering
- 4. Lighting design and engineering
- 5. Bidding or Procurement services
- 6. Contract Administration services including site visits, field reports, submittal review, pay application review and certification, punch list and close out assistance

Exclusions and Assumptions

Testing services including geotechnical testing, hazardous materials testing or evaluation, water testing and core sampling are excluded from this scope of services.

Compensation

PPI agrees to perform the services outlined in Item I above for a Not to Exceed (N.T.E.) Fee of \$88,170.00.

PPI will invoice the Client based on actual man-hours spent according to the attached Schedule of Hourly Rates, plus Reimbursable Expenses (printing and mileage). Payments to PPI for Basic Services, Reimbursable Expenses, and Additional Services shall be made monthly in proportion to services performed. Payments under this agreement shall be due upon receipt.

Sincerely,

Thank you for the opportunity to propose these services and to continue to serve Hall County.

Elizabeth A. Hudson, RA, NCARB Senior Vice President, LEED® AP

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Attachments:	Schedule of St Standard Gene				
Authorization g	given this		_day of		
			_, 2021		
Ву:	1		-		

Mr. Marty Nix, Assistant County Administrator Hall County Government March 23, 2021 Page 3

SCHEDULE OF STANDARD HOURLY RATES

Principal-in-Charge	\$160.00/Hour
Senior Project Architect	\$140.00/Hour
Project Architect	\$120.00/Hour
Senior Project Manager	\$150.00/Hour
Project Manager	\$125.00/Hour
Job Captain	\$100.00/Hour
Intern Architect	\$90.00/Hour
Interior Designer	\$90.00/Hour
Senior Civil Engineer	\$140.00/Hour
Civil Engineer	\$120.00/Hour
Senior Landscape Architect	\$140.00/Hour
Landscape Architect	\$90.00/Hour
Project Administrator	\$90.00/Hour
Senior Project Assistant	\$80.00/Hour
Project Assistant	\$70.00/Hour
Structural Engineer	\$140.00/Hour
Mechanical/Plumbing Engineer	\$140.00/Hour
Electrical Engineer	\$140.00/Hour
Cost Estimator	\$110.00/Hour
Survey Manager	\$125.00/Hour
Survey Coordinator	\$100.00/Hour
Survey Technician	\$90.00/Hour
Surveying (4-Man Crew)	\$175.00/Hour
Surveying (3-Man Crew)	.\$165.00/Hour
Surveying (2-Man Crew)	.\$135.00/Hour

STANDARD GENERAL CONDITIONS

A. In accepting and utilizing any drawings, reports and data on any form of electronic media generated and furnished by Precision Planning, Inc., the Owner/Client agrees that all such electronic files are instruments of service of Precision Planning, Inc., who shall be deemed the author, and shall retain all common law, statutory law and other rights, without limitation, including copyrights.

Intelligent data, including but not limited to Building Information Modeling (BIM) and 3D Grading/Surface Modeling, are instruments of service. When transmitted, this data shall be for the sole purpose of visualization of design ideas by the Owner/Client and shall not constitute or supplement the contract documents. Differences may exist between these models and the corresponding hard copy contract documents, and Precision Planning, Inc. makes no representation about their accuracy or completeness.

The Owner/Client agrees not to reuse these electronic files, in whole or in part, for any purpose other than for the Project. The Owner/Client agrees not to transfer these electronic files to others without the prior written consent of Precision Planning, Inc. The Owner/Client further agrees that Precision Planning, Inc. shall have no responsibility or liability to Owner/Client or others for any changes made by anyone other than Precision Planning, Inc. or for any reuse of the electronic files without the prior written consent of Precision Planning, Inc.

In addition, the Owner/Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Precision Planning, Inc., its officers, directors, employees and subconsultants (collectively, Consultant) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising from any changes made by anyone other than Precision Planning, Inc. or from any use or reuse of the electronic files without the prior written consent of Precision Planning, Inc..

Under no circumstances shall delivery of electronic files for use by the Owner/Client be deemed a sale by Precision Planning, Inc., and Precision Planning, Inc. makes no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall Precision Planning, Inc. be liable for indirect or consequential damages as a result of the Owner/Client's unauthorized use or reuse of the electronic files.

- B. There shall be no assignments of any portion of the work as described within the above proposal or during any phase of the work without the written consent by Precision Planning, Inc. There shall be no disclosures of the scope of services and/or fees, as outlined within this proposal, to any third parties without the written consent of Precision Planning, Inc. There shall not be any re-use or reproduction of this proposal or design documents without the written consent of Precision Planning, Inc.
- C. Our professional services shall be performed, our findings obtained, and our recommendations prepared in accordance with generally accepted planning, engineering, land surveying, architectural and landscape architectural practices. This warranty is in lieu of all other warranties either implied or expressed. Precision Planning, Inc. assumes no responsibility for interpretation made by others based upon the work or recommendations made by Precision Planning, Inc.



Initials: _____

D. In recognition of the relative risks and benefits of the Project to both the Owner/Client and Precision Planning, Inc., the risks have been allocated such that the Owner/Client agrees, to the fullest extent permitted by law, to limit the liability of Precision Planning, Inc. and its officers, directors, employees, shareholders, owners and subconsultants for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, including attorney's fees and costs and expertwitness fees and costs, so that the total aggregate liability of Precision Planning, Inc. and its officers, directors, employees, shareholders, owners and subconsultants shall not exceed \$50,000 or the amount of Precision Planning, Inc.'s total fee for services rendered on this Project, whichever is greater. It is intended that this limitation apply to any and all liability or cause of action, including without limitation active and passive negligence, however alleged or arising, unless otherwise prohibited by law. In no event shall the Consultant's liability exceed the amount of available insurance proceeds.

If Owner/Client prefers to have higher limits of professional liability, the limits can be increased to a maximum of one million (\$1,000,000.00) dollars upon Owner/Client's written request at the time of acceptance of this proposal provided that the Owner/Client agrees to pay an additional consideration of ten percent (10%) of the total fee or \$1,000.00, whichever is greater. The additional charge for the higher liability limits is because of the greater risk assumed and is not a charge for additional professional liability insurance.

E. Precision Planning, Inc. agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Owner/Client, its officers, directors and employees (collectively, Owner/Client) against all damages and liabilities, to the extent caused by Precision Planning, Inc.'s negligent performance of professional services under this Agreement and that of its subconsultants or anyone for whom Precision Planning, Inc. is legally liable.

The Owner/Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Precision Planning, Inc., its officers, directors and employees and subconsultants (collectively, Precision Planning, Inc.) against all damages and liabilities, to the extent caused by the Owner/Client's negligent acts in connection with the Project and the acts of its contractors, subcontractors or consultants or anyone for whom the Owner/Client is legally liable.

Neither the Owner/Client nor Precision Planning, Inc. shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence or for the negligence of others.

- F. In the event the Owner/Client makes a claim against Precision Planning, Inc. at law or otherwise, for an alleged error, omission or other act arising out of the performance of our professional services, and the Owner/Client fails to prove such claim, then the Owner/Client shall bear all cost incurred by Precision Planning, Inc. in defending itself against such claim(s). The reciprocal of this clause (i.e., a claim made by Precision Planning, Inc. against the Owner/Client where failure of proof of claim is established, financial responsibility for Owner/Client's defense shall rest upon Precision Planning, Inc.) is hereby made a part of this agreement.
- G. It is understood and agreed that Precision Planning, Inc. shall not be held responsible for any inaccuracies in any materials, data or records of any other person, firm or agency which are provided to it and/or may be utilized by it in the performance of specific services.



H. Reimbursable expenses including mileage, photographic enlargements, reductions and reproduction, blueprinting, and courier services shall be billed at a rate of actual cost times 1.1. When overnight stay is required, it shall be billed as actual subsistence cost times 1.1.

NOTE: No back-up data or copies of bills will be provided for reimbursable expenses invoiced under this agreement. Should back-up data be requested, it will be provided for an administrative fee of \$100.00 per monthly invoice requiring verification, plus \$1.00 per copy of back-up data provided.

- In the event additional services beyond the scope of work listed above are required by Owner/Client, Precision Planning, Inc. shall perform these services for an amount equal to normal hourly charges on work actually performed upon receipt of an approved Change Order signed by both parties. Precision Planning, Inc. shall submit monthly invoices for services outlined in this agreement. Payment is due upon receipt of invoice. Finance charges of one and one-half percent (1.5%) will be added to any unpaid balance at the end of thirty (30) days (APR 18%).
- J. The Owner/Client or Precision Planning, Inc. may terminate this Agreement without penalty upon giving the other party ten (10) calendar days' notice in writing. In the event either party terminates for convenience, the Owner/Client shall pay Precision Planning, Inc. within seven (7) calendar days of receipt of Precision Planning, Inc.'s invoices for all services rendered and all reimbursable costs up to the date of termination. In addition, the Owner/Client shall pay Precision Planning, Inc. for all expenses reasonably incurred by Precision Planning, Inc. in connection with the orderly termination of this Agreement, including but not limited to associated overhead costs and all other expenses directly resulting from the termination. In the event government regulations are amended or changed in any way, or if the services outlined in this proposal have not been authorized within thirty (30) days of the date of this proposal, fees quoted are subject to renegotiation.
- K. Services required by unexpected events which are outside Precision Planning, Inc.'s reasonable control including, but not limited to, services resulting from extended schedules shall be compensated as additional services.





February 27, 2023

Mr. Casey Ramsey, Assistant County Administrator Hall County Board of Commissioners 2875 Browns Bridge Road, 4th Floor Gainesville, GA 30504 cramsey@hallcounty.org

Re:

Hall County Government Center

Proposal for Conceptual Design Services

Dear Mr. Ramsey:

Precision Planning, Inc. (PPI) is pleased to offer Hall County (Client) this proposal for Conceptual Design Services related to renovations at the Hall County Government Center (HCGC). The scope of services below is based upon your request at our February 23, 2023 meeting. The project shall be contracted utilizing terms of PPI's Task Order agreement with Hall County dated October 10, 2017, with current hourly rates.

Project Understanding

PPI understands that the Client plans to continue phased interior renovations at the HCGC based on the Hall County Spatial Needs Assessment report completed by PPI at the end of 2022. Conceptual design was previously completed for the first level and portions of the fourth level, followed by full design and construction of portions of the fourth level work. In order to evaluate future projects in terms of staging and budgeting, the Client is requesting conceptual design of the following levels/departments:

Lower Level:

Board of Elections, Marshals' Office

Second Level:

Shared Conference Center

Third Level:

Planning & Development, Environmental Health, Engineering

Fourth Level:

Human Resources

Design services are proposed as outlined below:

Project Scope of Services

Conceptual Design

- A. PPI will attend a kick-off meeting with the Client to confirm goals and objectives for the project.
- B. PPI will meet with up to eight (8) department representatives to confirm space programming information contained in Spatial Needs Assessment report and make any updates needed.
- C. PPI will utilize existing drawings to prepare CAD As-Built Floor Plans for conceptual design purposes. Note: Field measuring is not included in this scope.
- D. PPI will develop Conceptual Floor Plans for spaces on the Lower Level, Second Level, Third Level and a portion of the Fourth Level and will submit each for review and comment by the Client. Up to two (2) revisions to each Conceptual Floor Plan is included.
- E. PPI will issue Final Conceptual Floor Plans of spaces on each level in hard copy and electronic media.
- F. PPI will develop a conceptual level Opinion of Probable Cost to include hard construction costs and soft costs including design, FF&E, testing and contingencies. (Note: PPI intends to utilize the services of a Construction Management company to estimate hard construction costs and anticipated market escalation).

Mr. Casey Ramsey, Assistant County Administrator Hall County Board of Commissioners February 27, 2023 Page 2

Additional Services

The following additional services may be proposed and billed according to the attached Schedule of Standard Hourly Rates:

- 1. Additional meetings or site visits required or requested by the Client not listed above
- 2. Design changes beyond those listed in the scope above, or services required due to significant changes in the project including, but not limited to, size, quality, complexity or Client's schedule
- 3. Detailed as-built measurements
- 4. Detailed architecture and engineering services
- 5. Construction documents and specifications
- 6. Permitting
- 7. Bidding or procurement services
- 8. Contract administration
- 9. LEED Certification

Exclusions and Assumptions

Testing services including geotechnical testing, hazardous materials testing or evaluation, water testing and core sampling are excluded from this scope of services.

Compensation

PPI agrees to perform the services outlined above on an hourly basis, **Not to Exceed \$47,860.00**. Refer to the attached Hall County Standard Hourly Rates for the breakdown of estimated man-hours and reimbursable expenses.

Thank you for the opportunity to propose these services to Hall County.

Sincerely,

Elizabeth A. Hudson, RA, NCARB Executive Vice President, LEED® AP

c: Katie Crumley, Hall County

LH

Attachments:

Hall County Standard Hourly Rates

Standard General Conditions

Mr. Casey Ramsey, Assistant County Administrator Hall County Board of Commissioners February 27, 2023 Page 3

HALL COUNTY STANDARD HOURLY RATES

Billing Category	Hourly Rate 2023	Estimated Hours	Total
Principal in Charge	\$185.00	16	\$2,960.00
Sr. Project Architect	\$140.00	10	\$2,960.00
Project Architect	\$120.00		\$0.00
Senior Project Manager	\$150.00	144	\$21,600.00
Project Manager	\$125.00	144	\$0.00
Job Captain	\$100.00	208	\$20,800.00
Intern Architect	\$90.00	200	\$0.00
Interior Designer	\$90.00		\$0.00 \$0.00
CADD Technician	\$80.00		\$0.00
Senior Civil Engineer	\$140.00		\$0.00
Civil Engineer	\$120.00		\$0.00
Senior Landscape Architect	\$140.00		\$0.00
Landscape Architect	\$90.00		\$0.00
Project Administrator	\$90.00		\$0.00
Senior Project Assistant	\$80.00		\$0.00
Project Assistant	\$70.00		\$0.00
Structural Engineer	\$140.00		\$0.00
Mechanical/Plumbing Engineer	\$140.00		\$0.00
Electrical Engineer	\$140.00		\$0.00
Low Voltage Engineer	\$140.00		\$0.00
Cost Estimator	\$110.00		\$0.00
Senior Survey Manager	\$150.00		\$0.00
Survey Manager	\$130.00		\$0.00
Survey Coordinator	\$100.00		\$0.00
Survey Technician	\$90.00		\$0.00
Registered Surveyor	\$150.00		\$0.00
Surveying Crew	\$175.00		\$0.00
SUB-TOTAL			\$45,360.00
Reimbursable Expenses:			
Printing, mileage, photographs, and other consumable documents			\$2,500.00
TOTAL PROPOSED LUMP SUM FEE:			\$47,860.00

STANDARD GENERAL CONDITIONS

A. In accepting and utilizing any drawings, reports and data on any form of electronic media generated and furnished by Precision Planning, Inc., the Owner/Client agrees that all such electronic files are instruments of service of Precision Planning, Inc., who shall be deemed the author, and shall retain all common law, statutory law and other rights, without limitation, including copyrights.

Intelligent data, including but not limited to Building Information Modeling (BIM) and 3D Grading/Surface Modeling, are instruments of service. When transmitted, this data shall be for the sole purpose of visualization of design ideas by the Owner/Client and shall not constitute or supplement the contract documents. Differences may exist between these models and the corresponding hard copy contract documents, and Precision Planning, Inc. makes no representation about their accuracy or completeness.

The Owner/Client agrees not to reuse these electronic files, in whole or in part, for any purpose other than for the Project. The Owner/Client agrees not to transfer these electronic files to others without the prior written consent of Precision Planning, Inc. The Owner/Client further agrees that Precision Planning, Inc. shall have no responsibility or liability to Owner/Client or others for any changes made by anyone other than Precision Planning, Inc. or for any reuse of the electronic files without the prior written consent of Precision Planning, Inc.

In addition, the Owner/Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Precision Planning, Inc., its officers, directors, employees and subconsultants (collectively, Consultant) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising from any changes made by anyone other than Precision Planning, Inc. or from any use or reuse of the electronic files without the prior written consent of Precision Planning, Inc..

Under no circumstances shall delivery of electronic files for use by the Owner/Client be deemed a sale by Precision Planning, Inc., and Precision Planning, Inc. makes no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall Precision Planning, Inc. be liable for indirect or consequential damages as a result of the Owner/Client's unauthorized use or reuse of the electronic files.

- B. There shall be no assignments of any portion of the work as described within the above proposal or during any phase of the work without the written consent by Precision Planning, Inc. There shall be no disclosures of the scope of services and/or fees, as outlined within this proposal, to any third parties without the written consent of Precision Planning, Inc. There shall not be any re-use or reproduction of this proposal or design documents without the written consent of Precision Planning, Inc.
- C. Our professional services shall be performed, our findings obtained, and our recommendations prepared in accordance with generally accepted planning, engineering, land surveying, architectural and landscape architectural practices. This warranty is in lieu of all other warranties either implied or expressed. Precision Planning, Inc. assumes no responsibility for interpretation made by others based upon the work or recommendations made by Precision Planning, Inc.



D. In recognition of the relative risks and benefits of the Project to both the Owner/Client and Precision Planning, Inc., the risks have been allocated such that the Owner/Client agrees, to the fullest extent permitted by law, to limit the liability of Precision Planning, Inc. and its officers, directors, employees, shareholders, owners and subconsultants for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, including attorney's fees and costs and expertwitness fees and costs, so that the total aggregate liability of Precision Planning, Inc. and its officers, directors, employees, shareholders, owners and subconsultants shall not exceed \$50,000 or the amount of Precision Planning, Inc.'s total fee for services rendered on this Project, whichever is greater. It is intended that this limitation apply to any and all liability or cause of action, including without limitation active and passive negligence, however alleged or arising, unless otherwise prohibited by law. In no event shall the Consultant's liability exceed the amount of available insurance proceeds.

If Owner/Client prefers to have higher limits of professional liability, the limits can be increased to a maximum of one million (\$1,000,000.00) dollars upon Owner/Client's written request at the time of acceptance of this proposal provided that the Owner/Client agrees to pay an additional consideration of ten percent (10%) of the total fee or \$1,000.00, whichever is greater. The additional charge for the higher liability limits is because of the greater risk assumed and is not a charge for additional professional liability insurance.

E. Precision Planning, Inc. agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Owner/Client, its officers, directors and employees (collectively, Owner/Client) against all damages and liabilities, to the extent caused by Precision Planning, Inc.'s negligent performance of professional services under this Agreement and that of its subconsultants or anyone for whom Precision Planning, Inc. is legally liable.

The Owner/Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Precision Planning, Inc., its officers, directors and employees and subconsultants (collectively, Precision Planning, Inc.) against all damages and liabilities, to the extent caused by the Owner/Client's negligent acts in connection with the Project and the acts of its contractors, subcontractors or consultants or anyone for whom the Owner/Client is legally liable.

Neither the Owner/Client nor Precision Planning, Inc. shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence or for the negligence of others.

- F. In the event the Owner/Client makes a claim against Precision Planning, Inc. at law or otherwise, for an alleged error, omission or other act arising out of the performance of our professional services, and the Owner/Client fails to prove such claim, then the Owner/Client shall bear all cost incurred by Precision Planning, Inc. in defending itself against such claim(s). The reciprocal of this clause (i.e., a claim made by Precision Planning, Inc. against the Owner/Client where failure of proof of claim is established, financial responsibility for Owner/Client's defense shall rest upon Precision Planning, Inc.) is hereby made a part of this agreement.
- G. It is understood and agreed that Precision Planning, Inc. shall not be held responsible for any inaccuracies in any materials, data or records of any other person, firm or agency which are provided to it and/or may be utilized by it in the performance of specific services.



Initials: _____

- H. Reimbursable expenses including mileage, photographic enlargements, reductions and reproduction, blueprinting, and courier services shall be billed at a rate of actual cost times 1.1. When overnight stay is required, it shall be billed as actual subsistence cost times 1.1.
 - NOTE: No back-up data or copies of bills will be provided for reimbursable expenses invoiced under this agreement. Should back-up data be requested, it will be provided for an administrative fee of \$100.00 per monthly invoice requiring verification, plus \$1.00 per copy of back-up data provided.
- In the event additional services beyond the scope of work listed above are required by Owner/Client, Precision Planning, Inc. shall perform these services for an amount equal to normal hourly charges on work actually performed upon receipt of an approved Change Order signed by both parties. Precision Planning, Inc. shall submit monthly invoices for services outlined in this agreement. Payment is due upon receipt of invoice. Finance charges of one and one-half percent (1.5%) will be added to any unpaid balance at the end of thirty (30) days (APR 18%).
- J. The Owner/Client or Precision Planning, Inc. may terminate this Agreement without penalty upon giving the other party ten (10) calendar days' notice in writing. In the event either party terminates for convenience, the Owner/Client shall pay Precision Planning, Inc. within seven (7) calendar days of receipt of Precision Planning, Inc.'s invoices for all services rendered and all reimbursable costs up to the date of termination. In addition, the Owner/Client shall pay Precision Planning, Inc. for all expenses reasonably incurred by Precision Planning, Inc. in connection with the orderly termination of this Agreement, including but not limited to associated overhead costs and all other expenses directly resulting from the termination. In the event government regulations are amended or changed in any way, or if the services outlined in this proposal have not been authorized within thirty (30) days of the date of this proposal, fees quoted are subject to renegotiation.
- K. Services required by unexpected events which are outside Precision Planning, Inc.'s reasonable control including, but not limited to, services resulting from extended schedules shall be compensated as additional services.





AGENDA ITEM

County Attorney

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 187/2023

Approval and authorization for the Chairman and District Commissioners to execute a resolution objecting to the annexation by The City of Flowery

History:

Branch of tax parcel numbers 08100 001003A, 08100 001003B, 08100 001003C, and 08100 001003D owned by Shadow Stone Partners, LLC

located on 5704 and 0 Jim Crow Road, and authorize the Board to execute any and all documents in relation to such objection, subject to review and

approval by the County Attorney.

Meetings:

SUBJECT:

Voting Meeting Date: **Work Session Date:** 04/10/23 04/13/23

Executive Summary:

WL Presenter:

Recommendation:

Approve

Purpose of Request:

Approval and authorization for the Chairman and District Commissioners to execute a resolution objecting to the annexation by The City of Flowery Branch of tax parcel numbers 08100 001003A, 08100 001003B, 08100 001003C, and 08100 001003D owned by Shadow Stone Partners, LLC located on 5704 and 0 Jim Crow Road, and authorize the Board to execute any and all documents in relation to such objection, subject to review and approval by the

County Attorney.

Facts and Issues: Options:

Funding Requested \$ 0.00 Are funds within current budget? Νo

Source of Funds

Does the action involve a Resolution, Ordinance, Contract,

Agreement, etc.?

Yes Yes

Has it been reviewed by the County Attorney?

Is there a deadline for this item?

Approvals:

Submit	Attorney	Administration	Clerk
WLI	WLI	JR	JR

Attachments:

Resolution

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION OBJECTING TO THE CITY OF FLOWERY BRANCH'S ANNEXATION OF THE PROPERTIES OF SHADOW STONE PARTNERS, LLC KNOWN AS HALL COUNTY TAX PARCELS 08100 001003A, 08100 001003B, 08100 001003C, AND 08100 001003D

WHEREAS, Hall County has received a notice of the filing with the City of Flowery Branch of petitions for the annexation of the properties of Shadow Stone Partners, LLC, by applicant Cook Communities, located at 5704 Jim Crow Rd, 0 Jim Crow Road, 0 Jim Crow Road, and 0 Jim Crow Road, and bearing Hall County Tax Parcel Numbers 08100 001003A, 08100 001003B, 08100 001003C, and 08100 001003D, respectively (the "Subject Properties"); and

WHEREAS, the annexation petitions seek to rezone the Subject Properties from Hall County's designation of Agricultural-Residential III (AR-III) to the City of Flowery Branch's designation of Planned Unit Development (PUD); and

WHEREAS, the proposed construction of a 49-unit attached single-family residential townhome community by Cook Communities, following the proposed annexation and rezoning of the Subject Properties, represents a substantially more intense and significantly different use of the properties than allowed by Hall County's existing residential zoning of the properties; and

WHEREAS, the proposed annexation and rezoning of the Subject Properties is inconsistent with Hall County's Comprehensive Land Use Plan and Future Land Development Map; and

WHEREAS, the area has developed with detached single-family residential homes adjacent to the Subject Properties, as well as undeveloped woodland, and the area is currently devoid of any attached-dwelling residential properties;

WHEREAS, the Hall County Board of Commissioners has carefully reviewed the annexation and rezoning requests, and the Board has determined that annexation and rezoning to a planned mixed-use development classification is not in the best interest of the residents of Hall County; and

WHEREAS, the Georgia Code provides a procedure for resolving annexation disputes; and

WHEREAS, the Board of Commissioners wishes to avail itself of the remedies provided by the annexation dispute resolution process as a result of its objection to these annexation and rezoning requests; NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF HALL COUNTY DOES HEREBY OBJECT to the City of Flowery Branch's annexation and rezoning of Hall County Tax Parcels 08100 001003A, 08100 001003B, 08100 001003C, and 08100 001003D, as requested by the owner Shadow Stone Partners and applicant Cook Communities. This objection is based upon a material increase in burden on Hall County directly related to the proposed change in zoning and land use.

Based upon the information presented in the applications for annexation provided to Hall County, the County specifically objects to the proposed change in zoning and land use that would result from the annexations as follows:

The applications for annexation of the Subject Properties, approximately 15.07 ± acres in total, describe a rezoning from Hall County's AR-III District to the City of Flowery Branch's PUD District for the construction of a 49-unit two-story attached residential townhome community. Hall County attaches Flowery Branch's Notices of Intent to Annex and Rezone the properties, the applications for annexation and rezoning, and the supporting documents served upon Hall County. *See* Exhibit A. The Subject Properties currently consist of one parcel (08100 001003A) with an existing detached single-family home and three parcels (08100 001003B, 08100 001003C, and 08100 001003D) consisting of vacant or wooded land. The proposed residential townhome community by Cook Communities would add to an existing unincorporated island of the City of Flowery Branch that contains the "Park Walk at Lake Lanier" residential subdivision. The rear portion of the Subject Properties borders the City of Oakwood's limits.

The proposed 49-unit two-story attached residential townhome community to be constructed by Cook Communities on the Subject Properties would directly contrast with the surrounding and existing uses permitted by Hall County. The County's existing AR-III zoning of the Subject Properties permits detached single-family dwelling units for agricultural or residential uses at a low density, as shown in the attached Chapter 17.110 of the Official Code of Hall County. See Exhibit B. The County's current recommended density of 1 unit per acre on the Subject Properties would be drastically increased by the proposed annexation and rezoning of the properties, which would result in approximately 3.43 units per acre. Further, the projected townhome community would be immediately adjacent to and across from detached single-family residential lots. Construction of the proposed development would be out of character with the surrounding area and would interfere with the existing homeowners' quiet enjoyment of their properties through overcrowding and by upsetting their expectation of a lower density usage in the area. Further, the rise in density would result in substantially increased traffic on Jim Crow Road. Though the applicant has proposed road improvements in the form of a right-turn (deceleration) lane at the entrance of the townhome community, this proposed change only signifies the applicant's awareness of the increase in traffic volume and the related infrastructure costs associated with increased road congestion. Thus, the proposed change in zoning and land use contained in the applications for annexation would create a large material increase in burden upon Hall County directly related to the proposed change in zoning and land use.

Moreover, the proposed change in zoning and land use as described in the applications for annexation of the Subject Properties would result in a substantial increase in the intensity of the allowable use of the properties as well as a change to a significantly different allowable use of the properties. An aerial photograph of the area immediately surrounding the proposed annexations shows that there are no attached dwelling residential communities near the Subject Properties. See Exhibit C. North and northwest of the Subject Properties is a singlefamily detached dwelling residential subdivision (the aforementioned "Park Walk at Lake Lanier") that is within the City of Flowery Branch. See Exhibit D. West and southwest of the Subject Properties, across Jim Crow Road, is another single-family detached dwelling residential neighborhood ("Belmont Place"). See Exhibit E. Belmont Place is zoned Residential-I (R-I) in Hall County, and pursuant to Chapter 17.60 of the Official Code of Hall County no attached dwelling units are permitted. See Exhibit F. Although Park Walk at Lake Lanier is zoned PUD in Flowery Branch, there are no attached dwelling units in the subdivision. Flowery Branch's PUD zoning district, as defined in Article 8 of Flowery Branch's Code of Ordinances, "is intended to implement certain residential and mixed use developments [in] a way that meets objectives that cannot necessarily be accomplished by conventional residential zoning districts." See Exhibit G. This includes "suburban residential" uses but also encompasses "urban density communities" and "mixed use neighborhoods" Id. These alternative uses provide for more intense uses of the Subject Properties than intended by Hall County and would allow for significantly different uses of the properties than currently allowed.

Finally, the proposed change in zoning and land use would also differ from the existing uses suggested for the Subject Properties by Hall County's 2017-2037 Comprehensive Land Use Plan. As shown on the attached Hall County Future Development Map, the Land Use Plan designates the Subject Properties for Lake Area Residential uses. *See* Exhibit H. The attached description of Lake Area Residential uses seeks to preserve established residential neighborhoods. *See* Exhibit I. The description of Lake Area Residential uses notes that future development will continue to be detached single-family homes at low densities. Thus, the proposed change in zoning and land use for the Subject Properties to allow higher density attached single-family townhomes differs significantly from the intended uses by Hall County for the area. Further, the proposed change in land use for the Subject Properties is outside those uses permitted in Hall County's AR-III zoning ordinance regulations, which provide for low-density residential uses or agricultural uses.

For the foregoing reasons, the members of the Board of Commissioners have executed this objection to the annexation petitions of Cook Communities regarding Hall County Tax Parcels 08100 001003A, 08100 001003B, 08100 001003C, and 08100 001003D this the 13th day of April, 2023.

HALL COUNTY BOARD OF COMMISSIONERS

	By:
	Richard Higgins, Chairman
	By: Kathy Cooper, Commissioner, District 1
	Ratify Cooper, Commissioner, District 1
	By: Billy Powell, Commissioner, District 2
	Billy Powell, Commissioner, District 2
	By: Gregg Poole, Commissioner, District 3
	Gregg Poole, Commissioner, District 3
	By:
	Jeff Stowe, Commissioner, District 4
ATTEST:	
By:	
Jennifer Rivera, Commission Cle	rk
(SEAL)	
APPROVED AS TO FORM:	
By: William J. Linkous, III, County A	 ttorney
Transaction, Existing A	www



March 7, 2023

Hall County Board of Commissioners 2875 Browns Bridge Road Gainesville, Georgia 30504 c/o Lisa Ritchie, Commission Clerk

Re: Notification of Intent to Annex and Rezone Land Located in Hall County

Dear Ladies and Gentlemen:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows: 5704 Jim Crow Road, tax parcel identification number 08100 001003A, 0 Jim Crow Road, tax parcel identification number 08100 001003B, 0 Jim Crow Road, tax parcel identification number 08100 001003C, and 0 Jim Crow Road, tax parcel identification number 08100 001003D,

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

Pursuant to O.C.G.A § 36-36-7 and O.C.G.A § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.

Hall County Board of Commissioners Annexation and Rezoning of 5704 Jim Crow Road March 7, 2023 Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch PUD (Planned Unit Development) will be held on Thursday, April 20, 2023, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has an objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify me within thirty (30) calendar days of the receipt of this notice.

Sincerely,

Richard JE Atkinson

Director of Planning and Community Development City of Flowery Branch Rich@flowerybranchga.org

RA/

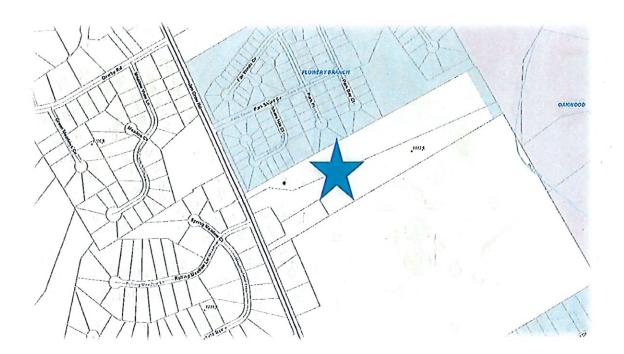
Enclosures: Map of Property to Annexed and Rezoned

Annexation and Rezoning Application

cc: Bill Linkous, County Attorney

Randi Doveton, Director of Planning and Development







February 28, 2023

Via Certified Mail, Return Receipt Requested 7021 2720 0002 6758 5206

Hall County Board of Commissioners 2875 Browns Bridge Road Gainesville, Georgia 30504 c/o Lisa Ritchie, Commission Clerk



Re: Notification of Intent to Annex and Rezone Land Located in Hall County

Dear Ladies and Gentlemen:

Please be advised that the City of Flowery Branch, Georgia, by the authority vested in the Mayor and City Council of Flowery Branch, Georgia by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and City Council.

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of a complete application for annexation by the City of Flowery Branch, in accordance with O.C.G.A § 36-36-6 and O.C.G.A § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A § 36-36-111.

The property to be annexed and rezoned is shown on the enclosed map and is described as follows: 5704 Jim Crow Road, tax parcel identification number 08100 001003A

Pursuant to O.C.G.A. § 36-36-111, a complete copy of the annexation and rezoning application is also enclosed.

Pursuant to O.C.G.A § 36-36-7 and O.C.G.A § 36-36-9, you must notify the Mayor and City Council of the City of Flowery Branch, in writing and by certified mail, return receipt requested, or statutory overnight delivery, return receipt requested, of any county facilities or property located within the properties to be annexed, within five (5) business days of receipt of this letter.

Hall County Board of Commissioners Annexation and Rezoning of 5704 Jim Crow Road February 28, 2023 Page 2 of 2

Pursuant to O.C.G.A § 36-66-4 a public hearing on zoning of the property to be annexed as Flowery Branch PUD (Planned Unit Development) will be held on Thursday, April 20, 2023, at 6:00 PM in the City of Flowery Branch City Council Chamber located at 5410 Pine Street, Flowery Branch, GA 30542. If the county has an objection under O.C.G.A § 36-36-113, in accordance with the objection and resolution process, you must notify me within thirty (30) calendar days of the receipt of this notice.

Sincerely,

Richard JE Atkinson

Director of Planning and Community Development City of Flowery Branch Rich@flowerybranchga.org

RA/

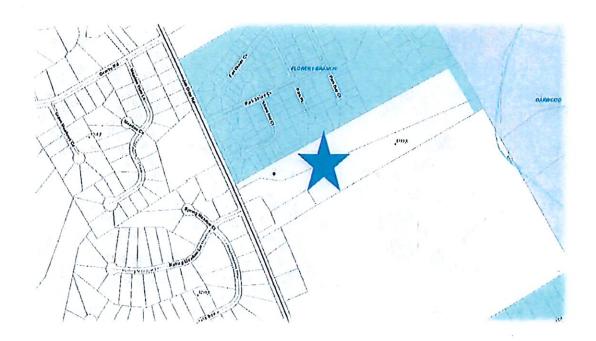
Enclosures: Map of Property to Annexed and Rezoned

Annexation and Rezoning Application

cc: Bill Linkous, County Attorney

Randi Doveton, Director of Planning and Development





William Linkous III (Legal Services)

From:

Richard Atkinson < rich@flowerybranchga.org>

Sent:

Tuesday, March 7, 2023 10:26 AM Jennifer Rivera (Administration)

To: Cc:

David Webb (Planning); William Linkous III (Legal Services); Randi Doveton (Planning)

Subject:

[Detection | Content | Attachment]Proposed Annexation; Flowery Branch

Attachments:

Cook Letter to County March 7 via e-mail.pdf

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.

WARNING: This communication has been detected as containing an attachment - Proceed with caution

Good Morning All,

Please see attached information regarding a proposed annexation on Jim Crow Road. If you have any questions, please let me know.

Thank you, Rich



ANNEXATION APPLICATION

Date:4/	29/22
Address of Request:	
and the second s	5704 Jim Crow Road
	Flowery Branch, GA 30542
	Clerk per The Flowery Branch Code of Ordinances; Ordinance", Article 44; Section 44.4 on
City Clerk Signature_	Shelia Cooper 2/23/2023
Applicant Information	on .
Name:	Cook Communities
Address:	3120 Frontage Road
	Gainesivlle, GA 30504
E-mail address:	gcook@cook-residentail.com
Phone number:	9/18-207-1500
Signature:	
Property owner inform	nation (if different than the applicant)
	Λ
Property owner (pleas	e print):Shadow Stone Partners, LLC
Signature of property	owner:



Property Information

Tax Map Number:081	00 001003A 'R'C'D				
Current Zoning: AR3	Total Acres: 14.268				
Is this property contiguous	to the city-limits of Flowery Branch? Yes				
Proposed City of Flowery Br	anch Zoning: PUD				
Proposed City of Flowery Br	anch Character Area: Residential				
Current Use: Resid	ential				
Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a DRI (Development of Regional Impact) study?No					
Voting Rights Act Information					
Resident Population:	Housing Units: Other Buildings:				
Race Population %: White_	Black Hispanic Other				

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property
- · Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation ≥ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- · Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who
Have a property interest in the real property affected by this request
N/A
Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request
N/A
Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request
N/A
Disclosure of Campaign Contributions
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately

to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

N/A	Amount of Description of Gift				
N/A	N/A				



REZONING APPLICATION

Date:	4/29/22	
Address of Req	uest:	5704 Jim Crow Road
•		Flowery Branch, GA 30542
Tax Map # _08100	0 001003A, B, C, D	Current Zoning: AR3
Is this site locate	ed within the bour	ndaries of the historic district? No
Currently a conf	orming use? No	
Any conditions of	of zoning, CUP's, e	tc,? No
Applicant Infor		
	Cook Communitie	
Address:	3120 Frontage F	
E-mail address:	gcook@cook-residen	
Phone number:	678-297-150	00
Signature:		
Notary: Light	Ine Dillian	
SMBER 16		



Property owner information (if different than the applicant)
Property owner (please print): Shadowstone print LLC
Signature of property owner:
Notary: Hughand Man. Notary: AUBLIC START STAR
William Co.
Property Information
Property Information Tax Map Number:08100 001003A , B, C, D
Tax Map Number:08100 001003A , B, C, D
Tax Map Number: 08100 001003A, B, C, D Current Zoning: AR3 Total Acres: 14.268
Tax Map Number:08100 001003A , B, C, D Current Zoning: AR3Total Acres:14.268 Is this property located within the city-limits of Flowery Branch? No

Please provide the following at time of submittal in (one hard copy and

digitally):

• Legal description

• Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances;
 Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances;
 Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- · Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

N/A



Disclosure of Campaign Contributions

Elected Officials Name

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Amount of Description of Gift

N/A	N/A
*	
•	
CITY STAFF ONLY	
Application Received By:	RJEA
	otal Fee:1,000





ANNEXATION APPLICATION

Date:	2/13/2023
Address of Requ	test:
	5704 Jim Crow Road
	Flowery Branch, GA 30542
	City Clerk per The Flowery Branch Code of Ordinances; ning Ordinance", Article 44; Section 44.4 on
City Clerk Signat	ture_ Shelia Cooper 2/23/2023
Applicant Inform	nation
Name:	Cook Communities
Address:	3120 Frontage Road
	Gainesivile, GA 30504
E-mail address:	gcook@cook-residentail.com
Phone number: _	9/18-207-1500
Signature:	
_	
	nformation (if different than the applicant)
Property owner (p	please print):Shadow Store Partners, LLC
Signature of prop	erty owner:



Property Information

Tax Map Number:08100 001003	3A ,B,C,D			
Current Zoning: AR3	Total Acres: 14.268			
Is this property contiguous to the city	-limits of Flowery Branch? Yes			
Proposed City of Flowery Branch Zon	ng: PUD			
Proposed City of Flowery Branch Cha	racter Area: Residential			
Current Use: Residential				
Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a DRI (Development of Regional Impact) study?No				
Voting Rights Act Information				
Resident Population: Housing	g Units: Other Buildings:			
Race Population %: White Black	Hispanic Other			

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation ≥ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property



February 13th, 2023

City of Flowery Branch 5512 Main Street Flowery Branch, GA 30542 (770) 967-6371

LETTER OF INTENT

Rezoning/Annexation for the Parker's Place at Lanler – Flowery Branch, GA 5704 Jim Crow Road – Flowery Branch, GA 30542

Tax Parcel No. 08100 001003A, 08100 001003B, 08100 001003C & 08100 001003D L.L. 100 / 8th District (Note: A copy of a combination Survey is included in this application for clarification – 14.27 Acres total)

Cook Communities submits this Letter of Intent and attached Application for the purpose of rezoning/annexing to the City of Flowery Branch's Planned Unit Development (PUD) Zoning Classification for the 14.27-acre tract located along Jim Crow Road, south of the existing Park Walk at Lanier Residential Development. The property currently lies in unincorporated Hall County and is adjacent to the Flowery Branch City Limits to the north. The subject property is currently zoned AR-III (Hall County) and contains one single family home and associated outbuilding. The intent is to annex the entire property shown on the combination/boundary survey into the City of Flowery Branch. All property included in this application is owned by Shadow Stone Partners, LLC. (See Rezoning Exhibit).

Cook Communities proposes to develop a distinctive and attractive single-family attached neighborhood with amenities. The neighborhood will consist of Forty-nine (49) 2-story attached cottage style homes and is proposed to be age-restricted for residents 55 and older. Each home will have 3 or 4-bedrooms and 2 or 3 bathrooms. The heated S.F. for the proposed units will be 1,550+ S.F. with a 2-Car Garage. The 2-Car garages will be located a minimum of 23' from the back of sidewalk as required. Additionally, the homes will include attractive architectural elements including shake and board and batten siding, stone/brick accents, a variety of unique garage doors and sodded yards. The proposed units are intended to meet the requirements of the recently adopted Ordinance 657 (Article 12 – Section 12.6). Attached to this letter of intent is a rendering of the proposed units for reference. These homes will meet the same quality and price point of homes in the surrounding area.



Amenities proposed for the development include a small community clubhouse, pickleball courts, sidewalks with connected walking trails, pocket parks and attractive landscaping. An exhibit and rendering of the proposed amenities are provided with this submittal for visual reference.

Access for the development will be provided along Jim Crow Road with a proposed right-turn (deceleration) lane provided at the entrance. The entrance will have an attractive monument-type sign with landscaping and will be gated. The provisions for water and sanitary sewer for the development will be provided by the City of Gainesville and the City of Flowery Branch.

The applicant and its representatives welcome the opportunity to meet with the City of Flowery Branch staff to answer any questions or concerns you may have. Cook Communities respectfully requests your approval of this application.

Respectfully,

Cook Communities / Keith Cook

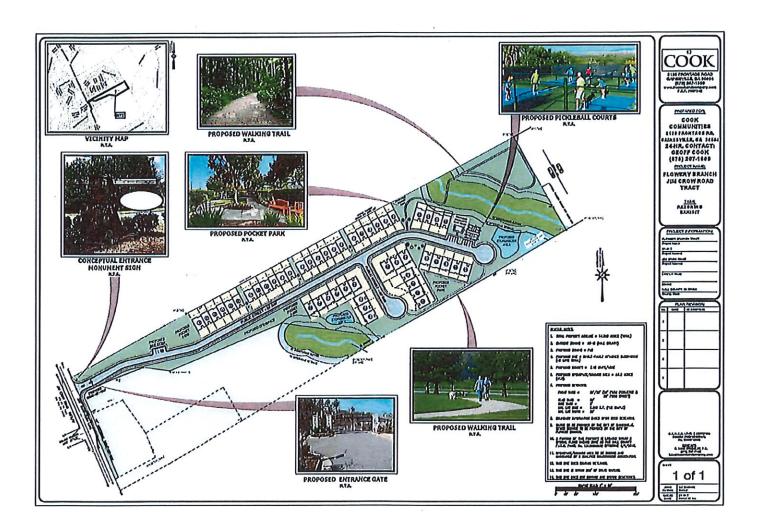


- (h) Parking will include:
 - a. 2-Car with Driveway (23' From Back of Sidewalk)
 - b. 5 Spaces for Proposed Mail Klosk
 - c. 10 Spaces at Proposed Clubhouse and Pickleball Courts
- (i) Will Provide as requested.

Development Analysis

The development being proposed by Cook Communities is in line with the City of Flowery Branch's 2041 Comprehensive Plan. While currently not specifically included (as it lies in Hall County), the adjacent neighborhood (Park Walk at Lanier) has a similar zoning to what is being requested. The 2041 Comprehensive Plan and Future Land use map targets this area as Suburban Residential, and the comprehensive plan suggests smaller lots may be appropriate in a PUD zoning district. Cook Communities feels this development generally meets the objectives of the PUD Zoning district when viewed as a small part of the overall community. While this development proposes only single-family attached homes, it provides the broader mix of residential housing types when viewed as a part of the surrounding neighborhoods. Jim Crow Road contains primarily single-family residential neighborhoods of varying densities from its intersection with McEver Road to its Termination at Lake Lanier. The Parker's Place at Lanier Development is similar to the recent development trend in the area. The adjacent neighborhood statistics are included in the additional material submitted as part of the application. No adverse effect is anticipated from the proposed development as it is inline with the surrounding uses as a single-family residential development. A deceleration lane is proposed at the entrance for cars traveling from McEver Road which will be the primary travel route. The subdivision will be gated. The existing use of the Subject Property is a single-family residence with undeveloped acreage. Gravity Sewer is available in the rear portion of the property and public water available along Jim Crow Road. The impact to local schools will be minimal as this will be an age-restricted 55+ community. This portion of Hall County and the City of Flowery Branch has seen significant development in recent years, with an increase in demand for housing of all types. Cook Communities feels this community will provide a housing option that is currently underrepresented in the city. The Parker's Place at Lanier development will meet all the state and City of Flowery Branch's requirements including environmental, erosion and stormwater requirements.

The applicant and its representatives welcome the opportunity to meet with the City of Flowery Branch staff to answer any questions or concerns you may have. Cook Communities respectfully requests your approval of this application.







February 13th, 2023

City of Flowery Branch 5512 Main Street Flowery Branch, GA 30542 (770) 967-6371

DEVELOPMENT STATISTIC AND ANALYSIS

Parker's Place at Lanier – Flowery Branch, GA 5704 Jim Crow Road – Flowery Branch, GA 30542 Tax Parcel No. 08100 001003A, 08100 001003B, 08100 001003C & 08100 001003D L.L. 100 / 8th District (Note: A copy of a combination Survey is included in this application for clarification – 14.27 Acres total)

Development Statistics

As part of this application, a site plan of the proposed development was submitted depicting the subdivision and typical fee simple building lots and proposed units for the neighborhood. The below information is meant to ensure all requested information is included.

- (a) Maximum Height of Proposed Homes 35'
- (b) Minimum S.F. of proposed Homes –1,500 S.F.+ (Heated) (2-Story)
- (c) Color Renderings of Proposed Homes are included with this submittal
 - a. (See 2b-Rezoning Exhibit (Rendering).pdf)
- (d) The Proposed Building Materials for the homes are included
 - a. (See Letter of Intent)
- (e) Maximum of 49 Single-Family Attached Homes (Fee Simple Townhome Lots)
 - a. Minimum Lot Size = 2,000 S.F. (Min. Shown 3,500 S.F.)
 - b. Minimum 1,500+ S.F. Heated (2-Car Garage) 2 Story
- (f) Proposed Overall Lot Coverage (Entire Project) = 30%
- (g) Proposed Landscaped Area
 - a. A minimum of 2 Trees per Lot (See Typical Lot Detail)
 - b. A minimum of 10' Landscape Buffer adjacent to existing neighborhood.
 - c. Pocket Parks and Walking Trails
 - d. Attractive Entrance Monument (Development will be Gated)







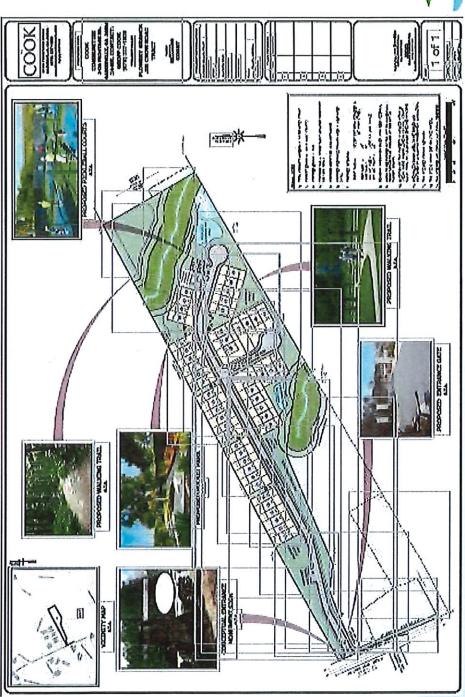


Exhibit A Shadow Stone Partners Parcel No. 08100 001003A

All that tract or parcel of land lying and being in Land Lot 100 of the 8th District, Hall County, Georgia, and being a portion of the lands of Shadow Stone Partners, LLC as recorded in Deed Book 9009, Page 760 of Hall County, Georgia Records. Said tract being described by the following description:

To find the point of beginning, COMMENCE at the Intersection of Rolling Meadows Lane (having a 50foot right-of-way per Plat Book 880, Page 242) and Jim Crow Road (having a 50-foot right-of-way per Plat Book 880, Page 242); Thence leaving said intersection and running along a tie-line, N 17°25'04" W a distance of 224.06 feet to a point on the Easterly right-of-way line of Jim Crow Road, said point having a Georgia Grid North, NAD 83, West Zone value of N: 1531493.7054 E: 2368680,5630 and the TRUE POINT OF BEGINNING; thence leaving said right-of-way, N 60°39'55" E a distance of 521.71 feet to a 1/2 - inch rebar found on the North line of the lands of Shadow Stone Partners, LLC; thence leaving said rebar, N 61°44'00" E a distance of 1488.22 feet to a 1/2 - inch rebar; thence leaving said rebar, S 29°49'03" E a distance of 324.58 feet to an Iron pin set; thence leaving said iron pin, \$ 29°49'03" E a distance of 104.68 feet to a 1/2 - inch rebar; thence leaving said rebar, \$ 59°38'38" W a distance of 844.04 feet to a point; thence N 82°18'45" W a distance of 414,47 feet to a point; thence S 66°58'36" W a distance of 487,30 feet to an Iron pin set; thence leaving said Iron pin, N 82°34'39" W a distance of 107.03 feet to a point; thence S 68°20'03" W a distance of 126.25 feet to a point; thence with a curve turning to the left with an arc length of 16,43 feet, with a radius of 325.00 feet, with a chord bearing of S 66°53'10" W, with a chord length of 16.43 feet to a point; thence S 65°26'17" W a distance of 94.28 feet to a point; thence with a curve turning to the left with an arc length of 39.07 feet, with a radius of 25.00 feet, with a chord bearing of S 20°40'01" W, with a chord length of 35.21 feet to a point; thence S 23°44'52" E a distance of 65.57 feet to a point; thence S 23°21'15" E a distance of 117.57 feet to a point; thence S 23°20'49" E a distance of 155,87 feet to a point; thence S 61°16'42" W a distance of 15,07 feet to a point; thence N 23°20'43" W a distance of 274.91 feet to a point; thence N 23°21'42" W a distance of 29.58 feet to a point; thence N 24°06'15" W a distance of 50.27 feet to a point; thence N 24°39'30" W a distance of 34.90 feet to a point; thence N 23°55'32" W a distance of 50.62 to a point, said point being the TRUE POINT OF BEGINNING.

Said tract being a portion of the lands of Shadow Stone Partners, LLC, containing 14.268 acres (621517.6 square feet) dated April 28, 2022.

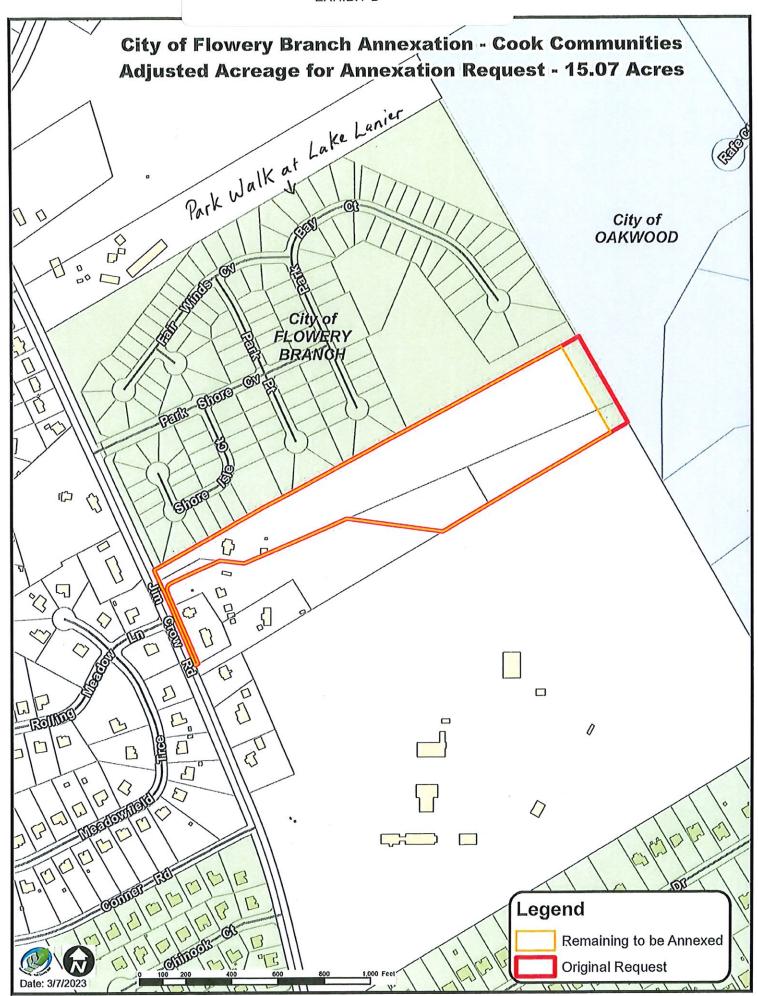
CHAPTER 17.110. - AGRICULTURAL- RESIDENTIAL-III DISTRICT (AR-III) 17.110.010. - Permitted uses.

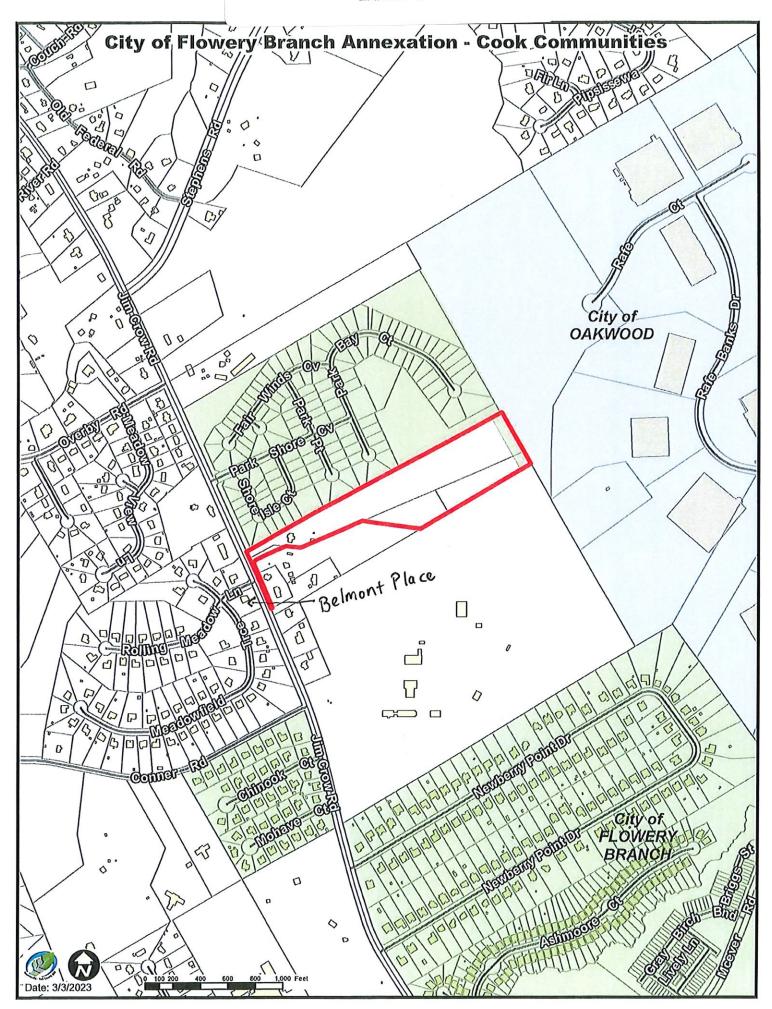
Uses permitted in the AR-III district include:

- A. Agricultural, horticultural [uses] and/or farm winery.
- B. Accessory farm uses including the sale of products grown on the premises and the keeping of livestock or poultry.
- C. Residences:
- 1. Site-built single-family detached dwelling units.
- 2. Class A single-family manufactured home.
- 3. Class A single-family industrialized dwelling units.
- D. Non-commercial accessory residential uses, including but not limited to a private garage, detached home workshop, swimming pool, or greenhouse, all of which shall be incidental to the use of the property as a residence.
- E. Home offices.
- F. Churches and other places of worship, but excluding cemeteries.
- G. County uses including parks and playgrounds, but excluding cemeteries.
- H. [Deleted 1-13-92.]
- I. Substations for electrical transformers, gas regulators and telephone subscriber carrier sites, provided the conditions of chapter 17.210 are met.
- J. Minor subdivisions.
- K. Sawmills used to process timber grown and harvested on the property where it is processed, provided the conditions of chapter 17.210 are met.
- L. Family day care home.
- M. Construction trailer, provided the conditions of chapter 17.210 are met.
- N. Community residences, provided the conditions of chapter 17.210 are met.

- O. Home occupations, provided the conditions of chapter 17.210 are met.
- P. Transient occupancy of a vacation home provided all requirements of chapter 17.216 are met.







CHAPTER 17.60. – RESIDENTIAL-I DISTRICT (R-I) 17.60.010. - Permitted uses.

D	1		T	.1	DI	1.		
Perm	itted	uses	I n	the	K-I	dis	trict	are

- A. Residences:
- 1. Site-built single-family detached dwelling units.
- 2. Class A single-family detached industrialized dwelling units.
- B. Non-commercial accessory residential uses, including but not limited to a private garage, detached home workshop, swimming pool, or greenhouse, all of which shall be incidental to the use of the property as a residence.
- C. Home offices.
- D. Agricultural or horticultural uses.
- E. Churches and other places of worship, but excluding cemeteries.
- F. County uses including parks and playgrounds, but excluding cemeteries.
- G. [Reserved.]
- H. Substations for electrical transformers, gas regulators and telephone subscriber carrier sites, provided the conditions of chapter 17.210 are met.
- I. Family day care home.
- J. Community residences, provided the conditions of chapter 17.210 are met.
- K. Home occupations, provided the conditions of chapter 17.210 are met.
- L. Transient occupancy of a vacation home provided all requirements of chapter 17.216 are met.

ARTICLE 8. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 8.1. - Description and Intent.

This zoning district is intended to implement certain residential and mixed use developments a way that meets objectives that cannot necessarily be accomplished by conventional residential zoning districts. It is specifically intended to primarily implement the "suburban residential" character area established in the comprehensive plan but may also be used to implement the "urban density community", "mixed use - neighborhood", and "activity center" character areas.

Sec. 8.2. - Objectives.

The Planned Unit Development District is intended to meet the following objectives:

- (a) Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.
- (b) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- (c) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.
- (d) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments.
- (e) Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.
- (f) Provide a more desirable living environment than would be possible through the strict application of conventional residential zoning requirements.
- (g) Establish application requirements that are more rigorous than rezoning applications and conditional use permits but no more onerous than necessary to enable thorough analyses.
- (h) Ensure that the design of building forms is interrelated and architecturally harmonious.

Sec. 8.3. - Character.

Design of detached single-family neighborhoods and residential communities in the PUD district may follow principles of conventional suburban subdivision design which typically include curvilinear streets with some cul-de-sacs. However, PUD districts are intended to differ from conventional subdivisions in that they provide greater pedestrian access and interconnections between and among units of the neighborhood. In addition, neotraditional development or conservation subdivision design principles are particularly encouraged when this district is applied to urban and suburban areas, respectively. This district is primarily envisioned to apply to urban and suburban areas with sanitary sewer and public water service, though it may be used to provide for imaginative site arrangements in rural areas at exurban/rural densities.

Sec. 8.4. - Permitted Uses.

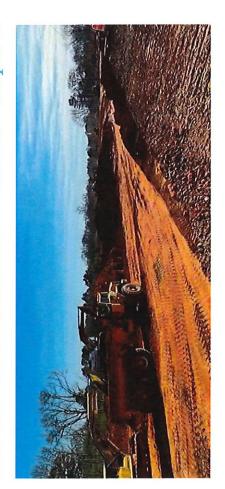
Permitted uses shall be proposed by an applicant for rezoning to PUD and shall be limited to those uses approved by the Governing Body; provided, however, that the following shall apply when the site proposed to be rezoned and developed is designated as "suburban residential" on the adopted future development map of the City of Flowery Branch:

- (a) At least twenty (20) percent of the total area of the planned unit development shall be conservation, open space, and/or landscaped area.
- (b) At least seventy (70) percent of the units proposed and approved as part of the planned community development shall be detached, single-family dwellings.

In the case of a PUD zoning district that was already developed or partially developed on the effective date of this zoning ordinance, said development shall continue to be governed by the conditions of zoning, site or development plan approval, architectural elevations, approved mixes of uses, and any other development-specific stipulations of the original PUD approval, until or unless otherwise amended by the Governing Body, and the land use parameters described in this Section shall not apply to such prior PUD zoning district approvals by the Governing Body.

The applicant for PUD zoning shall include in the application a list of all land uses proposed to be included in the PUD, which shall be limiting on the application if approved, unless otherwise specifically provided by the Governing Body. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase. This information shall also specify the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses.

FUTURE DEVELOPMENT GUIDE Chapter 4



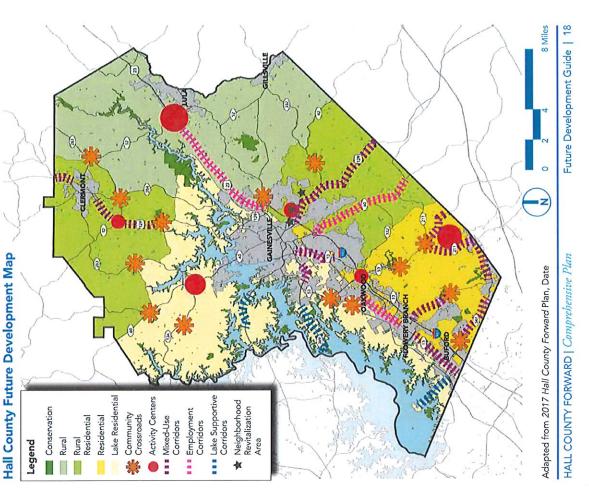
A key component of the comprehensive planning process is the creation of the Future Development Guide. The guide includes the Future Development Map, which depicts unique Character Areas that describe the type of development and land uses desired for particular areas. This guide – in addition to the goals and strategies presented in Chapter 3 – explains and helps illustrate the 'community vision' for growth and development in Hall County.

The Future Development Guide includes the three section shown below:

- Future Development Map
- Character Area-Based Planning
 - Character Area Policy

Future Development Map

The Future Development Map is used to identify the geographic location of the Character Areas within Hall County. The Character Areas are described in detail later in this chapter. The Future Development Map is intended to help guide decision making related to the physical location of development and where the most appropriate scale and intensity of development should occur. While the map recommends land uses and development patterns for a 20-year planning horizon, it is important that it is regularly reviewed to determine if amendments are needed based on changing market and demographic trends or local goals. At a minimum, the plan is required by the Georgia Department of Community Affairs to be updated every five years.



17 | Community Vision

EXHIBIT X

Lake Area Residential

and CREATE opportunities for permanent and vacation residences similar in land use patterns to Residential Areas but at lower residential densities. Intent: PRESERVE established neighborhoods

General Characteristics: The Lake Area

residential development and neighborhoods. Land around the lake, wherein properties have the potential to be zoned Vacation Cottage District in order for single-family homes to be used as shortdevelopment and flexibility in use of single-family homes. The area includes the 500-feet buffer there is orientation toward Lake Lanier in terms of use patterns are similar to Residential Areas, and Residential category includes low-density term vacation rentals.

single family homes at low densities in addition to less intensive agricultural uses that are found in the Future development will continue to be detached, northwestern part of the area.

Lanier, including parts of Murrayville/ Sardis, Gainesville, and South Hall areas. These areas are located outside of the County's sewer service area, Application: Lake Area Residential Areas include portions of the county adjacent to or near Lake but public water is available.

Primary Future Land Uses

- Low density residential
- Less intensive agriculture
- Greenways and trails
- centers, libraries, places of worship and Civic benefit uses such as community schools

Implementation Strategies (see Chapter 3)

- SED 1.4
- DP 2.1, DP 2.2, DP 3.1, DP 3.2, DP 3.4, DP 4.1, DP 5.1, DP 5.2, DP 6.2
- RC 1.2, RC 1.3, RC 1.4, RC 1.7, RC 1.9, RC 2.1, RC 2.3, RC 2.7, RC 3.1, RC 3.3

DESIGN PRINCIPLES

Density/Intensity

ransportation

Infrastructure









Future Development Guide | 30 Note: Images are for example purposes only and may not be located in unincorporated Hall County. HALL COUNTY FORWARD | Comprehensive Plan

29 | Future Development Guide

HALL COUNTY FORWARD | Comprehensive Plan



AGENDA ITEM

County Attorney

REPORT TO: Work Session (04/10/23)

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 188/2023

Approval and authorization for the Chairman to execute a resolution agreeing to participate in National Opioid Settlements involving Teva,

Allergan, CVS, Walgreens, and Walmart; a Memorandum of Understanding setting forth the terms of the agreement; participation forms; and any and

all additional documents necessary to effectuate the settlements, and ratification of all actions taken to date concerning the same, subject to

review and approval by the County Attorney.

Meetings:

SUBJECT:

Work Session Date: 04/10/23 Voting Meeting Date: 04/13/23

Executive Summary:

Presenter: BL

Recommendation:

Approval

Purpose of Request:

The agenda item is for approval and authorization for the Chairman to execute a Resolution agreeing to participate in National Opioid Settlements involving Teva, Allergan, CVS, Walgreens, and Walmart, a Memorandum of Understanding setting forth the terms of the agreement, participation forms, and any and all additional documents necessary to effectuate the settlements, and ratification of all actions taken to date concerning the same, subject to review and approval by the County Attorney.

History:

The State of Georgia has negotiated Opioid Settlement Agreements with Teva, Allergan, CVS, Walgreens, and Walmart, and in order to participate in the settlements, Hall County must sign a Resolution, Memorandum of Understanding, and Participation Forms.

Facts and Issues:

The settlements will provide funds to Hall County to assist with the County's response to the Opioid crisis.

Options:

The County must make an election to participate in the settlements. An election to participate in the settlements will allow the County to receive distribution from these providers.

Funding Requested

Are funds within current budget?

\$ 0.00

No

Source of Funds

Does the action involve a Resolution, Ordinance, Contract,
Agreement, etc.?

Has it been reviewed by the County Attorney?

Yes

Is there a deadline for this item?

Approvals:

Submit	Budget	Finance	Attorney
BC	TS	WG	WLI
Admini	stration	Cle	erk
JR		JR	

Attachments:

MOU with Exhibit Participation Forms Signed Resolution - February 23, 2023



HALL COUNTY BOARD OF COMMISSIONERS FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 188/2023

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:	BL	Phone:	770-297-2686		

State of Georgia and Local Governments: Memorandum of Understanding Concerning National Settlements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walmart Inc., CVS Health Corporation and CVS Pharmacy, Inc., and Walgreen Co.

Foreword

This Memorandum of Understanding between the State of Georgia *ex rel*. Chris Carr, Attorney General (the "State"), and certain Georgia Local Government entities ("LGs") concerns the harms visited upon Georgia's citizens and the State itself by certain manufacturers, distributors, and pharmacies ("Opioid Defendants") of prescription opioids.

To address these harms, the State and certain LGs separately initiated litigation meant to hold the Opioid Defendants accountable.

On December 31, 2021, the State entered into settlements with Opioid Defendants McKesson Corporation, AmerisourceBergen Corporation, Cardinal Health, Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (together, the "National Distributor and J&J Settlements").

Thereafter, the State and participating LGs entered into a Memorandum of Understanding to memorialize an agreement that would enable them to maximize the monetary help received from the National Distributor and J&J Settlements to address harms visisted upon Georgia's citizens and the State itself in the opioid crisis (the "2022 MOU").

During November and December of 2022, Teva Pharmaceutical Industries Ltd. ("Teva"), Allergan Finance, LLC ("Allergan"), Walmart Inc. ("Walmart"), CVS Health Corporation and CVS Pharmacy, Inc. ("CVS"), and Walgreen Co. ("Walgreens"), respectively, agreed to national settlement frameworks (collectively, "Opioid Settlements") that the State of Georgia and LGs are eligible to join.

During December, 2022, the State entered into each of the Opioid Settlements. The LGs have until April 18, 2023 to opt in to the respective Opioid Settlements.

This Memorandum of Understanding ("Memorandum" or "2023 MOU") aims to memorialize an agreement between the State and certain LGs that will enable them to maximize the monetary funds received from the Opioid Settlements to

remediate the harms caused by the opioid crisis. The processes outlined in this Memorandum in large part replicate processes required under the 2022 MOU. Except where the terms are different, the processes used in administration of the 2022 MOU shall be utilized for administration as required under this Memorandum.

I. Definitions

Capitalized terms shall have the same definitions as in the 2022 MOU with the exception of:

- a. "Legislative Bar" means O.C.G.A. § 10-13B-1 et seq.
- b. "Local Government Opioid Funds" means the funds allocated to local governments pursuant to Section II of this Memorandum.
- c. "Opioid Funds" means the total monetary amounts obtained through the Opioid Settlements as defined in this 2023 MOU which are allocated to Georgia and its Participating Local Governments under the Opioid Settlements.
- d. "Opioid Settlement(s)" means the National Teva, Allergan, Walmart, CVS and Walgreens Settlements, dated November 22, 2022, November 22, 2022, November 14, 2022, December 9, 2022, and December 9, 2022, respectively.
- e. "Parties" shall mean the State and the Participating Local Governments.
- f. "Participating Local Governments" shall mean:
 - (i.) all litigating subdivisions listed on Exhibit "C" of the National Teva, Allergan, Walmart, CVS and Walgreens Settlements, and
 - (ii.) nonlitigating subdivisions listed on Exhibit "G" of the National Teva, Allergan, Walmart, CVS and Walgreens Settlements

that choose to sign on to the Opioid Settlements and this Memorandum.

- g. "Released Entities" means the entities defined as such in each respective Opioid Settlement.
- h. "State Opioid Funds" means the funds allocated to the State pursuant to Section II of this Memorandum.
- i. "Trust" means the Georgia Opioid Crisis Abatement Trust, approved by the Gwinnett County Superior Court on February 16, 2023.
- j. "Trustee" means the Trustee of the Georgia Opioid Crisis Abatement Trust.

II. Allocation between State and Local Governments

- a. The Participating Local Governments shall collectively receive 25% of the Opioid Funds as their full allocation of Local Government Opioid Funds for all claims past and future of the Participating Local Governments. Local Government Opioid Funds shall be paid to a national Settlement Administrator(s) as defined in each respective Opioid Settlement and distributed pursuant to each respective Opioid Settlement, with the following additional conditions:
 - (i) If a county which is a Participating Local Government under this Memorandum has a sheriff who is a Litigating Subdivision listed in an Opioid Settlement, at least 9.45% of the Opioid Funds paid to that county under the terms of any Opioid Settlement as to which the sheriff agreed to participate shall be allocated to that county's sheriff to be used for Approved Purposes;
 - (ii.) If a county which is a Participating Local Government under this Memorandum has a hospital which is a Litigating Subdivision listed in an Opioid Settlement, at least 2% of the Opioid Funds paid to that county under the terms of any Opioid Settlement as to which the hospital agreed to participate shall be allocated to the hospital to be used for Approved Purposes; and
 - (iii.) If a county which is a Participating Local Government under this Memorandum has a school district which is a Litigating Subdivision listed in an Opioid Settlement, at least 1% of the

Opioid Funds paid to that county under the terms of any Opioid Settlement as to which the school district agreed to participate shall be allocated to the school district to be used for Approved Purposes.

- b. The State shall receive 75% of the Opioid Funds as its full allocation of State Opioid Funds.
- c. Of the State's 75% share, after the payment of litigation fees and costs owed to the State's outside counsel pursuant to the agreement entered into on September 10, 2018 or as may be amended, 60% of the remaining funds shall be transferred by the receiving state agency through the Office of Planning and Budget to the State Treasury and spent at the direction of the State Legislature for Approved Purposes by appropriation and in compliance with the terms of the Opioid Settlements and this Memorandum. The remaining 40% after payment of fees and costs shall be transferred to the Trust by the receiving state agency and shall be expended by the Trustee on a regional basis ("Regional Distribution") as set forth in the Declaration of Trust, the 2022 MOU and this 2023 MOU.
 - (i.) For purposes of the Regional Distribution under the Opioid Settlements, the Regions shall be the same as established pursuant to the 2022 MOU, including Qualifying Block Grantees.
 - (ii.) Each Qualifying Block Grantee shall receive its allocation of the Regional Disribution via a direct block grant so long as it certifies that it has sufficient infrastructure to provide opioid abatement services.
 - (iii.) The Trustee shall use the same allocation model as used under the 2022 MOU for the Regional Distribution.
 - (iv.) The Regional Advisory Councils established pursuant to the 2022 MOU shall have the same duties and responsibilities in connection with the funds allocated to the Trust pursuant to this 2023 MOU as under the 2022 MOU, including reporting

requirements and making themselves available to consult with the Government Participation Mechanism and with Participating Local Governments to best determine how funds will be spent for opioid remediation within the established Regions. In every instance the Trustee shall retain final authority over Regional Distributions.

III. Funds to be used for Approved Purposes; Clawback and Recoupment

- a. With the exception of administrative expenses as allowed under the Opioid Settlements, funds set aside for attorneys' fees and costs for State of Georgia outside counsel, and funds set aside for attorneys' fees for Local Government outside counsel pursuant to Section VI of this Memorandum, State Opioid Funds and Local Government Opioid Funds shall be used for Approved Purposes.
- b. Funds are to primarily (no less than 70 percent) be used for future abatement purposes. Funds used to reimburse the Parties for past abatement expenses may not be used to reimburse past Medicaid expenses or any other expense that would be subject to a federal clawback, recoupment, or similar mechanism.
- The State and Participating Local Governments shall work c. cooperatively to ensure the funds are spent within the spirit of this Memorandum and the Opioid Settlements, and shall further work cooperatively to actively defend the funds from federal clawback and/or recoupment, including, but not limited to, actively participating in any administrative procedure or other case or process related to defense of the funds from federal clawback and/or recoupment. In the event the federal government initiates and successfully claws back any Opioid Funds related to the Settlements, such amounts shall first be deducted from the total disbursements to be made to both the State and Local Governments in the calendar year the clawback claim is successfully made and shall thereafter be deducted from the total disbursements to be made in any subsequent calendar year if necessary. After such deduction, the allocation between the State and Participating Local Governments described in Section II of this Memorandum shall be applied to the remaining funds for the current calendar year or any subsequent calendar year if applicable. Deduction of amounts from the

total disbursements shall include reimbursement of any amounts paid by the State or withheld from amounts due to the State as the result of a clawback and/or recoupment.

IV. Compliance and Reporting

- a. The Trustee shall provide an up-to-date accounting of payments into or out of the Trust and/or its subaccounts upon written request of the State or a Participating Local Government. The State, together with the Trustee, shall provide an annual report detailing: (1) the amounts received by the State and deposited into the State Treasury and the amounts remitted to the Trust; (2) the allocation of any awards approved, listing the recipient, amount awarded, programs funded, and disbursement terms; and (3) the amounts actually disbursed. The State and Trustee shall also include an assessment of how well resources have been used by the State and the Participating Local Governments to abate opioid addiction, overdose deaths, and the other consequences of the opioid crisis. The State shall publish its annual report and all Regional Advisory Council annual reports on its website.
- b. Expenses of the Trustee shall be deducted first from interest earned on funds held by the Georgia Opioid Crisis Abatement Trust, and then, if necessary, may be deducted from the corpus of Trust funds. Administrative expenses of the State shall be paid from or reimbursed out of State Opioid Funds as allowed under the terms of the Opioid Settlements.
- c. The Trustee and the State shall endeavor to keep such expenses reasonable in order to maximize the funding available for opioid abatement.
- d. Each Regional Advisory Council shall provide a report annually to the Trustee and Government Participation Mechanism detailing: (1) the amount received by each local government within the Region; (2) the allocation of any awards approved, listing the recipient, amount awarded, programs funded, and disbursement terms; and (3) the amounts actually disbursed and approved allocations. Each Participating Local Government within each Region shall provide any

- information necessary to facilitate such reporting to a single regional delegate selected by the Region to provide its annual report.
- e. If the State believes that any Participating Local Government has used funds for a non-approved purpose, it may request in writing the documentation underlying such alleged improper use of funds. If any ten (10) Participating Local Governments believe the State has used funds for a non-approved purpose, they may request jointly in writing the documentation underlying such alleged improper use of funds.
- f. The State and Participating Local Governments may object in writing to the Trustee to an allocation or expenditure on the basis that the allocation or Trust expenditure is inconsistent with Section III of this Memorandum or violates Section IV.c of this Memorandum regarding reasonable expenses of the Trustee.
- g. Any party to this Memorandum who receives a written request sent pursuant to IV.f or IV.e shall have 21 days to respond to such request, which may be extended by mutual consent.
- h. A party who makes a written request pursuant to IV.f may file an action in the Superior Court of Gwinnett County within one year of its objection seeking a determination as to the validity of the objection.
- i. If, after a written objection made pursuant to IV.e, it appears to the State that a Participating Local Government has spent funds on non-approved purposes, the State may seek and obtain an injunction in the Superior Court of Gwinnett County prohibiting the Participating Local Government from spending further funds on non-approved purposes, and ordering the return of monies spent on non-approved purposes. So long as any such action is pending, distribution of any funds to the relevant Participating Local Government shall be suspended and held in trust by the Trustee or national Settlement Administrator(s) and shall only resume after the action is resolved. Once the action is resolved, suspended payments to the Participating Local Government shall resume, less any amounts ordered returned that have not yet been returned as of the date of the resumption of suspended payments.

j. Attorney's fees and costs are not recoverable in actions brought under this Section.

V. Litigation Bar

a. All Parties expressly acknowledge that this 2023 MOU qualifies under O.C.G.A. § 10-13B-2(a)(4)(E) and that each of the Opioid Settlements is a state-wide opioid settlement as that term is defined in O.C.G.A. § 10-13B-2(4).

VI. Attorney's Fees; Costs and Expenses

a. Section VII of the 2022 MOU is incorporated by reference as though fully set forth herein.

VII. Future Agreements and Negotiations

- a. Nothing in this Memorandum shall bind the Parties concerning any future opioid settlements other than the ones expressly contemplated in (1) this Memorandum or (2) any amendments to this Memorandum made pursuant to Section VIII.b. Other than those Released Entities who are parties to the Opioid Settlements, the Parties are free to engage in settlement negotiations with any Opioid Defendants without prior consent or participation of any other party to this Memorandum.
- b. The Parties shall endeavor, insofar as is reasonably practicable, to keep each other apprised of future negotiations concerning future opioid settlements. Nothing in this provision shall require the parties to violate any duty, obligation, or promise of confidentiality, non-disclosure agreement, common interest agreement, court order concerning nondisclosure, similar non-disclosure obligation concerning or negotiations regarding future opioid settlements. For the avoidance of doubt, LGs shall not be required to disclose, among other things, any information relating to negotiations between groups of local governments and Opioid Defendants, and the State shall not be required to disclose, among other things, any information relating to negotiations between states or groups of states and Opioid Defendants.

VIII. Miscellaneous

- a. This Memorandum shall be governed by Georgia law.
- b. The Parties may make amendments to this Memorandum as necessary. Amendments shall be in writing and shall require the consent of all Parties to this Memorandum. Proposed amendments shall be circulated to all Parties through designated contacts provided in their Acknowledgement, after which Parties shall have 30 days to agree or object to the proposed amendment. Parties who do not respond shall be deemed to have consented to the amendment for purposes of this Section VIII.b.
- c. Jurisdiction and venue regarding any disputes between or among the Parties concerning this Memorandum or the interpretation thereof shall lie in the Superior Court of Gwinnett County, Georgia.
- d. This Memorandum terminates automatically with respect to any Opioid Settlement in the event such Opioid Settlement(s) is(are) terminated by the parties to them.
- e. By entering into this Memorandum, a local government agrees to participate in each of the five Opioid Settlements, provided, however, an LG that has bellwether claims as described in O.C.G.A. § 10-13B-3(b) may choose to participate only in Opioid Settlments against non-bellwether defendants.¹
- f. If less than 65% of the litigating LGs participate in the Opioid Settlements, this Memorandum is voidable by the State.

* * * * *

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¹ In the event an LG elects to participate in the Memorandum and in Opioid Settlement(s) against non-bellwether defendants as permitted under this Section VIII.e, the Memorandum shall apply to that LG only as to the Opioid Settlement(s) in which it is participating.

ATTACHED EXHIBITS:

EXHIBIT 1: ACKNOWLEDGEMENT AND AGREEMENT TO BE BOUND TO MEMORANDUM OF UNDERSTANDING

EXHIBIT 1

ACKNOWLEDGEMENT AND AGREEMENT TO BE BOUND BY MEMORANDUM OF UNDERSTANDING

WHEREFORE, the undersigned, as a duly-appointed representative of the below-referenced entity, acknowledges the following:

- Hall County has received the **State of Georgia and Local Governments:** Memorandum of Understanding Concerning National Settlements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walmart Inc., CVS Health Corporation and CVS Pharmacy, Inc., and Walgreen Co.
- The undersigned is a duly-appointed representative of Hall County, and has the authority to execute this document and bind Hall County to the Memorandum.
- Hall County is either represented by legal counsel, or has the ability to obtain advice from legal counsel, concerning the contents and implication of the Memorandum.
- The undersigned, on behalf of Hall County, understands and acknowledges the terms of the Memorandum, and Hall County agrees to be bound by its terms.
- No party is under duress or undue influence.

|--|

Name: Richard Higgins

Title: Chairman, Hall County Board

of Commissioners

Date: April 6, 2023

Entity: Hall County

Designated Contact for Purposes of Section VIII.b:

Name: William J. Linkous, III

Title: County Attorney

Address: P.O. Box 1435,

Gainesville, GA 30503

Email:wlinkous@hallcounty.com

New National Opioids Settlements: Teva, Allergan, CVS, Walgreens, and Walmart Opioids Implementation Administrator opioidsparticipation@rubris.com

Hall County, GA

Reference Number: CL-383865

TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:

THIS PACKAGE CONTAINS DOCUMENTATION TO PARTICIPATE IN THE NEW NATIONAL OPIOID SETTLEMENTS. YOU MUST TAKE ACTION IN ORDER TO PARTICIPATE.

Deadline: April 18, 2023

Five new proposed national opioid settlements ("New National Opioid Settlements") have been reached with **Teva, Allergan, CVS, Walgreens, and Walmart** ("Settling Defendants"). This Participation Package is a follow-up communication to the Notice of National Opioid Settlements recently received electronically by your subdivision or special district ("subdivision").

You are receiving this *Participation Package* because Georgia is participating in the following settlements:

- Teva
- Allergan
- CVS
- Walgreens
- Walmart

If a state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

This electronic envelope contains:

• Participation Forms for Teva, Allergan, CVS, Walgreens, and Walmart, including a release of any claims.

The Participation Form for each settlement must be executed, without alteration, and submitted on or before April 18, 2023, in order for your subdivision to be considered for initial participation calculations and payment eligibility.

Based upon subdivision participation forms received on or before April 18th, the subdivision participation rate will be used to determine whether participation for each deal is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement. If the settlement moves forward, your release will become effective. If a settlement does not move forward, that release will not become effective.

Any subdivision that does <u>not</u> participate cannot directly share in the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. Any subdivision that does <u>not</u> participate may also reduce the amount of money for programs to remediate the opioid crisis in its state. Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to intrastate agreements or state statutes.

You are encouraged to discuss the terms and benefits of the *New National Opioid Settlements* with your counsel, your Attorney General's Office, and other contacts within your state. Many states are implementing and allocating funds for these new settlements the same as they did for the prior opioid settlements with McKesson, Cardinal, Amerisource, and J&J/Janssen, but states may choose to treat these settlements differently.

Information and documents regarding the *New National Opioid Settlements* and how they are being implemented in your state and how funds will be allocated within your state allocation can be found on the national settlement website at https://nationalopioidsettlement.com/. This website will be supplemented as additional documents are created.

How to return signed forms:

There are three methods for returning the executed *Participation Forms* and any supporting documentation to the Implementation Administrator:

- (1) Electronic Signature via DocuSign: Executing the Participation Forms electronically through DocuSign will return the signed forms to the Implementation Administrator and associate your forms with your subdivision's records. Electronic signature is the most efficient method for returning Participation Forms, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.
- (2) Manual Signature returned via DocuSign: DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning manually signed Participation Forms via DocuSign will associate your signed forms with your subdivision's records.
- (3) Manual Signature returned via electronic mail: If your subdivision is unable to return executed Participation Forms using DocuSign, signed Participation Forms may be returned via electronic mail to opioidsparticipation@rubris.com. Please include the name, state, and reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Forms [Subdivision Name, Subdivision State] [Reference ID].

Detailed instructions on how to sign and return the *Participation Forms*, including changing the authorized signer, can be found at https://nationalopioidsettlement.com. You may also contact opioidsparticipation@rubris.com.

The sign-on period for subdivisions ends on April 18, 2023.

If you have any questions about executing these forms, please contact your counsel, the Implementation Administrator at opioidsparticipation@rubris.com, or Christine Hom at the Georgia Attorney General's Office at (404) 458-3867 or chom@law.ga.gov.

Thank you,

National Opioids Settlements Implementation Administrator

The Implementation Administrator is retained to provide the settlement notice required by the respective settlement agreements referenced above and to manage the collection of settlement participation forms for each settlement.

EXHIBIT K Subdivision and Special District Settlement Participation Form

Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time?

[x] Yes [] No

Governmental Entity: Hall County		State: GA
Authorized Signatory: Richard Higgins		
Address 1: PO Box 1435		
Address 2: 2875 Browns Bridge Road		
City, State, Zip: Gainesville	Georgia	30503
Phone: 770-535-8288 ext.1		
Email: rhiggins@hallcounty.org		

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 ("Allergan Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

- 1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
- 2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
- 3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at https://nationalopioidsettlement.com.
- 4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
- 5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



- 7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
- 8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
- 9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V** (**Release**), and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
- 10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
- 11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signatura:		
Signature:	F040FF9FF40749F	

Name: Richard Higgins

Title: Chairman

Date: 4/6/2023



Exhibit K Subdivision and Special District Settlement Participation Form

Governmental Entity: Hall County		State: GA
Authorized Signatory: Richard Higgins		
Address 1: PO Box 1435		
Address 2: 2875 Browns Bridge Road		
City, State, Zip: Gainesville	Georgia	30503
Phone: 770-535-8288 ext.1		
Email: rhiggins@hallcounty.org		

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 ("Teva Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

- 1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
- 2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
- 3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at https://nationalopioidsettlement.com.
- 4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
- 5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
- 7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.



- 8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
- 9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entitles and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
- 10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
- 11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.



I have all necessary p	power and authorization t	to execute this	Election and	l Release on	behalf o	of the
Governmental Entity	, •		-DocuSigned by:			

Signature:	504055055407405
	======================================

Name: Richard Higgins

Title: Chairman

Date: 4/6/2023



EXHIBIT K

Subdivision Participation and Release Form

Will your subdivision or special district be signing the settlement participation form for the CVS Settlement at this time?

[x] Yes [] No

Governmental Entity: Hall County		State: GA
Authorized Signatory: Richard Higgins		
Address 1: PO Box 1435		
Address 2: 2875 Browns Bridge Road		
City, State, Zip: Gainesville	Georgia	30503
Phone: 770-535-8288 ext 1		
Email: rhiggins@hallcounty.org		

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("CVS Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

- 1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
- 2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at https://nationalopioidsettlement.com.
- 3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
- 4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



- 6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
- 7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
- 8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
- 9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
- 10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature:	E942FF85E40748E	
Name:	Richard Higgins	
Title:	Chairman	
Date:	4/6/2023	



EXHIBIT K

Subdivision Participation and Release Form

Will your subdivision or special district be signing the settlement participation form for the Walgreens Settlement at this time?

[x] Yes [] No

Governmental Entity: Hall County		State: GA
Authorized Signatory: Richard Higgins		
Address 1: PO Box 1435		
Address 2: 2875 Browns Bridge Road		
City, State, Zip: Gainesville	Georgia	30503
Phone: 770-535-8288 ext 1		
Email: rhiggins@hallcounty.org		

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("Walgreens Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

- 1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
- 2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at https://nationalopioidsettlement.com.
- 3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
- 4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



- 6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
- 7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
- 8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
- 9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
- 10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature:	E942FF85E40748E	
Name:	Richard Higgins	
Title:	Chairman	
Date:	4/6/2023	



EXHIBIT K

Subdivision Participation Form

Will your subdivision or special district be signing the settlement participation form for the Walmart Settlement at this time?

[x] Yes [] No

Governmental Entity: Hall County		State: GA
Authorized Official: Richard Higgins		·
Address 1: PO Box 1435		
Address 2: 2875 Browns Bridge Road		
City, State, Zip: Gainesville	Georgia	30503
Phone: 770-535-8288 ext 1		
Email: rhiggins@hallcounty.org		

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

- 1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
- 2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at https://nationalopioidsettlement.com/.
- 3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
- 4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



- 6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
- 7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
- 8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
- 9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature:

Name: Richard Higgins

Title: Chairman

Date: 4/6/2023



COUNTY OF HALL

RESOLUTION NO.	
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A RESOLUTION OF HALL COUNTY, GEORGIA ("COUNTY") AGREEING TO PARTICIPATE IN THE NATIONAL TEVA, ALLERGAN, CVS, WALGREENS, AND WALMART SETTLEMENTS AND AGREEING TO BE BOUND BY AN ANTICIPATED MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF GEORGIA AND GEORGIA SUBDIVISIONS REGARDING THE NATIONAL TEVA, ALLERGAN, CVS, WALGREENS, AND WALMART SETTLEMENTS.

WHEREAS, the County initiated litigation against certain manufacturers and distributors of prescription opioids in *In re: National Prescription Opiate Litigation*, MDL 2804, to hold them accountable for the opioid epidemic and to seek equitable and monetary relief;

WHEREAS, Defendants Teva, Allergan, CVS, Walgreens, and Walmart have reached national settlement frameworks (collectively referred to as the "New Opioid Settlements") with certain states, including the State of Georgia, and certain subdivisions, and Georgia subdivisions now have the option to join;

WHEREAS, the State of Georgia and certain Georgia subdivisions anticipate reaching a Memorandum of Understanding regarding the New Opioid Settlements, the purpose of which is to maximize funds available under the New Opioid Settlements and control how funds from the New Opioid Settlements are allocated between the State of Georgia and Georgia subdivisions, and the form of which is expected to be identical in all material respects to the "State of Georgia and Local Governments: Memorandum of Understanding Concerning National Distributor and Johnson & Johnson Opioid Settlements" previously agreed to by the County; and

WHEREAS, the County desires to participate in the New Opioid Settlements and intends to agree to be bound by the anticipated Memorandum of Understanding with the State of Georgia regarding the New Opioid Settlements;

NOW, THEREFORE, BE IT RESOLVED BY THE HALL COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

Section 1. The County Board of Commissioners, as the governing body of the County, hereby agrees to participate in the New Opioid Settlements.

Section 2. The County Board of Commissioners, as the governing body of the County, hereby agrees to be bound by the anticipated Memorandum of Understanding with the State of Georgia regarding the New Opioid Settlements.

Section 3. The County Board of Commissioners hereby appoints, Richard Higgins, Chairman of the Hall County Board of Commissioners, as the duly-appointed representative of the County for the purposes of participating in the New Opioid Settlements and agreeing to be bound by the anticipated Memorandum of Understanding with the State of Georgia regarding the New Opioid Settlements.

Section 4. Once a Memorandum of Understanding with the State of Georgia has been reached regarding the New Opioid Settlements, the County Board of Commissioners directs the duly-appointed representative of the County to execute any document necessary to demonstrate the County's agreement to be bound by the Memorandum of Understanding.

Section 5. Once a Memorandum of Understanding with the State of Georgia has been reached regarding the New Opioid Settlements, the County Board of Commissioners directs the duly-appointed representative of the County to execute the requisite Participation Forms for the New Opioid Settlements, which can be executed via DocuSign (the preferred method). For illustrative purposes, blank versions of the Participation Forms for the New Opioid Settlements are attached hereto as **Exhibit 1**.

Section 6. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. This Resolution shall be in full force and effect from and after its adoption as provided by law.

This Resolution was authorized at a duly convened meeting of the Hall County Board of Commissioners held on February 23, 2023.

Richard Higgins, Chairman

Hall County Board of Commissioners

ATTEST:

Hall County Commission Clerk, Jennifer Rivera

(ŠÉAL)

APPROWED AS TO FORM:

William J. Linkous III, County Attorney

EXHIBIT 1

Participation Forms for the New Opioid Settlements

<u>EXHIBIT K</u> Subdivision and Special District Settlement Participation Form

Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time?

[] Yes

[]No

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 ("Allergan Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

- 1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
- 2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
- 3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at https://nationalopioidsettlement.com.
- 4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
- 5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.

- 7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
- 8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
- 9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
- 10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
- 11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.

I have all necessary power and authoriza of the Governmental Entity.	ition to execute	this Settlement	Participation	Form	on behalf
S	lignature:		· · · · · · · · · · · · · · · · · · ·		···
N	lame:				
Т	itle:				······•
D	Date:		····		

<u>Exhibit K</u> <u>Subdivision and Special District Settlement Participation Form</u>

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip: Phone:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 ("Teva Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

- 1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
- 2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
- 3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at https://nationalopioidsettlement.com.
- 4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
- 5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
- 7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.

- 8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
- 9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entitles and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teya Settlement shall be a complete bar to any Released Claim.
- 10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
- 11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.

I have all necessary power and authoriz Governmental Entity.	ation to execute t	his Election and Release on behalf of the
	Signature:	
	Name:	
	Title:	
	Date:	

EXHIBIT K

Subdivision Participation and Release Form

Will your subdivision or special district be signing the settlement participation form for the CVS Settlement at this time?

] Yes [] No	
Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("CVS Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

- 1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
- 2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at https://nationalopioidsettlement.com.
- 3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
- 4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.

- 6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
- 7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
- 8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
- 9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
- 10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.

11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature:	
Name:	
Title:	
Date:	

EXHIBIT K

Subdivision Participation and Release Form

Will your subdivision or special district be signing the settlement participation form for the Walgreens Settlement at this time?

[] Yes

[]No

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip: Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("Walgreens Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

- The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands
 that all terms in this Participation and Release Form have the meanings defined therein, and
 agrees that by executing this Participation and Release Form, the Governmental Entity elects to
 participate in the Walgreens Settlement and become a Participating Subdivision as provided
 therein.
- 2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at https://nationalopioidsettlement.com.
- 3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
- 4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.

- 6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
- 7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
- 8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
- 9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
- 10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.

11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature:	
Name:	
Title:	
Date:	

EXHIBIT K

Subdivision Participation Form

Will your subdivision or special district be signing the settlement participation form for the Walmart Settlement at this time?

J Yes [] No	•
Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip: Phone:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

- 1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
- 2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at https://nationalopioidsettlement.com/.
- 3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
- 4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
- 5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.

- 6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
- 7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
- 8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
- 9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.

I have all necessary power and authorization to execut Governmental Entity.	e this Election and Release on behalf of the
Signature:	
Name:	
Title:	
Date:	



AGENDA ITEM

Human Resources

REPORT TO: Work Session (04/10/23)

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 177/2023

SUBJECT: Approve the Employment Agreement for the Assistant Director of Public

Works & Utilities.

Meetings:

Work Session Date: 04/10/23 Voting Meeting Date: 04/13/23

Executive Summary:

Presenter: DLJ

Recommendation:

Department recommends approval of the employment agreement for the Assistant Director of Public Works and Utilities.

Purpose of Request: History:

Purpose of the request is to obtain approval of the employment agreement for the Assistant Director of Public Works and Utilities.

Facts and Issues: Options:

Funding Requested \$ 206,031.00

Are funds within current budget? Yes

Source of Funds Development Services

Does the action involve a Resolution, Ordinance, Contract,

Agreement, etc.?

Has it been reviewed by the County Attorney?

Is there a deadline for this item?

Approvals:

Submit	Approve	Budget	Finance
LJ	LJ EW		WG
Attorney	Administration		Clerk
WLI	CR		JR

Yes

Attachments:

Financial Supplement Employment Agreement for Assistant Director of Public Works and Utilities Cost Worksheet for Assistant Director of Public Works



HALL COUNTY BOARD OF COMMISSIONERS FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 177/2023

Funds Requested: \$ 206,031.00

Request Budgeted: Yes

Proposed Source of Funding:

Budget Transfer Requested:

Development Services

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4104 - SALARIES	\$31,154.00
2023	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4433 - CAR USE ALLOWANCE	\$1,800.00
2023	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4110 - F.I.C.A.	\$3,713.00
2023	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4131 - RETIREMENT	\$6,794.00
2023	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4121 - HEALTH INSURANCE	\$11,583.00
2023	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4123 - OTHER CNTY- PD INSURANCE	\$542.00
2023	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4122 - LIFE INSURANCE	\$155.00
2024	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4104 - SALARIES	\$103,846.00
2024	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4433 - CAR USE ALLOWANCE	\$3,400.00
2024	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4110 - F.I.C.A.	\$7,013.00
2024	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4131 - RETIREMENT	\$12,834.00
2024	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4121 - HEALTH INSURANCE	\$21,879.00
2024	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4123 - OTHER CNTY- PD INSURANCE	\$1,025.00
2024	006 - DEVELOPMENT SERVICES	1136 - ENGINEERING - SVS DIST	4122 - LIFE INSURANCE	\$293.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: DLJ **Phone:** 770-531-6712

Assistant Director of Public Works and Utilities

THIS AGREEMENT made and entered into this 13th day of April 2023, by and between **HALL COUNTY, STATE OF GEORGIA,** hereinafter called "the County", as party of the first part, and **Jorge Gomez**, herein called "Employee", as part of the second part, both of whom agree as follows:

WITNESSETH

WHEREAS, the County desires to employ the services of said Jorge Gomez as the Assistant Director of Public Works and Utilities of Hall County; and

WHEREAS, it is the desire of the governing board, hereafter called "Commission" to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of Hall County to secure and retain the services of said Employee and provide inducement for him or her to remain in such employment, and to make possible full work productivity by assuring said Employee's morale and peace of mind with respect to future security, and to provide a just means of terminating the Employee's services at such a time as desired by the County Administrator, or his or her designee; and

WHEREAS, the Employee desires to accept employment as Assistant Director of Public Works and Utilities for Hall County;

NOW THEREFORE; in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1. Duties

The County hereby agrees to employ **Jorge Gomez** as **Assistant Director of Public Works and Utilities**, to perform legally permissible functions and duties specified and assigned by the County Administrator or his or her designee.

Assistant Director of Public Works and Utilities

SECTION 2. <u>Term</u>

- A. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the County Administrator to terminate the services of this Employee at any time, subject only to the provisions set forth in SECTION 3 of this agreement. The Employee understands that he or she serves at the pleasure of the County Administrator.
- B. Nothing in the agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his or her position with the County, subject to the provisions set forth in SECTION 3, Paragraphs B and C of this agreement.

SECTION 3. Termination and Severance Pay

- A. In the event the Employee is terminated pursuant to Paragraph B hereof and the Employee is willing and able to perform the duties of the position under this agreement, upon execution of a Separation Agreement and General Release, the Employer agrees to pay the Employee a lump sum cash payment equal to three (3) months aggregate annual salary, exclusive of other forms of compensation, less standard withholdings, in addition to the continuation of medical, dental and vision insurance benefits during the three (3) month period immediately following the date of termination. However, in the event the Employee is terminated because the Employee has been convicted of a misdemeanor or a felony, or if the County determines that the Employee has engaged in unprofessional and improper practice, other than negligence, and breach of public trust, including but not limited to illegal acts involving personal gain, or moral turpitude, the County shall be entitled to terminate the Employee immediately without any severance pay, or medical, dental and vision insurance continuation aside from COBRA.
- B. In the event the Employer at any point during the term of this agreement reduces the salary or other financial benefits of the Employee in a greater percentage than reductions to all other employees of Employer, or if Employer refuses, following a written request to comply with any provision benefiting Employee herein; or the Employee resigns following a suggestion, whether formal or informal, by the County Administrator that he or she resign, then, in that event, Employee may, at his or her option, be deemed to be terminated at the date of such reduction or refusal to comply within the meaning and context of the herein severance pay provision.

Assistant Director of Public Works and Utilities

C. In the event the Employee voluntarily resigns his or her position with the County as **Assistant Director of Public Works and Utilities** then the Employee shall give the County **thirty (30)** days written notice in advance, unless the parties otherwise agree. The provision for severance pay and continuation of employment benefits detailed in SECTION 3, Paragraph A shall not apply to a voluntary resignation.

SECTION 4. Termination Due to Disability

If the Employee is unable to perform his or her duties because of sickness, accident, injury, or mental incapacity, and no reasonable accommodations are available, the County shall have the option to terminate employment, subject to the severance pay requirements of SECTION 3, Paragraph A. However, the Employee shall be compensated for any accrued benefits, in accordance with current policies.

SECTION 5. Salary

The County agrees to pay the Employee for his or her services rendered, pursuant hereto, an annual base salary of \$135,000.00 payable in installments at the same time as other employees of the County are paid, except that the county may put in place cost reduction measures at any time and for any duration as required by a lack of financial resources. The base annual salary and benefits may be reviewed annually by the County Administrator and consideration for increases may be determined based upon the performance of the employee or consideration of providing a Cost of Living Adjustment (COLA).

SECTION 6. Performance Evaluation

The County Administrator, or his or her designee, shall review and evaluate the performance of Employee at least annually on the anniversary day of this agreement. Said review and evaluation shall be in accordance with criteria developed by the County Administrator, or his or her designee, and Employee. Performance criteria may be added to or deleted from, as the County Administrator, or his or her designee may from time to time determine. Further, the County Administrator, or his or her designee, shall provide the Employee with a written summary statement of the findings of the evaluation.

Assistant Director of Public Works and Utilities

SECTION 7. Hours of Work

It is generally recognized that the position of **Assistant Director of Public Works and Utilities** involves the devotion of a great deal of time beyond typically recognized business hours.

SECTION 8. Outside Activities

The Employee shall devote his or her full time to the position described in this agreement. With the approval of the County Administrator, or his or her designee, the Employee may engage in teaching, consulting or other non-employer related activities as long as he or she does not interfere with the execution of the duties of this position, or present a conflict of interest. Such consent must be obtained by advance approval, in writing, detailing the specifics of such activity.

SECTION 9. Political Activity

If the Employee announces as a candidate for any elective office during the duration of this contract, he or she will resign from Hall County employment immediately upon declaring candidacy as defined by state law. During the term of this contract, the Employee may not:

- A. Be involved in any political activity that would constitute a conflict of interest; including participation in any aspect of any local political campaign on behalf of one's self if intending to seek elected office, or other individual or in opposition to any candidate for office within Hall County; including municipal and/or county government office. This restriction includes but is not limited to displaying or distributing information, materials, or paraphernalia in support of any political candidate, party or organization.
- B. Knowingly solicit, accept, or receive political contributions from any person, to be used in support of or in opposition to any political candidate for election within Hall County, including municipal and/or county government office.
- C. Use, or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person a job or other advantage for the purpose of influencing the vote or political action of any person.

Assistant Director of Public Works and Utilities

SECTION 10. Vehicle and Phone

Employee's duties require the substantial use of their personal automobile during the term of employment. The County shall pay to the Employee in addition to salary a monthly vehicle allowance of \$433.33. A cellular phone dedicated solely for business usage may be provided by the Employer. In such case, the Employer shall be responsible for paying for and maintaining regular monthly service. Should the Employee desire to use their personal cellular phone for business purposes, Employer shall reimburse the Employee the amount of \$50 per month.

SECTION 11. <u>Insurance Benefits</u>

The County agrees to put in force and make premium payments for Medical, Dental, Vision, Short-Term Disability and Life Insurance policies on behalf of the Employee and if so elected, eligible dependents, at a level of coverage available to other County employees. The Employee may choose not to cover his/her dependents.

SECTION 12. Retirement Benefits

Provided that contributions are being made by the County, if the Employee elects, Hall County agrees to contribute 8% of annual compensation as defined by the retirement plan in addition to Employer matching contributions made on contributions by the Employee as received by other County employees, into a defined contribution plan, except that the County may reduce or suspend this contribution at any time and for any duration as required due to a lack of financial resources. Retirement contributions shall not be made on any severance pay provided by the Employer, paid in accordance with Section 3.

SECTION 13. Paid Time Off (PTO) or Vacation and Sick Leave

As applicable, the County will provide for Paid Time Off (PTO) or vacation and sick leave in the same manner as the accruals currently received by other County Employees. In the event that the County changes or adopts a new program for all employees, such changes shall also apply to the **Assistant Director of Public Works and Utilities**. Accrued PTO or vacation leave, whichever is applicable, shall be paid to Employee upon termination of employment.

5 of 7 Initials

Assistant Director of Public Works and Utilities

SECTION 14. <u>Dues, Subscriptions and Professional Development</u>

- A. The County agrees to pay the Employee's annual membership dues, subscriptions and conference expenses incurred by the Employee in conjunction with the Employee's duties, not to exceed the budget and subject to prior approval by the County Administrator or his or her designee.
- B. The County agrees to pay the travel and subsistence expenses of the Employee for expenses related to maintenance of professional certifications, professional and official travel, meetings and occasions adequate to continue the professional development of the Employee and to adequately pursue necessary official and other functions for the department, not to exceed the budget and subject to prior approval by the County Administrator or his or her designee.

SECTION 15. <u>Indemnification</u>

The County shall defend, save harmless and indemnify the Employee against any claim or demand or legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Employee's duties as **Assistant Director of Public Works and Utilities**. The County or its insurance carrier will pay the amount of any settlement or judgment agreed to or rendered against the Employee and the County may agree to such settlement or the payment of a judgment with or without the express consent of the Employee. Any defense and/or indemnification of the Employee by the County shall be subject to all of the terms and conditions found in the County's Defense and Indemnification ordinance/policy.

SECTION 16. General Provisions

- A. The text herein shall constitute the entire agreement between the parties. Any amendment hereto shall be in writing and be executed by both parties.
- B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Employee.
- C. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

Assistant Director of Public Works and Utilities

D.	D. This agreement will become effective on the day of	2023, and shall
	continue thereafter unless or until the agreement is terminated b	by either party as set forth
	herein.	
E.	E. This agreement shall be executed in duplicate, each of which	h shall be deemed to be
	complete of itself and may be introduced into evidence or used for	
	production of the other copy.	or any purpose wranout the
	production of the other copy.	

	VITNESS WHEREOF, THE PARTIES HERETO HAVE SET	THEIR HANDS AND
SEAI	LS THIS 13th DAY OF APRIL, 2023.	
HAL	LL COUNTY, GEORGIA	
Count	nty Administrator	
ATTI	EST:	
Count	nty Commission Clerk	
	(Seal)	
Emplo	lovee	
Lilipit	loyee	
4 DDI	DOWAL AS TO FORM	
APPF	ROVAL AS TO FORM	
Count	nty Attorney	

7 of 7 ____Initials



REQUEST TYPE: FULL-TIME POSITION

Department #

Assistant Director of Public Works and Utilities

Development Services

Department Name

Position Title Priority #

New Position		Account
\$135,000.00	Salary	4104
\$5,199.96	Car Allowance	4433
10,726.00	Taxes	4110
19,627.99	Retirement	4131
32,940.00	Health	4121
1,567.00	Dental & Vision	4123
350.00	Life	4122
98.00	AD&D	4122
522.00	Short Term Disability	4121
\$206,030.95	Total Additional Personnel Costs	

JUSTIFICATION (please provide a short explanation of your request on the lines below):

Please note taxes, retirement, and benefits are all estimates based on the maximum potential cost.

PERSONNEL EQUIPMENT REQUEST (list all equipment required and estimated cost)

**Do not add these estimated costs to your department's operating budget. It is calculated separately by OMB.

EQUIPMENT DESCRIPTION (uniform, gun, fire safety suit, vehicle, computer, cell phone etc.)	ESTIMATED COST
	-
	-
	\$ -



AGENDA ITEM

Planning and Development

REPORT TO:	Work Session	(04/10/23)
------------	--------------	------------

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 156/2023

4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the control of Cleveland Highway 1 its interaction with Cilchard Circles.

the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: self-storage facility

| Commission District 3 | John S. Hemphill, applicant.

Meetings:

Work Session Date: 04/10/23 Voting Meeting Date: 04/13/23

Executive Summary:

Presenter: RD

Recommendation:

Denial.

Purpose of Request: History:

4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a $7.00 \pm acre$ tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | **Proposed use: self-storage facility** | Commission District 3 | **John S. Hemphill, 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?

Is there a deadline for this item?

Yes

Approvals:

Submit	Approve		Budget		Finance
AD	RD		EW		WG
Attorney		Administration		Clerk	
WLI		C	R		JR

Attachments:

Withdrawal Request

Board Memo

Rezone- Recommendation Report

Conditional Use- Recommendation Report

Variance- Recommendation Report

Application

Updated Narrative

Original Narrative

Updated Site plan

Original Site Plan

Maps

Legal Description

Environmental Health Comments

GDOT Comments

Public Works Comments

Fire Comments

Public Comments

Notice Sign Photos

Written Comment - Opposition - from Riverwalk HOA

Jennifer Rivera (Administration)

From: Anael Dominguez (CDI: Planning)
Sent: Friday, March 31, 2023 2:33 PM

To: johnshemphill@comcast.net; Randi Doveton (CDI: Planning)
Cc: Jennifer Rivera (Administration); Ellis Still (CDI: Planning)

Subject: RE: March 6, 2023 Planning Staff Report

Mr. Hemphill,

I believe this email is sufficient but I will forward your request to the Planning Director and County Clerk.

Thank you,
Ana Dominguez
Planning Commission Clerk
Hall County Community Development and Infrastructure
(770) 531-6810 | www.hallcounty.org



From: johnshemphill@comcast.net < johnshemphill@comcast.net>

Sent: Friday, March 31, 2023 2:20 PM

To: Ellis Still (CDI: Planning) <estill@hallcounty.org>; Anael Dominguez (CDI: Planning) <adominguez@hallcounty.org>

Subject: RE: March 6, 2023 Planning Staff Report

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.

Hey Anael and Ellis, I'm going to withdraw my application for rezoning 4916 Cleveland Hwy. Do I need to fill out a specific form to do so, or is this email notification sufficient?

Thanks, John Hemphill

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>

Sent: Monday, February 27, 2023 8:23 AM

To: johnshemphill@comcast.net

Cc: Randi Doveton (Planning) <rdoveton@hallcounty.org>; Ellis Still (Planning) <estill@hallcounty.org>

Subject: March 6, 2023 Planning Staff Report

Good afternoon -

Please use the link below to review your staff report packet. Your item will be heard at the March 6, 2023 Planning Commission meeting at 5:15pm. This meeting will be located at the Hall County Government Center located at 2875 Browns Bridge Road, Gainesville, GA 30504. Please note that you or a representative must be present for the meeting.

4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: self-storage facility | ** Commission District 3 | John S. Hemphill, applicant.

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 Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE PLANNING AND DEVELOPMENT

To: Richard Higgins, Chairman

Kathy Cooper, District 1 Commissioner Billy Powell, District 2 Commissioner Gregg Poole, District 3 Commissioner Jeff Stowe, District 4 Commissioner

POST OFFICE DRAWER 1435 GAINESVILLE, GA 30503

From: Randi Doveton, Director of Planning and Development

Date: March 20, 2023

t: 770.531.6809 | f: 770.531.3902

Subject: 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development

(PCD) on a 7.00 ± acre tract | **Proposed use: self-storage facility** | **John S. Hemphill, applicant.**

DIRECTOR
Srikanth Yamala

PLANNING AND DEVELOPMENT DIRECTOR Randi Doveton

The request before you is the application of John S. Hemphill to rezone 7.00± acres to allow a self-storage facility. This item is located within Commission District 3.

At their March 6, 2023 meeting, the Hall County Planning Commission voted to recommend denial **(4-1, Hunt Opposed)**.

There were three (3) written comments in opposition submitted in advance of the Planning Commission meeting and seven (7) people spoke in opposition during the public hearing.

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

HALL COUNTY PLANNING COMMISSION RECOMMENDATION REPORT

Applicant	John S. Hemphill
Request	Rezone from Office Institutional (O-I, <u>17.130</u>) to Planned Commercial Development (PCD, <u>17.180.080</u>)
Proposed Use	self-storage facility
Size	7.0± acres
Zoning	Current Office Institutional (O-I, <u>17.130</u>) / Gateway Corridors Overlay District (GCOD, <u>17.420</u>) Proposed Planned Commercial Development (PCD, <u>17.180.080</u>) / Gateway Corridors Overlay District (GCOD, <u>17.420</u>)
Location	4916 Cleveland Highway Tax Parcel 12029 000011B
	000011B
Commission District	
Commission District	Three
	Three March 6, 2023

There is a concurrent conditional use request on this agenda. The Planning Commission can hear the rezoning and conditional use items simultaneously but must vote on them separately.

Public Forum:

Rita Ledlow, 5565 Riverwalk Court, Gainesville, spoke in opposition. Concerns were noise buffer, home value, security, hours of operation, light spillage, traffic, and capacity.

William Piper, 5594 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic, environmental impacts, and buffers.

Joe Piper, 2117 Brittany Court, Gainesville, spoke in opposition. Concerns were safety, visual quality, safety, and traffic.

Ben Filchak, 5588 Riverwalk Court, Gainesville, spoke in opposition. Concerns were buffers, privacy, noise, and light pollution.

David Hocker, 5596 Riverwalk Court, Gainesville, spoke in opposition. Concerns were fencing and appearance.

Barry Barnes, 5690 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic safety.

Chris Gibbs, 4695 Jess Holton, Gainesville, spoke in opposition. Concerns were overcrowding, site plan, and lack of renderings.

Summary Analysis

The applicant is requesting to rezone a 7.00 \pm acre parcel from Office Institutional (O-I, <u>17.130</u>) to Planned Commercial Development (PCD, <u>17.180.080</u>) for the purpose of developing a self-storage facility with boat & RV parking. The property is currently vacant and the project will be developed in phases over 2 – 5 years.

The subject property is located on the east side of Cleveland Highway, approximately 4 miles south of the Town of Clermont. Per the applicant's submitted materials, the self-storage facility will include a mixture of conditioned and non-conditioned self-storage units. The applicant's narrative states the number of units is expected to be between 500 and 550, with a maximum square footage of 77,050 square feet. This is split among six (6) proposed buildings. The unit make up will include a range of dimensions including: 5'x5', 5'x10', 10'x10', 10'x15', 10'x20', 10'x25', and 10'x30'. The final mix of units will depend on site topography and market demand.

In addition to the self-storage units there are 10 proposed boat & RV parking spaces. 4 spaces in front will be adjacent to Cleveland Highway and the south property line, and are proposed to be 25 feet in depth. The remaining spaces will accommodate a total length of 35 feet. No washing station for the boats & RVs is proposed.

The site will be accessed from Cleveland Highway / US 129. Normal operating hours will be 9:00am – 5:00pm, and the site will be accessible through a gated entry-point from 5:00am – 11:00pm. The site is not proposed to have 24-hour access.

Proposed signage is consistent with the requirements of the signs permitted in the Gateway Corridors Overlay District (GCOD, <u>17.420</u>). The GCOD permits monument signs to be a maximum of 10 feet above grade and a maximum sign area of 64 square feet. The sign is proposed to have external illumination.

The applicant's narrative and site plan propose a 25 foot buffer along the north and east property lines. The southern property line has a 25 foot buffer where the property is adjacent to property zoned for single-family

residential uses. Where the southern boundary is adjacent to property owned by the City of Gainesville, the applicant has requested to reduce the width of the buffer from 25 feet to 10 feet. The applicant has stated this is due to the site topography in this area and to accommodate the boat and RV parking at the front of the property.

The applicant has requested three (3) variances as part of the application. Additionally, staff has identified the need for several additional variances from the non-residential property development standard (17.420.050) of the Gateway Corridors Overlay District (GCOD, 17.420) during the review of this request. A separate variance report is provided related to these standards.

- In addition to the above mentioned variance to buffer requirements, the applicant is requesting two other variances. Specifically, the applicant is requesting that the reduction of the 25 foot buffer to 10 feet be approved without the requirement of a 6 foot wall, as required in the non-residential property development standard of the Gateway Corridors Overlay District (GCOD, <u>17.420.050</u>).
 Additionally, the applicant is requesting to utilize a black vinyl chain-link fence outside of the GCOD boundaries (300 feet from centerline of the road).
- Staff has further identified that relief will be needed from the architectural requirements of the GCOD (17.420.050.H.2.c), which requires the use of a common pallet of building materials on all four sides of the structure. The applicant is proposing brick endcaps or brick walls along certain portions of the development which will be visible from Cleveland Highway. A site plan has been submitted with the portions of the structure intended to have brick highlighted in yellow. The applicant also details these changes on page 10 of the narrative.
- Additionally, the applicant's narrative states that the intent is to utilize gravel for the parking and
 drive areas until development of all buildings is complete, at which point the property will be paved.
 This deviates from the non-residential property development standard of the Gateway Corridors
 Overlay District (GCOD, <u>17.420.050</u>), which requires in <u>17.420.050.E.3</u> that all parking areas shall be
 paved with asphalt, concrete, or pervious materials approved by the director.

Within the Gateway Corridors Overlay District (GCOD, $\underline{17.420}$), self-storage facilities require conditional use approval from the Board of Commissioners, which is being heard concurrent to this request.

Based on the future land-use plan, staff finds the <u>requested zoning designation</u> consistent with the mixeduse corridor of the <u>Comprehensive Plan</u>, which anticipates primary future land uses to be retail activities or office based employment. The proposed use of a self-storage facility is consistent with the overall growth occurring in the northern part of the county.

Zoning Analysis

The proposed self-storage facility is consistent with the <u>Comprehensive Plan</u> as the future land use designation as 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 subject property is currently zoned Office Institutional (O-I, 17.130), which is intended to serve as a low-intensity commercial zoning district. The applicant is requesting to rezone the property to a Planned Commercial Development (PCD, 17.180.080), which will restrict the use to what the applicant has requested, a self-storage facility. Generally, self-storage facilities are low-traffic uses, with limited traffic volume.
- 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. Self-storage facilities traditionally are a low impact use, with those who rent a storage space visiting infrequently
- 3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. The property is currently undeveloped and zoned Office Institutional (O-I, 17.130). 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, or utilities; The proposed use of a self-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 land use plan; The proposed zoning of Planned Commercial Development (PCD, <u>17.180.080</u>) for a self-storage facility is consistent with the <u>Comprehensive Plan's</u> future land use designation of 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.
- 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 vacant. Previously, the property was developed with a health care facility, which was demolished around 2012.
- **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; A Planned Commercial Development (PCD, 17.180.080) district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment.
- 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 the County.
- 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 which support the proposed self-storage facility without the need for rezoning. It should be noted, that within the Gateway Corridors Overlay District (GCOD, 17.420) all self-storage facilities require conditional use approval from the Board of Commissioners.
- **15.** Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, the rezoning could not be handled instead by 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.
- A Planned Commercial Development (PCD, <u>17.180.080</u>) shall provide for the maximum attainable commercial usage of property while employing the best aspects of prior site planning and development controls to insure: protection of surrounding residential uses; safe access by motorists; minimum traffic congestion; and a development which is consistent with long-range plans of the county.
- Applications for Planned Commercial Developments (PCD, <u>17.180.080</u>) shall include the following required plans:
 - 1. The site plan shall indicate the proposed size, location and number of stories of each commercial structure.
 - a. The submitted site plan meets this requirement.
 - 2. The entrances, exits and number and location of all parking spaces shall be shown in detail, together with all loading and no parking zones.
 - a. The submitted site plan meets this requirement.
 - 3. The proposed methods and location of all buffers shall be described.

- a. The submitted site plan meets this requirement.
- 4. The proposed exterior lighting shall be shown.
 - a. The submitted narrative states that security lighting will be semi-cutoff type and meet the requirements of the Gateway Corridors Overlay District (GCOD, <u>17.420</u>).
 LED wall packs will be used along the perimeter of the building to adequately light the building entrances and drive aisles.
- 5. All proposed signs, advertising or identification graphics shall be indicated, showing their number, size, height and location.
 - a. The submitted narrative meets this standard. The narrative describes one monument sign constructed at the Cleveland Highway entrance to the property, which will be a monument style sign and meet Hall County Zoning Regulations (<u>Title 17</u>) standards. It should be noted that the submitted plans indicate that the sign will be externally illuminated.
- 6. The type and number of uses proposed for the commercial development shall be indicated.
 - a. The submitted narrative describes the proposed use as a 77,050 square foot selfstorage facility, comprised of 6 buildings plus 10 boat & RV parking spaces.
- 7. The development controls for the district shall be stated (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the suburban shopping district (S-S) shall apply.
 - a. The submitted site plan shows the setbacks for the Office Institutional (O-I, <u>17.130</u>) district 30 feet from property line or 55 feet from centerline of road, whichever is greater, front; 20 feet, side; and 10 feet, rear. It should be noted that Cleveland Highway is classified as an arterial road per Reference Materials, (<u>Appendix B</u>), Per setbacks from arterial streets (<u>17.240.040</u>), no structure may be placed less than 100 feet from the center line of an arterial street (as defined in <u>section 17.20</u>).
- 8. If residential uses are proposed in conjunction with the planned commercial development, then the applicable requirements of the planned residential development shall be provided.
 - a. No residential uses are proposed.

The property falls within the **Gateway Corridors Overlay District, (17.420.)** which provides supplemental design standards for non-residential property development. The development 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.

<u>17.380.050</u>. - 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:
 - A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section <u>17.380.060.C</u> of this section [chapter]. The applicant has submitted a narrative and site plan but did not specifically address the criteria listed in <u>17.380.060.C</u>.
 - 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 <u>chapter 17.20</u>), the following additional requirements apply. This is not applicable as the property will utilize an onsite septic system.
- 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. This is not applicable as the property is not being developed residentially.

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated February 13, 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. 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 February 16, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

1) IFC Section 903, storage buildings exceeding 12,000 SF will be required to have a fire protection system installed.

- 2) IFC Section 507, all buildings must be with in the 400' hose lay distance requirement 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.
- 3) All access controlled gates will require a Knox key switch override device for fire department access into gated development.
- 4) IFC Section 503, dead end fire apparatus access roads in excess of 150' shall be provided with an approved turn around.

Hall County Public Works and Utilities

In a memo dated February 14, 2023, 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:

GDOT permit will be required for driveway connection to Cleveland Highway.

Utilities

No sewer service overfill in the area, septic system will need to be designed and permitted.

Georgia Department of Transportation

In email dated February 14, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will require GDOT coordination.

Excerpts from the minutes of the March 6, 2023 meeting

Applicant's Presentation:

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

John Hemphill, 3382 Smallwood Lane, Gainesville, presented the request. The applicant stated his variance requests: 1. Request to have black chain link fence outside of Corridor distance (beyond 300 ft from centerline). 6 ft chain link fence with barbed wire at the top is a more secure and economical option. Visibility of chain link fence from Cleveland Hwy will be almost non-existent. 2. Buffer Variance request along South boarder adjoining the property owned by the City of Gainesville. Request buffer be reduced from 25 feet to 10 feet. Steep topography of property makes the need for this request. 3. With reduced buffer to 10 ft, request exemption to install a finished 6ft wall. The City of Gainesville owns the property and will most likely build a government facility on the site. Currently site is being used to dump concrete pillars disposed from other sites. Very unlikely that anyone would want to build a primary residence on Cleveland Hwy with high level of traffic on highway. 4. Building in a two-phase approach, using gravel before laying asphalt, with an expectancy of completion in 3 to 5 years.

Darrell Vaughn, 196 Simonton Road, Lawrenceville, presented the request. The applicant pointed out that the GA Power easement encroaches onto the property so the buffer stays parallel to the property line and not along the easement.

Rebuttal

The applicant stated that he was asking for a rear variance so it wouldn't reduce the number of storage spaces. The applicant stated that he will work with GDOT and would grow trees to obstruct the view for the neighboring residents into the property. Mr. Hunt questioned how they would work with the fire marshals to provide a fire turn around since space was limited with the proposed buildings.

Public Forum:

Rita Ledlow, 5565 Riverwalk Court, Gainesville, spoke in opposition. Concerns were noise buffer, home value, security, hours of operation, light spillage, traffic, and capacity.

William Piper, 5594 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic, environmental impacts, and buffers.

Joe Piper, 2117 Brittany Court, Gainesville, spoke in opposition. Concerns were safety, visual quality, safety, and traffic.

Ben Filchak, 5588 Riverwalk Court, Gainesville, spoke in opposition. Concerns were buffers, privacy, noise, and light pollution.

David Hocker, 5596 Riverwalk Court, Gainesville, spoke in opposition. Concerns were fencing and appearance.

Barry Barnes, 5690 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic safety.

Chris Gibbs, 4695 Jess Holton, Gainesville, spoke in opposition. Concerns were overcrowding, site plan, and lack of renderings.

Planning Commission Comments:

Ms. Pilcher pointed out that it would be difficult to preserve the mature trees on the property to provide a buffer. Mr. Hunt questioned what buildings would be built in phase 1. Mr. Hemphill stated that buildings 1, 2, and 3 along with grading for streets. Mr. Braswell stated that the site plan needed work and that developing in phases could take a very long time. He also mentioned that the buffers requested would encroach into neighboring properties and building 1 itself is in direct conflict with the intent of Gateway Standards. Mr. Hunt stated that his concern was the turning radius in between buildings, especially for fire trucks. Mr. Hemphill questioned if the doors should not be facing the highway. Mr. Braswell stated he thinks they should be parallel to the road. Mr. Braswell questioned if the applicant has tried reaching out to the neighbors. Mr. Hemphill stated that he would have but the community is gated. Mr. Hunt stated that he would be open to tabling the application to allow the applicant a chance to provide a better site plan addressing concerns but he would also be in support of denial if the board so chose.

<u>Motion:</u> A motion for denial was made by Ms. Pilcher and seconded by Mr. Varner. Vote: 4-1 (Hunt Opposed)

HALL COUNTY PLANNING COMMISSION RECOMMENDATION REPORT

Applicant	John S. Hemphill	
Request	Conditional use for self-storage facility	
Proposed Use	self-storage facility	
Size	7.0± acres	
Zoning	Current Office Institutional (O-I, <u>17.130</u>) / Gateway Corridors Overlay District (GCOD, <u>17.420</u>) Proposed Planned Commercial Development (PCD, <u>17.180.080</u>) / Gateway Corridors Overlay District (GCOD, <u>17.420</u>)	
Location	4916 Cleveland Highway Tax Parcel 12029 000011B	
Commission District	. Three	
Planning Commission Date	. March 6, 2023	
Staff Recommendation	. Approval, as the proposed use is consistent with the mixed-use corridor of the <u>Comprehensive</u> <u>Plan</u>	
Planning Commission Recommendation Denial Vote: 4-1 (Hunt opposed)		

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 self-storage facilities are not allowed in the Office Institutional (O-I, 17.130) zoning district.

Public Forum:

Rita Ledlow, 5565 Riverwalk Court, Gainesville, spoke in opposition. Concerns were noise buffer, home value, security, hours of operation, light spillage, traffic, and capacity.

William Piper, 5594 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic, environmental impacts, and buffers.

Joe Piper, 2117 Brittany Court, Gainesville, spoke in opposition. Concerns were safety, visual quality, safety, and traffic.

Ben Filchak, 5588 Riverwalk Court, Gainesville, spoke in opposition. Concerns were buffers, privacy, noise, and light pollution.

David Hocker, 5596 Riverwalk Court, Gainesville, spoke in opposition. Concerns were fencing and appearance.

Barry Barnes, 5690 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic safety.

Chris Gibbs, 4695 Jess Holton, Gainesville, spoke in opposition. Concerns were overcrowding, site plan, and lack of renderings.

Summary Analysis

The applicant is requesting conditional use approval on a 7.00± acre parcel currently zoned Office Institutional (O-I, <u>17.130</u>) for the purpose of developing a self-storage facility with boat & RV parking. The property lies within the Gateway Corridors Overlay District (GCOD, <u>17.420</u>). Within the GCOD, self-storage facilities require conditional use approval from the Board of Commissioners.

The subject property is located on the east side of Cleveland Highway, approximately 4 miles south of the Town of Clermont. Per the applicant's submitted materials, the self-storage facility will include a mixture of conditioned and non-conditioned self-storage units. The applicant's narrative states the number of units is expected to be between 500 and 550, with a maximum square footage of 77,050 square feet. This is split among six (6) proposed buildings. The unit make up will include a range of dimensions including: 5'x5', 5'x10', 10'x10', 10'x15', 10'x20', 10'x25', and 10'x30'. The final mix of units will depend on site topography and market demand.

In addition to the self-storage units there are 10 proposed boat & RV parking spaces. 4 spaces in front will be adjacent to Cleveland Highway and the south property line, and are proposed to be 25 feet in depth. The remaining spaces will accommodate a total length of 35 feet. No washing station for the boats & RVs is proposed.

The site will be accessed from Cleveland Highway / US 129. Normal operating hours will be 9:00am – 5:00pm, and the site will be accessible through a gated entry-point from 5:00am – 11:00pm. The site is not proposed to have 24-hour access.

Proposed signage is consistent with the requirements of the signs permitted in the Gateway Corridors Overlay District (GCOD, <u>17.420</u>). The GCOD permits monument signs to be a maximum of 10 feet above grade and a maximum sign area of 64 square feet. The sign is proposed to have external illumination.

The applicant's narrative and site plan propose a 25 foot buffer along the north and east property lines. The southern property line has a 25 foot buffer where the property is adjacent to property zoned for single-family residential uses. Where the southern boundary is adjacent to property owned by the City of Gainesville, the applicant has requested to reduce the width of the buffer from 25 feet to 10 feet. The applicant has stated this is due to the site topography in this area and to accommodate the boat and RV parking at the front of the property.

The applicant has requested three (3) variances as part of the application. Additionally, staff has identified the need for several additional variances from the non-residential property development standard (17.420.050) of the Gateway Corridors Overlay District (GCOD, 17.420) during the review of this request. A separate variance report is provided related to these standards.

- In addition to the above mentioned variance to buffer requirements, the applicant is requesting two other variances. Specifically, the applicant is requesting that the reduction of the 25 foot buffer to 10 feet be approved without the requirement of a 6 foot wall, as required in the non-residential property development standard of the Gateway Corridors Overlay District (GCOD, <u>17.420.050</u>).
 Additionally, the applicant is requesting to utilize a black vinyl chain-link fence outside of the GCOD boundaries (300 feet from centerline of the road).
- Staff has further identified that relief will be needed from the architectural requirements of the GCOD (17.420.050.H.2.c), which requires the use of a common pallet of building materials on all four sides of the structure. The applicant is proposing brick endcaps or brick walls along certain portions of the development which will be visible from Cleveland Highway. A site plan has been submitted with the portions of the structure intended to have brick highlighted in yellow. The applicant also details these changes on page 10 of the narrative.
- Additionally, the applicant's narrative states that the intent is to utilize gravel for the parking and
 drive areas until development of all buildings is complete, at which point the property will be paved.
 This deviates from the non-residential property development standard of the Gateway Corridors
 Overlay District (GCOD, <u>17.420.050</u>), which requires in <u>17.420.050.E.3</u> that all parking areas shall be
 paved with asphalt, concrete, or pervious materials approved by the director.

Within the Gateway Corridors Overlay District (GCOD, $\underline{17.420}$), self-storage facilities require conditional use approval from the Board of Commissioners, which is being heard concurrent to this request.

Based on the future land-use plan, staff finds the <u>requested zoning designation</u> is consistent with the mixed-use corridor of the <u>Comprehensive Plan</u>, which anticipates primary future land uses to be retail activities or office based employment. The proposed use of a self-storage facility is consistent with the overall growth occurring in the northern part of the county.

Zoning Analysis

The proposed self-storage facility is consistent with the <u>Comprehensive Plan</u> as the future land use designation as 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 subject property is currently zoned Office Institutional (O-I, 17.130), which is intended to serve as a low-intensity commercial zoning district. The applicant is requesting to rezone the property to a Planned Commercial Development (PCD, 17.180.080), which will restrict the use to what the applicant has requested, a self-storage facility. Generally, self-storage facilities are low-traffic uses, with limited traffic volume.
- 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. Self-storage facilities traditionally are a low impact use, with those who rent a storage space visiting infrequently
- 3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. The property is currently undeveloped and zoned Office Institutional (O-I, 17.130). 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, or utilities; The proposed use of a self-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 land use plan; The proposed zoning of Planned Commercial Development (PCD, <u>17.180.080</u>) for a self-storage facility is consistent with the <u>Comprehensive Plan's</u> future land use designation of 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.
- 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 vacant. Previously, the property was developed with a health care facility, which was demolished around 2012.
- **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; A Planned Commercial Development (PCD, 17.180.080) district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment.
- 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 the County.
- 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 which support the proposed self-storage facility without the need for rezoning. It should be noted, that within the Gateway Corridors Overlay District (GCOD, 17.420) all self-storage facilities require conditional use approval from the Board of Commissioners.
- **15.** Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, the rezoning could not be handled instead by 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.
- A Planned Commercial Development (PCD, <u>17.180.080</u>) shall provide for the maximum attainable commercial usage of property while employing the best aspects of prior site planning and development controls to insure: protection of surrounding residential uses; safe access by motorists; minimum traffic congestion; and a development which is consistent with long-range plans of the county.
- Applications for Planned Commercial Developments (PCD, <u>17.180.080</u>) shall include the following required plans:
 - 1. The site plan shall indicate the proposed size, location and number of stories of each commercial structure.
 - a. The submitted site plan meets this requirement.
 - 2. The entrances, exits and number and location of all parking spaces shall be shown in detail, together with all loading and no parking zones.
 - a. The submitted site plan meets this requirement.
 - 3. The proposed methods and location of all buffers shall be described.

- a. The submitted site plan meets this requirement.
- 4. The proposed exterior lighting shall be shown.
 - a. The submitted narrative states that security lighting will be semi-cutoff type and meet the requirements of the Gateway Corridors Overlay District (GCOD, <u>17.420</u>). LED wall packs will be used along the perimeter of the building to adequately light the building entrances and drive aisles.
- 5. All proposed signs, advertising or identification graphics shall be indicated, showing their number, size, height and location.
 - a. The submitted narrative meets this standard. The narrative describes one monument sign constructed at the Cleveland Highway entrance to the property, which will be a monument style sign and meet Hall County Zoning Regulations (<u>Title 17</u>) standards. It should be noted that the submitted plans indicate that the sign will be externally illuminated.
- 6. The type and number of uses proposed for the commercial development shall be indicated.
 - a. The submitted narrative describes the proposed use as a 77,050 square foot selfstorage facility, comprised of 6 buildings plus 10 boat & RV parking spaces.
- 7. The development controls for the district shall be stated (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the suburban shopping district (S-S) shall apply.
 - a. The submitted site plan shows the setbacks for the Office Institutional (O-I, 17.130) district 30 feet from property line or 55 feet from centerline of road, whichever is greater, front; 20 feet, side; and 10 feet, rear. It should be noted that Cleveland Highway is classified as an arterial road per Reference Materials, (Appendix B), Per setbacks from arterial streets (17.240.040), no structure may be placed less than 100 feet from the center line of an arterial street (as defined in section 17.20).
- 8. If residential uses are proposed in conjunction with the planned commercial development, then the applicable requirements of the planned residential development shall be provided.
 - a. No residential uses are proposed.

The property falls within the **Gateway Corridors Overlay District**, (17.420.) which provides supplemental design standards for non-residential property development. The development 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. 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:
 - A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section <u>17.380.060.C</u> of this section [chapter]. The applicant has submitted a narrative and site plan but did not specifically address the criteria listed in <u>17.380.060.C</u>.
 - 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. This is not applicable as the property will utilize an onsite septic system.
- 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. This is not applicable as the property is not being developed residentially.

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated February 13, 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. 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 February 16, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

1) IFC Section 903, storage buildings exceeding 12,000 SF will be required to have a fire protection system installed.

- 2) IFC Section 507, all buildings must be with in the 400' hose lay distance requirement 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.
- 3) All access controlled gates will require a Knox key switch override device for fire department access into gated development.
- 4) IFC Section 503, dead end fire apparatus access roads in excess of 150' shall be provided with an approved turn around.

Hall County Public Works and Utilities

In a memo dated February 14, 2023, 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:

GDOT permit will be required for driveway connection to Cleveland Highway.

Utilities

No sewer service overfill in the area, septic system will need to be designed and permitted.

Georgia Department of Transportation

In email dated February 14, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will require GDOT coordination.

Excerpts from the minutes of the March 6, 2023 meeting

Applicant's Presentation:

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

John Hemphill, 3382 Smallwood Lane, Gainesville, presented the request. The applicant stated his variance requests: 1. Request to have black chain link fence outside of Corridor distance (beyond 300 ft from centerline). 6 ft chain link fence with barbed wire at the top is a more secure and economical option. Visibility of chain link fence from Cleveland Hwy will be almost non-existent. 2. Buffer Variance request along South boarder adjoining the property owned by the City of Gainesville. Request buffer be reduced from 25 feet to 10 feet. Steep topography of property makes the need for this request. 3. With reduced buffer to 10 ft, request exemption to install a finished 6ft wall. The City of Gainesville owns the property and will most likely build a government facility on the site. Currently site is being used to dump concrete pillars disposed from other sites. Very unlikely that anyone would want to build a primary residence on Cleveland Hwy with high level of traffic on highway. 4. Building in a two-phase approach, using gravel before laying asphalt, with an expectancy of completion in 3 to 5 years.

Darrell Vaughn, 196 Simonton Road, Lawrenceville, presented the request. The applicant pointed out that the GA Power easement encroaches onto the property so the buffer stays parallel to the property line and not along the easement.

Rebuttal

The applicant stated that he was asking for a rear variance so it wouldn't reduce the number of storage spaces. The applicant stated that he will work with GDOT and would grow trees to obstruct the view for the neighboring residents into the property. Mr. Hunt questioned how they would work with the fire marshals to provide a fire turn around since space was limited with the proposed buildings.

Public Forum:

Rita Ledlow, 5565 Riverwalk Court, Gainesville, spoke in opposition. Concerns were noise buffer, home value, security, hours of operation, light spillage, traffic, and capacity.

William Piper, 5594 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic, environmental impacts, and buffers.

Joe Piper, 2117 Brittany Court, Gainesville, spoke in opposition. Concerns were safety, visual quality, safety, and traffic.

Ben Filchak, 5588 Riverwalk Court, Gainesville, spoke in opposition. Concerns were buffers, privacy, noise, and light pollution.

David Hocker, 5596 Riverwalk Court, Gainesville, spoke in opposition. Concerns were fencing and appearance.

Barry Barnes, 5690 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic safety.

Chris Gibbs, 4695 Jess Holton, Gainesville, spoke in opposition. Concerns were overcrowding, site plan, and lack of renderings.

Planning Commission Comments:

Ms. Pilcher pointed out that it would be difficult to preserve the mature trees on the property to provide a buffer. Mr. Hunt questioned what buildings would be built in phase 1. Mr. Hemphill stated that buildings 1, 2, and 3 along with grading for streets. Mr. Braswell stated that the site plan needed work and that developing in phases could take a very long time. He also mentioned that the buffers requested would encroach into neighboring properties and building 1 itself is in direct conflict with the intent of Gateway Standards. Mr. Hunt stated that his concern was the turning radius in between buildings, especially for fire trucks. Mr. Hemphill questioned if the doors should not be facing the highway. Mr. Braswell stated he thinks they should be parallel to the road. Mr. Braswell questioned if the applicant has tried reaching out to the neighbors. Mr. Hemphill stated that he would have but the community is gated. Mr. Hunt stated that he would be open to tabling the application to allow the applicant a chance to provide a better site plan addressing concerns but he would also be in support of denial if the board so chose.

<u>Motion:</u> A motion for denial was made by Ms. Pilcher and seconded by Mr. Varner. Vote: 4-1 (Hunt Opposed)

HALL COUNTY PLANNING COMMISSION RECOMMENDATION REPORT

Applicant	John S. Hemphill
Request	Variance from the non-residential property development standard (<u>17.420.050</u>) of the Gateway Corridors Overlay District (GCOD, <u>17.420</u>)
Proposed Use	self-storage facility
Size	7.0± acres
Zoning	Current Office Institutional (O-I, <u>17.130</u>) / Gateway Corridors Overlay District (GCOD, <u>17.420</u>) Proposed Planned Commercial Development (PCD, <u>17.180.080</u>) / Gateway Corridors Overlay District (GCOD, <u>17.420</u>)
Location	4916 Cleveland Highway Tax Parcel 12029 000011B
Commission District	Three
Planning Commission Date	March 6, 2023
Staff Recommendation	Denial as the requested variance requests do not to meet the requirements of <u>2.60.030.K.</u>
Planning Commission Recommendation Vote: 4-1 (Hunt opposed)	. Denial

There is a concurrent rezoning request on this agenda. The Planning Commission can hear the rezoning and variance 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 variance request is automatically denied since self-storage facilities are not allowed in the Office Institutional (O-I, 17.130) zoning district.

Public Forum:

Rita Ledlow, 5565 Riverwalk Court, Gainesville, spoke in opposition. Concerns were noise buffer, home value, security, hours of operation, light spillage, traffic, and capacity.

William Piper, 5594 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic, environmental impacts, and buffers.

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Barry Barnes, 5690 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic safety.

Chris Gibbs, 4695 Jess Holton, Gainesville, spoke in opposition. Concerns were overcrowding, site plan, and lack of renderings.

Summary Analysis

The applicant is requesting to rezone a $7.00\pm$ acre parcel currently zoned Office Institutional (O-I, $\underline{17.130}$) for the purpose of developing a self-storage facility with boat & RV parking. The property lies within the Gateway Corridors Overlay District, (GCOD, $\underline{17.420}$), which provide design standards for non-residential property development. The applicant has requested to vary several of those requirements.

Per the applicant's submitted materials, the self-storage facility will include a mixture of conditioned and non-conditioned self-storage units. The applicant's narrative states the number of units is expected to be between 500 and 550, with a maximum square footage of 77,050 square feet. This is split among six (6) proposed buildings. The unit make up will include a range of dimensions including: 5'x5', 5'x10', 10'x10', 10'x15', 10'x20', 10'x25', and 10'x30'. The final mix of units will depend on site topography and market demand.

In addition to the self-storage units there are 10 proposed boat & RV parking spaces. 4 spaces in front will be adjacent to Cleveland Highway and the south property line, and are proposed to be 25 feet in depth. The remaining spaces will accommodate a total length of 35 feet. No washing station for the boats & RVs is proposed.

The applicant's narrative and site plan propose a 25 foot buffer along the north and east property lines. The southern property line has a 25 foot buffer where the property is adjacent to property zoned for single-family residential uses. Where the southern boundary is adjacent to property owned by the City of Gainesville, the applicant has requested to reduce the width of the buffer from 25 feet to 10 feet. The applicant has stated this is due to the site topography in this area and to accommodate the boat and RV parking at the front of the property.

The applicant has requested three (3) variances as part of the application. Additionally, staff has identified the need for several additional variances from the non-residential property development standard (17.420.050) of the Gateway Corridors Overlay District (GCOD, 17.420) during the review of this request.

- In addition to the above mentioned variance to buffer requirements, the applicant is requesting two
 other variances. Specifically, the applicant is requesting that the reduction of the 25 foot buffer to 10
 feet be approved without the requirement of a 6 foot wall, as required in the non-residential
 property development standard of the Gateway Corridors Overlay District (GCOD, <u>17.420.050</u>).
 Additionally, the applicant is requesting to utilize a black vinyl chain-link fence outside of the GCOD
 boundaries (300 feet from centerline of the road).
- Staff has further identified that relief will be needed from the architectural requirements of the
 GCOD (17.420.050.H.2.c), which requires the use of a common pallet of building materials on all four
 sides of the structure. The applicant is proposing brick endcaps or brick walls along certain portions
 of the development which will be visible from Cleveland Highway. A site plan has been submitted
 with the portions of the structure intended to have brick highlighted in yellow. The applicant also
 details these changes on page 10 of the narrative.
- Additionally, the applicant's narrative states that the intent is to utilize gravel for the parking and
 drive areas until development of all buildings is complete, at which point the property will be paved.
 This deviates from the non-residential property development standard of the Gateway Corridors
 Overlay District (GCOD, <u>17.420.050</u>), which requires in <u>17.420.050.E.3</u> that all parking areas shall be
 paved with asphalt, concrete, or pervious materials approved by the director.

Within the Gateway Corridors Overlay District (GCOD, $\underline{17.420}$), self-storage facilities require conditional use approval from the Board of Commissioners, which is being heard concurrent to this request.

Based on the future land-use plan, staff finds the <u>requested zoning designation</u> is consistent with the mixed-use corridor of the <u>Comprehensive Plan</u>, which anticipates primary future land uses to be retail activities or office based employment. The proposed use of a self-storage facility is consistent with the overall growth occurring in the northern part of the county.

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 <u>2.60.030.J</u> provided the request meets the criteria set forth in <u>2.60.030.K</u>.

- 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); No, there do not appear to be extraordinary or exception conditions pertaining to the particular lot in question due to its size, shape or topography that would necessitate a need for a variance from non-residential property development standard (17.420.050.) of the Gateway Corridors Overlay District (GCOD, 17.420). The applicant states that the site has some changing topography, but the intent is to leave approximately 50% of the site undisturbed.
- 2. The application of the requirements of this <u>Title 17</u> to this particular piece of property would create an unusual hardship; **The subject property can be developed in accordance with the**

permitted uses within the Office Institutional (O-I, $\underline{17.130}$). The application of $\underline{\text{Title } 17}$ to this particular piece of property would not create an unusual hardship.

- 3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; The applicant has presented no peculiar conditions to the subject property that would necessitate the variances when compared to adjacent parcels.
- 4. Such conditions are not the result of any actions of the property owner; The applicant has not presented any unusual conditions or circumstances that warrant the deviation from the standards; therefore, it is assumed that none exist.
- 5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of <u>Title 17</u>; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by <u>Title 17</u> or for a conditional use which has been denied by the county planning commission. If granted, would lead to inconsistent application of the non-residential property development standard (<u>17.420.050.F.4.a</u>) of the Gateway Corridors Overlay District (GCOD, <u>17.420</u>) along the primary thoroughfares in Hall County.

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated February 13, 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. 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 February 16, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

- 1) IFC Section 903, storage buildings exceeding 12,000 SF will be required to have a fire protection system installed.
- 2) IFC Section 507, all buildings must be with in the 400' hose lay distance requirement 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.
- 3) All access controlled gates will require a Knox key switch override device for fire department access into gated development.
- 4) IFC Section 503, dead end fire apparatus access roads in excess of 150' shall be provided with an approved turn around.

Hall County Public Works and Utilities

In a memo dated February 14, 2023, 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:

GDOT permit will be required for driveway connection to Cleveland Highway.

Utilities

No sewer service overfill in the area, septic system will need to be designed and permitted.

Georgia Department of Transportation

In email dated February 14, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will require GDOT coordination.

Excerpts from the minutes of the March 6, 2023 meeting

Applicant's Presentation:

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

John Hemphill, 3382 Smallwood Lane, Gainesville, presented the request. The applicant stated his variance requests: 1. Request to have black chain link fence outside of Corridor distance (beyond 300 ft from centerline). 6 ft chain link fence with barbed wire at the top is a more secure and economical option. Visibility of chain link fence from Cleveland Hwy will be almost non-existent. 2. Buffer Variance request along South boarder adjoining the property owned by the City of Gainesville. Request buffer be reduced from 25 feet to 10 feet. Steep topography of property makes the need for this request. 3. With reduced buffer to 10 ft, request exemption to install a finished 6ft wall. The City of Gainesville owns the property and will most likely build a government facility on the site. Currently site is being used to dump concrete pillars disposed from other sites. Very unlikely that anyone would want to build a primary residence on Cleveland Hwy with high level of traffic on highway. 4. Building in a two-phase approach, using gravel before laying asphalt, with an expectancy of completion in 3 to 5 years.

Darrell Vaughn, 196 Simonton Road, Lawrenceville, presented the request. The applicant pointed out that the GA Power easement encroaches onto the property so the buffer stays parallel to the property line and not along the easement.

Rebuttal

The applicant stated that he was asking for a rear variance so it wouldn't reduce the number of storage spaces. The applicant stated that he will work with GDOT and would grow trees to obstruct the view for the neighboring residents into the property. Mr. Hunt questioned how they would work with the fire marshals to provide a fire turn around since space was limited with the proposed buildings.

Public Forum:

Rita Ledlow, 5565 Riverwalk Court, Gainesville, spoke in opposition. Concerns were noise buffer, home value, security, hours of operation, light spillage, traffic, and capacity.

William Piper, 5594 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic, environmental impacts, and buffers.

Joe Piper, 2117 Brittany Court, Gainesville, spoke in opposition. Concerns were safety, visual quality, safety, and traffic.

Ben Filchak, 5588 Riverwalk Court, Gainesville, spoke in opposition. Concerns were buffers, privacy, noise, and light pollution.

David Hocker, 5596 Riverwalk Court, Gainesville, spoke in opposition. Concerns were fencing and appearance.

Barry Barnes, 5690 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic safety.

Chris Gibbs, 4695 Jess Holton, Gainesville, spoke in opposition. Concerns were overcrowding, site plan, and lack of renderings.

Planning Commission Comments:

Ms. Pilcher pointed out that it would be difficult to preserve the mature trees on the property to provide a buffer. Mr. Hunt questioned what buildings would be built in phase 1. Mr. Hemphill stated that buildings 1, 2, and 3 along with grading for streets. Mr. Braswell stated that the site plan needed work and that developing in phases could take a very long time. He also mentioned that the buffers requested would encroach into neighboring properties and building 1 itself is in direct conflict with the intent of Gateway Standards. Mr. Hunt stated that his concern was the turning radius in between buildings, especially for fire trucks. Mr. Hemphill questioned if the doors should not be facing the highway. Mr. Braswell stated he thinks they should be parallel to the road. Mr. Braswell questioned if the applicant has tried reaching out to the neighbors. Mr. Hemphill stated that he would have but the community is gated. Mr. Hunt stated that he would be open to tabling the application to allow the applicant a chance to provide a better site plan addressing concerns but he would also be in support of denial if the board so chose.

<u>Motion:</u> A motion for denial was made by Ms. Pilcher and seconded by Mr. Varner. Vote: 4-1 (Hunt Opposed)

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



ZONING APPLICATION

Applicant (Name & Mailing Address)	Property Owner (Name & Mailin	ng Address)			
John S. Hemphill	Northeast Georgia	a Health Systems Inc			
3382 Small Woods IN	743 Spring 5				
Gainesville GA 30506	Gainesville				
Phone 404 915 9691	Phone <u>678-776-301</u>	40770219-8404			
Email Address John shem phill@comcast.No	Email Address amy cif	rid@NGHS,COM			
Proposed Use Self Storage facility	ty with Boat +	RV Parking			
Contact Person (Name & Mailing Address)	Status of Applicant	Requested Action			
John S Hemphill	Owner	Existing Zoning: OI			
3382 Small Woods /w	Option to Purchase	Rezone to: PCD			
Gainesville, GA 30506		Fee:\$			
Phone 404 915 96 91	Other	Receipt #:			
Email Address john shemphillacomcast.	<u>net</u>	Check #:			
Tax Parcel Number/2029 0000 / / 13	Acreage				
Location Address 4916 Clavelend Hwy	, Gainesville Gi	4 30506			
I hereby certify that the above information and all attached					
Sign John & Talemphill		Date 01-26-23			
Applicant must complete all information above. Failu					
application. The Planning Department has 15 days application. If the application is found insufficient and					
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					
	Taken by:				
	Tentative 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)	Name of owner(s) Northeast Georgia Health System, Inc.				
Address	743 Spring Street, Gainesville GA 30501				
Phone Number	770-219-8404				
Name of applicant(s))				
Address					
Phone Number					
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 pers	son named above to act as applicant in the pursuit of a rezoning, permissive i variance of this property.	use, or			
Signature of Owner(s	s)				
Personally appeared					
who swears that the knowledge and belie	information contained in this authorization is true and correct to the best of his/her f.				
Notary Public	Date Date				
11077 SPORT	PUBLIC COMMISSION EXPIRES OF TOO COUNTY OF COU	ecember 201			

Revised December 2019

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



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:		
	Date: 10 20 22		
Applicant's/Owner's Name (Printed): Brian D. Steines			

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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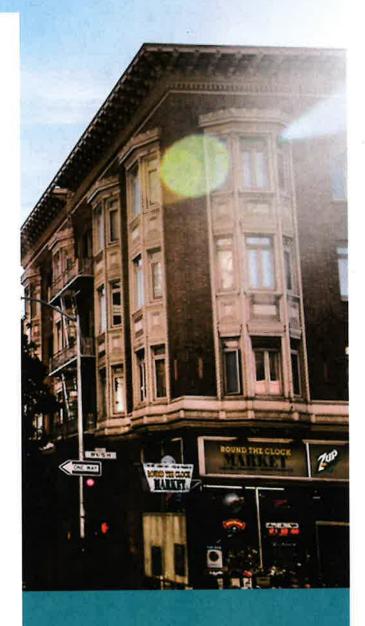
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Name of Official(s):		Office:	
Dollar Amount:		Date of Contribution:	
Applicant's/Owner's Signature:	- L Temp	Mell Date: 9-30-22	
Applicant's/Owner's Name (Printed):	John.	5. Hemphill	

Cleveland Hwy Self-Storage Facility

CONDITIONAL USE APPLICATION
NARRATIVE



DEC-22

Applicant Name: John Hemphill

Written Report in support of Rezoning Application and conditional use for Self-Storage Facility

Property Address: 4916 Cleveland Hwy, Gainesville GA 30506

The Applicant is John S. Hemphill, Current Owner & Operator of A&A Mini Storage located at 2280 Hwy 81, Loganville GA.

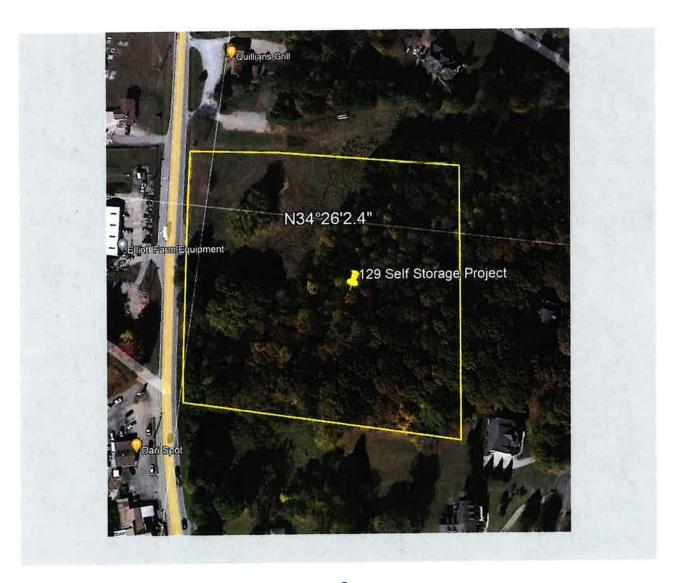
Background for developing Self-Storage Facilities:

- Developed Self-Storage Facility from a green field site in 2004 and started operations the following year in Loganville GA, (Walton County)
- Phased build-out plan with 185 units currently
- In process with Walton County Planning to expand on adjacent 2 acres, purchased mid-2022 and expect to more than double unit capacity
- This is a family owned and operated facility
- Mr. Hemphill lives off Cleveland Hwy, approximately 7 minutes from new development site

Subject Property

The subject property is a 7-acre lot located in North Hall County on Cleveland Hwy. Said property is approximately 5 miles south of Hall County's northern border, approximately 4 miles south of Clermont GA and approximately 6.5 miles north of Gainesville GA.

Due to the property frontage on Cleveland Hwy (S.R. 129), this site falls within Hall County's Gateway Corridors Overlay District, as defined in the Hall County Zoning Regulations. See Chapter 17.420 of the Hall County Zoning Regulations.



Existing Use

The subject property is a greenfield site. It was previously used as a Health Care Facility. Health Care building(s) were demolished around 2012 and property restored to greenfield condition.

Proposed Development & Project Overview

Plans are to develop a Self-Storage Facility with a mix of conditioned and un-conditioned self-storage space in multiple buildings and Parking storage for small to medium Boats and RVs. Expect final number of storage units to be in the 400 to 600 range.

- Facility will be developed in a phased approach over 3 to 5 years (2 phases).
- Given the terrain and slope of the property, expect to be able to use about half of the property for storage units and parking
- Normal operating hours will be 9:00am to 5:00pm, with most of the use in daylight hours.
 Access will be provided through a secure keypad entry process outside of normal operating hours as noted below.
- Access to the property will be provided through a gate access keypad that will operate between 5am and 11pm.
- Property security a priority; a Security system with cameras will be installed to make as safet and secure as possible.
- Outdoor lighting for facility will be the semi-cutoff type and meet GCOD standards
- We will install appropriate trees and/or shrubbery to obstruct view from neighboring residential properties to minimize view impacts
- Storm water will be managed through an appropriately sized retention pond near the back of the facility
- Site inspected by Jason E. Skarda, Hall County Engineering for potential spring. After inspection, he found no evidence of spring or water source on property. Report attached in Rezoning filing
- Property will be graveled until development of all buildings is complete. Once all buildings are complete, property will be paved around buildings, meeting paved parking requirements
- With Property being very heavily wooded, propose to leave as many mature and natural areas at rear of property (east side) and at right side of property (south side) to obstruct views from residential properties

Servicing Market Demand

The main building in front of property will hold the Office and un-conditioned units of various sizes. The others larger buildings will be a mix of conditioned and un-conditioned units. Unit make up will be in a range of dimensions, typical sizes being: 5'x5', 5'x10', 10'x10', 10'x15', 10'x20', 10'x25' and 10'x30'. Ultimate mix of units will depend on topography and market demand.

Operations

The facility will be manned by one full-time and one part-time staff. Expected office hours will be from 9:00am to 5:00pm, Monday-Friday. Weekend and Holiday hours will be by appointment only. Customer access, via secure keypad access, will be available daily from 5:00am to 11:00pm.

Zoning

The site is currently zoned Office-Industrial (O-I) and sits in the Gateway Corridor, subject to Gateway Corridors Overlay District (GCOD) zoning regulations. The Planned Commercial Development (PCD) zoning district permits Warehousing as a Conditional Use upon the approval of the Planning Commission. Additionally, the GCOD permits Self-Storage as a Conditional Use, upon approval on Board of Commissioners.

The purpose of this narrative and supplemental information is to provide clarity on the intended use of the property and affirmatively demonstrate that the use as a Self-Storage facility will meet the requirements of the Zoning code, vision of the Comprehensive Plan and is following the GCOD overlay district requirements. With this information, we respectfully request approval for the Conditional Use of Self-Storage as provided for by the GCOD.

Self-Storage is a low intensity use, generating low traffic volumes and minimal demand on community resources. It is a service-related operation providing storage solutions to area residents.

This property is located among many existing community commercial uses and sits within the Mixed-Use Corridor as noted in the comprehensive plan. Surrounding commercial businesses include, but not limited to retail restaurants, furniture store, farm equipment store, and fabrication and machine repair shop -- all along Cleveland Highway.

Neighboring Properties

The site is bordered by 7 properties, one is a commercial property zoned (S-S) and six residential properties zoned (AR-IV). Five lots are in the River Walk subdivision, with one of them being a non-buildable drainage lot, others have residential homes. The sixth residential lot on the South border, on Cleveland Hwy, is owned by City of Gainesville and zoned (AR-IV). The commercial property to the North is a retail restaurant: Quillians Grill.

Project Development

Vehicular Access & Parking

The property will be accessed from Cleveland Hwy (129) utilizing a deceleration lane as prescribed by GDOT engineers. Report from GDOT Officer, Parker Niebauer, is included in the package. A minimum of five paved parking spaces will be provided near the office with one being a handicapped space. Up to 8 additional parking spaces will be added to accommodate moving vehicles and trailers to meet moving demand needs for customers that do not have trucks and trailers.

Utilities

Plans are to have electrical service, water service, and water waste septic system. Outside water spicket will be available, but under lock at the rear of the Office. Water is available from Hall County. Previously serviced up to December 2010. Wastewater disposal will utilize an in-ground septic system. Only use will be for an office bathroom and sink

Lighting

Outdoor lighting for facility will be the semi cutoff type and meet GCOD standards. Some pole lighting might be required to appropriately light facility. Security is a very important consideration for insuring a safe and pleasant experience for customers. LED Lighting wall packs will be utilized along the perimeter of the buildings to adequately light building entrance and drive aisles.

Signage

Signage will be within Gateway standards, 10 ft. above street grade and up to 64 sq ft on each side. The sign structure shall be constructed of the same materials that are used in the facade of the principal building. Expect to have external lighting on the sign for night time visibility.

Architectural Design and Materials

Plans are to utilize Betco Inc to design and build units. Exterior endcap facade will be brick, to meet GCOD standards, and metal in the mid sections. Betco has designed and installed storage buildings since 1984 and have managed to become a leader in the self-storage industry. Betco builds quality products and provides value-added services to their clients. They have established the highest standards

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Variance request:

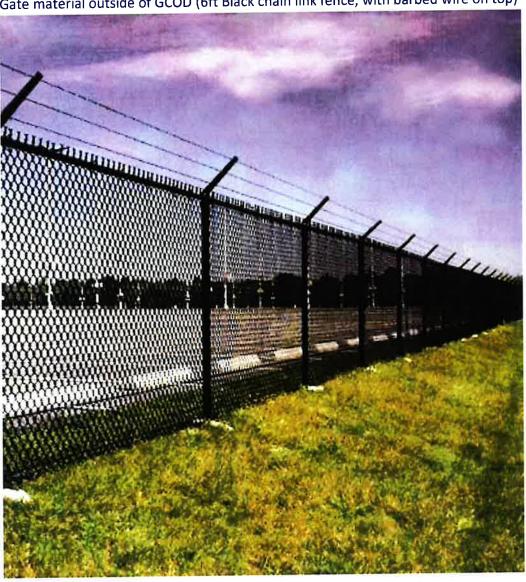
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Illustrations of expected design materials





Gate material outside of GCOD (6ft Black chain link fence, with barbed wire on top)

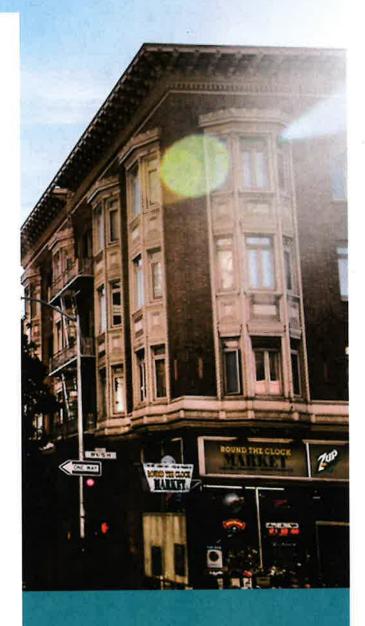


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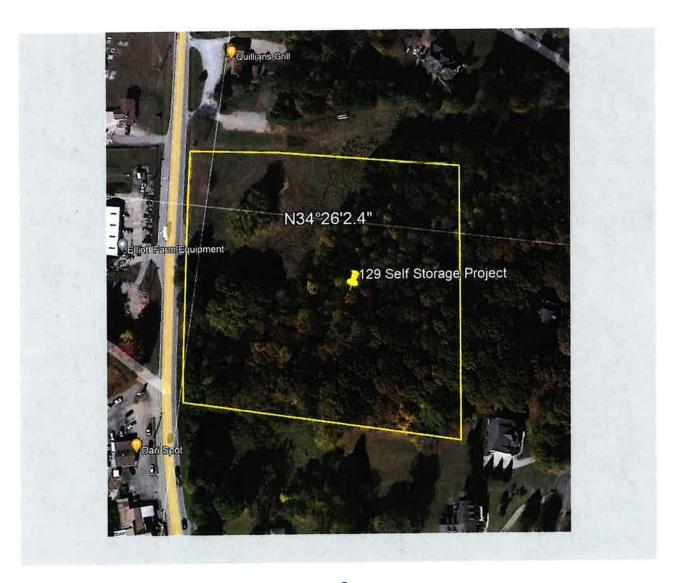
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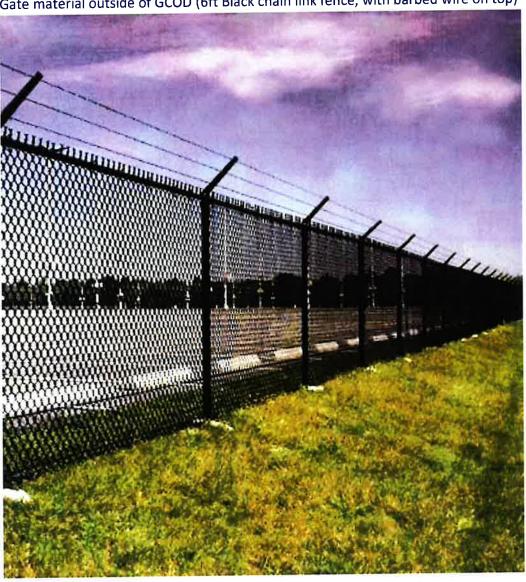
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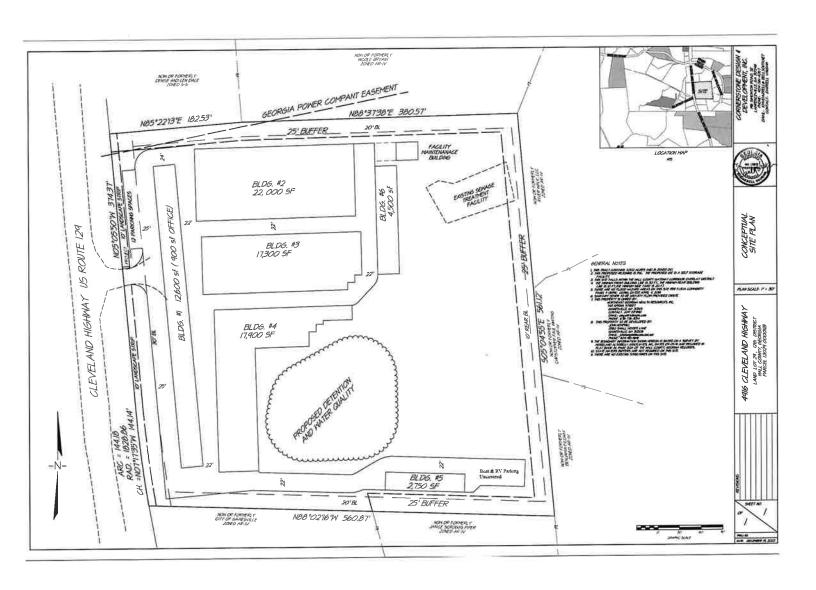


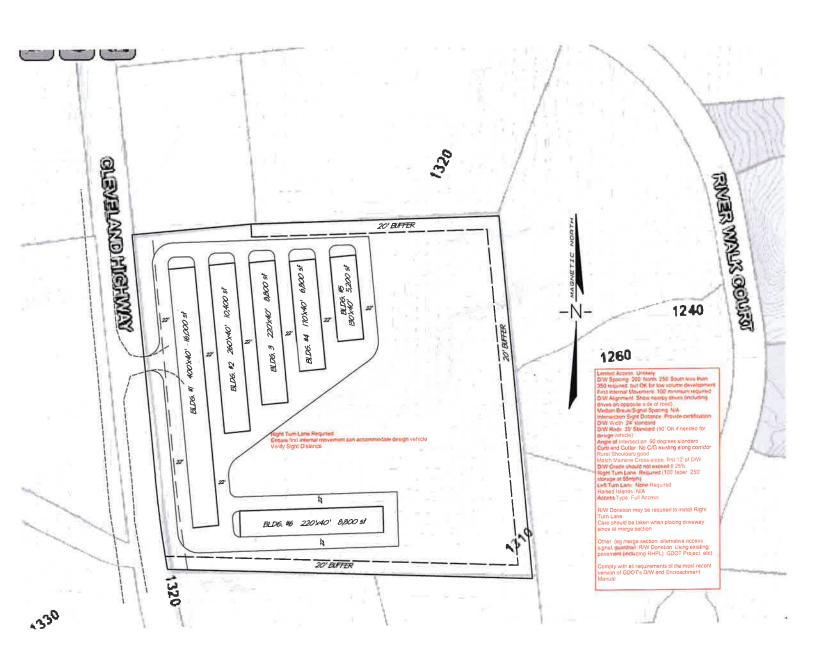
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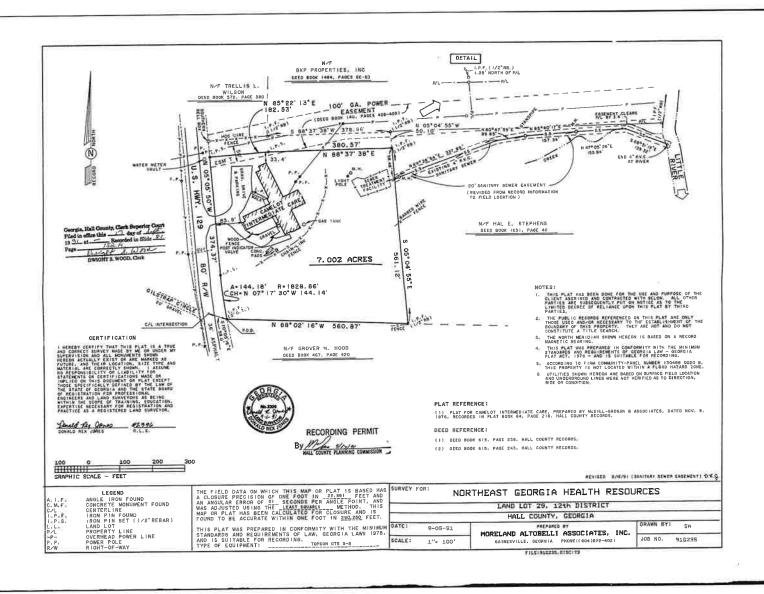


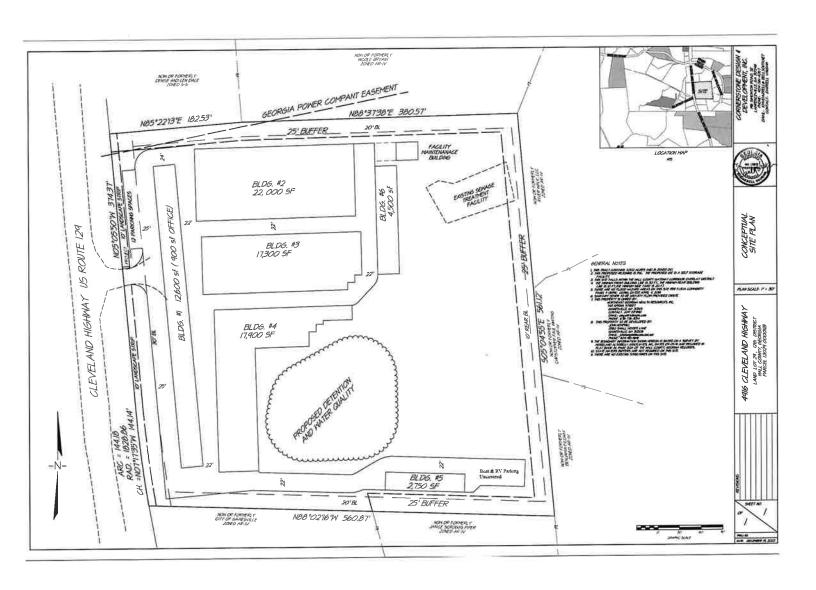
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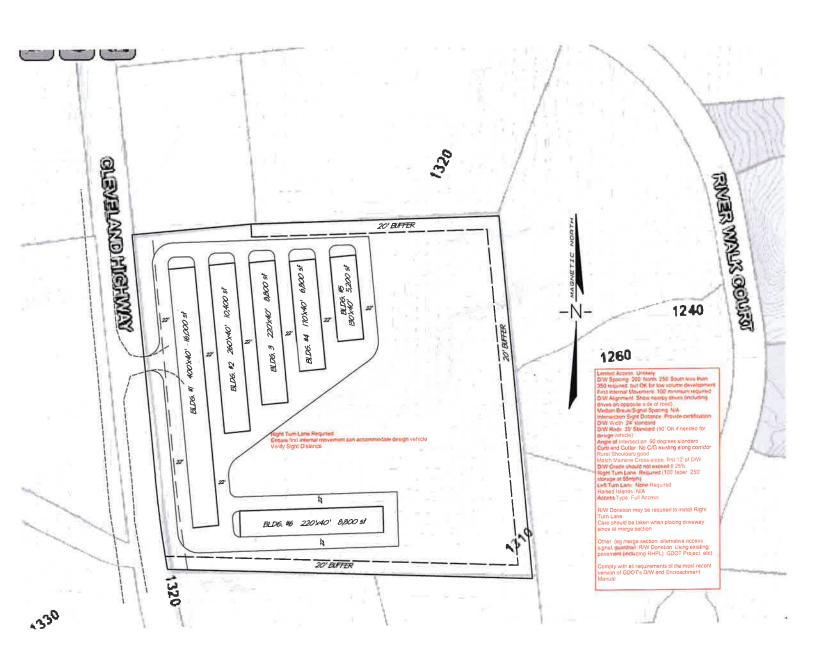


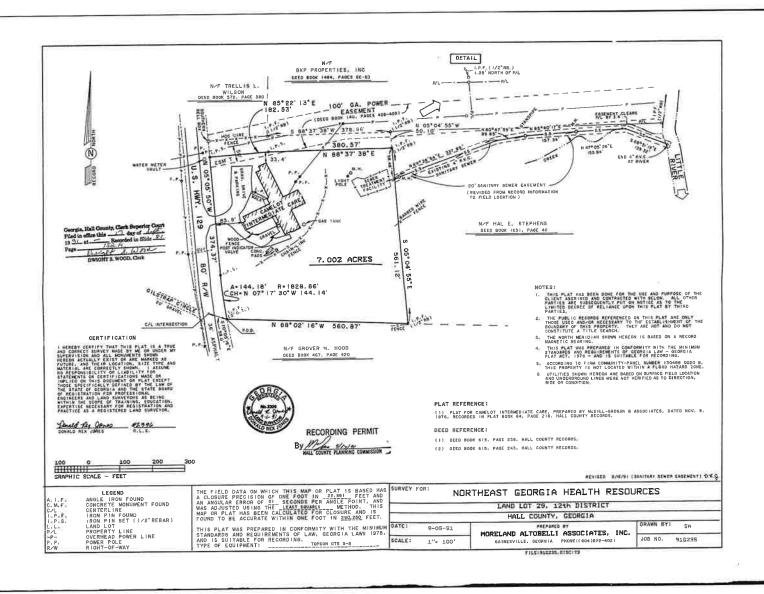


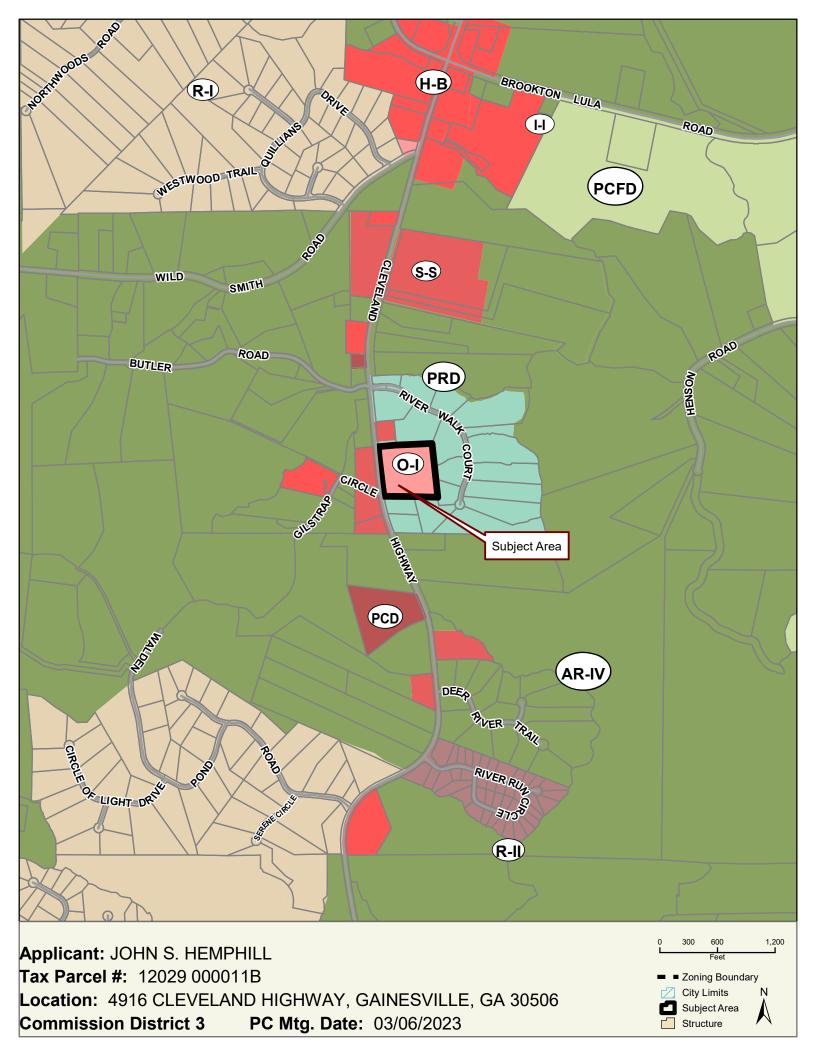


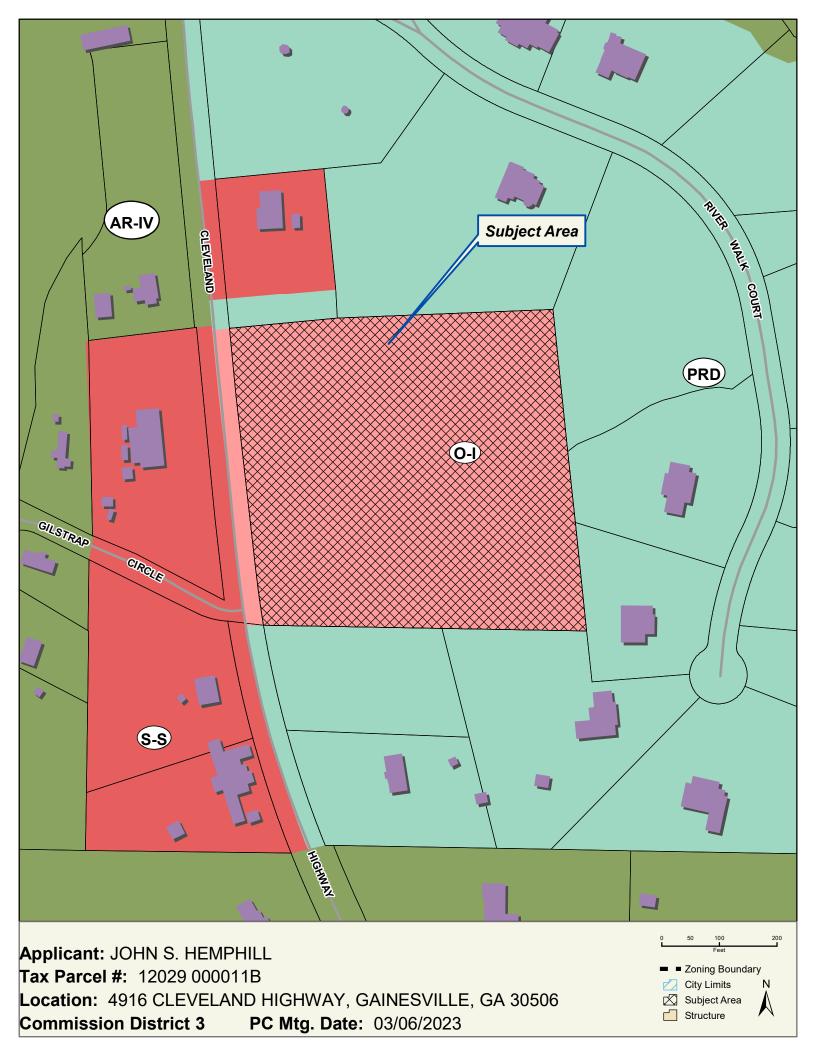










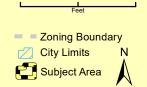




Applicant: JOHN S. HEMPHILL Tax Parcel #: 12029 000011B

Location: 4916 CLEVELAND HIGHWAY, GAINESVILLE, GA 30506

Commission District 3 PC Mtg. Date: 03/06/2023



Legal Description

EXHIBIT "A"

All that tract or parcel of land together with improvements thereon, situate, lying and being in Land Lot 29 of the 12th District of Hall County, Georgia, CONTAINING 7.002 ACRES, as shown on survey for Northeast Georgia Health Resources, prepared by Donald Rex Jones, Registered Surveyor, dated September 5, 1991, Revised September 16, 1991, and recorded in Slide Book 81, Page 152-A of the Hall County Records, and being more particularly described according to said Jones Survey as follows:

BEGINNING at a 2" open top pipe found on the Easterly right-of-way of U. S. Highway 129 located South 70 degrees 05 minutes 16 seconds East 58.0 feet from a point where the centerline of said U. S. Highway 129 and Gilstrap Circle intersects; thence from said POINT OF BEGINNING along the Easterly right-of-way of said U. S. Highway 129, along a curve to the right having a radius of 1,828.86 feet and an arc length of 144.18 feet, being subtended by a chord of North 07 degrees 17 minutes 30 seconds West for a distance of 144.14 feet to a ½" rebar set; thence continuing along said right-of-way. North 05 degrees 05 minutes 50 seconds West for a distance of 374.37 feet to a ½" rebar set on the Southerly line of a fifty (50) foot casement reserved for a road; thence along said Southerly line, North 85 degrees 22 minutes 13 seconds East for a distance of 182.53 feet to a ½" rebar set; thence continuing along said Southerly line, North 88 degrees 37 minutes 38 seconds East for a distance of 380.57 feet to a ½" rebar found; thence leaving last-mentioned line, South 05 degrees 04 minutes 55 seconds East for a distance of 561.12 feet to a ½" rebar found; thence North 88 degrees 02 minutes 16 seconds West for a distance of 560.87 feet to the POINT OF BEGINNING.

TOGETHER WITH a Sewer Easement more particularly described as 10-feet on each side of a line leading from said 7.002 acre tract to Little River and more particularly described as follows:

TO ARRIVE AT THE BEGINNING POINT OF SAID SEWER LINE, commence at an iron pin located along the Easterly right of way of U. S. Highway 129 (80-foot right of way) said beginning point being located South 70 degrees 05 minutes 16 seconds East 58.0 feet from a point where the centerline of U. S. Highway 129 intersects the centerline of Gilstrap Circle; thence along the easterly right of way of U. S. Highway 129, the following courses and distances, to-wit: North 07 degrees 17 minutes 30 seconds West a chord distance of 144.14 feet to an iron pin; thence North 05 degrees 05 minutes 50 seconds West 374,37 feet to an iron pin corner; thence leaving the easterly right of way of U. S. Highway 129 and continuing North 85 degrees 22 minutes 13 seconds East 182.53 feet to an iron pin; thence North 88 degrees 37 minutes 38 seconds East 380.57 feet to an iron pin corner; thence South 05 degrees 04 minutes 55 seconds East 98.48 feet to a point, which point is the TRUE POINT OF BEGINNIG OF SAID SANITARY SEWER LINE: thence North 69 degrees 36 minutes 54 seconds East 337.89 feet to a point; thence North 80 degrees 47 minutes 59 seconds East 89.85 feet to a stand pipe, thence North 85 degrees 40 minutes 17 seconds East 157.34 feet to a manhole; thence North 87 degrees 05 minutes 26 seconds East 153.94 feet to a point; thence South 68 degrees 51 minutes 19 seconds East 139.32 feet to the end of a 4" PVC Pipe at Little River.

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Monday, February 13, 2023 9:13 AM

To: Anael Dominguez (Planning); Randi Doveton (Planning)

Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)

Subject: HCPC Tentative Agenda 3.6.23

Please find Environmental Health comments below:

Item 1, 1000 Treesort View, McKibbon: No comment.

Item 2, 1670 Friendship Road, Highlands Residential: No comment.

Items 3 and 4, 2014 Edmonds Drive, Solorzano: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

Item 5, 4916 Cleveland Hwy, Hemphill: 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. 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 6, 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: Tuesday, February 14, 2023 11:02 AM

To: Anael Dominguez (Planning); Randi Doveton (Planning)

Cc: Chavers, Veronica E; Peevy, Jonathan

Subject: RE: Tentative Planning Agenda for March 6, 2023

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

- 1. Steve P. McKibbon will require GDOT Coordination
- 2. Highlands Residential will require GDOT Coordination
- 5. John S. Hemphill will require GDOT Coordination

The following will not require GDOT Coordination

- 3. Uriel Solorzano none
- 4. Uriel Solorzano none
- 5. Hall County Planning none

Thank you,

Parker Niebauer

D1TO Traffic Operations Supervisor



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, February 9, 2023 12:24 PM

To: Becky Ruffner (Parks & Leisure) <bru>
Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bru>
Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bru>
Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bru>
Smith@hallcounty.org>; Brent Holloway (Parks and Leisure) <bru>
Scholloway@hallcounty.org>; Bryan Cash (Fire Services) <bru>
Scbcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbrusawell@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@gainesvillega.gov) <jeremy.wills@gainesvillega.gov>; 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>; Nick Swafford <NSwafford@gainesvillega.gov>; Nicole Griffin (Tax Assessors)
<nicole.griffin@hallcounty.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 Sutton (Engineering)
<wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for March 6, 2023

Good afternoon -

Here is the Tentative Agenda and Maps for the Monday, March 6, 2023 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 <u>Thursday, February 16th</u>. Email comments to Randi (<u>rdoveton@hallcounty.org</u>) and Ana (<u>adominguez@hallcounty.org</u>).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – February 20, 2023

NEW BUSINESS

- 1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., applicant.
- 2. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, applicant.
- 3. 2014 Edmonds Drive | Rezone | from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 4. 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 5. 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: self-storage facility | ** Commission District 3 | John S. Hemphill, applicant.
- 6. <u>Title 17 of the Official Code of Hall County | Text Amendment | Proposed amendments to Sections 17.20.1110,17.20.1130,17.20.1140, 17.240.130.A, deleting Appendix B, and inserting a new section 17.240, a copy of the proposed amendments are available from the Hall County Planning office | ** All Commission Districts | Hall County Planning, applicant.</u>

*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, April 13, 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, April 13, 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 Government PUBLIC WORKS AND UTILITIES

ENGINEERING DIVISION

MEMORANDUM

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**

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: February 14, 2023

March 6, 2023 - Hall County Planning Commission Agenda **Subject:**

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the March 6, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

- 1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., applicant.
 - a) Engineering: No Comment
 - b) Traffic: Proposed signage shall not obstruct or contradict approved traffic control signage.
 - c) Utilities: Monument signs shall not be constructed on sanitary sewer or utility easement.
- 2. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, applicant.
 - a) Engineering: No Comment
 - b) Traffic: Proposed signage shall not obstruct or contradict approved traffic control signage
 - c) Utilities: signs shall not be constricted on sanitary sewer or utilities easements
- 3. **2014 Edmonds Drive | Rezone |** from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.

a) Engineering: No Comments

b) Traffic: No Comments c) Utilities: No Comments



Hall County Government

PUBLIC WORKS AND UTILITIES ENGINEERING DIVISION

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

4. 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.

a) Engineering: No Commentsb) Traffic: No Commentsc) Utilities: No Comments

- 5. 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: selfstorage facility | ** Commission District 3 | John S. Hemphill, 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 driveway connection to Cleveland Highway
 - c) Utilities: No sewer service overfill in the area, septic system will need to be designed and permitted
- 6. Title 17 of the Official Code of Hall County | Text Amendment |
 Proposed amendments to Sections 17.20.1110,17.20.1130,17.20.1140,
 17.240.130.A, deleting Appendix B, and inserting a new section 17.240,
 a copy of the proposed amendments are available from the Hall County
 Planning office | ** All Commission Districts | Hall County Planning,
 applicant.

a) Engineering: No Commentsb) Traffic: No Commentsc) Utilities: No Comments

Anael Dominguez (Planning)

From: John Hornick (Fire Services)

Sent: Thursday, February 16, 2023 2:21 PM

To: Randi Doveton (Planning); Anael Dominguez (Planning)

Subject: Fire Comments

Hall Planning Commission Meeting 3/6/23

- 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: self-storage facility | ** Commission District 3 | John S. Hemphill. applicant.
 - 1) IFC Section 903, storage buildings exceeding 12,000 SF will be required to have a fire protection system installed.
 - 2) IFC Section 507, all buildings must be with in the 400' hose lay distance requirement 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.
 - 3) All access controlled gates will require a Knox key switch override device for fire department access into gated development.
 - 4) IFC Section 503, dead end fire apparatus access roads in excess of 150' shall be provided with an approved turn around.

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: Joe Piper <joempiper1@gmail.com>
Sent: Friday, March 3, 2023 10:33 AM

To: Randi Doveton (Planning); Anael Dominguez (Planning); Ellis Still (Planning);

davidwebb@hallco.org; william piper

Subject: For The Record - 4916 Cleveland Highway Rezoning Request

Attachments: 4916 Cleveland Highway Rezoning and Variance Request Opposition For The Record

3.3.23.pdf

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.

WARNING: This communication has been detected as containing an attachment - Proceed with caution

Good morning Hall County Planning Team,

Your reviewing the application with some affected parties, including my dad, is appreciated. Also, thanks for your hard work as I know you're often caught in the middle of differing viewpoints.

Please find attached a document that specifically outlines safety issues associated with the request to rezone 4916 Cleveland Highway for storage as well as a copy of the letter sent to Planning Board members. The letter also refers to applicant's desire to deviate from Gateway Corridor requirements thus negatively impacting the North Hall Community.

Can you please submit the attachment for the record associated with Monday's planning board meeting as I've had difficulty submitting it via the form?

Thank you, Joe Piper 770-337-0488

Safety Risks Associated with Application To Rezone 4916 Cleveland Highway To Accommodate a Storage Facility

REQUEST: <u>Please deny</u> application for Rezoning based on safety hazards and not meeting Gateway Corridor Guidelines. This is a <u>community issue</u> that should not be left up to the GA DOT.

Comments made on Facebook and Nextdoor.com over the past few days.

"I hope it doesn't pass because I live on this road down below where this is and it's very dangerous."	
"Bad idea! As I was driving northbound today, I imagined a big RV turning left out of a facility there and I can foresee a lot of accidents. Coming off that hill at the merge is bad enough sometimes without having a big boat or RV right smack in the middle of the road."	
"Cars speed up to get around traffic some do not realize that 2 lanes go to 1 I have almost been either run off the road or hit head on. Bad place for a business. Bad idea"	
"Traffic is already extremely dangerous there at that place. Going north on 129 and turning into either the Church on the left or turning right into the restaurant. Traffic coming up over the hill and merging from 2 lanes to one in that very spotserious accidents waiting to happen."	
"People tend to forget that there is a rd on the top of that hill (to the right) with families going in an out. I know because I live there & pray everytime I have to leave or return. Just like todaya Jeep came flying up on us as we were trying to turn in our rd. It is VERY dangerous right there. Now imagine I'm traveling northbound & returning home. I am turning in my rd & someone is turning in the storage facilitythat's a disaster waiting to happen!"	
"Such a dangerous place !! It's already bad enough !!!!!! 🛞 "	
"Accident site of the future! Cars race through the end of the lanes north bond which will be it's entrance! Fatalities soon there after!"	
"That area is a limited sight distance area. That will in my opinion great the opportunity for serious auto accidents."	
"Enough wrecks there already with people pulling out of Dari Spot"	
"Anyone who travels this area knows it's already dangerous"	
"129 is already like Jimmy Carter Blvd. there will be more accidents in this area"	
" It is not a safe location at all! There is a storage facility not even a mile north of this site & 2 about 5 miles south of itno need for one here."	

- Per Hall County Comprehensive Plan, storage location requested for Rezoning / Variances is on a PRINCIPAL
 ARTERY which exhibits Delay/Roadway at/Above Road Capacity (defined in maps below).
 - Additional Trucks / RV's / Boats / Campers slowly turning onto / into facility will cause further delay and extreme safety hazards.
 - o Applicant plans to rent trucks & trailers thus increasing high risk volume.
 - Application notes, "Vehicles entering facility while towing will be requested to enter facility from South, utilizing turnoff lane and better accommodate stacking.".
 - Applicant appears to propose that South bound vehicles pass the facility, turn around somewhere (where?? – another road, private driveway, church?), and then go back North on 129 to enter.
 - Makes the problem worse as it moves part of the risk south!
 - Slow moving South bound vehicles have a high chance of being T boned, rear ended or incur a frontal collision as they enter at a lane merge and blind spot.
 - Slow moving North bound vehicles incur similar risks as South bound as they're just beyond a hill with a blind spot right where lanes merge.
 - Email dated August 1, 2022, from Parker Niebauer (GA DOT) to the applicant notes (page 59 of the staff report), "Initial thoughts are that this is very close to the end of the passing zone for US 129 Northbound....".
- While the DOT has been in communication with applicant regarding a driveway permit, they won't advise others
 on the status other than to refer to Sight Distance in the "Regulations for Driveway & Encroachment. My
 request is for the Hall County Planning Commission to take the lead by denying the Rezoning Request and not
 leave it up to the DOT as there are too many negative community implications.

129 is a Principal Arterial Road With Delay/Roadway at/Above Road Capacity (Per 2015 model which may have worsened)

CUMPRIN

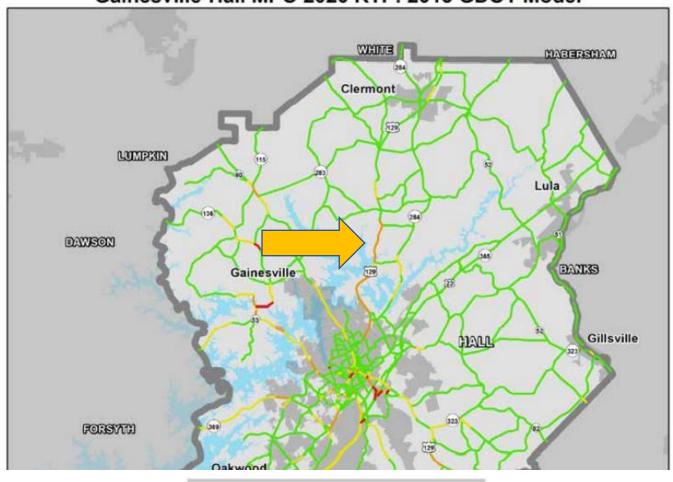
Clermont

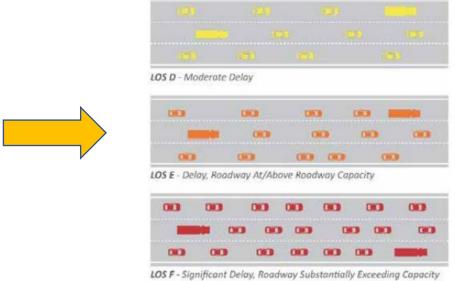
Clermon

Gainesville-Hall MPO 2020 RTP: Functional Classification (2017)



Gainesville-Hall MPO 2020 RTP: 2015 GDOT Model





Roadway At/Above Roadway Capacity

Data Source: 2022-Comprehensive-Plan (hallcounty.org)

Picture from Riverwalk Subdivision looking south. Proposed facility is on the far-left side past the last driveway at the curve.



Example of letter emailed individually to each Planning Board Member on March 1, 2023

Hall County Planning Board Member

I am writing to express my opposition to the rezoning and variance request for the property located at 4916 Cleveland Highway. As a lifelong Hall County resident and resident of the North Hall Community, I believe that this proposal poses a **significant safety hazard** due to its location on 129 and **goes against the Gateway Corridor Overlay** district. I respectfully note that this application request is not good for the community as per the intent of the GCOD.

The proposed use of the property for self-storage is only allowed as a Conditional use, and I respectfully request that the rezoning to CBD and all variances be denied for several reasons. According to the Planning Commission staff report, "There are other properties within the County which support the proposed self-storage facility without the need for rezoning." Additionally, the report states that "Staff has not identified a hardship imposed on the property owner as the property is currently zoned."

The proposed self-storage facility poses a significant safety hazard to motorists traveling on 129. The location is right where **two lanes merge**, and accidents already occur. It will include **usage by a significant number of trailers**, **boats**, **RVs**, **and trucks**, **which will have to slow down dramatically**, **increasing the risk of frontal**, **rear**, **and side collisions**. All of these vehicles will have to **slowly enter 129**, which poses the same risks. Visitors turning into the facility will dramatically increase road hazards due to the length of vehicles, slow turn associated with such vehicles, and ultimately negatively impact community safety. Application notes, "Vehicles entering facility while towing will be requested to enter facility from South, utilizing turnoff lane and better accommodate stacking.". This ill-advised solution by the applicant suggests that South bound vehicles should pass the facility, turn around somewhere (where??), and then go back North on 129 to enter. This only makes the problem worse while moving part of the risk south! Please see attached picture (Looking south from the Riverwalk Subdivision entrance). It's clearly shows that the curve, and lane merge right there, will prevent vehicles traveling both directions from having time to slow down enough to prevent running into slowly turning trucks / trailers / boats / rv's.

An email dated August 1, 2022, from Parker Niebauer (GA DOT) to the applicant notes (page 59 of the staff report), "Initial thoughts are that this is very close to the end of the passing zone for US 129 Northbound....". Please take the first step in ensuring lives aren't put at risk and not leave the decision solely to the Georgia DOT.

Furthermore, the proposed location is **not suitable for the community**, as it will be immediately adjacent to neighborhoods and will negatively impact the quality of life for residents. The prior nursing home was not visible from the neighborhood, unlike the proposed self-storage facility, which seeks rezoning and variances that negatively impact North Hall.

The proposed facility does not conform to the intent of the Gateway Corridor. The materials utilized do not meet requirements, and the applicant has requested a 6 foot chain-link fence instead of a solid fence, as required (Per GCOD, Outdoor storage requires, "...minimum eight-foot high solid fence or wall..". Moreover, the applicant is proposing a loophole that would not require paving if all buildings are not complete, which could easily happen, considering the proposed buildout is 3-5 years. Page 44 of the staff report contains the following submission from the applicant, "6 ft chain link fence with barbed wire at the top is a more secure and economical option." In my opinion, the "economical option" comment underlines the applicant's overall intent to maximize personal gain at the sake of the community. Children, including a disabled toddler, live and play immediately adjacent. If the applicant wouldn't want this facility next to their house, why would they want it next to others?

Per GCOD, "c. Where an industrial zoning district abuts property zoned for residential or agricultural use, the minimum width shall be 50 feet". Accordingly, rezoning from O-I to CBD degrades buffer protections afforded existing neighbors from a minimum of 50 foot to 25 feet. And applicant is requesting 10 feet in one section (initially applied for 0 feet...).

The variance request to reduce the buffer to the City of Gainesville lot to 10 feet, as well as eliminate the required fence, is short-sighted as it negates the fact that this southern boundary is highly visible from 129 as well as adjoining property owners. The applicant mentions that Gainesville...will most likely build a government facility on." What's left out is that if anything, an unobtrusive water pump station will be built.

My parents have lived behind the proposed location for over a decade, their house and a neighbor's looks directly down into the location and would incur a loss of property value, light pollution, sound pollution, and sight pollution. One of the buildings, and parking locations, would be within a 25 foot buffer of them. They, and other Riverwalk residents are only a handful of the multitude of people that would be impacted from a **safety and quality of life** standpoint. As a point of reference, please see a pic attached below of where the property would be located behind their house at the woodline.

Applicants current location website states, "When you store with us, you'll have access to your unit 24/7." Application for this location states, "Access to the property will be provided through a gate access keypad that will operate between 5am and 11pm". Does the variance prevent changes in operating hours?

What measures prevent building additional units / adding parking / outdoor storage once approved for a variance even though application states the terrain makes building difficult on some of the property?

Application alludes to the fact that **they're going to rent trucks and trailers** out of the location. Does this not **require a variance per GCOD?** "Vehicle sales lot: An open premises arranged, designed, or used for outdoor storage and display for sale or **lease of automobiles, vans, trucks, Trailers....".**

Applicant utilizes prior experience running a similar business as a selling point and I encourage the board to view website for applicants' current location to see if such sights are the intent of the GCOD (a few screenshots below). Storage & Uncovered Parking in Loganville, GA | A&A Mini Storage LLC (aamini-storage.com)

Your consideration is appreciated as I know you have the best interests of Hall County at heart.

Thank you,

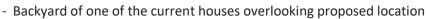
Joe Piper

770-337-0488

Joempiper1@gmail.com

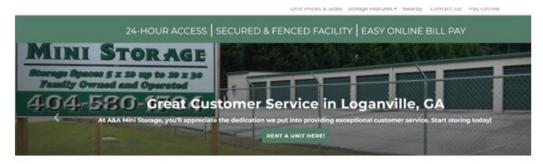
- View from Riverwalk Entrance Looking South. Applicants property is past last driveway seen on the left side before the curve)







- Applicants current location in Loganville (Per their website. Current state unknown). <u>Self Storage & Uncovered Parking in Loganville</u>, GA | A&A Mini Storage LLC (aamini-storage.com)





Anael Dominguez (Planning)

From: David Webb (Planning)

Sent: Monday, February 20, 2023 4:53 PM

To: Anael Dominguez (Planning)

Subject: FW: Rezoning request question - 4916 Cleveland Highway

Comment on case

David L. Webb, AICP
Principal Planner
Planning and Development
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
770-297-2649| www.hallcounty.org



From: Joe Piper < joempiper1@gmail.com> Sent: Monday, February 20, 2023 4:37 PM

To: David Webb (Planning) <dwebb@hallcounty.org>; Lauren Brandao (Engineering) <lbrandao@hallcounty.org>

Cc: william piper <wepiper@att.net>

Subject: Re: Rezoning request question - 4916 Cleveland Highway

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 David,

I hope this email finds you well. I am reaching out to you and your colleagues for assistance regarding the zoning notice for the property adjacent to my parents' home at 4916 Cleveland Highway. Upon seeing the notice, my parents and I were dismayed to learn of this proposal which is detrimental to them and their neighborhood.

As my parents are aging and my mom is currently undergoing severe health issues, I am writing this email to understand the process in order to help them. While we are strong proponents of smart growth, we believe that the requests / application made by Mr. Hemphill to maximize his ROI are detrimental to everyone but him.

Upon quick review, I have identified several concerns, including a variance request for a **0** foot setback next to the Cityowned property, which would result in an unsightly view of rooftops, buildings, and RV/boat storage. Additionally, there could be implications for the city if a water pumping station is eventually installed there. Does the **city have** easement access to their property via the applicants property in which case it could cause them an issue.

There is also a variance request for an unsightly **chain-link fence topped with barbed wire.** While I am currently uncertain of my viewpoint, about the detention pond location, I do know that they are proven to be mosquito breeding

grounds resulting in West Nile, which can be harmful to public health (including multiple children that live adjacent and whose playhouse is adjacent).

Furthermore, the proposal to locate a 2,750 SF building and RV/Boat parking with only a 25-foot buffer is not an example of smart growth (Putting storage right up against the 25 foot buffer). This will result in an eyesore that my parents and their adjacent neighbor will be forced to look at as their houses look directly down into that location. There is no way for them to install an appropriate buffer to prevent viewing these eyesores. While they mention leaving natural vegetation, it's beyond my imagination how they can put up appropriate buffers to avoid the "sights", and light pollution, when there's only a 25 foot buffer. Light pollution, including that from the proposed light poles, will result.

According to the applicant, approximately half of the property is usable, and their stated density of 600 units upon buildout yields 162 units per usable acre. It is my understanding that the **Gateway Corridor Overlay District only allows a self-storage facility as a conditional use.** I respectfully note that this application is **NOT GOOD for the community**. There are better locations that are not immediately adjacent to neighborhoods and that will not negatively impact the quality of life for a neighborhood that has existed for several decades. As shown on the applicants documents, the prior nursing home was nowhere near the neighborhood and not visible versus their desire to locate some facilities extremely close to the peaceful quality neighborhood. I see no mention in their application of quality siding anywhere other than the front and one can look at the website of their existing location to see how it looks (stark metal with rollup doors everywhere). Application states, "exterior endcap facade will be brick, to meet GCOD standards, and metal in the mid sections." They include an image stating, "Exterior Brick material facing road frontage" which indicates to me they may not intend on using sight friendly exterior elsewhere (including their intent to utilize metal between the ends of the front building). Does the corridor require a full brick facade on the main road?

Application states, "Property will be graveled until development of all buildings is complete. Once all buildings are complete, property will be paved around buildings, meeting paved parking requirements". Accordingly, they're proposing a loophole that **wouldn't require paving** if all buildings aren't complete. One could look at multiple examples from the last recession to see this could easily happen. The proposed buildout is 3-5 years and thus is the bare minimum if they meet their commitments / intent.

Applicants current location website states, "When you store with us, you'll have access to your unit 24/7." Application for this location states, "Access to the property will be provided through a gate access keypad that will operate between 5am and 11pm". Does the variance prevent changes in operating hours?

What measures prevent building additional units once approved **for a variance** even though application states the terrain makes building difficult on some of the property? What ensures the quality of such a variance as time moves on (paint fades, trees become unsightly or die, fences deteriorate (especially those with **barb wire**)? I doubt the applicant would like a chainlink barbwire fence next to his house.

Beyond a visual walk over by the county engineer, **what environmental studies have been conducted** to ensure a springhead, or other conditions, are unseen?

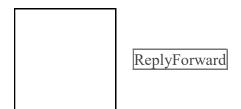
In summary, I'm not all opposed to growth and want to ensure all factors are taken into account (including "centered" location of prior commercial use versus the extensive variance requests which would negatively impact everyone but the applicant).

I appreciate your guidance on how the approval process works and who these questions / concerns should be addressed to. I want to ensure I follow the proper process.

Thank you for	your guidance
---------------	---------------

Best regards,

Joe Piper



On Mon, Feb 20, 2023 at 12:07 PM David Webb (Planning) < dwebb@hallcounty.org> wrote:

Good Afternoon Mr. Piper,

Files are available online after the case analysis is published and released: https://www.hallcounty.org/158/Planning-commission

You can also view the Board of Commissioners agendas here:

https://www.hallcounty.org/1099/Board-of-Commissioners-Agenda-Center

If you are inquiring about the property at 4916 Cleveland Hwy., nothing is online yet. If you wish to request the public records received, please email a request for the Planning Commission case at: orr planning@hallcounty.org

David L. Webb, AICP

Principal Planner

Planning and Development

Hall County Government

2875 Browns Bridge Road, Gainesville, GA 30504

770-297-2649 www.hallcounty.org



AII #1403

Category: Planning & Zoning

Priority: 3

Assigned To: Stewart Brian

Submitted: 2/23/2023 12:42 PM

Source: Website 172.71.22.13

SUBMITTER

Richard Dawkins 5575 Riverwalk Ct Gainesville, GA 30506

CONTACT

rhdawkins@yahoo.com

4916 Cleveland Highway Gainesville, ga 30506

View any uploaded files by proceeding to the link below and looking up your request by RequestID

http://www.hallcounty.org/admin/requesttracker.aspx

OR

View any uploaded files by <u>signing in</u> and proceeding to the link below

http://www.hallcounty.org/admin/FormHistory.aspx?SID=1724

View Request

REQUEST DETAILS

Description

Letter to Members regarding March 6th meeting

Your Information

Name

Richard Dawkins

Fax Number

Email Address

rhdawkins@yahoo.com

Preferred Contact

Method

Riverwalk Homeowners Association

Richard Dawkins, HOA President

5575 Riverwalk Court, Gainesville, Georgia

February 23, 2023

Hall County Planning Commission

Members:

Richard Higgins, Chairman

Kathy Cooper

Billy Powell

Gregg Poole

Jeff Stowe

Dear Commission Members:

This letter is written on behalf of the residents of the Riverwalk Subdivision, regarding the change in zoning application filed for the lot located at 4916 Cleveland Highway north of Gainesville, we request this letter be referenced at the March 6th, 2023 Planning Commission Meeting. Riverwalk residents are very concerned with a proposal to change the zoning from OI to PCD, in order to construct a boat storage and RV parking facility. The location for this proposed facility would be on the site of a former nursing home owned and operated by the northeast Georgia Medical Center. The former facility/building was located on the front portion of the tract and was demolished some years ago. The property behind the former building site has continually served as a buffer for the adjoining Riverwalk Subdivision. The property behind the level area of former nursing home is rather rugged and continues to serve as a sound and site buffer for our subdivision. There are currently six lots which border the back of said property.

The application by John S. Hemphill requests a zoning change to allow for significant development on and behind the former nursing home area. If approved, this would allow for an expanding number of buildings and boat and RV parking spaces throughout the entire seven plus acres, including the current rugged terrain buffer to the adjoining subdivision lots.

Numerous issues of concern for this proposed development include:

1. There would be a detrimental impact on the value of property within the subdivision, especially on those six lots/homes located on the western side adjoining the proposed development.

- 2. The self-storage facility as proposed will be open from 8:00 a.m. until 11:00 p.m. which is far beyond the normal business hours for a retail or service establishment. Lights necessary for this facility, as well as accompanying noise, will be disruptive, especially to adjoining property owners with young children. Riverwalk Subdivision is a gated community and residents feel the high volume of patrons at later than normal business hours will add a security risk to neighboring properties.
- 3. Even though the proposal indicates that efforts will be undertaken to screen facilities and boat/RV parking spaces, this will be impossible because of topography of several homes where their terrain is higher than the proposed zoned property.
- 4. Entry and exit to/from Cleveland Highway from this site would pose a safety risk for all passing motorists. It will be especially dangerous due to the entry/exit of slow moving vehicles towing heavy boats and/or recreational vehicles as it is in an area after a blind curve and also where two northbound lanes merge to one. Local residents would carry a higher burden of risk due to higher utilization of this area of the highway.
- 5. The overall plan fails to state the maximum number of boats and RV parking spaces.
- 6. It appears that the request for rezoning proposes to lessen the county requirements for such things as setback requirements, screening fences, etc. (proposing setbacks to 0 or 25 feet, rather than 50 feet; six feet chain link fence with barb wire, rather than eight feet solid screening fences).

It is the opinion of the Riverwalk residents that the site of the former nursing home is quite suitable for other retail or service establishments which would not disrupt most or all of the current wooded buffer.

Therefore, we sincerely request that the application of John S. Hemphill for rezoning with permission for the self-storage development be denied. We feel that this open-ended proposed facility is just not in the best interest of the residents of Riverwalk Subdivision, the North Hall community or Hall County. Thank you for considering our request.

_Richard Dawkins_____

Riverwalk HOA President









Riverwalk Homeowners Association

Richard Dawkins, HOA President

5575 Riverwalk Court, Gainesville, Georgia

March 20, 2023



To: Hall County Board of Commissioners:

Richard Higgins, Chairman

Jeff Stowe

Kathy Cooper

Gregg Poole

Billy Powell.

Dear Commission Members:

The residents of Riverwalk Subdivision request that the application for rezoning of 4916 Cleveland Hwy from OI to PCD and the approval for the development of a storage facility be denied just as was denied likewise by the Hall County Planning Commission. As you know, the planning commission members have indicated several issues of concern for this proposal. Please, if you have not done so, confer with Chris Braswell, Chairperson for the Planning commission, in regard to his and other planning commission members view of this proposal and the numerous negatives of Mr. Hemphill's plan.

Both the Planning Commission and the citizens of the Clermont community, especially the residents of Riverwalk subdivision, voiced their concerns about this proposed development at the March 6 Hall County Planning Commission meeting. Included in those expressed issues were:

- 1. A serious concern for traffic safety with the entry and exit of slow-moving vehicles with trucks, trailers, boats, and RV's at a point where speeding traffic merges northbound from two lanes to one at the exact location of proposed development. This is the number one issue expressed by many Clermont area citizens expressed on the "Friends of Clermont" Facebook site.
- 2. The negative impact of economic and environmental detriment. The back section of this 7-acre track, is a very rugged terrain with dozens of very large trees. This section has for years served as an environmental buffer for houses and lots within the Riverwalk subdivision. The proposed development would not only be an eyesore for the area, but would approach several houses extremely close to back yards, a children's playground, and decks.

- 3. The proposed plan does not agree with the Hall County corridor plan and ordinances for this area of the county. Proposed in the applicant's plan are such as gravel driveways instead of paved, six feet chain link fencing with barbed wire instead of 8 feet solid fencing for storage facilities, and reduced buffers around property. As indicated by one Riverwalk resident, "this would eventually be nothing more than a dumping ground for old boats, trailers, etc.". Three of the sides of the track are surrounded by residentially zoned property with the fourth side by a Georgia Power easement.
- 4. Proposal indicates that adequate screen for houses and area would be provided with new vegetation. This would however be impossible because of the elevation of lots and houses within Riverwalk. The would be no way to replicate the existing the beautiful tree cover on the back side of this 7-acre track.
- 5. The proposed rezoning and variance request is ill-fitting for the area., has been strongly opposed by many adjoining property owners, as well as many throughout the Clermont area, and would have a negative economic impact on the North Hall/Clermont community.

Thank you very much for considering our concerns and hope that you will likewise vote for denial for rezoning and approval for this particular development.

Richard Dawkins

Riverwalk HOA President



AGENDA ITEM

Planning and Development

REPORT TO:	Work Session (04/10/23)		
REPORT TO:	Voting Meeting (04/13/23)		
ITEM NO:	152/2023		
SUBJECT:	1670 Friendship Road, 5608 & 0 Thompsons Mill Road Amend conditions of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 Proposed use: master sign plan Commission District 1 Highlands Residential, LLC, applicant.		
Meetings:			
Work Session Date: 04	/10/23	Voting Meeting Date:	04/13/23
Executive Summary:			
Presenter: Recommendation: Approval, with conditions:		RD	
1. This letter is for the master sign package for the Chateau Senior Living Apartment complex.			
2. Both wall signs submitted as part of 11-28-2022) and narrative (dated 1-23-		ials, dimensions, and placement as re	epresented on the renderings (dated
3. The wall panel signs are subject to final review and approval by Building Inspections and the Fire Department.			
4. Future signs requested for this propand supplemental sign standards of the C			
5. A legible copy of this letter shall be s	canned onto all future recorded	plats.	
6. Monument signs shall not be constru	cted on sanitary sewer, drainage	or utility easements.	
Purnose of Peguest		History	

1670 Friendship Road, 5608 & 0 Thompsons Mill Road |

Amend conditions | of a Planed Commercial Development (PCD) on a $5.43\pm$ acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | Commission District 1 | Highlands Residential, LLC, applicant.

Facts and Issues: Options:

Funding Requested \$ 0.00

Are funds within current budget?

Source of Funds

Does the action involve a Resolution, Ordinance, Contract,

Agreement, etc.?

Has it been reviewed by the County Attorney?

Yes

Is there a deadline for this item?

Approvals:

Submit	Approve	Budget	Finance
AD	RD	EW	WG
Attorney	Attorney Adminis		Clerk
WLI CI		CR	JR

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan with Renderings
Maps
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Public Comment
Notice Signs



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE PLANNING AND DEVELOPMENT

Richard Higgins, Chairman To:

> Kathy Cooper, District 1 Commissioner Billy Powell, District 2 Commissioner Gregg Poole, District 3 Commissioner Jeff Stowe, District 4 Commissioner

POST OFFICE DRAWER 1435 GAINESVILLE, GA 30503

Randi Doveton, Director of Planning and Development From:

Date: March 20, 2023

t: 770.531.6809 | f: 770.531.3902

1670 Friendship Road, 5608 & 0 Thompsons Mill Road Subject:

| Amend conditions | of a Planed Commercial

Development (PCD) on a 5.43± acre tract | Proposed use: master sign plan | Highlands Residential, LLC,

applicant.

DIRECTOR Srikanth Yamala

PLANNING AND DEVELOPMENT **DIRECTOR** Randi Doveton

> The request before you is the request of Highlands Residential, LLC to amend conditions of a Planned Commercial Development (PCD) on 5.43± acres to allow a master sign plan. This item is located within Commission District 1.

At their March 6, 2023 meeting, the Hall County Planning Commission voted to recommend approval with six (6) conditions (5-0).

There was **one (1) written comment in opposition** 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. Both wall signs submitted as part of this request shall meet the materials, dimensions, and placement as represented on the renderings (dated November 28, 2022) and narrative (dated January 23, 2023) as submitted.
- 2. Wall panel signs shall be subject to final review and approval by Building Inspections and the Fire Department.
- 3. Future signs requested for this property shall comply with underlying base Sign Code Requirements listed in Chapter 17.270.-Sign Standards and supplemental sign standards of the Gateway Overlay Requirements as outlined in Section 17.420.060.-Signs.
- 4. Monument signs shall not be constructed on sanitary sewer, drainage or utility easements.

5.	All conditions of approval shall be recorded on any subsequent plats of this property.

HALL COUNTY PLANNING COMMISSION RECOMMENDATION REPORT

Planning Commission Conditions:

- 1. Both wall signs submitted as part of this request shall meet the materials, dimensions, and placement as represented on the renderings (dated November 28, 2022) and narrative (dated January 23, 2023) as submitted.
- 2. Wall panel signs shall be subject to final review and approval by Building Inspections and the Fire Department.
- 3. Future signs requested for this property shall comply with underlying base Sign Code Requirements listed in Chapter 17.270.-Sign Standards and supplemental sign standards of the Gateway Overlay Requirements as outlined in Section 17.420.060.-Signs.
- 4. Monument signs shall not be constructed on sanitary sewer, drainage or utility easements.
- 5. All conditions of approval shall be recorded on any subsequent plats of this property.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant seeks to mount two (2) wall sign panels upon the highly visible north and east façades of the three (3) story apartment building known as the Chateau Senior Living Apartments. The 152-unit apartment building is located at 1670 Friendship Road and was approved as part of a rezoning petition in May 2020. Its north façade faces Friendship Road and east façade faces a newly constructed access drive. Each wall sign panel measures ±61.36 square feet, is made of aluminum with a painted finish and acrylic lettering, and would project 1 foot 10-1/2 inches the wall upon it is to be mounted. The panels are designed to meet at the upper northeast corner of the building to create a "wrap around" effect that gives the appearance of being a single, nonilluminated wall sign totaling 122.87 SF. Only the panel upon the east façade is located above a primary pedestrian entrance (i.e., located above the entry to the clubhouse located in this portion of the building).

The applicant is required to bring this sign request to Planning Commission and County Commission for review because their proposed design is non-compliant with Gateway Standards. Under the Gateway regulations, wall signs are limited to one (1) sign per building and are required to be placed above primary entrances (17.420.060.3.-Wall Signs and Marquee Signs and 17.270.070.C3-Standards for Specific Zone Districts); also, wall signs may project no further than one (1) foot from the façade itself (17.270.030.P-Definitions and 17.270.040.D.-General). To build the proposed sign(s), relief from these specific sign design standards is required. Recognizing that planned developments may consist of construction with unique architectural features, materials or site layouts, the sign code requires applicants to submit master sign packages for Planning Commission and County Commission approval at the time of rezoning to support implementation of a well-coordinated and aesthetically compatible signage plan across the tract (17.420.060.3.-Wall Signs, 17.270.070.C4.-Standards for specific zone districts, and 17.180.080.B.5.-Planned Commercial Development). No master sign package was provided with the application documents for ZON2019-00114, the case which rezoned the property to PCD in 2021. To come into compliance with sign master plan requirements, the applicant has agreed to file this petition as an addendum to their original rezoning application rather than a variance.

Per Hall County Ordinance (17.420.060.4.-Signs), County review and approval of the signage master plan, "shall be based on the compatibility of the proposed signage with the siting and architecture of the subject building and the compatibility of the signage with surrounding land uses." Review of architectural elevations filed with this application show the primary building is cladded with stacked stone, brick, and fiber-cementious siding; and, that the east façade offers storefront style glazing consisting of large panes divided by metal mullions. Metal is also used as canopies for residential patios on the ground floor. Due to the recurring use of metal across the façade and because each panel is smaller than the 64SF size allowed by current standards, staff finds the proposed aluminum wall sign panels to be compatible with the architecture of the subject building. Review of the surrounding area finds no other wall signs to which the current signs can be compared (adjacent land uses are single family detached homes); however, there are existing monument signs made of masonry at Willow Springs Road and Napa Ridge Road. To ensure compatibility these existing monuments, staff recommends upholding all existing sign standards to future signs proposed on the subject tract.

Staff recommends approval of this condition amendment application subject to the following conditions:

1. This letter is for the master sign package for the Chateau Senior Living Apartment complex.

- 2. Both wall signs submitted as part of this request shall meet the materials, dimensions, and placement as represented on the renderings (dated 11-28-2022) and narrative (dated 1-23-23) as submitted.
- 3. The wall panel signs are subject to final review and approval by Building Inspections and the Fire Department.
- 4. Future signs requested for this property shall comply with underlying base Sign Code Requirements listed in Chapter 17.270.-Sign Standards and supplemental sign standards of the Gateway Overlay Requirements as outlined in Section 17.420.060.-Signs.
- 5. A legible copy of this letter shall be scanned onto all future recorded plats.
- 6. Monument signs shall not be constructed on sanitary sewer, drainage or utility easements.

Based on the future land-use plan, staff finds the <u>requested master sign plan</u> consistent with the Comprehensive Plan.

Zoning Analysis

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; Approval of the zoning proposal will permit a use that is compatible with the principal building on-site and signage observed in the surrounding area.
- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; Approval of the zoning proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property. The portion of the building which is the subject of this zoning proposal (section 300, containing the clubhouse) has already been built out and received their final inspections. The wall sign on the east façade does partially obstruct a residential window opening. The Building Inspections Department indicated that a review of the signs in comparison to the architectural drawings will be required.
- 3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. The subject property does have reasonable economic use as currently zoned. The development is being marketed online as "The Chateau by Highlands" and units are available for lease starting at \$1800 monthly (https://thechateau.byhighlands.com/floor-plans/).
- 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; If the zoning proposal is approved, it would result in one more wall sign than is allowed by the current code (i.e., it would authorize the installation of the wall sign on the north façade facing Friendship Road). This additional wall sign is not expected to burden existing streets, transportation facilities, or utilities.
- 5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; Future land use classification(s) for this property is Residential and Revitalization Corridor. Though silent on desired signage types, the Comprehensive Plan supports opportunities for variations in housing size and types through the Planned Development District zoning classification. If approved,

- the zoning proposal is expected to draw more attention to this Planned Development by attracting prospective tenants, the signage would support continuance of a desired land use in the area.
- 6. The extent to which property values are diminished by the existing zoning restrictions; It cannot be determined based on information submitted how or if the approval or denial of the wall sign(s) as presented would affect area property values.
- 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; Each wall sign panel is made of Gateway Corridor compatible materials and smaller than the current maximum allowed. The need for flexibility of sign design is implied for Planned Commercial Development application requirements. It is not expected that approval of this zoning request would negatively impact the health, safety, morals, or general welfare of the public.
- 8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; If approved, the gain to the public includes improved marketing of a desired land use and tax revenue resulting from continued occupancy of units. If denied, the hardship imposed on the property owner would be the loss the wall panel on the north façade of the primary building.
- 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; Property is not vacant. Section 300 of the apartment, has been built out and received final inspections early February 2023.
- **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;
 - The location of the wall sign on the north façade is intended to capture eyes of travelers driving eastbound on Friendship Road. The wall sign on the east façade is intended to capture eyes of travelers driving westbound on Friendship Road.
- 11. Whether the change would create an isolated district unrelated to the surrounding districts; The change would not create an isolated zoning district. The zoning classification remains as is.
- **12.** Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **The present zoning district is logically drawn**.
- 13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; The change requested is not out of scale with the needs of the county or neighborhood. It is the minimum relief required to allow equal sign visibility to travelers of both directions on Friendship Road.
- 14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; County Commission has determined PCD to be an appropriate zoning classification for this property and that senior living apartment is an appropriate land use for this property.
- 15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; The applicant is providing the required master sign package and bringing the petition for consideration as a condition amendment to the past rezoning, as required by Hall County Code.

Variances are not the pathway supported by the sign code for the current petition.

- 16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; No ecological or pollution impact is expected from the proposed wall signs.

 Neither wall sign is proposed to be either externally nor internally illuminated.
- 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; This application does not seek to counter the County Commission approval of the senior living community or PCD rezoning from 2019; instead, it is adding to and clarifying the PCD standards in effect upon the property in regards to signage.

The property is zoned Planned Commercial Development (Section 17.180.080.-Planned Commercial Development). This classification is appropriate for the proposed site as planned developments are listed as desired project types under the Residential District listed in the Comprehensive Plan. The future land use classification for this property is Residential 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:
 - 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 site plan 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. The submitted documents are drawn to scale and include the necessary information as listed above.
- C. For any application for a slow rate land treatment system (see <u>chapter 17.20</u>), the following additional requirements apply. This standard is not applicable as the site will be served by a municipal sewer system.
- 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. This standard is not applicable as the underlying residential zoning classification has already been established.

<u>Development Support and Constraints – Departmental / Agency Comments</u>

Hall County Environmental Health

In an email dated February 13, 2023, Emily McGahee states "No comment."

Hall County Fire Marshal

An email dated February 16, 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 February 14, 2023, Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

Proposed signage shall not obstruct or contradict approved traffic control signage.

Utilities

Signs shall not be constructed on sanitary sewer or utilities easement.

Georgia Department of Transportation

In email dated February 14, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will require GDOT coordination.

> Excerpts from the minutes of the March 6, 2023 meeting

Applicant's Presentation:

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

Hunter Holiday, 400 Brookfield Drive, Sandy Springs, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated for the record that there was a letter received in opposition from Ms. Phyllis Mercer from Hoschton. Mr. Braswell asked the applicant if he had any questions regarding staff conditions. The applicant stated he did not.

<u>Motion:</u> A motion to approve, with conditions was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

Conditions:

- 1. This letter is for the master sign package for the Chateau Senior Living Apartment complex.
- 2. Both wall signs submitted as part of this request shall meet the materials, dimensions, and placement as represented on the renderings (dated 11-28-2022) and narrative (dated 1-23-23) as submitted.
- 3. The wall panel signs are subject to final review and approval by Building Inspections and the Fire Department.
- 4. Future signs requested for this property shall comply with underlying base Sign Code Requirements listed in Chapter 17.270.-Sign Standards and supplemental sign standards of the Gateway Overlay Requirements as outlined in Section 17.420.060.-Signs.
- 5. A legible copy of this letter shall be scanned onto all future recorded plats.
- 6. Monument signs shall not be constructed on sanitary sewer, drainage or utility easements.

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



ZONING APPLICATION

Highlands Residential, LLC	GA Hall Uninco 347, LLC			
3200 Windy Hill Road, Atlanta, GA 30339	1777 Peachtree Street, Atlanta, GA 30309			
West Tower, Suite 755	Suite 200	,		
404-694-1861 Phone	404-694-1861 Phone_			
Email Address_hholliday@highlandsresidential.com		ghlandsresidential.com		
Proposed Use Conditional Use Request for the Maste	er Sign Package			
Contact Person (Name & Mailing Address) Hunter Holliday 3200 Windy Hill Road, Atlanta, GA 30339	Status of Applicant X Owner Option to Purchase	Requested Action Existing Zoning: PCD Rezone to:		
West Tower, Suite 755	_	Fee:\$_\$350		
404-694-1861 Phone	_ Other	Receipt #:		
Email Address hholliday@highlandsresidential.com Tax Parcel Number 15041 000056, 15041 000191 Location Address 1670 Friendship Road, Hoschton, GA 30548 I hereby certify that the above information and all attached information are true and correct. Sign				
Application Withdrawal: I hereby withdraw the application. Sign		_Date:		
Staff Use Only				
·	iken by:			
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



AUTHORIZATION OF PROPERTY OWNERS

	Note: If the applicant is the property owner, please disregard this form.	
Name of owner(s)	GA Hall Uninco 347, LLC / Dave Loeffel	
Address	1777 Peachtree Street, Atlanta, GA 30309	
	Suite 200	_
Phone Number	404-694-1861	_
Name of applicant(s)	Highlands Residential, LLC / Dave Loeffel	
Address	3200 Windy Hill Road, Atlanta, GA 30339	
	West Tower, Suite 755	
Phone Number	404-694-1861	_
I swear that I am th	e owner of the property which is the subject matter of the attached a shown in the records of Hall County, Georgia.	pplications as
I authorize the pers	on named above to act as applicant in the pursuit of a rezoning, permoderate variance of this property.	nissive use, or
Signature of Owner(s		
Personally appeared	before me	

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

Notary Public

PARTICION DE LA CONTRACTOR DE LA CONTRAC

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



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 a	bove and that:	
	I have**	I have not_X
within the two years immediately pred to any local government official involv	ceding this date, ma red in the review or	ide any contribution(s) aggregating \$250.00 or more consideration of this application.
**If you have made such contribution this application.	s, you must provide	the data required below within ten (10) days of filing
Name of Official(s):		Office:
Dollar Amount:		Date of Contribution:
Applicant's/Owner's Signature:		Date: 1/11/2023
Applicant's/Owner's Name (Printed): _	GA Hall Uninco 3	47, LC/ Dave Loeffel

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



CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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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.
 - (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 a	above and that:	
	I have**	I have not_X_
within the two years immediately pre to any local government official invol	eceding this date, m lved in the review or	ade any contribution(s) aggregating \$250.00 or more r consideration of this application.
**If you have made such contribution this application.	ns, you must provid	e the data required below within ten (10) days of filing
Name of Official(s):		Office:
Dollar Amount:	\longrightarrow	Date of Contribution:
Applicant's/Owner's Signature:		Date: 1/11/2023
Applicant's/Owner's Name (Printed): _	Highlands Reside	ential LLC/ Dave Loeffel

1.12.23

Hall County Planning & Development 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504

RE: Signage Narrative

Project: The Chateau Senior Living Apartments

Location: 1000 Chateau Point, Hoschton Ga. 30548, Situs address Thompsons Mill Rd.

Proposed identification signage for this Senior Living Apartment building, consist of one non-illuminated wall sign. The sign is a "wrap around" design which wraps around the upper portion of the Clubhouse building on the North and East facades. There is no other proposed signage on the property except as required by Building and Life Safety regulations.

Sign construction details:

- Sign cabinet: The proposed sign is made of Aluminum with painted finish. Colors: White letters with Blue background- Pantone color number 2748. Cabinet "returns" to be painted a separate color.
- Logo: Flat Cut Out ½"Acrylic with painted finish. Colors: Green and Grey
- Mounting: Sign is mounted to wall with custom brackets: Steel plates and Steel tube arms. Sign
 will extend from the wall approximately 1' 10-1/2" including the brackets, sign cabinet and all
 mounting hardware.
- Placement: The sign clearance from grade to bottom of sign panel is 21'6"; grade to top of sign cabinet is 25'5".
- North Elevation wall dimensions: (Building 01,02,03) Wall height 34' x Wall width 535'= 18,190 sq. ft. total wall area.
- East Elevation: (Building 01 Clubhouse) Wall height-34' x Wall width-72' = 2448 sq. ft. wall area.

<u>Summary of Code versus Proposed Sign Criteria:</u>

Code Requirement

Proposed

One Wall sign per building	One "wrap around" wall sign on building corner
	to be seen on two facades.
64 Sq. Ft. sign area per building	One sign totaling 122.78 sq ft per building
Wall Sign permitted only on the side of the	North façade sign section is on a wall without a
building that includes the primary public	primary public entrance.
entrance.	
Wall Sign max projection from façade 12 inches	Wall sign projection is approximately 1' 10-1/2"
	from wall-including mounting brackets.

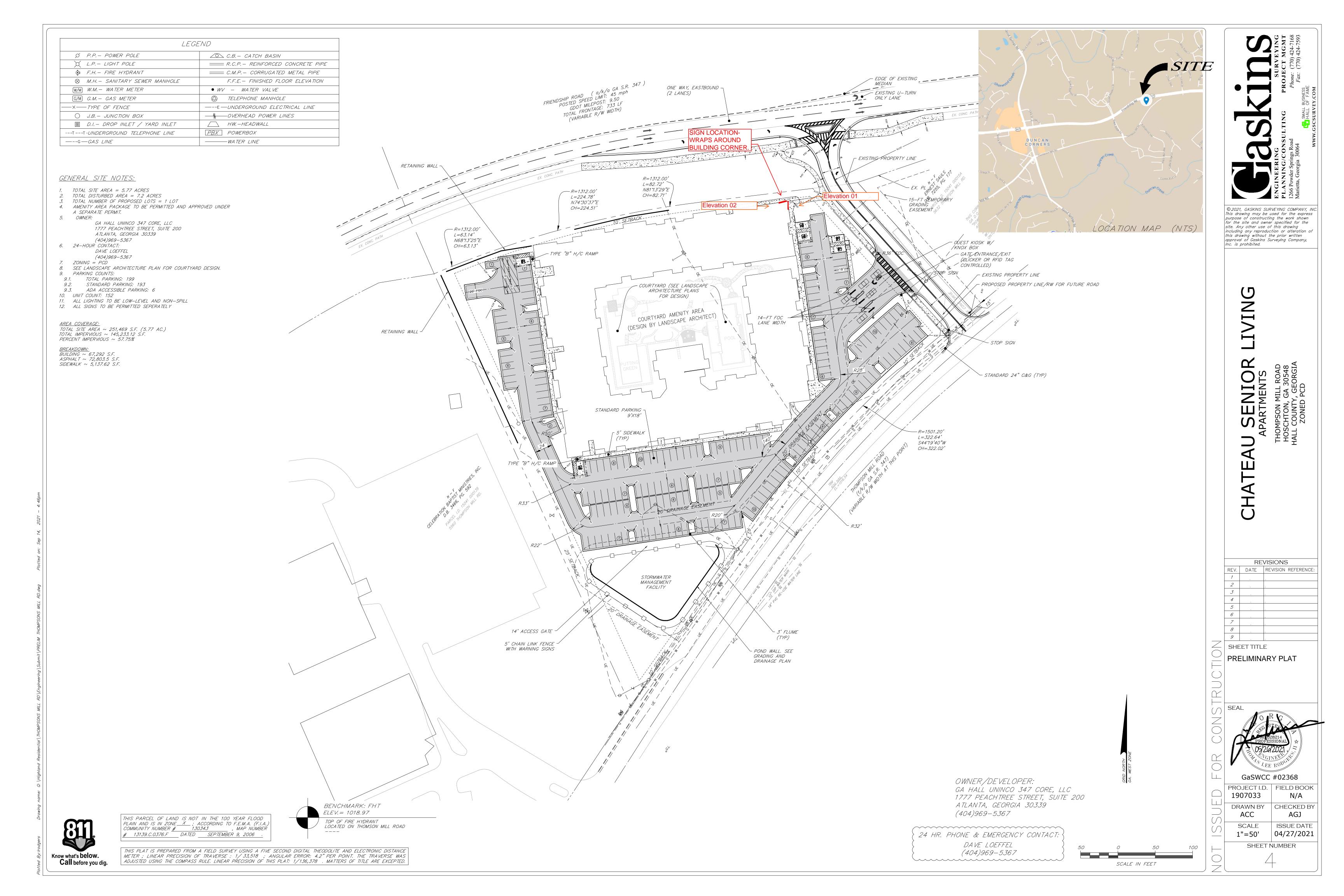
Code section references:

17.420.060.3.-Wall signs and marquee signs.

17.270.030. P. – Wall Sign (definition)

17.270.070.C.3.-Wall signs and marquee signs. (Duplicates GCOD)

Respectfully Submitted.



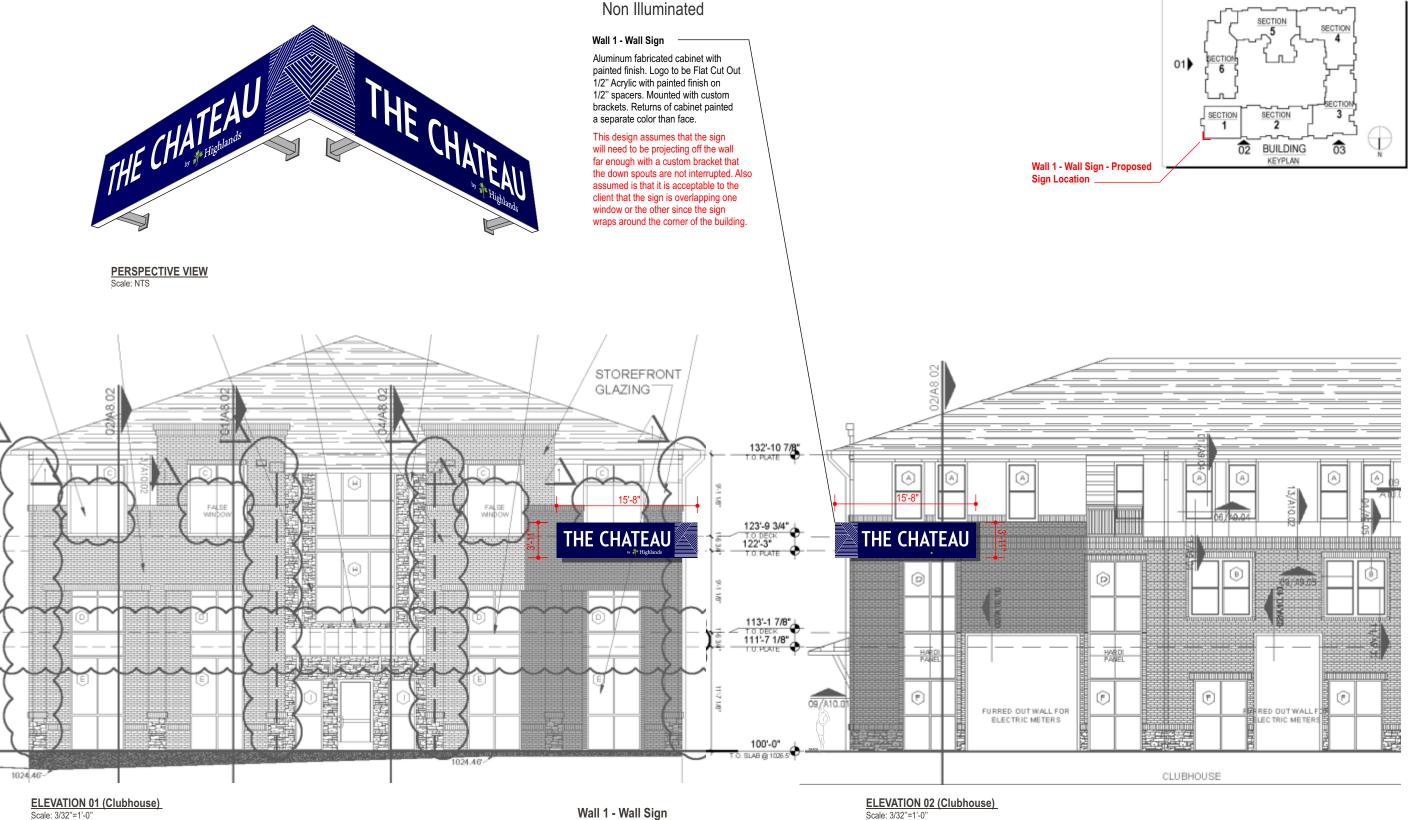






A5.01 EXTERIOR ELEVATIONS

ARRIVI



Qty: 1

(90 Degree Corner)

Wall 1 - Wall Sign / Elevation





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Management Company

Property Name & Address The Chateau 1670 Friendship Rd. Hoschton Ga 30548

Sales Order 28194

DeNyse Representative Alex Eison

Designer WJB*

Date 07.13.2022

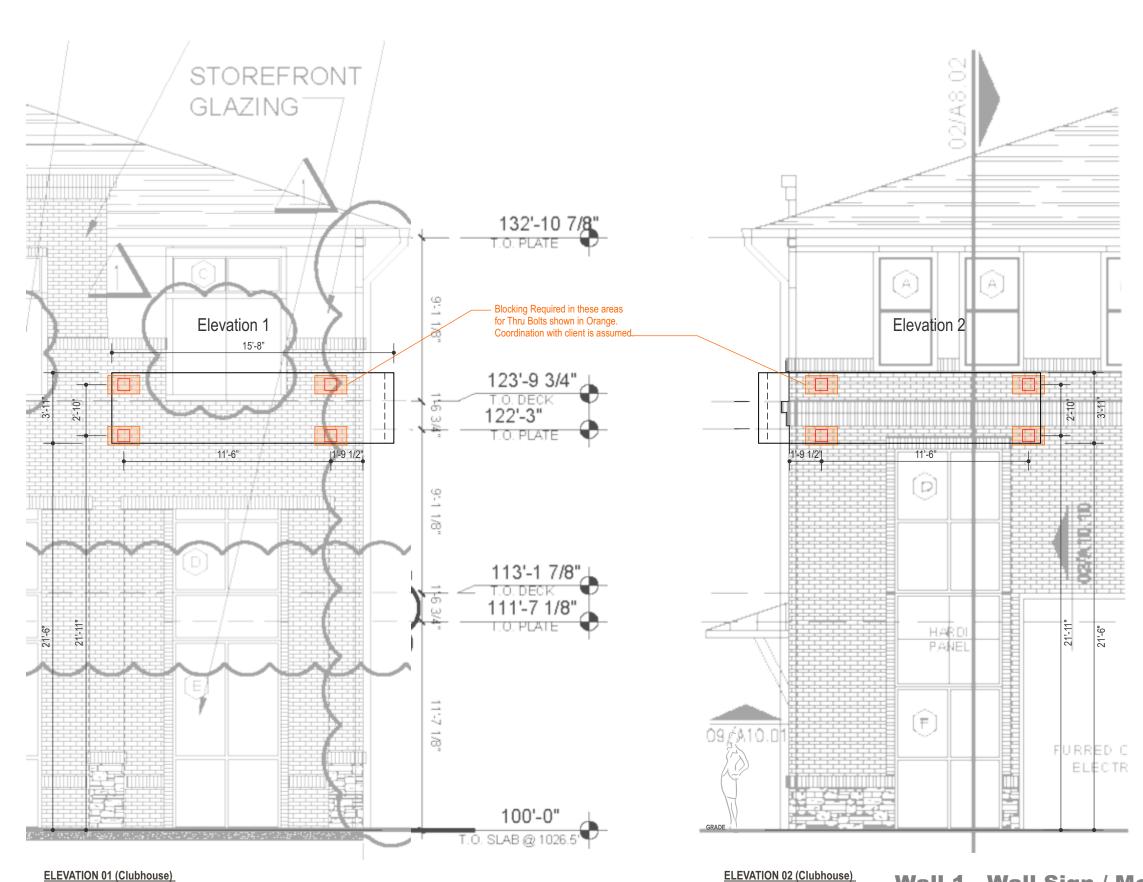
Revision Date

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Preliminary Production





Scale: 3/16"=1'-0"

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Date 07.13.2022

Revision Date

07.22.2022 RR 08.11.2022 wjb

Filepath

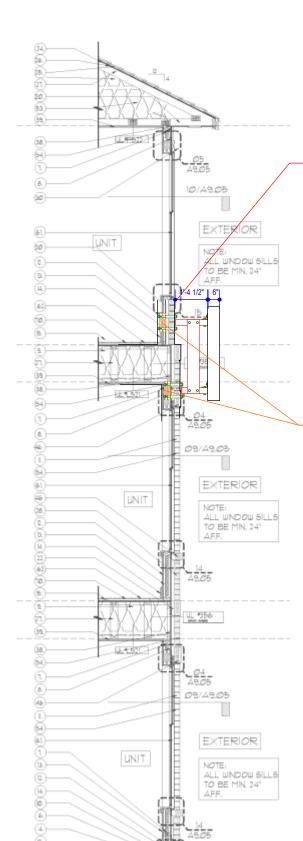
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Concept

Preliminary Production

_	SECTION LEGEND:
	ELEVATED CONC. DECK - REF. STRUCTURAL
1	CONCRETE FOUNDATION - REF. STRUCTURAL
2	SAND/BACK FILL - REF. STRUCTURAL
3	10 MIL. VISQUEEN WATER PROOFING AS REQUIRED
4	ANCHOR BOLT - REF. STRUCTURAL
5	ADDITIONAL 5/8" GYP. FOR SOUND CONTROL
6	SILL SEALER BY PROTECTO WRAP OR EQUAL
7	3 1/2" OR 5 1/2" WOOD STUD SEE STRUCTURAL
8	SHEATHING - REF. STRUCTURAL. 1/2" MIN. REQ'D. MIN. R-13 INSULATION FOR SOUND CONTROL @ TENANT
	SEPARATION WALLS, @ CORRIDOR, UNIT FLOOR CAVITY SPACE, AND RETAIL/PODIUM CEILINGS CAVITY
10	2X4 TREATED SILL PLATE, IN FULL BED OF "SILL SEALER"
11	WEEP HOLES @ 24" O.C. @ BRICK HEADERS, SILL
	AND FOUNDATION, TYP.
12	R20 INSULATION PER ENERGY CODE/COMCHECK REQ.
13	5/8" GYPSUM BOARD TYPE "X"
14	WOOD BASE (SEE ROOM FINISH SCHEDULE)
15	FLOORING AS SCHEDULED
16	3 5/6" OR 6" LIGHT GAUGE METAL FRAMING-REF. TO STRU
17	DOOR AS SPECIFIED (SEE A9.02 DOOR SCHEDULE)
18	2" ZINC FLASHING AS REQUIRED
19	RESILIENT CHANNEL
20	5/16" HARDI-BOARD VENTED SOFFIT (CONTINUOUS)
21	SEALANT AS REQUIRED
22	BLOCKING AS REQUIRED
23	GUTTER AS SPECIFIED
24	ROOF DECK - REF. STRUCTURAL
25	1 LAYER - 15 # ROOFING FELT-THE EDGE METAL @ THE
	BOTTOM OF THE SLOPED ROOF SECTIONS SHOULD BE
	OVERLAPPED BY THE ROOFING FELT. THE EDGE METAL (
	THE GABLE ENDS SHOULD OVERLAP THE ROOFING FELT.
26	LOW SLOPE TPO ROOF AS SPECIFIED, REF. TO ROOF PLA AND ELEVATIONS FOR CRICKET & GUTTER
	LOCATIONS FOLLOW MFG, SPECIFICATIONS AND DETAILS
27	PRE-ENGINEERED TRUSS - REF. STRUCTURAL
	BRICK VENEER AS SELECTED BY OWNER
_	1" AIR GAP
30	8 1/4" SMOOTH FINISH HARDI-PLANK SIDING W/7" REVEAL
3U	OR HARDI-PANEL SIDING WITH BATTEN STRIPS/REVEAL
	JOINT PER ELEVATIONS.
31	MAGNA-WALL STUCCO (PAINTED W/2 COATS
21	ELASTO-METRIC PAINT) ICBO RESEARCH NUMBER
	#ER4776. INSTALL PER MANUFACTURER.
32	HARDI-PANEL SOFFIT BOARD @ UNDERSIDE OF
476	BALCONIES AND EXTERIOR CEILING AREAS
33	INSULATION BAFFLE
34	30 YR ARCH, COMPOSITION SHINGLE ROOF.
35	
36	2 X 6 WOOD FASCIA
	2 X 4 WOOD FRIM
37	2 X 4 WOOD TRIM CONTINUOUS MEMBRANE- WEATHER RESISTIVE BARRIER
30	TYVEK POLY OR EQUAL
_	THEN POET ON EQUAL





There is a discrepancy between this section detail and the elevation that it is cut thru. The elevation clearly shows brick in this area while this detail shows Hardi Plank. Ether way these area will require the client to add blocking in order to support the sign since we cant attach to the brick or any other non-structural fascia materials.

This detail was edited to show brick to match the elevation drawing.

The bracket parts shown here are to allow for some field adjustment since both elevations appear to be different and the wall section detail provided from client appear to not match the elevation.

Blocking Required in these areas for Thru Bolts shown in Orange. Coordination with client is assumed.

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Management Company

Property Name & Address The Chateau 1670 Friendship Rd. Hoschton Ga 30548

Sales Order 28194

DeNyse Representative Alex Eison

Designer WJB*

Date

07.13.2022

Revision Date

07.22.2022 RR 08.11.2022 wjb 11.28.2022 wjb

Filepath

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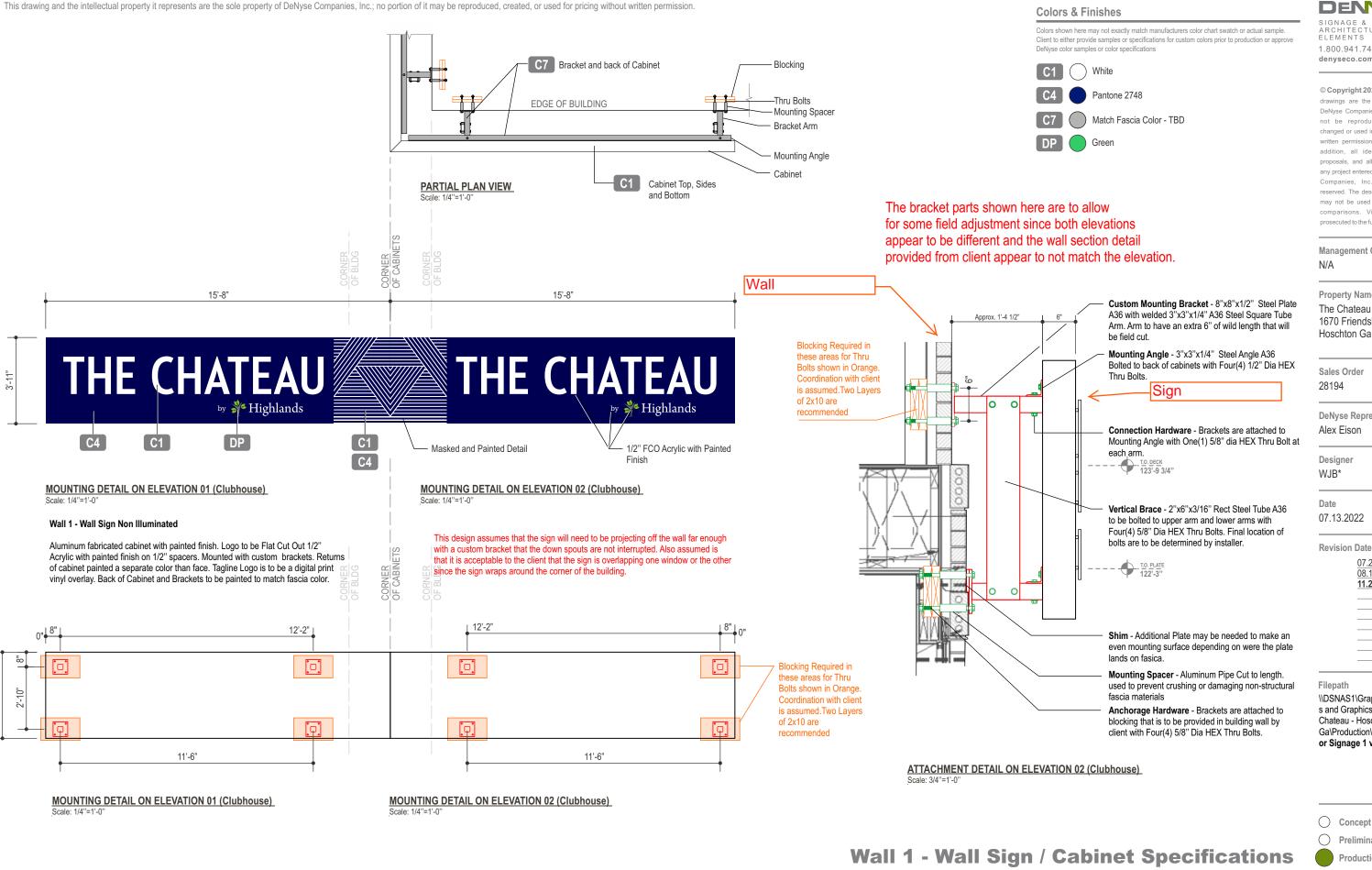
Concept

Preliminary



DRAWING 02/A8.02 - SECTION THRU WALL AT SIGN





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08.11.2022 wjb 11.28.2022 wjb

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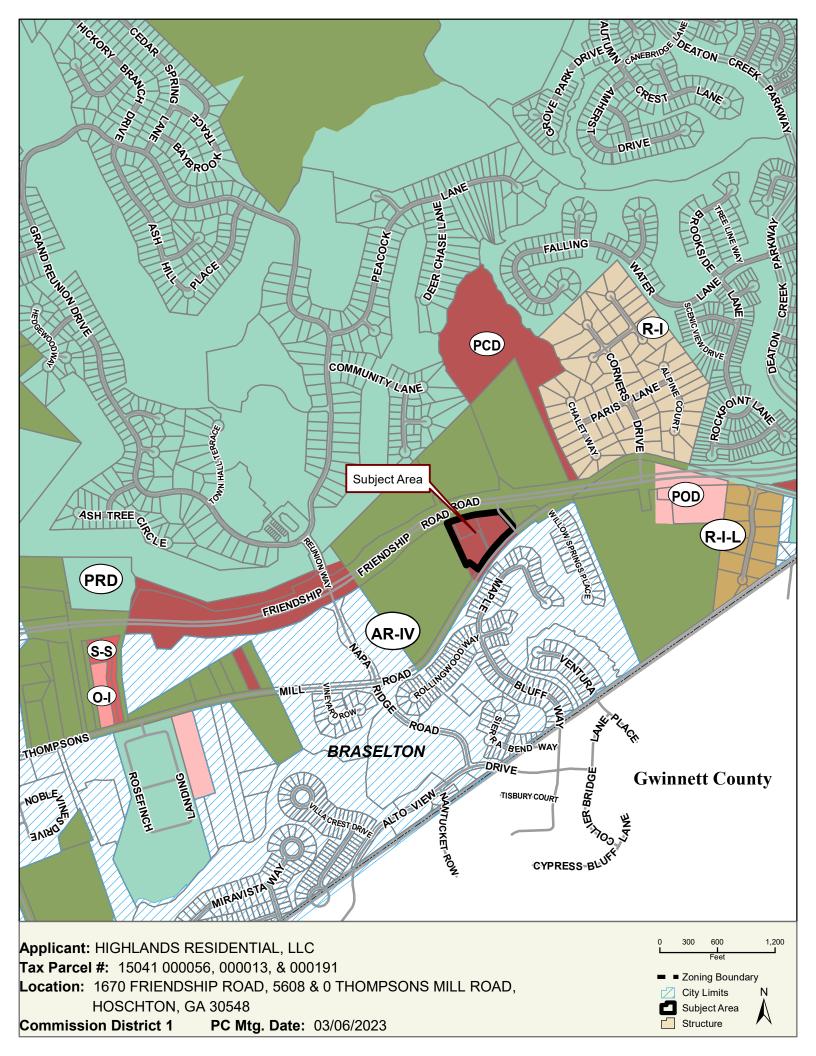
\\DSNAS1\Graphics\Drawing s and Graphics\C\The Chateau - Hoschton Ga\Production\Design\Exteri or Signage 1 v4.cdr

Concept

Preliminary



Before fabrication can proceed on this sign, additional





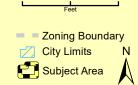


Applicant: HIGHLANDS RESIDENTIAL, LLC Tax Parcel #: 15041 000056, 000013, & 000191

Location: 1670 FRIENDSHIP ROAD, 5608 & 0 THOMPSONS MILL ROAD,

HOSCHTON, GA 30548

Commission District 1 PC Mtg. Date: 03/06/2023



Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Monday, February 13, 2023 9:13 AM

To: Anael Dominguez (Planning); Randi Doveton (Planning)

Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)

Subject: HCPC Tentative Agenda 3.6.23

Please find Environmental Health comments below:

Item 1, 1000 Treesort View, McKibbon: No comment.

Item 2, 1670 Friendship Road, Highlands Residential: No comment.

Items 3 and 4, 2014 Edmonds Drive, Solorzano: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

Item 5, 4916 Cleveland Hwy, Hemphill: 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. 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 6, 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: Tuesday, February 14, 2023 11:02 AM

To: Anael Dominguez (Planning); Randi Doveton (Planning)

Cc: Chavers, Veronica E; Peevy, Jonathan

Subject: RE: Tentative Planning Agenda for March 6, 2023

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

- 1. Steve P. McKibbon will require GDOT Coordination
- 2. Highlands Residential will require GDOT Coordination
- 5. John S. Hemphill will require GDOT Coordination

The following will not require GDOT Coordination

- 3. Uriel Solorzano none
- 4. Uriel Solorzano none
- 5. Hall County Planning none

Thank you,

Parker Niebauer

D1TO Traffic Operations Supervisor



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, February 9, 2023 12:24 PM

To: Becky Ruffner (Parks & Leisure) <bru>
Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Brent Holloway (Parks and Leisure) <bholloway@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@gainesvillega.gov) <jeremy.wills@gainesvillega.gov>; 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>; Nick Swafford <NSwafford@gainesvillega.gov>; Nicole Griffin (Tax Assessors)
<nicole.griffin@hallcounty.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 Sutton (Engineering)
<wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for March 6, 2023

Good afternoon -

Here is the Tentative Agenda and Maps for the Monday, March 6, 2023 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 <u>Thursday, February 16th</u>. Email comments to Randi (<u>rdoveton@hallcounty.org</u>) and Ana (<u>adominguez@hallcounty.org</u>).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – February 20, 2023

NEW BUSINESS

- 1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., applicant.
- 2. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, applicant.
- 3. 2014 Edmonds Drive | Rezone | from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 4. 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 5. 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: self-storage facility | ** Commission District 3 | John S. Hemphill, applicant.
- 6. <u>Title 17 of the Official Code of Hall County | Text Amendment | Proposed amendments to Sections 17.20.1110,17.20.1130,17.20.1140, 17.240.130.A, deleting Appendix B, and inserting a new section 17.240, a copy of the proposed amendments are available from the Hall County Planning office | ** All Commission Districts | Hall County Planning, applicant.</u>

*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, April 13, 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, April 13, 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



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Hall County Government PUBLIC WORKS AND UTILITIES

ENGINEERING DIVISION

MEMORANDUM

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**

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: February 14, 2023

March 6, 2023 - Hall County Planning Commission Agenda **Subject:**

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the March 6, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

- 1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., applicant.
 - a) Engineering: No Comment
 - b) Traffic: Proposed signage shall not obstruct or contradict approved traffic control signage.
 - c) Utilities: Monument signs shall not be constructed on sanitary sewer or utility easement.
- 2. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, applicant.
 - a) Engineering: No Comment
 - b) Traffic: Proposed signage shall not obstruct or contradict approved traffic control signage
 - c) Utilities: signs shall not be constricted on sanitary sewer or utilities easements
- 3. **2014 Edmonds Drive | Rezone |** from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.

a) Engineering: No Comments

b) Traffic: No Comments c) Utilities: No Comments



Hall County Government

PUBLIC WORKS AND UTILITIES ENGINEERING DIVISION

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SRIKANTH YAMALA Director

BILL NASH, P.E. Assistant Director

FRANKLIN P. MILLER, P.E. County Engineer

4. 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.

a) Engineering: No Commentsb) Traffic: No Commentsc) Utilities: No Comments

- 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: selfstorage facility | ** Commission District 3 | John S. Hemphill, 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 driveway connection to Cleveland Highway
 - c) Utilities: No sewer service overfill in the area, septic system will need to be designed and permitted
- 6. Title 17 of the Official Code of Hall County | Text Amendment |
 Proposed amendments to Sections 17.20.1110,17.20.1130,17.20.1140,
 17.240.130.A, deleting Appendix B, and inserting a new section 17.240,
 a copy of the proposed amendments are available from the Hall County
 Planning office | ** All Commission Districts | Hall County Planning,
 applicant.

a) Engineering: No Commentsb) Traffic: No Commentsc) Utilities: No Comments

Anael Dominguez (Planning)

From: John Hornick (Fire Services)

Sent: Thursday, February 16, 2023 12:53 PM

To: Randi Doveton (Planning); Anael Dominguez (Planning)

Subject: Fire Comments

Hall County Planning Commission Meeting 3/6/23

1. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, 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



Print

Planning Commission Comments - March 6, 2023 - Submission #70961

Date Submitted: 3/5/2023

Comments completed in the form below will be submitted into the record for the March 6, 2023 meeting of the Hall County Planning Commission.

First Name*	Last Name*		
Phyllis	Mercer		//
Address1*			
6320 Falling Water Lane			
Address2			
City*	State*	Zip*	
Hoschton	ga	30548	
Zoning Item for Comment*			
2. 1670 Friendship Road, 5608 & 0 Th	ompsons Mill Road		~
Select from the list below which zoning	item you would like to register a comment of	n. Items are listed in the order in	

Your Comments*

This request should be DENIED

which they appear on the agenda.

- --exception to the Gateway Corridor Standards
- --WHEN ORIGINAL APPROVAL FOR ZONING ON MAY 26, 2020, WAS GIVEN BY THE BOC ONE OF THE CONDITIONS WAS (d) ALL DEVELOPMENT SHALL CONFORM WITH 17.420 GATEWAY CORRIDOR OVELAY DISTIRCT-- this should continue to be enforced.
- --this facility is adjacent to residential communities and commercial signs are not appropriate
- --there is no need for this signage for marketing reasons
- --allowing an exception for one business will only erode the county standards, which residents depend on when buying property

Please write your comments in the box above.

File Upload

Choose File	No file chosen
01100001110	140 1110 0110001

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?						

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.









AGENDA ITEM

Planning and Development

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 150/2023

1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of **SUBJECT:**Price Road approximately 884 feet from its intersection with Thompson

Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | **Proposed use:**

master sign plan | Commission District 2 | Steve P. McKibbon, Jr.,

applicant.

Meetings:

Work Session Date: 04/10/23 Voting Meeting Date: 04/13/23

Executive Summary:

Presenter: RD

Recommendation:
Approval. with conditions:

- 1. Master Sign Package for the Treesort Apartment Complex is approved.
- 2. Signs submitted as part of the Master Sign Package are approved. Their quantity, materials, dimensions, and placement shall be as represented on the renderings, summary table, and site plans filed January 12, 2023.
- 3. Monument signs shall not be constructed on sanitary sewer, drainage or utility easements.
- 4. In the case of a conflict between the text of the summary table and the rendering of a sign, the rendering governs.
- 5. Signs not explicitly requested as part of this Master Sign Package shall comply only with the underlying base Sign Code Requirements listed in Chapter 17.270.-Sign Standards.
- 6. A legible copy of this letter shall be scanned onto all future recorded plats for this property.

Purpose of Request:

History:

1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | Commission District 2 | Steve P. McKibbon, Jr., applicant.

Facts and Issues: Options:

Funding Requested \$ 0.00 Are funds within current budget? Νo

Source of Funds

Does the action involve a Resolution, Ordinance, Contract,

No Agreement, etc.? Has it been reviewed by the County Attorney? Yes

Is there a deadline for this item?

Approvals:

Submit	Approve		Budget		Finance		
AD	RD		EW		WG		
Attorney		Adminis	Administration		Clerk		
WLI		С	CR		CR JR		JR

Attachments:

Board Memo Recommendation Report Application Narrative Site Plan Sign Renderings Maps **Environmental Health Comments GDOT Comments Public Works Comments**

Fire Comments Notice Sign Photos



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE PLANNING AND DEVELOPMENT

Richard Higgins, Chairman To:

> Kathy Cooper, District 1 Commissioner Billy Powell, District 2 Commissioner Gregg Poole, District 3 Commissioner Jeff Stowe, District 4 Commissioner

POST OFFICE DRAWER 1435 GAINESVILLE, GA 30503

Randi Doveton, Director of Planning and Development From:

Date: March 20, 2023

t: 770.531.6809 | f: 770.531.3902

1000 Treesort View | Amend conditions | of a Planned Subject:

> Residential Development (PRD) on a 25.58± acre tract | Proposed use: master sign plan | Steve P. McKibbon,

Jr., applicant.

DIRECTOR Srikanth Yamala

PLANNING AND DEVELOPMENT **DIRECTOR** Randi Doveton

The request before you is the request of Steve P. McKibbon, Jr. to amend conditions of a Planned Residential Development (PRD) on 25.58± acres to allow a master sign plan. This item is located within Commission District 2.

At their March 6, 2023 meeting, the Hall County Planning Commission voted to recommend approval with six (6) 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 Master Sign Package for the Treesort Apartment Complex shall be approved.
- 2. All signs submitted as part of the Master Sign Package are approved. Their quantity, materials, dimensions, and placement shall be as represented on the renderings, summary table, and site plans filed on January 12, 2023.
- 3. Monument signs shall not be constructed on sanitary sewer, drainage or utility easements.
- 4. In the case of a conflict between the text of the summary table and the rendering of a sign, the rendering governs.
- 5. Signs not explicitly requested as part of this Master Sign Package shall comply only with the underlying base Sign Code Requirements listed in Chapter 17.270. Sign Standards.
- 6. All conditions of approval shall be recorded on any subsequent plats of this property.

HALL COUNTY PLANNING COMMISSION RECOMEMNDATION REPORT

Applicant Steve P. McKibbon

Request Amend conditions of a Planned Residential Development (PRD, 17.180.060)

Proposed Use Master Sign Plan

Size 25.58± acres

Zoning Planned Residential Development (PRD, 17.180.060)

Location 1000 Treesort View | Tax Parcel 10100 000158

Commission District Two

Planning Commission Date March 6, 2023

Staff Recommendation Approval, with Conditions

Planning Commission Recommendation Approval, with conditions

Vote: 5-0

Planning Commission Recommendations:

- 1. The Master Sign Package for the Treesort Apartment Complex shall be approved.
- 2. All signs submitted as part of the Master Sign Package are approved. Their quantity, materials, dimensions, and placement shall be as represented on the renderings, summary table, and site plans filed on January 12, 2023.
- 3. Monument signs shall not be constructed on sanitary sewer, drainage or utility easements.
- 4. In the case of a conflict between the text of the summary table and the rendering of a sign, the rendering governs.
- 5. Signs not explicitly requested as part of this Master Sign Package shall comply only with the underlying base Sign Code Requirements listed in Chapter 17.270. Sign Standards.
- 6. All conditions of approval shall be recorded on any subsequent plats of this property.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting approval of a master sign package for the 220-unit Treesort Apartment Complex approved by the Board of Commissioners on January 24, 2013. The 2013 petition changed the zoning classification in effect upon the subject property from Planned Commercial Development to Planned Residential Development (PRD, 17.180.060), but did not include a master sign package for the multi-tenant residential development (17.420.060.4.-Signs). Now that construction of the Treesort Apartment development is nearing completion, the applicant seeks to install signs upon the property. To obtain the sign permits, they need to retroactively attach a master sign package to the PRD standards in effect upon the property as an addendum to the existing zoning. The applicant proposes a total of 331 signs across the tract, 81% of which are necessary for building or dwelling unit identification. Table 1 below summarizes their request. Staff comments for each sign, including a determination of the applicable classification per Hall County Sign Code, are provided under the column titled, "Staff Review."

Sign Type (i.e., what applicant calls the sign)	Staff Review (i.e., what code calls the sign and staff analysis of design)	Total Qty	Page Number	Sign Dimension (length x width x height)	Wall Dimension	Sign Materials	Lighting
Primary Monument (PM)	Monument Sign. Exceeds max height (6 ft) and doesn't use masonry or 100% stucco base. Relief from 17.270.030.H.Definitions and 17.270.040.C.General required.	1	3 to 4, 7 to 8	2.15' x 1.33' x 11.88'	n/a	Aluminum, Steel, Expanded Rigid Foam with Stucco Finish, White LEDs	Internal – backlit and uplit
Secondary Monument (SM)	Monument Sign. Exceeds max sign face area (48 SF) and doesn't use masonry or 100% stucco base. Relief from 17.270.030.H.Definitions and 17.270.040.C.General required.	1	5 to 8	17.84' x 2.56' x 5.89'	n/a	Aluminum, Steel, Expanded Rigid Foam with Stucco Finish	External - upward cast lights
Exterior Wayfinding (EW)	Internal Development Sign. (17.270.050.ESigns for which general permit has been granted) Compliant.	8	9 to 12	2.55' x 0.875' x 4.72'	n/a	Expanded Rigid foam with Stucco Finish, Acrylic	n/a
Building Number ID (BIN)	Address Sign. Exceeds 18 SF aggregate sign area for tract. Relief from 17.270.050.H signs for which general permit has been granted required.	22	13 to 15	1.42′ x 6.40′	5,880 SF	Cut Vinyl, ACM, Acrylic, Matthews Paint	n/a

Breezeway Directory (BWD)	Address Sign. Exceeds 18 SF aggregate sign area for tract. Relief from 17.270.050.H signs for which general permit has been granted required.	39	16 to 18	4.21' x 0.94'	5,880 SF	ACM, Matthews Paint	n/a
Unit Number Plaque (UNP)	Address Sign. Exceeds 18 SF aggregate sign area for tract. Relief from 17.270.050.H signs for which general permit has been granted required.	170	19 to 23	0.30' x 0.5'	n/a	Acrylic, UV Printed Graphics	n/a

Sign Type (i.e., what applicant calls the sign)	Staff Review (i.e., what code calls the sign and staff analysis of design)	Total Qty	Page Number	Sign Dimensi on (length x width x height)	Wall Dimension	Sign Materials	Lighting
Amenity ID Plaque (AID)	Directory Sign (17.270.030.E.Definitions and 17.270.050.A) Compliant.	2	26	0.65' x 0.49'	n/a	Acrylic, Tactile Material, braille	n/a
Pool Rules (PR.1)	Directory Sign (17.270.030.E.Definitions and 17.270.050.A) Compliant.	2	27	3.34' x 3.38'	n/a	ACM, Digitally Printed Graphics	n/a
Amenity Rules Plaque (ARP)	Directory Sign (17.270.030.E.Definitions and 17.270.050.A) Compliant.	4	28	1.48' x 1.50'	n/a	AMC, Digitally Printed Graphics	n/a
Amenity ID with Back Plate (AID.BP)	Directory Sign (17.270.030.E.Definitions and 17.270.050.A) Compliant.	7	29	0.65' x 0.49'	n/a	Acrylic, Tactile Material, Braille, UV Printed Graphics, Cut Vinyl Graphics	n/a
Restroom Plaque (RP)	Directory Sign (17.270.030.E.Definitions and 17.270.050.A) Compliant.	6	30	0.59' x 0.75'	n/a	Acrylic, Tactile Material, Braille, UV Printed Graphics, Cut Vinyl Graphics	n/a
Emergency Phone (PR.2)	Wall Sign prohibited in PRD. Relief from 17.270.070.A Standards for specific districts required.	2	31	0.84' x 0.67'	n/a	Aluminum, Digitally Printed Graphics	n/a
No Glass (PR.3)	Directory Sign (17.270.030.E.Definitions and 17.270.050.A) Compliant.	2	32	1.48' x 1.05'	n/a	ACM, Digitally Printed Graphics	n/a

No Lifeguard (PR.4)	Directory Sign (17.270.030.E.Definitions and 17.270.050.A) Compliant.	2	33	1.48' x 1.10'	n/a	ACM, Digitally Printed Graphics	n/a
No Pets (PR.5)	Directory Sign (17.270.030.E.Definitions and 17.270.050.A) Compliant.	2	34	1.48' x 0.88'	n/a	ACM, Digitally Printed Graphics	n/a
Timer Panel (TP)	Directory Sign (17.270.030.E.Definitions and 17.270.050.A) Compliant.	1	35	1.04' x 0.63'	n/a	ACM, Digitally Printed Graphics	n/a
Parking Gate Liability (PGL)	Fence mounted sign prohibited. Relief from 17.270.100.C.Prohibited signs required.	2	36	1.84′ x 2.00′	n/a	Aluminum, Digitally Printed Graphics	n/a
TABLE 1 SUMMARY OF SIGN REQUESTS (CONT.)							
Sign Type (i.e., what applicant calls the sign)	Staff Review (i.e., what code calls the sign and staff analysis of design)	Total Qty	Page Number	Sign Dimensi on (length x width x height)	Wall Dimension	Sign Materials	Lighting
Exterior Post and Panel (EPP)	Freestanding sign less than 6 SF in area and placed at least 15 feet from property line (17.270.040.C and E.General). Compliant.	7	38-40	2.00' x 1.5'	n/a	ACM, Digitally Printed Graphics, Aluminum posts	n/a

Per Hall County Ordinance (17.420.060.4.-Signs), County review and approval of the signage master plan, "shall be based on the compatibility of the proposed signage with the siting and architecture of the subject building(s) and the compatibility of the signage with surrounding land uses." Review of architectural elevations show the apartment units have a modern aesthetic and are predominantly cladded with fiber-cementious siding in darker, cooler colors. Metal stairs and details are visible from entrances at breezeways. Due to its recurring use of digitally printed graphics, aluminum composite material ("ACM"), clear and painted acrylics, and neutral color palette of charcoal and white, staff finds the master sign package compatible with the modern aesthetic of the apartment buildings on-site.

As regards surrounding uses, the PCD zoned tracts located south of Treesort are subject to a commercial master sign plan filed by Fuqua Acquisitions LLC in 2015. Once built out, these lots will have traditional auto-centric signage consisting of large multi-panel monument signs cladded in masonry and wall signs made of front lit channel letters or routed PCV letters, sized as large as 153.21 square feet. Fuqua's signage is designed to capture the attention of drivers on Price Road and Thompson Bridge Road who may or may not be familiar with the commercial development. Because they support different land uses and styles of development, Treesort's sign package is naturally not compatible with Fuqua's. For example, Treesort's smaller, nonilluminated wall and directory signs target pedestrians traversing the property on foot and its monument signs are designed to

mirror the materials used on residential housing product, not a large commercial anchor store. Staff recommends approval of the amendment request subject to the following conditions:

- 1. Master Sign Package for the Treesort Apartment Complex is approved.
- 2. Signs submitted as part of the Master Sign Package are approved. Their quantity, materials, dimensions, and placement shall be as represented on the renderings, summary table, and site plans filed January 12, 2023.
- 3. Monument signs shall not be constructed on sanitary sewer, drainage or utility easements.
- 4. In the case of a conflict between the text of the summary table and the rendering of a sign, the rendering governs.
- 5. Signs not explicitly requested as part of this Master Sign Package shall need comply only with the underlying base Sign Code Requirements listed in Chapter 17.270.-Sign Standards.
- 6. A legible copy of this letter shall be scanned onto all future recorded plats for this property. Based on the future land-use plan, staff finds the <u>requested master sign plan</u> consistent with the <u>Comprehensive Plan</u>.

Zoning Analysis

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

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of
 adjacent and nearby property; Approval of the master sign package would permit the installation of
 signs compatible with the apartment buildings on-site, but not compatible with auto-centric
 commercial signage to be installed to the south.
- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; Approval of the zoning proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property. Signage installed upon the property is unlikely to be visible from abutting tracts because the subject parcel is a large flag lot sized +/- 25 acres and the preservation of existing stream buffers has resulted in the placement of units at the center of the lot. The majority of signs proposed will be mounted to the building, away from property lines.
- **3.** Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The subject property has reasonable economic use as 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, or utilities; Approval of the master sign package will not burden existing streets, transportation facilities or utilities. Installation of the proposed signage is expected to help users more effectively and safely navigate the private roads throughout the apartment complex and to assist emergency responders to more rapidly reach residents in distress.
- 5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; The dominant Future Land Use designation for Tax Parcel 10100 000158 is Activity Center. Activity Centers are characterized by compact, walkable, and higher density developments. These areas provide employment opportunities and support residential uses such as townhomes, condos, and loft

- apartments that contribute to a live-work environment. Design should support high vehicular and pedestrian connectivity. Approval of the master sign plan supports vehicular and pedestrian mobility across the apartment complex, by identifying unit and amenity locations of interest to residents.
- 6. The extent to which property values are diminished by the existing zoning restrictions; It cannot be determined based on information submitted how or if the approval or denial of the master sign package as presented would affect area property values.
- 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; It cannot be determined based on information submitted how or if the approval or denial of the master sign package as presented would affect area property values. However, improvements in public safety are expected because 81% of total signs proposed are address signs (i.e., building identification signs, breezeway signs, and unit numbers). The base sign code sets an aggregate sign area maximum of 18 square feet for addressing signs. This is intended to support installation of one street number placard, as is typically done for a single family detached homes, but is insufficient for a multi-tenant development. Approving the sign package supports public safety by providing adequate building identification information to the public.
- 8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; Gains from denial of the petition may include fewer signs to maintain upon the property which may reduce maintenance costs paid by the owner and less visual clutter affecting the public on-site. Losses include the increased risk that prospective tenants or delivery drivers will be unable to confirm they've arrived to the correct locations leading them to leave without signing a lease or with undelivered goods. Both of these circumstances may negatively impact the property owner's business operations.
- 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; Treesort was approved for land disturbance on April 1, 2021. This means the land sat vacant for 9 years after the property was formally rezoned PRD. The subject property and surrounding commercial uses are both under development.
- 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; Apartments are desired uses in Activity Centers, intended to supplement the employment and commercial enterprises surrounding them. As the commercial sites zoned PCD south of Treesort build out, long-term sustained occupancy of the Treesort complex can help support the success of new local or new anchor businesses abutting Price Road and Thompson Bridge Road. If not approved, the applicant can only install one monument sign upon the premises with a face not exceeding 48 square feet and a height of six feet.
- 11. Whether the change would create an isolated district unrelated to the surrounding districts;

 Approval of the sign package would not create an isolated district. Any sense of existing separation from the surrounding properties is a result of the subject tract's flag lot configuration.
- 12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; The present zoning district is logically drawn. Property lines and applicable zoning conditions are clearly depicted on Plat Book 882, Page 190-193.
- **13.** Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The change requested is not out of scale with the needs of the county or neighborhood.**

The proposed quantity, materials, and size of signs proposed on the filed summary table and rendering packet filed with this application are compatible with on-site development.

- 14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; County Commission has determined PRD to be an appropriate zoning classification for this property and that the 220 unit apartment complex is an appropriate land use for the property.
- 15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; The applicant is providing the required master sign package and bringing the petition for consideration as a condition of amendment to the 2013 rezoning, as required by Hall County Code. Variances are not the pathway supported by the sign code by the current petition.
- 16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; No ecological or pollution impact is expected from the proposed sign package, if the request is granted. There is a 50 foot tree buffer along the west property line and a stream buffer along the front property line to mitigate any potential light spill over from internal and external illumination requests for monument signs.
- 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; No evidence was found that would indicate a mistake was made in the rezoning of the property to PRD.

The property is zoned Planned Residential Development (PRD, 17.180.060). Multi-family residential developments are permitted uses under the Planned Residential Development classification and listed as desirable uses under the Activity Center classification of the Comprehensive Plan. The future land use classification for this property is Activity Center.

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:
 - 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 site plan 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. The submitted documents are drawn to scale and include the necessary information as listed above.

- C. For any application for a slow rate land treatment system (see <u>chapter 17.20</u>), the following additional requirements apply. This standard is not applicable as the site will be served by a municipal sewer system.
- 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. This standard is not applicable as the underlying residential zoning classification has already been established.

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated February 13, 2023, Emily McGahee states "No comment."

Hall County Fire Marshal

An email dated February 16, 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 February 14, 2023, Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

Proposed signage shall not obstruct or contradict approved traffic control signage.

Utilities

Monument signs shall not be constructed on sanitary sewer or utility easement

Georgia Department of Transportation

In email dated February 14, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will require GDOT coordination.

Excerpts from the minutes of the March 6, 2023 meeting

Applicant's Presentation:

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

Jason Acree, 7 Old Roswell Street, Alpharetta, presented the request. The applicant

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell questioned if the applicant had any questions regarding the staff recommendations. The applicant stated they are in agreement with staff conditions.

<u>Motion:</u> A motion to approve, with conditions was made by Ms. Pilcher and seconded by Mr. Sosebee. Vote: 5-0

Conditions:

- 1. Master Sign Package for the Treesort Apartment Complex is approved.
- 2. Signs submitted as part of the Master Sign Package are approved. Their quantity, materials, dimensions, and placement shall be as represented on the renderings, summary table, and site plans filed January 12, 2023.
- 3. Monument signs shall not be constructed on sanitary sewer, drainage or utility easements.
- 4. In the case of a conflict between the text of the summary table and the rendering of a sign, the rendering governs.
- 5. Signs not explicitly requested as part of this Master Sign Package shall comply only with the underlying base Sign Code Requirements listed in Chapter 17.270.-Sign Standards.
- 6. A legible copy of this letter shall be scanned onto all future recorded plats for this property.

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



JAN 1 3 2023



Planning & Zoning Department

ZONING APPLICATION

Applicant (Name & Mailing Address)	Property Owner (Name & Mailin	ng Address)
Steve Price McKibbon Jr	Steve Price Mckibbo	n Jr
6075 Ben Parks Rd.	6075 Ben Parks Rd	•
Murrayville, GA 30564	Murrayville, GA 305	64
Phone 770 - 533 - 2103	Phone 770-533-2103	
Email Address mckibbon@gnall.com	Email Address mckibbon@	gmail.com
Proposed Use Master Szyn Aan Gar	PRD - Troesort	
Contact Person (Name & Mailing Address)	Status of Applicant	Requested Action
Steve Price McKibbon Jr		Existing Zoning: PRD
6075 Ben Parks Rd.	☐ Option to Purchase	Rezone to: Amendmai
Murrayville, 6A 30564	☐ Area Resident	Fee:\$ 1500.00
Phone 770 - 533 - 2103	□ Other	Receipt #: 859089
Email Address mckibbon@anail.com		Check #: 1337
Tax Parcel Number 10100 000158	Acreage 25.5%	
Location Address 1000 Treesort VW		
I hereby certify that the above information and all attached Sign	information are true and correc	ot. Date: Jan, 12 2023
Applicant must complete all information above. Failure application. The Planning Department has 15 days to application. If the application is found insufficient, an agreement submitted. Please note that the Planning Commiss	review all applications and will enda date will not be set until t	set the dates for each he required information is
Application Withdrawal: I hereby withdraw the application.		
Sign		Date:
2///12	en by:	4/13/23

PLANNING AND DEVELOPMENT DEPARTMENT

2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504 MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503 t: 770-531-6809 l f; 770-531-3902



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).

hereby certify that I have read the above and that:							
l have** l have not	<u> </u>						
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 requities application.	uired below within ten (10) days of filing						
Name of Official(s):	Office:						
Dollar Amount:	Date of Contribution:						
Applicant's/Owner's Signature:	Date: Jan, 12 2023						
Applicant's/Owner's Name (Printed): Steve Price Mckibbon	Jr						

PLANNING AND DEVELOPMENT DEPARTMENT

2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504 MAILING ADDRESS: PO BOX 1435, GAINESVILLE GA 30503 I: 770-531-6809 I f: 770-531-3902



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:

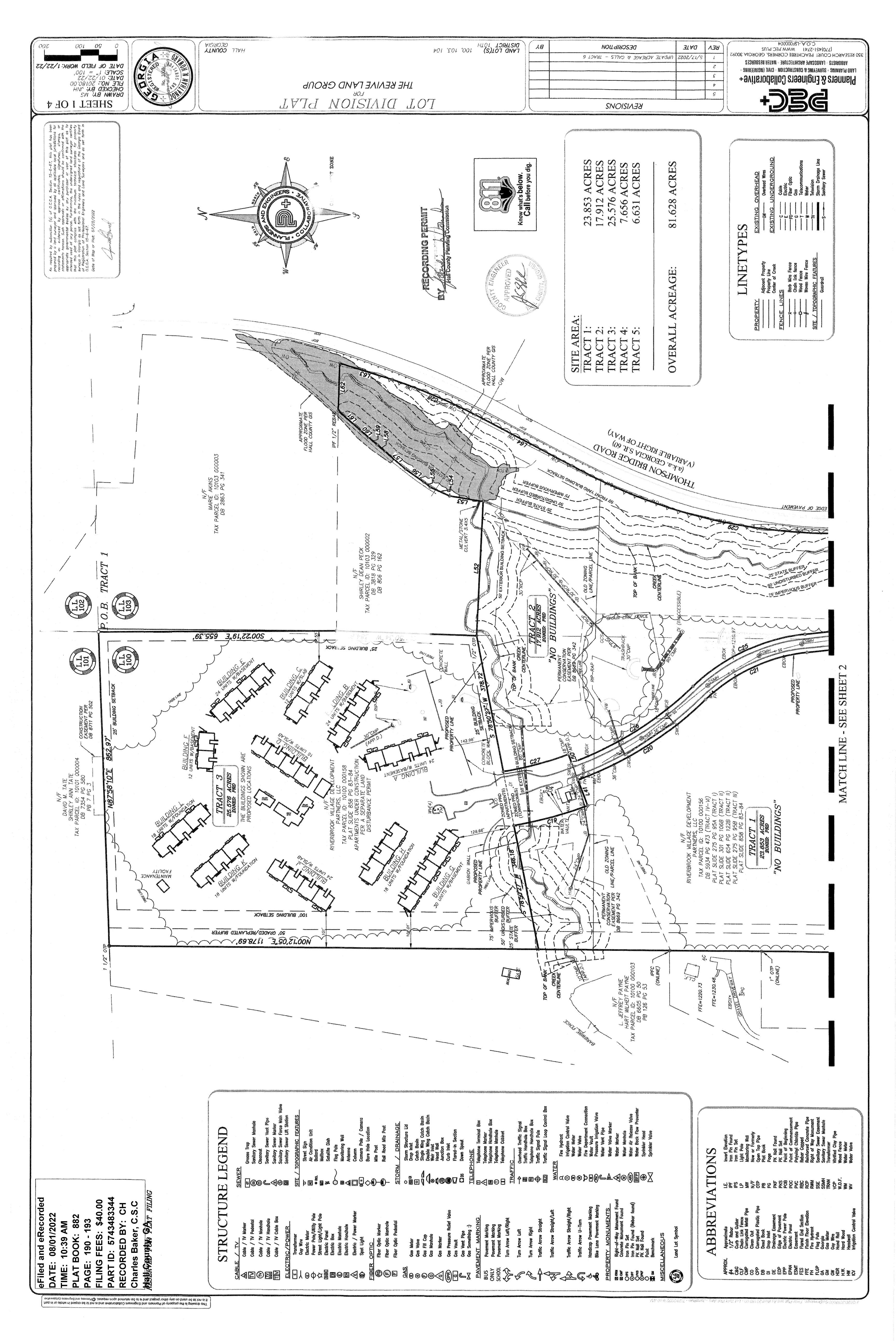
- (b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the 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	<u>, </u>				
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 requithis application.	ired below within ten (10) days of filing				
Name of Official(s):	Office:				
Dollar Amount:	Date of Contribution:				
Applicant's/Owner's Signature:	Date: Jan, 12 2023				
Applicant's/Owner's Name (Printed): Steve Price McKibbon	Jr				

Sign Type	otal QTV	age Numbe	Sign Fotal QTYage Numbe Dimensions	Site Plan ID # .ter	nal Wall Dimensi	Site Plan ID # ternal Wall Dimensio Sign Materials	Illumination	Variance Narrative
Primary Monument (PM)	-	3-4 & 7-8	2.15' x 1.33' x 11.88'	951000 00101	∢ Z	Aluminum, Steel, Expanded Rigid Foam w/ Stucco Finish, White LEDs	Internal - backlighting / uplighting	We propose these standards as part of the Treesort Master Sign Package. Where there may be a conflict with sign code 17.270.070 (C), we request a variance in this area.
Secondary Monument(SM)	-	7- 8-	17.84' × 2.56' × 5.89'	10100 000158	A/Z	Aluminum, Steel, Expanded Rigid Foam w/ Stucco Finish	:xternal - upward	We propose these standards as part of the Treesort Master Sign Package. Where there may be a conflict with sign code 17.270.070 (C), we request a variance in this area.
Exterior Wayfinding (EW)	ω	21-6	2.55' x 0.875' × 4.72'	10100 000158	4 /Z	Expanded Rigid Foam w/ Stucco Finish, Acrylic	VZ	We propose these standards as part of the Treesort Master Sign Package. Where there may be a conflict with sign code 17.270.050 (E), we request a variance in this area.
Building Number ID (BIN)	22	13-15	1,42' x 6.40'	10100 000158	5,880 sq ft	Cut Vinyl, ACM, Acrylic, Matthews Paint	Z	We propose these standards as part of the Treesort Master Sign Package. Where there may be a conflict with sign code 17.270.050 (H), we request a variance in this area.
Breezeway Directory (BWD)	39	16-18	4.21' × 0.94'	10100 000158	5,880 sq ft	ACM, Matthews Paint	A/N	We propose these standards as part of the Treesort Master Sign Package. Where there may be a conflict with sign code 17.270.050 (E), we request a variance in this area.
Unit Number Plaque (UNP)	170	19-23	0.30' × 0.5'	10100 000158	4 /Z	Acrylic, UV Printed Graphics	Ą Z	We propose these standards as part of the Treesort Master Sign Package. Where there may be a conflict with sign code 17.270.050 (H), we request a variance in this area.
umber Plaque (ADA Compliant)	20	24-25	0.30' x 0.5'	10100 000158	A/N	Acrylic, Tactile Material, Braille, UV Printed Graphics	₹/Z	We propose these standards as part of the Treesort Master Sign Package. Where there may be a conflict with sign code 17.270.050 (H), we request a variance in this area.
Amenity ID Plaque (AID)	2	26	0.65' x 0.49'	10100 000158	A/N	Acrylic, Tactile material, braille	A/N	
Pool Rules (PR.1)	2	27	3.34' × 3.38'	10100 000158	A/N	ACM, Digitally Printed Graphics	ď/Z	
Amenity Rules Plaque (ARP)	4	28	1.48' x 1.50'	10100 000158	N/A	Acim, Digitariy Printed Graphics	√Z Z	

enity ID with Backer Plate (AID.	7	29	0.65' × 0.49'	10100 000158	ĕ/Z	Acrylic, Tactile Material, Braille, UV Printed Graphics, Cut Vinyl Graphics	N/A
Restroom Plaque (RR)	ø	30	0.59' × 0.75'	10100 000158	∀Z	Acrylic, Tactile Material, Braille, UV Printed Graphics	, Z
Emergency Phone (PR.2)	2	15	0.84' x 0.67	10100 000158	A/N	Aluminum, Digitally Printed Graphics	N/N
No Glass (PR.3)	2	32	1.48' x 1.05'	10100 000158	N/A	ACM, Digitally Printed Graphics	₹ Z
No Lifeguard (PR.4)	2	33	1.48' × 1.10'	10100 000158	A/N	ACM, Digitally Printed Graphics	A/A
No Pets (PR.5)	2	34	1.48' x 0.88'	10100 000158	N/A	ACM, Digitally Printed Graphics	ĕ
Timer Panel (TP)	-	35	1.05' × 0.63'	10100 000158	A/N	ACM, Digitally Printed Graphics	Α̈́
Parking Gate Liability (PGL)	7	36	1.84' × 2.00'	10100 000158	A/N	Aluminium, Digitally Printed Graphics	₹ Z
Call Box Plaque (CBP)	-	37	0.42' × 0.34'	10100 000158	V/N	Aluminium, Digitally Printed Graphics	₹ Z
Exterior Post & Panel (EPP.1)	7	38-40	2.00'×1.5'	10100 000158	A/X	ACM, Digitally Printed Graphics, Aluminium Posts	×Z V





DISTRICT 10TH HALL **COUNTY** BEN DESCRIPTION DATE 100' 103' 104 5/17/2022 UPDATE ACREAGE & CALLS - TRACT 6 DATE OF FIELD WORK: 1/22/22

SCALE: 1" = 100'
FILE NO: 20180.00

CHECKED BY: JUH

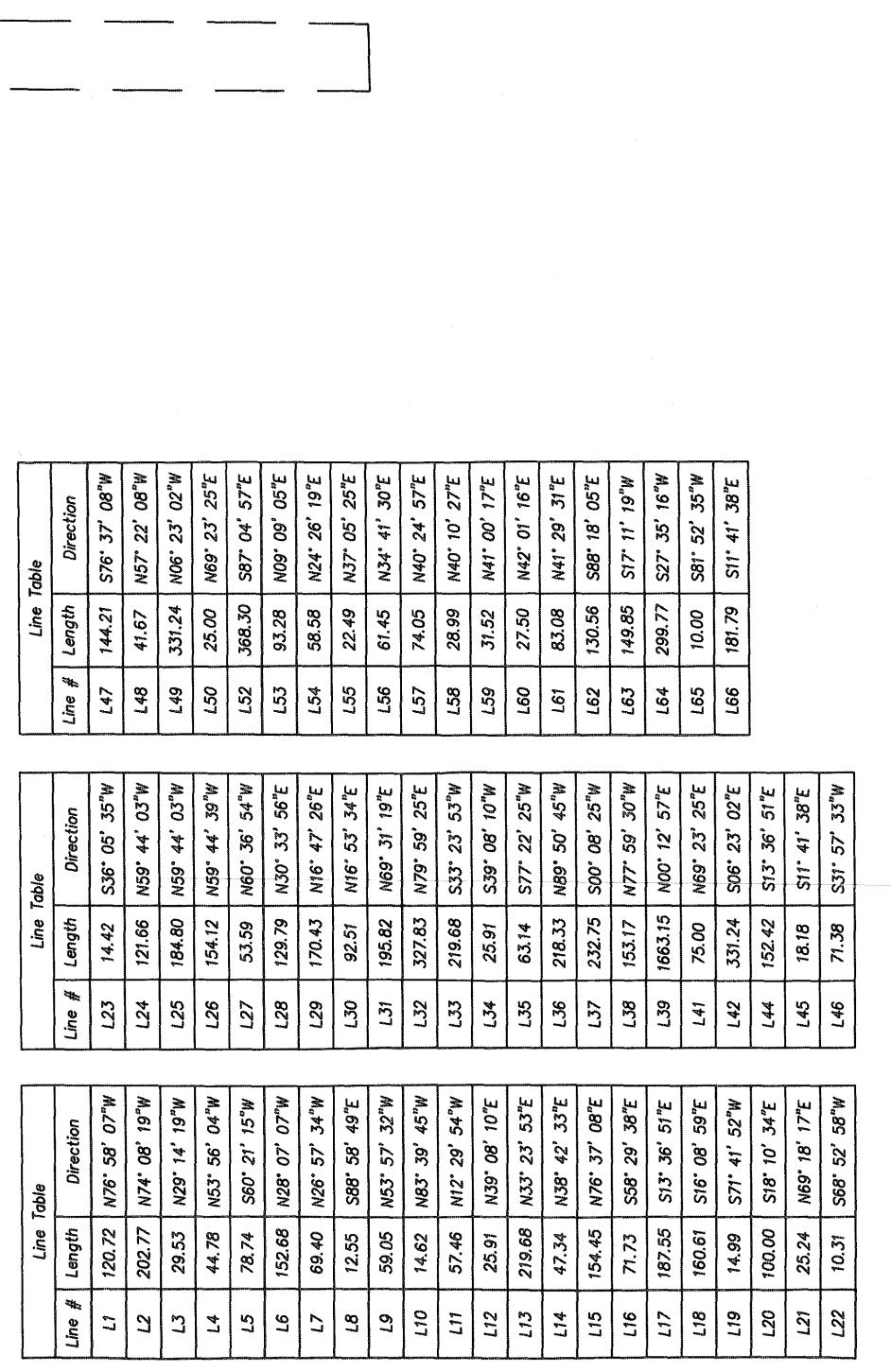
DRAWN BY: MS THE BEVIVE LAND GROUP LVTA NOISINIA LOT SHEEL 5 OF 4 *KENISIONS* BUILDING (a.k.a. GEORGIA S.R. 60)

(ARIABLE RIGHT OF PAVEMENT

VARIABLE EDGE OF PAVEMENT

EDGE OF PAVEMENT "NO

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25' GRADED/REPLANTED BUFFER

12. EXTERIOR BUILDING SETBACK

90, GRADED/REPLANTED BUFFER

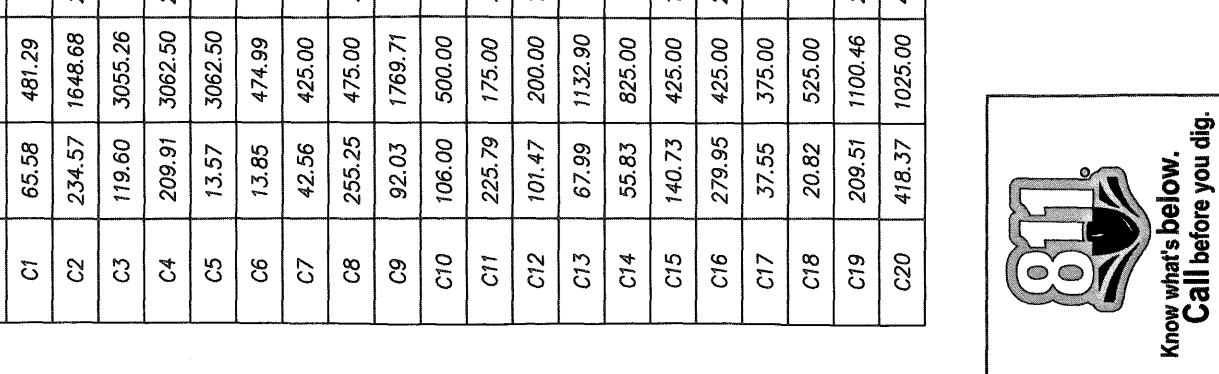
			Curve Ta	Table	
Bearing	Curve #	Length	Radius	Chord	Bearing
N66°42'09"W	C21	311.81	475.00	306.24	S25″11″24″E
N24°37'13"W	C22	187.96	825.00	187.55	S12°54°39″E
N52°27'12"W	C23	84.14	475.00	84.03	N18°14°26"W
N57°31°01"W	C24	229.01	775.00	228.18	N14°50°58"W
N59°36′27″W	C25	344.64	525.00	338.48	N2571"24"W
N38"18"02"E	C26	397.96	975.00	395.20	N327810"W
N3676'02"E	C27	184.75	950.00	184.46	N15°02'18"W
N18°00′13″E	C28	249.69	1665.81	249.46	S22°51'16"W
S19"24"02"E	C29	947.41	1483.35	931.39	S10°24'36"W
S74°54'48"W	C30	102.20	1490.00	102.18	S09°51′04″E
S44°00′58″W					
S21°33′27"W					
N61°50°14"W					
S21°22°34"E					

105.80 210.45 100.39 67.98

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234.57 119.60 209.91 13.85 42.56 42.56 255.25 92.03 101.47 101.47 55.83 140.73



C.O.A.-LSF000004

350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092 (770)451-2741 WWW.PEC.PLUS

ARBORISTS + LANDSCAPE ARCHITECTURE + WATER RESOURCES

Planners & Engineers Collaborative+

LAND PLANNING * SURVEYING & CONSTRUCTION * CIVIL ENGINEERING

If is not to be used on any other project and is to be returned upon request. Optamers and Engineers Collaborative.

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HALL COUNTY GEORGIA

DISTRICT 10TH 100' 102' 104

DESCRIPTION **JI AO** 5/17/2022 UPDATE ACREAGE & CALLS - TRACT 6 *KENISIONS*

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(770)451-2741 WWW.PEC.PLUS 320 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092 Planners & Engineers Collaborative+

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Date

THE REVIVE LAND GROUP LV'Id NOISINIU LO'I

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acveropracia.

3. All costs associated with any required right-of-way improvements shall be the Developer's responsibility.

4. Access to the development shall be approved by Hall County Traffic and/or the Georgia Department of Transportation, whichever applies

5. Any necessary access modifications must be approved and permitted by the Georgia Department of Transportation (GDOT). All costs associated with any required improvements shall be the developer's responsibility.

No more than 20% of residences in the development shall be rental units at any one time.

Applicant shall submit a site plan and architectural renderings, including floorplans to the Planning Director for approval prior to the applicant for a building permit.

The Revive Land Group, LLC

Attn: Neville Allison
6500 Lenox Road, Suite 625

Allanta, GA 30326

RE: Application to Rezone

Dear Neville Allison:

Please be advised that in its Mecting on December 9, 2021, the Hall County
Board of Commissioners voted to approve the following application with the
listed conditions.

Application of The Revive Land Group, LLC to rezone from Planned
Commercial Development (PCD) to Planned Residential Development (PRD)
on a 44.232± acre tract located on the north side of Price Road approximately
640 feet west of its intersection with Walnut Grove Way; a.k.a. 3740 Price
Road; Tax Parcel 10100 000156(pt.) & 10100 000158(pt.). Proposed Use: 185
unit townhome development. Commission District 2.

EYOR MAKES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING EYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH INTERNAL OF ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE ELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE ARE TOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR HALL IN INCORPORATED AREAS, COMMUNITY PANEL NUMBER 13139C0070G, PANEL 70 OF 377, A 2018 AND FOUND NO PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A NEW "X" (AREAS OF 100 YEAR FLOOD). THE PROPERTY SHOWN HEREON TO FALL WITHIN A NEW "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD. SIGHTS (ELEVATIONS AND CONTOURS) SHOWN HEREON WERE DETERMINED BY GPS ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE IN DECEMBER 2021. NORTH I (NADB3), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), GEORGIA WEST ZONE

N" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN TO UPON FACTS AND KNOMLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE RESSED OR IMPLIED.

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Charles Bal

Hall Gourds

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HALL COUNTY DATE OF FIELD WORK: 1/22/22 | SCALE: 1" = 100' | DATE: 01/22/22 | CHECKED BY: JUH | DRAWN BY: MS SHEEL & OF A

A109030

DESCRIPTION **JI YO** UPDATE ACREAGE & CALLS - TRACT 6 ADDRESS COUNTY COMMENTS 1/1/55 **KENISIONS**

C.O.A.-LSF000004

(770)451-2741 WWW.PEC.PLUS

320 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092

ARBORISTS + LANDSCAPE ARCHITECTURE + WATER RESOURCES

LAND PLANNING * SURVEYING & CONSTRUCTION * CIVIL ENGINEERING

Planners & Engineers Collaborative+

BEN

2/11/5055

DISTRICT 1014 100, 103, 104

LAND LOT(S) 100, 103, 104

THE BENIVE LAND GROUP LVId NOISIAID LOT

770.535.8288 | f. 770,531.3972 Kathy L. Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

Application to Amend Conditions ad, NE, Suite 800

Please be advised that in its Meeting on December 9, 2021, the Hall County Board of Commissioners voted to approve the following application with the listed conditions. Application of Fuqua Acquisitions, LLC to amend conditions of a Planned Commercial Development (PCD) on a 14.283± acre tract located on the north side of Price Road at its intersection with Walnut Grove Way; a.k.a. 3740 & 3782 Price Road; Zoned PRD; Tax Parcels 10100 000156(pt.) & 000154. Proposed Use: amend conditions of a planned commercial development. Commission District 2. Dear Mike Hagan:

COUNTY CLERK Lisa A. Ritchie

The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval. This includes architectural standards and sign standards as presented in the Master Sign Development Plan.

The proposed development standards, master sign development plan and narrative are approved. Any development standards that are not addressed in the applicants project narrative or Master Sign Development Plan shall be governed by the standards set forth by the Official Code of Hall County.

The total building square footage for the proposed development shall be limited to a maximum of 85,000 square feet.

Access to the development shall be approved by Hall County Traffic and/or the Georgia Department of Transportation, whichever applies.

Any necessary access modifications must be approved and permitted by the Georgia Department of Transportation (GDOT). All costs associated with any required improvements shall be the developer's responsibility.

Building height shall be limited to 3-stories/45 feet. щ. 4.

As depicted on the amended site plan there shall be a 100 foot building setback along the western boundary of the proposed PRD. Within the 100 foot building setback shall be a 50 foot graded and planted buffer. The proposed PCD shall have 75 foot building setback with a 30 foot graded and planted buffer.

Post Operer Drawer 1435
Gainesville, Grorola 30305
770 555-258
Fax (770 551-372

HALL COUNTY GOVERNMENT

BOARD OF COMMISSIONERS

The amenity package for the apartments shall be built in Phase 1, when at least the first 80 units are built.

Any new plats created for the development shall include all conditions of zoning approval.

Should you have any questions or if I may be of assista hesitate to contact me. Best regards.

CRAID LUIZ, DISTRICT 1
BILLY FOWER, DISTRICT 2
SCOTT GIRBS, DISTRICT 3
JEFTREY R. STOWE, DISTRICT 4

3740 Thompson Bridge Road & 3782 Price Road

Dear Mr. Robison:

River Brook Village Dev. Partmers Attn: Robbie Robison PO Box 115 Murrayville, Ga. 30564

January 25, 2013

RICHARD V. MIRC CHAIRMAN

Sincerely,

Melissa A. McCain Commission Clerk

In their regular meeting of January 24, 2013, the Hall County Board of rezone from PCD to PRD; and to rezone from R-I, R-II, and AR-III to PCD, an 83.0= acre tract located on the west side of Thompson Bridge Road at its intersection with Price Road; a.k.a. 3740 and 3782 Price Road: Tax Parcels 10100 000154; 10100 000156; and 10100 000158. Proposed Use: Mixed use residential/commercial development with the following conditions:

The development of the site shall occur as generally depicted and described in the concept, landscape plans, architectural exhibits and project narrative as amended and modified as necessary for compliance with development standards in force at the time of the site plan approval.

All commercial development shall comply with the Gateway Corridors Overlay District (Section 17.420) standards and any standards that are applicable to this area at the time of approval.

e developer shall work with Hall County Traffic Engineering/GDOT determining of any road improvements are necessary to serve the

Any access/road improvements required by Itall County or the Georgia Department of Transportation shall be the financial responsibility of the applicant or developer.

The development shall be limited to 220 apartment units.

None of the apartment

MA 00-6 SSOS/05/7 - newheret - greb har higt not - 00 00 100 hind had jurgendering - 3/20/2022 9-00 AAA

No outdoor storage shall be allowed for any use, with the exception of the grocery store and associated display of seasonal items along the front entrance of the store.
 The following uses shall require a conditional use permit:

 Full service car wash. Car washes associated with a gas station shall be permitted.
 Self-storage facilities.

 The following uses shall not be permitted:

 Tire sales, automobile repair and maintenance businesses with the exception of auto parts and quick oil change services which shall be allowed by right.

 The applicant shall submit architectural renderings, including building materials and colors, to be approved by the Planning Director prior to any issuance of any building permits.
 All conditions of zoning shall be made part of any new plat created for the property.
 The development shall adhere to the Hall County Erosion Control Ordinance Best Management Practices for Large Developments, which include the 3 BMPs from the County-approved list, even if the phase of development is less than 20 acres.
 Hall County supports a traffic signal on Thompson Bridge Road provided the signal is permitted and approved by GDOT, and paid for by the developers.

<u></u>

Please contact me if you have questions or if you require any additional information this action of the Board.

Lisa A. Riuchie Hall County Commission Clerk NA NA Sincorely

Hall County Government
BOARD OF COMMISSIONERS

HALL COUNTY

Fuqua Acquisitions LLC Attn: Mike Hagan 3575 Piedmont Road, NE, Atlanta, GA 30305 December 15, 2021

POST OFFICE DRAWER 1435 GAINESVILLE, GA 30503

COUNTY ADMINISTRATOR

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08/01/2022

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RT ID: 5743483344

CORDED BY: CH

Irles Baker, C.S.C It is not to be used on any other project and is to be returned upon request. Optionners and Engineers Cosabarative.

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FILING

HODY, FEART

Approval



LOGOS





FONTS

ITC Avant Garde Gothic Pro Medium

Ab Cc Dd Ee Ff Gg Hh Ii Jj Kk Li Mm Nn Oo Pp Qq Rr Ss Tt Uu Vv Ww Xx Yy Zz 0 1 2 3 4 5 6 7 8 9

COLORS



Urbane Bronze

MATERIALS

Di

DIGITALLY PRINTED GRAPHICS



A1 1/8" ACRYLIC

A4 3/8" PAINTED ACYRLIC

V1 WHITE CUT VINYL

M4 .080" WHITE COATED ALUMINUM

T1 DUETS BRIGHT WHITE L-010-306

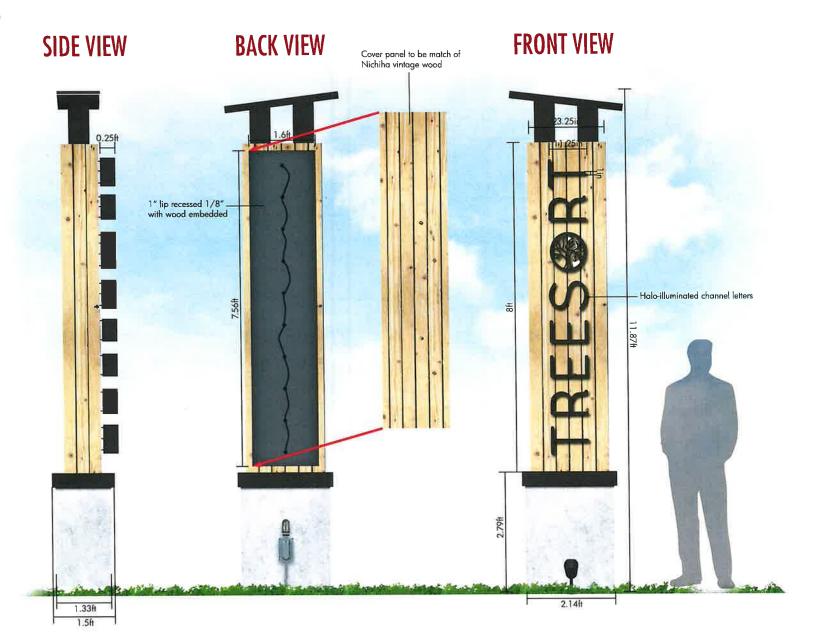
V2 ORACAL 8510 ETCHED SILVER

T2 DUETS CHARCOAL GREY L-010-296

M1 3MM ACM

A2 1/8" NON-GLARE ACRYLIC

T3 CLEAR GRADE II BRAILLE





McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



PM PRIMARY MONUMENT SIGN

QTY: 1

PROJECT MANAGER: Alex Akins

DSR

CH

DATE VERSION 1.9.23 13

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195 Sen Burton Circle Bogart, GA 30622 1-833-SIGN BROS I Therignbios com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



PM PRIMARY MONUMENT SIGN

QTY:

PROJECT MANAGER: Alex Akins

1.9.23

VERSION 13 CH

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McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



SM SECONDARY MONUMENT SIGN

QTY:

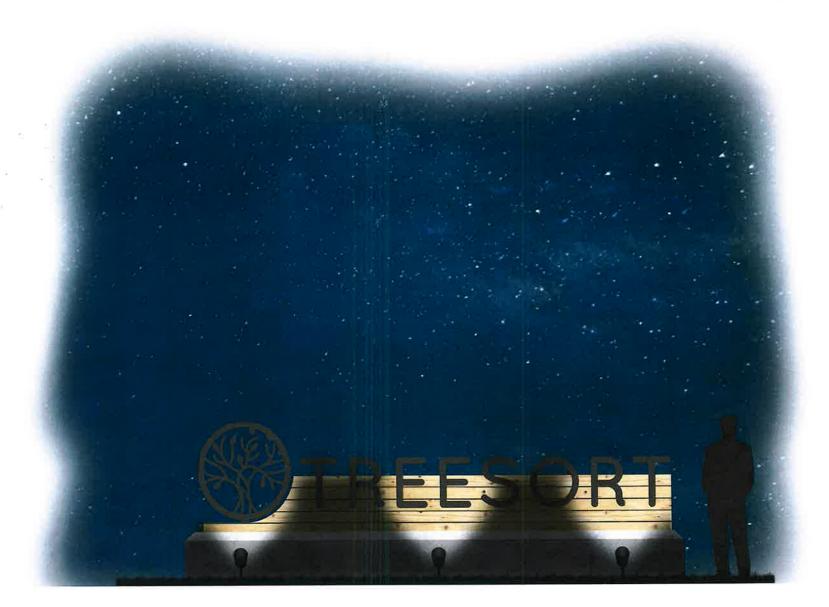
PROJECT MANAGER: Alex Akins

DATE 1.9.23

VERSION DSR CH 13

FILEPATH: \\Sbserver\z\Jobs\Signature Cli-ents\McKibbon Places\Treesort\Design\Proof

NIGHT VIEW





195 Ben Burton Circle Bogort, GA 30622 1-333-SIGN-BROS | Ihesigabros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



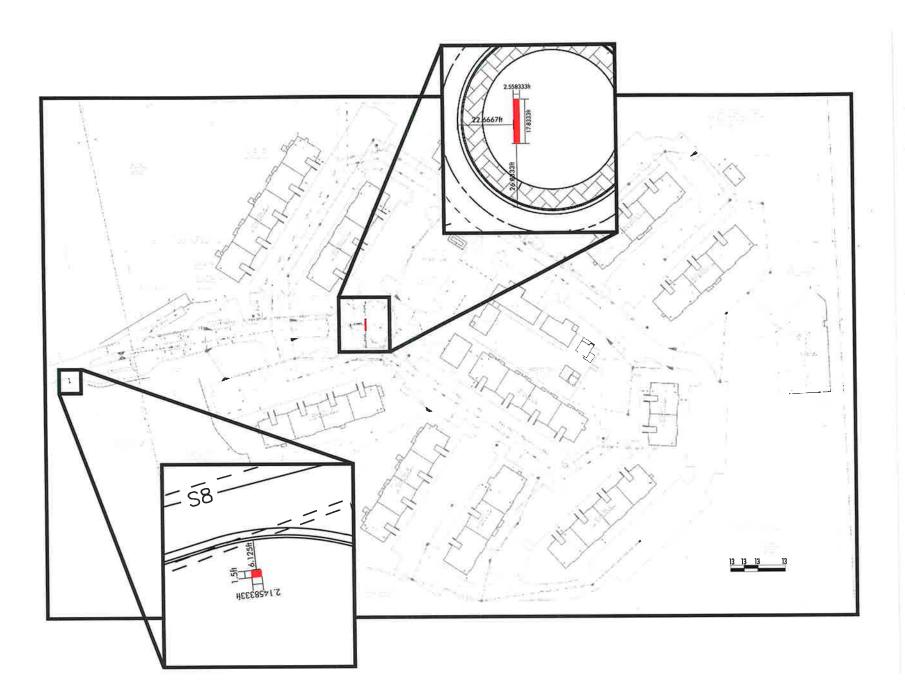
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PROJECT MANAGER: Alex Akins

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McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

SITE PLAN

PROJECT MANAGER: Alex Akins

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195 Ben Burton Circle Bogart GA 30622 1 B33 SIGN BROS I thesignbros com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

SITE PLAN

PROJECT MANAGER: Alex Akins

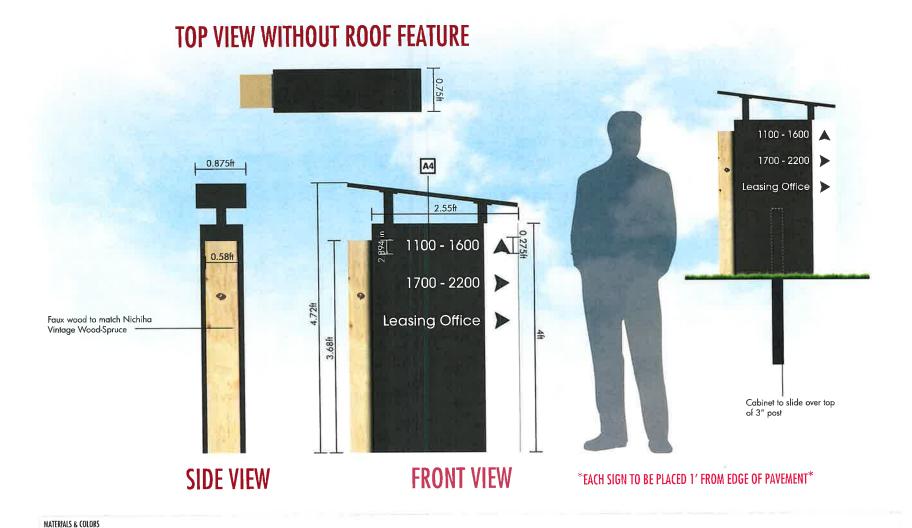
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A4 3/8" PAINTED ACRYLIC

URBANE BRONZE





McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

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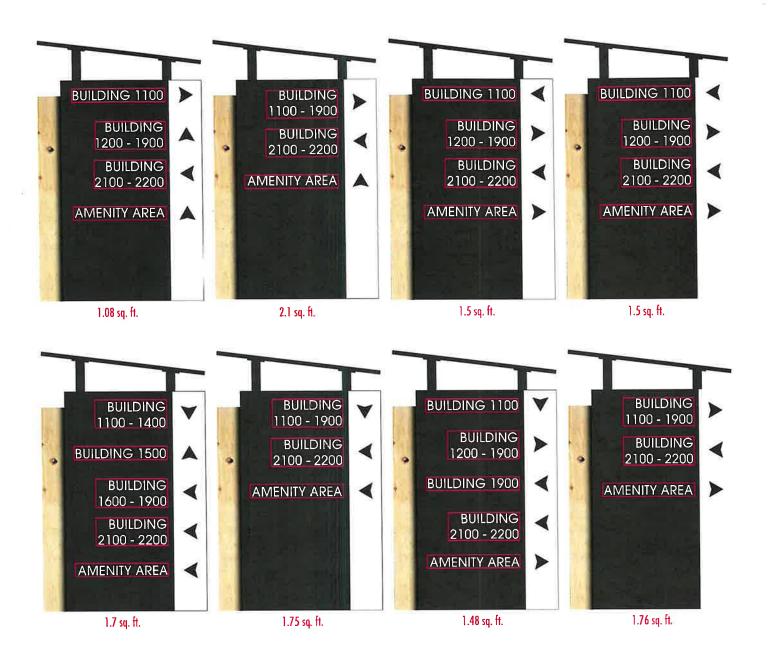
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PROJECT MANAGER: Alex Akins

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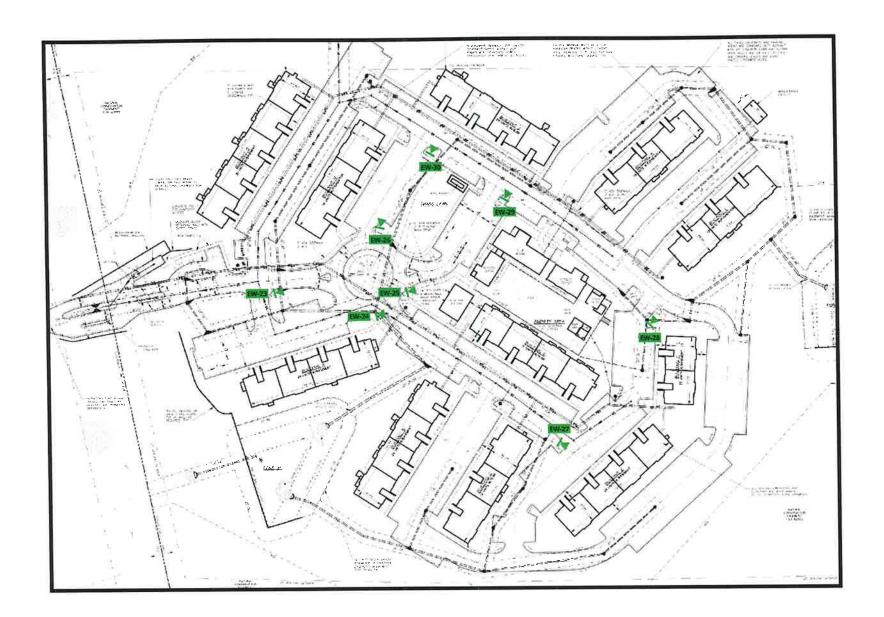
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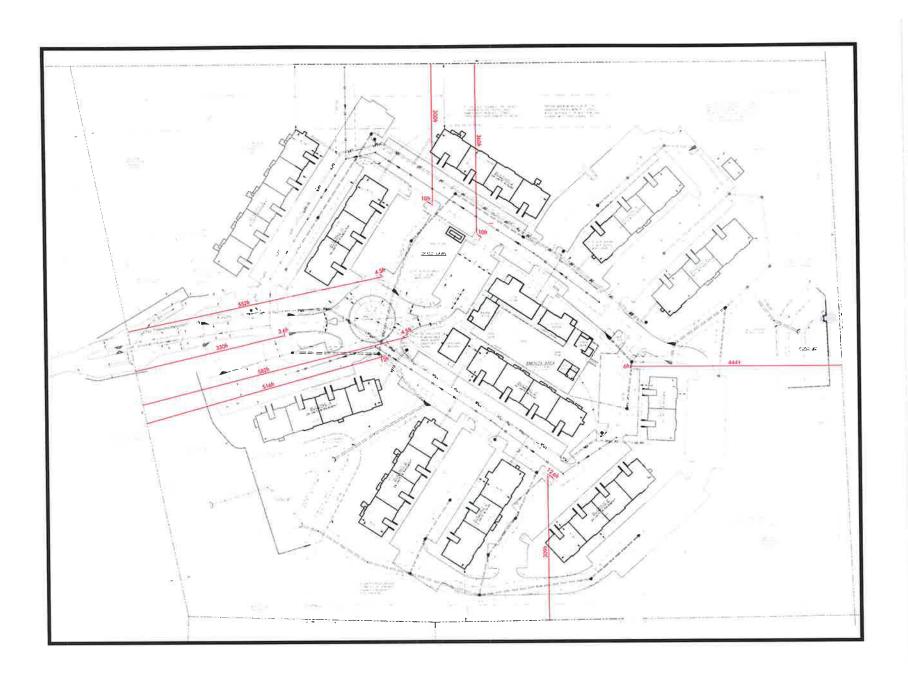
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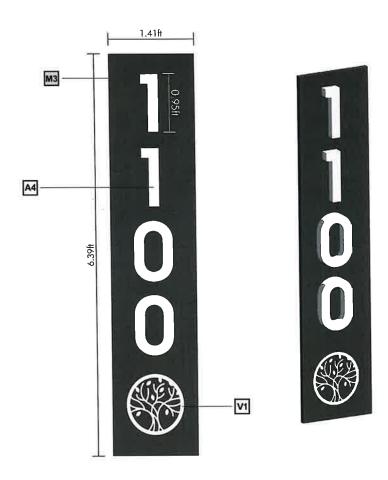
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PROJECT MANAGER: Alex Akins

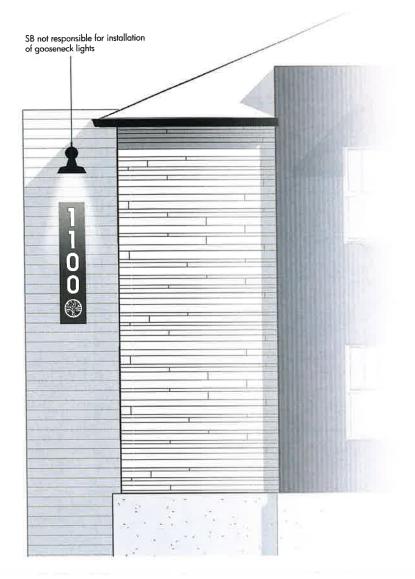
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MOUNTING METHOD: FLUSH TO EXTERIOR WALL WITH STUDS





McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

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PROJECT MANAGER: Alex Akins

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MATERIALS & COLORS



3/8" PAINTED ACRYLIC
URBANE BRONZE

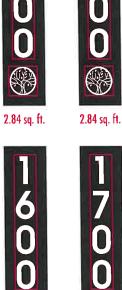


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McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

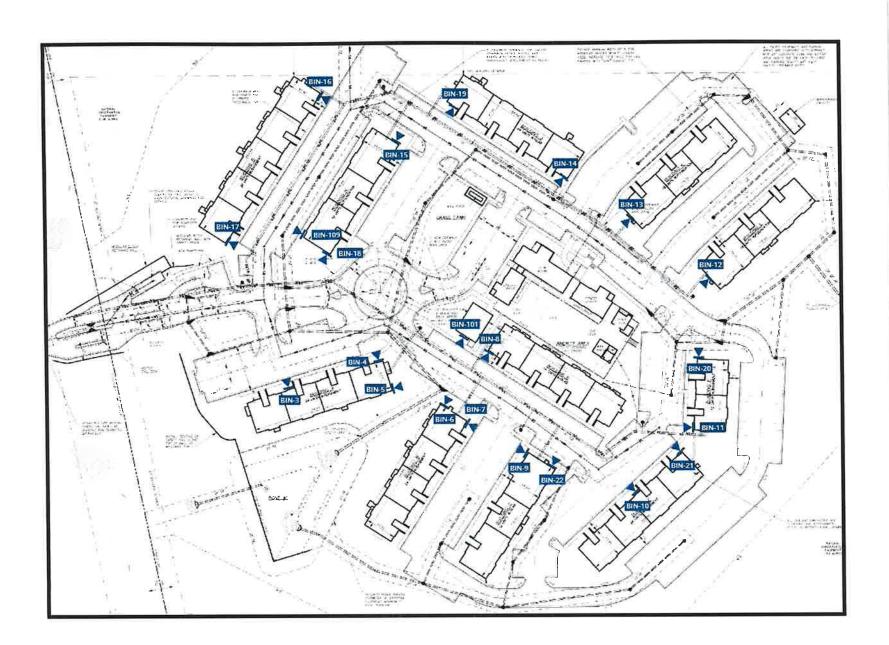


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PROJECT MANAGER: Alex Akins

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195 Ben Burton Circle Bogart, GA 30622 1-833-SIGN-BROS | thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

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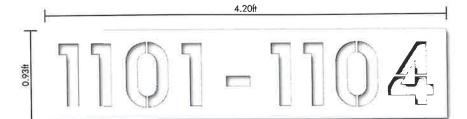
PROJECT MANAGER: Alex Akins

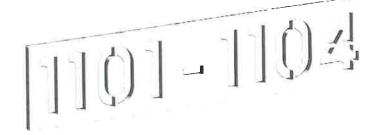
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MOUNTING METHOD: MOUNTED INSET I-BEAM WITH D/S TAPE AND ADHESIVE



MATERIALS & COLORS

6MM ACM
MATTHEW WHITE-SATIN

SIGN BROS 195 Ben Burton Circle Bogart, GA 30622 1-833-SIGN-BROS I thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

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QTY: 39

PROJECT MANAGER: Alex Akins

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McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



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PROJECT MANAGER: Alex Akins

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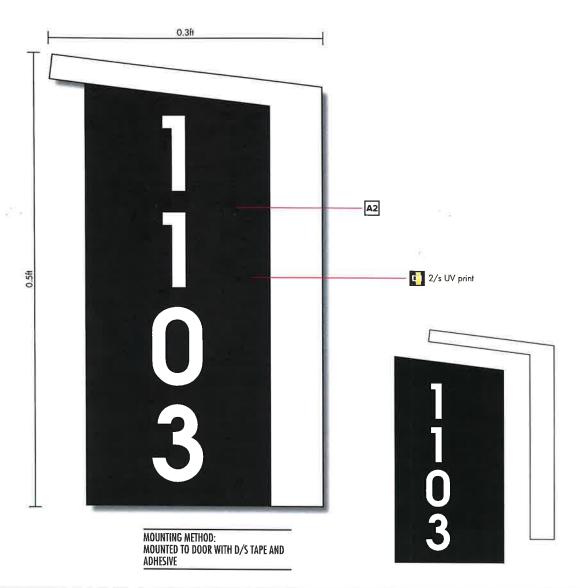
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*DOOR COLOR TO BE CONFIRMED PRIOR TO PRODUCTION *

MATERIALS & COLORS

DIGITALLY PRINTED GRAPHICS

URBANE BRONZE

A2 1/8" NON-GLARE ACRYLIC

FILEPATH: \\Sbserver\z\Jobs\Signature Cli-ents\McKibbon Places\Treesort\Design\Proof

PROJECT MANAGER: Alex Akins

VERSION

13

DSR

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195 Ben Burton Circle Bogort, GA 30622 1-833-SIGN-BROS | thesignbros.com

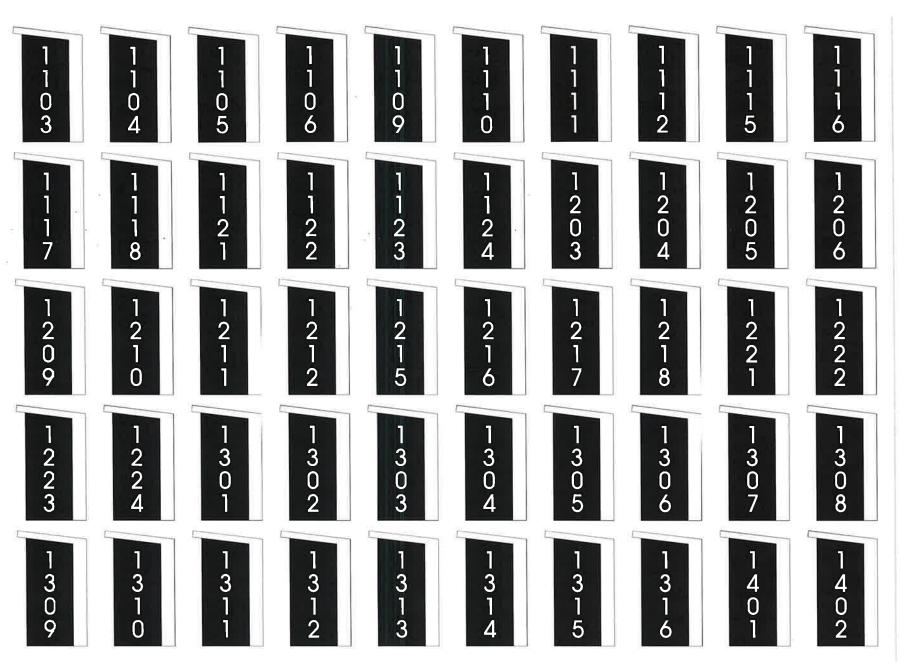
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McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



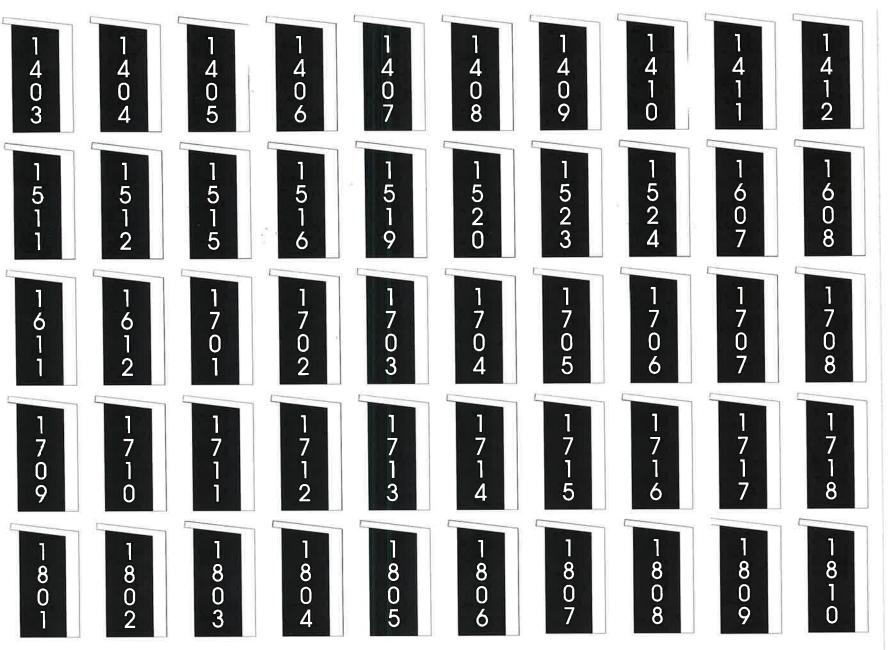
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PROJECT MANAGER: Alex Akins

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McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



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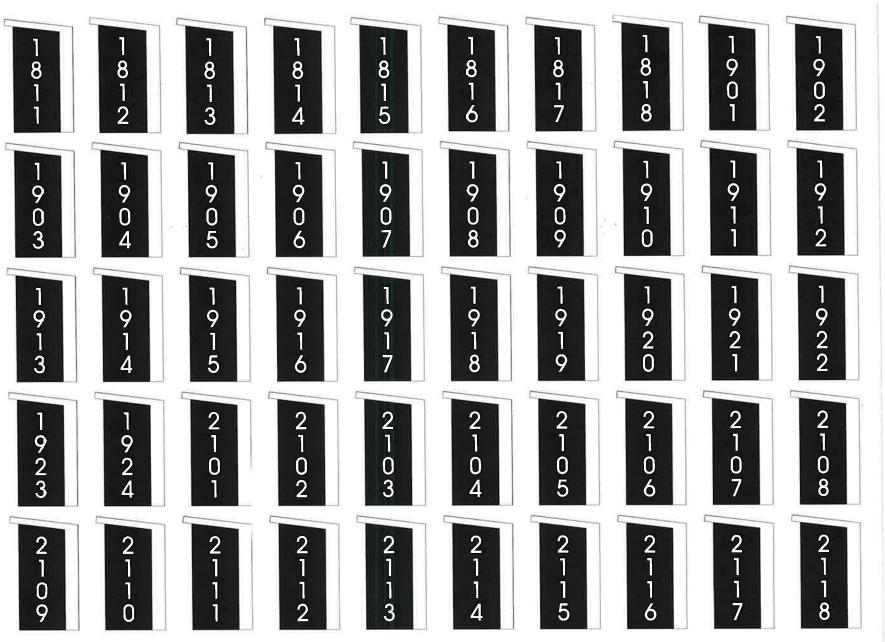
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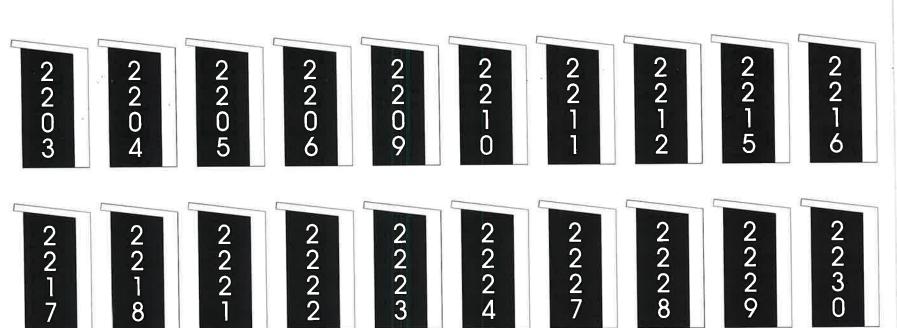
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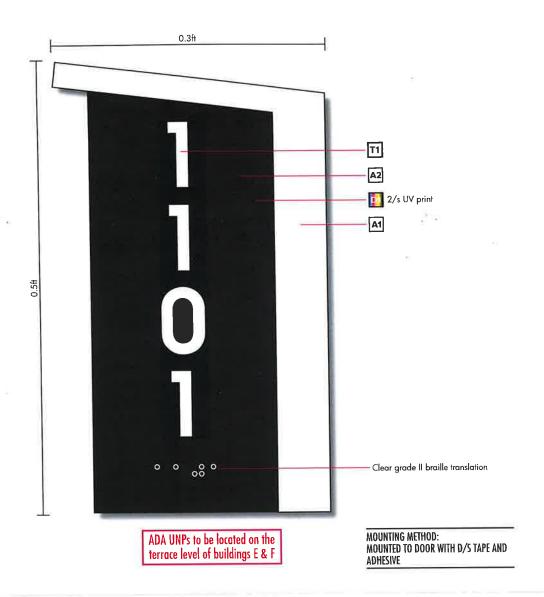
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PROJECT MANAGER: Alex Akins

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*DOOR COLOR TO BE CONFIRMED PRIOR TO PRODUCTION *

MATERIALS & COLORS

DIGITALLY PRINTED GRAPHICS

A2 1/8" NON-GLARE ACRYLIC

URBANE BRONZE

T1 DUETS L010 306

T3 CLEAR GRADE II BRAILLE

SIGN BROS. Professional Grade Sign Company

195 Ben Burton Circle Bogort, GA 30622 1-833-SIGN-BROS I thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

UNP. 1
UNIT NUMBER PLAQUE (ADA COMPLIANT)

QTY: 50

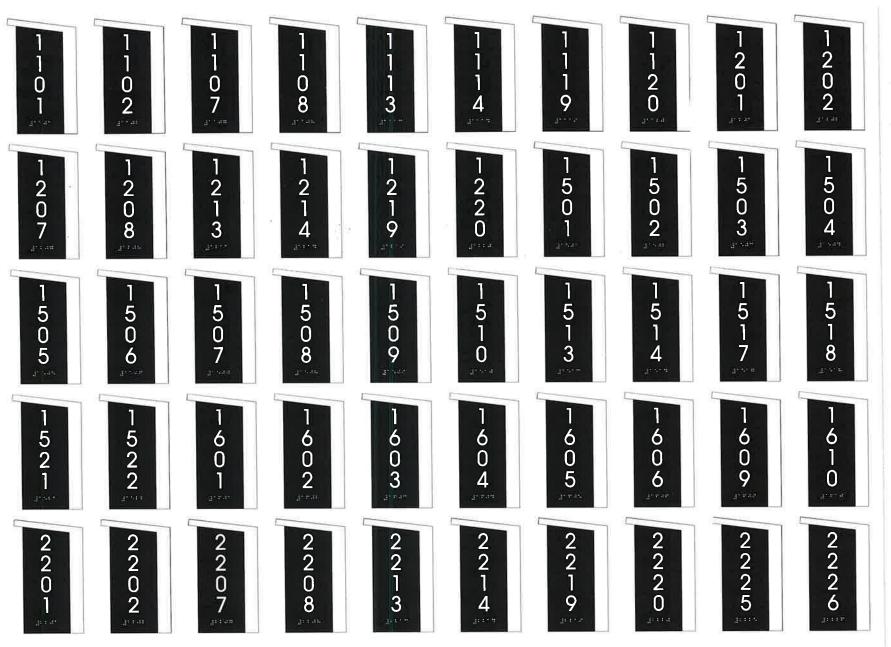
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McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



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QTY: 50

PROJECT MANAGER: Alex Akins

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195 Ben Burton Circle Bogart, GA 30622 1-833-SIGN-BROS 1 thesignbros com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

PROJECT MANAGER: Alex Akins

DATE VERSION 13

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POOL RULES & SAFETY \$250 AUTOMATIC FINE FOR GLASS

- All bathers must shower before entering pool.
- People who appear to be afflicted with cuts, skin disease, communicable diseases, colds, fever, infection, or other physical aliments are prohibited from entering the water.
- . No spitting or bodity fluids in pool.
- Bottles, glass, and other hazardous objects are prohibited within the pool area or bathroom facilities.
- All children in the pool area must have adult supervision.
- · Food and alcoholic beverages are not permitted.
- No person shall bring or throw into the pool, walkways, aisles, or locker rooms, any object that may in any way endanger the safety of another person.
- No diving is permitted into the shallow area of the pool.
- · No running.
- No rough play is permitted in the pool area except for supervised water sports.
- Any person suspected of being under the Influence of alcohol or drugs is prohibited from entering the pool.
- Consumption of food, beverages, and tobacco products in the swimming pool is
- All animals with the exception of guide animals for the handlcapped are prohibited from entering the pool area.
- The pool will close during any severe or dangerous weather conditions.
- . Hours of Operation: Dawn to Dusk
- Maximum bather load: XXX

IN CASE OF EMERGENCY CALL 911







MATERIALS & COLORS



URBANE BRONZE

MOUNTING METHOD: FLUSH TO DRYWALL WITH D/S TAPE AND CONSTRUCTION ADHESIVE

1-833-SIGN-BROS | thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

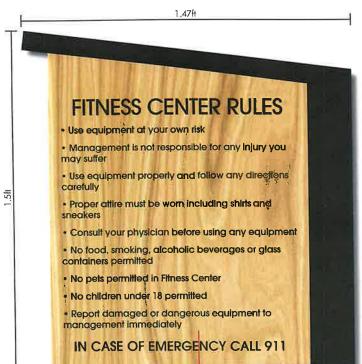
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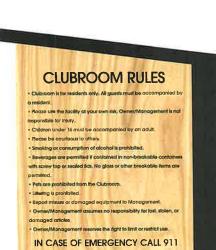
PROJECT MANAGER: Alex Akins

DATE 1.9.23

VERSION

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INTERIOR: FLUSH WITH D/S TAPE AND CONSTRUCTION ADHESIVE EXTERIOR: FLUSH-SCREW MOUNTED TO EXTERIOR WALL

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PROJECT MANAGER: Alex Akins

VERSION

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195 Ben Burton Circle Bogart, GA 30622 1-833-SIGH-BROS I thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

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AMENITY RULES PLAQUE

QTY: 4

DATE

1.9.23





URBANE BRONZE

M1

MH 3MM ACM

MOUNTING METHOD:





McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

AMENITY ID WITH BACKER PLATE

PROJECT MANAGER: Alex Akins

DATE VERSION 1.9.23

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MOUNTING METHOD: FLUSH TO DRYWALL WITH D/S TAPE AND CONSTRUCTION ADHESIVE 195 Ben Burton Circle Bogart, GA 30622 1-833-SIGN-BROS | Thesignbros com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



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PROJECT MANAGER: Alex Akins

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VERSION DSR DATE 1.9.23 13

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MATERIALS & COLORS

DIGITALLY PRINTED GRAPHICS A2 1/8" NON GLARE ACRYLIC

URBANE BRONZE

T2 DUETS L-010-296

T3 CLEAR GRADE II BRAILLE





M1 🚺

MOUNTING METHOD:
MECHANICALLY FASTENED THROUGH FACE
WITH 1/4"-15 BUTTON-HEAD CORROSION-RESISTANT
SCREWS. MOUNTED FLUSH TO WALL

Professional Grode Sign Compon 195 Ben Burton Circle Bogart, GA 306 1-833-SIGN-BROS I thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



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PROJECT MANAGER: Alex Akins

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MATERIALS & COLORS



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MOUNTING METHOD: MECHANICALLY FASTENED THROUGH FACE WITH 1/4"-15 BUTTON-HEAD CORROSION-RESISTANT SCREWS, MOUNTED FLUSH TO WALL

MATERIALS & COLORS

DIGITALLY PRINTED GRAPHICS

URBANE BRONZE





McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



QTY: 2

PROJECT MANAGER: Alex Akins

DATE VERSION DSR 1.9.23 13 CH

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MOUNTING METHOD:
MECHANICALLY FASTENED THROUGH FACE
WITH 1/4"-15 BUTTON-HEAD CORROSION-RESISTANT
SCREWS, MOUNTED FLUSH TO WALL

MATERIALS & COLORS

M1 3MM ACM

DIGITALLY PRINTED GRAPHICS

URBANE BRONZE

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McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



QTY: 2

PROJECT MANAGER: Alex Akins

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MOUNTING METHOD: MECHANICALLY FASTENED THROUGH FACE WITH 1/4"-15 BUTTON-HEAD CORROSION-RESISTANT SCREWS, MOUNTED FLUSH TO WALL

MATERIALS & COLORS

M1 3MM ACM

DIGITALLY PRINTED GRAPHICS

URBANE BRONZE



McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



QTY: 2

PROJECT MANAGER: Alex Akins

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VERSION 1.9.23 13

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MOUNTING METHOD: MECHANICALLY FASTENED THROUGH FACE
WITH 1/4"-15 BUTTON-HEAD CORROSION-RESISTANT SCREWS, MOUNTED FLUSH TO WALL

MATERIALS & COLORS

DIGITALLY PRINTED GRAPHICS

URBANE BRONZE



195 Ben Burton Circle Bogart, GA 30622 1-833-SIGN-BROS | thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

TIMER PANEL

QTY: 1

PROJECT MANAGER: Alex Akins

DSR

DATE VERSION 1.9.23

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CAUTION!

AUTOMATIC GATE

GATE TIMED FOR ONE VEHICLE
STAND CLEAR OF GATE
AT ALL TIMES

OWNER AND MANAGEMENT ARE NOT LIABLE FOR ANY INJURY, DAMAGE, OR LOSS CAUSED BY PROBLEMS OR MALFUNCTION OF GATE M4



MOUNTING METHOD:
MECHANICALLY FASTENED THROUGH FACE
WITH 1/4"-15 BUTTON-HEAD CORROSION-RESISTANT
SCREWS, MOUNTED FLUSH TO FACE OF GATE

SIGN BROS.
Professional Grode Sign Company
195 Ben Burton Circle Bogort, 6A 306
1-833-SIGN-BROS | thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

PARKING GATE LIABILITY

QTY: 2

PROJECT MANAGER: Alex Akins

DATE VERS

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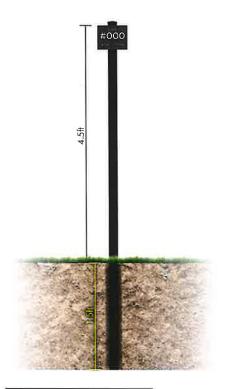
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080" WHITE COATED ALUMINUM





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MATERIALS & COLORS

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URBANE BRONZE

195 Ben Burton Circle Bogart, GA 30622 1-B33-SIGN-BROS | thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



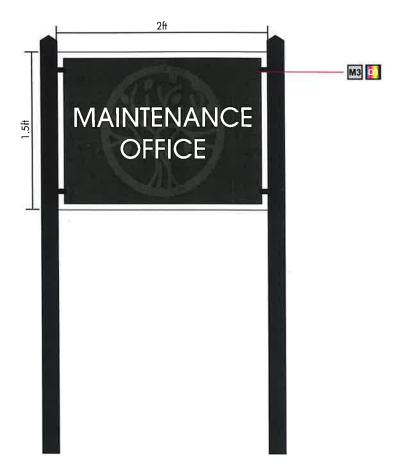
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PROJECT MANAGER: Alex Akins

VERSION 1.9.23

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MOUNTING METHOD: 2"x2" ALUMINUM POST WITH CAP

MATERIALS & COLORS

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McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

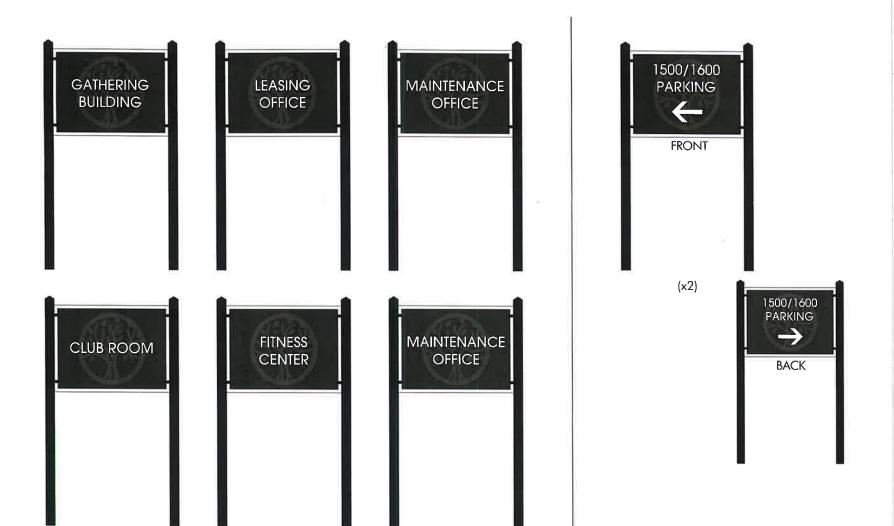
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PROJECT MANAGER: Alex Akins

DATE VERSION DSR 1.9.23

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195 Ben Burton Circle Bogart, GA 30622 1-833-SIGN-BROS | thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA

EPP - TILE PAGE EXTERIOR POST & PANEL

QTY: x1ea. / x7

PROJECT MANAGER: Alex Akins

DATE VERSION CH 1.9.23 13

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URBANE BRONZE

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195 Ben Burton Circle Bogart, GA 30622 1-833-SIGN-BROS | thesignbros.com

McKibbons Place - Treesort 1000 Treesort View, Gainesville, GA



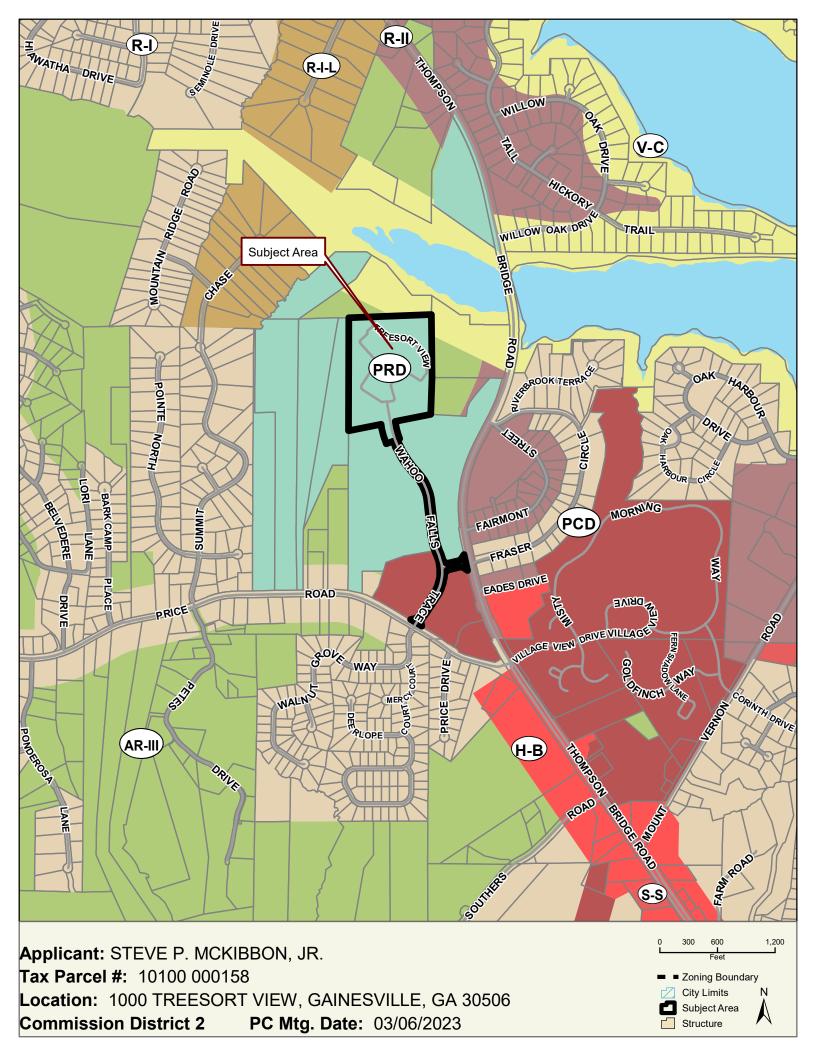
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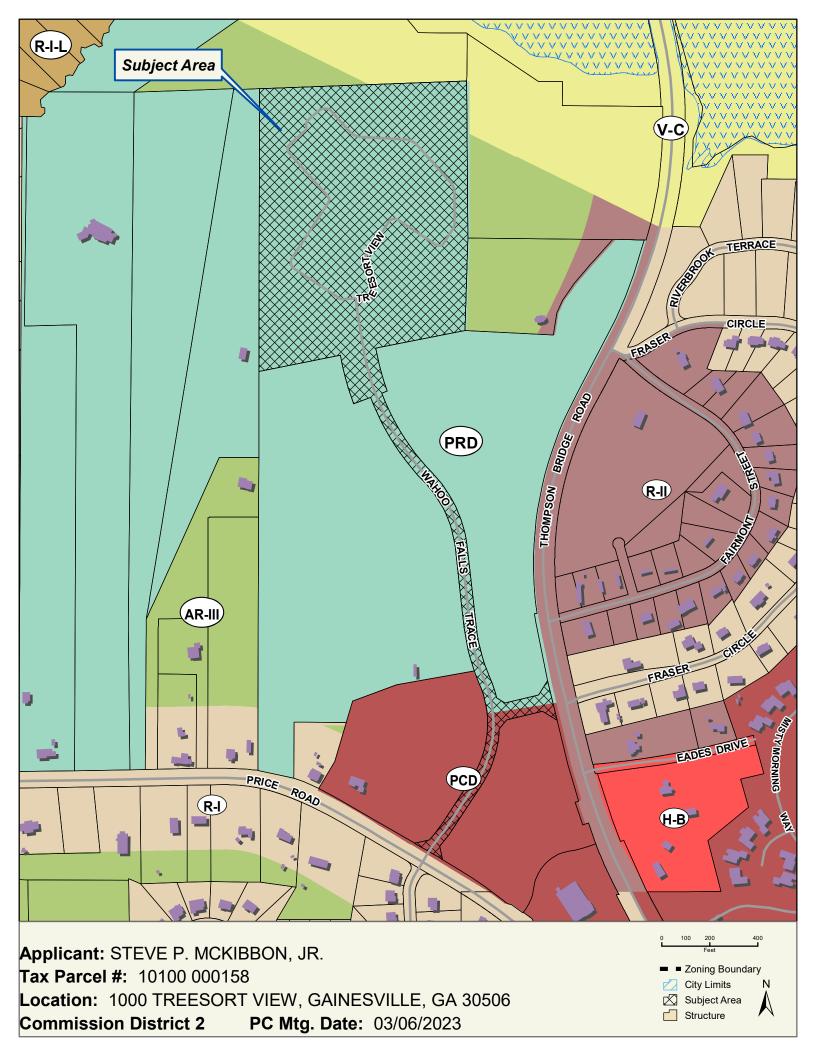
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PROJECT MANAGER: Alex Akins

DATE 1.9.23 VERSION CH 13

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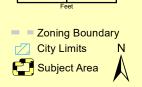


Applicant: STEVE P. MCKIBBON, JR.

Tax Parcel #: 10100 000158

Location: 1000 TREESORT VIEW, GAINESVILLE, GA 30506

Commission District 2 PC Mtg. Date: 03/06/2023



From: Emily McGahee (Environmental Health)
Sent: Monday, February 13, 2023 9:13 AM

To: Anael Dominguez (Planning); Randi Doveton (Planning)

Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)

Subject: HCPC Tentative Agenda 3.6.23

Please find Environmental Health comments below:

Item 1, 1000 Treesort View, McKibbon: No comment.

Item 2, 1670 Friendship Road, Highlands Residential: No comment.

Items 3 and 4, 2014 Edmonds Drive, Solorzano: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

Item 5, 4916 Cleveland Hwy, Hemphill: 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. 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 6, 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)

From: Niebauer, Parker J < PNiebauer@dot.ga.gov>
Sent: Tuesday, February 14, 2023 11:02 AM

To: Anael Dominguez (Planning); Randi Doveton (Planning)

Cc: Chavers, Veronica E; Peevy, Jonathan

Subject: RE: Tentative Planning Agenda for March 6, 2023

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

- 1. Steve P. McKibbon will require GDOT Coordination
- 2. Highlands Residential will require GDOT Coordination
- 5. John S. Hemphill will require GDOT Coordination

The following will not require GDOT Coordination

- 3. Uriel Solorzano none
- 4. Uriel Solorzano none
- 5. Hall County Planning none

Thank you,

Parker Niebauer

D1TO Traffic Operations Supervisor



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, February 9, 2023 12:24 PM

To: Becky Ruffner (Parks & Leisure) <bru>
Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Brent Holloway (Parks and Leisure) <bholloway@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@gainesvillega.gov) <jeremy.wills@gainesvillega.gov>; 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>; Nick Swafford <NSwafford@gainesvillega.gov>; Nicole Griffin (Tax Assessors)
<nicole.griffin@hallcounty.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 Sutton (Engineering)
<wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for March 6, 2023

Good afternoon -

Here is the Tentative Agenda and Maps for the Monday, March 6, 2023 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 <u>Thursday, February 16th</u>. Email comments to Randi (<u>rdoveton@hallcounty.org</u>) and Ana (<u>adominguez@hallcounty.org</u>).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – February 20, 2023

NEW BUSINESS

- 1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., applicant.
- 2. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, applicant.
- 3. 2014 Edmonds Drive | Rezone | from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 4. 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 5. 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: self-storage facility | ** Commission District 3 | John S. Hemphill, applicant.
- 6. <u>Title 17 of the Official Code of Hall County | Text Amendment | Proposed amendments to Sections 17.20.1110,17.20.1130,17.20.1140, 17.240.130.A, deleting Appendix B, and inserting a new section 17.240, a copy of the proposed amendments are available from the Hall County Planning office | ** All Commission Districts | Hall County Planning, applicant.</u>

*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, April 13, 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, April 13, 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 Government PUBLIC WORKS AND UTILITIES

ENGINEERING DIVISION

MEMORANDUM

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**

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: February 14, 2023

March 6, 2023 - Hall County Planning Commission Agenda **Subject:**

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the March 6, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

- 1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., applicant.
 - a) Engineering: No Comment
 - b) Traffic: Proposed signage shall not obstruct or contradict approved traffic control signage.
 - c) Utilities: Monument signs shall not be constructed on sanitary sewer or utility easement.
- 2. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, applicant.
 - a) Engineering: No Comment
 - b) Traffic: Proposed signage shall not obstruct or contradict approved traffic control signage
 - c) Utilities: signs shall not be constricted on sanitary sewer or utilities easements
- 3. **2014 Edmonds Drive | Rezone |** from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.

a) Engineering: No Comments

b) Traffic: No Comments c) Utilities: No Comments



Hall County Government

PUBLIC WORKS AND UTILITIES ENGINEERING DIVISION

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

4. 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.

a) Engineering: No Commentsb) Traffic: No Commentsc) Utilities: No Comments

- 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: selfstorage facility | ** Commission District 3 | John S. Hemphill, 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 driveway connection to Cleveland Highway
 - c) Utilities: No sewer service overfill in the area, septic system will need to be designed and permitted
- 6. Title 17 of the Official Code of Hall County | Text Amendment |
 Proposed amendments to Sections 17.20.1110,17.20.1130,17.20.1140,
 17.240.130.A, deleting Appendix B, and inserting a new section 17.240,
 a copy of the proposed amendments are available from the Hall County
 Planning office | ** All Commission Districts | Hall County Planning,
 applicant.

a) Engineering: No Commentsb) Traffic: No Commentsc) Utilities: No Comments

From: John Hornick (Fire Services)

Sent: Thursday, February 16, 2023 12:51 PM

To: Randi Doveton (Planning); Anael Dominguez (Planning)

Subject: Fire Comments

Hall County Planning Commission Meeting 3/6/23

1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., 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















AGENDA ITEM

Planning and Development

REPORT TO:	Work Session	(04)	10	/23))

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 154/2023

2014 Edmonds Drive | Rezone | from Agricultural-Residential-III (AR-III)

to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C |

Proposed use: 3-lot subdivision | Commission District 3 | Uriel Rebollar

Solorzano, applicant.

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SUBJECT:

Work Session Date: 04/10/23 Voting Meeting Date: 04/13/23

Executive Summary:

Presenter: RD

Recommendation: Approval, with conditions:

- 1. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Residential I (R-I, <u>17.60</u>) zoning district as detailed in <u>17.240</u>, area and setback requirements.
- 2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.

Purpose of Request:

History:

2014 Edmonds Drive | **Rezone** | from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | **Proposed use: 3-lot subdivision** | Commission District 3 | **Uriel Rebollar Solorzano, 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.?

Νo

Approvals:

Submit	Approve		Budget		Finance	
AD	RD		EW		WG	
Attorney		Administration			Clerk	
WLI		CR			JR	

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Notice Sign Photos



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE PLANNING AND DEVELOPMENT

To: Richard Higgins, Chairman

Kathy Cooper, District 1 Commissioner Billy Powell, District 2 Commissioner Gregg Poole, District 3 Commissioner Jeff Stowe, District 4 Commissioner

GAINESVILLE, GA 30503 From: Randi Doveton, Director of Planning and Development

70 531 6800 L ft 770 531 3002 **Date:** March 20, 2023

Subject: 2014 Edmonds Drive | Rezone | from Agricultural-

Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract | Proposed use: 3-lot subdivision | Uriel

Rebollar Solorzano, applicant.

t: 770.531.6809 | f: 770.531.3902

POST OFFICE DRAWER 1435

DIRECTOR
Srikanth Yamala

PLANNING AND DEVELOPMENT DIRECTOR
Randi Doveton

The request before you is the request of Uriel Rebollar Solorzano to rezone 2.62± acres to allow a 3-lot subdivision. It should be noted that a simultaneous conditional use request accompanies this request but has separate memo and report. The items can be heard simultaneously but separate motions and votes are required. This item is located within Commission District 3.

At their March 6, 2023 meeting, the Hall County Planning Commission voted to recommend approval with two (2) 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 property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Residential I (R-I, <u>17.60</u>) zoning district as detailed in <u>17.240</u>, area and setback requirements.
- A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.

HALL COUNTY PLANNING COMMISSION RECOMMENDATION REPORT

Planning Commission Conditions:

- 1. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Residential I (R-I, <u>17.60</u>) zoning district as detailed in <u>17.240</u>, area and setback requirements.
- 2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to rezone a $2.62\pm$ acre parcel from Agricultural Residential III (AR-III, $\underline{17.110}$) to Residential I (R-I, $\underline{17.60}$) for the purpose of creating 3 building lots. The submitted narrative and site plan depict three (3) proposed lots. Two lots will be $0.84\pm$ acres in size with third lot being $0.91\pm$ acres.

The property is currently developed with 2 residences, one being 1,340 square feet in size, constructed in 1980, and will remain on the site. The second residence is 640 square foot guest house which was constructed in 1960. The site plan indicates that this residence will be demolished.

Within the Residential I (R-I, 17.60) the following development standards are required:

Residential I (R-I, <u>17.60</u>) Standard	Required	Proposed
Lot Area	35,000 square feet	36,590 square feet 36,590 square feet 39,639 square feet / 0.91 acres
Lot Frontage	50 feet	65 feet 70 feet 190 feet
Lot Width at Building Line	75 feet	None Listed
Front Yard Setback	55 feet from centerline of road or 30 feet from property line	None Listed
Side Yard Setback	10 feet	None Listed, proposed residences are shown at 20 feet from side property line
Rear Yard Setback	20 feet	None Listed

No variances were included as part of this request nor did staff identify the need for any. It should be noted that Edmonds Drive is a paved, local road, which is 30 feet wide and is a dead end. This is below the current standards for road design as found in 16.60.160, width of right-of-way. Hall County Public Works has reviewed the request and did not have any comments related to the proposed development.

A concurrent conditional use application is on this agenda. The items may be heard together but separate motions and votes are required since these are two distinct applications and agenda items. Should the rezoning request be denied the conditional use will not be possible as proposed.

Based on the future land-use plan, staff finds the <u>requested zoning designation</u> inconsistent with the Lake Area Residential future land use classification which suggests a maximum density of 1 unit per acre. The proposed development is 1.15 units per acre.

Zoning Analysis

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 of 3 residential lots is somewhat compatible with the

- development of nearby and adjacent property. Adjacent and nearby properties are found in a range of sizes, with some being smaller in size than what is proposed by the applicant while others are larger.
- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; The proposed use of a 3 lot subdivision will not adversely affect the existing use or usability of adjacent or nearby properties.
- 3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. Yes, the property has reasonable economic use as currently zoned, Agricultural Residential III (AR-III, 17.110), but there is not enough acreage to subdivide the property into 3 lots without rezoning the property to Residential I (R-I, 17.60).
- 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; If approved, the development of 3 building lots should not cause an excessive or burdensome use of the existing streets, transportation facilities, etc.
- 5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; The proposed use of a 3-lot subdivision is inconsistent with the Comprehensive Plan's future land use classification of Lake Area Residential. In this land use classification, the recommended density is 1 dwelling unit per acre; the current proposal is 1.15 units per acre.
- 6. The extent to which property values are diminished by the existing zoning restrictions; **Unless the** rezoning request is approved, the applicant will only be able to subdivide the property into 2 lots.
- 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 and as such this question is not applicable.
- **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; There are no known changing conditions affecting the use or development of the property.
- 11. Whether the change would create an isolated district unrelated to the surrounding districts; Yes, the Residential I (R-I, 17.60) would create an isolated district unrelated to the surrounding districts.
- **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; **No, the request is not out of scale with the needs of the county as a whole.**
- 14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; There subject parcel is not large enough for the applicant to subdivide the tract in the 3 building lots without rezoning to the Residential I (R-I, 17.60) zoning district.
- **15.** Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, the need for rezoning could not be handled instead by a variance request.**
- 16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; No, there should not be an ecological or pollution impact resulting from major modifications 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.

Within the Residential I (R-I, <u>17.60</u>) zoning district, subdivisions require conditional use approval from the Board of Commissioners.

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:
 - A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section <u>17.380.060.C</u> of this section [chapter]. The applicant has submitted a narrative and site plan but did not specifically address the criteria listed in <u>17.380.060.C</u>.
 - 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 <u>chapter 17.20</u>), the following additional requirements apply. This is not applicable as the property will utilize an onsite septic or municipal sewer system.
- 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. This is not applicable as the property is less than 100 lots.

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated February 13, 2023, Emily McGahee states "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements."

Hall County Fire Marshal

An email dated February 16, 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 February 14, 2023, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

No comment.

Utilities

No comment.

Georgia Department of Transportation

In email dated February 14, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will not require GDOT coordination.

Excerpts from the minutes of the March 6, 2023 meeting

Applicant's Presentation:

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

Kimberley Rebollar, 4014 Glen Ridge, Gainesville, presented the request. The applicant stated that they would like to divide the property leaving the existing residential home and demolishing the guest house that is close to the neighboring property owners.

Uriel Rebollar, 4015 Glen Ridge, Gainesville, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned the frontage of lot 3. Mr. Sosebee questioned if the applicants had spoken to the neighbors of the property. Ms. Rebollar stated that they have and that to her understanding they are fond of the idea since they are cleaning up the property that was abandoned and unkept for a couple of years.

<u>Motion:</u> A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Sosebee. Vote: 5-0

Conditions:

- 1. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Residential I (R-I, 17.60) zoning district as detailed in 17.240, area and setback requirements.
- 2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.

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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 | f: 770-531-3902





Planning & Zoning Department

ZONING APPLICATION

Applicant (Name & Mailing Address)	Property Owner (Name & Mailir	ng Address)		
Wiel Rebollar	Uriel Rebollar			
4015 Glen Ridge	4015 Glen R	dge		
Gaine Sville GA 30507	Garnesuille GA	30507		
Phone 678 316 7299	Phone 678 316 729	19		
Email Address Vrichebollar 990 Gma; Loca	Email Address Victor	[arggegmail. am		
Proposed Use 3 Reciontal 10+5				
Contact Person (Name & Mailing Address)	Status of Applicant	Requested Action		
Usiel Rebollar	. i Owner	Existing Zoning: AR-111		
	□ Option to Purchase	Rezone to:		
	□ Area Resident	Fee:\$_300.00		
Phone 678 316 7299	□ Other	Receipt #: 8 7 9 087		
Email Address Uriel ve bollow 99 @Gma: 1.00	î Z	Check #: 264		
Tax Parcel Number 09124 000027 C	Acreage 2.59	* .		
Economic Manager Programme Control of the Control o	information on two and come	-4		
Sign Out Sign	information are true and correc	1 10 1		
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 Cery		Date: 01 03 23		
Staff Use Only Application Date: 1/11/23 Tall Tentative Planning Commission Date: 3/6/23 Tentative County Commission District: 3	ken by:	4//3/23		

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



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 not \(\text{\lambda}\)	
within the two years immediately preceding this date, made any contr to any local government official involved in the review or consideration	ibution(s) aggregating \$250.00 or more of this application.
**If you have made such contributions, you must provide the data req	uired below within ten (10) days of filing
Name of Official(s):	Office:
Dollar Amount:	Date of Contribution:
Applicant's/Owner's Signature:	Date: 01/03/23
Applicant's/Owner's Name (Printed):	

To whom this my concern,

I am wanting to divide my property, 2014 Edmonds Dr. Gainesville, Ga 30501, zoning lot # 124 district 9 county of Hall, that is 2.59 acres into 3 residential lots. Currently on the property it has one Residential home, and one guest house-guest house will be removed, I would like to add two additional residential homes. Diving the lot into three, where the house is already built leaving it at .91 acres and the two additional Residential homes that we are wanting to build would be .84 acres.

Uriel Rebollar Solorzano

Utility Billing

Account History Report

01/03/2023 - 9:28AM jessica.paz

User:

Printed:

Account Status: Connect Date:

03/07/2022 Active

Customer Address: Customer Name: Care Of:

Final Date:

Reference Number: Ext: Ext:

Account Number:

Business Phone:

Home Phone:

0.00 Total Deposits:

Total Refunds:

1.24

Total Account Balance:

0.00

GAINESVILLE

CITY OF

WATER RESOURCES

Service Address: Owner Name:

2014 EDMONDS DRIVE

PRIVFIRE PENALTY FHRENTAL N/A FBBASE MISC HCSEWER ASF HCBASE REFUSE BRBASE SEWER A/Z WATER ROUNDUP Amount Tran Type Description Tran Date

0.00 0.00 0.00 0.00

Current Balance By Service

0.00

0.00

0.00

0.00

0.00

0.00 0.00

0.00

0.00

0.00

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0.00

0.00 0.00

0.00

1.24 0.00

0.00

₹ Z

Reading Read Date

Description

Consumption

911-10886-79584524

3/4 Meter Size: Install Date: 10/24/2015

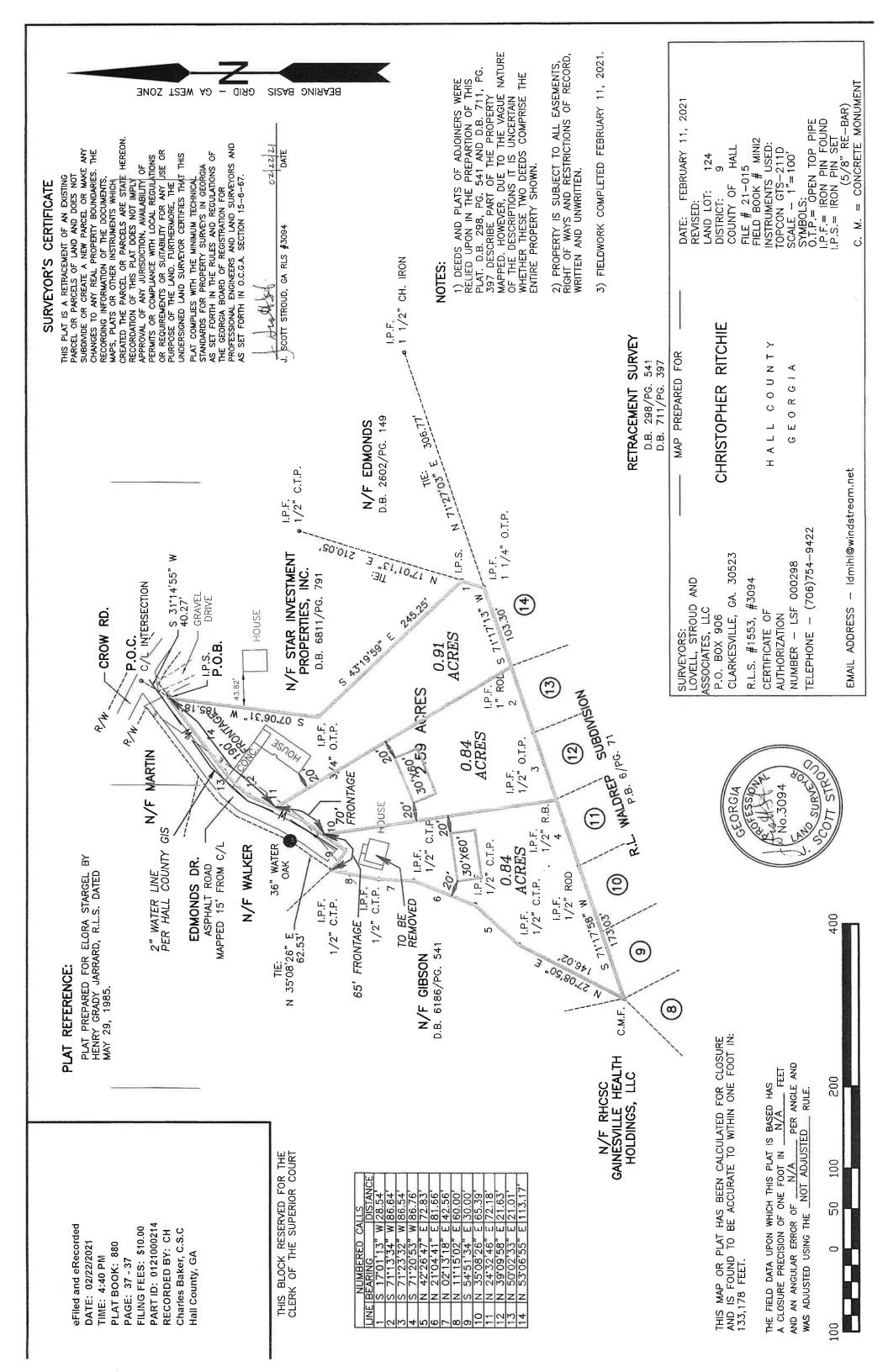
Route-Sequence-Serial:

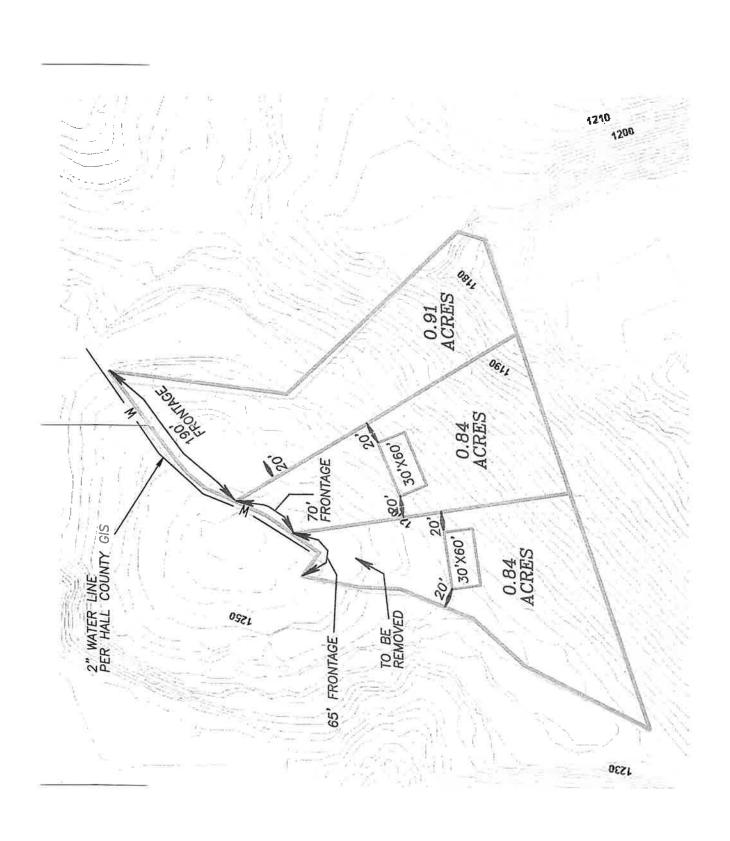
Active

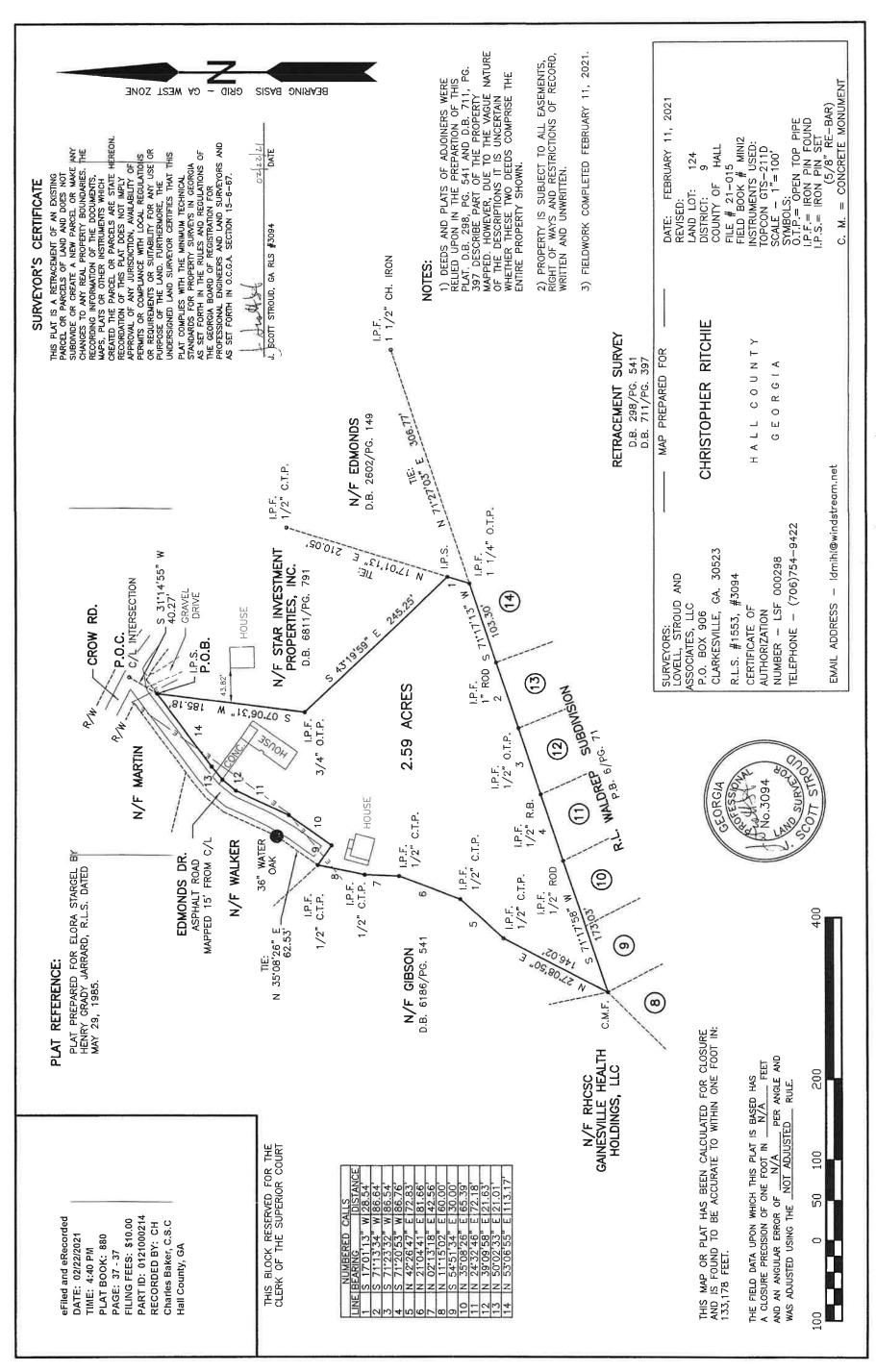
2.76 2.35 1.97 1.87 1.48 1.09 0.64 2.95 1.31 10/11/2022 11/8/2022 7/11/2022 12/9/2022 2/7/2022 9/9/2022 8/9/2022 6/7/2022 4/8/2022 5/9/2022 3/7/2022

0.10 0.40 0.17 0.22 0.45 0.00

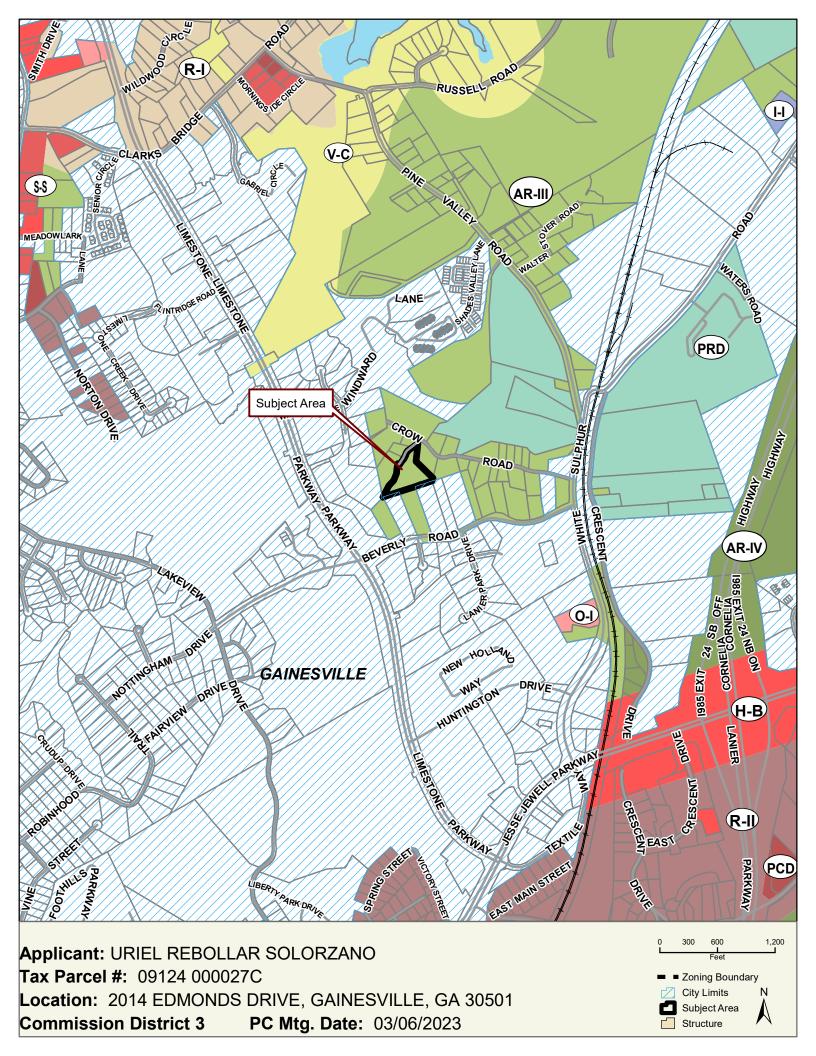
0.19 0.42 0.37



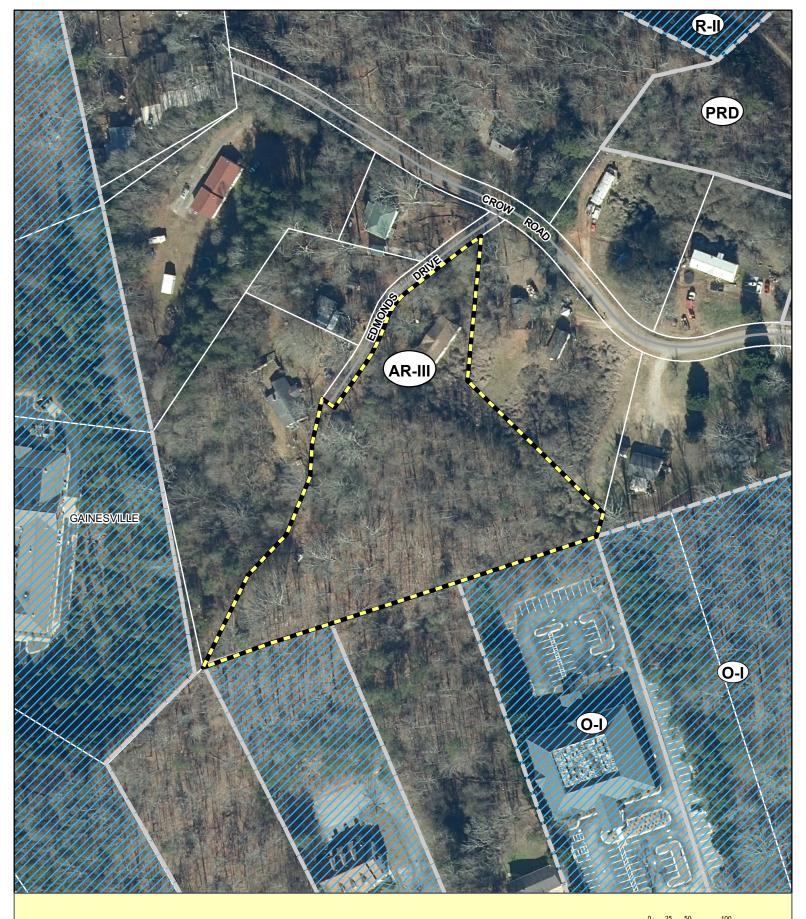




Kinberly Rebullar





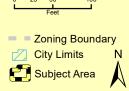


Applicant: URIEL REBOLLAR SOLORZANO

Tax Parcel #: 09124 000027C

Location: 2014 EDMONDS DRIVE, GAINESVILLE, GA 30501

Commission District 3 PC Mtg. Date: 03/06/2023



From: Emily McGahee (Environmental Health)
Sent: Monday, February 13, 2023 9:13 AM

To: Anael Dominguez (Planning); Randi Doveton (Planning)

Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)

Subject: HCPC Tentative Agenda 3.6.23

Please find Environmental Health comments below:

Item 1, 1000 Treesort View, McKibbon: No comment.

Item 2, 1670 Friendship Road, Highlands Residential: No comment.

Items 3 and 4, 2014 Edmonds Drive, Solorzano: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

Item 5, 4916 Cleveland Hwy, Hemphill: 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. 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 6, 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)

From: Niebauer, Parker J < PNiebauer@dot.ga.gov>
Sent: Tuesday, February 14, 2023 11:02 AM

To: Anael Dominguez (Planning); Randi Doveton (Planning)

Cc: Chavers, Veronica E; Peevy, Jonathan

Subject: RE: Tentative Planning Agenda for March 6, 2023

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

- 1. Steve P. McKibbon will require GDOT Coordination
- 2. Highlands Residential will require GDOT Coordination
- 5. John S. Hemphill will require GDOT Coordination

The following will not require GDOT Coordination

- 3. Uriel Solorzano none
- 4. Uriel Solorzano none
- 5. Hall County Planning none

Thank you,

Parker Niebauer

D1TO Traffic Operations Supervisor



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, February 9, 2023 12:24 PM

To: Becky Ruffner (Parks & Leisure) <bru>
Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Brent Holloway (Parks and Leisure) <bholloway@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@gainesvillega.gov) <jeremy.wills@gainesvillega.gov>; 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>; Nick Swafford <NSwafford@gainesvillega.gov>; Nicole Griffin (Tax Assessors)
<nicole.griffin@hallcounty.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 Sutton (Engineering)
<wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for March 6, 2023

Good afternoon -

Here is the Tentative Agenda and Maps for the Monday, March 6, 2023 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 <u>Thursday, February 16th</u>. Email comments to Randi (<u>rdoveton@hallcounty.org</u>) and Ana (<u>adominguez@hallcounty.org</u>).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – February 20, 2023

NEW BUSINESS

- 1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., applicant.
- 2. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, applicant.
- 3. 2014 Edmonds Drive | Rezone | from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 4. 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 5. 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: self-storage facility | ** Commission District 3 | John S. Hemphill, applicant.
- 6. <u>Title 17 of the Official Code of Hall County | Text Amendment | Proposed amendments to Sections 17.20.1110,17.20.1130,17.20.1140, 17.240.130.A, deleting Appendix B, and inserting a new section 17.240, a copy of the proposed amendments are available from the Hall County Planning office | ** All Commission Districts | Hall County Planning, applicant.</u>

*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, April 13, 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, April 13, 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 Government PUBLIC WORKS AND UTILITIES

ENGINEERING DIVISION

MEMORANDUM

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**

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: February 14, 2023

March 6, 2023 - Hall County Planning Commission Agenda **Subject:**

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the March 6, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

- 1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., applicant.
 - a) Engineering: No Comment
 - b) Traffic: Proposed signage shall not obstruct or contradict approved traffic control signage.
 - c) Utilities: Monument signs shall not be constructed on sanitary sewer or utility easement.
- 2. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, applicant.
 - a) Engineering: No Comment
 - b) Traffic: Proposed signage shall not obstruct or contradict approved traffic control signage
 - c) Utilities: signs shall not be constricted on sanitary sewer or utilities easements
- 3. **2014 Edmonds Drive | Rezone |** from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.

a) Engineering: No Comments

b) Traffic: No Comments c) Utilities: No Comments



Hall County Government

PUBLIC WORKS AND UTILITIES ENGINEERING DIVISION

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

4. 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.

a) Engineering: No Commentsb) Traffic: No Commentsc) Utilities: No Comments

- 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: selfstorage facility | ** Commission District 3 | John S. Hemphill, 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 driveway connection to Cleveland Highway
 - c) Utilities: No sewer service overfill in the area, septic system will need to be designed and permitted
- 6. Title 17 of the Official Code of Hall County | Text Amendment |
 Proposed amendments to Sections 17.20.1110,17.20.1130,17.20.1140,
 17.240.130.A, deleting Appendix B, and inserting a new section 17.240,
 a copy of the proposed amendments are available from the Hall County
 Planning office | ** All Commission Districts | Hall County Planning,
 applicant.

a) Engineering: No Commentsb) Traffic: No Commentsc) Utilities: No Comments

Anael Dominguez (Planning)

From: John Hornick (Fire Services)

Sent: Thursday, February 16, 2023 1:10 PM

To: Randi Doveton (Planning); Anael Dominguez (Planning)

Subject: Fire Comments

Hall County Planning Commission Meeting 3/6/23

2014 Edmonds Drive | Rezone | from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
 The Hall County Fire Marshal's Office has no comments as proposed.

2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, 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









AGENDA ITEM

Planning and Development

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 155/2023

2014 Edmonds Drive | Use Subject to County Commission Approval | on

SUBJECT: a $2.62\pm$ acre tract located on the south side of Edmonds Drive at its

terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | Commission District 3 | Uriel Rebollar Solorzano, applicant.

Meetings:

Work Session Date: 04/10/23 Voting Meeting Date: 04/13/23

Executive Summary:

Presenter: RD

Recommendation: Approval, with conditions:

- 1. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Residential I (R-I, <u>17.60</u>) zoning district as detailed in <u>17.240</u>, area and setback requirements.
- 2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.

Purpose of Request:

History:

2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | Commission District 3 | Uriel Rebollar Solorzano, 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	
AD	RD	EW		WG	
Attorney	Adm	Administration		Clerk	
WLI		CR		JR	

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Notice Sign Photos



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE PLANNING AND DEVELOPMENT

To: Richard Higgins, Chairman

Kathy Cooper, District 1 Commissioner Billy Powell, District 2 Commissioner Gregg Poole, District 3 Commissioner Jeff Stowe, District 4 Commissioner

POST OFFICE DRAWER 1435 GAINESVILLE, GA 30503

From: Randi Doveton, Director of Planning and Development

Date: March 20, 2023

t: 770.531.6809 | f: 770.531.3902 **Date:** March 20, 202.

Subject: 2014 Edmonds Drive | Use Subject to County Commission Approval | Proposed use: 3-lot

subdivision | Uriel Rebollar Solorzano, applicant.

DIRECTOR
Srikanth Yamala

PLANNING AND DEVELOPMENT DIRECTOR Randi Doveton

The request before you is the request of Uriel Rebollar Solorzano for a conditional use on 2.62± acres to allow a 3-lot subdivision. It should be noted that a simultaneous rezone request accompanies this request but has separate memo and report. The items can be heard simultaneously but separate motions and votes are required. This item is located within Commission District 3.

At their March 6, 2023 meeting, the Hall County Planning Commission voted to recommend approval with two (2) 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 property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Residential I (R-I, <u>17.60</u>) zoning district as detailed in <u>17.240</u>, area and setback requirements.
- 2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.

HALL COUNTY PLANNING COMMISSION RECOMMENDATION REPORT

Planning Commission Conditions:

- 1. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Residential I (R-I, <u>17.60</u>) zoning district as detailed in <u>17.240</u>, area and setback requirements.
- 2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting approval to subdivide a $2.62\pm$ acre parcel into 3-building lots. Per the requirements of $\underline{17.60.040}$, uses permitted subject to approval of the county commission, within the Residential I (R-I, $\underline{17.60}$) zoning district, subdivisions require Board of Commissioner approval. The submitted narrative explains that the applicant intends to subdivide the property into 3 building lots.

The property is currently developed with 2 residences, one being 1,340 square feet in size, constructed in 1980, and will remain on the site. The second residence is 640 square foot guest house that was constructed in 1960. The site plan indicates that this residence will be demolished.

Within the Residential I (R-I, <u>17.60</u>) the following development standards are required:

Residential I (R-I, <u>17.60</u>) Standard	Required	Proposed
Lot Area	35,000 square feet	36,590 square feet 36,590 square feet 39,639 square feet / 0.91 acres
Lot Frontage	50 feet	65 feet 70 feet 190 feet
Lot Width at Building Line	75 feet	None Listed
Front Yard Setback	55 feet from centerline of road or 30 feet from property line	None Listed
Side Yard Setback	10 feet	None Listed, proposed residences are shown at 20 feet from side property line
Rear Yard Setback	20 feet	None Listed

No variances were included as part of this request nor did staff identify the need for any. It should be noted that Edmonds Drive is a paved, local road, which is 30 feet wide and is a dead end. This is below the current standards for road design as found in 16.60.160, width of right-of-way. Hall County Public Works has reviewed the request and did not have any comments related to the proposed development.

A concurrent request to rezone the property to Residential I (R-I, $\underline{17.60}$) is on this agenda. The items may be heard together but separate motions and votes are required since these are two distinct applications and agenda items. Should the rezoning request be denied the conditional use will not be possible.

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:

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 of 3 residential lots is somewhat compatible with the
development of nearby and adjacent property. Adjacent and nearby properties are found in a range of
sizes, with some being smaller in size than what is proposed by the applicant while others are larger.

- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; The proposed use of a 3 lot subdivision will not adversely affect the existing use or usability of adjacent or nearby properties.
- 3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. Yes, the property has reasonable economic use as currently zoned, Agricultural Residential III (AR-III, 17.110), but there is not enough acreage to subdivide the property into 3 lots without rezoning the property to Residential I (R-I, 17.60).
- 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; If approved, the development of 3 building lots should not cause an excessive or burdensome use of the existing streets, transportation facilities, etc.
- 5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; The proposed use of a 3-lot subdivision is inconsistent with the <u>Comprehensive Plan's</u> future land use classification of Lake Area Residential. In this land use classification, the recommended density is 1 dwelling unit per acre; the current proposal is 1.15 units per acre.
- 6. The extent to which property values are diminished by the existing zoning restrictions; **Unless the** rezoning request is approved, the applicant will only be able to subdivide the property into 2 lots.
- 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 and as such this question is not applicable.
- **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; **There are no known changing conditions affecting the use or development of the property.**
- 11. Whether the change would create an isolated district unrelated to the surrounding districts; Yes, the Residential I (R-I, 17.60) would create an isolated district unrelated to the surrounding districts.
- **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; **No, the request is not out of scale with the needs of the county as a whole.**

- 14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; There subject parcel is not large enough for the applicant to subdivide the tract in the 3 building lots without rezoning to the Residential I (R-I, 17.60) zoning district.
- **15.** Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, the need for rezoning could not be handled instead by a variance request.**
- 16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; No, there should not be an ecological or pollution impact resulting from major modifications 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.

Within the Residential I (R-I, <u>17.60</u>) zoning district, subdivisions require conditional use approval from the Board of Commissioners.

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:
 - A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section <u>17.380.060.C</u> of this section [chapter]. The applicant has submitted a narrative and site plan but did not specifically address the criteria listed in <u>17.380.060.C</u>.
 - 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 <u>chapter 17.20</u>), the following additional requirements apply. This is not applicable as the property will utilize an onsite septic or municipal sewer system.

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. This is not applicable as the property is less than 100 lots.

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated February 13, 2023, Emily McGahee states "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements."

Hall County Fire Marshal

An email dated February 16, 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 February 14, 2023, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

Engineering: No comment. Traffic:

Utilities

No comment.

No comment.

Georgia Department of Transportation

In email dated February 14, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will not require GDOT coordination.

Excerpts from the minutes of the March 6, 2023 meeting

Applicant's Presentation:

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

Kimberley Rebollar, 4014 Glen Ridge, Gainesville, presented the request. The applicant stated that they would like to divide the property leaving the existing residential home and demolishing the guest house that is close to the neighboring property owners.

Uriel Rebollar, 4015 Glen Ridge, Gainesville, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned the frontage of lot 3. Mr. Sosebee questioned if the applicants had spoken to the neighbors of the property. Ms. Rebollar stated that they have and that to her understanding they are fond of the idea since they are cleaning up the property that was abandoned and unkept for a couple of years.

<u>Motion:</u> A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Sosebee. Vote: 5-0

Conditions:

- 1. The property shall be subdivided into a maximum of 3 building lots in accordance with the requirements of the Residential I (R-I, <u>17.60</u>) zoning district as detailed in <u>17.240</u>, area and setback requirements.
- 2. A subdivision plat shall be reviewed for compliance with all applicable standards found in the Official Code of Hall County as part of the Hall County Plat Review process.

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Planning & Zoning Department



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

CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)	Property Owner (Name & Mailin	ng Address)
Irrie Rebollar Solorzano		
4015 Glen ridge Rd.		
Crainesville, Ga 30507		,
Phone 478-3/6-7299	Phone	
Email Address Uriel Repollar 99 @gmail	Email Address	
Proposed Use residential property	-3 lots suba	10,5100
Contact Person (Name & Mailing Address)	Status of Applicant	Requested Action
Same as above	- □ Owner	Permissive Use:
	□ Option to Purchase	□ HCPC HCC
	- Area Resident	Fee:\$ 300.00
Phone	- □ Other	Receipt #: 85 9088
Email Address	- Zoning: 124	Check #: 2 64.00
Tax Parcel Number	Acreage 2.59	
Location Address 2014 Edmons Dr. Ga	cinesville, ga z	0501
Sign Applicant must complete all information above. Failure application. The Planning Department has 15 days to application. If the application is found insufficient, an ag submitted. Please note that the Planning Commis	e to complete this section will re review all applications and wil genda date will not be set until t	Date: 01/3/2023 esult in the refusal of the l set the dates for each the required information is
Application Withdrawal: I hereby withdraw the application.		
Sign		_Date:
Staff Use Only Application Date: 1/(1/23 Tall Tentative Planning Commission Date: 3/6/23 Tell County Commission District:	ken by:	4/13/23

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



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 ab			
	I have**	I have not	
within the two years immediately prece to any local government official involve	eding this date, m	ade any contributio	
**If you have made such contributions this application.	, you must provide	the data required	below within ten (10) days of filing
Name of Official(s):		Offi	ce:
Dollar Amount:	11		e of Contribution:
Applicant's/Owner's Signature:	Jehn	Dat	e: 01/03/23
Applicant's/Owner's Name (Printed): ህ	rial Reb	oiler	

To whom this my concern,

I am wanting to divide my property, 2014 Edmonds Dr. Gainesville, Ga 30501, zoning lot # 124 district 9 county of Hall, that is 2.59 acres into 3 residential lots. Currently on the property it has one Residential home, and one guest house-guest house will be removed, I would like to add two additional residential homes. Diving the lot into three, where the house is already built leaving it at .91 acres and the two additional Residential homes that we are wanting to build would be .84 acres.

Uriel Rebollar Solorzano

Utility Billing

Account History Report

01/03/2023 - 9:28AM jessica.paz

GAINESVILLE

CITY OF

WATER RESOURCES

0.00

Total Refunds:

1.24

Total Account Balance:

Total Deposits:

2014 EDMONDS DRIVE

Service Address:

Owner Name:

Printed:

User:

Customer Name: Account Status: Connect Date: Care Of:

03/07/2022 Active

Final Date:

Customer Address:

Reference Number: Ext: Ext:

Account Number:

Business Phone:

Home Phone:

PRIVFIRE N/A	0.00
FHRENTAL N/A	0.00
PENALTY FBBASE	0.00
MISC HCSEWER	0.00
ASF HCBASE	1.24
REFUSE BRBASE	0.00
SEWER N/A	0.00
WATER ROUNDUP	0.00
Amount	Current Balance By Service
Tran Type Description	
Tran Type	
Tran Date	ő.

0.00

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Consumption

Reading

Read Date	
Description	

3/4	
Meter Size:	
10/24/2015	
stall Date:	

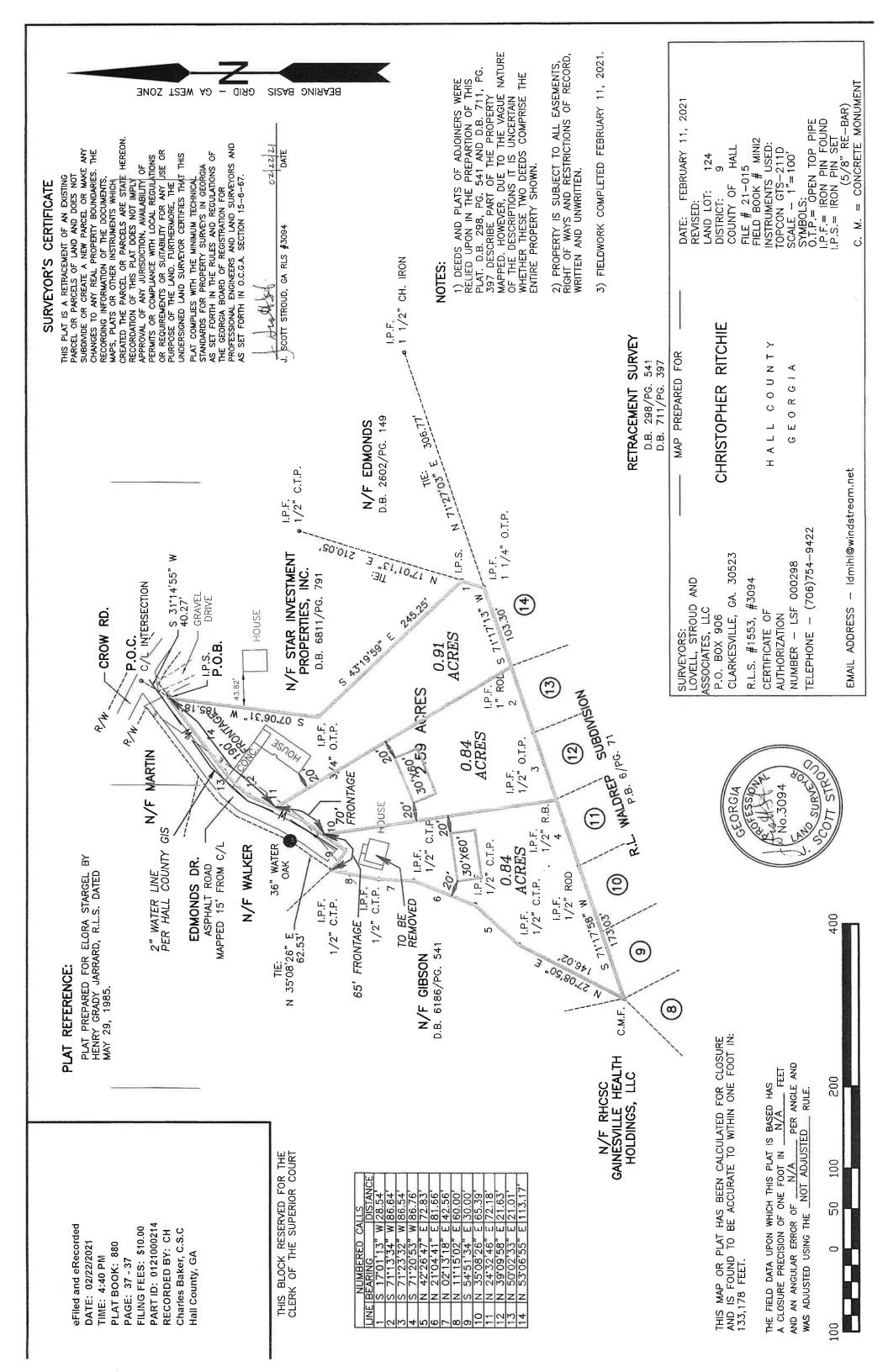
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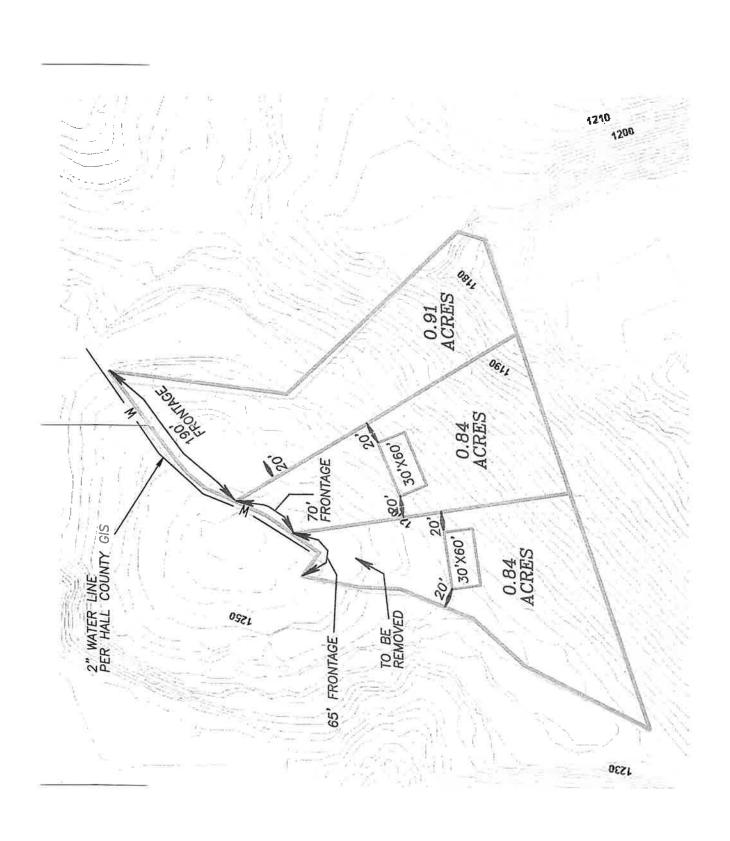
Route-Sequence-Serial:

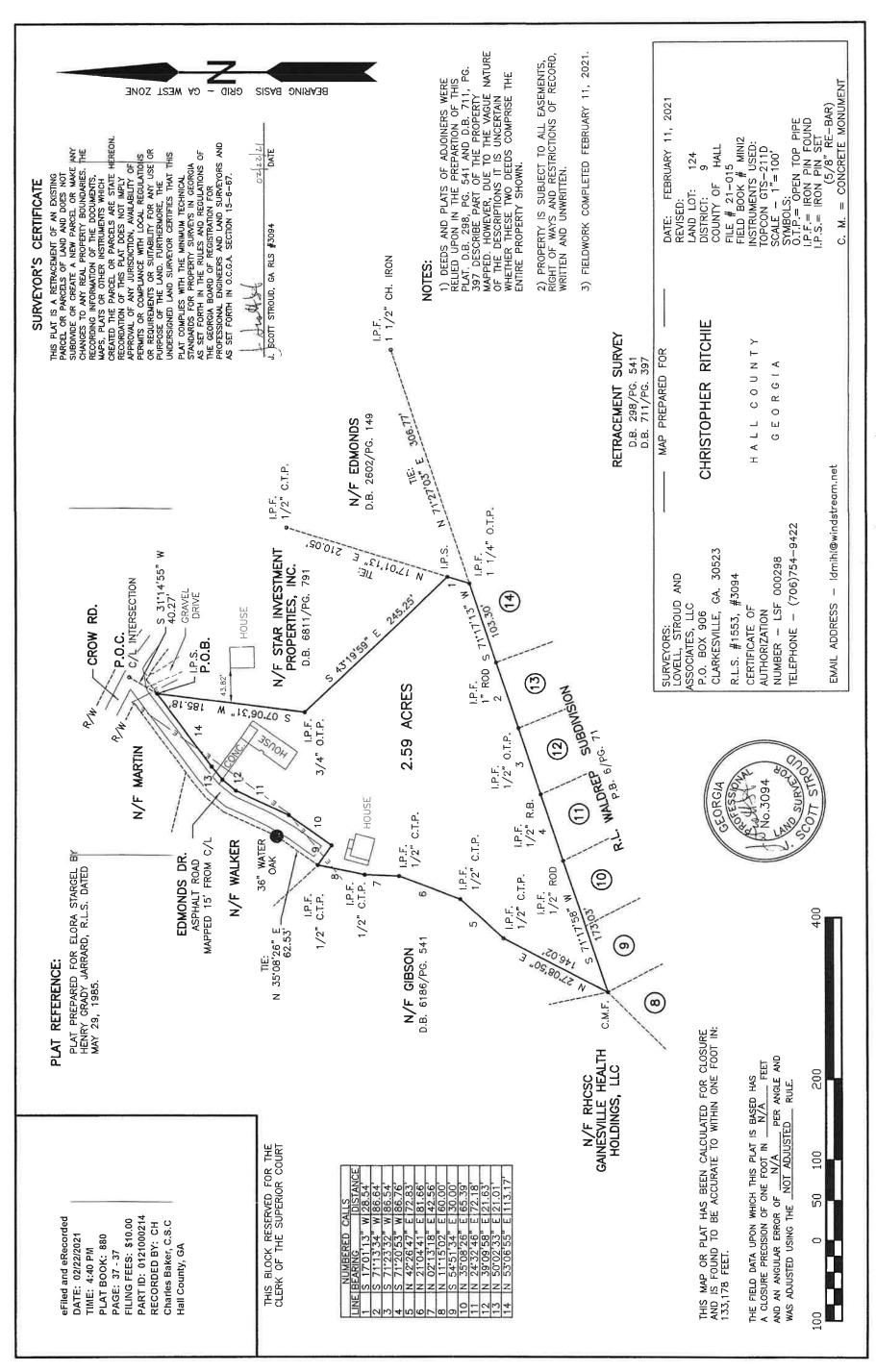
Active

0.78	0.19	0.42	0.37	0.10	0.40	0.17	0.22	0.45	0.00	0.64
3.73	2.95	2.76	2.35	1.97	1.87	1.48	1.31	1.09	0.64	0.64
12/9/2022	11/8/2022	10/11/2022	9/9/2022	8/9/2022	7/11/2022	6/7/2022	5/9/2022	4/8/2022	3/7/2022	2/7/2022

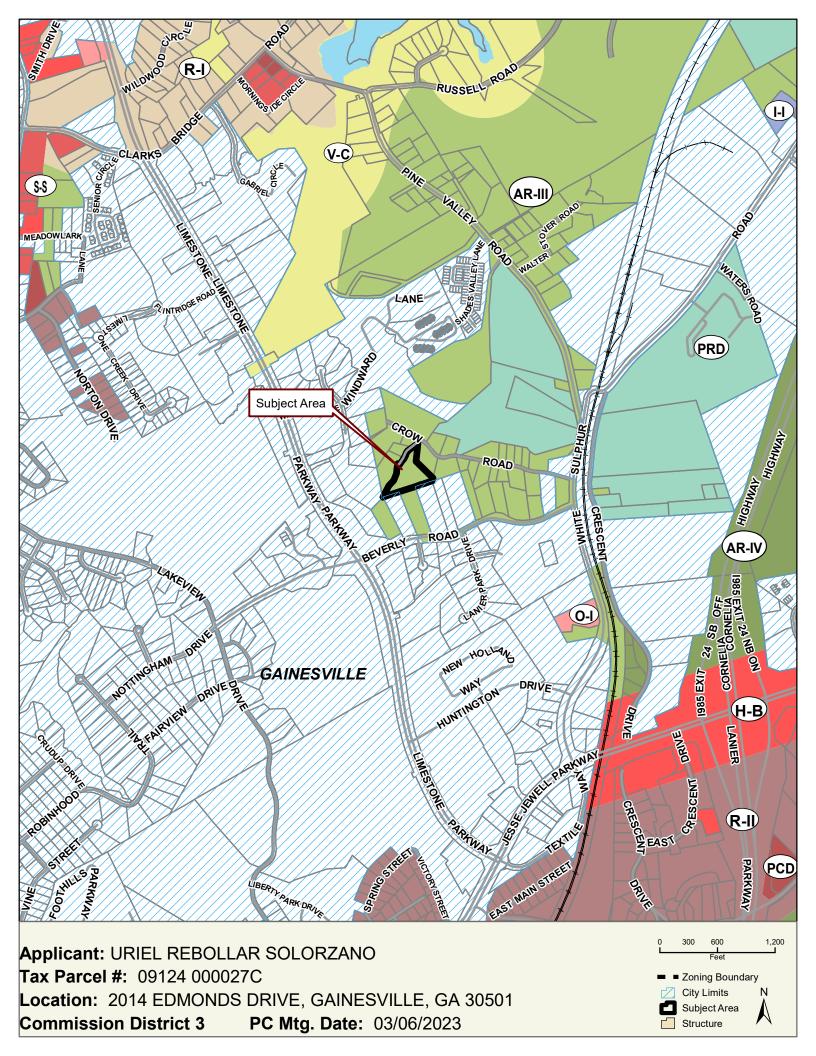
Page 1 of 3



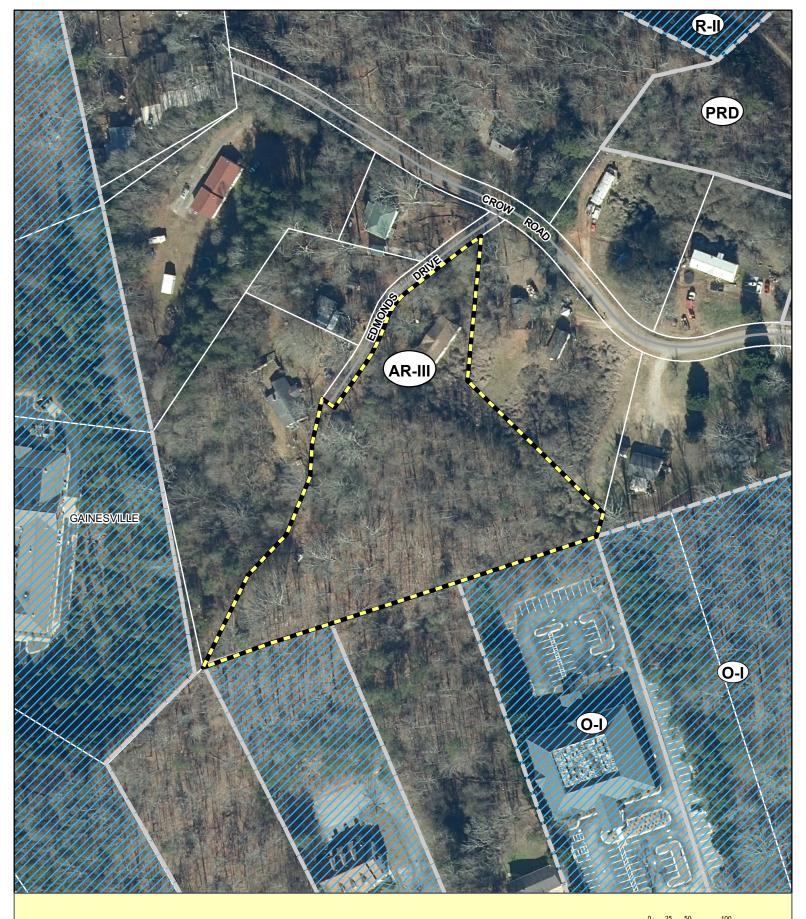




Kinberly Rebullar





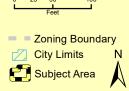


Applicant: URIEL REBOLLAR SOLORZANO

Tax Parcel #: 09124 000027C

Location: 2014 EDMONDS DRIVE, GAINESVILLE, GA 30501

Commission District 3 PC Mtg. Date: 03/06/2023



Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Monday, February 13, 2023 9:13 AM

To: Anael Dominguez (Planning); Randi Doveton (Planning)

Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)

Subject: HCPC Tentative Agenda 3.6.23

Please find Environmental Health comments below:

Item 1, 1000 Treesort View, McKibbon: No comment.

Item 2, 1670 Friendship Road, Highlands Residential: No comment.

Items 3 and 4, 2014 Edmonds Drive, Solorzano: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

Item 5, 4916 Cleveland Hwy, Hemphill: 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. 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 6, 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: Tuesday, February 14, 2023 11:02 AM

To: Anael Dominguez (Planning); Randi Doveton (Planning)

Cc: Chavers, Veronica E; Peevy, Jonathan

Subject: RE: Tentative Planning Agenda for March 6, 2023

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

- 1. Steve P. McKibbon will require GDOT Coordination
- 2. Highlands Residential will require GDOT Coordination
- 5. John S. Hemphill will require GDOT Coordination

The following will not require GDOT Coordination

- 3. Uriel Solorzano none
- 4. Uriel Solorzano none
- 5. Hall County Planning none

Thank you,

Parker Niebauer

D1TO Traffic Operations Supervisor



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, February 9, 2023 12:24 PM

To: Becky Ruffner (Parks & Leisure) <bru>
Schmid <weschmid@rochester-assoc.com>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Brent Holloway (Parks and Leisure) <bholloway@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@gainesvillega.gov) <jeremy.wills@gainesvillega.gov>; 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>; Nick Swafford <NSwafford@gainesvillega.gov>; Nicole Griffin (Tax Assessors)
<nicole.griffin@hallcounty.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 Sutton (Engineering)
<wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for March 6, 2023

Good afternoon -

Here is the Tentative Agenda and Maps for the Monday, March 6, 2023 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 <u>Thursday, February 16th</u>. Email comments to Randi (<u>rdoveton@hallcounty.org</u>) and Ana (<u>adominguez@hallcounty.org</u>).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – February 20, 2023

NEW BUSINESS

- 1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., applicant.
- 2. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, applicant.
- 3. 2014 Edmonds Drive | Rezone | from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 4. 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
- 5. 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: self-storage facility | ** Commission District 3 | John S. Hemphill, applicant.
- 6. <u>Title 17 of the Official Code of Hall County | Text Amendment | Proposed amendments to Sections 17.20.1110,17.20.1130,17.20.1140, 17.240.130.A, deleting Appendix B, and inserting a new section 17.240, a copy of the proposed amendments are available from the Hall County Planning office | ** All Commission Districts | Hall County Planning, applicant.</u>

*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, April 13, 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, April 13, 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 Government PUBLIC WORKS AND UTILITIES

ENGINEERING DIVISION

MEMORANDUM

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**

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: February 14, 2023

March 6, 2023 - Hall County Planning Commission Agenda **Subject:**

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the March 6, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

- 1. 1000 Treesort View | Amend conditions | of a Planned Residential Development (PRD) on a 25.58± acre tract located on the north side of Price Road approximately 884 feet from its intersection with Thompson Bridge Road | Zoned PRD & PCD; Tax Parcel 10100 000158 | Proposed use: master sign plan | ** Commission District 2 | Steve P. McKibbon, Jr., applicant.
 - a) Engineering: No Comment
 - b) Traffic: Proposed signage shall not obstruct or contradict approved traffic control signage.
 - c) Utilities: Monument signs shall not be constructed on sanitary sewer or utility easement.
- 2. 1670 Friendship Road, 5608 & 0 Thompsons Mill Road | Amend conditions | of a Planed Commercial Development (PCD) on a 5.43± acre tract located on the north side of Thompsons Mill Road at its intersection with Chateau Point | Zoned PCD; Tax Parcels 15041 000056, 000013, & 000191 | Proposed use: master sign plan | ** Commission District 1 | Highlands Residential, LLC, applicant.
 - a) Engineering: No Comment
 - b) Traffic: Proposed signage shall not obstruct or contradict approved traffic control signage
 - c) Utilities: signs shall not be constricted on sanitary sewer or utilities easements
- 3. **2014 Edmonds Drive | Rezone |** from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.

a) Engineering: No Comments

b) Traffic: No Comments c) Utilities: No Comments



Hall County Government

PUBLIC WORKS AND UTILITIES ENGINEERING DIVISION

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

4. 2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.

a) Engineering: No Commentsb) Traffic: No Commentsc) Utilities: No Comments

- 4916 Cleveland Highway | Rezone | from Office & Institutional (O-I) to Planned Commercial Development (PCD) on a 7.00 ± acre tract located on the east side of Cleveland Highway at its intersection with Gilstrap Circle | Zoned O-I; Tax Parcel 12029 000011B | Proposed use: selfstorage facility | ** Commission District 3 | John S. Hemphill, 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 driveway connection to Cleveland Highway
 - c) Utilities: No sewer service overfill in the area, septic system will need to be designed and permitted
- 6. Title 17 of the Official Code of Hall County | Text Amendment |
 Proposed amendments to Sections 17.20.1110,17.20.1130,17.20.1140,
 17.240.130.A, deleting Appendix B, and inserting a new section 17.240,
 a copy of the proposed amendments are available from the Hall County
 Planning office | ** All Commission Districts | Hall County Planning,
 applicant.

a) Engineering: No Commentsb) Traffic: No Commentsc) Utilities: No Comments

Anael Dominguez (Planning)

From: John Hornick (Fire Services)

Sent: Thursday, February 16, 2023 1:10 PM

To: Randi Doveton (Planning); Anael Dominguez (Planning)

Subject: Fire Comments

Hall County Planning Commission Meeting 3/6/23

2014 Edmonds Drive | Rezone | from Agricultural-Residential-III (AR-III) to Residential-I (R-I) on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, applicant.
 The Hall County Fire Marshal's Office has no comments as proposed.

2014 Edmonds Drive | Use Subject to County Commission Approval | on a 2.62± acre tract located on the south side of Edmonds Drive at its terminus | Zoned AR-III; Tax Parcel 09124 000027C | Proposed use: 3-lot subdivision | ** Commission District 3 | Uriel Rebollar Solorzano, 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









AGENDA ITEM

Planning and Development

REPORT TO:	Work Session	(04/10/23)
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REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 157/2023

1563 Calvary Church Road | Use Subject to County Commission approval | on a 12.76± acre tract located on the east side of Calvary **SUBJECT:**

Church Road approximately 253 feet from its intersection with Calvary Industrial Drive | Zoned I-II; Tax Parcel 15031 000097 | **Proposed use:**

inert landfill | Commission District 4 | Southern Utility Group, applicant.

Meetings:

Work Session Date: 04/10/23 **Voting Meeting Date:** 04/13/23

Executive Summary:

RD Presenter:

Recommendation:

Approval, with conditions:

- 1. The development shall be generally consistent with the submitted site plan and narrative modified for compliance with Hall County regulations at time of development permit application.
- 2. Any business operating at the subject property shall obtain a Business License from Hall County.
- 3. Proposed pond for hydro-excavating services shall be limited to only waste consisting of soil and water. No other materials shall be accepted for disposal on the property. These materials shall be considered recoverable and/or reusable as per the Georgia Environmental Protection Division (EPD) dated January 23, 2017.
- 4. Owner shall provide written documentation from Georgia Environmental Protection Division (EPD) regarding pond design and use prior to acceptance of disposal of waste materials on the property.
- 5. Hall County shall conduct monthly routine compliance inspections.
- 6. The owner shall maintain logs and manifests of all materials accepted for disposal on the property. These records shall be made available for review upon request by Hall County.
- 7. Any change in use shall be subject to Hall County Board of Commissioners approval.
- 8. The access point to the pit area shall be closed and locked after hours.
- 9. The applicant shall contract with a third party environmental testing consultant who shall prepare a monitoring, inspection, and testing plan to include: on-site and downstream water quality testing and testing of on-site waste materials. Both the consultant and the plan shall be subject to the approval of Hall County Engineering for verification that waste materials contain no prohibited waste and only consist of water and soil as the applicant's proposal outlines.
- 10. The business license associated with this use shall go before the Board of Commissioners approval on an annual basis for renewal. As part of this renewal the owner shall provide the maintenance logs and manifests, as described in condition 6 and the inspection and testing results as described in condition 9.
- 11. In the event of any violation of the conditions, the Director of Planning and Development shall bring such violations before the Hall County Board of Commissioners, in accordance with the provisions of [§5.10.490], hearing on revocation of business license, of the Official Code of Hall County.
- 12. Erosion control measures sand a double row of silt fence shall be installed and maintained.

Purpose of Request:

History:

1563 Calvary Church Road | Use Subject to County Commission approval | on a 12.76± acre tract located on the east side of Calvary Church Road approximately 253 feet from its intersection with Calvary Industrial Drive | Zoned I-II; Tax Parcel 15031 000097 | Proposed use: inert landfill | Commission District 4 | Southern Utility Group, 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
----------------	--------	---------

Submit	App	rove	Budget		Finance
AD	R	D	EW		WG
Attorney Admini		stration		Clerk	
WLI		C	R		JR

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Deed
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Notice Sign Photos



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE PLANNING AND DEVELOPMENT

To: Richard Higgins, Chairman

> Kathy Cooper, District 1 Commissioner Billy Powell, District 2 Commissioner Gregg Poole, District 3 Commissioner Jeff Stowe, District 4 Commissioner

POST OFFICE DRAWER 1435 GAINESVILLE, GA 30503

Randi Doveton, Planning and Development Director From:

Date: April 4, 2023

t: 770.531.6809 | f: 770.531.3902

1563 Calvary Church Road | Use Subject to County Subject:

Commission approval | on a 12.76± acre tract | Proposed use: inert landfill | Southern Utility Group,

applicant.

DIRECTOR

PLANNING AND DEVELOPMENT **DIRECTOR** Randi Doveton

Srikanth Yamala

The request before you is the request of Southern Utility Group for a conditional use on 12.76± acres to allow an inert landfill. This item is located within Commission District 4.

At their April 3, 2023 meeting, the Hall County Planning Commission voted to recommend approval with twelve (12) conditions (4-0, Sosebee absent).

There were no written comments submitted in advance of the Planning Commission meeting and three (3) people 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. The development shall be generally consistent with the submitted site plan and narrative modified for compliance with Hall County regulations at time of development permit application.
- 2. Any business operating at the subject property shall obtain a Business License from Hall County.
- 3. Proposed pond for hydro-excavating services shall be limited to only waste consisting of soil and water. No other materials shall be accepted for disposal on the property. These materials shall be considered recoverable and/or reusable as per the Georgia Environmental Protection Division (EPD) dated January 23, 2017.
- 4. Owner shall provide written documentation from Georgia Environmental Protection Division (EPD) regarding pond design and use prior to acceptance of disposal of waste materials on the property.

- 5. Hall County shall conduct monthly routine compliance inspections.
- The owner shall maintain logs and manifests of all materials accepted for disposal on the property. These records shall be made available for review upon request by Hall County.
- 7. Any change in use shall be subject to Hall County Board of Commissioners approval.
- 8. The access point to the pit area shall be closed and locked after hours.
- 9. The applicant shall contract with a third party environmental testing consultant who shall prepare a monitoring, inspection, and testing plan to include: on-site and downstream water quality testing and testing of on-site waste materials. Both the consultant and the plan shall be subject to the approval of Hall County Engineering for verification that waste materials contain no prohibited waste and only consist of water and soil as the applicant's proposal outlines.
- 10. The business license associated with this use shall go before the Board of Commissioners approval on an annual basis for renewal. As part of this renewal the owner shall provide the maintenance logs and manifests, as descried in condition 6 and the inspection and testing results as described in condition 9.
- 11. In the event of any violation of the conditions, the Director of Planning and Development shall bring such violations before the Hall County Board of Commissioners, in accordance with the provisions of [§5.10.490], hearing on revocation of business license, of the Official Code of Hall County.
- 12. Erosion control measures sand a double row of silt fence shall be installed and maintained.

HALL COUNTY PLANNING COMMISSION RECOMMENDATION REPORT

approval Proposed Useinert landfill Zoning Heavy Industrial (I-II, <u>17.170</u>) / Gateway Corridors Overlay District (GCOD, 17.420) 000097 Commission District Four Staff Recommendation Approval, as the proposed use has already been established on the property, which is in compliance with the Official Code of Hall County and below conditions of zoning. Planning Commission Recommendation...... Approval, with conditions Vote: 4-0 (Sosebee absent)

Planning Commission Conditions:

- 1. The development shall be generally consistent with the submitted site plan and narrative modified for compliance with Hall County regulations at time of development permit application.
- 2. Any business operating at the subject property shall obtain a Business License from Hall County.
- 3. Proposed pond for hydro-excavating services shall be limited to only waste consisting of soil and water. No other materials shall be accepted for disposal on the property. These materials shall be considered recoverable and/or reusable as per the Georgia Environmental Protection Division (EPD) dated January 23, 2017.
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- 5. Hall County shall conduct monthly routine compliance inspections.
- 6. The owner shall maintain logs and manifests of all materials accepted for disposal on the property. These records shall be made available for review upon request by Hall County.
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- 8. The access point to the pit area shall be closed and locked after hours.
- 9. The applicant shall contract with a third party environmental testing consultant who shall prepare a monitoring, inspection, and testing plan to include: on-site and downstream water quality testing and testing of on-site waste materials. Both the consultant and the plan shall be subject to the approval of Hall County Engineering for verification that waste materials contain no prohibited waste and only consist of water and soil as the applicant's proposal outlines.
- 10. The business license associated with this use shall go before the Board of Commissioners approval on an annual basis for renewal. As part of this renewal the owner shall provide the maintenance logs and manifests, as described in condition 6 and the inspection and testing results as described in condition 9.
- 11. In the event of any violation of the conditions, the Director of Planning and Development shall bring such violations before the Hall County Board of Commissioners, in accordance with the provisions of [§5.10.490], hearing on revocation of business license, of the Official Code of Hall County.
- 12. Erosion control measures sand a double row of silt fence shall be installed and maintained.

Public Forum:

Alec Tipton, 1642 Calvary Industrial Drive, Gainesville, spoke in opposition. Concerns were retention pond contamination.

Jay Wilhoite, 1044 Farmhouse Road, Gainesville, spoke in opposition. Concerns were runoff water and sedimentation.

Jim Wilhoite, 4025 Highlands Circle, Gainesville, spoke in opposition. Concerns were runoff water and erosion.

Summary Analysis

The applicant is requesting approval to operate an inert landfill on the 12.76± acre property for the purpose of operating a hydro-extrusion business. Hydro-extrusion, or hydrovac excavation, is a non-mechanical, non-destructive process that uses pressurized water and an industrial-strength vacuum to simultaneously excavate soil. As the pressurized water breaks up the soil, the soil and water slurry (mud) is conveyed by a vacuum to a debris tank. This process is most frequently used to daylight buried utilities.

The applicant's business includes the need for a place to store and dry out the slurry. This will be accomplished through a series of three (3) ponds already developed on the site. The first pond will receive the slurry, where the slurry will settle and the water will be filtered out into a second pond, the filtration pond. The leftover dirt/mud will be removed from the receiving pond and moved to a stockpile location adjacent to the pond where the mud will be placed for drying. Once dried, the mud will be utilized as fill dirt at locations where the hydro-extrusion is occurring. The final pond will be a wet stormwater pond which will provide additional filtration and pollution removal. The site plan depicts a proposed 2.09 acre conservation area at the rear of the property.

It should be noted that this parcel has had two (2) previous approvals for a similar business. The first request including the rezoning of the property to Heavy Industrial (I-II, <u>17.170</u>) and the conditional use approval for the inert landfill was approved by the Board of Commissioners on December 16, 2019. Then, on December

10, 2021, the Board of Commissioners approved the conditional use of an inert landfill for a second time. The second application was the result of the applicant not taking action to implement the use within 12 months from the date of approval.

Both of these actions included conditions of zoning related to the use of the property for hydro-extrusion activity. The 2021 approval restricted the use and business operations to the previous applicant with the sale of the business requiring the new owner to seek Board of Commissioners approval. This condition has resulted in the current request.

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 property has previously been rezoned to Heavy Industrial (I-II, 17.170) and the current request is for a use subject to approval of the Board of Commissioners for an inert landfill. This use has previously been approved on the subject property, but due to a condition of zoning requiring approval for a change in business ownership has resulted in the current application.
- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; The proposed use has previously been established and the current request relates to a change in business ownership, a condition of the December 10, 2021 conditional use approval.
- 3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; Yes, the property is currently zoned Heavy Industrial (I-II, 17.170) and can be used for any use permitted by right. Due to previous conditions of zoning, the property can only be used for the hydroextrusion business if approved by the Board of Commissioners.
- 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; This question is not applicable as the use is currently established on the property.
- 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 Heavy Industrial (I-II, 17.170) zoning classification has already been established by previous action on December 16, 2019, as such this criteria is not applicable.
- 6. The extent to which property values are diminished by the existing zoning restrictions; The subject property has already been developed for the proposed use of a hydro-extrusion business. If the current request is not approved, the applicant would not be able to continue business operation.

- 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; As the Heavy Industrial (I-II, 17.170) zoning classification has already been established, this criteria is not applicable.
- 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 developed, as such this criteria** is not applicable.
- 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; There are no known changing conditions affecting the use or development of the property.
- 11. Whether the change would create an isolated district unrelated to the surrounding districts; The current request is a conditional use request and there are no proposed changes to the underlying zoning.
- 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; No, the request is not out of scale with the needs of the county as a whole.
- 14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; As inert landfills require Board of Commissioners approval within the Heavy Industrial (I-II, 17.170), there are no sites that could be used without Commission action.
- 15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; No, the request could not be handled instead by a variance.
- 16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; There are no significant changes proposed to the site. Further, 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.

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated March 9, 2023, Emily McGahee states "Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review."

Hall County Fire Marshal

An email dated March 16, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated that the Hall County Fire Marshal's Office has no comments as proposed.

Hall County Public Works and Utilities

In a memo dated March 20, 2023, from Bill Nash, 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 stream buffers and impervious setback from wrested vegetation not centerline of stream.

Confirm if any permits are required from GA EPD and/or any other regulating agencies.

Traffic:

No comment.

Utilities

No comment.

Georgia Department of Transportation

In an email dated March 24, 2023 from Parker Niebauer, Traffic Operations Supervisor, confirmed that the project will require GDOT coordination.

Excerpts from the minutes of the April 3, 2023 meeting

Applicant's Presentation:

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

Andrew Bell, 1563 Calvary Church Road, Gainesville, presented the request. The applicant stated that their job leaves a considerable amount of mud behind so this use would allow them to dispose and repurpose it properly. The applicant stated that there will be security around the property only allowing key card access to approved users.

Rebuttal

The applicant stated that they are aware of the history of the property and understand the concerns about the runoff. The company wants to maintain a good relationship with the community and will take care of deficiencies.

Public Forum:

Alec Tipton, 1642 Calvary Industrial Drive, Gainesville, spoke in opposition. Concerns were retention pond contamination.

Jay Wilhoite, 1044 Farmhouse Road, Gainesville, spoke in opposition. Concerns were runoff water and sedimentation.

Jim Wilhoite, 4025 Highlands Circle, Gainesville, spoke in opposition. Concerns were runoff water and erosion.

Planning Commission Comments:

Mr. Braswell stated that the runoff would need to be addressed between the county engineers and the applicant within the week to provide assurance to those concerned. Mr. Braswell requested that the applicant clarify the proposed use of the facility if it does not aligning as an inert landfill. The applicant stated that the name that would describe it best would be-- dump site for recoverable materials. Mr. Braswell requested clarification of the code from staff. Ms. Garmon stated it would have to be established at this meeting if not specified in code.

<u>Motion:</u> A motion to approve, with conditions was made by Mr. Varner and seconded by Mr. Hunt. Vote: 4-0 (Sosebee absent)

Conditions:

- 1. The development shall be generally consistent with the submitted site plan and narrative modified for compliance with Hall County regulations at time of development permit application.
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- Proposed pond for hydro-excavating services shall be limited to only waste consisting of soil and water. No other materials shall be accepted for disposal on the property. These materials shall be considered recoverable and/or reusable as per the Georgia Environmental Protection Division (EPD) dated January 23, 2017.
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2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504 MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503 t 770-531-6809 l f: 770-531-3902



CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)	Property Owner (Name & Maili	ng Address)		
SOUTHERN UTILITY GROUP	PRIMETIME PROPERTIES, LLC 1563 CALVARY CHURCH ROAD			
1563 CALVARY CHURCH ROAD				
GAINESVILLE, GA 30507				
Phone 912-536-5875	Phone 912-536-5875			
Email Address Andrew.Bell@southernutilitygroup.com Proposed Use Hydroex Cavation & L	Email Address Andrew.Bell@	southernutilitygroup.com		
Contact Person (Name & Mailing Address)	Status of Applicant	Requested Action		
ANDREW BELL	Owner	Permissive Use:		
1563 CALVARY CHURCH ROAD	Option to Purchase	X HCPC X HCC		
GAINESVILLE, GA 30507	Area Resident	Fee:\$650.00		
Phone 912-536-5875	Other	Receipt #: _859094		
Email Address_Andrew.Bell@southernutilitygroup.com	-	Check #:1001		
Tax Parcel Number 15031 000097 Location Address 1563 CALVARY CHURCH ROAD, GAINE	Acreage12.75 ESVILLE, GA 30507			
Applicant must complete all information above. Fail application. The Planning Department has 15 days application. If the application is found insufficient, an submitted. Please note that the Planning Comment	ure to complete this section will re to review all applications and wil agenda date will not be set until t	Date: 1 13 23 esult in the refusal of the I set the dates for each the required information is		
Application Withdrawal: I hereby withdraw the application	n.	_Date:		
Staff Use Only Application Date: 1-26-2023 Tentative Planning Commission Date: 4-3-2023	Taken by: Randi Doveton Tentative County Commission Date:	5-11-2023		
County Commission District: 4				

2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504 MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503 1, 770-531-6809 I f: 770-531-3902



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:	<u></u>
I have** I have not	X
within the two years immediately preceding this date, made any cont to any local government official involved in the review or consideration	ribution(s) aggregating \$250.00 or more on of this application.
**If you have made such contributions, you must provide the data recthis application.	quired below within ten (10) days of filing
Name of Official(s):	Office:
Dollar Amount:	Date of Contribution:
Applicant's/Owner's Signature:	Date:
Applicant's/Owner's Name (Printed): ANDREW BELL	

Name of owner(s)

2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504 MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503 t: 770-531-6809 | f: 770-531-3902

PRIMETIME PROPERTIES, LLC



AUTHORIZATION OF PROPERTY OWNERS

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

Address	1563 CALVARY CHURCH	ROAD	Politicare Annalus reduces in proper page section of
	GAINESVILLE, GA 3050	7	
Phone Number	912-536-5875		addinguidous risina
Name of applicant(s) _	SOUTHERN UTILITY GR	OUP	
Address	1563 CALVARY CHURCH	H ROAD	
	GAINESVILLE, GA 3050	07	
Phone Number	912-536-5875		
I swear that I am the		ich is the subject matter of the attach rds of Hall County, Georgia.	ned applications as
I authorize the perso		applicant in the pursuit of a rezoning,	permissive use, o
Signature of Owner(s)		TILLINIA PORES	Am.
Personally appeared b	efore me	A	
Tia Poped	<u>a</u>	C. 6082 00 3057	10,
who swears that the in knowledge and belief	formation contained in this a	authorization is true and correct to the B	est of his/her
Notary Public	de_	01 13 2023 Date	

2875 BRCWNS BRIDGE ROAD, GAINESVILLE, GA, 30504 MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503 t: 770-531-6809 Ff. 770-531-3902 HALL COUNTY

We have at 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
and the second s	and the state of t
within the two years immediately preceding this date, made any contri to any local government official involved in the review or consideration	
**If you have made such contributions, you must provide the data requithis application.	uired below within ten (10) days of filing
Name of Official(s):	Office:
Dollar Amount:	Date of Contribution:
Applicant's/Owner's Signature:	Date:
Applicant's/Owner's Name (Printed): ANDREW BELL	



NARRATIVE REPORT REQUEST FOR CONDITIONAL USE HALL COUNTY, GEORGIA

RE: 12.75 acres located on 1563 Calvary Church Road, Gainesville, GA 30507

Parcel ID 15031 000097

Southern Utility Group (the "Applicant") respectfully submits this Narrative Report to the Hall County Board of Commissioners in support of an application for a conditional use approval for a hydroextrusion material acceptance facility.

The intent for the property use is to receive a dirt and water mixture from hydro-extrusion operations. Hydro-extrusion, or hydrovac excavation, is a non-mechanical, non-destructive process that uses pressurized water and an industrial-strength vacuum to simultaneously excavate and evacuate soil. As hydro excavation breaks up soil, the soil and water slurry (mud) is conveyed by a vacuum to a debris tank. The mud then has to be placed somewhere safely, like this proposed location.

Southern Utility Group installs utilities for local public utility providers and uses hydro-extrusion in order to locate other utilities in rights-of-way areas. There will be one pond on the property and will receive the mixture of dirt and water. The mud will be spread next to this pond to dry. The dirt will then be used to refill holes from the hydro-extrusion. There will also be another filtration pond at a lower elevation from this pond in order to filter the stormwater. Below this filtration pond will be the "wet" stormwater pond additional filtering and pollution removal.

Records will be kept regarding the loads, source location, operator, and contents. A gate with a key code will be used to enter the facility. No additional treatment would be necessary because the imported material is only dirt and water. No other types of mixtures or slurry would be allowed. The construction will follow Hall County ordinances including the Storm Water ordinance by using other proposed downstream ponds for storm water management. No-spill lighting will be used if lighting is proposed, and these ponds will not be seen from public roads.

Ph: 706-778-0067

Fax: 706-778-0069

www.foothillsld.com

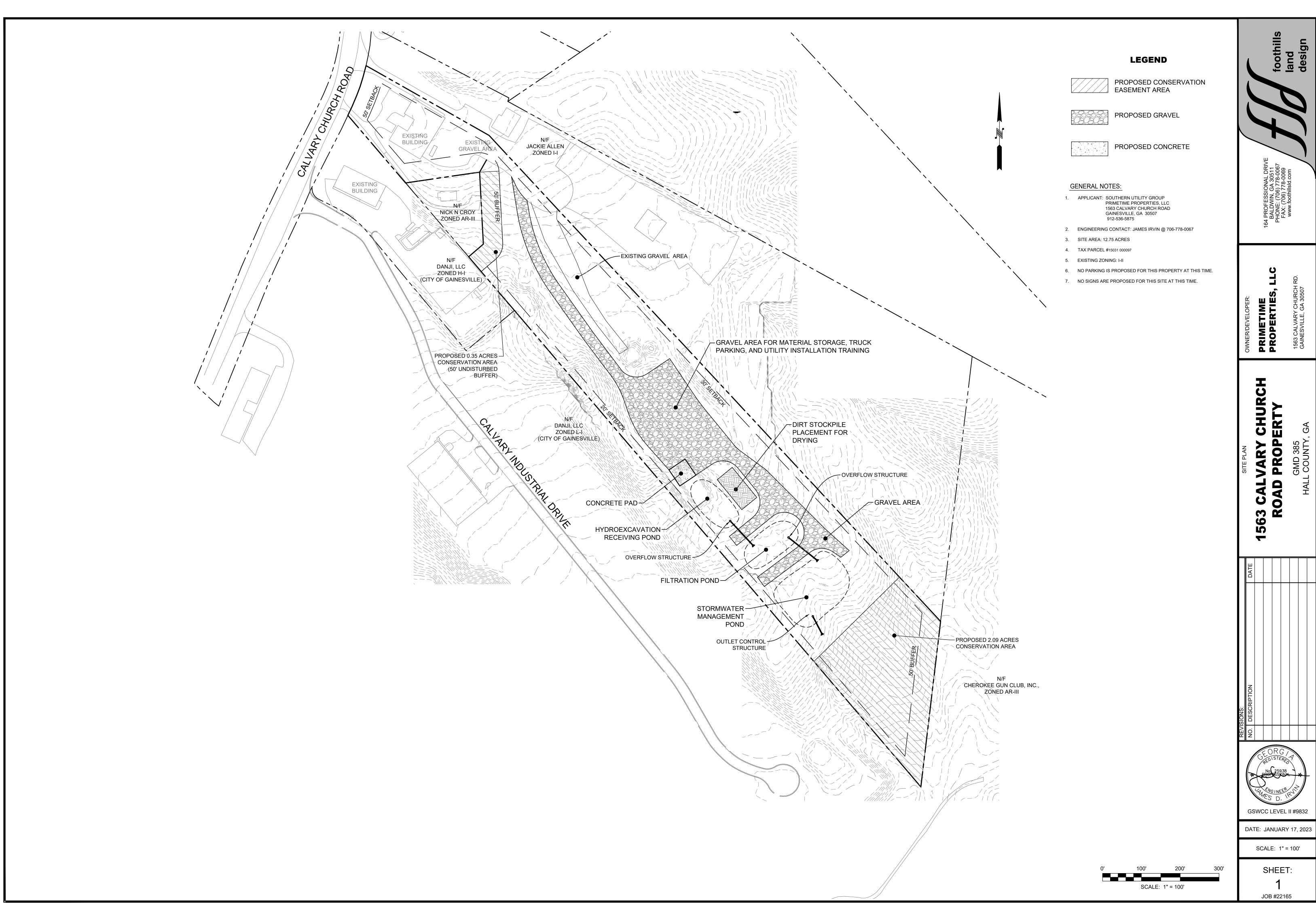
Sincerely,

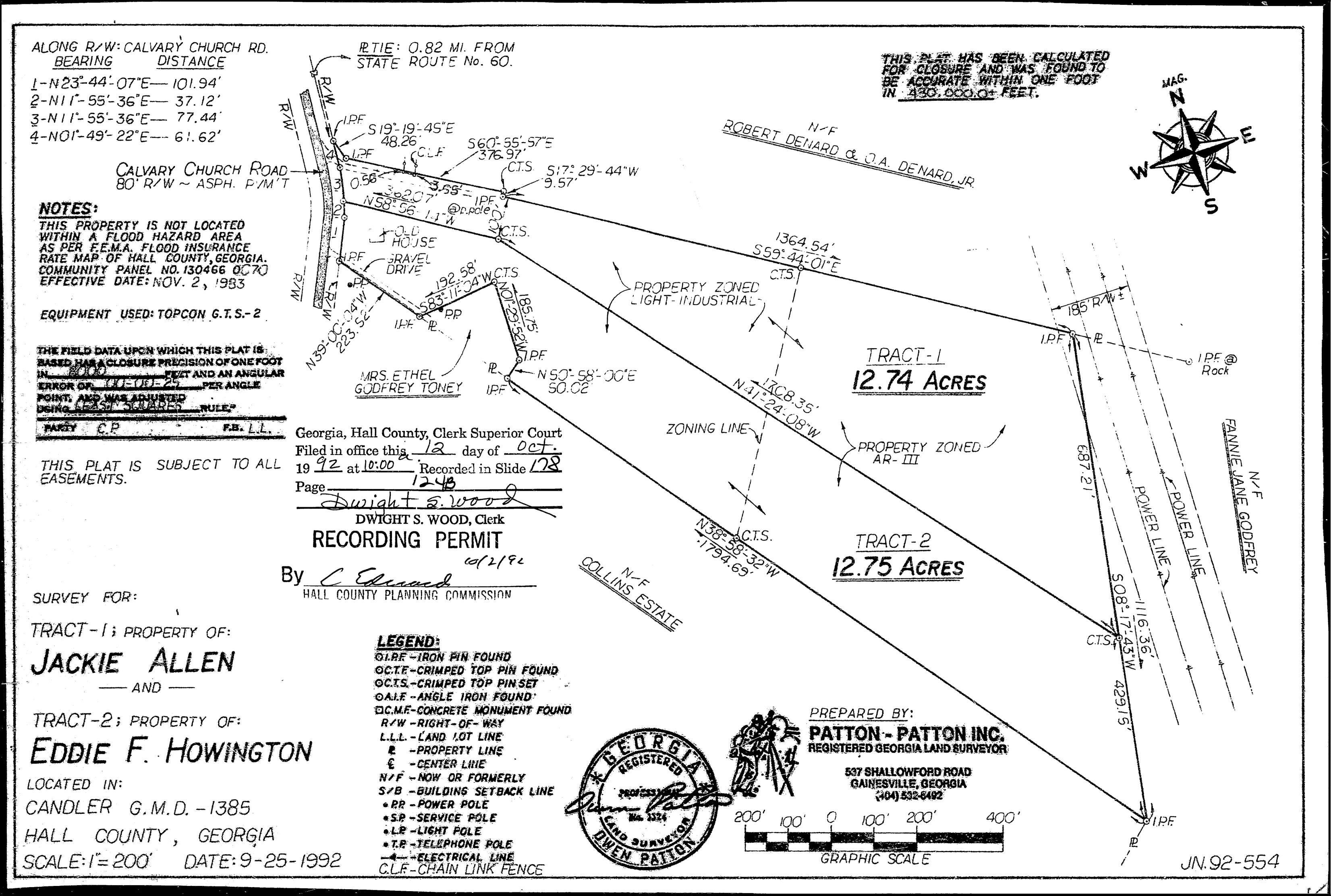
James Irvin, PE

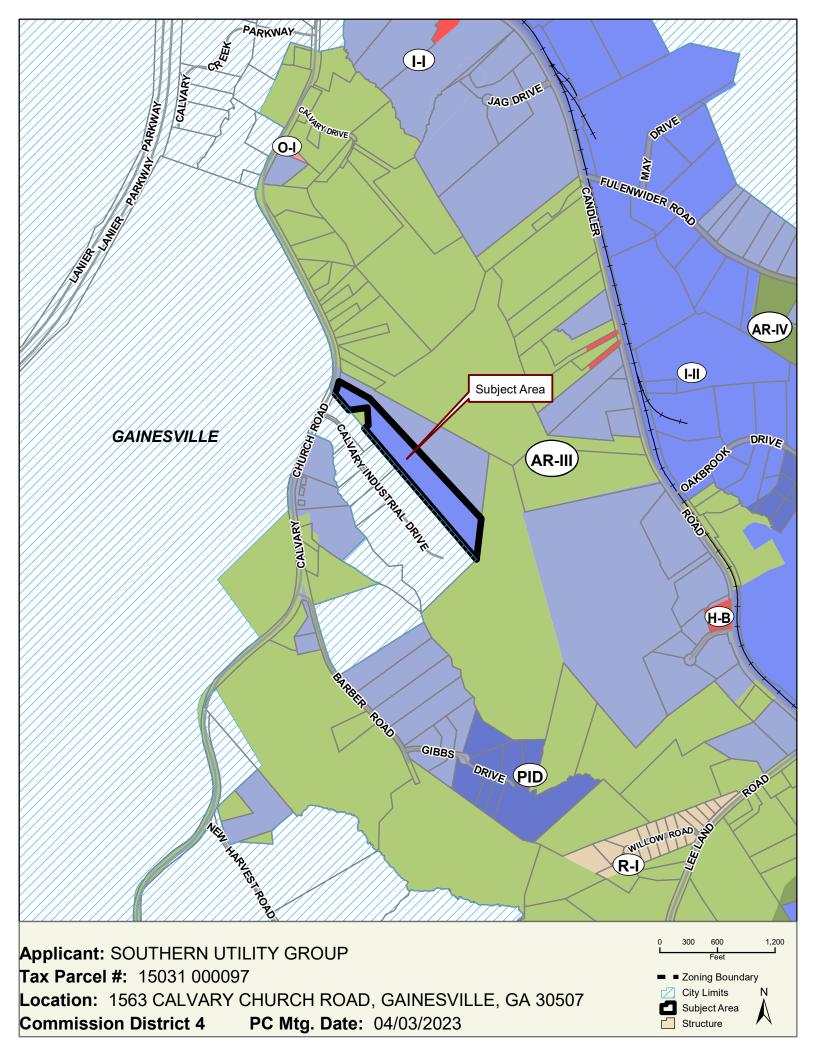
Engineer for Applicant

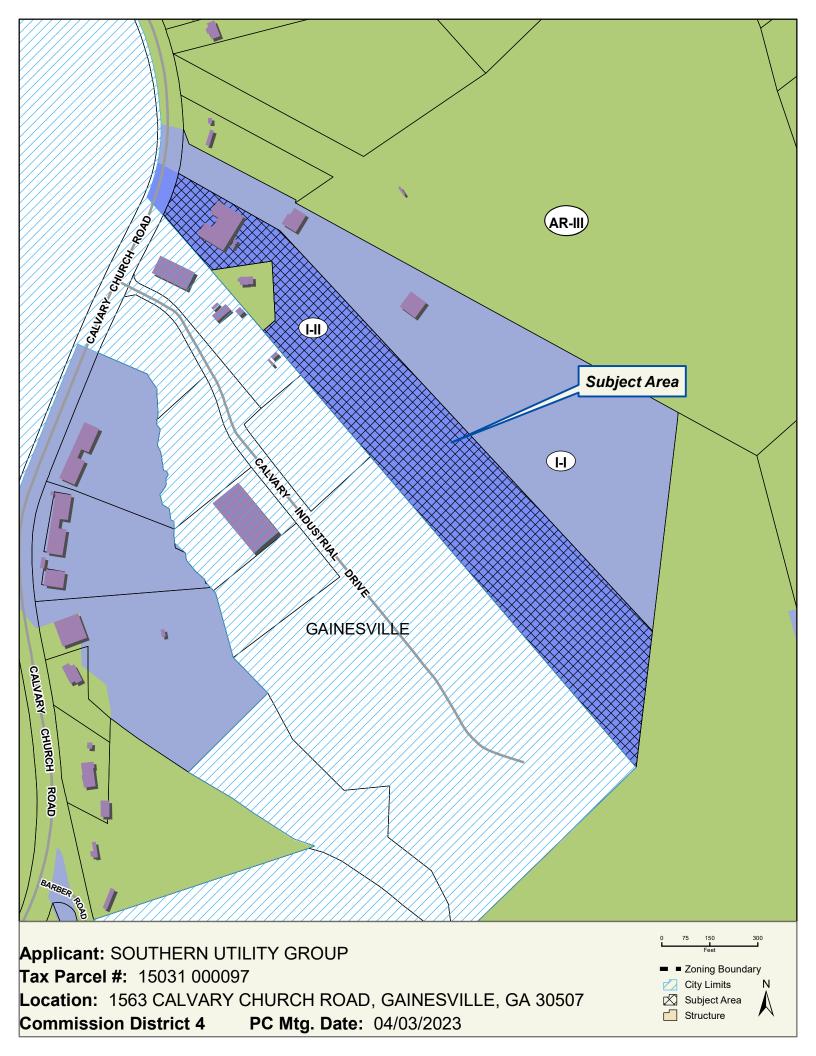
Foothills Land Design, LLC

Foothills Land Design, LLC 164 Professional Drive Baldwin, GA 30511









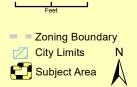


Applicant: SOUTHERN UTILITY GROUP

Tax Parcel #: 15031 000097

Location: 1563 CALVARY CHURCH ROAD, GAINESVILLE, GA 30507

Commission District 4 PC Mtg. Date: 04/03/2023



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FILED & RECORDED 02/20/2023 12:20 PM DEED BOOK 9265 PAGES 54 - 64

FILING FEES: \$25.00 PT61: 069-2023-001008

TRANSFER TAX: \$880.00

RECORDED BY: EAR

CLERK: Charles Baker, C.S.C Hall County, GA

AFTER RECORDING, RETURN TO:

Sydney W. Wargo, Esq.
ANDERSEN, TATE & CARR, P.C. One Sugarloaf Centre, Suite 4000 1960 Satellite Boulevard Duluth, GA 30097 File #18946.70057

Parcel Id: 15031 000097

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF GWINNETT

THIS INDENTURE, made the 17th day of February, 2023, between

CLYDE BROADWAY, JR.

as party or parties of the first part, hereinafter called Grantor, and

PRIMETIME PROPERTIES, LLC, a Georgia limited liability company

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS (\$10.00) 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,

All that tract or parcel of land lying and being in Candler G.M.D. 1385, Hall County, Georgia, as more particularly described in Exhibit "A" attached hereto and by reference made a part hereof.

Said property is conveyed subject to the permitted title exceptions as described on Exhibit "B" attached hereto and by reference made a part hereof.

Said property is conveyed in accordance with and pursuant to that certain Certificate of Creation of Conservatorship dated August 15, 2022, filed for record August 15,

2022, recorded in Deed Book 1867, Page 590, White County, Georgia records ("Order Establishing Conservatorship"), a copy of which is attached hereto as Exhibit "C" and incorporated herein by this reference; and in accordance with and pursuant to that certain Order, dated on or about January 12, 2023, filed in the records of the Probate Court, White County, Georgia in connection with 21-GA-17 ("Order Authorizing Sale"), a copy of which is attached hereto as Exhibit "D" and incorporated herein by this reference.

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 Grantor and all others claiming by, through or under Grantor.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

GRANTOR:

Signed, sealed and delivered in the presence of:

nofficial Witness

Notary Public

Unde Brenden In by industrial Moto

Clyde Broadway, Jr., by Darlene Broadway, his conservator pursuant to that certain Certificate of Creation of Conservatorship

dated August 15, 2022

[SIGNATURE PAGE TO LIMITED WARRANTY DEED]

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CANDLER G.M.D. 1385, HALL COUNTY, GEORGIA, CONTAINING 12.75 ACRES AND DESIGNATED TRACT-2 ON THAT CERTAIN PLAT OF SURVEY OF THE PROPERTY OF EDDIE F. HOWINGTON, RECORDED IN PLAT SLIDE 178, PAGE 124B, HALL COUNTY, GEORGIA RECORDS; WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE; BEING IMPROVED PROPERTY KNOWN AS 1563 CALVARY CHURCH ROAD ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN HALL COUNTY, GEORGIA.

TOGETHER WITH all rights, title and interest in and to that certain Perpetual Easement from Jackie Allen to Nancy Howington, as Executrix of the Estate of Eddie Howington, dated July 9, 1998, filed for record July 9, 1998, recorded in Deed Book 3241, Page 198, Hall County, Georgia records.

EXHIBIT "B"

PERMITTED EXCEPTIONS

- 1. All taxes for the year 2023 and subsequent years, not yet due and payable.
- 2. All matters which affect subject property as they may appear on that certain plat of survey recorded in Plat Slide 178, Page 124B, Hall County, Georgia records.
- 3. Perpetual Easement or Right of Way from Mrs. Dovie Cooper and Charlie Godfrey to Adelaide B. Lord, dated September 9, 1959, filed for record September 12, 1959, recorded in Deed Book 208, Page 70, aforesaid records.
- 4. Easement and Right of Way from C. E. Godfrey to Ethel G. Toney, dated May 26, 1960, filed for record June 6, 1960, recorded in Deed Book 218, Page 313, aforesaid records.
- 5. Easement for Right-of-Way from C. E. Godfrey to Georgia Power Company, a corporation, dated January 2, 1966, filed for record January 28, 1966, recorded in Deed Book 321, Page 267, aforesaid records.
- 6. Easement for Right-of-Way from Mrs. C. E. Godfrey, Edith Collins, Ethel Toney Dodd and Harold Godfrey to Georgia Power Company, a corporation, dated July 6, 1978, filed for record July 25, 1978, recorded in Deed Book 665, Page 3, aforesaid records.
- 7. Easement for Right-of-Way from Carlton L. Godfrey to Georgia Power Company, a corporation, dated June 21, 1978, filed for record July 25, 1978, recorded in Deed Book 665, Page 9, aforesaid records.
- 8. Easement for Right-of-Way from Mr. Claude Godfrey to Georgia Power Company, a corporation, dated June 23, 1978, filed for record August 4, 1978, recorded in Deed Book 665, Page 579, aforesaid records.
- 9. Perpetual Easement from Nancy Howington, as Executrix of the Estate of Eddie Howington to Jackie Allen, dated July 9, 1998, filed for record July 9, 1998, recorded in Deed Book 3241, Page 199, aforesaid records.
- 10. Scrivener's Affidavit dated November 30, 2022, filed for record December 1, 2022, recorded in Deed Book 9233, Page 141, aforesaid records.

EXHIBIT "C"

ORDER ESTABLISHING CONSERVATORSHIP

Probate Court Return Mailing Address: 59 SOUTH MAIN ST SUITE H CLEVELAND GA 30528

FILED & RECORDED DATE: 8/15/2022 TIME: 3:50PM DEED BOOK: 1867 PAGE: 590 FILING FEES: \$25.00 Dena M Adams, C.S.C. White County, GA

(Above space to be used for filing in Superior Court Clerk's Office Deeds and Records) WHITE COUNTY IN THE PROBATE COURT OF STATE OF GEORGIA IN RE: ESTATE NO. __2021-GA-217 CLYDE DAVIS BROADWAY JR WARD CERTIFICATE OF CREATION OF CONSERVATORSHIP [Pursuant to O.C.G.A. § 29-5-13 (d)] DATE ORDER ISSUED: AUGUST 15, 2022 GRANTOR [NAME OF WARD]: _CLYDE DAVIS BROADWAY JR. GRANTEE [NAME OF CONSERVATOR(S) OF ABOVE WARD]: DARLENE BROADWAY A conservatorship has been created for the above-named ward. __ (a) The Conservatorship is permanent. (b) The expiration date set by court order is _____ Original Certificate delivered or mailed to Clerk of Superior Court of WHITE on AUGUST 15 , 20 22 I do hereby certify that the above information is based on the Order of the Probate Court issued on the date set out above and that the above information is true and correct. By: Sul Silvert Eff. July 2017 [39] GPCSF 12

EXHIBIT "D" ORDER AUTHORIZING SALE

IN THE PROBATE COURT OF WHITE COUNTY

	4.16.10(3	
,	Date	Line
	JUDGE DON	FERGUSON
	Q1.	
	TW	

STATE OF GEORGIA

IN RE: CLYDE DAVIS BROADWAY, JR.)	21-GA-17
WARD)	

ORDER

This matter is before this court regarding the Petition for Leave to Sell filed by the Conservator, Darlene Broadway. A Caveat to that Petition was filed by the Ward, Clyde Davis Broadway, Jr.. The Caveat was later withdrawn by the Ward after a hearing was held regarding the sale.

Findings of Fact

On August 15, 2022, Letters of Guardianship and Conservatorship were issued by this court to Darlene Broadway, the mother of the Ward, Clyde Davis Broadway, Jr., A Petition for Leave to Sell real property belonging to the Ward on 1563 Calvary Church Rd., Gainesville, GA was filed on September 30, 2022. The Ward was personally served notice of the Petition on

November 21, 2022. A Caveat was filed by the Ward in a timely manner and a hearing was held on January 10, 2023. At the hearing on January 10, 2023, the court heard evidence and the Ward was represented by his attorney. Mike Hinton. At the conclusion of the hearing ward chose to withdraw his prior Caveat to the sale and consent to the Sale of the Calvary Church Road property.

Conclusions of Law

Pursuant to O.C.G.A § 29-5-35(e), if an objection is filed to the sale of the Ward's property the court must hold a hearing and determine whether the sale is in the best interests of the Ward. The court held a hearing based on the objection and at the hearing the objection was withdrawn and consent by the Ward was given to the court.

Pursuant to O.C.G.A. § 29-5-35(b) which relates to a Conservator's Bond in the event the transaction converts real property of the ward being converted into personal property the Conservator must post an additional bond to cover anticipated proceeds of the closing of the sale.

THEREFORE, IT IS HEREBY ORDERED that the Petition for Leave to Sell the real property described in the Petition and located on 1563 Calvary Church Road, Gainesville, GA 30507 is hereby granted upon the terms set forth in the Petition.

IT IS FURTHER ORDERED that the Conservator shall obtain a surety bond in the the new closing proceeds amount of the the when and file the same with the Court within 30 days of closing.

IT IS FURTHER ORDERED that the Conservator shall deposit the personal property resulting from the sale of the property in the Conservatorship account for the benefit of the Ward.

IT IS FURTHER ORDERED that a copy of this Order shall be sent to the all interested Parties.

SO ORDERED, this /3 day of January, 2023.

Don Ferguson

Judge, White County Probate Court

Ferguso

PLEASE RETURN TO: CARL S. FREE ATTORNEY AT LAW P.O. BOX 884 CLEVELAND, GA 30528 FILE # 22-159 FILED & RECORDED 05/20/2022 12:10 PM

DEED BOOK 9130 PAGES 676 - 677

FILING FEES: \$25.00

PTG1: D69-2022-00485

RECORDED BY: IP

CLERK: Charles Baker, C.S.C. Hall County, GA

LIMITED WARRANTY DEED

STATE OF GEORGIA COUNTY OF WHITE

THIS INDENTURE, made this 17th of May in the year of our Lord Two Thousand Twenty-Two (2022), between PST PROPERTIES, LLC, a Georgia Limited Liability Company, Grantor, and CLYDE BROADWAY, JR., Grantee,

WITNESSETH, that the said Grantor, for and in consideration of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargamed, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said Grantee:

All that tract or parcel of land lying and being in Candler G.M.D. (1385) Hall County, Georgia, and being more particularly described as follows:

Begin at a pk nail found in concrete on the easterly right of way of Calvary Church Road (having and eighty foot right of way); thence leave the easterly right of way of said Calvary Church Road and proceed South 58° 56' 14" East a distance of 352.07 feet to a pk nail found in concrete, thence proceed South 41° 24' 07" East a distance of 1,708.35 feet to a ¾ inch crimped top pipe found, thence proceed South 08° 17' 43" West a distance of 429.15 feet to an iron pin found, thence proceed North 38° 58' 32" West a distance of 1,794.69 feet to an iron pin found, thence proceed North 50° 58' 00" East a distance of 50.02 feet to an iron pin found, thence proceed North 01° 29' 52" West a distance of 185.75 feet to a ½ inch crimp top pipe set, thence proceed South 83° 11' 04" West a distance of 192.58 feet to an iron pin found, thence proceed North 39° 00' 04" West a distance of 223.52 feet to an iron pin found on the casterly right of way of said Calvary Church Road, thence proceed North 23° 44' 07" East a distance of 101.94 feet to an iron pin placed, thence proceed North 11° 55' 36" East a distance of 37.12 feet to a pk nail found in concrete on the easterly right of way of said Calvary Church Road, said pk nail marking the Point of Beginning.

Said property containing 12.75 acres and being shown on that certain Boundary Survey for PST Properties, LLC prepared by Patton-Boyer, Inc. dated April 6, 1994, last revised November 8, 2001 and bearing the seal of Chris M. Patton, being Georgia Registered Land Surveyor No. 2647.

Subject to restrictions, reservations, easements and rights of way of record, if any.

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, their heirs and assigns, forever, in fee simple.

AND THE SAID Grantors, their heirs, executors and administrators, will warrant and forever defend the right and title to the above-described property, unto the said Grantees, their heirs and assigns, against the claims of all persons owning, holding or claiming by, through or under the 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 Grantors have hereunto set their hands and affixed their seals the day and year above written.

Signed, sealed and delivered in the presence of:

447

PST PROPERTIES, LLC, Grantor

By: Donald J. Stoner, Managing Member (SEAL)

commission Expires My Commission Expires September 26, 2023

TENNESSEE NOTARY PUBLIS

Page 2 of 2

FILED & RECORDED 05/20/2022 12:10 PM

After recording, please return to: Carl S. Free, Attorney at Law P.O. Box 884 Cleveland, GA 30528 File #22-159 DEED BOOK 9130 PAGES 678 - 682
FILING FEES: \$25.00
INT TAX: \$0.00
RECORDED BY: JP
CLERE: Charles Baker, C.S.C Hall County, GA

PURCHASE MONEY DEED TO SECURE DEBT

STATE OF GEORGIA COUNTY OF WHITE

THIS INDENTURE, made the 17th day of May, in the year Two Thousand Twenty-Two, between CLYDE BROADWAY, JR., Grantor, Party of the First Part; and C. DAVIS BROADWAY and DARLENE BROADWAY, having a mailing address of 1541 Hwy 255 N, Sautee Nacoochee, GA 30571, Grantee; Party of the Second Part;

WITNESSETH: That the said party of the first part, for and in consideration of the sum of THREE HUNDRED TWO THOUSAND NINE HUNDRED SIXTY-EIGHT DOLLARS AND NINETY-FOUR CENTS (\$302,968.94), 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 party of the second part:

Property As Shown On "Exhibit "A" Attached Hereto

TO HAVE AND TO HOLD the said bargained premises with all and singular the rights, members and appurtenances thereto appertaining to the only proper use, benefit and behoof of the said party of the second part, in FEE SIMPLE; and the said party of the first part hereby covenants that he is lawfully seized and possessed of said property, and has a good right to convey it, and that it is unencumbered; and that the said bargained premises, the said first party unto the said party of the second part, against the said first party, and against all and every other person or persons, shall and will WARRANT AND FOREVER DEFEND.

THIS CONVEYANCE is made under the provisions of the existing Official Code of the State of Georgia to secure a debt evidenced by one note, of even date herewith, made by the party of the first part to order of the party of the second part, for the principal sum of \$306,444.14, with a maturity date of August 17, 2022 with installments payable as delineated in said promissory note; with said principal and interest being payable in lawful money of the United States. It being further being expressly understood and agreed that if default be made in the payment of any of the aforesaid installments, or any part thereof, as and when the same shall become due and payable, then, and in that event, said principal sum, or so much thereof as may remain unpaid at the time of such default, shall bear interest at the maximum rate allowable by law per annum from the date of such default.

DEED TO SECURE DEBT

then become and be tenants holding over, and shall forthwith deliver possession to the purchaser at such sale, or be summarily dispossessed, in accordance with the provisions of law applicable to tenants holding over.

The power and agency hereby granted are coupled with an interest and are irrevocable by death or otherwise, and are granted as cumulative to the remedies for collection of said indebtedness provided by law.

In the event this deed is foreclosed at law or in equity, the party of the second part shall be entitled to a receiver to take charge of the said property, to collect the rents, issues and profits arising therefrom, and to care for the same without proving insolvency, or any other grounds for extraordinary relief, and the said party of the first part hereby consents to the appointment of such receiver.

In this deed, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural. Wherever herein a verb, pronoun or other part of speech is used in the singular, and there be more than one grantor or grantee, said singular part of speech shall be deemed to read as plural, and each grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

Wherever herein the words "party of the first part" or "party of the second part" is used, the same shall be construed to mean as well the heirs, executors, administrators, successors, representatives and assigns of the same, whether voluntary by act of the parties, or involuntary by operation of law.

It is distinctly understood and agreed that the hereinbefore described note, or any renewal or renewals thereof, and this deed are to be together regarded as a Georgia contract, and is made, and shall be executed and performed, under and in conformity with the laws of the State of Georgia and of no other place or State whatever.

IN WITNESS WHEREOF, the party of the first part hereto set his hand and affixed his seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

Notary Public S My Commission Expires: Hyde Broadway, Jr., Grantor

DEED TO SECURE DEBT

EXHIBIT "A"

All that tract or parcel of land lying and being in Candler G.M.D. (1385) Hall County, Georgia, and being more particularly described as follows:

Begin at a pk nail found in concrete on the easterly right of way of Calvary Church Road (having and eighty foot right of way); thence leave the easterly right of way of said Calvary Church Road and proceed South 58° 56' 14" East a distance of 362.07 feet to a pk nail found in concrete, thence proceed South 41° 24' 07" East a distance of 1,708.35 feet to a ½ inch crimped top pipe found, thence proceed South 08' 17' 43" West a distance of 429.15 feet to an iron pin found, thence proceed North 38' 58' 32" West a distance of 1,794.69 feet to an iron pin found, thence proceed North 50° 58' 00" East a distance of 50.02 feet to an iron pin found, thence proceed North 01° 29' 52" West a distance of 185.75 feet to a ½ inch crimp top pipe set, thence proceed South 83' 11' 04" West a distance of 192.58 feet to an iron pin found, thence proceed North 39' 00' 04" West a distance of 223.52 feet to an iron pin found on the easterly right of way of said Calvary Church Road, thence proceed North 13' 55' 36" East a distance of 37.12 feet to a pk nail found in concrete on the easterly right of way of said Calvary Church Road, said pk nail marking the Point of Beginning.

Said property containing 12.75 acres and being shown on that certain Boundary Survey for PST Properties, LLC prepared by Patton-Boyer, Inc. dated April 6, 1994, last revised November 8, 2001 and bearing the seal of Chris M. Patton, being Georgia Registered Land Surveyor No. 2647.

Subject to restrictions, reservations, easements and rights of way of record, if any.

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Thursday, March 9, 2023 12:21 PM

To: Anael Dominguez (Planning); Randi Doveton (Planning)
Cc: Chad Harper (Environmental Health); Harper, Chad

Subject: Tentative HCPC Agenda 4.3.23

Please find Environmental Health comments below:

Item 1, 5303 Browns Bridge Road, Sadegh: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Current septic system permitted under OSC930 is designed for 5 employees, not public restrooms.

Item 2, 1563 Calvary Church Road, Southern Utility Group: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review.

Item 3, Unnamed Road: No comment.

Item 4, PRD 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 (CDI: Planning)

From: Niebauer, Parker J < PNiebauer@dot.ga.gov>

Sent: Friday, March 24, 2023 9:11 AM

To: Anael Dominguez (CDI: Planning); Peevy, Jonathan

Cc: Beth Garmon (CDI: Planning); Randi Doveton (CDI: Planning)

Subject: RE: Tentative Planning Agenda for April 3, 2023

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, and thank you. The items below will require GDOT coordination.

1. <u>5303 Browns Bridge - Ali Sadegh, applicant.</u> Will require GDOT Coordination

3. Unnamed Road | Establish a Road Name | on the official Hall County road map from Unnamed to Old Lanier Islands Drive; being a ±0.40 mile section at the intersection of Big Creek Road and New Bethany Road, formally Lanier Islands Parkway prior to the realignment of SR 347 completed by GDOT | ** Commission District 2 | Planning Staff, applicant.

Note: IF law enforcement plans to use speed detection devices on this road, the List of Roads (LOR) and Speed Detection Device Permit (SDDP) will need to be updated.

Parker Niebauer

D1TO Traffic Operations Supervisor



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 (CDI: Planning) <adominguez@hallcounty.org>

Sent: Friday, March 24, 2023 8:55 AM

To: Peevy, Jonathan <jpeevy@dot.ga.gov>; Niebauer, Parker J <PNiebauer@dot.ga.gov> **Cc:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Randi Doveton (CDI: Planning)

<rdoveton@hallcounty.org>

Subject: FW: Tentative Planning Agenda for April 3, 2023

Good morning,

It looks like we didn't receive comments on the items below from your department. Is there any?

Thank you,
Ana Dominguez
Planning Commission Clerk

Hall County Community Development and Infrastructure (770) 531-6810 | www.hallcounty.org



From: Anael Dominguez (Planning)
Sent: Thursday, March 9, 2023 9:29 AM

To: Becky Ruffner (Parks & Leisure)
 struffner@hallcounty.org>; Bill Nash (Public Works)
 struffner@hallcounty.org>; Bill (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>; jason dykes <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills (jeremy.wills@gainesvillega.gov) <jeremy.wills@gainesvillega.gov>; John Hornick (Fire Services) < jhornick@hallcounty.org; jpeevy jpeevy@dot.ga.gov; Karen Martinez (Public Works - Sewer) <kmartinez@hallcounty.org>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Michael Vieira (Fire Services) <mvieira@hallcounty.org>; Nick Swafford <NSwafford@gainesvillega.gov>; Nicole Griffin (Tax Assessors) <ngriffin@hallcounty.org>; Pam Cravero <Pam.Cravero@hallco.org>; PNiebauer <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett (Engineering) <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 Sutton (Engineering) <wsutton@hallcounty.org>; will schofield <will.schofield@hallco.org>

Subject: Tentative Planning Agenda for April 3, 2023

Good morning -

Here is the Tentative Agenda and Maps for the Monday, April 3rd, 2023 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 <u>Thursday</u>, <u>March 16th</u>. Email comments to Randi (<u>rdoveton@hallcounty.org</u>) and Ana (<u>adominguez@hallcounty.org</u>).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES - March 20, 2023

NEW BUSINESS

- 1. <u>5303 Browns Bridge | Use Subject to County Commission Approval | on a 1.04± acre tract located on the south side of Browns Bridge Road at its intersection with Whitmire Drive | Zoned H-B; Tax Parcel 08080 003018 | Proposed use: used auto/boat sales and repair | ** Commission District 2 | Ali Sadegh, applicant.</u>
- 2. <u>1563 Calvary Church Road | Rezone | Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road approximately 253 feet from its intersection with Calvary Industrial Drive; a.k.a. 1563 Calvary Church Road; Zoned I-II; Tax Parcel 15031 000097. | Proposed use: inert landfill | *** Commission District 4 | Southern Utility Group, applicant.</u>
- 3. Unnamed Road | Establish a Road Name | on the official Hall County road map from Unnamed to Old Lanier Islands Drive; being a ±0.40 mile section at the intersection of Big Creek Road and New Bethany Road, formally Lanier Islands Parkway prior to the realignment of SR 347 completed by GDOT | ** Commission District 2 | Planning Staff, applicant.
- 4. 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.

*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 Wednesday, May 10, 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 Wednesday, May 10, 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.

***The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, April 13, 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/.



POST OFFICE DRAWER 1435 GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

DIRECTOR Srikanth Yamala

PUBLIC WORKS AND UTILITIES DIRECTOR Bill Nash, P.E.

Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE PUBLIC WORKS AND UTILITIES

MEMORANDUM

To: Randi Doveton, Director of Planning and Development

From: Bill Nash, Director of Public Works and Utilities

Date: March 20, 2023

Subject: April 3rd, 2023 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the March 20, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

- 1. 5303 Browns Bridge Road | Use Subject to County Commission Approval | on a 1.04± acre tract located on the south side of Browns Bridge Road at its intersection with Whitmire Drive | Zoned H-B; Tax Parcel 08080 003018 | Proposed use: used auto/boat sales and repair | ** Commission District 2 | Ali Sadegh, 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 Commentc) Utilities: No Comment

- 2. 1563 Calvary Church Road | Use Subject to County Commission Approval | on a 12.76± acre tract located on the east side of Calvary Church Road approximately 253 feet from its intersection with Calvary Industrial Drive; a.k.a. 1563 Calvary Church Road; Zoned I-II; Tax Parcel 15031 000097. | Proposed use: inert landfill | *** Commission District 4 | Southern Utility Group, 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.

Confirm if any permits are required from GA EPD and/a any other regulating agencies.

b) Traffic: No Commentc) Utilities: No Comment

3. Unnamed Road | Establish a Road Name | on the official Hall County road map from Unnamed to Old Lanier Islands Drive; being a ±0.40 mile section at the intersection of Big Creek Road and New Bethany Road, formally Lanier Islands Parkway prior to the realignment of SR 347 completed by GDOT | ** Commission District 2 | Planning Staff, applicant.

a) Engineering: No commentb) Traffic: No commentc) Utilities: No comment

4. 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 commentb) Traffic: No Commentc) Utilities: No Comment

Anael Dominguez (CDI: Planning)

From: John Hornick (Fire Services)

Sent:Thursday, March 16, 2023 11:50 AMTo:Randi Doveton (CDI: Planning)Cc:Anael Dominguez (CDI: Planning)

Subject: Fire Comments

Monday, April 3rd, 2023 Hall County Planning Commission Meeting.

1. <u>1563 Calvary Church Road | Rezone | Use Subject to County Commission approval on a 12.76± acre tract located on the east side of Calvary Church Road approximately 253 feet from its intersection with Calvary Industrial Drive; a.k.a. 1563 Calvary Church Road; Zoned I-II; Tax Parcel 15031 000097. | Proposed use: inert landfill | *** Commission District 4 | Southern Utility Group, applicant.</u>

Hall County Fire 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







AGENDA ITEM

Planning and Development

REPORT TO: Work Session (04/10/23)

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 158/2023

SUBJECT: Public Hearing: Section 17.180 | Text Amendment | Proposed amendment to Section 17.180. A copy of the proposed amendment to Section 17.180.

amendment to Section 17.180. A copy of the proposed amendment is available from the Hall County Planning office | All Commission Districts |

Νo

Hall County Planning, applicant.

Meetings:

Work Session Date: 04/10/23 Voting Meeting Date: 04/13/23

Executive Summary:

Presenter: RD

Recommendation:

Approval

Purpose of Request: History:

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.

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.?

Has it been reviewed by the County Attorney? Yes

Is there a deadline for this item?

Approvals:

Submit	Approve	Budget	Finance
AD	RD	EW	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Board Memo
Recommendation Report
Resolution - Staff Recommended
Updated Resolution with Planning Commission Recommendations
Planning Commission Edits
Existing Language and Staff Proposed Edits



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE PLANNING AND DEVELOPMENT

To: Richard Higgins, Chairman

> Kathy Cooper, District 1 Commissioner Billy Powell, District 2 Commissioner Gregg Poole, District 3 Commissioner Jeff Stowe, District 4 Commissioner

POST OFFICE DRAWER 1435

GAINESVILLE, GA 30503

Randi Doveton, Planning and Development Director From:

April 4, 2023 Date: t: 770.531.6809 | f: 770.531.3902

> Subject: Section 17.180 | Text Amendment | Proposed

> > amendment to Section 17.180 | Hall County Planning,

applicant.

DIRECTOR Srikanth Yamala

PLANNING AND DEVELOPMENT DIRECTOR Randi Doveton

The request before you is the request of Hall County Planning for purpose of amending Section 17.180. This item is applicable to all Commission Districts.

At their April 3, 2023 meeting, the Hall County Planning Commission voted to recommend approval (4-0, Sosebee absent) with modifications. The modifications have been included in your packet.

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.

HALL COUNTY PLANNING COMMISSION RECOMMENDATION REPORT

Public Forum:

There were no comments in support or opposition.

Summary Analysis

Staff and legal have discovered areas of the Planned Residential Development regulations that were ambiguous and often contradictory to other portions of the regulations. This proposed amendment will correct those items.

When considering a text amendment, the Planning Commission must follow the same procedural guidelines as for a rezoning request (17.380.040), this includes public notice. The proposal was advertised in the Gainesville Times but since the proposal is not related to a specific parcel, no signs were posted.

The proposal is as follows:

- Section <u>17.180.010</u> (Planned Development District Intent) is hereby amended by deleting subsection (B) in its entirety and inserting in lieu thereof a new subsection (B) which provides as follows:
 - "B. This district is to be utilized as a "floating zone" which shall mean that areas will not be predesignated as planned development districts but rather each such designation shall result from a

- specific and separate application for amendment. Planned development districts are separate zoning districts and shall follow the same amendment procedures as other districts."
- Section <u>17.180.040</u> (Planned Development District Administrative procedures for planned development districts) is hereby amended by deleting Section <u>17.180.040</u> in its entirety and inserting in lieu thereof a new Section <u>17.180.040</u> which provides as follows:
 - "A. Any request pertaining to the establishment of a planned development district shall be administered and processed in accordance with the regulations set forth in chapter 17.380.
 - B. All data, plans, and specifications presented as part of the planned development district application shall, if approved, be the standards of development for that particular planned development, but only to the extent that they do not conflict with the provisions of the Code. To the extent that they conflict with the provisions of the Code, all data, plans, and specifications become the standards of development for that particular planned development only if they are set forth as a specific condition of zoning or approved as a zoning variance.
 - C. To the extent that the approved standards are consistent with the Code, set forth as specific conditions, or approved as a zoning variance, all further development on the property shall conform to the standards adopted for the district regardless of any change in ownership. Any proposed changes to those same approved standards must be considered in accordance with the procedures set forth in chapter 17.380. Appeals based upon hardship or an alleged misinterpretation of the ordinance by the building official shall be processed in accordance with the procedures set forth in chapter 2.40.

In no case shall the approved land uses be appealed.

D. The violation of any provision of the planned development standards as submitted and approved under the provisions herein shall constitute a violation of these regulations."

A new Section 17.180.042 (Planned Development District – Application) is hereby inserted into chapter
 17.180 immediately following Section 17.180.040 which provides as follows:

"A. Submission of application. Any application for a planned development district shall be submitted to the Planning Commission through its Planning Director or other designated staff member. B. General requirements.

1. All applications for zoning of property to a planned development district must conform to all requirements of chapter 17.380 except as may otherwise be required by this section. All applications that do not comply with the requirements of chapter 17.380 shall be returned to the applicant unfiled with notice of the deficiency or deficiencies.

2. No application to rezone property to a planned development district shall be accepted until after a pre-application meeting is held between the applicant, appropriate staff of the Planning Department, appropriate staff of the Public Works

Department, and any other applicable local or state agencies."

4. The remaining provisions of Title 17 (Zoning Regulations) of the Hall County Code of Ordinances shall remain as they were, unchanged by this amendment.

Excerpts from the minutes of the April 3, 2023 meeting

Applicant's Presentation:

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

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated that concerns with the amendments were addressed and discussed with staff. Mr. Braswell stated that the code sections would be voted on separately. Mr. Braswell discussed edits made with staff.

<u>Motion:</u> A motion to approve 17.180.010 was made by Ms. Pilcher and seconded by Mr. Varner. Vote: 4-0 (Sosebee absent)

<u>Motion:</u> A motion to approve 17.180.040 was made by Ms. Pilcher and seconded by Mr. Varner. Vote: 4-0 (Sosebee absent)

<u>Motion:</u> A motion to approve 17.180.042 was made by Ms. Pilcher and seconded by Mr. Hunt. Vote: 4-0 (Sosebee absent)

A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY WITH REGARD TO ZONING REGULATIONS

WHEREAS, Hall County has developed comprehensive regulations governing zoning and development in the County found in Title 17 of the Official Code of Hall County, Georgia; and

WHEREAS, the County's Board of Commissioners wishes to alter current regulations to clarify the Code provisions relating to Planned Development Districts so as to provide clearer guidance regarding compliance with the Code in such districts; and

WHEREAS, the County's Board of Commissioners wishes to clarify the administrative procedures relating to Planned Residential Districts and clarify the Code requirements for Planned Residential District applications; and

WHEREAS, the County's Board of Commissioners believes that these changes to its zoning and development regulations as described herein are in the best interests of residents and businesses of Hall County, Georgia, and would promote the public health, safety, and general welfare of such residents and businesses.

NOW, THEREFORE, the Board of Commissioners does hereby amend The Official Code of Hall County, Georgia as follows:

1.

Section 17.180.010 (Planned Development District - Intent) is hereby amended by deleting subsection (B) in its entirety and inserting in lieu thereof a new subsection (B) which provides as follows:

"B. This district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. Planned development districts are separate zoning districts and shall follow the same amendment procedures as other districts."

2.

Section 17.180.040 (Planned Development District – Administrative procedures for planned development districts) is hereby amended by deleting Section 17.180.040 in its entirety and inserting in lieu thereof a new Section 17.180.040 which provides as follows:

- "A. Any request pertaining to the establishment of a planned development district shall be administered and processed in accordance with the regulations set forth in chapter 17.380.
- B. All data, plans, and specifications presented as part of the planned development district application shall, if approved, be the standards of development for that particular planned development, but only to the extent that they do not conflict with the provisions of the Code. To the extent that they conflict with the provisions of the Code, all data, plans, and specifications become the standards of development for that particular planned development only if they are set forth as a specific condition of zoning or approved as a zoning variance.
- C. To the extent that the approved standards are consistent with the Code, set forth as specific conditions, or approved as a zoning variance, all further development on the property shall conform to the standards adopted for the district regardless of any change in ownership. Any proposed changes to those same approved standards must be considered in accordance with the procedures set forth in chapter 17.380. Appeals based upon hardship or an alleged misinterpretation of the ordinance by the building official shall be processed in accordance with the procedures set forth in chapter 2.40. In no case shall the approved land uses be appealed.

D. The violation of any provision of the planned development standards as submitted and approved under the provisions herein shall constitute a violation of these regulations."

3.

A new Section 17.180.042 (Planned Development District – Application) is hereby inserted into chapter 17.180 immediately following Section 17.180.040 which provides as follows:

"A. *Submission of application*. Any application for a planned development district shall be submitted to the Planning Commission through its Planning Director or other designated staff member.

B. *General requirements.*

- 1. All applications for zoning of property to a planned development district must conform to all requirements of chapter 17.380 except as may otherwise be required by this section. All applications that do not comply with the requirements of chapter 17.380 shall be returned to the applicant unfiled with notice of the deficiency or deficiencies.
- 2. No application to rezone property to a planned development district shall be accepted until after a pre-application meeting is held between the applicant, appropriate staff of the Planning Department, appropriate staff of the Public Works Department, and any other applicable local or state agencies."

4.

The remaining provisions of Title 17 (Zoning Regulations) of the Hall County Code of Ordinances shall remain as they were, unchanged by this amendment.

SO RESOLVED , this the _	day of	, 2023.
	HALL COUNTY BO	OARD OF COMMISSIONERS
	By:Richard Higgir	ns, Chairman
ATTEST:		
Jennifer Rivera, County Clerk	aL)	

APPROVED AS TO FORM:

County Attorney

A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY WITH REGARD TO ZONING REGULATIONS

WHEREAS, Hall County has developed comprehensive regulations governing zoning and development in the County found in Title 17 of the Official Code of Hall County, Georgia; and

WHEREAS, the County's Board of Commissioners wishes to alter current regulations to clarify the Code provisions relating to Planned Development Districts so as to provide clearer guidance regarding compliance with the Code in such districts; and

WHEREAS, the County's Board of Commissioners wishes to clarify the administrative procedures relating to Planned Residential Districts and clarify the Code requirements for Planned Residential District applications; and

WHEREAS, the County's Board of Commissioners believes that these changes to its zoning and development regulations as described herein are in the best interests of residents and businesses of Hall County, Georgia, and would promote the public health, safety, and general welfare of such residents and businesses.

NOW, THEREFORE, the Board of Commissioners does hereby amend The Official Code of Hall County, Georgia as follows:

1.

Section 17.180.010 (Planned Development District - Intent) is hereby amended by deleting subsection (B) in its entirety and inserting in lieu thereof a new subsection (B) which provides as follows:

"B. This district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. Planned development districts are separate zoning districts and shall follow the same amendment procedures as other districts. The standards of development for a particular application (which includes all data, plans, specifications and land uses) shall be set forth in specific zoning conditions and/or variances and/or conditional uses, if approved."

2.

Section 17.180.040 (Planned Development District – Administrative procedures for planned development districts) is hereby amended by deleting Section 17.180.040 in its entirety and inserting in lieu thereof a new Section 17.180.040 which provides as follows:

- "A. Any request pertaining to the establishment of a planned development district shall be administered and processed in accordance with the regulations set forth in chapter 17.380.
- B. All data, plans and specifications presented as part of the planned development district application shall, if approved, be the standards of development for that particular planned development, but only to the extent that they do not conflict with provisions of the Code. To the extent that they conflict with the provision of the Code, all data, plans, and specifications become the standards of the development for that particular planned development only if they are set forth as a specific condition of zoning or approved as a zoning variance and /or conditional use.

- C. To the extent that the approved standards of development are consistent or inconsistent with the Code, as noted in the above Paragraph "B" above, and set forth a specific conditions, or approved as a zoning variance and /or conditional use, all further development on the property shall conform to the standards adopted for the district regardless of any change in ownership. Any proposed changes to those same approved standards of development must be considered in accordance with the procedures set forth in chapter 17.380. Appeals based upon hardship or an alleged misinterpretation of the ordinance (this title) by the building official shall be processed in accordance with procedures set forth in chapter 2.40. In no case shall the approved land uses be appealed.
- D. The violation of any provision of the planned development standards as submitted and approved under the provisions herein shall constitute a violation of these regulations.

3.

A new Section 17.180.042 (Planned Development District – Application) is hereby inserted into chapter 17.180 immediately following Section 17.180.040 which provides as follows:

- "A. Submission of Application. Any application for a planned development district shall conform to all requirements of chapter 17.380 except as may otherwise be required in this section. All applications that do not comply with the requirements of chapter 17.380 shall be returned to the applicant unfiled with notice of the deficiencies.
- B. General Requirements
- 1. All applications for zoning of property to a planned development district must conform to all requirements of chapter 17.380 except as may otherwise be required in this section. All applications that do not comply with the requirements of chapter 17.380 shall be returned to the applicant unfiled with notice of the deficiency or deficiencies.

2. No application to rezone property (20 acres or more) to a planned development district shall be accepted until after a pre-application meeting is held between the applicant, appropriate staff of the Planning Department, appropriate staff of Public Works Department, or any other applicable local or state agencies. Once a pre-application meeting is requested by the applicant, staff shall schedule it within ten (10) business days. Failure to meet this timeline requirement by staff would negate the pre-application meeting requirement. " 4. The remaining provisions of Title 17 (Zoning Regulations) of the Hall County Code of Ordinances shall remain as they were, unchanged by this amendment. **SO RESOLVED**, this the ______ day of _______, 2023. HALL COUNTY BOARD OF COMMISSIONERS By: __ Richard Higgins, Chairman ATTEST: _(SEAL) Jennifer Rivera, County Clerk APPROVED AS TO FORM: County Attorney

Edits 2/29/23 _Orange Highlight: Deleted

17.180.010 - Intent

A. It is the intent of this district to permit and encourage the development of property which would:

- 1. Allow greater flexibility with respect to development standards and site planning considerations;
- 2. Be in the best interest of Hall County in terms of its long range development plans; and
- 3. Permit the establishment or mixture of uses which without proper design and planning might not be compatible with surrounding uses or zoning districts.

B. This district is to be utilized as a "floating zone" which shall mean that areas will not be predesignated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. Planned development districts are separate zoning districts and shall follow the same amendment procedures as other districts. Unless otherwise stated in this section, the development standards and the land uses which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning regulations.

The standards of development for a particular application (which shall mean to includes all data, plans, specifications and land uses) shall be set forth in specific zoning conditions and/or variances and/or conditional uses, if approved.

No Edits 2/29/23

17.180.040 - Administrative procedures for planned development districts.

A. Any request pertaining to the establishment of a planned development district shall be considered an amendment to the zoning regulations and shall be administered and processed in accordance with the regulations set forth in chapter 17.380.

B. All data, plans and specifications presented as part of the planned development district application shall, if approved, be adopted as an amendment to the zoning regulations and shall be the standards of development for that particular planned development., but only to the extent that they do not conflict with provisions of the Code. To the extent that they conflict with the provisions of the Code, all data, plans, and specifications become the standards of the development for that particular planned development only if they are set forth as a specific condition of zoning or approved as a zoning variance and / or conditional use.

C. All further development on the property shall conform to the standards adopted for the district regardless of any change in ownership. To the extent that the approved standards of development are consistent or inconsistent with the Code, as noted in the above Paragraph "B" above, and set forth as specific conditions, or approved as a zoning variance and / or conditional use, all further development on the property shall conform to the standards adopted for the district regardless of any change in ownership. Any proposed changes to the those same approved standards of development shall be treated as amendments to the zoning regulations and must be considered in accordance with the procedures set forth in chapter 17.380. Appeals based upon hardship or an alleged misinterpretation of the ordinance (this title) by the building official shall be processed in accordance with procedures set forth in chapter 2.40. In no case shall the approved land uses be appealed.

D. The violation of any provision of the planned development standards as submitted and approved under the provisions herein shall constitute a violation of these regulations.

Edits 2/29/23

Dange Highlights: Deleted

Green Highlights: Added

A new Section 17.180.042 (Planned Development District – Application) is hereby inserted into chapter 17.180 immediately following Section 17.180.040 which provides as follows:

- A. <u>Submission of Application</u>. Any application for a planned development district shall conform to Section 17.380.010. General Procedures be submitted to the Planning Commission through its Planning Director or other designated staff member.

 See Chapter 17.380.010 "General Procedures"
- B. General Requirements.
- 1. All applications for zoning of property to a planned development district must conform to all requirements of chapter 17.380 except as may otherwise be required in this section. All applications that do not comply with the requirements of chapter 17.380 shall be returned to the applicant unfiled with notice of the deficiency or deficiencies.

See Chapter 17.380.010 "Submission Requirements"

2. No application to rezone property (20 acres or more) to a planned development district shall be accepted until after a pre-application meeting is held between the applicant, appropriate staff of the Planning Department, appropriate staff of Public Works Department, and or any other applicable local or state agencies. Once a pre-application meeting is requested by the applicant, staff shall schedule it within ten-

Fdits 2/29/23

(10) business days. Failure to meet this timeline by staff would negate the pre-

What about a timeframe that Staff is required to meet with an Applicant?

- Three Amendments to Hall County Zoning Code dealing with Planned Development districts found in Chapter 17.180 Requires approval of Planning Commission and Board of Commissioners
- Corresponding amendment to one Code section in the Hall County Subdivisions
 Code found in Chapter 16.50- Requires approval of Board of Commissioners only
- Language below with a strikethrough will be deleted and language displayed in bold blue is being inserted.

1. Section 17.180.010 (B)

a. Existing Language

This district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. Planned development districts are separate zoning districts and shall follow the same amendment procedures as other districts. Unless otherwise stated in this section, the development standards and the land uses which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning regulations.

b. Proposed Language

This district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. Planned development districts are separate zoning districts and shall follow the same amendment procedures as other districts. Unless otherwise stated in this section, the development standards and the land uses which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning regulations.

c. Reason – Language is improper and duplicative of 17.180.040 (B).

2. Section 17.180.040

a. Existing Language

A. Any request pertaining to the establishment of a planned development district shall be considered an amendment to the zoning regulations and shall be administered and processed in accordance with the regulations set forth in chapter 17.380.

- B. All data, plans and specifications presented as part of the planned development district shall, if approved, be adopted as an amendment to the zoning regulations and shall be the standards of development for that particular planned development.
- C. All further development on the property shall conform to the standards adopted for the district regardless of any change in ownership. Any proposed changes to the

approved standards shall be treated as amendments to the zoning regulations and must be considered in accordance with the procedures set forth in chapter 17.380. Appeals based upon hardship or an alleged misinterpretation of the ordinance by the building official shall be processed in accordance with procedures set forth in chapter 2.40. In no case shall the approved land uses be appealed.

D. The violation of any provision of the planned development standards as submitted and approved under the provisions herein shall constitute a violation of these regulations.

b. Proposed Language

- A. Any request pertaining to the establishment of a planned development district shall be considered an amendment to the zoning regulations and shall be administered and processed in accordance with the regulations set forth in chapter 17.380.
- B. All data, plans and specifications presented as part of the planned development district application shall, if approved, be adopted as an amendment to the zoning regulations and shall be the standards of development for that particular planned development, but only to the extent that they do not conflict with the provisions of the Code, all data, plans, and specifications become the standards of development for that particular planned development only if they are set forth as a specific condition of zoning or approved as a zoning variance.
- C. To the extent that the approved standards are consistent with the Code, set forth as specific conditions, or approved as a zoning variance, all further development on the property shall conform to the standards adopted for the district regardless of any change in ownership. Any proposed changes to those same the approved standards shall be treated as amendments to the zoning regulations and must be considered in accordance with the procedures set forth in chapter 17.380. Appeals based upon hardship or an alleged misinterpretation of the ordinance by the building official shall be processed in accordance with the procedures set forth in chapter 2.40. In no case shall the approved land uses be appealed.
- D. The violation of any provision of the planned development standards as submitted and approved under the provisions herein shall constitute a violation of these regulations.

3. Section 17.180.0402 – A new section which shall read as follows:

A. Submission of application. Any application for a planned development district shall be submitted to the Planning Commission through its Planning Director or other designated staff member.

B. General requirements.

1. All applications for zoning of property to a planned development district must conform to all requirements of chapter 17.380 except as may otherwise be required by this section. All applications that do not comply with the

requirements of chapter 17.380 shall be returned to the applicant unfiled with notice of the deficiency or deficiencies.

2. No application to rezone property to a planned development district shall be accepted until after a pre-application meeting is held between the applicant, appropriate staff of the Planning Department, appropriate staff of the Public Works Department, and any other applicable local or state agencies.

Proposed amendment to Section 16.50.150 does not require Planning Commission review but is as listed below for your reference.

16.50.150 – Alternate design standards.

a. Existing Language

Alternate design standards for subdivision streets shall be considered only in planned residential developments. Each alternate design must be justified in writing by the registered engineer, surveyor or landscape architect.

b. Proposed language

Alternate design standards for subdivision streets shall be considered only in planned residential developments. Any deviation in street design in a planned residential development from the standards set forth generally in the Hall County Code shall require approval of a variance from the Hall County Board of Commissioners for the specific deviant standard. The variance request shall be justified in writing by the applicant and must meet the requirements of chapter 17.180.



AGENDA ITEM

Planning and Development

REPORT TO: Work Session (04/10/23)

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 186/2023

Approval and authorization for the Chairman to execute a resolution to **SUBJECT:**

amend the Hall County Code of Ordinances Section 16.50.150 relating to subdivision regulations, subject to review and approval by County Attorney.

Meetings:

Work Session Date: Voting Meeting Date: 04/10/23 04/13/23

Executive Summary:

Presenter: RD

Recommendation:

Approval.

History: **Purpose of Request:**

Sections 16.50.150 | Text Amendment | Proposed amendment to Section 16.50.150. A copy of the proposed amendment is available from the Hall County Planning office | All Commission Districts | Hall County Planning, 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,

Yes Agreement, etc.?

Has it been reviewed by the County Attorney? Yes

Is there a deadline for this item?

Approvals:

Submit	Approve	Budget	Finance
AD	RD	EW	WG
Attorney	Admini	stration	Clerk

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Resolution

A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY WITH REGARD TO SUBDIVISION REGULATIONS

WHEREAS, Hall County has developed comprehensive regulations governing subdivisions in the County found in Title 16 of the Official Code of Hall County, Georgia; and

WHEREAS, Hall County has amended its zoning and development regulations governing Planned Development Districts found in Title 17 of the Official Code of Hall County, Georgia; and

WHEREAS, the County's Board of Commissioners wishes to alter the County's subdivision regulations, and particular its ordinance relating to alternate design standards, so as to make them consistent with the recent amendments to its zoning and development regulations governing Planned Development Districts; and

WHEREAS, the County's Board of Commissioners believes that these changes to its subdivision regulations as described herein are in the best interests of residents and businesses of Hall County, Georgia, and would promote the public health, safety, and general welfare of such residents and businesses.

NOW, THEREFORE, the Board of Commissioners does hereby amend The Official Code of Hall County, Georgia as follows:

1.

Section 16.50.150 (Subdivisions – Alternate design standards) is hereby amended by deleting Section 16.50.150 in its entirety and inserting in lieu thereof a new Section 16.50.150 which provides as follows:

"Alternate design standards for subdivision streets shall be considered only in planned residential developments. Any deviation in street design in a planned residential development from the standards set forth generally in the Hall County Code shall require approval of a variance from the Hall County Board of Commissioners for the specific deviant standard. The variance request shall be justified in writing by the applicant, and must meet the requirements of chapter 17.180."

2.

The remaining provisions of Title 16 (Subdivisions) of the Hall County Code of Ordinances shall remain as they were, unchanged by this amendment.

SO RESOLVED , this the		lay of		, 2023.	
	HAL	L COUNT	Y BOARI	OF COMMISS	SIONERS
	Ву: _	Richard	Higgins, Cl	nairman	
ATTEST:					
Jennifer Rivera, County Clerk	L)				
APPROVED AS TO FORM:					

County Attorney



AGENDA ITEM

Public Works and Utilities

Work Session (04/10/23)

REPORT TO:

REPORT TO:	Voting Meeting (04/13/23)		
ITEM NO:	159/2023		
SUBJECT:	Approve Change Order #1 to Task Order #2022-034 under RFP/Q #42-002 Demand Services for Resurfacing, Paving, and Full Depth Reclamation of Various County Roads for the FY 2023 Resurfacing Program for Public Works & Utilities to Allied Paving Contractors, Inc. of Pendergrass, GA. The estimated cost is \$3,147,887.31.		
Meetings:			
Work Session Date: 04	/10/23	Voting Meeting Date: 04/13/23	
Executive Summary:			
Presenter: Recommendation: Approve.		BN	
Purpose of Request: Approve Change Order #1 to Task Ord Works and Utilities under RFP/Q #42-(Resurfacing, Paving, and Full Depth Red roads for FY 2023 resurfacing program Inc. of Pendergrass, GA, in the estimate	2002 Demand Services for clamation of various county to Allied Paving Contractors,	History: Public Works is utilizing the on-demand vendor pool from RFP/Q # 002 Demand Services for Resurfacing, Paving, and Full Depth Reclamation contract. The original Task award that FY 2023 was approved by the Board of Commissioners on July 28, 2022.	42-
Facts and Issues:		Options:	

The requested change order is to increase the previously issued PO #433038 to add 7.07 miles of road resurfacing to the FY 2023 annual resurfacing contract. This will increase the total resurfacing mileage for FY23 to 30.638 miles from the original 23.568-mile PO.

A mid-year budget adjustment was approved to provide additional FY 2023 SPLOST VIII funds.

Funding Requested \$ 3,147,887.31

Are funds within current budget? Yes

Source of Funds SPLOST VIII

Does the action involve a Resolution, Ordinance, Contract,

Agreement, etc.?

Has it been reviewed by the County Attorney? Yes

Is there a deadline for this item? 2023-03-20

Approvals:

Buyer	Submit	Approve	Purchasing	
AP	BN	BN	AP	
Budget	Finance	Attorney	Administration	
EW	WG	WLI	CR	
Clerk				
JR				

Yes

Attachments:

Financial Supplement RFQ/P #42-002 On-Demand Contract Additional Roads to be Resurfaced List Original PO# 433038



HALL COUNTY BOARD OF COMMISSIONERS FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 159/2023

Funds Requested: \$ 3,147,887.31 **Request Budgeted:** Yes

Proposed Source of Funding: Budget Transfer Requested:

SPLOST VIII No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	028 - SPLOST VIII	1820 - SP-VIII - RESURFACING	5009 - INFRASTRUCTURE	\$3,147,887.31

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: BN Phone: 770 531-6800

Hall County Financial Services

SIGNATURE REQ	UEST ROUTE SHEET
Document name: D.S. for Rosu:	Arcing, Paving & Full Josth Rock
Date: 8-11-21	Due date: RSAP
Has this document been approved by the Board of Cor	nmissioners? Yes No Blazzon
Date of voting meeting: 8-26-21	Agenda Item No: #445 W.5 Zach
DOCUMENT T	YPE (SELECT BELOW):
Financial Report	Grant Application
Purchasing Contract	Grant Drawdown/Reimbursement
Purchasing Letter to Proceed	Grant Financial Report
MOU/MOA	Grant Progress Report
Official Letter/Correspondence	Miscellaneous
PREPARER REVIEW SECTION	N (must be completed by preparer)
1) Reviewed document	*If no, state explanation:
Yes No	
2) Reviewed all budget/financial information	
Yes No	
3) County Attorney review/approval	
Yes No	
SPECIAL INSTRUCTIONS (must be completed by preparer)
	*Additional instructions:
1) Does this need to be notarized?	Additional Instructions:
Yes No 2) Does this require a witness?	
Yes No	
<u> </u>	
10 0 11 0	. (initial and date)
Prepared by: 811-21	Notarized by: R. 8.26202
Reviewed by: 08-12-21	Witnessed by: 11 2021
2nd Review by: M5 08-19-20	
Routed to Admin: 10000 00 19 202	Routed to FS:



Hall County Government FINANCIAL SERVICES

CONTRACT EXECUTION SIGNATURE REQUEST

POST OFFICE DRAWER 1435	Date: 8/18/2021				
GAINESVILLE, GA 30503	To: Dena Boste	n, Financial Services Director			
	From: Debra How	ngton, Buyer			
t: 770.535.8288 f: 770.531.3972 DIRECTOR	Your signature is req documents for:	uested to execute the attached bid	l/contract award		
Dena Bosten, C.P.A.	Bid/Contract No: 42-002 – new contract				
	Bid/Contract Name: Depth Reclamation	Demand Services for Resurfacing	g, Paving and Full		
	Department(s) Requ	esting Contract: Public Works &	Utilities		
	Award Recipient Nan	ne: Pittman Construction Compa	any		
	Date of BOC Approv	al: 8/26/2021			
	Contract Description:	Resurfacing, Paving & Full Depth	Reclamation		
		⊠ New □ Renewal			
	Prior Year's Spend:	\$5,375,104.52 with prior vendo	r for FY21		
	☐ Price Increase Re	equested Increase Percentage	e: 0.0%		
	□ Project/Service C	contract Awarded Amount:	Annual Contract		
	☐ Product Contract	Awarded Amount:	\$0.00		
	Comments:				
	Reviewed and Appro	ved by:			
	36	Denon	When		
	Math Shiver Purchasing Manager	Dena Bosten Financial Service	es Director		

CONTRACT EXECUTION SIGNATURE REQUEST PRICE INCREASE DETAILS

Bid/Contract No:

42-002

Bid/Contract Name: Demand Services Contract for Resurfacing, Paving and Full Depth Reclamation. This is year 1 of 5 years for this service contract. This bid consist of a vendor pool of two (2) vendors: Allied Paving and Pittman Construction. C.W. Matthews was extended the opportunity to be a part of the vendor pool and they declined. Allied Paving Contractors, Inc. had this bid last year and the total spend for FY21 was \$5,375,104.52.

COUNTY OF HALL

Demand Services for Resurfacing, Paving and Full Depth Reclamation

This agreement, made and entered into this the 26th. day of August, 2021, by and between the Board of Commissioners of Hall County, Georgia (Hereinafter referred to as "County") and Pittman Construction Company, 1487 Farmer Road, Conyers, GA 30012 (hereafter referred to as "Contractor").

Witnessed:

Whereas, the County intends to contract to provide for **Resurfacing**, **Paving and Full Depth Reclamation** per RFQ/P #42-002, herein referred to as the "Project" and has entered into an agreement for the necessary services provided by the project and whereas, the Contractor desires to perform the project and for the contract costs as detailed.

Hall County's RFQ/P issued on July 1, 2021, the Bidder's response (All originals are on file in the Hall County Purchasing Department, 2875 Browns Bridge Rd 4th Floor - Purchasing, Gainesville, Georgia 30504), and this contract are all incorporated into and made a part of this agreement by reference.

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. It is hereby declared to be the intent of the parties to this agreement to provide for separate and divisible parts, and to hereby adopt any and all parts hereof as may not be held invalid for any reason.

In witness whereof, the parties hereto have hereunto set their hands and affixed their seals the day and year

Subscribed and sworn to in our presence

Hall County, Georgia

Hall County, Georgia

By:

Richard Higgins, Chairman
Hall County Board of Commissioners

Subscribed and sworn to in our presence

Pittman Construction Company

this 18 day of 4uc, 202

LOR 8

Notary Comm. Exp.

Louie A. Pittman, III

President



Hall County Government FINANCIAL SERVICES

CONTRACT EXECUTION SIGNATURE REQUEST

POST OFFICE DRAWER 1435	Date:	8/18/2021						
GAINESVILLE, GA 30503	To:	Dena Boste	n, Financial	Services Director				
	From:	Debra How	Howington, Buyer					
t: 770.535.8288 f: 770.531.3972	Your sig	1	uested to ex	ecute the attached bid	d/contract award			
DIRECTOR Dena Bosten, C.P.A.	Bid/Cor	tract No: 42-	002 – new c	ontract				
		tract Name: teclamation	Demand Se	ervices for Resurfacin	g, Paving and Full			
	Departr	nent(s) Requ	esting Contra	act: Public Works &	Utilities			
	Award F	Recipient Nar	ne: Allied I	Paving Contractors, Ir	nc.			
	Date of	BOC Approv	al: 8/26/2	021				
	Contrac	t Description:	Resurfacing	g, Paving & Full Depth	Reclamation			
	⊠ Ann	ual Contract	⊠ N	ew 🗌 Renewal				
	Prior Ye	ar's Spend:	\$5,375,10	04.52 with prior vendo	or for FY21			
	☐ Pric	e Increase Re	equested	Increase Percentag	e: 0.0%			
	⊠ Proj	ect/Service C	ontract	Awarded Amount:	Annual Contract			
	☐ Pro	luct Contract		Awarded Amount:	\$0.00			
	Comme	nts:						
	Review	ed and Appro	ved by:					
	S	<		Dennil	217			
		iver		Dena Bosten	/W WU			
	Purchas	sing Manager		Financial Servic	es Director			

CONTRACT EXECUTION SIGNATURE REQUEST PRICE INCREASE DETAILS

Bid/Contract No:

42-002

Bid/Contract Name: Demand Services Contract for Resurfacing, Paving and Full Depth Reclamation. This is year 1 of 5 years for this service contract. This bid consist of a vendor pool of two (2) vendors: Allied Paving and Pittman Construction. C.W. Matthews was extended the opportunity to be a part of the vendor pool and they declined. Allied Paving Contractors, Inc. had this bid last year and the total spend for FY21 was \$5,375,104.52.

HALL COUNTY

Hall County Government

FINANCIAL SERVICES

August 18, 2021

POST OFFICE DRAWER 1435 GAINESVILLE, GA 30503

Allied Paving Contractors Inc.

P.O. Box 509

Pendergrass, GA 30567

Attn: John McLean, President

t: 770.535.8288 | f: 770.531.3972

Subject: RFQ/P 42-002 - Demand Services for Resurfacing, Paving & Full Depth

Reclamation

DIRECTOR

Dena Bosten, C.P.A.

Notice of Intent to Award

Dear John,

This letter will serve as your Notice of Intent to Award (NOIA) for <u>RFQ/P 42-002 – Demand Services for Resurfacing, Paving & Full Depth Reclamation.</u> This NOIA and contract shall supersede all prior contracts or agreements between the County and your entity for the services that are provided within connection of the contract.

You are requested to furnish Hall County the following listed documents by Friday, August 20, 2021:

1. Executed Contract Documents

Please email me the executed copy by Friday, August 20, 2021. Please do not fax the documents back. The County will execute and return one (1) dually executed copy to you.

A Notice to Proceed will be issued after receipt of the above name documents and approval by the Hall County Board of Commissioners. This contract will become effective upon dual execution of the contract.

Sincerely,

Debra Howington

Buyer

Cc: Contract

Demand Services for Resurfacing, Paving and Full Depth Reclamation

This agreement, made and entered into this the 26th. day of August, 2021, by and between the Board of Commissioners of Hall County, Georgia (Hereinafter referred to as "County") and Allied Paving Contractors, Inc., P. O. Box 509, Pendergrass, GA 30567 hereafter referred to as "Contractor").

Witnessed:

Whereas, the County intends to contract to provide for **Resurfacing**, **Paving and Full Depth Reclamation** per RFQ/P #42-002, herein referred to as the "Project" and has entered into an agreement for the necessary services provided by the project and whereas, the Contractor desires to perform the project and for the contract costs as detailed.

Hall County's RFQ/P issued on July 1, 2021, the Bidder's response (All originals are on file in the Hall County Purchasing Department, 2875 Browns Bridge Rd 4th Floor - Purchasing, Gainesville, Georgia 30504), and this contract are all incorporated into and made a part of this agreement by reference.

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In witness whereof, the parties hereto have hereunto set their hands and affixed their seals the day and year first above written.

Subscribed and sworn to in our presence.	
this 24 day of hour fresence History, Georgia	
By: 136 A D to The NOTAB BY: MILE AND BY:	
Richard Higgins, Chairman	
Hall County Board of Commissioners	
Notary Comm. Exp.	
Subscribed and sworn to in our presence //////////	
this // the day of AvgvS1, 20241 SUN Hilling Allied Paving Contractors, Inc.	
The mission of the state of the	
By: With So Hall & NOTARY 9	
A POBLIC STATE	
Notary Comm. Exp. By: John McLean	_
President	

Cone of Silence

RFP# 42-002

To ensure fair consideration is given for all Solicitations, it must be clearly understood that upon release of the Solicitation and during the Solicitation process, firms and their employees, subcontractors, as well as paid or unpaid personnel acting on their behalf shall not contact or participate in any type of contact with County employees, department heads or elected officials, up to and including the County Administrator and Board of Commissioners. The "Cone of Silence" is in effect for this Solicitation from the date it is publicly advertised, until the time an award decision has been approved by the Board of Commissioners and fully executed by all parties. Contact with anyone other than the Issuing Officer may result in the vendor being disqualified. All contact must be coordinated through Debra Howington Issuing Officer, for the procurement of these products and/or services.

All	questions	regarding	this	Solicitation	are	to	be	subn	nitted	in	writing	to
Debra H	Howington ,	Senior Buyer		, with th	ne Co	unty's	Purch	nasing	Depar	tment	via e-mai	7
jdorougl	h@hallcounty.org	Please	reference	e the Solicita	tion nu	ımber (on all d	correspo	ndence	to the	County.	Any
oral co	ommunications	shall be cons	idered ι	ınofficial and	non-bin	ding.						

Only written responses to written communication shall be considered official and binding upon the County. The County reserves the right, at its sole discretion, to determine appropriate and adequate responses to the written comments, questions, and requests for clarification.

I understand and shall fully comply with the above requirements.

Typed Name: Job	ur McLean /	
Signed:	ADVIV	
Company and Jol	b Title: President - Allied Paving Contractors, Inc.	
Date: 8/11/2021		

RFQ/P #42-002 Demand Services for Resurfacing, Paving & Full Depth Reclamation VCC 913-71, 82, 95

COMPANY NAME	MAILING ADDRESS 1	MAILING ADDRESS 2	CITY	STATE	ZIP
Advanced Asphalt Coating, Inc.	1195 Winterville Road		Athens	GA	30605
Advanced Paving & sSeal Costing, Inc.	4251 Magnum Mill Road		Gainesville	GA	30507
All Star Innovations, LLC	3715 Northcrest Road		Attenta	GA	30340
Allied Paving Contractors, Inc.	132 Belk Road	P.O. Box 509	Pendergrass	GA	30567
Attanta Paving and Concrete	2775 Mechanicsville Road		Peachtree Corners	GA	30071
Baldwin Paving Company	1014 Kenmili Drive	ľ	Marietta	GA	30060
Batson Cook Company	300 Gaileria Pkwy., SE	SUITE 1600	Atlenta	GA	30339
Bartow Paving	1055 Rowland Springs Rd.	P.O. Bax 2045	Cartersville	GA	30120
BCB Construction, Inc.	1665 Patrick Mill Place		Buford	GA	30518
Colditz Trucking, Inc.	191 Bill Donaldson Road		Blairsville	GA	30512
Cooper & Company G.C., Inc.	2665 Pine Grove Road	Suite 100	Cumming	GA	30041
Dykes Paving & Construction Co., Inc.	2775 Mechanicsville Road		Peachtree Corners	GA	30071
Federal Construction	526 Pearl Nix Pkwy., SW	Suite 200	Gainesville	GA	30501
Garrett Paving Company	1195 Winterville Road		Athens	GA	30605
Georgia Paving Inc.	3625 Buford Hwy.		Duluth	GA	30096
Joe N. Guy Company, Inc.	2028 Powers Ferry Road	Suite 280	Atlanta	GA	30339
Hamilton Contracting	8888 Oliver Mill Road		Luia	GA	30554
Higgins Construction	P.O. Bax 169		Cornelia	GA	30531
Holcomb Paving Inc.	517 Camp Creek Road		Comeila	GA	30531
J.A. Long, Inc.	P.O. Box 1810		Fortson	GA	31808
Magnum Paving LLC	140 Baker Industrial Court		Viila Rica	GA	30180
C.W. Matthews Contracting Co., Inc.	1600 Kenvlew Drive	P.O. Drawer 970	Marietta	GA	30061
Mike's Asphalt and Sealcoating	135 Cindy Parkway		Cleveland	GA	30528
Navigators Construction, Inc.	2825 Piedmont Road	Suite 104	Atlanta	GA	30324
Pittman Construction Co.	1487 Farmer Road	P.O. Box 155	Conyers	GA	30012
PKS Paving	7026 S. Sweetwater Road		Lithia Springs	GA	30122
Ryals Brothers LLC	P.O. Box 908822		Gainesville	GA	30501
Johnny Sandovall Paving	1657 Calvary Church Road		Gainesville	GA	30507
SCC Asphalt Surfaces	8947 Forrester Road		Lula	GA	30554
Shepco Paving Inc.	4080 McGinnis Ferry Road	Suite 203	Alpharetta	GA	30005
Simpson Trucking and Grading	1384 Candler Road		Gainesville	GA	30507
E.R. Snell Contractors, Inc.	P.O. Box 306		Snellville	GA	30278
SOL Construction, LLC	4120 Presidential Pkwy	Suite 115	Attenta	GA	30340
Southeast Culvert, Inc.	P. O. Box 999		Aubum	GA	30011
Stewart Brothers	2480 Pleasantdele Road		Doravillo	GA	30340
Strickland & Sons Pipeline	1551 Fullenwider Road		Gainesville	GA	30507
Swofford Construction, Inc.	6630 Oak Ridge Commence Way		Austeil	GA	30158
Tomal Corp.	4578 Lewis Road		Stone Mt.	GA	30083
Tover Construction Concrete Wall, LLC	113 Barbara St.		Alto	GA	30510
Turner Construction Co.	3560 Lenox Road	Suite 1100	Attenta	GA	30326
Ward General Contractors, Inc.	1301 Shiloh Road	Suite 410	Kennesaw	GA	30144
Western Summit Constructors, Inc.	4405C International Blvd.	Suite 101	Norcross	GA	30093
Rejected					
Construct Connect	30 Technology Parkway South	Suito 100	Norcross	GA	30092
Prime Vendor					
The Blue Book					
			DING CENT	44	

BIDS SENT 43
HALL CO BIDS SEN 7
NO BIDS RCVD 0

42-002 Demand Services for Resurfacing, Paving and Full Depth Reclamation

	BID SCHEDULE					Pittman Construction Allie			C.W. Matthews	
		021 Local Resurfacing Program					212.79m			T
ITEM NO.	GDOT ITEM	ITEM	QUANTIT Y	UNIT	UNIT AMOUNT	EXT AMOUNT	UNIT AMOUNT	EXT AMOUNT	UNIT AMOUNT	EXT AMOUNT
	F	AVING AND RESURFACING ITEM	IS							
5	318-3800	Aggregate Surface Course	100	TN	\$45.00	\$4,500.00	\$60.00	\$6,000.00	\$280.54	\$28,054.00
10	402-1812	Recycled Asph. Conc. Leveling, Incl. Bitum Material & H Lime	9,620	TN	\$107.50	\$1,034,150.00	\$103.50	\$995,670.00	\$109.61	\$1,054,448.20
15	402-3100	Recycled Asph Conc 9.5 MM Superpave, Type I, Group 1 or Blend 1, include bitum material & H lime	10,737	TN	\$109.50	\$1,175,701.50	\$103.50	\$1,111,279.50	\$97,69	\$1,048,897.53
30	402-3103	Recycled Asph Conc 9.5 MM Superpave, Type II, Group 2 only, include bitum material & H lime	10,785	TN	\$110.85	\$1,195,517.25	\$103.50	\$1,116,247.50	\$92.07	\$992,974.95
35	413-1000	Bitum, Tack Coat	29,306	GL	\$3.50	\$102,571.00	\$2.95	\$86,452.70	\$2.28	\$66,817.68
40	441-0016	Driveway Concrete, 6 in thick	100	SY	\$115.00	\$11,500.00	\$48.00	\$4,800.00	\$134.11	\$13,411.00
45		Sawed Joints in Exist Pavement – PCC	100	SY	\$22.00	\$2,200.00	\$3.00	\$300.00	\$12.00	\$1,200.00
50		Asphalt Patching	22,037	TN	\$179.95	\$3,965,558.15	\$118.50	\$2,611,384.50	\$122.65	\$2,702,838.05
55		Crack Sealing	16.52	MI	\$6,510.00	\$107,545.20	\$7,500.00	\$123,900.00	\$6,200,00	\$102,424.00
60	432-5010	Mill Asphalt Concrete Pavement, Variable Depth	5,000	SY	\$5.70	\$28,500.00	\$2.65	\$13,250.00	\$13.76	\$68,800.00
65	444-1000	Shoulder Construction	47.5	MI	\$12,270.00	\$582,825.00	\$2,400.00	\$114,000.00	\$5,909.77	\$280,714.08
70	706-1002	Turf Establishment, TP B	11.52	AC	\$4,500.00	\$51,840.00	\$1,920.00	\$22,118.40	\$1,600.00	\$18,432.00
				Subtotal		\$8,262,408.10		\$6,205,402.60		\$6,379,011.49
		SIGNING AND MARKING ITEMS								
75	150-1000	Traffic Control	1	Lump	\$900,550.00	\$900,550.00	\$295,000.00	\$295,000.00	\$1,020,410.91	\$1,020,410.91
100	653-1504	Thermoplastic Solid Traffic Stripe, 12 in, White	500	LF	\$2.10	\$1,050.00	\$2.40	\$1,200.00	\$2.00	\$1,000.00
105	653-2501	Thermoplastic Solid Traffic Stripe, 5 in, White	19.1	LM	\$2,520.00	\$48,132.00	\$2,900.00	\$55,390.00	\$2,400.00	\$45,840.00
110	653-2502	Thermoplastic Solid Traffic Stripe, 5 in, Yellow	25.77	LM	\$2,520.00	\$64,940.40	\$2,900.00	\$74,733.00	\$2,400.00	\$61,848.00
115	653-4501	Thermoplastic Skip Traffic Stripe, 5 in, White	1	GLM	\$1,575.00	\$1,575.00	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00
120	653-4502	Thermoplastic Skip Traffic Stripe, 5 in, Yellow	1	GLM	\$1,575.00	\$1,575.00	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00
125	653-1704	Thermoplastic Solid Traffic Stripe, 24 in, White	604,26	LF	\$7.88	\$4,761.57	\$9.00	\$5,438.34	\$7.50	\$4,531.95
130	653-1706	Thermoplastic Solid Traffic Stripe, 24 in, Yellow	100	LF	\$6.30	\$630.00	\$7.20	\$720.00	\$6.00	\$600.00
135	653-1804	Thermoplastic Solid Traffic Stripe, 8 in, White	1,000.00	LF	\$1.58	\$1,580.00	\$1.80	\$1,800.00	\$1.50	\$1,500.00
140	653-1806	Thermoplastic Solid Traffic Stripe, 8 in. Yellow	1,000.00	LF	\$1.58	\$1,580.00	\$1.80	\$1,800.00	\$1.50	\$1,500.00
145		Thermoplastic Type 2 Arrows	22	EA	\$78.75	\$1,732.50	\$90.00	\$1,980.00	\$75.00	\$1,650.00
155	653-0220	Thermoplastic Pavement Marking, Word, Type 2	2	EA	\$105.00	\$210.00	\$120.00	\$240.00	\$100.00	\$200.00
160	653-0230	Thermoplastic Pavement Marking, Word, Type 3A	2	EA	\$105.00	\$210.00	\$120.00	\$240.00	\$100,00	\$200.00
				Subtotal		\$1,028,526.47		\$442,141.34		\$1,142,280.86
			TOTA	L AMOUNT		\$9,290,934.57		\$6,647,543.94		\$7,521,292.35

Exhibit 1 - BID SCHEDULE

2021 Local Resurfacing Program

ITEM NO.	GDOT ITEM	ITEM	QUANTITY	UNIT	UNIT AMOUNT	BID AMOUNT
		PAVING AND RESURFACING ITEMS				
0005	318-3800	Aggregate Surface Course	100	TN	45.00	4,500.00
0010	402-1812	Recycled Asph. Conc. Leveling, Incl. Bitum Material & H Lime	9,620	TN		1,034,150.00
0015	402-3100	Recycled Asph Conc 9.5 MM Superpave, Type I, Group 1 or Blend 1, include bitum material & H lime	10,737	TN		1,175,701.50
0030	402-3103	Recycled Asph Conc 9.5 MM Superpave, Type II, Group 2 only, include bitum material & H lime	10,785	TN		1,195,517.2
0035	413-1000	Bitum, Tack Coat	29,306	GI.		102,571.00
0040	441-0016	Driveway Concrete, 6 in thick	100	SY	115.00	11,500.00
0045		Sawed Joints in Exist Pavement - PCC	100	SY	22.00	2,200.02
0050		Asphalt Patching	22,037	TN	179.95	3,965,558.
0055		Crack Sealing	16.52	MI	6,510.00	107,545.20
0060	432-5010	Mill Asphalt Concrete Pavement, Variable Depth	5,000	SY	5.70	28,500.00
0065	444-1000	Shoulder Construction	47.50	MI	12,270.00	582, 825.0
0070	706-1002	Turf Establishment, TP B	11.52	AC	4,500.00	51,840.0
					Subtotal	8,262,408.1
0075	150-1000	SIGNING AND MARKING ITEMS Traffic Control	1.00		0	0-0-
0100	653-1504		1.00	Lump	900,5500	
0105	653-2501	Thermoplastic Solid Traffic Stripe, 12 in, White Thermoplastic Solid Traffic Stripe, 5 in, White	500.00 19.10	LF LM	2.10	1,050.00
					2520.00	48,132.00
0110	653-2502	Thermoplastic Solid Traffic Stripe, 5 in, Yellow	25.77	LM	2,520.00	64,940.40
0115	653-4501	Thermoplastic Skip Traffic Stripe, 5 in, White	1.00	GLM	1,575.00	1,575.0
0120	653-4502	Thermoplastic Skip Traffic Stripe, 5 in, Yellow	1.00	GLM	1,575.00	1,575.00
0125	653-1704	Thermoplastic Solid Traffic Stripe, 24 in, White	604.26	LF	7.88	4,761.57
0130	653-1706	Thermoplastic Solid Traffic Stripe, 24 in, Yellow	100.00	LF	6.30	630.0
0135	653-1804	Thermoplastic Solid Traffic Stripe, 8 in, White	1,000.00	LF	1.58	1,580.0
0140	653-1806	Thermoplastic Solid Traffic Stripe, 8 in. Yellow	1,000.00	LF	1.58	1,580.0
0145	652-0120	Thermoplastic Type 2 Arrows	22.00	EA	78.75	1,732.5
0155	653-0220	Thermoplastic Pavement Marking, Word, Type 2	2.00	EA	105.00	210.00
0160	653-0230	Thermoplastic Pavement Marking, Word, Type 3A	2.00	EA	105.00	210.00
					Subtotal	1,028,5%

PLESIDENT

Pittman Construction Company

Exhibit 1 - BID SCHEDULE

Allied Paving

2021 Local Resurfacing Program

ITEM	GDOT	TTTN 1	OLI A NITHTNI	LINITE		UNIT	BID
NO.	ITEM	ITEM	QUANTITY	UNIT	A	MOUNT	AMOUNT
		PAVING AND RESURFACING ITEMS					1,000
0005	318-3800	Aggregate Surface Course	100	TN	\$	60.00	6,000.00
0010	402-1812	Recycled Asph. Conc. Leveling, Incl. Bitum Material & H Lime	9,620	TN	\$	103.50	995,670.00
0015	402-3100	Recycled Asph Conc 9.5 MM Superpave, Type I, Group 1 or Blend 1, include bitum material & H lime	10,737	TN	\$	103.50	5 1,111,279.5
0030	402-3103	Recycled Asph Conc 9.5 MM Superpave, Type II, Group 2 only, include bitum material & H lime	10,785	TN	\$	103.50	1,116,247.5
0035	413-1000	Bitum, Tack Coat	29,306	GL	\$	2.95	86,452.70
0040	441-0016	Driveway Concrete, 6 in thick	100	SY	\$	48.00	4,800.00
0045		Sawed Joints in Exist Pavement – PCC	100	SY	\$	3.00	300.00
0050		Asphalt Patching	22,037	TN	\$	118.50	2,611,384.5
0055		Crack Sealing	16.52	MI	\$ 7	7,500.00	\$ 123,900.0
0060	432-5010	Mill Asphalt Concrete Pavement, Variable Depth	5,000	SY	\$	2.65	\$ 13,250.00
0065	444-1000	Shoulder Construction	47.50	MI	\$ 2	2,400.00	\$ 114,000.00
0070	706-1002	Turf Establishment, TP B	11.52	AC	\$:	1,920.00	\$ 22,118.40
						Subtotal \$	6,205,402.60
		SIGNING AND MARKING ITEMS					
0075	150-1000	Traffic Control	1.00	Lump	\$29	5,000.00	
0100	653-1504	Thermoplastic Solid Traffic Stripe, 12 in, White	500.00	LF	\$	2.40	\$ 1,200.00
0105	653-2501	Thermoplastic Solid Traffic Stripe, 5 in, White	19.10	LM	\$ 2	2,900.00	\$ 55,390.00
0110	653-2502	Thermoplastic Solid Traffic Stripe, 5 in, Yellow	25.77	LM	\$ 2	2,900.00	5
0115	653-4501	Thermoplastic Skip Traffic Stripe, 5 in, White	1.00	GLM	\$ 3	1,800.00	1,800.00
0120	653-4502	Thermoplastic Skip Traffic Stripe, 5 in, Yellow	1.00	GLM	\$ 1	1,800.00	1,800.00
0125	653-1704	Thermoplastic Solid Traffic Stripe, 24 in, White	604.26	LF	\$	9.00	5,438.34
0130	653-1706	Thermoplastic Solid Traffic Stripe, 24 in, Yellow	100.00	LF	\$	7.20	720.00
0135	653-1804	Thermoplastic Solid Traffic Stripe, 8 in, White	1,000.00	LF	\$	1.80	1,800.00
0140	653-1806	Thermoplastic Solid Traffic Stripe, 8 in. Yellow	1,000.00	LF	\$	1.80	1,800.00
0145	652-0120	Thermoplastic Type 2 Arrows	22.00	EA	\$	90.00	\$ 1,980.00
0155	653-0220	Thermoplastic Pavement Marking, Word, Type 2	2.00	EA	\$	120.00	\$ 240.00
0160	653-0230	Thermoplastic Pavement Marking, Word, Type 3A	2.00	EA	\$	120.00	\$ 240.00
						Subtotal	\$ 442,141.34



Exhibit 1 - BID SCHEDULE

2021 Local Resurfacing Program

ITEM NO.	GDOT ITEM	ITEM	QUANTITY	UNIT	UNIT AMOUNT	BID AMOUNT
		PAVING AND RESURFACING ITEMS				
0005	318-3800	Aggregate Surface Course	100	TN	280.54	28,054.00
0010	402-1812	Recycled Asph. Conc. Leveling, Incl. Bitum Material & H Lime	9,620	TN	109.61	1,054,448.20
0015	402-3100	Recycled Asph Conc 9.5 MM Superpave, Type I, Group 1 or Blend 1, include bitum material & H lime	10,737	TN	97.69	1,048,897.53
0030	402-3103	Recycled Asph Conc 9.5 MM Superpave, Type II, Group 2 only, include bitum material & H lime	10,785	TN	92.07	992,974.95
0035	413-1000	Bitum, Tack Coat	29,306	GL	2.28	66,817.68
0040	441-0016	Driveway Concrete, 6 in thick	100	SY	134.11	13,411.00
0045		Sawed Joints in Exist Pavement – PCC	100	SY	12.00	1,200.00
0050		Asphalt Patching	22,037	TN	122.65	2,702,838.05
0055		Crack Sealing	16.52	MI	6,200.00	102,424.00
0060	432-5010	Mill Asphalt Concrete Pavement, Variable Depth	5,000	SY	13.76	68,800.00
0065	444-1000	Shoulder Construction	47.50	MI	5,909.77	280,714.08
0070	706-1002	Turf Establishment, TP B	11.52	AC	1,600.00	18,432.00
					Subtotal	\$6,379,011.4
		SIGNING AND MARKING ITEMS				
0075	150-1000	Traffic Control	1.00	Lump	1,020,410.91	1,020,410.9
0100	653-1504	Thermoplastic Solid Traffic Stripe, 12 in, White	500.00	LF	2.00	1,000.00
0105	653-2501	Thermoplastic Solid Traffic Stripe, 5 in, White	19.10	LM	2,400.00	45,840.00
0110	653-2502	Thermoplastic Solid Traffic Stripe, 5 in, Yellow	25.77	LM	2,400.00	61,848.00
0115	653-4501	Thermoplastic Skip Traffic Stripe, 5 in, White	1.00	GLM	1,500.00	1,500.00
0120	653-4502	Thermoplastic Skip Traffic Stripe, 5 in, Yellow	1.00	GLM	1,500.00	1,500.00
0125	653-1704	Thermoplastic Solid Traffic Stripe, 24 in, White	604.26	LF	7.50	4,531.95
0130	653-1706	Thermoplastic Solid Traffic Stripe, 24 in, Yellow	100.00	LF	6.00	600.00
0135	653-1804	Thermoplastic Solid Traffic Stripe, 8 in, White	1,000.00	LF	1.50	1,500.00
0140	653-1806	Thermoplastic Solid Traffic Stripe, 8 in. Yellow	1,000.00	LF	1.50	1,500.00
0145	652-0120	Thermoplastic Type 2 Arrows	22.00	EA	75.00	1,650.00
0155	653-0220	Thermoplastic Pavement Marking, Word, Type 2	2.00	EA	100.00	200.00
0160	653-0230	Thermoplastic Pavement Marking, Word, Type 3A	2.00	EA	100.00	200.00
					Subtotal	\$1,142,280.8
					AL AMOUNT	\$7,521,292.

Bidder: C. W. MATTHEWS CONTRACTING CO., INC.



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REVIEWER		PANY NAME / RA 0, with 100 being the 1 being the poorest)	best response, and
	Pittman Construction Allied Paving		C.W. Matthews
Blair Reynolds	63.50	67.75	65.75
Frank Miller	62.60	67.80	66.30
Jason Skarda	68.25	70.25	69.25
AVERAGE TOTAL SCORE (out of 10):	64.78	68.60	67.10
Rank:	3	1	2
	\$9,290,934.57	\$6,647,543.94	\$7,521,292.35
Pricing - 25%	17.89	25.00	22.10
Total	82.67	93.60	89.20
Rank:	3	1	2

E

Debra A. Howington (Purchasing)

From: Matthew Shiver (Purchasing)

Sent: Wednesday, August 18, 2021 1:30 PM

To: Srikanth Yamala (Public Works)

Cc: Bill Nash (Public Works); Blair Reynolds (Engineering); Frank Miller (Engineering); Debra

A. Howington (Purchasing); Chuck Pinney (Purchasing); Jason Skarda (Engineering)

Subject: RE: Award of RFP/Q# 42-002 Resurfacing, Paving & Full Depth Reclamation

Srikanth,

Thank you for your confirmation.

Blessings, Matt

Matt Shiver
Purchasing Manager
Hall County Government
(office) 770-531-4939
mshiver@hallcounty.org



From: Srikanth Yamala (Public Works) <syamala@hallcounty.org>

Sent: Wednesday, August 18, 2021 1:21 PM

To: Matthew Shiver (Purchasing) <mshiver@hallcounty.org>

Cc: Bill Nash (Public Works)
 | Shash@hallcounty.org>; Blair Reynolds (Engineering)
 | Shreynolds@hallcounty.org>; Frank | Miller (Engineering) <fmiller@hallcounty.org>; Debra A. Howington (Purchasing)
 | Showington@hallcounty.org>; Chuck | Chuck

Pinney (Purchasing) < cpinney@hallcounty.org>; Jason Skarda (Engineering) < jskarda@hallcounty.org>

Subject: Re: Award of RFP/Q# 42-002 Resurfacing, Paving & Full Depth Reclamation

Matt-

I confirm that we would like to award all 3 vendors who responded on this on-call RFP/Q. Please let me know if you need anything else. Thanks.

Srikanth

Sent from my iPhone

On Aug 18, 2021, at 1:17 PM, Matthew Shiver (Purchasing) <mshiver@hallcounty.org> wrote:

Good Afternoon Srikanth,

Please confirm that you would like to award all responsive/responsible suppliers for this supplier pool. If you would not like to award a specific supplier, please provide written documentation to support your decision. As always, please let us know of any questions.

Cordially, Matt

Matt Shiver
Purchasing Manager
Hall County Government
(office) 770-531-4939
<u>mshiver@hallcounty.org</u>
<image001.jpg>

<42-002 D.S. for Resurfacing, Paving group evaluation review.xls>

Debra A. Howington (Purchasing)

From: Mike Kleuckling <Mikek@cwmatthews.com>

Sent: Wednesday, August 18, 2021 4:27 PM

To: Debra A. Howington (Purchasing)

Cc: Dan Garcia

Subject: RE: NOIA LETTER & CONTRACT

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.

Debra

Thank you for the email and for taking the time to explain what this Notice of Intent to Award Letter is all about. Our bid was for Bid 42-002 and the work described in Exhibit 1 and 2 for the list of roads for the 2021 Local Resurfacing Program (which we assume to be Task Orders).

We submitted a bid with the intent that we would perform all of the work as described within the document (Exhibit 1 and 2) or none of it.

Because of current work loads for the rest of 2021 we are not interested in performing pieces of the work described in Exhibit 1 and 2 as individual Task Orders.

With that being said, we are going to decline the opportunity to execute this agreement.

We appreciate the relationship we have developed with Hall Co over the years and look forward to the opportunity to participate in future bids.

Please let me know if you have any questions or need anything further.

Thank you again.

Mike Kleuckling

V.P. Estimating

C.W. Matthews Contracting Co., Inc.

P.O. Drawer 970 (1600 Kenview Dr) | Marietta, GA 30061 Ph 770-422-7520 Ext 1254 | Estimating Fax 770-422-9361 | Cell 404-277-3637 Email mikek@cwmatthews.com | Website www.cwmatthews.com

From: Debra A. Howington (Purchasing) < dhowington@hallcounty.org>

Sent: Wednesday, August 18, 2021 2:23 PM
To: Mike Kleuckling < Mikek@cwmatthews.com>

Subject: NOIA LETTER & CONTRACT

WARNING This email originated from outside your organization. Do NOT click links or open attachments from this email unless you know the sender and trust the content.

Good Afternoon Michael,

Attached is a copy of the Notice of Intent to Award letter and contract for bid #42-002. If you could print off 1 copy of the contract only, sign, notarize and email it back to me, I would appreciate it. If you can do this by tomorrow at the latest, we are trying to have this on our Commissioners agenda the end of next week. I apologize for the short notice.

We were working to have this done the 2nd. week of September; but, everyone is trying to get the paving done while the weather is still nice.

You can place the originals in the mail back to me at the following:

Hall County Board of Commissioners 2875 Browns Bridge Road 4th. Floor – Debra Howington Gainesville, GA 30504

Any questions, please let me know.

Kind Regards,

Debra Howington, C.P.M.
Buyer
Hall County Financial Services
Purchasing Division
770-535-8263 Office
770-531-7112 Fax
dhowington@hallcounty.org
www.hallcounty.org



Disclaimer

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material.

Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this message in error, please contact the sender and delete the material from all computers._

Debra A. Howington (Purchasing)

Purchasing Division

770-535-8263 Office

Jose Tovar <tovar.concrete.walls@gmail.com> From: Tuesday, August 3, 2021 2:28 PM Sent: To: Debra A. Howington (Purchasing) Subject: Re: PRICE PROPOSAL FOR BID #42-002 Attachments: image001.png; image002.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. Good Afternoon, I am sending this email to withdraw my bid. This job is beyond my scope of work. Thank you for the opportunity and hopefully you will have a different job that I can bid for soon. Thanks again Jose Tovar On Tue, Aug 3, 2021, 8:21 AM Debra A. Howington (Purchasing) < dhowington@hallcounty.org wrote: Good Afternoon, I was preparing my bid tab this morning from last Friday's bid opening and I noticed that I didn't have any form of price proposal from your company. Do you know how this was sent? I went back thru the packaging and I didn't find a thumb drive or individual sealed envelope as requested for the pricing. Can someone send me this via email? Kind Regards, Debra Howington, C.P.M. Buyer Hall County Financial Services

2022 LOCAL RESURFACING PROGRAM HALL COUNTY, GEORGIA

2022 ADDITIONAL MILEAGE	CD	LENGTH	FROM	то	2022 Rating	COST
Bridgewater Drive	3	0.486	Basin Drive	Bridgewater Circle	75	\$216,298
Gaines Mill Road	3-4	3.732	Athens Highway	East Hall Road	74	\$1,660,952
Longstreet Way	3	0.050	Bridgewater Drive	Terminus	73	\$22,253
Mangum Road	3	0.697	Athens Highway	Bob Bryant Road	75	\$310,205
Martin Drive	4	0.134	East Ridge Road	Patterson Drive	71	\$59,638
Pipsissewa Drive	2	0.488	Stephens Road	Terminus	71	\$217,188
Sugar Maple Place	3	0.058	Tall Hickory Trail	Terminus	71	\$25,813
Sundance Drive	2	0.120	Dawsonville Highway	Terminus	71	\$53,407
Talmo Road	3	1.088	Roy Parks Road	SR 332 (Belmont Hwy)	75	\$484,222
Wayman Drive	3	0.220	Cleveland Highway	Pass Circle	71	\$97,913
		7.07				\$3,147,887

^{**}Cost is an estimate only**

Proposed FY23 SPLOST VIII Funding:

\$3,147,887.31

^{***}Cost estimates based off of \$445,056/Mile***

PURCHASE ORDER NO. 433038



HALL COUNTY COMMISSIONERS

POST OFFICE BOX 1435 2875 BROWNS BRIDGE ROAD, 4th FLOOR **GAINESVILLE, GEORGIA 30504**

PAGE NO. 1

VENDOR.	10020931 ALLIED PAV P O BOX 5 PENDERGRAS	09	CONTRACTORS	5-693-4052	3RD F1 P 2875 1 T GAINES	LOOR BROW SVIL	NS BRIDGE 1 LE, GA 305	
ORDI	R DATE: 08/01	/22	BUYER: DEBRA H	OWINGTON	RE	EQ. NO	D.: 24415	REQ. DATE: 08/01/22
TERN	1S: NET 30 D	AYS	F.O.B.: N/Z	<u> </u>	DE	SC.:	RESURFACING	3
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							PAGE TOTAL \$	10,943,036.00
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2022 LOCAL RESURFACING PROGRAM HALL COUNTY, GEORGIA

PROJECT	COMM. DIST.	MILEAGE	BEGIN	END	2021 TOTAL RATING	PROJECT COST
Antioch Campground Road (Sec. 1)	2	0.950	Sardis Road	East Lake Drive	72	\$441,102
Bennett Road	1	0.930	Hog Mountain Road	Terminus	72	\$431,815
Blackberry Lane	1	0.930	Buford City Limits	Terminus	72	\$431,815
Botany Woods Road	3	0.430	Clarks Bridge Road	Terminus	71	\$199,657
Callus Mill Road	3	1.070	Skitts Mountain Drive	White County Line	74	\$496,820
Club View Court	1	0.180	Gaines Ferry Road	Terminus	71	\$83,577
Couch Circle	3	0.190	Old Cleveland Road	Old Cleveland Road	72	\$88,220
Crane Mill Road	3	0,460	Pea Ridge Road	Old Mill Road	73	\$213,586
Crestwood Pennisula	1	0.660	Lights Ferry Road	Terminus	74	\$306,450
Dunlap Mill Road	3	0.540	Little River Park Road	Thompson Mill Road	73	\$250,731
Elmer Truelove Road	3	1.190	Bethel Road	Mount Vernon Road	73	\$552,538
Eubanks Creek Drive	3	0.320	Shoal Creek Road	Terminus	73	\$148,582
Fishpond Road	3	0.240	Oak Hill Circle	John Bryant Lane	75	\$111 436
Evergreen Lane	3	0.190	Harmony Church Road	Terminus	72	\$88,220
F. Gailey Road	3	0.940	Cleveland Highway	Ransom Free Road	72	\$436,459
Forest Way	1	0.410	SR 211	Terminus	72	\$190,370
Gearin Road (Sec. 1)	3	0.400	Henry Smith Road	Section 2	73	\$185,727
Glenn-Burtz Road	2	0,300	Yellow Creek Road	Terminus	72	\$139,295
Highland Circle (Sec. 2)	3	0.410	Lawson Circle	Terminus	72	\$190,370
Honeysuckie Road	3	1,460	Cleveland Highway	Clarks Bridge Road	73	\$677,904
Indian Oak Point	3	0.080	Tall Hickory Trail	Terminus	73	\$37,145
Industrial Drive	2	0.150	Memorial Park Road	Terminus	75	\$69,648
Katherine Circle	3	0.360	Basin Road	Terminus	73	\$167,154
Lake Ranch Court	2	0.540	Dawsonville Highway	Terminus	74	\$250,731
Manchester Lane	2	0.330	Stratford Drive	Terminus	72	\$153,225
Nature Walk Drive	3	0,160	Gillsville Highway	Terminus	72	\$74,291
New Bridge Church Road	3	0.150	Cleveland Highway	Couch Circle	72	\$69,648
Northbanks Cove	3	0.130	Thompson Mill Road	Terminus	72	\$111,436
Northlake Road	3	0.590	Little River Park Road	Terminus	72	\$273,947
Old Dahlonega Highway	3	3.070	SR 60 North	Lumpkin County Line	75	\$1,425,455
Pass Circle	3	0.520	Cleveland Highway	Cleveland Highway	73	\$241,445
River North Drive	3	0.580	Cleveland Highway	Section 2	74	\$269,304
Second Street	4	0.560	Keith Circle	Hickory Street	72	\$125,366
Secret Cove Court	1	0.090	Gaines Ferry Road	Terminus	72	\$41,789
Silverwood Drive	3	0.650	Candler Highway	Terminus	73	\$301,806
Skitts Mountain Drive (Sec. 1)	3	1.100	Skitts Mountain Road	Terminus	74	\$510,749
Skylark Place	3	0.310	Cleveland Highway	Terminus	72	\$143,938
South View Trail	3	0.100	Clarks Bridge Crossing	Terminus	72	\$46,432
Sullens Road	. 3	1,098	Clarks Bridge Road	Terminus	76,	\$509,821
Thompson Overlook	3	0.100	Bridgewater Drive	Terminus	73	\$46,432
	2	0.100	Sardis Church Road	Walnut Street	72	\$88,220
Walnut Road Whitmire Circle	3	0.190	Cleveland Highway	Cleveland Highway	72	\$320,379
Additing Circle	3	23,568	Cleveland Highway	Cieveraliu Flightway	12	\$10,943,036
2022 ADDITIONAL MUBEAGE		- ZJ,JUO,	China and a second seco	a southern the control of the contro	2022 Dalles	
2022 ADDITIONAL MILEAGE	4	0.466	Basin Drive	Bridgewater Circle	2022 Rating 75	\$225,658
Bridgewater Drive	3	0.486	Athens Highway	East Hall Road	74	\$1,732,833
Gaines Mill Road	3-4	3.732	Bridgewater Drive	Terminus	73	\$23,216
Longstreet Way	. 3	0.050	Athens Highway			and the second of the second o
Mangum Road	. 3	0.697		Bob Bryant Road SR 332 (Belmont Hwy)	75	\$323,629
Talmo Road	3	1.088	Roy Parks Road *		75	\$505,178
West Fork Drive	3	0.244	Lawson Park Drive	High Meadow Run	76	\$1,13,293
2		00.07		The second secon		£42.000.04E
The state of the s		29.87	war o was any street comment of the sale of the sale			\$13,866,845

^{**}Cost is an estimate only**

Proposed FY23 SPLOST VIII Funding: FY22 GaDOT LMIG Funding:

\$11,860,412.38 \$2,006,432.34

DocumentViewer 7/14/2022

^{***}Cost estimates based off of \$464,317.57/Mile***

TASK	ORDER	#2022-034,			-	ALLIED PAVING CONTRACTORS, INC.		
HALL	COUNT	Y ROAD RESURFACING PROGRAM				PENDERGRASS, GA		
LINE NO.	GDOT ITEM	ITEM	QUANTITY	UNIT	UNIT AMOUNT	AMOUNT		
PAVING AND RESURFACING ITEMS								
0005	318-3800	Aggregate Surface Course	100	TN	\$60.00	\$6,000.000		
0010	402-1812	Recycled Asph Conc Leveling, Incl Bitum Matl & H Lime	14,156	TN	\$145.00	\$2,052,620.000		
0015	402-3100	Recycled Asph Conc 9.5 MM Superpave, Type I, Gp 1 or Blend 1, incl bitum matl & H lime	17,323	TN	\$142.00	\$2,459,866.000		
0020	402-3130	Recycled Asph Conc 12.5 MM Superpave, Type II, Gp 2 only, incl bitum matl & H lime	3,423	TN	\$135.00	\$462,105.000		
0030	402-3103	Recycled Asph Conc 9.5 MM Superpave, Type II, Gp 2 only, incl bitum matl & H lime	8,686	TN	\$140.00	\$1,216,040.000		
0035	413-1000	Bitum, Tack Coat	39,206	GL	\$5.55	\$217,593.300		
0040	441-0016	Driveway Concrete, 6 in thk	100	SY	\$70.00	\$7,000.000		
0045		Sawed Joints in Exist Pavement - PCC	100	LF	\$3.00	\$300.000		
0050		Asphalt Patching	37,910	TN	\$162.50	\$6,160,375.000		
0055		Crack Sealing	12.76	МІ	\$9,000.00	\$114,840.000		
0060	432-5010	Mill Asphalt Concrete Pavement, Variable Depth	10,000	SY	\$2.75	\$27,500.000		
0065	444-1000	Shoulder Construction	66.70	МІ	\$4,200.00	\$280,140.000		
0070	706-1002	Turf Establishment, Tp B	16.17	AC	\$3,600.00	\$58,212.000		
	SIGNING	AND MARKING ITEMS						
0075	150-1000	Traffic Control	1.00	LUMP	\$525,000.00	\$525,000.00		
0100	653-1504	Thermoplastic Solid Traffic Stripe, 12 in, White	800.00	LF	\$7.20	\$5,760.00		
0105	653-2501	Thermoplastic Solid Traffic Stripe, 5 in, White	28.73	LM	\$4,500.00	\$129,285.00		
0110	653-2502	Thermoplastic Solid Traffic Stripe, 5 in, Yellow	48.43	LM	\$4,500.00	\$217,935.00		
0115	653-4501	Thermoplastic Skip Traffic Stripe, 5 in, White	1.00	GLM	\$2,820.00	\$2,820.00		
0120	653-4502	Thermoplastic Skip Traffic Stripe, 5 in, Yellow	1.00	GLM	\$2,820.00	\$2,820.00		
0125	653-1704	Thermoplastic Solid Traffic Stripe, 24 in, White	200.00	LF	\$9.00	\$1,800.00		
0130	653-1706	Thermoplastic Solid Traffic Stripe, 24 in, Yellow	200.00	LF	\$9.00	\$1,800.00		
0135	653-1804	Thermoplastic Solid Traffic Stripe, 8 in, White	1,000.00	LF	\$3.00	\$3,000.00		
0140	653-1806	Thermoplastic Solid Traffic Stripe, 8 in, Yellow	1,000.00	LF	\$3.00	\$3,000.00		
0145	652-0120	Thermoplastic Type 2 Arrows	15.00	EA	\$105.00	\$1,575.00		
				TO	TAL AMOUNT	\$13,957,386.30		

RECOMMENDED AWARD:

ALLIED PAVING CONTRACTORS, INC., PENDERGRASS, GA - \$13,957,386.30

BUDGET AMOUNT: \$10,000,000.00

TOTAL AWARDED AMOUNT: \$13,957,386.30

BIDS MAILED: 2 HALL: 0

BIDS RECEIVED: 1 (0-NO BIDS) HALL: 0

FUNDS: SPLOST VIII & STATE ROAD FUNDS FOR RESURFACING - INFRASTRUCTURE



FINANCIAL SERVICES

Hall County Government

EXPRESSION OF INTEREST FOR HALL COUNTY ROAD RESURFACING PROGRAM

Date Issued: 06/27/2022 .

Task Order #2022-034

POST OFFICE DRAWER 1435 GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

DIRECTOR
Wesley Geddings

Hall County Board of Commissioners is requesting a response of interest from On-Demand Contractors to provide Resurfacing/Paving Services. Contractors are requested to respond by e-mail with their Company's availability to perform this work by no later than Thursday, June 30, 2022 by 2:00 pm.

Contractor must email their Intent to Submit a Proposal to Chuck Pinney, cpinney@hallcounty.org, within 24 business hours of issuance of this release to be eligible for bid submission acceptance.

Contract, if awarded, will be subject to the terms and conditions of controlling RFP #42-002, Demand Services for Resurfacing, Paving, and Full Depth Reclamation. Contract may be awarded on a lump sum basis or individual item basis, whichever is in the best interest of the County. No bid may be withdrawn for a period of sixty (60) days after time has been called on the date of opening.

BACKGROUND

This project is for the resurfacing of approximately **30.06** miles of various Hall County roads as listed on Attachment "A". The selected Contractor will be required to install asphalt pavement as specified in the specifications, and any required striping.

2. SCOPE OF WORK

A. PRE-CONSTRUCTION MEETING

Contractor is required to attend a pre-construction meeting scheduled by the Hall County Project Engineer. Contractor is required to provide, in hard copy and disk format, a construction schedule produced in Microsoft Project at the time of the scheduled pre-construction meeting.

· B. SCHEDULE

The Contractor will be responsible for preparing all roads on the contract. The line item for patching shall include the Contractor removing the defective material, disposing of the waste, delivering the asphalt, and installing the new hot mix asphalt. This patching work may be accomplished by milling and inlaying with full depth asphalt or by other means as approved by the project engineer. The project engineer shall specify the locations and depth of the patching done by the Contractor. The Contractor may estimate a depth of two (2) inches of asphalt patch for bidding purposes:

B. SHEDULE (Cont.)

The completion date for this project is **April 30, 2023**. Equal time extension will be given if the anticipated awarding date of the contract is delayed.

Again please note, required completion dates are the dates that all work is to be completed. Hall County expects Contractor to begin work within ten (10) business days of the Notice to Proceed issuance and to maintain adequate progress to ensure the contract is completed by completion date. Contractor to include any anticipated inclement weather days and Holiday days within the allowed contract time. See Attachment "B" for information on inclement weather days. Hall County may consider any unusual number of inclement weather days for time extension.

Contractor is to notify Blair Reynolds, Hall County Project Engineer, at 770-531-6800 to keep him advised of any weather delay days, delays associated to utility facility relocation delays, or other delays in contract time.

C. TRAFFIC CONTROL

The Contractor shall provide Traffic Control to include all items necessary to maintain safe travel for the public. Traffic control shall include, but is not limited to: Road Closed signs, Barricades, Detour Signs, Flagging, Work Zone Signs, Low/Soft Shoulder Signs, etc. All traffic control devices and work zones shall comply with the Manual on Uniform Traffic Control Devices (MUTCD), latest edition. All traffic control items shall be maintained by the Contractor at all times throughout the length of the project.

D. INSPECTIONS

Contractor shall schedule and coordinate resurfacing work on all roads with Blair Reynolds, Hall County Project Engineer at 770-531-6800.

A Hall County Engineer or Engineering Inspector will be on-site during the entire resurfacing process for those all projects. Work hours will be Monday through Friday, 8am to 5pm. Please contact the Project Engineer to schedule resurfacing work at least twenty-four (24) hours in advance.

E. GENERAL

All design, detailing, fabrication, construction, and construction vehicles shall conform to the State of Georgia Department of Transportation, Standard Specifications of Transportation Systems, 2001 edition, unless otherwise noted.

Contractor is required to properly dispose of all removed driveway concrete. No concrete shall be buried within the right-of-way.

Quantities are approximate only. Actual quantities for pay items will be derived by field measurements and weight measurements.

E. GENERAL (Cont.)

Contractor is to field verify the widths of all roads. Resurfacing shall be over existing asphalt only.

The Contractor shall install all required striping as quickly as possible but no longer than 24 hours after the road is completed unless directed otherwise by the project engineer.

The Contractor is required to construct shoulders on this project.

The Contractor shall be responsible for the installation and maintenance of Low/Soft Shoulder signs. These signs shall be maintained until vegetation is established on the shoulders.

The Contractor shall be responsible for the replacement of any and all Traffic Signal Loops located on this project.

The Contractor shall deliver all millings to the Hall County Landfill located at 1700 Oakbrook Drive, Gainesville, GA 30507.

The Contractor shall utilize the Leveling Electronics on the Asphalt Spreader on any roads that are longer than one (1) mile in length unless otherwise directed by the Hall County Inspector.

The following roads are the only roads to be considered for crack sealing: Antioch Campground Road (Sec. 1), Bennett Road, Blackberry Lane, Callus Mill Road, Crestwood Peninsula, Dunlap Mill Road, Elmer Truelove Road, Honeysuckle Road, Northlake Road, Old Dahlonega Highway, Second Street and Skitts Mountain Drive (Sec. 1).

F. SHOULDER CONSTRUCTION

Any borrow/waste/disposal areas or borrow material needed as part of this bid item in order to complete shoulder construction is included in the overall bid item. Contractor is required to delineate borrow/waste/disposal areas to the Hall County Project Engineer for her approval. Erosion and Sedimentation Control measures are required on any borrow/waste/disposal areas as part of the overall bid price.

Contractor is to build shoulders on all base and pavement projects as directed by the Project Engineer. Shoulder construction consists of building up the shoulder elevation to match the new pavement elevation, and extending this new built up material to the point where the shoulder begins to drop off into the ditch or fill slope. This build up is not expected to be greater than six (6) inches in depth. The minimum required shoulder width is two (2) feet. Shoulder to drain away from the pavement whenever possible. In the case where the existing shoulder was previously too high, the Contractor will tie in from the new pavement elevation to an appropriate point to provide drainage. Whenever possible, Contractor is expected to extend the shoulder width so as to retain the same shoulder width that occurs due to the higher elevation of the pavement. Contractor is required to smooth and compact the new shoulder material with clean material that is free from rocky material that could create voids or cause poor turf establishment. Contractor is required to remove all grubbing debris from new shoulder material. Contractor is required to utilize an unerodible soil type so as to minimize repair trips at the Contractor's expense. Contractor is required to sweep new pavement as shoulder construction activities proceed.

F. SHOULDER CONSTRUCTION (Cont.)

The Contractor is to install temporary shoulders as needed to ensure that the elevation difference between the pavement edge and the shoulder is a maximum of two and one half (2 ½) inches or less. Permanent shoulders shall be constructed as soon as possible after the road is completed. Payment for temporary shoulders shall be included in the unit price for shoulder construction. There will be no separate payment for temporary shoulders.

G. BIDDING INFORMATION

Contractor shall provide price quotation utilizing and submitting Attachment "C", Bid Schedule.

Hall County reserves the right to delete or add quantities to best serve the interests of the County.

3. CONTACTS:

Questions regarding this Task Order can be directed to Chuck Pinney at cpinney@hallcounty.org. Technical Questions should be directed to Blair Reynolds at breynolds@hallcounty.org.

4. APPROVAL SIGNATURES:

This Task Order is valid upon signature of the Owner (Hall County) and Contractor, which together shall constitute a completed executed Task Order. A copy of a signed Task Order in PDF or facsimile format shall be considered as valid and binding as an original.

AUTHORIZED BY:		AGREED TO: (Insert Contractor's Name)				
HALL COUNTY BOARD OF COMM	IISSIONERS	Allied Paving Contractors, Inc.				
			/_ 6-30-2022			
Owner/Authorized Agent	Date	Contractor/Authorized Agent Bryan Jones ~ Vice President	Date			

H/	ALL COUNTY	ROAD	RESU	RFACIN	IG PRO	OGRAM		
				STOP	BARS			
ROAD NAME	SUPER-PAVE MIX DESIGN	THERMO CENTER	THERMO EDGE	Int. #1 (each)	Int. #2 (each)	BEGIN POINT	END POINT	
	(i)		£.	, k 3	t ř. j.	W		
ANTIOCH CAMPGROUND ROAD (SEC. 1)	9.5mm @ 165ib/sy Design Type II, Gp 2 only & L	Y	Y	1	1	SARDIS ROAD	EAST LAKE DRIVE	
BENNETT ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Y	Y	0	1	HOG MOUNTAIN ROAD	TERMINUS	
BLACKBERRY LANE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Υ	N	0	0	BUFORD CITY LIMITS	TERMINUS	
BOTANY WOODS ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	0	CLARKS BRIDGE ROAD	TERMINUS	
CALLUS MILL ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Υ	N	1	0	SKITTS MOUNTAIN DRIVE	WHITE CO LINE	
CLUB VIEW COURT	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	0	GAINES FERRY ROAD	TERMINUS	
COUCH CIRCLE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	2	OLD CLEVELAND ROAD	OLD CLEVELAND ROAD	
CRANE MILL ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Y	N	1	1	PEA RIDGE ROAD	OLD MILL ROAD	
CRESTWOOD PENNISULA	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	1	LIGHTS FERRY ROAD	TERMINUS	
DUNLAP MILL ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	· Y	N	2	1	LITTLE RIVER PARK ROAD	THOMPSON MILL ROAD	
ELMER TRUELOVE ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or B! 1 & L	Υ	Υ	1.	1	BETHEL ROAD	MOUNT VERNON ROAD	

^{*}Denotes a portion of the road.

H/	ALL COUNTY	ROAD	RESU	RFACIN	NG PRO	OGRAM	·
				STOP	BARS		
ROAD NAME	SUPER-PAVE MIX DESIGN	THERMO	THERMO EDGE	Int. #1 (each)	Int. #2 (each)	BEGIN POINT	END POINT
Surface description		- 3-				9. 1 , 7 + 4	
EUBANKS CREEK DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	0	SHOAL CREEK ROAD	TERMINUS
EVERGREEN LANE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Z	N	1	0	HARMONY CHURCH ROAD	TERMINUS
F. GAILEY ROAD	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	. Y	Υ	1	1	CLEVELAND HIGHWAY	RANSOM FREE ROAD
FOREST WAY	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	0	SR 211	TERMINUS
GEARIN ROAD (SEC. 1)	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Υ	N ·	1	· 1	HENRY SMITH ROAD	SECTION 2
GLENN-BURTZ ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	0	YELLOW CREEK ROAD	TERMINUS
HIGHLAND CIRCLE (SEC. 2)	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Υ	N	0	0	LAWSON CIRCLE	TERMINUS
HONEYSUCKLE ROAD	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Υ .	Y	1	1	CLEVELAND HIGHWAY	CLARKS BRIDGE ROAD
INDIAN OAK POINT	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N .	1	0	TALL HICKORY TRAIL	TERMINUS
KATHERINE CIRCLE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	Ņ	1	0	BASIN ROAD	TERMINUS
LAKE RANCH COURT	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	ì	DAWSONVILLE HIGHWAY	TERMINUS

^{*}Denotes a portion of the road.

Н. 	ALL COUNTY	ROAD	RESU			OGRAM	, - · - · · · · · · · · · · · · · · · ·
ROAD NAME	SUPER-PAVE MIX DESIGN	THERMO CENTER	THERMO EDGE	Int. #1 (each)	BARS Int. #2 (each)	BEGIN POINT	END POINT
Acceptance of the second secon		<u></u> 4.,	t.	5. S.			
SKITTS MOUNTAIN DRIVE (SEC. 1)	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Y	N	1	0	SKITTS MOUNTAIN ROAD	TERMINUS
SKYLARK PLACE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	0	CLEVELAND HIGHWAY	TERMINUS
SOUTH VIEW TRAIL	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	. N	N	1	1	CLARKS BRIDGE CROSSING	TERMINUS
THOMPSON OVERLOOK	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	0	BRIDGEWATER DRIVE	TERMINUS
WALNUT ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	N	1	0	SARDIS CHURCH ROAD	WALNUT STREET
WHITMIRE CIRCLE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Y	N	. 1	1	CLEVELAND HIGHWAY	CLEVELAND HIGHWAY
BRIDGEWATER DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	2	1	BASIN DRIVE	BRIDGEWATER CIRCLE
FISHPOND ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	1	OAK HILL CIRCLE	JOHN BRYANT LANE
GAINES MILL ROAD	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	Y	1	1	ATHENS HIGHWAY	EAST HALL ROAD
INDUSTRIAL DRIVE	12.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	N	í	. 0	MEMORIAL PARK ROAD	TERMINUS
LONGSTREET WAY	9.5mm @ 137.5ib/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	0	BRIDGEWATER DRIVE	TERMINUS

^{*}Denotes a portion of the road.

HALL COUNTY ROAD RESURFACING PROGRAM							
		CENTER EDGE		STOP	BARS		END POINT
ROAD NAME	SUPER-PAVE MIX DESIGN			Int. #1 (each)	int. #2 (each)	BEGIN POINT	
Myses area and	<u> </u>	Eq. ()		4. t. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4.		8,0%	1
MANGUM ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Y	N	0	1	ATHENS HIGHWAY	BOB BRYANT ROAD
SULLENS ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Y	N	1	0	CLARKS BRIDGE ROAD	TERMINUS
TALMO ROAD	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	Y	1	1	ROY PARKS ROAD	SR 332 (Belmon Highway)
POND FORK WAY	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	0	LEAFVIEW DRIVE	TERMINUS

^{*}Denotes a portion of the road.

Attachment B

Inclement Weather Days

Completion time will not be extended for normal bad weather. The time for completion as stated in the Contract Documents includes due allowance for calendar days on which work cannot be performed out-of-doors. For the purpose of this Contract, the Contractor agrees that he may expect to lose calendar days due to weather in accordance with the following table.*

Jan. 22 days	May 4 days	Sept. 4 days
Feb. 16 days	June 6 days	Oct. 5 days
Mar. 11 days	July 8 days	Nov. 9 days
Aprīl 7 days	Aug. 6 days	Dec. 15 days

The Contractor agrees an extreme weather day shall be defined as a day that rain exceeds one tenth (.10) of an inch and the average temperature fails to exceed 40 degrees F, and the maximum temperature does not exceed 50 degrees F. The temperature and rain data should come from appropriate local weather stations. A weather day will also be defined as a day in which less than seventy-five percent (75%) of the normal labor and equipment force can operate for five (5) hours due to weather-related site conditions. Contract time will be extended by the number of days in which actual weather days in a given month exceed the number of weather days given in the table above.

Delays caused by acts of God, (e.g., fire, unusual storms, floods, tidal waves, earthquakes,) strikes, labor disputes, freight embargos and shortages of materials shall be considered as unavoidable delays insofar as they prevent the Contractor from proceeding with at least seventy-five percent (75%) of the normal labor and equipment force for at least five (5) hours per day toward completion of the current controlling item on the accepted work schedule.

Should abnormal conditions prevent the work from beginning at the usual starting time, or prevent the Contractor from proceeding with seventy-five percent (75%) of the normal labor and equipment force for a period of at least five (5) hours per day, and the crew is dismissed as a result thereof, the Contractor will not be charged for a working day whether or not conditions change so that the major portion of the day could be considered to be suitable for work on the controlling item.

For delays which the Contractor considers to be unavoidable he/she shall submit to GaDOT Area Engineer and Hall County Engineer offices complete information demonstrating the effect of the delay on the controlling operation in his construction schedule. The submission shall be made within three (3) calendar days of the occurrence claimed to be responsible for the unavoidable delay.

* Based on a study of NOAA records from Dallas, Texas and Alpharetta, Georgia and Atlanta, Georgia Airport Weather Reporting Stations from 1967 through 1972 by the Cobb County School District. Reporting records were reviewed again in 1977 and 1982. Changes were not significant and no changes have been made in the original schedule, which is now based on a 15 year weather record.

Attachment C

Bid Schedule

Contractor's Name: _____Allied Paving Contractors, Inc.

LINE NO.	GDOT ITEM	ITEM	QUANTITY	UNIT	UNIT AMOUNT	AMOUNT
		AND RESURFACING ITEMS				
0005	318-3800	Aggregate Surface Course	100	TN	\$ 60.00	\$ 6,000.00
0010	402-1812	Recycled Asph Conc Leveling, Incl Bitum Matl & H Lime	14,156	TN	\$ 145.00	
0015	402-3100	Recycled Asph Conc 9.5 MM Superpave, Type I, Gp 1 or Blend 1, incl bitum matl & H lime	17,323	TN	\$ 142.00	
0020	402-3130	Recycled Asph Conc 12.5 MM Superpave, Type II, Gp 2 only, incl bitum matl & H lime	3,423	TN	\$ 135.00	\$ 462,105.00
0030	402-3103	Recycled Asph Conc 9.5 MM Superpave, Type II, Gp 2 only, incl bitum matl & H lime	8,686	TN	\$ 140.00	
0035	413-1000	Bitum, Tack Coat	39,206	GL	\$ 5.55	
0040	441-0016	Driveway Concrete, 6 in thk	100	SY	\$ 70.00	\$ 7,000.00
0045		Sawed Joints in Exist Pavement - PCC	100	LF	\$ 3.00	
0050		Asphalt Patching	37,910	TN	\$ 162.50	\$ 6,160,375.00
0055		Crack Sealing	12.76	МІ	\$ 9,000.00	\$ 114,840.00
0060	432-5010	Mill Asphalt Concrete Pavement, Variable Depth	10,000	SY	\$ 2.75	\$ 27,500.00
0065	444-1000	Shoulder Construction	66.70	МІ	\$ 4,200.00	
0070	706-1002	Turf Establishment, Tp B	16.17	AC	\$ 3,600.00	\$ 58,212.00
	SIGNING	AND MARKING ITEMS	•			
0075	150-1000	Traffic Control	1.00	LUMP	\$ 525,000.00	\$ 525,000.00
0100	653-1504	Thermoplastic Solid Traffic Stripe, 12 in, White	800.00	LF	\$ 7.20	\$ 5,760.00
0105	653-2501	Thermoplastic Solid Traffic Stripe, 5 in, White	28.73	LM	\$ 4,500.00	\$ 129,285.00
0110	653-2502	Thermoplastic Solid Traffic Stripe, 5 in, Yellow	48.43	LM	\$ 4,500.00	\$ 217,935.00
0115	653-4501	Thermoplastic Skip Traffic Stripe, 5 in, White	1.00	GLM	\$ 2,820.00	\$ 2,820.00
0120	653-4502	Thermoplastic Skip Traffic Stripe, 5 in, Yellow	1.00	GLM	\$ 2,820.00	\$ 2,820.00
0125	653-1704	Thermoplastic Solid Traffic Stripe, 24 in, White	200.00	LF	\$ 9.00	\$ 1,800.00
0130	653-1706	Thermoplastic Solid Traffic Stripe, 24 in, Yellow	200.00	LF	\$ 9.00	\$ 1,800.00
0135	653-1804	Thermoplastic Solid Traffic Stripe, 8 in, White	1,000.00	LF	\$ 3.00	\$ 3,000.00
0140	653-1806	Thermoplastic Solid Traffic Stripe, 8 in, Yellow	1,000.00	LF	\$ 3.00	\$ 3,000.00
0145	652-0120	Thermoplastic Type 2 Arrows	15.00	EA	\$ 105.00	\$ 1,575.00
TOTAL AMOUNT						\$ 13,957,386.30



AGENDA ITEM

Public Works and Utilities

REPORT TO:	Work Session	(04/10/23))
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REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 181/2023

Approve the Intergovernmental Agreement with the Georgia Ports Authority **SUBJECT:**

to provide funding by the Georgia Ports Authority in the amount of

\$4,800,000.00 for roadway construction near and around the entrance to

the Northeast Georgia Inland Port.

Meetings:

Work Session Date: 04/10/23 Voting Meeting Date: 04/13/23

Executive Summary:

ΒN Presenter:

Recommendation:

Approve

Purpose of Request: History:

Facts and Issues:

Options:

Approve the Intergovernmental Agreement with the Georgia Ports Authority to provide funding by the Georgia Ports Authority in the amount of \$4,800,000.00 and requiring the County to engage in the following work associated with the Northeast Georgia Inland Port: (1) preliminary engineering, construction, property acquisition, and additional work associated with the construction of a roadway parallel to the Norfolk Southern Railway line, (2) preliminary engineering, construction, property acquisition, and additional work associated with the paving of an existing unpaved section of Cagle Road NE of the Northeast Georgia Inland Port, and (3) closure of the existing White Sulphur Road highway-rail at-grade crossing.

Funding Requested \$ 0.00 Are funds within current budget? No

Source of Funds Capital Projects

Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?

Yes

Has it been reviewed by the County Attorney? Is there a deadline for this item?

Yes

Approvals:

Submit	Approve		Budget		Finance
WS	BN		EW		WG
Attorney		Admini	stration		Clerk
WLI		C	R		JR

Attachments:

IGA - Hall County/Georgia Ports Authority



HALL COUNTY BOARD OF COMMISSIONERS FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 181/2023

Funds Requested:	\$ 0.00	Request Budgeted:	No
Proposed Source of F	unding:	Budget Transfer Reque	sted:

Capital Projects No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2024	005 - CAPITAL PROJECTS	536 - ENGINEERING	3740 - Inter-gov Reimbursements	\$-4,800,000.00

Bud	dae	t T	rar	ısfe	r I	te	ms:
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Additional Information/Comments:

Contact for Questions:	Phone:	None

INTERGOVERNMENT AGREEMENT

- THIS INTERGOVENMENTAL AGREEMENT (the "Agreement") is made as of the 28hday of March, 2023 (the "Effective Date"), by and between Georgia Ports Authority ("GPA") and Hall County, Georgia (the "County").
- WHEREAS, GPA intends to construct an inland port facility (the "Facility") on a certain tract of land located in Hall County, Georgia; and
- WHEREAS, the development of the Facility includes related cooperation between GPA, Norfolk Southern Railway Company ("NSR") and County; and
- WHEREAS, as part of the cooperation, the County will construct a segment of roadway over property owned by the County paralleling NSR's mainline south of the Facility, as well as certain associated work near and around the entrance to the Facility (the "Work"); and
- WHEREAS, GPA values its various partnerships related to economic development with agencies and communities throughout the State of Georgia; and
- WHEREAS, the Work is not required for the construction or operation of the Facility but will provide benefit to the Facility; therefore, the parties agree that in the spirit of cooperation and other benefits that will accrue to GPA, GPA will contribute financially to the completion of the Work, subject to the terms and conditions herein;
- NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto hereby agree as follows:

ARTICLE I

SCOPE OF WORK AND PAYMENTS

- Section 1.1 <u>Description of the Work</u>. The County agrees that it shall perform the Work, or cause the Work to be performed, as defined in Exhibit "A", Description of Work, attached hereto and incorporated herein by reference. The Work shall commence as of a mutually agreed upon date and shall be completed by no later than thirty-six (36) months from the date of commencement of the Work (the "Completion Date").
- Section 1.2 <u>Term</u>. This Agreement shall commence as of the Effective Date and shall continue in full force and effect until the Completion Date of the Work (the "Term"). No termination of this Agreement shall affect the rights and obligations of the parties arising prior to such termination or in respect of any provision of this Agreement which survives termination.
- Section 1.3 Project Contribution. GPA agrees to contribute to the cost of the Work and to pay to the County a total amount not to exceed Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) (the "Project Contribution"). Ten percent (10%) of the Project Contribution shall be payable upon the commencement of the Work that is defined as a Notice to Proceed for the construction of Item 1(A) as defined in Exhibit A, and an additional forty percent (40%) shall be payable upon the completion of Items 1(A) and 1(B) as defined in Exhibit A. The final fifty percent (50%) shall be payable upon completion of Item 1(C) as defined in Exhibit A. The cost of the Work includes, without limitation, costs for all planning, engineering, labor, equipment, and materials necessary for the completion of the Work as set forth in Exhibit "B", Project Estimated Cost, attached hereto and incorporated herein by

reference. GPA shall have the right to inspect the Work prior to making the final Project Contribution payment, in order to verify that the Work has been completed. The County shall cause its engineering representative(s) to coordinate with GPA's engineering representative, Moffatt & Nichol, related to the Work including, but not limited to, project coordination, concept development, preliminary and final engineering, property impacts and acquisition, construction bidding, and construction. In the event the actual cost of the Work exceeds the Project Estimated Cost, GPA will not be obligated to increase its Project Contribution amount.

Section 1.4 <u>Invoices</u>. The County shall submit to GPA an invoice for each of the two Project Contribution payments in accordance with Section 1.3 hereof. Invoices will include documentation to support the payment in accordance with Section 1.3. If GPA discovers an error in an invoice or lack of supporting documentation, GPA shall notify the County thereof, and upon receipt of a correct invoice shall pay such invoice in accordance with this Agreement. Unless disputed by GPA, each invoice shall be due and payable sixty (60) days after such invoice (including all supporting documentation) is received by GPA. If GPA in good faith disputes the accuracy of an invoice or supporting documentation, GPA shall provide written notice stating the reasons why the invoice is incorrect. Upon resolution of the dispute, GPA shall pay all amounts owed within thirty (30) days after the dispute is resolved.

Section 1.5 <u>Final Invoice</u>. Following the Completion Date, payment of the final invoice for the Project Contribution shall be subject to the following conditions:

- a. Documentation provided by County to GPA of the closure of the highway-rail at-grade crossing (USDOT ID #717784N) at White Sulphur Road (i.e., Item 1(C) as defined in Exhibit A);
- b. Final inspection by GPA and County to determine that all Work has been completed in accordance with the project plans and specifications approved by both parties, as well as the terms and conditions set forth in Exhibit "A"; and
- c. Submittal of a letter, by a registered professional engineer in the State of Georgia that certifies that all Work has been completed in full compliance with the approved plans and specifications for the Work.

Section 1.6 Subcontracting of the Work. GPA acknowledges that the County is subcontracting with various vendors and contractors for the performance of the Work. Notwithstanding the foregoing, the County shall not be relieved of any obligation, responsibility or liability hereunder related to the Work. The County shall ensure that any contractor agrees to comply with all applicable terms and conditions of this Agreement. With respect to insurance normally required to be carried by any contractor, the County agrees that its contractor shall be required to provide to the County certificates of insurance evidencing commercially reasonable insurance coverage and limits when performing any Work. The parties agree that neither party nor its contractor(s), if any, shall be deemed to be either an agent or a licensee of the other party.

Section 1.7 <u>Compliance with Laws</u>. The County, or its contractor(s), shall secure, at their own expense, all permits, approvals, and licenses required by any applicable Federal, State or local laws and regulations related to the Work. The County shall comply with all applicable Federal, State and local laws, codes, regulations, and ordinances enacted by any governmental body, in force or enacted during the Term of this Agreement, in regard to any Work on GPA's property including, without limitation, any federal, state or local law, ordinance, or regulation related to environmental conditions on, under or about GPA's property or the use, generation, storage, placement, disposal or release of any hazardous or toxic

substance, material or waste, including, petroleum or crude oil, that is or becomes regulated by any local, state or federal governmental authority ("Hazardous Substances") in or on GPA's property ("Environmental Laws"). If any Hazardous Substance is released on, under or about GPA's property by County or its employees, agents, visitors, licensees, contractors or subcontractors, County agrees to promptly notify GPA. County, at its sole expense, shall promptly take all actions necessary to return GPA's property to the condition prior to the introduction of such Hazardous Substance in accordance with all Environmental Laws. County shall provide to GPA copies of all reports provided to, or received from, all regulatory agencies regarding such release of Hazardous Substances until such time as the regulatory agencies release County from any further actions or monitoring of any release or violation. County's obligations under this Section 1.7 with regard to compliance with Environmental Laws and removal of Hazardous Substances shall survive the expiration or other termination of this Agreement.

ARTICLE II REPRESENTATIONS AND WARRANTIES

- Section 2.1 <u>Representations and Warranties by GPA.</u> GPA makes the following representations and warranties:
- (a) Organization and Authority. GPA is a public body corporate and politic, created and validly existing pursuant to the Constitution and laws of the State of Georgia. GPA has the power to execute and deliver this Agreement, to enter into the transaction contemplated hereby and to perform and observe its obligations contained herein in accordance with the terms hereof. By proper action, GPA has duly authorized the execution and delivery of this Agreement.
- (b) <u>Agreements are Legal and Authorized</u>. GPA is not subject to any statutory or contractual limitation or provisions of any nature whatsoever which in any way limits, restricts or prevents GPA from entering into or performing any of its obligations hereunder, except to the extent that such performance may be limited by bankruptcy, insolvency, reorganization or other laws affecting creditors' rights.
- (c) <u>Enforceability</u>. This Agreement is a legal, valid and binding obligation of GPA enforceable in accordance with its terms, except to the extent the enforceability hereof may be subject to (i) the exercise of judicial discretion in accordance with general principles of equity, and (ii) bankruptcy, insolvency, reorganization, moratorium, or other similar laws affecting creditors' rights heretofore or hereinafter enacted to the extent constitutionally applicable.
- Section 2.2 <u>Representations and Warranties by the County</u>. The County makes the following representations and warranties:
- (a) <u>Corporate Organization and Power.</u> The County is a public body corporate and politic, created and validly existing under the laws of the State of Georgia. County has the power to enter into this Agreement and to perform and observe its obligations contained herein in accordance with the terms hereof, and has, by proper corporate action, been duly authorized to execute, deliver and perform this Agreement in accordance with the terms hereof.
- (b) <u>Pending Litigation</u>. There are no actions, suits, proceedings, inquiries or investigations pending, or to the knowledge of the County, threatened against or affecting the County in any court or before any governmental authority or arbitration board of tribunal which is reasonably anticipated to materially and adversely affect the transaction contemplated by this Agreement.
 - (c) Agreements Are Valid and Authorized. The execution and delivery by the County

of this Agreement and the compliance by the County with all of the provisions hereof (i) are within the corporate power of the County; (ii) will not conflict with or result in any breach of any of the terms, conditions or provisions of, or constitute a default under its creation legislation, or any commitment or agreement to which the County is a party or by which it may be bound, or to which any of its properties may be subject, or any license, judgment, decree, law, statute, order, rule or regulation of any court or governmental agency or body having jurisdiction over the County or any of its activities or properties; (iii) will not result in the creation or imposition of any prohibited lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of the County under the terms of any instrument or agreement; and (iv) have been duly authorized by all necessary action on the part of the County.

(d) <u>Enforceability</u>. This Agreement is a legal, valid, and binding obligation of the County enforceable in accordance with its terms, except to the extent the enforceability hereof may be subject to (i) the exercise of judicial discretion in accordance with general principals of equity; and (ii) bankruptcy, insolvency, reorganization, moratorium, or other similar laws affecting creditors' rights heretofore or hereinafter enacted to the extent constitutionally applicable.

ARTICLE III INDEMNITY BY THE COUNTY

Section 3.1 <u>Indemnity</u>. To the extent allowed by law, the County shall indemnify, defend and hold harmless GPA and its officers, directors, employees, agents and representatives from and against any and all obligations, claims, liabilities and damages, including attorney's fees, that are paid, suffered or incurred by GPA resulting from or in connection with the (i) performance of the Work by, or the presence of, the County, or its employees, agents, contractors, subcontractors, licensees or authorized representatives, on GPA's property (ii) the violation of any law including, without limitation, Environmental Laws by reason of or resulting in any way from the County's use, non-use, occupancy of or the conducting of the County's Work on GPA's property, or (iii) any breach by the County and/or its employees, agents, contractors, subcontractors, licensees or authorized representatives of any covenant or condition of this Agreement. To the extent allowed by law, this Section 3.1 shall survive the termination of this Agreement with regard to any event giving rise to the provisions of Section 3.1 that occurred during the Term.

ARTICLE IV DEFAULT

- Section 4.1 <u>Event of Default</u>. If a party fails to perform, or comply with, any of the terms, conditions or provisions of this Agreement, such failure shall constitute an event of default by such party under this Agreement.
- Section 4.2 Right to Cure; Remedies. A defaulting party shall have thirty (30) days grace within which to cure an event of default from the date of written notice from the other party that it intends to regard a violation as a default pursuant to this Agreement; provided, however, that if any such default shall be a default that cannot be cured by the payment of money and cannot with diligence be cured within such thirty (30) day period, and if the cure of such default shall be promptly commenced and prosecuted with diligence, the period within which such default may be cured shall be extended for an additional period of time, not to exceed an additional thirty (30) days, as may be reasonably necessary to cure such default as long as the defaulting party prosecutes such cure with diligence and continuity and provided the non-defaulting party receives periodic reports with respect thereto. If the defaulting party fails to cure the default within the cure period, the other party may terminate this Agreement upon written notice to the defaulting party. In addition, the non-defaulting party shall have the right to pursue any remedies which may be available at law or in equity.

Section 4.3 <u>Consent to Jurisdiction</u>. In the event of any litigation regarding this Agreement arising between GPA and the County, both parties do hereby mutually consent to the jurisdiction of the courts of the State of Georgia having jurisdiction in Hall County, or any Federal District Court having jurisdiction in Hall County and those same courts shall be the proper venue for the determination of all controversies and disputes arising hereunder. Parties agree to waive any objection based on *forum non conveniens*.

ARTICLE V MISCELLANEOUS

- Section 5.1 <u>Insurance</u>. During the Term of this Agreement, County shall, at its own cost and expense, maintain and provide insurance certificates for general liability insurance in a reasonable amount and form that is satisfactory to GPA. In addition, County shall require its contractors and subcontractors, at their expense, to maintain Commercial General Liability insurance, Automobile Liability insurance and Workers' Compensation insurance.
- (a) All of the insurance specified above shall be obtained from an insurance carrier or carriers authorized to do business in the State of Georgia and satisfactory to GPA. The County shall maintain any other insurance required by federal or state law. The County shall deliver certificates of insurance to GPA evidencing the existence of the required policies prior to the commencement of the Work.
- (b) The above insurance shall remain in full force and effect and shall not be canceled, allowed to lapse, or allowed to expire until the earlier to occur of (a) the termination date of this Agreement, or (b) the date thirty (30) days after GPA's Risk Management Department, P.O. Box 2406, Savannah, Georgia 31402, has received written notice thereof.
- Section 5.2 Reporting of Accidents, Injuries or Damages. All accidents, injuries, fires and other incidents of a serious nature including, without limitation, incidents requiring emergency response or injuries requiring any medical treatment away from the scene must be reported immediately to the appropriate emergency response agency. In addition, after the appropriate emergency response agency has been notified of the instances described above, the County shall also promptly notify GPA's Port Police Department at 912-964-3911. Additionally, all damages to GPA's property or the personal property of either party (or property in the care, custody or control of either party) must be reported at the time of discovery to GPA's Port Police Department at 912-963-5588, if such damages are related to this Agreement.
- Section 5.3 Notices. Any notice permitted to be given pursuant to this Agreement shall be in writing and delivered by United States mail, certified, postage prepaid, return receipt requested, or when sent by overnight express carrier (i.e., Federal Express, UPS) with a request that the addressee sign a receipt evidencing delivery, to the following persons at the indicated address:

To the County:

Hall County

P. O. Drawer 1435

Gainesville, Georgia 30503

Attention: Zach Propes, County Administrator

To GPA:

Georgia Ports Authority
P. O. Box 2406

Savannah, Georgia 31402

Attention: James C. McCurry, Jr.

Either party may, at any time, designate by written notice to the other party a change in the above address; provided, however, such change shall be binding upon the person to whom it is sent only from and after the date of receipt by such person.

- Section 5.4. <u>Waiver</u>. No waiver of any default by either party hereunder will be implied from any omission by either party to take action on account of such default if such default persists or is repeated, and any express waiver will be operative only for the time and to the extent therein stated. A waiver by either party of any provision hereof will not be construed as a waiver of any subsequent breach of the same provision, nor will the consent or approval by either party to or of any act by the other be deemed to waive or render unnecessary their consent or approval to or of any subsequent similar acts.
 - Section 5.5 <u>Time</u>. Time is of the essence in this Agreement.
- Section 5.6 Governing Law. This Agreement shall be subject to and governed according to the laws of the State of Georgia.
- Section 5.7 <u>Binding Effect</u>. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their respective successors, assigns or other legal representatives. Such successor in interest or assignee shall have all rights, powers and privileges conferred by this Agreement and shall be entitled to enforce the same according to the terms of this Agreement and law.
- Section 5.8. <u>Severability</u>. If any portion or portions of this Agreement shall be for any reason invalid or unenforceable, the remaining portion(s) shall be valid and enforceable and carried into effect unless to do so would clearly violate the present legal and valid intention of the parties hereto.
- Section 5.9 Entire Agreement. This Agreement, together with the Exhibits referred to herein which are hereby incorporated herein by reference, contains the entire agreement between GPA and the County relative to the Work, and supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, between the parties. This Agreement shall not be amended or modified, and no waiver of any provision hereof shall be effective, unless and until set forth in a written instrument authorized and executed with the same formality as this Agreement.
- Section 5.10 <u>Consent</u>. Except as otherwise specifically set forth herein, whenever in this Agreement GPA or the County is required to give its consent or approval, such consent or approval shall not be unreasonably withheld, conditioned, or delayed.
- Section 5.11 Scrivener of Agreement. Should any provision of this Agreement require judicial interpretation, it is agreed that the Court or arbitral tribunal interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same. It being agreed that the agents of all parties have participated in the preparation hereof.
- Section 5.12 Execution in Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.
- Section 5.13 <u>Captions</u>. The captions and headings in this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any provisions of this Agreement.

IN WITNESS WHEREOF, GPA and the County have caused their duly authorized representatives to execute this Agreement as of the day and year first above written.

Georgia Ports Authority

By:

Name: James C. McCurry, Jr.

Title

Chief Administrative Officer

Attest:

Name: Paul

rauj yark

Contracts & Procurement

Signed, sealed and delivered

in the presence of:

Witness

Notary Public, State of Georgia

My Commission Expires: 7.20.25

(Notarial Seal)

[Signatures Continue on Following Page]

Hall County, Georgia

	Ву:
	Name:
	Title:
	Attest:
	Name:
	Title:
Signed, sealed and delivered	
in the presence of:	
	with J. Links
Witness	APPROVED AS TO FORM William J. Linkous, III
	Deputy County Attorney
Notary Public, State of	
My Commission Expires:	
(Notarial Seal)	

EXHIBIT "A"

- 1. The scope of Work to be performed by the County shall include the following:
 - (a) Preliminary engineering, construction, property acquisition, and associated work associated with the construction of a roadway parallel to the Norfolk Southern Railway line on the south side of the railway. The road generally runs west to east, connecting White Sulphur Road with White Sulphur Road near the entrance of the Northeast Georgia Inland Port.
 - (b) Preliminary engineering, construction, property acquisition, and associated work associated with the paving of an existing unpaved section of Cagle Road northeast of the Northeast Georgia Inland Port.
 - (c) Closure of the existing White Sulphur Road highway-rail at-grade crossing (USDOT ID #717784N)

EXHIBIT "B"
Project Estimated Cost

Scope	Bu	dget
Design	\$ 831	,150.00
Right-of-Way	\$ 843	,000.00
Construction	\$ 8,782	2,292.00
Contingency	\$ 2,229	,818.00
Total	\$ 12,68	6,260.00



AGENDA ITEM

Public Works and Utilities

REPORT TO: Work Session (04/10/23)

REPORT TO: Voting Meeting (04/13/23)

ITEM NO: 148/2023

Approve the acceptance of a \$175,002.00 Guaranty

SUBJECT: Performance/Maintenance Agreement for Streets, Stormwater Management

Facilities, and Sidewalks in Reunion Phase 9 Subdivision. Commission

District 1.

Meetings:

Work Session Date: 04/10/23 Voting Meeting Date: 04/13/23

Executive Summary:

Presenter: BN

Recommendation:

Approve

Purpose of Request: History:

Approve the Acceptance of a \$175,002.00 Guaranty
Performance/Maintenance Agreement for Streets, Stormwater
Management Facilities, and Sidewalks in Reunion Phase 9 subdivision
off Spout Springs Road.

Facts and Issues: Options:

Funding Requested \$ 0.00
Are funds within current budget? No

Source of Funds

NI -

Does the action involve a Resolution, Ordinance, Contract,

Agreement, etc.?

No Yes

Has it been reviewed by the County Attorney?

Is there a deadline for this item?

Approvals:

Submit	Approve	Budget	Finance
WS	BN	EW	WG

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Guaranty/Maintenance Agreement Final Plat Information

GUARANTY PERFORMANCE/MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, _ Pulte Home Company, LLC(owner/principal,
hereinafter referred to as "Principal"), and Berkley 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 \$ 175,002.00 *
(hereinafter referred to as "bonded amount") for payment of which we bind ourselves, our heirs, executors,
administrators and assigns.
WHEREAS, Pulte Home Company, LLC (principal) is owner of the
Subdivision known as Reunion Phase 9
Subdivision, which subdivision is shown on a plat prepared by,
Georgia Registered Surveyor Number, and
WHEREAS, Pulte Home Company, LLC (principal) wishes to
induce the Board of Commissioners of Hall County, Georgia to approve the street system shown on the Final Plat
of Reunion Phase 9 Subdivision
for recording purposes, and
WHEREAS, Pulte Home Company, LLC (principal) wishes
to induce the Board of Commissioners of Hall County, Georgia to accept the streets shown on the Final Plat of
Reunion Phase 9 Subdivision
for public maintenance (not applicable to private developments);
Pulte Home Company, LLC (principal) and
Berkley Insurance Company (surety) agree in consideration of the foregoing,
NOW, THEREFORE BE IT RESOLVED, Pulte Home Company, LLC (principal)
agrees that all construction of the street system of Reunion Phase 9

•	For fifteen (15) months according to the terms and requirements as
Pulte Home Company, LLC	odivision Regulations in force in Hall County, Georgia.
Pulle Home Company, LLC	(principal), and (surety) agree to the following:
Sidewalks will be completed throughou	at entire subdivision as shown on recorded final plat within one (1)
year of signing of said final plat. One is	nch of "F" mix asphalt may be placed anytime prior to final platting
or up to one (1) year after final plat app	roval. In addition, Principal and Surety agree that if either the
sidewalks, cuts, fills, sub-grades, should	ders, pavement, grassing, storm water management facilities, or
traffic signs in Reunion Phase 9	Subdivision are
improperly maintained or are found to b	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,
Berkley Insurance Company	(surety) shall pay the bond amount to Hall
County.	
Terms of Guaranty:	
Pulte Home Company, LLC	(principal) and
Berkley Insurance Company	(surety) shall be bound by the provisions of
this agreement until a properly authorized letter	is received by
Berkley Insurance Company	(surety) from Hall County authorizing release of
Pulte Home Company, LLC	(principal) and
Berkley Insurance Company	(surety) from this Guaranty Agreement.
NOTWITHSTANDING the above prov	visions, this Guaranty Performance/Maintenance Agreement is
hereby issued on March 7, 2023	(Date) and expires on March 7, 2025
(Data minimum 24 months from data of issues	ca) and the Iccuer will have no more lightlity 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 WITNE	SS WHEREOF	F, the undersigne March	ed have hereunto signed their names and affixed their seals, this , 2023
	u., o.	•	Pulte Home Company, LLC PRINCIPAL By: SEE ATTACHED Gregory S. Rives, Assistant Treasurer Principal's Address: 2475 Northwinds Pkwy #600 Alpharetta, GA 30090
A Co		•	Berkley Insurance Company SURETY By: (Authorized Representative) Jeremy Polk, Surety's Address: 475 Steamboat Rd Greenwich, CT 06830
		•	Approved: Hall County By:(Chairman)

executed this 1	day of	March	_, 2023.
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Pulte Home Company, LLC

PRINCIPAL

BY: Gregory S. Rives, Assistant Treasurer

Notary Attached

ACKNOWLEDGEMENT BY PRINCIPAL

STATE OF GEORGIA)

COUNTY OF COBB)

) ss.

Notary Public - State of Georgia Cobb County My Commission Expires Feb 21, 2026

This record was acknowledged before me on March 7, 2023, appeared Gregory S. Rives, Pulte Home Company, LLC, who provided to me on the basis of satisfactory evidence to be the person who appeared before me and is personally known to me.

WITNESS my hand official seal.

Signature of Notary Public

(s T. JESSICA MASK Notary Public State of Georgia

My Commission Expires: February 21, 2026

* The amount of the bond equals 30 percent of all completed infrastructure including base, paving, grassing, stormwater management facilities, and sidewalks plus 100 percent of the cost of all incomplete infrastructure such as remaining sidewalks and asphalt topping. The unit cost data used in the calculations will be based upon the latest Georgia Department of Transportation (GADOT) Item Mean Summary, or the latest Hall County contract data, whichever is higher.

POWER OF ATTORNEY BERKLEY INSURANCE COMPANY WILMINGTON, DELAWARE

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: Jeremy R. Polk or Matthew Erra of USI Insurance Services, LLC of Phoenix, AZ its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and

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 and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 30th day of 2021 Attest: Berkley Insurance Company MSURANCE DRPORM M. Hafter Ira S. Lederman 1975 Executive Vice President & Secretary Viçe President OKLAWARE STATE OF CONNECTICUT)) ss: COUNTY OF FAIRFIELD , by Ira S. Lederman Sworn to before me, a Notary Public in the State of Connecticut, this 30th day of July 2021 and Jeffrey M. Hafter who are sworn to me to be the Executive Vice President, and Secretary, and the Senior Vice President, MARIA C RUNDBAKEN respectively, of Berkley Insurance Company. NOTARY PUBLIC CONNECTICUT MY COMMISSION EXPIRES Notary Public, State of Connecticut APHIL 30, 2024 CERTIFICATE I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a

true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attisting of the state of this date.

Some of the company, this _

Some of the Company, this _

SEAL 1975 OCLAWARE

7th day of

Vincent P. Forte

Final Plat Information

Consider Acceptance of \$175,002.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Reunion Phase 9 Subdivision

Subject Subdivision is located off Spout Springs Road

NAME OF SUBDIVISION:

NAME OF OWNER/DEVELOPER:

ADDRESS:

Reunion Phase 12A

Pulte Home Corporation

2475 Northwinds Pwky, Suite 600

Alpharetta, GA 30009

TYPE OF MAINTENANCE BOND:

DATE OF BOND: AMOUNT OF BOND:

Guaranty Performance/Maintenance

March 7, 2023 \$175,002.00

FINANCIAL INSTITUTION:

AND ADDRESS:

Berkley Insurance Company

475 Streamboat Road

Greenwich, CT 06830

Account No.:

0251542

		R/W	LENGTH	WIDTH	TYPE	STATE
COMM.		IN	IN	IN	OF	REF.
DIST.	STREET NAME	FEET	FEET	FEET	SURFACE	NO.
1	Sprucewood Terrace	50	955.90	20	P.M.	

NOTES:

NUMBER OF LOTS:

CURB & GUTTER: TOTAL ACRES OF S/D: 10

24" Rolled Back

14.372 AC



AGENDA ITEM

Sheriff's Office

REPORT TO: Work Session (04/10/23)

Voting Meeting (04/13/23) **REPORT TO:**

ITEM NO: 128/2023

Approve the annual contract renewal for Medical Services for the Hall **SUBJECT:**

County Jail to Dr. Linwood Zoller, M.D. of Gainesville, GA. The estimated

Yes

annual cost is \$171,611.53.

Meetings:

Work Session Date: 04/10/23 **Voting Meeting Date:** 04/13/23

Executive Summary:

Presenter: CI

Recommendation:

Approve the annual renewal of Medical Director, Dr. Linwood Zoller, contract for FY 2024 in the amount of \$171,611.53.

Purpose of Request:

Approve the annual contract renewal for Medical Services for the Hall County Jail to Dr. Linwood Zoller, M.D. of Gainesville, GA. Renew contract for medical services for FY 2024.

Dr. Zoller has been the Medical Director for Hall County Detention since

History:

Facts and Issues: **Options:**

With the rising costs of healthcare, the Detention Center would like to maintain its good standing with this vendor.

Funding Requested \$ 171,611.53

Are funds within current budget? Yes

General Fund **Source of Funds**

Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?

Has it been reviewed by the County Attorney? No

Is there a deadline for this item?

Approvals:

Submit	Approve	Budget	Finance

Submit	Approve		Budget		Finance	
AH	SC		EW		WG	
Attorney	Attorney Admini		on		Clerk	
WLI		CR			JR	

Attachments:

Financial Supplement Contract



HALL COUNTY BOARD OF COMMISSIONERS FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 128/2023

Funds Requested: \$ 171,611.53 **Request Budgeted:** Yes

Proposed Source of Funding: Budget Transfer Requested:

General Fund No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2024	001 - GENERAL	141 - SHERIFF - JAIL	4411 - PRISONER MEDICAL CARE	\$171,611.53

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: CI **Phone:** 770-536-6900

PHYSICIAN AGREEMENT

This Agreement made this 1st day of July, 2023 by and between Hall County, Georgia, a political subdivision of the State of Georgia ("County") and Dr. Linwood Zoller, M.D. ("Independent Contractor").

WHEREAS, the County operates the Hall County Jail and Detention Center (the "Detention Center"), and desires to services of a qualified physician to provide healthcare services to the inmates housed in the Detention Center from time to time; and

WHEREAS, Independent Contractor is a qualified, licensed physician capable of providing healthcare services; and

WHEREAS, Independent Contractor agrees to provide, from time to time, the services contracted for hereunder on behalf of the County; and

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, it is mutually agreed as follows:

- 1. Physician Services. Independent Contractor agrees to act as the physician of the Hall County Jail and Detention Center. As such, Independent Contractor agrees to perform the following functions:
 - a. Independent Contractor shall visit the Detention Center four (4) days per week (such days to be mutually agreed upon by the County and Independent Contractor) for the purposes of providing medical services to the detainees at the Hall County Detention Center.
 - **b.** Independent Contractor shall be on call twenty-four (24) hours per day for the purpose of giving medical services in the handling of unforeseen medical emergencies which may arise at the Detention Center.
 - c. In the event a detainee requires medical attention which cannot be handled over the telephone or administered while Independent Contractor is visiting the Detention Center, Independent Contractor agrees to see detainee in Independent Contractor's office whenever reasonably possible in an effort to decrease the number of visits to the Emergency Room at Northeast Georgia Medical Center.
 - **d.** Independent Contractor shall direct the dispensing of medication and plan special diets for detainees when necessary.
 - e. Independent Contractor reserves the right to have a detainee sent to the Emergency Room at Northeast Georgia Medical Center when such is in the best interest of the detainee.
 - f. Independent Contractor shall abide by all rules of the Hall County Detention Center.
- **2. Base Compensation.** The County shall pay to Independent Contractor annually a total of One Hundred Seventy one Thousand Six Hundred eleven and 53/100 Dollars (\$171,611.53) (the "Base Compensation"), in compensation for or providing the Physician Services described in Paragraph 1 above. The Base Compensation shall be payable in twelve (12) monthly installments of Fourteen Thousand three hundred and 96/100 Dollars (\$14,300.96). The first monthly installment shall be made on August 1, 2023 and payment shall be made on the first day of each month thereafter until termination of this Agreement. A late charge of 5% of the monthly installment amount may be charged by Independent Contractor should payment not be made by the 20th day of each month.

- 3. Additional Compensation. In addition to Base Compensation set forth in Paragraph 2 above, Independent Contractor shall charge a fee not to exceed Twenty Dollars and No/100 (\$20.00) for each office visit or Thirty Dollars and No/100 (\$30.00) for each time Independent Contractor attends a detainee in the emergency room of Northeast Georgia Medical Center ("Fees"). Charges for medical procedures including but not limited to: shots, sutures, and medical testing, shall be in addition to the Base Compensation and Fees, and shall not exceed the fair market value for similar services in Hall County, Georgia ("Procedure Charges"). Independent Contractor shall send the County an itemized monthly invoice for reflecting the Fees and Procedure Charges with a brief description of the work performed. In the event the County feels that any Procedure Charge is unreasonable, the County may withhold payment of such amount until the County and Independent Contractor reach agreement on the reasonable fair market value of the procedure performed. Disagreements subject to arbitration.
- **4. Term.** This Agreement shall be in effect beginning on July 1, 2023, and shall terminate on June 30, 2024.
- **5. Termination without Cause.** Without cause, either party may terminate this Agreement at any time upon ninety (90) days prior written notice. In such event, the Independent Contractor, if requested by the County, shall continue to render services, and shall be paid Base Compensation up to the date of termination. Independent Contractor shall receive no severance allowance in the event this Agreement is terminated.
- **Leave**. In the event Independent Contractor is unable to attend the Detention Center or be on call as required pursuant to Paragraph 1, as a result of illness, vacation, personal time, or for any other reason, Independent Contractor agrees to make arrangements for a qualified person to visit the Detention Center and remain on call during the absence. Independent Contractor shall give the County at least seven (7) days' notice of any intended absence whenever possible.
- independent Contractor. Independent Contractor shall be and is an independent contractor, and is not an employee of the County. Independent Contractor understands, acknowledges and agrees that the County would not contract with Independent Contractor for the services hereunder except as an independent contractor. Independent Contractor declares and warrants that he has complied with all federal, state, and local laws regarding business permits and licenses that may be required to carry out the work to be performed under this Agreement. Independent Contractor also understands, acknowledges and agrees that, as an independent contractor, Independent Contractor is not entitled to be treated as an employee with respect to its services performed hereunder for federal or state tax purposes, nor shall Independent Contractor participate in any employee fringe benefits, health benefits, vacations, holidays, employee welfare benefit plans, or employee retirement plans sponsored by the County. Independent Contractor shall not have the right, nor shall Independent Contractor represent to any person that he has any authority, to bind the County in any contractual manner.
- **8.** Taxes. Payroll taxes, including federal, state, and local taxes shall not be withheld or paid by the County on behalf of Independent Contractor. Independent Contractor shall be solely responsible to pay all taxes as mandated by law.
- **9. No Joint Venture.** Nothing in this Agreement shall constitute or be construed as the creation of a partnership or joint venture.

- 10. Workers Compensation. The County shall not obtain workers' compensation insurance on behalf of Independent Contractor. Independent Contractor agrees to comply with the workers' compensation law concerning his business and his employees. Independent Contractor shall have sole responsibility for purchasing any and all liability insurance as required by law.
- 11. Indemnity. Independent Contractor's work hereunder is to be entirely at Independent Contractor's own risk and expense. Independent Contractor agrees to indemnify and hold the County harmless for any liability or loss to Independent Contractor or any third party in any manner arising out of his performance of services hereunder, including, without limitation, all damages that may be occasioned on account of the operation of this Agreement, whether the same be for medical malpractice, personal injuries, damage to property, damages of any other kind, or for any applicable federal, state, or local taxes.
- **11a. Insurance.** The Independent Contractor shall obtain and maintain, as a minimum, the following insurance coverage during the entire term of this contract:

Worker's Compensation Insurance in the covered amount of \$500,000.00 Per Bodily Injury; General Liability Insurance in the covered amount of \$1,000,000.00 Per Occurrence and \$2,000,000.00 General Aggregate;

Professional Liability Insurance in the covered amount of \$1,000,000.00 Per Occurrence and \$3,000,000.00 General Aggregate;

Umbrella Liability Insurance in the covered amount of \$1,000,000.00 Per Occurrence.

- **12. Waiver of Breach**. The waiver by either party of a breach of any provision of this agreement shall not operate or be construed as a waiver of any subsequent breach. No waiver shall be valid unless in writing and signed by either party.
- 13. Notices. Any notice required or desired to be given under this agreement shall be deemed given if in writing and sent by certified mail to the County and/or Hall County Sheriff's Office at 2859 Browns Bridge Rd, Gainesville, GA 30504 and to Independent Contractor at Linwood Zoller, M.D., 4921 Rilla Road, Gainesville, Georgia 30506.
- 14. No Drafting Presumptions. The parties have had full opportunity to participate and have participated in the drafting and revising of the language of this Agreement, and nothing in this Agreement shall be construed against the party drafting this Agreement because of having drafted this Agreement or any specific provision thereof.
- 15. Choice of Law. This Agreement shall be construed under the laws of the State of Georgia.
- **16. Entire Agreement.** This Agreement contains the entire understanding of the parties. It may not be changed orally but only by an agreement in writing signed by the party against whom enforcement of any waiver, change, modification, extension, or discharge is sought.

IN WITNESS WHEREOF, the parties hereto have affixed or caused to be affixed their respective hands and seals the day and year first above written.

INDEPENDENT CONTRACTOR:	COUNTY:		
sinwood Solle mo	HALL COUNTY, GEORGIA		
LINWOOD ZOLLER, M.D.			
	Ву:		
	Chairman		
	Attest:		
	Secretary		