



**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, August 21, 2023 - 03:00 PM**

Call to Order

Appointments for Consideration

- 1 Appointment to the Department of Family and Children's Services (DFACS) Board to serve an unexpired term to June 30, 2028. Chairman's Appointment. NOTE: Tabled at the August 10, 2023 Voting Meeting until the August 24, 2023 Voting Meeting.
- 2 Appointment to the Northeastern Judicial Circuit's Public Defender Supervisory Panel to serve a term from September 1, 2023 to August 31, 2026. Commission Districts 1, 2, 3, & 4.
- 3 Hospital Authority Nominations (3) for a term from 10/1/2023 to 9/30/2026. Commission District 1.
- 4 Hospital Authority Nominations (3) for a term from 10/1/2023 to 9/30/2026. Commission District 2.
- 5 Hospital Authority Nominations (3) for a term from 10/1/2023 to 9/30/2026. Commission District 4.

Community Services and Parks

- 6 Approve the purchase of one (1) 2023 Ford F-250 Truck for Animal Services to Akins Ford Dodge Chrysler Jeep of Winder, GA, in the amount of \$53,100.00.

Corrections and Maintenance

- 7 Approve the single source purchase of a 2022 Ford F-550 Crew Cab 4x4 Service Truck with Crane Attachment for Fleet Services to Houston Automotive Group, Inc. of Houston, TX, in the amount of \$233,565.50.

Emergency Management

- 8 Approve the purchase and installation of three (3) new standby generators and one (1) existing standby generator at North Hall Community Center, East Hall Community Center, Mulberry Creek Community Center and the Transitional Care House for Emergency Management to Cain Electric Company, Inc. of Gainesville, GA, in the amount \$841,370.00.

Planning and Development

- 9 **3271 & 3270 Buffington Farm Road | Rezone** | from Agricultural-Residential-III (AR-III) and Vacation-Cottage (V-C) to Planned Residential Development (PRD) on a 55.54± acre tract located on the north side of Buffington Farm Road at its intersection with Cagle Road | Zoned AR-III & V-C; Tax Parcels 09106 000001A & 000005 (pt.) | **Proposed use: 121-lot subdivision** | Commission District 3 | **Arabella Capital, LLC, applicant.** NOTE: Tabled at the August 10, 2023 Voting Meeting until the August 24, 2023 Voting Meeting.
- 10 **2196 Centennial Drive | Use Subject to County Commission Approval** | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | **Proposed Use: food processing plant involving the further processing of animal or animal product** | Commission District 4 | **Brian Jones, applicant.**
- 11 **5961 Pocahontas Drive | Use Subject to County Commission Approval** | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | **Proposed use: 5-lot subdivision** | Commission District 2 | **Kimberly Zax, applicant.**
- 12 **3555 North Bogan Road | Use Subject to County Commission Approval** | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | Commission District 1 | **John A. Moore, Sr., applicant.**
- 13 **3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | Commission District 1 | **John A. Moore, Sr., applicant.**
- 14 **3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | Commission District 1 | **John A. Moore, Sr., applicant.**

Public Works and Utilities

- 15 Approve the request from Lake Lanier Association for a waiver of Hall County Landfill tipping fees for an approximate 35 tons of trash to be collected (the estimated tipping fees are \$2,100.00) and to allow the deposit of prohibited items collected during the Shore Sweep event scheduled for September 23, 2023.
- 16 Approve the release of \$58,276.00 Irrevocable Letter of Credit for sidewalks in Deer Creek Crossing Subdivision. Commission District 3.

- 17 Approve the release of \$721,854.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Stephens Point Subdivision Phase 1. Commission District 2.

Tax Assessors

- 18 Approval and authorization for the Chairman to execute a resolution to appeal the State of Georgia Auditor's Office 2022 Hall County Sales Ratio Study, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the appeal, subject to review and approval by County Attorney.

County Administrator

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

Commission Time

Adjourn

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



AGENDA ITEM

Appointments for Consideration

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 465/2023

SUBJECT: Appointment to the Department of Family and Children's Services (DFACS) Board to serve an unexpired term to June 30, 2028. Chairman's Appointment. NOTE: Tabled at the August 10, 2023 Voting Meeting until the August 24, 2023 Voting Meeting.

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: B
Recommendation: N/A

Purpose of Request:
 Appointment to the Department of Family and Children's Services (DFACS) Board to serve an unexpired term to June 30, 2028. Chairman's Appointment.

History:
 Helen Scovill is the current appointment.

Facts and Issues:
 Helen Scovill is ineligible to serve as she serves on the Court Appointed Special Advocate (CASA) Board.

Options:

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

Approvals:

Approve	Clerk
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Approve	Clerk
JR	JR

Attachments:



AGENDA ITEM

Appointments for Consideration

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 461/2023

SUBJECT: Appointment to the Northeastern Judicial Circuit's Public Defender Supervisory Panel to serve a term from September 1, 2023 to August 31, 2026. Commission Districts 1, 2, 3, & 4.

Meetings:

Work Session Date: 08/21/23 **Voting Meeting Date:** 08/24/23

Executive Summary:

Presenter: B

Recommendation: N/A

Purpose of Request: Appointment to the Northeastern Judicial Circuit's Public Defender Supervisory Panel to serve a term from September 1, 2023 to August 31, 2026. Commission Districts 1, 2, 3, & 4.

History: Tom Cole is the current appointment.

Facts and Issues: Tom Cole is willing and eligible to serve another term.

Options:

Funding Requested \$ 0.00

Are funds within current budget? No

Source of Funds

Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.? No

Has it been reviewed by the County Attorney? Yes

Is there a deadline for this item? 2023-09-01

Approvals:

Approve	Clerk
JR	JR

Attachments:

Attachments:

Hospital Authority Letter & Nomination Form



Northeast Georgia Medical Center, Inc.
743 Spring Street | Gainesville, Georgia 30501 | 770-219-9000

July 24, 2023

VIA EMAIL – rhiggins@hallcounty.org
AND REGULAR U.S. MAIL

Mr. Richard Higgins, Chairman
Hall County Board of Commissioners
P.O. Box 1435
Gainesville, GA 30503

**RE: Nominations for Board of Trustees of the Hospital Authority of Hall County
and the City of Gainesville**

Dear Chairman Higgins,

The Hospital Authority bylaws provide that terms will expire on September 30, 2023. The Authority members whose terms of office will be expiring this year are Chair Martha Randolph, Glennis Barnes and Terry Evans. They have served well during their term of office and are eligible and interested in serving a renewal term if the County Commissioners choose to include their names among its nominees.

As you know, the selection of new board members is made by the Authority from a list of three individuals nominated by the Board of Commissioners for each expiring term. I am enclosing a form for use by the Board of Commissioners in making its nominations. Please give me a call should you have any questions or if I may be of assistance in any way.

Sincerely,

Andrei Boyarshinov
Chief Legal Officer

cc: Zach Propes, County Administrator
Jennifer Rivera, Commission Clerk (via email)
Martha Randolph, Hospital Authority Chair
Vicky Curtis, NGHS Governance Coordinator

**NOMINATIONS TO FILL VACANCIES ON BOARD OF TRUSTEES
OF HOSPITAL AUTHORITY OF HALL COUNTY AND THE CITY OF GAINESVILLE**

WHEREAS, the Hospital Authorities Law of Georgia (the "Act") approved in 1964 provides that the Board of Commissioners of Hall County, Georgia, shall nominate three persons to fill vacancies on the Board of any hospital authority that has elected to come under the provisions of said Act; and

WHEREAS, the Hospital Authority of Hall County and the City of Gainesville, by a resolution approved April 23, 1964, did elect to have vacancies on its Board of Trustees filled in accordance with and pursuant to the provisions of said Act;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Hall County that the following nominations are hereby made to the Board of Trustees of the Hospital Authority of Hall County and the City of Gainesville;

1. Position to succeed Glennis Barnes:
 - (a) _____
 - (b) _____
 - (c) _____

2. Position to succeed Terry Evans:
 - (a) _____
 - (b) _____
 - (c) _____

3. Position to succeed Martha Randolph:
 - (a) _____
 - (b) _____
 - (c) _____

This _____ day of _____, 2023.

**BOARD OF COMMISSIONERS OF
HALL COUNTY, GEORGIA**

Chairman

Member

Member

Member

Member



AGENDA ITEM

Appointments for Consideration

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 416/2023

SUBJECT: Hospital Authority Nominations (3) for a term from 10/1/2023 to 9/30/2026. Commission District 2.

Meetings:

Work Session Date: 08/21/23 **Voting Meeting Date:** 08/24/23

Executive Summary:

Presenter: B

Recommendation: N/A

Purpose of Request:
Hospital Authority Nominations (3) for a term from 10/1/2023 to 9/30/2026. Commission District 2.

History:

Facts and Issues:
The current appointment is Glennis Barnes.

Previous nominees include Pat Powell and Roger Sulhoff.

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?	2023-09-30

Approvals:

Approve	Attorney	Administration	Clerk
JR	WLI	CR	JR

Attachments:

Hospital Authority Letter & Nomination Form



Northeast Georgia Medical Center, Inc.
743 Spring Street | Gainesville, Georgia 30501 | 770-219-9000

July 24, 2023

VIA EMAIL – rhiggins@hallcounty.org
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As you know, the selection of new board members is made by the Authority from a list of three individuals nominated by the Board of Commissioners for each expiring term. I am enclosing a form for use by the Board of Commissioners in making its nominations. Please give me a call should you have any questions or if I may be of assistance in any way.

Sincerely,

Andrei Boyarshinov
Chief Legal Officer

cc: Zach Propes, County Administrator
Jennifer Rivera, Commission Clerk (via email)
Martha Randolph, Hospital Authority Chair
Vicky Curtis, NGHS Governance Coordinator

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 - (c) _____

2. Position to succeed Terry Evans:
 - (a) _____
 - (b) _____
 - (c) _____

3. Position to succeed Martha Randolph:
 - (a) _____
 - (b) _____
 - (c) _____

This _____ day of _____, 2023.

**BOARD OF COMMISSIONERS OF
HALL COUNTY, GEORGIA**

Chairman

Member

Member

Member

Member



AGENDA ITEM

Appointments for Consideration

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 418/2023

SUBJECT: Hospital Authority Nominations (3) for a term from 10/1/2023 to 9/30/2026. Commission District 4.

Meetings:

Work Session Date: 08/21/23 **Voting Meeting Date:** 08/24/23

Executive Summary:

Presenter: B

Recommendation: N/A

Purpose of Request:
Hospital Authority Nominations (3) for a term from 10/1/2023 to 9/30/2026. Commission District 4.

History:

Facts and Issues:
The current appointment is Martha Randolph.

Previous nominees include Gary Funk and John Geyer.

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?	2023-09-30

Approvals:

Approve	Attorney	Administration	Clerk
JR	WLI	CR	JR

Attachments:

Hospital Authority Letter & Nomination Form



Northeast Georgia Medical Center, Inc.
743 Spring Street | Gainesville, Georgia 30501 | 770-219-9000

July 24, 2023

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2. Position to succeed Terry Evans:
 - (a) _____
 - (b) _____
 - (c) _____

3. Position to succeed Martha Randolph:
 - (a) _____
 - (b) _____
 - (c) _____

This _____ day of _____, 2023.

**BOARD OF COMMISSIONERS OF
HALL COUNTY, GEORGIA**

Chairman

Member

Member

Member

Member



AGENDA ITEM

Community Services and Parks

REPORT TO: Work Session (08/21/23)
REPORT TO: Voting Meeting (08/24/23)
ITEM NO: 456/2023
SUBJECT: Approve the purchase of one (1) 2023 Ford F-250 Truck for Animal Services to Akins Ford Dodge Chrysler Jeep of Winder, GA, in the amount of \$53,100.00.

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: BH
Recommendation: Approve.

Purpose of Request:
Approve the purchase of one (1) Ford F-250 truck for Animal Services to Akins Ford Dodge Chrysler Jeep of Winder, GA, in the amount of \$53,100.00.

History:
Last fiscal year Animal Services purchased a dog box that will be mounted on this F-250. This will allow the truck to be utilized by an Animal Services Officer.

Facts and Issues:
Three (3) quotes were obtained from Akins Ford, Greene Ford Company, and Athens Ford.

Options:

Akins Ford provided the lowest price of \$53,100.00.

Current vehicle shortage has forced us to purchase vehicles from vendors that have availability. Staff compared this pricing to the Statewide Contract and the pricing listed is comparable to State Contract pricing. Staff recommends that due to a material disruption of goods and services and a lack of inventory, the purchase be considered through the County Ordinance Section 3.10.140(G).

Funding Requested	\$ 53,100.00
Are funds within current budget?	Yes
Source of Funds	Capital Projects Fund

Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.? No
Has it been reviewed by the County Attorney? Yes
Is there a deadline for this item?

Approvals:

Buyer	Submit	Approve	Purchasing
EW	BH	BH	AP
Budget	Finance	Attorney	Administration
TS	WG	WLI	CR
Clerk			
JR			

Attachments:

Financial Supplement
 Akins Ford
 Athens Ford Quote
 Statewide Contract for Vehicles
 Greene Ford Quote



**HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT**

AGENDA ITEM 456/2023

Funds Requested: \$ 53,100.00

Request Budgeted: Yes

Proposed Source of Funding:

Budget Transfer Requested:

Capital Projects Fund

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2024	350-CAPITAL PROJECTS FUND	3910-ANIMAL SERVICES	542200-MOTOR VEHICLES	\$53,100.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: TG

Phone: 678-450-1587



BUYER'S ORDER / INVOICE / BILL OF SALE



P.O. Box 280 • Winder, GA 30680 • 770-867-9136 • 800-282-7872 • www.akinsford.com • sales @ akinsford.net

CUSTOMER INFORMATION FOR TITLE PURPOSES						SALES PERSON	PROSPECT #
NAME(S) FIRST, MIDDLE, LAST OR BUSINESS HALL COUNTY						QUOTE	
STREET ADDRESS						STOCK NUMBER PED54427	DATE 08/03/23
MAILING ADDRESS						TYPE - R.F.W.T.L. F	FLEET # QC832
HOME PHONE		CELL OR PAGER #	OFFICE OR WORK PHONE		E-MAIL ADDRESS		
PRIMARY PURCHASER INFORMATION						BASE PRICE	
SOCIAL SECURITY		DRIVER'S LICENSE #	DATE OF BIRTH	NAD #		\$53,100.00	
VEHICLE PURCHASED							
TYPE N	YEAR 2023	MAKE FORD	MODEL F250	BODY SRW SUPERCAB		\$0.00	
CYLINDERS 6.8L	TRANSMISSION AUTO	FUEL UNL	COLOR WHITE	TRIM VINYL	VIN 1FT7X2BA5PED54427	\$0.00	
KEY CODE		OTHER		ODOMETER 10			
TRADE-IN #1						TOTAL PRICE INCLUDING DEALER OPTIONS	
YEAR	MAKE	VIN				\$53,100.00	
MODEL	STOCK NUMBER	ODOMETER	TRADE ALLOWANCE \$		ADJUSTED PRICE INCL DISCOUNT(S)		\$53,100.00
PAYOFF AMOUNT	GOOD UNTIL	ACCOUNT NUMBER		GROSS TRADE-IN ALLOWANCE		\$0.00	
PAYOFF OWED TO	PHONE NUMBER		QUOTED BY		TRADE DIFFERENCE		\$53,100.00
ADDRESS		CITY	STATE	ZIP CODE	SERVICE & DOCUMENTATION FEE		
TRADE-IN #2						TAXABLE AMOUNT	
YEAR	MAKE	VIN				\$53,100.00	
MODEL	STOCK NUMBER	ODOMETER	TRADE ALLOWANCE \$		SALES TAX 0%		\$0.00
PAYOFF AMOUNT	GOOD UNTIL	ACCOUNT NUMBER		TAG & TITLE FEE		\$0.00	
PAYOFF OWED TO	PHONE NUMBER		QUOTED BY		GA WARRANTY RIGHTS FEE (NEW ONLY)		\$0.00
ADDRESS		CITY	STATE	ZIP CODE	PRICE INCLUDING TAX & FEES		
LIEN HOLDER						\$53,100.00	
PURCHASED VEHICLE LIEN HOLDER		LIEN HOLDER CODE				BALANCE OWED ON TRADE(S)	
ADDRESS		CITY	STATE	ZIP CODE	\$0.00		
INSURANCE						TOTAL PURCHASE PRICE W/TRADES	
COMPANY		POLICY NUMBER				REBATE(S) ASSIGNED TO DEALER	
AGENT		PHONE				\$0.00	
ADDRESS		CITY	STATE	ZIP CODE	DEPOSIT RECEIPT #		
Purchaser agrees that this Order, including all the terms on BOTH THE FACE AND REVERSE SIDE HEREOF, and any retail installment sales contract reflecting the above transaction cancel and supercede any prior agreement or contract and BINDING UNTIL ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE, AND FURTHERMORE IN THE EVENT OF A PURCHASER AND HAS BEEN APPROVED BY A BANK OR FINANCE COMPANY WILLING TO PURCHASE SAID CONTRACT ON SUCH TERMS. This agreement cannot be modified except by express agreement of the parties. Purchaser by his executing of the Agreement acknowledges that he has read the terms and conditions and has received a true copy of the agreement.						CASH DOWN RECEIPT \$	
PURCHASER'S SIGNATURE		DATE		ACCEPTED BY:		\$0.00	
CO-PURCHASER'S SIGNATURE		DATE		DEALER OR HIS AUTHORIZED REPRESENTATIVE		SERVICE CONTRACT	
						\$0.00	
						GAP	
						UNPAID BALANCE	
						NET DUE UPON DEL CASH/CHECK CONTRACT	
						\$53,100.00	



Date: 07/27/2023 4:01 PM
 Salesperson: Anthony Vernon
 Manager: Chris Ray

FOR INTERNAL USE ONLY

BUSINESS NAME HALL COUNTY GOVERNMENT Home Phone: (404) 569-2301
CONTACT Kevin buecker
2875 BROWNS BRIDGE ROAD
 Address: Gainesville, GA 30504 Work Phone:
HALL CO
 E-Mail: kbuecker@hallcounty.org Cell Phone: (404) 569-2301

VEHICLE
 Stock #: ED58116 New / Used : New VIN : 1FT8X3BA5PED58116 Mileage : 0
 Vehicle : 2023 Ford F-350 Color : OXFORD WHITE
 Type : XL 4x4 SD Super

TRADE IN
 Payoff : _____ VIN : _____ Mileage : _____
 Vehicle : _____ Color : _____
 Type : _____

Selling Price	55,369.00
Total Purchase	55,369.00
Trade Allowance	
Trade Difference	
Taxable Fees (Estimated)	220.00
Doc Fee	799.00
Non Tax Fees	46.00
Trade Payoff	
Cash Deposit	
Balance	56,434.00

Customer Approval: _____ Management Approval: _____
 By signing this authorization form, you certify that the above personal information is correct and accurate, and authorize the release of credit and employment information. By signing above, I provide to the dealership and its affiliates consent to communicate with me about my vehicle or any future vehicles using electronic, verbal and written communications including but not limited to eMail, text messaging, SMS, phone calls and direct mail. Terms and Conditions subject to credit approval. For Information Only. This is not an offer or contract for sale.

Statewide Contract Information Sheet

Statewide Contract Number	99999-001-SPD0000183-0005	NIGP Code	07105
Name of Contract	Police Pursuit and Special Services Vehicles		
Effective Date	1/4/2022	Expiration Date	1/3/2024
Contract Table of Contents			
Vendors Awarded	7	Contract Information:	Mandatory Contract
Contract Information for Vendor			
Contract Summary Page			1
Allan Vigil Ford Lincoln Mercury, Inc.			2
Additional Contract Information			
Contract Renewals/ Extensions/ Changes			3
Specifications			4
Line-Item Listing & Pricing			4
Ordering Instructions			5
Contract Administrator			6

Contract Information			
Statewide Contract Number	99999-001-SPD0000183-0005		
PeopleSoft Vendor Number	0000011950	Location Code	04
Vendor Name & Address			
Allan Vigil Ford Lincoln, Inc 6790 Mt. Zion Blvd. Morrow, GA. 3-0260			
TIN: 58-1606549			
Contract Administrator			
Mike Brown Govt. Sales Telephone: 678-364-3986 Fax: 678-364-3920 Email: mike.brown@allanvirgildford.com			
Contact Details			
Ordering Information	Allan Vigil Ford Lincoln, Inc 6790 Mt. Zion Blvd. Morrow, GA. 30260		
Remitting Information	Allan Vigil Ford Lincoln, Inc 6790 Mt. Zion Blvd. Morrow, GA. 30260		
Delivery Days	Coordinate Delivery Schedule upon Order		
Payment Terms	Net 30 days		
Bid Offer includes	State and Local Governments		
Acceptable payment method	ACH & Purchase Orders		

Contract Renewals/ Extensions/ Changes:

Base Term: 1/4/2022-1/3/2024

1st Renewal:

2nd Renewal:

3rd Renewal:

Specifications:

The specifications for all Police and Special Services Vehicles on this contract are the standard equipment as identified by the manufacturers. Standard Equipment can be found at <http://www.fleet.ford.com/showroom/police-vehicles/>

Line Item Listing and Pricing:

The list of vehicles available along with the pricing can be found as a separate document entitled "Police Vehicle Pricing" in Team Georgia Marketplace for each contract.

Allan Vigil Ford Lincoln, Inc Police Vehicle Ordering Instructions

Statewide Contract Number: 99999-001-SPD0000183-00005

Supplier Name: Allan Vigil Ford Lincoln, Inc.

Awarded Vehicles: F150 Police Responder, F250 CNG Bi-fuel, F350 CNG Bi-Fuel

**Supplier Customer Service:
Name: Robert(Bob) Burtner
Telephone: 678-364-3986
Email: bob@vigilford.com**

Ordering Instructions

Step 1: Customer contacts Bob Burtner at 678-364-3986 or bob@vigilford.com

Step 2: Customer informs the dealer which vehicle they want to order off Statewide Contract 99999-001-SDP0000183-0005

Step 3. Allan Vigil Ford sends to the customer a vehicle order sheet.

Step 4: Customer Returns Vehicle Ordering Sheet with all information completed to include options.

Step 5: The signed order form is returned to the customer and a purchase order is created by the purchasing department.

Step 6: Allan Vigil Ford Lincoln orders the vehicle(s) upon receipt of the approved purchase order.

Step 7: After the vehicle(s) is received from Ford it is prepared for pick up or delivery.

Step 8: The customer receives vehicle(s), invoice, and tag and title application.

Step 9: The customer submits the invoice to their accounts payable department to initiate payment via check or electronic transfer.

DOAS Contact Information:

***See Team Georgia Marketplace, Search Contracts for 99999-001-SPD0000183, (Click Open Summary) for current Contract Management Specialist contact information.**

State of Georgia Statewide Standard Contract Form

Solicitation Title Police Pursuit Vehicles and Special Services Vehicles	Solicitation Number 99999-SPD-SPD0000183	Contract Number 99999-SPD-SPD0000183-0005
--	--	---

1. This Contract is entered into between the Agency and the Contractor named below:

Agency's Name
Department of Administrative Services (hereafter called Agency)

Contractor's Name: **Allan Vigil Ford Lincoln, Inc.** (hereafter called Contractor)

2. Contract to Begin: 12/1/2021	Date of Completion: 11/30/2023	Renewals: Three (3) One (1) Year Renewals
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3. Performance Bond, if any: N/A	Other Bonds, if any: N/A
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4. Authorized Person to Receive Contract Notices for Agency: Billy Gilbert, Buyer 404-657-4277, billy.gilbert@doas.ga.gov Eric Mercier, Contract Manager. 404) 463-1540, Eric.Nercier@DOAS.Ga.Gov	Authorized Person to Receive Contract Notices for Contractor: Bob Burtner, 678-364-3986, bburtner@allanvigilford.com
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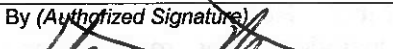
5. The parties agree to comply with the terms and conditions of the following attachments which are by this reference made a part of the Statewide Contract:

Attachment 1: Statewide Contract for Goods and Ancillary Services
Attachment 2: Solicitation (referenced above)
Attachment 3: Contractor's Final Response

IN WITNESS WHEREOF, this Contract has been executed by the parties hereto.

6. **Contractor**

Contractor's Name (If other than an individual, state whether a corporation, partnership, etc.)
Allan Vigil Ford Lincoln, Inc.

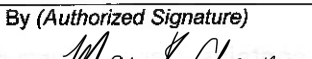
By (Authorized Signature) 	Date Signed 4/21/2021
--	---------------------------------

Printed Name and Title of Person Signing
Robert Burtner Govt. Sales

Address
6790 Mt. Zion Blvd, Morrow, GA 30260

7. **Agency**

Agency Name
Department of Administrative Services, State Purchasing Division

By (Authorized Signature) 	Date Signed 11/16/2021
--	----------------------------------

Printed Name and Title of Person Signing
Mary Chapman, Interim Deputy Commissioner, State Purchasing Division, Department of Administrative Services

Address
200 Piedmont Avenue, S.E., Suite 1308, West Tower, Atlanta GA 30334-9010

**STATE OF GEORGIA
STATEWIDE CONTRACT
Attachment 1**

Contract Terms and Conditions for Goods and Ancillary Services

A. DEFINITIONS AND GENERAL INFORMATION

1. Definitions. The following words shall be defined as set forth below:

- (i) **"Agency"** means the Department of Administrative Services of the State of Georgia.
- (ii) **"Awarded Item Schedule"** means the summarizing document, if any, listing the goods and services as awarded and may also denote the Contractor providing such goods and services.
- (iii) **"Contract"** or **"Statewide Contract"** means the agreement between the Agency and the Contractor as defined by the Statewide Contract Form and its incorporated documents.
- (iv) **"Contractor"** means the provider(s) of the goods and services under the Statewide Contract.
- (v) **"Purchase Instrument"** means the documentation issued by the Agency or User Agencies to the Contractor for a purchase of goods and services in accordance with the terms and conditions of the Statewide Contract. The Purchase Instrument should reference the Statewide Contract and may include an identification of the items to be purchased, the delivery date and location, the address where the Contractor should submit the invoices, and any other requirements deemed necessary by the Agency or User Agencies.
- (vi) **"Response", "Contractor's Response" or "Final Response"** means the Contractor's submitted response to the RFQ, including any modifications or clarifications accepted by the Agency.
- (vii) **"RFQ"** means the Request for Quotation, or other solicitation document (and any amendments or addenda thereto) specifically identified in the Statewide Contract Form that was issued to solicit the goods and/or services that are subject to the Statewide Contract.
- (viii) **"State"** means the State of Georgia, the Agency, User Agencies, and any other authorized state entities issuing Purchase Instruments against the Statewide Contract.
- (ix) **"Statewide Contract Form"** means the document that contains basic information about the Statewide Contract and incorporates by reference the applicable Contract Terms and Conditions, the RFQ, Contractor's Response to the RFQ, the final pricing documentation for goods and services and any mutually agreed clarifications, modifications, additions and deletions resulting from final contract negotiations. No objection or amendment by a Contractor to the RFQ requirements or the Statewide Contract shall be incorporated by reference into this Statewide Contract unless the Agency has accepted the Contractor's objection or amendment in writing. The Statewide Contract Form is defined separately and referred to separately throughout the Statewide Contract Terms and Conditions as a means of identifying the location of

certain information. For example, the initial term of the Statewide Contract is defined by the dates in the Statewide Contract Form.

(x) **"User Agency" or "User Agencies"** means any offices, agencies, departments, boards, bureaus, commissions, institutions, or other entities of the State of Georgia entitled to or required to make purchases from this Statewide Contract.

2. **Certified Source of Goods and Services.** Pursuant to Section 50-5-57 of the Official Code of Georgia Annotated (O.C.G.A.), the Agency hereby certifies the Contractor as a source of supply to the User Agencies of the goods and services identified in this Statewide Contract. Orders shall be placed individually and from time to time by the User Agencies. The execution of this Statewide Contract only establishes the Contractor as an authorized source of supply by the Agency and creates no financial obligation on the part of the Agency.
3. **Priority of Contract Provisions.** Any pre-printed contract terms and conditions included on Contractor's forms or invoices shall be null and void.
4. **Reporting Requirements.** Contractor shall provide all reports required by the RFQ. In addition, unless otherwise provided in the RFQ, Contractor shall keep a record of the purchases made pursuant to the Statewide Contract and shall submit a quarterly written report to the Agency.

B. DURATION OF CONTRACT

1. **Contract Term.** The Statewide Contract shall begin and end on the dates specified in the Statewide Contract Form unless terminated earlier in accordance with the applicable terms and conditions. Pursuant to O.C.G.A. Section 50-5-64, this Statewide Contract shall not be deemed to create a debt of the State for the payment of any sum beyond the fiscal year of execution or, in the event of a renewal, beyond the fiscal year of such renewal.
2. **Contract Renewal.** The Agency shall have the option, in its sole discretion, to renew the Statewide Contract for additional terms on a year-to-year basis by giving the Contractor written notice of the renewal decision at least sixty (60) days prior to the expiration of the initial term or renewal term. Renewal will depend upon the best interests of the State, funding, and Contractor's performance. Renewal will be accomplished through the issuance of a Notice of Award Amendment. Upon the Agency's election, in its sole discretion, to renew any part of this Statewide Contract, Contractor shall remain obligated to perform in strict accordance with this Statewide Contract unless otherwise agreed by the Agency and the Contractor.
3. **Contract Extension.** In the event that this Statewide Contract shall terminate or be likely to terminate prior to the making of an award for a new contract for the identified goods and services, the Agency may, with the written consent of Contractor, extend this Statewide Contract for such period as may be necessary to afford the State a continuous supply of the identified goods and services.

C. DESCRIPTION OF GOODS AND SERVICES

1. **Specifications in Bidding Documents.** The Contractor shall provide all goods, services, and other deliverables in compliance with the specifications contained in the RFQ and the terms of the Statewide Contract, plus those equipment, services and deliverables as may additionally be described in the Response.

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2. **Product Shipment and Delivery.** All products shall be shipped F.O.B. destination. Destination shall be the location(s) specified in the RFQ or any provided Purchase Instrument. All items shall be at the Contractor's risk until they have been delivered and accepted by the receiving entity. All items shall be subject to inspection on delivery. Hidden damage will remain the responsibility of the Contractor to remedy without cost to the User Agencies, regardless of when the hidden damage is discovered.
3. **Non-Exclusive Rights.** The Statewide Contract is not exclusive. The Agency reserves the right to select other contractors to provide goods and services similar to goods and services described in the Statewide Contract during the term of the Statewide Contract. User Agencies may obtain similar goods and services from other contractors upon prior approval of the Agency, which approval shall be made at the sole discretion of the Agency when it is deemed to be in the best interests of the State and shall be conclusive.
4. **No Minimums Guaranteed.** The Statewide Contract does not guarantee any minimum level of purchases.

D. COMPENSATION

1. **Pricing and Payment.** The Contractor will be paid for the goods and services sold pursuant to the Statewide Contract in accordance with the RFQ and final pricing documents as incorporated into the Statewide Contract Form and the terms of the Statewide Contract. Unless clearly stated otherwise in the Statewide Contract, all percentages off catalog prices are minimum percentages off catalog prices and can be increased but not decreased. Delivery pricing is considered ceiling pricing and can be lowered to meet to ensure the Authorized Users receive competitive delivery prices. Prices include, but are not limited to insurance, fuel surcharges and customs duties. User Agencies are solely and individually financially responsible for their respective purchases.

Supplier price list must remain firm for 1 year from the date of award. Price increase requests will be reviewed on an annual basis after the twelfth (12) month at contract renewal. If renewal options are exercised, the below mentioned price increase methodology will be used to determine any price adjustments. Increase(s) will not exceed the average percentage increase as shown for the previous twelve (12) month period for two US Department of Labor Producer Price Index (PPI) series ID Numbers: 336110 Automobile and Light Truck Manufacturing and 441110 New Car Dealers. Temporary data will not be used in the evaluation. In the event the increase request exceeds the increase amount allowed by the PPI, supplier(s) must provide strong justification and invoices from the manufacturer to substantiate. The State must be notified at least sixty (60) days in advance prior to any price change, and the Supplier must have the State's approval before such change may be implemented.

DOAS expects any market reductions to be passed along to the State. If the PPI Series ID (referenced in Mandatory Requirement # 17 above) reflect a decrease of two percent (2%) or greater for the previous 12 months of activity, prices may be reduced to the State accordingly on an annual basis, and the Bidder(s) will be notified no less than 30 days in advance. Supplier agrees and will comply with this section.

2. **Billings.** If applicable, and unless the RFQ provides otherwise, the Contractor shall submit, on a regular basis, an invoice for goods and services supplied to the User Agencies under the Statewide Contract at the billing address specified in the Purchase Instrument or Statewide Contract. The invoice shall comply with all applicable rules concerning payment of such claims. User Agencies shall pay all approved invoices in arrears and in accordance with applicable provisions of State law.

Unless otherwise agreed in writing by the Agency and the Contractor, the Contractor shall not be entitled to receive any other payment or compensation from the User Agencies for any goods or services provided by or on behalf of the Contractor under the Statewide Contract. The Contractor shall be solely responsible for paying all costs, expenses and charges it incurs in connection with its performance under the Statewide Contract.

3. **Delay of Payment Due to Contractor's Failure.** If the User Agencies in good faith determine that the Contractor has failed to perform or deliver any service or product as required by the Statewide Contract, the Contractor shall not be entitled to any compensation under the Statewide Contract until such service or product is performed or delivered. In this event, the User Agencies may withhold that portion of the Contractor's compensation which represents payment for services or products that were not performed or delivered. To the extent that the Contractor's failure to perform or deliver in a timely manner causes the User Agencies to incur costs, the User Agencies may deduct the amount of such incurred costs from any amounts payable to Contractor. The User Agencies' authority to deduct such incurred costs shall not in any way affect the Agency's sole authority to terminate the Statewide Contract.
4. **Set-Off Against Sums Owed by the Contractor.** In the event that the Contractor owes the User Agency any sum or the User Agency must obtain substitute performance, the User Agency may set off the sum owed against any sum owed by the User Agency to the Contractor.

E. TERMINATION

1. **Immediate Termination.** Pursuant to O.C.G.A. Section 50-5-64, any purchase made pursuant to this Statewide Contract will terminate immediately and absolutely if the User Agency determines that adequate funds are not appropriated or granted or funds are de-appropriated such that the User Agency cannot fulfill its obligations under the Statewide Contract, which determination is at the User Agency's sole discretion and shall be conclusive. Further, the Agency may terminate the Statewide Contract for any one or more of the following reasons effective immediately without advance notice:
 - (i) In the event the Contractor is required to be certified or licensed as a condition precedent to providing goods and services, the revocation or loss of such license or certification may result in immediate termination of the Statewide Contract effective as of the date on which the license or certification is no longer in effect;
 - (ii) The Agency determines that the actions, or failure to act, of the Contractor, its agents, employees or subcontractors have caused, or reasonably could cause, life, health or safety to be jeopardized;
 - (iii) The Contractor fails to comply with confidentiality laws or provisions; and/or
 - (iv) The Contractor furnished any statement, representation or certification in connection with the Statewide Contract or the bidding process which is materially false, deceptive, incorrect or incomplete.
2. **Termination for Cause.** The occurrence of any one or more of the following events shall constitute cause for the Agency to declare the Contractor in default of its obligations under the Statewide Contract:

- (i) The Contractor fails to deliver or has delivered nonconforming goods or services or fails to perform, to the Agency's satisfaction, any material requirement of the Statewide Contract or is in violation of a material provision of the Statewide Contract, including, but without limitation, the express warranties made by the Contractor;
 - (ii) The Agency determines that satisfactory performance of the Statewide Contract is substantially endangered or that a default is likely to occur;
 - (iii) The Contractor fails to make substantial and timely progress toward performance of the Statewide Contract;
 - (iv) The Contractor becomes subject to any bankruptcy or insolvency proceeding under federal or state law to the extent allowed by applicable federal or state law including bankruptcy laws; the Contractor terminates or suspends its business; or the Agency reasonably believes that the Contractor has become insolvent or unable to pay its obligations as they accrue consistent with applicable federal or state law;
 - (v) The Contractor has failed to comply with applicable federal, state and local laws, rules, ordinances, regulations and orders when performing within the scope of the Statewide Contract;
 - (vi) The Contractor has engaged in conduct that has or may expose the Agency or the State to liability, as determined in the Agency's sole discretion; or
 - (vii) The Contractor has infringed any patent, trademark, copyright, trade dress or any other intellectual property rights of the Agency, the State, or a third party.
3. **Notice of Default.** If there is a default event caused by the Contractor, the Agency shall provide written notice to the Contractor requesting that the breach or noncompliance be remedied within the period of time specified in the Agency's written notice to the Contractor. If the breach or noncompliance is not remedied within the period of time specified in the written notice, the Agency may:
- (i) Immediately terminate the Statewide Contract without additional written notice; and/or
 - (ii) Procure substitute goods or services from another source and charge the difference between the Statewide Contract and the substitute contract to the defaulting Contractor; and/or,
 - (iii) Enforce the terms and conditions of the Statewide Contract and seek any legal or equitable remedies.
4. **Termination Upon Notice.** Following thirty (30) days' written notice, the Agency may terminate the Statewide Contract in whole or in part without the payment of any penalty or incurring any further obligation to the Contractor. Following termination upon notice, the Contractor shall be entitled to compensation from the User Agency, upon submission of invoices and proper proof of claim, for goods and services provided under the Statewide Contract to the User Agencies up to and including the date of termination.
5. **Termination Due to Change in Law.** The Agency shall have the right to terminate this Statewide Contract without penalty by giving thirty (30) days' written notice to the Contractor as a result of any of the following:

- (i) The Agency's authorization to operate is withdrawn or there is a material alteration in the programs administered by the Agency; and/or
 - (ii) The Agency's duties are substantially modified.
- 6. Payment Limitation in Event of Termination.** In the event of termination of the Statewide Contract for any reason by the Agency, the User Agencies shall pay only those amounts, if any, due and owing to the Contractor for goods and services actually rendered up to the date specified in the notice of termination for which the User Agencies are obligated to pay pursuant to the Statewide Contract or Purchase Instrument. Payment will be made only upon submission of invoices and proper proof of the Contractor's claim. This provision in no way limits the remedies available to the State under the Statewide Contract in the event of termination. The State shall not be liable for any costs incurred by the Contractor in its performance of the Statewide Contract, including, but not limited to, startup costs, overhead or other costs associated with the performance of the Statewide Contract.
- 7. The Contractor's Termination Duties.** Upon receipt of notice of termination or upon request of the Agency, the Contractor shall:
- (i) Cease work under the Statewide Contract and take all necessary or appropriate steps to limit disbursements and minimize costs, and furnish a report within thirty (30) days of the date of notice of termination, describing the status of all work under the Statewide Contract, including, without limitation, results accomplished, conclusions resulting therefrom, and any other matters the Agency may require;
 - (ii) Immediately cease using and return to the State, any personal property or materials, whether tangible or intangible, provided by the State to the Contractor;
 - (iii) Comply with the State's instructions for the timely transfer of any active files and work product produced by the Contractor under the Statewide Contract;
 - (iv) Cooperate in good faith with the Agency, the User Agencies, and their employees, agents and contractors during the transition period between the notification of termination and the substitution of any replacement contractor; and
 - (v) Immediately return to the User Agencies any payments made by the User Agencies for goods and services that were not delivered or rendered by the Contractor.

F. CONFIDENTIAL INFORMATION

- 1. Access to Confidential Data.** The Contractor's employees, agents and subcontractors may have access to confidential data maintained by the State to the extent necessary to carry out the Contractor's responsibilities under the Statewide Contract. The Contractor shall presume that all information received pursuant to the Statewide Contract is confidential unless otherwise designated by the State. If it is reasonably likely the Contractor will have access to the State's confidential information, then:
- (i) The Contractor shall provide to the State a written description of the Contractor's policies and procedures to safeguard confidential information;
 - (ii) Policies of confidentiality shall address, as appropriate, information conveyed in verbal, written, and electronic formats;

- (iii) The Contractor must designate one individual who shall remain the responsible authority in charge of all data collected, used, or disseminated by the Contractor in connection with the performance of the Statewide Contract; and
- (iv) The Contractor shall provide adequate supervision and training to its agents, employees and subcontractors to ensure compliance with the terms of the Statewide Contract.

The private or confidential data shall remain the property of the State at all times. Some services performed for the Agency and/or User Agencies may require the Contractor to sign a nondisclosure agreement. Contractor understands and agrees that refusal or failure to sign such a nondisclosure agreement, if required, may result in termination of the Statewide Contract.

2. **No Dissemination of Confidential Data.** No confidential data collected, maintained, or used in the course of performance of the Statewide Contract shall be disseminated except as authorized by law and with the written consent of the State, either during the period of the Statewide Contract or thereafter. Any data supplied to or created by the Contractor shall be considered the property of the State. The Contractor must return any and all data collected, maintained, created or used in the course of the performance of the Statewide Contract, in whatever form it is maintained, promptly at the request of the State.
3. **Subpoena.** In the event that a subpoena or other legal process is served upon the Contractor for records containing confidential information, the Contractor shall promptly notify the State and cooperate with the State in any lawful effort to protect the confidential information.
4. **Reporting of Unauthorized Disclosure.** The Contractor shall immediately report to the State any unauthorized disclosure of confidential information.
5. **Survives Termination.** The Contractor's confidentiality obligation under the Statewide Contract shall survive termination of the Statewide Contract.

G. INDEMNIFICATION

1. **Contractor's Indemnification Obligation.** The Contractor agrees to indemnify and hold harmless the State and State officers, employees, agents, and volunteers (collectively, "Indemnified Parties") from any and all costs, expenses, losses, claims, damages, liabilities, settlements and judgments, including reasonable value of the time spent by the Attorney General's Office, related to or arising from:
 - (i) Any breach of the Statewide Contract;
 - (ii) Any negligent, intentional or wrongful act or omission of the Contractor or any employee, agent or subcontractor utilized or employed by the Contractor;
 - (iii) Any failure of goods to comply with applicable specifications, warranties, and certifications under the Statewide Contract;
 - (iv) The negligence or fault of the Contractor in design, testing, development, manufacture, or otherwise with respect to the goods or any parts thereof provided under the Statewide Contract;

- (v) Claims, demands, or lawsuits that, with respect to the goods or any parts thereof, allege product liability, strict product liability, or any variation thereof;
 - (vi) The Contractor's performance or attempted performance of the Statewide Contract, including any employee, agent or subcontractor utilized or employed by the Contractor;
 - (vii) Any failure by the Contractor to comply with the "Compliance with the Law" provision of the Statewide Contract;
 - (viii) Any failure by the Contractor to make all reports, payments and withholdings required by federal and state law with respect to social security, employee income and other taxes, fees or costs required by the Contractor to conduct business in the State of Georgia or the United States;
 - (ix) Any infringement of any copyright, trademark, patent, trade dress, or other intellectual property right; or
 - (x) Any failure by the Contractor to adhere to the confidentiality provisions of the Statewide Contract.
2. **Duty to Reimburse State Tort Claims Fund.** To the extent such damage or loss as covered by this indemnification is covered by the State of Georgia Tort Claims Fund ("the Fund"), the Contractor (and its insurers) agrees to reimburse the Fund. To the full extent permitted by the Constitution and the laws of the State and the terms of the Fund, the Contractor and its insurers waive any right of subrogation against the State, the Indemnified Parties, and the Fund and insurers participating thereunder, to the full extent of this indemnification.
3. **Litigation and Settlements.** The Contractor shall, at its own expense, be entitled to and shall have the duty to participate in the defense of any suit against the Indemnified Parties. No settlement or compromise of any claim, loss or damage entered into by the Indemnified Parties shall be binding upon Contractor unless approved in writing by Contractor. No settlement or compromise of any claim, loss or damage entered into by Contractor shall be binding upon the Indemnified Parties unless approved in writing by the Indemnified Parties.
4. **Patent/Copyright Infringement Indemnification.** Contractor shall, at its own expense, be entitled to and shall have the duty to participate in the defense of any suit instituted against the State and indemnify the State against any award of damages and costs made against the State by a final judgment of a court of last resort in such suit insofar as the same is based on any claim that any of the software constitutes an infringement of any United States Letters Patent or copyright, provided the State gives the Contractor immediate notice in writing of the institution of such suit, permits Contractor to fully participate in the defense of the same, and gives Contractor all available information, assistance and authority to enable Contractor to do so. Subject to approval of the Attorney General of the State of Georgia, the Agency shall tender defense of any such action to Contractor upon request by Contractor. Contractor shall not be liable for any award of judgment against the State reached by compromise or settlement unless Contractor accepts the compromise or settlement. Contractor shall have the right to enter into negotiations for and the right to effect settlement or compromise of any such action, but no such settlement shall be binding upon the State unless approved by the State.

In case any of the software is in any suit held to constitute infringement and its use is enjoined, Contractor shall, at its option and expense:

- (i) Procure for the State the right to continue using the software;

- (ii) Replace or modify the same so that it becomes non-infringing; or
- (iii) Remove the same and cancel any future charges pertaining thereto.

Contractor, however, shall have no liability to the State if any such patent, or copyright infringement or claim thereof is based upon or arises out of:

- (i) Compliance with designs, plans or specifications furnished by or on behalf of the Agency as to the software;
 - (ii) Use of the software in combination with apparatus or devices not supplied by Contractor;
 - (iii) Use of the software in a manner for which the same was neither designed nor contemplated; or
 - (iv) The claimed infringement of any patent or copyright in which the Agency or any affiliate or subsidiary of the Agency has any direct interest by license or otherwise.
5. **Survives Termination.** The indemnification obligation of the Contractor shall survive termination of the Statewide Contract.

H. **INSURANCE**

Contractor shall provide all insurance as required by the RFQ.

I. **BONDS**

The Contractor shall provide all required bonds in accordance with the terms of the RFQ and as stated in the Statewide Contract Form.

J. **WARRANTIES**

1. **Construction of Warranties Expressed in the Contract with Warranties Implied by Law.** All warranties made by the Contractor and/or subcontractors in all provisions of the Statewide Contract and the Contractor's Response, whether or not the Statewide Contract specifically denominates the Contractor's and/or subcontractors' promise as a warranty or whether the warranty is created only by the Contractor's affirmation or promise, or is created by a description of the materials, goods and services to be provided, or by provision of samples to the State shall not be construed as limiting or negating any warranty provided by law, including without limitation, warranties which arise through course of dealing or usage of trade, the warranty of merchantability, and the warranty of fitness for a particular purpose. The warranties expressed in the Statewide Contract are intended to modify the warranties implied by law only to the extent that they expand the warranties applicable to the goods and services provided by the Contractor. The provisions of this section apply during the term of the Statewide Contract and any extensions or renewals thereof.
2. **Warranty – Nonconforming Goods.** All goods delivered by Contractor to the User Agencies shall be free from any defects in design, material, or workmanship. If any goods offered by the Contractor are found to be defective in material or workmanship, or do not conform to Contractor's warranty, the User Agencies shall have the option of returning, repairing, or replacing the defective goods at Contractor's expense. Payment for goods shall not constitute

acceptance. Acceptance by the User Agencies shall not relieve the Contractor of its warranty or any other obligation under the Statewide Contract.

- 3. Compliance with Federal Safety Acts.** Contractor warrants and guarantees to the State that the goods provided under the Statewide Contract are in compliance with Sections 5 and 12 of the Federal Trade Commission Act; the Fair Packaging and Labeling Act; the Federal Food, Drug, and Cosmetic Act; the Consumer Product Safety Act; the Federal Environmental Pesticide Control Act; the Federal Hazardous Substances Act; the Fair Labor Standards Act; the Wool Products Labeling Act; the Flammable Fabrics Act; the Occupational Safety and Health Act; the Office of Management and Budget A-110 Appendix A; and the Anti-Kickback Act of 1986.
- 4. Originality and Title to Concepts, Materials, and Goods Produced.** Contractor represents and warrants that all the concepts, materials, goods and services produced, or provided to the State pursuant to the terms of the Statewide Contract shall be wholly original with the Contractor or that the Contractor has secured all applicable interests, rights, licenses, permits or other intellectual property rights in such concepts, materials and works. The Contractor represents and warrants that the concepts, materials, goods and services and the State's use of same and the exercise by the State of the rights granted by the Statewide Contract shall not infringe upon any other work, other than material provided by the Statewide Contract to the Contractor to be used as a basis for such materials, or violate the rights of publicity or privacy of, or constitute a libel or slander against, any person, firm or corporation and that the concepts, materials and works will not infringe upon the copyright, trademark, trade name, trade dress patent, literary, dramatic, statutory, common law or any other rights of any person, firm or corporation or other entity. The Contractor represents and warrants that it is the owner of or otherwise has the right to use and distribute the goods and services contemplated by the Statewide Contract.
- 5. Conformity with Contractual Requirements.** The Contractor represents and warrants that the goods and services provided in accordance with the Statewide Contract will appear and operate in conformance with the terms and conditions of the Statewide Contract.
- 6. Authority to Enter into Contract.** The Contractor represents and warrants that it has full authority to enter into the Statewide Contract and that it has not granted and will not grant any right or interest to any person or entity that might derogate, encumber or interfere with the rights granted to the State.
- 7. Obligations Owed to Third Parties.** The Contractor represents and warrants that all obligations owed to third parties with respect to the activities contemplated to be undertaken by the Contractor pursuant to the Statewide Contract are or will be fully satisfied by the Contractor so that the State will not have any obligations with respect thereto.
- 8. Title to Property.** The Contractor represents and warrants that title to any property assigned, conveyed or licensed to the State is good and that transfer of title or license to the State is rightful and that all property shall be delivered free of any security interest or other lien or encumbrance. Title to any supplies, materials, or equipment shall remain in the Contractor until fully paid for by the User Agencies.
- 9. Industry Standards.** The Contractor represents and expressly warrants that all aspects of the goods and services provided or used by it shall at a minimum conform to the standards in the Contractor's industry. This requirement shall be in addition to any express warranties, representations, and specifications included in the Statewide Contract, which shall take precedence.

- 10. Contractor's Personnel and Staffing.** Contractor warrants that all persons assigned to perform services under this Statewide Contract are either lawful employees of Contractor or lawful employees of a Subcontractor authorized by the Agency as specified in the RFQ. All persons assigned to perform services under this Statewide Contract shall be qualified to perform such services. Personnel assigned by Contractor shall have all professional licenses required to perform the services.
- 11. Use of State Vehicles.** Contractor warrants that no State vehicles will be used by Contractor for the performance of services under this Statewide Contract. Contractor shall be responsible for providing transportation necessary to perform all services.

K. PRODUCT RECALL

In the event that any of the goods are found by the Contractor, the State, any governmental agency, or court having jurisdiction to contain a defect, serious quality or performance deficiency, or not to be in compliance with any standard or requirement so as to require or make advisable that such goods be reworked or recalled, the Contractor will promptly communicate all relevant facts to the Agency and undertake all corrective actions, including those required to meet all obligations imposed by laws, regulations, or orders, and shall file all necessary papers, corrective action programs, and other related documents, provided that nothing contained in this section shall preclude the Agency from taking such action as may be required of it under any such law or regulation. The Contractor shall perform all necessary repairs or modifications at its sole expense except to any extent that the Contractor and the State shall agree to the performance of such repairs by the State upon mutually acceptable terms.

L. CONTRACT ADMINISTRATION

- 1. Order of Preference.** In the case of any inconsistency or conflict among the specific provisions of the Statewide Contract Terms and Conditions (including any amendments accepted by both the Agency and the Contractor attached hereto and the Awarded Item Schedule, if any), the RFQ (including any subsequent addenda and written responses to bidders' questions), and the Contractor's Response, any inconsistency or conflict shall be resolved as follows:
 - (i) First, by giving preference to the Statewide Contract Terms and Conditions.
 - (ii) Second, by giving preference to the specific provisions of the RFQ.
 - (iii) Third, by giving preference to the specific provisions of the Contractor's Response, except that objections or amendments by a Contractor that have not been explicitly accepted by the Agency in writing shall not be included in this Statewide Contract and shall be given no weight or consideration.

- 2. Intent of References to Bid Documents.** The references to the parties' obligations, which are contained in this document, are intended to supplement or clarify the obligations as stated in the RFQ and the Contractor's Response. The failure of the parties to make reference to the terms of the RFQ or the Contractor's Response in this document shall not be construed as creating a conflict and will not relieve the Contractor of the contractual obligations imposed by the terms of the RFQ and the Contractor's Response. The contractual obligations of the Agency cannot be implied from the Contractor's Response.
- 3. Compliance with the Law.** The Contractor, its employees, agents, and subcontractors shall comply with all applicable federal, state, and local laws, rules, ordinances, regulations and orders now or hereafter in effect when performing under the Statewide Contract, including without limitation, all laws applicable to the prevention of discrimination in employment and the use of targeted small businesses as subcontractors or contractors. The Contractor, its employees, agents and subcontractors shall also comply with all federal, state and local laws regarding business permits and licenses that may be required to carry out the work performed under the Statewide Contract. Contractor and Contractor's personnel shall also comply with all State, Agency, and User Agency policies and standards in effect during the performance of the Statewide Contract, including but not limited to the Agency and User Agencies' policies and standards relating to personnel conduct, security, safety, confidentiality, and ethics. Further, the provisions of O.C.G.A. Section 45-10-20 et seq. have not and must not be violated under the terms of this Statewide Contract. Contractor certifies that Contractor is not currently engaged in, and agrees for the duration of this Contract not to engage in, a boycott of Israel, as defined in O.C.G.A. §50-5-85.
- 4. Drug-free Workplace.** The Contractor hereby certifies as follows:
- (i) Contractor will not engage in the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of this Statewide Contract; and
 - (ii) If Contractor has more than one employee, including Contractor, Contractor shall provide for such employee(s) a drug-free workplace, in accordance with the Georgia Drug-free Workplace Act as provided in O.C.G.A. Section 50-24-1 et seq., throughout the duration of this Statewide Contract; and
 - (iii) Contractor will secure from any subcontractor hired to work on any job assigned under this Statewide Contract the following written certification: "As part of the subcontracting agreement with (Contractor's Name), (Subcontractor's Name) certifies to the contractor that a drug-free workplace will be provided for the subcontractor's employees during the performance of this Contract pursuant to paragraph 7 of subsection (b) of Code Section 50-24-3."
- Contractor may be suspended, terminated, or debarred if it is determined that:
- (i) Contractor has made false certification here in above; or
 - (ii) Contractor has violated such certification by failure to carry out the requirements of O.C.G.A. Section 50-24-3(b).
- 5. Amendments.** The Statewide Contract may be amended in writing from time to time by mutual consent of the parties and upon approval by the Agency. All amendments to the Statewide Contract must be in writing and fully executed by duly authorized representatives of the Agency and the Contractor.

6. **Third Party Beneficiaries.** There are no third-party beneficiaries to the Statewide Contract. The Statewide Contract is intended only to benefit the State and the Contractor.
7. **Choice of Law and Forum.** The laws of the State of Georgia shall govern and determine all matters arising out of or in connection with this Statewide Contract without regard to the choice of law provisions of State law. In the event any proceeding of a quasi-judicial or judicial nature is commenced in connection with this Statewide Contract, such proceeding shall solely be brought in a court or other forum of competent jurisdiction within Fulton County, Georgia. This provision shall not be construed as waiving any immunity to suit or liability, including without limitation sovereign immunity, which may be available to the State.
8. **Parties' Duty to Provide Notice of Intent to Litigate and Right to Demand Mediation.** In addition to any dispute resolution procedures otherwise required under this Statewide Contract or any informal negotiations which may occur between the State and the Contractor, no civil action with respect to any dispute, claim or controversy arising out of or relating to this Statewide Contract may be commenced without first giving fourteen (14) calendar days written notice to the State of the claim and the intent to initiate a civil action. At any time prior to the commencement of a civil action, either the State or the Contractor may elect to submit the matter for mediation. Either the State or the Contractor may exercise the right to submit the matter for mediation by providing the other party with a written demand for mediation setting forth the subject of the dispute. The parties will cooperate with one another in selecting a mediator and in scheduling the mediation proceedings. Venue for the mediation will be in Atlanta, Georgia; provided, however, that any or all mediation proceedings may be conducted by teleconference with the consent of the mediator. The parties covenant that they will participate in the mediation in good faith, and that they will share equally in its costs; provided, however that the cost to the State shall not exceed five thousand dollars (\$5,000.00).

All offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the parties, their agents, employees, experts and attorneys, and by the mediator or employees of any mediation service, are inadmissible for any purpose (including but not limited to impeachment) in any litigation or other proceeding involving the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation. Inadmissibility notwithstanding, all written documents shall nevertheless be subject to the Georgia Open Records Act O.C.G.A. Section 50-18-70 et.seq.

No party may commence a civil action with respect to the matters submitted to mediation until after the completion of the initial mediation session, forty-five (45) calendar days after the date of filing the written request for mediation with the mediator or mediation service, or sixty (60) calendar days after the delivery of the written demand for mediation, whichever occurs first. Mediation may continue after the commencement of a civil action, if the parties so desire.

9. **Assignment and Delegation.** The Statewide Contract may not be assigned, transferred or conveyed in whole or in part without the prior written consent of the Agency. For the purpose of construing this clause, a transfer of a controlling interest in the Contractor shall be considered an assignment.

- 10. Use of Third Parties.** Except as may be expressly agreed to in writing by the Agency, Contractor shall not subcontract, assign, delegate or otherwise permit anyone other than Contractor or Contractor's personnel to perform any of Contractor's obligations under this Statewide Contract or any of the work subsequently assigned under this Statewide Contract. No subcontract which Contractor enters into with respect to performance of obligations or work assigned under the Statewide Contract shall in any way relieve Contractor of any responsibility, obligation or liability under this Statewide Contract and for the acts and omissions of all subcontractors, agents, and employees. All restrictions, obligations and responsibilities of the Contractor under the Statewide Contract shall also apply to the subcontractors. Any contract with a subcontractor must also preserve the rights of the Agency. The Agency shall have the right to request the removal of a subcontractor from the Statewide Contract for good cause.
- 11. Integration.** The Statewide Contract represents the entire agreement between the parties. The parties shall not rely on any representation that may have been made which is not included in the Statewide Contract.
- 12. Headings or Captions.** The paragraph headings or captions used in the Statewide Contract are for identification purposes only and do not limit or construe the contents of the paragraphs.
- 13. Not a Joint Venture.** Nothing in the Statewide Contract shall be construed as creating or constituting the relationship of a partnership, joint venture, (or other association of any kind or agent and principal relationship) between the parties thereto. Each party shall be deemed to be an independent contractor contracting for goods and services and acting toward the mutual benefits expected to be derived herefrom. Neither Contractor nor any of Contractor's agents, servants, employees, subcontractors or contractors shall become or be deemed to become agents, servants, or employees of the State. Contractor shall therefore be responsible for compliance with all laws, rules and regulations involving its employees and any subcontractors, including but not limited to employment of labor, hours of labor, health and safety, working conditions, workers' compensation insurance, and payment of wages. No party has the authority to enter into any contract or create an obligation or liability on behalf of, in the name of, or binding upon another party to the Statewide Contract.
- 14. Joint and Several Liability.** If the Contractor is a joint entity, consisting of more than one individual, partnership, corporation or other business organization, all such entities shall be jointly and severally liable for carrying out the activities and obligations of the Statewide Contract, and for any default of activities and obligations.
- 15. Supersedes Former Contracts or Agreements.** Unless otherwise specified in the Statewide Contract, this Statewide Contract supersedes all prior contracts or agreements between the Agency and the Contractor for the goods and services provided in connection with the Statewide Contract.
- 16. Waiver.** Except as specifically provided for in a waiver signed by duly authorized representatives of the Agency and the Contractor, failure by either party at any time to require performance by the other party or to claim a breach of any provision of the Statewide Contract shall not be construed as affecting any subsequent right to require performance or to claim a breach.
- 17. Notice.** Any and all notices, designations, consents, offers, acceptances or any other communication provided for herein shall be given in writing by registered or certified mail, return receipt requested, by receipted hand delivery, by Federal Express, courier or other similar and reliable carrier which shall be addressed to the person who signed the Statewide

Contract on behalf of the party at the address identified in the Statewide Contract Form. Each such notice shall be deemed to have been provided:

- (i) At the time it is actually received; or,
- (ii) Within one (1) day in the case of overnight hand delivery, courier or services such as Federal Express with guaranteed next day delivery; or,
- (iii) Within five (5) days after it is deposited in the U.S. Mail in the case of registered U.S. Mail.

From time to time, the parties may change the name and address of the person designated to receive notice. Such change of the designated person shall be in writing to the other party and as provided herein.

- 18. **Cumulative Rights.** The various rights, powers, options, elections and remedies of any party provided in the Statewide Contract shall be construed as cumulative and not one of them is exclusive of the others or exclusive of any rights, remedies or priorities allowed either party by law, and shall in no way affect or impair the right of any party to pursue any other equitable or legal remedy to which any party may be entitled as long as any default remains in any way unremedied, unsatisfied or undischarged.
- 19. **Severability.** If any provision of the Statewide Contract is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the validity or enforceability of any other part or provision of the Statewide Contract. Further, if any provision of the Statewide Contract is determined to be unenforceable by virtue of its scope, but may be made enforceable by a limitation of the provision, the provision shall be deemed to be amended to the minimum extent necessary to render it enforceable under the applicable law. Any agreement of the Agency and the Contractor to amend, modify, eliminate, or otherwise change any part of this Statewide Contract shall not affect any other part of this Statewide Contract, and the remainder of this Statewide Contract shall continue to be of full force and effect.
- 20. **Time is of the Essence.** Time is of the essence with respect to the performance of the terms of the Statewide Contract. Contractor shall ensure that all personnel providing goods and services to the State are responsive to the State's requirements and requests in all respects.
- 21. **Authorization.** The persons signing this Statewide Contract represent and warrant to the other parties that:
 - (i) It has the right, power and authority to enter into and perform its obligations under the Statewide Contract; and
 - (ii) It has taken all requisite action (corporate, statutory or otherwise) to approve execution, delivery and performance of the Statewide Contract and the Statewide Contract constitutes a legal, valid and binding obligation upon itself in accordance with its terms.
- 22. **Successors in Interest.** All the terms, provisions, and conditions of the Statewide Contract shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns and legal representatives.
- 23. **Record Retention and Access.** The Contractor shall maintain books, records and documents which sufficiently and properly document and calculate all charges billed to the

State throughout the term of the Statewide Contract for a period of at least five (5) years following the date of final payment or completion of any required audit, whichever is later. The Contractor should maintain separate accounts and records for the Agency and the User Agencies. Records to be maintained include both financial records and service records. The Contractor shall permit the Auditor of the State of Georgia or any authorized representative of the State, and where federal funds are involved, the Comptroller General of the United States, or any other authorized representative of the United States government, to access and examine, audit, excerpt and transcribe any directly pertinent books, documents, papers, electronic or optically stored and created records or other records of the Contractor relating to orders, invoices or payments or any other documentation or materials pertaining to the Statewide Contract, wherever such records may be located during normal business hours. The Contractor shall not impose a charge for audit or examination of the Contractor's books and records. If an audit discloses incorrect billings or improprieties, the State reserves the right to charge the Contractor for the cost of the audit and appropriate reimbursement. Evidence of criminal conduct will be turned over to the proper authorities.

24. **Solicitation.** The Contractor warrants that no person or selling agency (except bona fide employees or selling agents maintained for the purpose of securing business) has been employed or retained to solicit and secure the Statewide Contract upon an agreement or understanding for commission, percentage, brokerage or contingency.
25. **Public Records.** The laws of the State of Georgia, including the Georgia Open Records Act, as provided in O.C.G.A. Section 50-18-70 et seq., require procurement records and other records to be made public unless otherwise provided by law.
26. **Clean Air and Water Certification.** Contractor certifies that none of the facilities it uses to produce goods provided under the Statewide Contract are on the Environmental Protection Agency (EPA) List of Violating Facilities. Contractor will immediately notify the Agency of the receipt of any communication indicating that any of Contractor's facilities are under consideration to be listed on the EPA List of Violating Facilities.
27. **Debarred, Suspended, and Ineligible Status.** Contractor certifies that the Contractor and/or any of its subcontractors have not been debarred, suspended, or declared ineligible by any agency of the State of Georgia or as defined in the Federal Acquisition Regulation (FAR) 48 C.F.R. Ch.1 Subpart 9.4. Contractor will immediately notify the Agency if Contractor is debarred by the State or placed on the Consolidated List of Debarred, Suspended, and Ineligible Contractors by a federal entity.
28. **Use of Name or Intellectual Property.** Contractor agrees it will not use the name or any intellectual property, including but not limited to, State trademarks or logos in any manner, including commercial advertising or as a business reference, without the expressed prior written consent of the State.
29. **Taxes.** User Agencies are exempt from Federal Excise Taxes, and no payment will be made for any taxes levied on Contractor's employee's wages. User Agencies are exempt from State and Local Sales and Use Taxes on the services. Tax Exemption Certificates will be furnished upon request. Contractor or an authorized subcontractor has provided the Agency with a sworn verification regarding the filing of unemployment taxes or persons assigned by Contractor to perform services required in this Statewide Contract, which verification is incorporated herein by reference.
30. **Certification Regarding Sales and Use Tax.** By executing the Statewide Contract the Contractor certifies it is either (a) registered with the State Department of Revenue, collects,

and remits State sales and use taxes as required by Georgia law, including Chapter 8 of Title 48 of the O.C.G.A.; or (b) not a "retailer" as defined in O.C.G.A. Section 48-8-2. The Contractor also acknowledges that the State may declare the Statewide Contract void if the above certification is false. The Contractor also understands that fraudulent certification may result in the Agency or its representative filing for damages for breach of contract.

- 31. Delay or Impossibility of Performance.** Neither party shall be in default under the Statewide Contract if performance is delayed or made impossible by an act of God. In each such case, the delay or impossibility must be beyond the control and without the fault or negligence of the Contractor. If delay results from a subcontractor's conduct, negligence or failure to perform, the Contractor shall not be excused from compliance with the terms and obligations of the Statewide Contract.
- 32. Limitation of Contractor's Liability to the State.** Except as otherwise provided in this Statewide Contract, Contractor's liability to the State for any claim of damages arising out of this Statewide Contract shall be limited to direct damages and shall not exceed the total amount paid to Contractor for the performance under this Statewide Contract.

No limitation of Contractor's liability shall apply to Contractor's liability for loss or damage to State equipment or other property while such equipment or other property is in the sole care, custody, and control of Contractor's personnel. Contractor hereby expressly agrees to assume all risk of loss or damage to any such State equipment or other property in the care, custody, and control of Contractor's personnel. Contractor further agrees that equipment transported by Contractor personnel in a vehicle belonging to Contractor (including any vehicle rented or leased by Contractor or Contractor's personnel) shall be deemed to be in the sole care, custody, and control of Contractor's personnel while being transported. Nothing in this section shall limit or affect Contractor's liability arising from claims brought by any third party.

- 33. Obligations Beyond Contract Term.** The Statewide Contract shall remain in full force and effect to the end of the specified term or until terminated or canceled pursuant to the Statewide Contract. All obligations of the Contractor incurred or existing under the Statewide Contract as of the date of expiration, termination or cancellation will survive the termination, expiration or conclusion of the Statewide Contract.
- 34. Counterparts.** The Agency and the Contractor agree that the Statewide Contract has been or may be executed in several counterparts, each of which shall be deemed an original and all such counterparts shall together constitute one and the same instrument.
- 35. Further Assurances and Corrective Instruments.** The Agency and the Contractor agree that they will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for carrying out the expressed intention of the Statewide Contract.
- 36. Transition Cooperation and Cooperation with other Contractors.** Contractor agrees that upon termination of this Statewide Contract for any reason, it shall provide sufficient efforts and cooperation to ensure an orderly and efficient transition of services to the State or another contractor. The Contractor shall provide full disclosure to the State and the third-party contractor about the equipment, software, or services required to perform services for the State. The Contractor shall transfer licenses or assign agreements for any software or third-party services used to provide the services to the State or to another contractor.

Further, in the event that the State has entered into or enters into agreements with other contractors for additional work related to services rendered under the Statewide Contract,

Contractor agrees to cooperate fully with such other contractors. Contractor shall not commit any act, which will interfere with the performance of work by any other contractor.

POLICE PURSUIT VEHICLES (PPV)									
Model Year	Line Item	Suppliers	Vehicle Price	Early Pay Discount	MPG			Model Number	Specs
					Cty	Hwy	Avg C/H		
2022	Line 1A-PPV: Chevrolet Tahoe 4WD	Alan Jay Automotive, Inc.	\$ 37,821	N/A	16	20	18	CK10706-9C1	4WD, 5.3L, V-8, Standard Specification
2022	Line 1B-PPV: Chevrolet Tahoe 4WD	Hardy Chevrolet, Buick, GMC, Inc.	\$ 38,599	2%-N20	16	20	18	CK10706-9C1	4WD, 5.3L, V-8, Standard Specification
2022	Line 11C-PPV: Chevrolet Tahoe 4WD	Ginn Motor Company, Inc.	\$ 39,550	N/A	16	20	18	CK10706-9C1	4WD, 5.3L, V-8, Standard Specification
2022	Line 2-PPV: Ford Police Interceptor Utility	Wade Ford, Inc.	\$ 34,284	N/A	16	23	19	K8A	3.3L HEV, Standard Specification
2022	Line 3-PPV: Ford F-150 Police Responder	Allan Vigil Ford, Lincoln Inc.	\$ 32,555	N/A	18	23	20	W1P	3.5L, V-6, Standard Specification
2022	Line 4-PPV: Dodge Charger	Akin Ford, LLC	\$ 25,555	N/A	16	25	19	LDDE48	5.7L, Hemi V-8, Standard Specifications
2022	Line 5-PPV: Dodge Durango	Akin Ford, LLC.	\$ 33,595	N/A	14	22	17	WDEE75-22Z	5.7L, Hemi V-8, Standard Specifications
Special Service Vehicles (SSV)									
Model Year	Line Item	Suppliers	Vehicle Price	Early Pay Discount	MPG			Model Number	Specs
					Cty	Hwy	Avg C/H		
2022	Line 1A-SSV: Chevrolet Tahoe	Alan Jay Automotive, Inc.	\$ 37,190	N/A	16	20	18	CK10706-SW4	4WD, 5.3L, V-8, Standard Specification
2022	Line 1B-SSV: Chevrolet Tahoe	Hardy Chevrolet, Buick, GMC, Inc.	\$ 37,949	2%-N20	16	20	18	CK10706-SW4	4WD, 5.3L, V-8, Standard Specification
2022	Line 1C-SSV: Chevrolet Tahoe	Ginn Motor Company, Inc.	\$ 38,921	N/A	16	20	18	CK10706-SW4	4WD, 5.3L, V-8, Standard Specification
2022	Line 2-SSV: Chevrolet Silverado	Alan Jay Automotive, Inc.	\$ 27,132	N/A	15	20	17	CK10543-5W4	5.3L, V-8, Standard Specification
2022	Line 3-SSV: Chevrolet Express Van	Alan Jay Automotive, Inc.	\$ 29,604	N/A	Not Rated	Not Rated	Not Rated	CG33706-L8T	6.6L, V-8, Standard Specification
2022	Line 4-SSV: Chevrolet Express Van	Hardy Chevrolet, Buick, GMC, Inc.	\$ 30,059	2%-N20	Not Rated	Not Rated	Not Rated	CG33706-L8T	6.6L, V-8, Standard Specification
2022	Line 5-SSV: Chevrolet Express Van	Ginn Motor Company, Inc.	\$ 30,733	N/A	Not Rated	Not Rated	Not Rated	CG33706-L8T	6.6L, V-8, Standard Specification
2022	Line 6-SSV: Ford Prisoner Transport	Wade Ford, Inc.	\$ 29,161	N/A	Not Rated	Not Rated	Not Rated	R1C	Cargo, T-250, Medium Height, Long Wheel Base, 148, RWD, Standard Specification
2022	Line 7-SSV: Ford Expedition Max	Wade Ford, Inc.	\$ 39,780	N/A	17	23	19	K1G-102A	3.5L, EcoBoost, V-6
2022	Line 8-SSV: Ford F-150	Wade Ford, Inc.	\$ 29,601	N/A	17	24	20	W1E-665	5.0L, V-8, Standard Specification
2022	Line 9-SSV: Dodge Durango	Akin Ford, LLC	\$ 27,125	N/A	14	22	17	WDDE75-22X	5.7L, HEMI, V-8, RWD
Alternative Fuel and Electric Vehicles (AFV)									
Model Year	Line Item	Suppliers	Vehicle Price	Early Pay Discount	MPG			Model Number	Specifications
					Cty	Hwy	Avg C/H		
2022	AFV Line 1: Nissan Leaf (EV)	Alan Jay Automotive, Inc.	\$ 26,225	N/A	123	99	111	17012	Electric, Standard Specification
2022	AFV Line 2: GM Bolt (EV)	Hardy Chevrolet Buick GMC, Inc.	\$ 27,125	2%-N20	259	108	118	1FB48-5W4	Electric, Standard Specification
2022	AFV Line 3: Ford Mustang Mach E, RWD (EV)	Family Ford, Inc.	\$ 44,402	2%-N20	105	93	100	K1R	Electric, Standard Specification
2022	AFV Line 4: Toyota Camry Hybrid LE, FWD	Alan Jay Automotive, Inc.	\$ 25,727	N/A	51	53	52	2559	Hybrid, Standard Specification
2022	AFV Line 5: GM Bolt (EUV)	Hardy Chevrolet Buick GMC, Inc.	\$ 30,395	2%-N20	127	108	118	1FB48-5W4	Electric Utility Vehicle, Standard Specification
2022	AFV Line 6: Ford Escape SE PHEV, 2WD, SE	Wade Ford, Inc.	\$ 26,577	N/A	105	105	105	UOE	Plug-In, Electric/Gas, Standard Specification
2022	AFV Line 7: Ford Escape SE FHEV, FWD	Family Ford, Inc.	\$ 24,359	2%-N20	529	629	579	U0B	Hybrid, Standard Specification
2022	AFV Line 8: HIGHLANDER HYBRID LE FWD	Alan Jay Automotive, Inc.	\$ 36,969	N/A	36	35	36	6960	Hybrid, Standard Specification
2022	AFV Line 9: Ford F-250 (CNG)	Allan Vigil Ford Lincoln Inc.	\$ 38,699	N/A	Not Rated	Not Rated	Not Rated	F2A	CNG, Standard Specification
2022	AFV Line 10: Ford F-350 (CNG)	Allan Vigil Ford Lincoln, Inc.	\$ 39,997	N/A	Not Rated	Not Rated	Not Rated	F3A	CNG, Standard Specification
2022	AFV Line 12: Ford Transit BEV W1Y	Wade Ford, Inc.	\$ 42,700	N/A	126	126	126	W1Y LR	Electric, Standard Specification
2022	AFV Line 13: Ford F150 (Hybrid)	Wade Ford, Inc.	\$ 32,992	N/A	25	26	25	W1C	Transit, Battery Electric, Standard Specification
2022	AFV Line 14: Ford F150 LIGHTNING	Wade Ford, Inc.	\$ 59,950	N/A	130	130	130	2022	Electric, Standard Specification



Preview Order 0012 - X2B 4x4 Super Cab SRW: Order Summary Time of Preview: 08/02/2023 15:44:51 Receipt: NA

Dealership Name: Greene Ford Company

Sales Code : F21405

Dealer Rep.	Chris Greene	Type	Stock	Vehicle Line	Superduty	Order Code	0012
Customer Name		Priority Code	20	Model Year	2024	Price Level	420

DESCRIPTION	MSRP	DESCRIPTION	MSRP
F250 4X4 SUPERCAB PICKUP/164	\$50305	.REAR VIEW CAMERA & PREP KIT	\$0
164 INCH WHEELBASE	\$0	JOB #1 ORDER	\$0
OXFORD WHITE	\$0	CV LOT MANAGEMENT	\$0
VINYL 40/20/40 SEATS	\$0	PLATFORM RUNNING BOARDS	\$445
MEDIUM DARK SLATE	\$0	9900# GVWR PACKAGE	\$0
PREFERRED EQUIPMENT PKG.600A	\$0	50 STATE EMISSIONS	\$0
.XL TRIM	\$0	INTERIOR WORK SURFACE	\$140
.AIR CONDITIONING -- CFC FREE	\$0	ROOF CLEARANCE LIGHTS	\$95
.AM/FM STEREO MP3/CLK	\$0	UPFITTER SWITCHES	\$165
.6.8L DEVCT NA PFI V8 ENGINE	\$0	250 AMP ALTERNATOR	\$85
10-SPEED AUTO TORQSHIFT-G	\$0	XL DRIVER ASSIST PACKAGE	\$730
.LT245/75R17E BSW ALL-SEASON	\$0	FUEL CHARGE	\$0
3.73 ELECTRONIC-LOCKING AXLE	\$430	PRICED DORA	\$0
PICKUP BOX DELETE	\$-625	DESTINATION & DELIVERY	\$1995

TOTAL BASE AND OPTIONS
DISCOUNTS
TOTAL

MSRP
\$53765
NA
\$53765

Customer Name:
Customer Address:

Customer Email:
Customer Phone:

Customer Signature _____ Date _____

This order has not been submitted to the order bank.

This is not an invoice.



Preview Order 0012 - F2B 4x4 Reg Cab SRW: Order Summary Time of Preview: 08/02/2023 15:43:21 Receipt: NA

Dealership Name: Greene Ford Company

Sales Code : F21405

Dealer Rep.	Chris Greene	Type	Stock	Vehicle Line	Superduty	Order Code	0012
Customer Name		Priority Code	20	Model Year	2024	Price Level	420

DESCRIPTION	MSRP	DESCRIPTION	MSRP
F250 4X4 STYLESIDE PICKUP/142	\$47760	.REAR VIEW CAMERA & PREP KIT	\$0
142 INCH WHEELBASE	\$0	JOB #1 ORDER	\$0
OXFORD WHITE	\$0	CV LOT MANAGEMENT	\$0
VINYL 40/20/40 SEATS	\$0	PLATFORM RUNNING BOARDS	\$320
MEDIUM DARK SLATE	\$0	9900# GVWR PACKAGE	\$0
PREFERRED EQUIPMENT PKG.600A	\$0	50 STATE EMISSIONS	\$0
.XL TRIM	\$0	INTERIOR WORK SURFACE	\$140
.AIR CONDITIONING -- CFC FREE	\$0	ROOF CLEARANCE LIGHTS	\$95
.AM/FM STEREO MP3/CLK	\$0	UPFITTER SWITCHES	\$165
.6.8L DEVCT NA PFI V8 ENGINE	\$0	250 AMP ALTERNATOR	\$85
10-SPEED AUTO TORQSHIFT-G	\$0	XL DRIVER ASSIST PACKAGE	\$730
.LT245/75R17E BSW ALL-SEASON	\$0	FUEL CHARGE	\$0
3.73 ELECTRONIC-LOCKING AXLE	\$430	PRICED DORA	\$0
PICKUP BOX DELETE	\$-625	DESTINATION & DELIVERY	\$1995

TOTAL BASE AND OPTIONS
DISCOUNTS
TOTAL

MSRP
\$51095
NA
\$51095

Customer Name:
Customer Address:

Customer Email:
Customer Phone:

Customer Signature _____ Date _____

This order has not been submitted to the order bank.

This is not an invoice.



AGENDA ITEM

Corrections and Maintenance

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 434/2023

SUBJECT: Approve the single source purchase of a 2022 Ford F-550 Crew Cab 4x4 Service Truck with Crane Attachment for Fleet Services to Houston Automotive Group, Inc. of Houston, TX, in the amount of \$233,565.50.

Meetings:

Work Session Date: 08/21/23 **Voting Meeting Date:** 08/24/23

Executive Summary:

Presenter: WD

Recommendation:
Approve.

Purpose of Request:
Approve the single source purchase of a 2022 Ford F-550 Crew Cab 4x4 Service Truck with Crane Attachment for Fleet Services to Houston Automotive Group, Inc. of Houston, TX, in the amount of \$233,565.50.

History:

Facts and Issues:
Fleet currently has three service trucks all of which are over 20 years old.

Options:

This truck has features that will allow more service on site rather than returning the vehicle to the shop and taking it out of service.

Funding Requested	\$ 233,565.50
Are funds within current budget?	Yes
Source of Funds	Capital
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?	2023-08-31

Approvals:

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

Attachments:

Financial Supplement
Dealer Quote
Specs for Utility Bed and Equipment
Chassis Description
Sole Source Form



**HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT**

AGENDA ITEM 434/2023

Funds Requested: \$ 233,565.50

Request Budgeted: Yes

Proposed Source of Funding:

Budget Transfer Requested:

Capital

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2024	350-CAPITAL PROJECTS FUND	4900-FLEET MAINTENANCE	542200-MOTOR VEHICLES	\$233,565.50

Budget Transfer Items:

Additional Information/Comments:

This is a single source purchase due to the unique specifications of the vehicle. This is a Ford cab and chassis which conforms to our pure fleet policy and is equipped with a crane and body that are well known manufactures that we can get serviced. This is the only vehicle we can find equipped as such that meets our specifications.

Contact for Questions: WD

Phone:

678-989-8540



Customer: Hall County Government
Fleet Maintenance Dept.
1670 Barber Road
Gainesville, GA 30507

Contact: Michael Johnson
Phone: (770) 718-2349
Mobile: (770) 654-1430
Email: mdjohnson@hallcounty.org

Body Type: H7024TT-1-84

Chassis: 2022 Ford F550 Crew Cab 4x4

Quote Number: 9070

Quote Date: 07/26/2023

Salesperson: Ken Corder

Description

Cost Variance Modifier (CVM), meaning that if inflation continues to accelerate, we will have no choice but to requote prior to line drawing approval and release for production. In the alternative, you may cancel orders (with applicable fees) any time prior to manufacture. Dealers, be sure to include this and notify your customers of the CVM possibility.

Config # C21618

Chassis: Ford F550 4x4, Torq Shift 10 Speed Automatic, 84" CA, Diesel, Crew Cab

Factory Options Selected: Diesel Motor, Factory Backup Camera, Rear Spring Suspension, Exhaust, Single Fuel Tank

--- Maintainer Body ---

- Base price of Service body - 1-ton, 52" tall compartments, 44" x 21" wheel well opening with skirting (includes fuel fill pockets for chassis with mid-frame tanks as needed), front body bulkhead, body access grab handles, painted safety yellow (locations and number to vary with design)
- (11.083) Feet of Service Body - 1-ton, 52" tall Galvannealed compartments with reinforced floors, clean out drains, and 14 Gauge Deck Plate
- Factory Installation of body on a chassis. Note: On 2-ton chassis, we will no longer be modifying the dash for lights or switches. Will use OEM switches where applicable, any additional Maintainer switches will be on a bracket / panel mounted in separate location
- Tall Tower Crane reinforcement for MTS 1- or 2-ton service body (up to 75,000 ft*Lbs.) • Crane Location: Curb Side

--- Chassis Equipment & Accessories ---

- Spring or spacer leveling package added to one side of chassis suspension (1-Ton)
- Electronic engine speed control - computer set - electronic engine
- 2.5 lb. ABC fire extinguisher, and hazard reflectors
- Back up alarm - 97 dB at 1 meter
- Camera, relocate existing chassis camera to rear of body Note: Requires factory installed monitor

--- Hydraulic Power Package ---

- Open center hydraulic power package NOTE: The Open-Center hydraulic system allows operation of only a single hydraulic component at a time. Multi-component operation requires a Closed-Center system and is not available on some chassis configurations. Contact the factory for details. Contains HP Filter
- Open center hydraulic system pump (Chelsea) includes pressure reducer
- Oil reservoir - complete #022265, composite 28 gallons; Tank only, excluding oil
- (28) Hydraulic Oil (Standard oil, per gallon) Oil good for -25° F startup and 9° F to 187° F operating temperature
- No Reservoir Heater was selected.
- PTO for electric-over-hydraulic required on chassis with automatic transmission. (Ford F450-F550-F600, F650-F750 & Ram4500-5500)

--- Welder / Generator / Inverter / Power Equipment ---

- Mounting angles, 45" long Includes mounting holes for common welder types (contact factory for compatible welders)

--- Air Compressor Equipment & Accessories ---

- VMAC Predatair 40 CFM rotary screw hydraulic driven air compressor w/ white cover (Open-Center) 40 CFM @ 150 psi with integral hydraulic oil cooler. Includes control panel, mounted near body's switch panel & Hydraulic Soft Start Note: Hydraulic requirement = 14 GPM (May require large pump kit, not included), Cold weather package included (cooler bypass), additional oil warming valve available 24"L x 16.5"W x 18"H, 162 Lbs.
- Mounting angles for Air Compressor
- Air tank - 17 gallon - (Pressure rating of 200 psi) / 16" diameter (000012) Includes moisture drain, Painted Black
- Air accessory package - 1/2" X 50', spring rewind reel, hose & ball stop
- 1/2" Filter, Regulator, and Lubricator (FRL)
- Fiber box; Hose reel access, Limit 1 Reel Per Fiber box

--- Outriggers & Accessories ---

- Outriggers for cranes up to 45,100 ft*Lbs., hydraulic up/down rear outriggers (2) with manual extend in/out on crane side (30" extend)
- Outrigger pads, permanent (welded-on)

--- Compartment Equipment & Accessories ---

- Pressurized Storage System (PSS), 2-blowers with filters
- CS2 Mount Oxy bottles on left side of compartment

--- Street Side Vertical Compartment #1 ---

- Dimensions:52" Tall X35" Wide X23" Deep
- 12-Volt LED strip light
- Vertical Double 3/16" Aluminum Doors (French Style), Includes Rubber Seal
- Standard Compartment 3-Point "D Ring" Door Latch
- (2) Door Gas spring 65# (003184)
- DualLock or Bolt Bin - See configuration details below (page 5 of 6)

--- Street Side Vertical Compartment #2 ---

- Dimensions:52" Tall X24" Wide X23" Deep
- 12-Volt LED strip light
- Reverse Hinged 3/16" Aluminum, Single Door, Included Rubber Seal
- Standard Compartment 3-Point "D Ring" Door Latch
- Door Gas spring 65# (003184)
- (2) Shelf, aluminum adjustable compartment shelf (250 Lbs. capacity) - Installed

--- Street Side Overwheel Compartment ---

- Dimensions:31" Tall X44" Wide X23" Deep
- 12-Volt LED strip light
- Single 3/16" Aluminum "hinge-up" Door, Includes Rubber Seal
- Standard Compartment 3-Point "D Ring" Door Latch
- (2) Door Gas spring 60#
- Shelf, aluminum adjustable compartment shelf (250 Lbs. capacity) - Installed

--- Street Side Rear Vertical Compartment ---

- Dimensions:52" Tall X30" Wide X23" Deep
- 12-Volt LED strip light
- Single 3/16" Aluminum Vertical hinge door, Includes Rubber Seal
- Standard Compartment 3-Point "D Ring" Door Latch
- Door Gas spring 65# (003184)
- (2) Shelf, aluminum adjustable compartment shelf (250 Lbs. capacity) - Installed

--- Curb Side Vertical Compartment #1 ---

- Dimensions:59" Tall X35" Wide X23" Deep
- Above standard compartment height cost
- 12-Volt LED strip light
- Vertical Double 3/16" Aluminum Doors (French Style), Includes Rubber Seal
- Standard Compartment 3-Point "D Ring" Door Latch
- (2) Door Gas spring 65# (003184)
- (2) Shelf, aluminum adjustable compartment shelf (250 Lbs. capacity) - Installed

--- Curb Side Vertical Compartment #2 ---

- Dimensions:59" Tall X24" Wide X23" Deep
- Above standard compartment height cost
- Reverse Hinged 3/16" Aluminum, Single Door, Included Rubber Seal
- Standard Compartment 3-Point "D Ring" Door Latch
- Door Gas spring 65# (003184)
- 12-Volt LED strip light
- 2 Oxy/Act Bottle Storage Kit, contains Ratchet Strap, Vents in door, (2) "J" Hooks, reinforced floor (Protective spray coated) and mounting side brackets

--- Curb Side Overwheel Compartment ---

- Dimensions:31" Tall X44" Wide X23" Deep
- 12-Volt LED strip light
- Single 3/16" Aluminum "hinge-up" Door, Includes Rubber Seal
- Standard Compartment 3-Point "D Ring" Door Latch
- (2) Door Gas spring 60#
- Shelf, aluminum adjustable compartment shelf (250 Lbs. capacity) - Installed

--- Curb Side Under Crane Compartment ---

- Dimensions:15" Tall X30" Wide X12" Deep
- Single 3/16" Aluminum "hinge-down" Door, Includes Rubber Seal
- Standard Compartment 3-Point "D Ring" Door Latch

--- Lighting / Electrical Equipment & Accessories ---

- Base electrical components - Can System Includes Wiring Harnesses, Power Distribution Module, & Main Body Controller• 4.3" display CAN switch panel
- ~Grote FMVSS 108 LED lighting / reflector Kit: (2) Oval S/T/T/R, (2) Oval S/T/T, (5) Red 3/4" Marker lights, (2) Amber 3/4" Marker lights
- (5) Exterior 12-Volt LED flood light 022232 (2,100 Lumens)
- ~Strobe Lighthoods, L.E.D, oval, amber, recessed, 6.5" x 2.25" (pair)

--- Paint, Undercoating, & Protective Spray Coating (PSC) ---

- (11.083) Feet of Unit Painted Urethane "White" color. Not a base coat/clear coat or Metallic• (11.083) Feet of Primer
- (11.083) Feet of Splatter Coating on interior of compartments
- (11.083) Feet of Undercoat
- PSC- Level 30• Compartment Fronts • Bottoms of door frames • Outside wheel wells • Bumper sides, step Face & Top • Outer outrigger tubes • Center deck floor – includes Welder Deck, and bumper vertical surfaces • Cargo side walls includes Bulkhead • Compartment Tops – includes any brackets or guards welded to the top •Bumper top surface
- Install and stamp customer supplied metal name plate with WO# and Model#

--- Center Deck Equipment & Accessories ---

- Center Deck Dimensions:133" Long X49" Wide X1/8" Thickness
- (11.083) ~1/8" Cargo floor (deck plate)
- 10" Tall hinge-down "Slam Latch" Aluminum tailgate (12" total Height, 10" tall above deck) (protective spray front, black paint on rear)
- 10" Tall tailgate extension panel (Paint/PSC Follows Cargo Sidewall)
- (6) Flush mount "D" ring tie-downs in bed floor #003217

--- Rear Bumper & Accessories ---

- 26" steel workbench bumper with recessed step on curb side, 1 storage compartment. Includes: Bolt on Yellow grab handles and strip light for recessed step safety
- ~Bumper surface 3/16" smooth
- ~Transverse bar storage compartment in workbench bumper flush to the floor
- Vise / grinder removable mounting plate HD, includes drain slots in plate
- Class IV hitch receiver - 2" receiver - rated at 1,500 Lbs. vert. 10,000 Lbs. Includes Safety Chain loops MGTW Note: customer is responsible to verify tow ratings of chassis and available GVWR/GCWR remaining after loading of body and all other items.
- Trailer plug-in 7-prong flat blade #007486 (RV style)
- Step, Bolt-on, flexible sides with stainless steel step, Painted Safety Yellow #026127 (standard step)

--- Miscellaneous Equipment & Accessories ---

- Install customer supplied mudflaps
- Mud flap bracket for a 24" mudflap
- Parts and service manual

---Additional Equipment Installed ---

- TTC-M3PWG Lube Skid
- Miller Bobcat 260 Gas
- 50' Leads & Clamps
- Remote Start / Stop
- Body Level

---Maintainer Crane---

Config # C21619

- H7024TT Crane 7,000 Lbs. max capacity (45,100 ft*Lbs.) with hydraulic extend hex-boom 11'-24' Note: Max capacity listed above is for 2-part line, for single-part line max capacity is 4,300 Lbs. Crane includes A2B, overload system, holding valves ACC 2.1 (crane lifting weight display, capacity & speed limiting, stability monitoring, warn / stop feature) Paint note: Ship-out crane-only: Requires additional paint charge Crane installed on body: No additional paint charge unless different color than body MIN GVW REQUIRED : 19,500
- Install hydraulic crane on body - includes boom saddle, and valve well with HD reinforced cover
- ~Load Block (No live swivel) H6-H10
- Planetary winch (H6-H7) T11
- Crane remote, wireless, push button (H6-H14), with true independent proportional control, includes holder, external antenna, hour meter, engine start/stop
- Backup cable for wireless crane remote, 35ft (#022585)
- Annual crane inspection (initial inspection) • Paint Crane to match Service Body

---Street Side Vertical #1 Dualock---

Config # C21620 Design Style: (7) drawer set #020017 (29" wide)

Housing Dimensions:41.5" Tall, 29" Wide, 18" Deep

Top Shelf is Standard, Drawers Listed from Top to Bottom

Drawer #	Height	Dividers
Drawer 1	3"	Side to Side
Drawer 2	3"	Side to Side
Drawer 3	3"	Side to Side
Drawer 4	5"	Side to Side
Drawer 5	5"	Side to Side
Drawer 6	5"	Side to Side
Drawer 7	7"	Side to Side

BOTTOM SPACE: 7.0 Inches Tall

---Notes---

Bolt on step to ship loose with unit

Houston Automotive Group Terms and Conditions

- All prices are F.O.B. Houston, TX & in USD; delivery charges to be determined. This quote does not include any applicable local, state or (F.E.T) federal taxes. Payment is required on or before delivery unless other terms are agreed upon before sale.
- Ex-factory delivery is 14-21 days after receipt of order with full order information subject to prior sales and chassis availability.
- Houston Automotive Group reserves the right to make changes and/or substitute components and product is subject to change without notice; Houston Automotive Group is not responsible for any Local, State, Federal or other regulations that maybe pertinent to quote/order.
- The information contained in this quote, and all supporting documentation is confidential and may only be used by Houston Automotive Group, our manufacturer and/or the customer listed on this quote.
- We assume no liability for damage due to theft, vandalism, fire, weather, disaster, or damage due to gradual deterioration or inherent defect in such property.
- We assume no liability for damage of any kind during the storage of your chassis or parts on our premises while awaiting modification or installation. The storage location of the property shall be determined by Houston Automotive Group in its discretion.
- Exception to above is when directly attributable to our own gross negligence in moving or modifying chassis or parts, and in that event only to the extent of the wholesale used value of the chassis or parts as of the date of storage.

Please contact me with any questions or concerns at (281) 807-6500.

We appreciated the opportunity to quote you. Please show acceptance by signing below and faxing back to me at (281) 807-5322.

Sincerely,
Ken Corder
Truck & Equipment Sales
Houston Automotive Group, Inc.
(281) 807-6500

Quote#: 9070
Order Acknowledgement / Authorization:
Hall County Government

x _____
Michael Johnson

2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)



Client Proposal

Prepared by:
Harry Bougher
Office: 515-289-4949
Date: 06/01/2021





Prepared by: Harry Bougher

06/01/2021

Dewey Ford | 3055 SE Delaware Ankeny Iowa | 500219830

2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

As Configured Vehicle

Code	Description
Base Vehicle	
W5H	
Packages	
660A	<p>Order Code 660A</p> <p><i>Includes:</i></p> <ul style="list-style-type: none"> - Transmission: TorqShift 10-Speed Automatic - 10R140 with neutral idle and selectable drive modes: normal, tow/haul, eco, deep sand/snow and slippery. - Wheels: 19.5" x 6" Argent Painted Steel - Hub covers/center ornaments not included. - HD Vinyl 40/20/40 Split Bench Seat - Includes center armrest, cupholder, storage and driver's side manual lumbar. - Radio: AM/FM Stereo w/MP3 Player - Includes 6 speakers. - SYNC Communications & Entertainment System - Includes enhanced voice recognition, 911 Assist, 4.2" LCD center stack screen, AppLink, 1 smart-charging USB port and steering wheel audio controls.
Powertrain	
99T	<p>Engine: 6.7L 4V OHV Power Stroke</p> <p>V8 Turbo Diesel B20</p> <p><i>Includes Diesel Exhaust Fluid (DEF) tank, intelligent oil-life monitor and manual push-button engine-exhaust braking.</i></p> <p><i>Includes:</i></p> <ul style="list-style-type: none"> - Dual 78-AH 750 CCA Batteries
44G	<p>Transmission: TorqShift 10-Speed Automatic</p> <p><i>10R140 with neutral idle and selectable drive modes: normal, tow/haul, eco, deep sand/snow and slippery.</i></p> <p style="text-align: right;">Included</p>
X8L	Limited Slip w/4.88 Axle Ratio
68M	<p>GVWR: 19,500 lb Payload Plus</p> <p>Upgrade Package</p> <p><i>Includes upgraded frame, rear-axle and low deflection/high capacity springs. Increases max RGAWR to 14, 706. Note: See Order Guide Supplemental Reference for further details on GVWR.</i></p>
Wheels & Tires	
TGK	<p>Tires: 225/70Rx19.5G BSW Traction (TGK)</p> <p><i>Includes 4 traction tires on the rear and 2 traction tires on the front. Not recommended for over the road applications; could incur irregular front tire wear and/or NVH.</i></p>
64Z	<p>Wheels: 19.5" x 6" Argent Painted Steel</p> <p><i>Hub covers/center ornaments not included.</i></p>



Prepared by: Harry Bougher

06/01/2021

Dewey Ford | 3055 SE Delaware Ankeny Iowa | 500219830

2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

As Configured Vehicle (cont'd)

Code	Description	
Seats & Seat Trim		
A	HD Vinyl 40/20/40 Split Bench Seat <i>Includes center armrest, cupholder, storage and driver's side manual lumbar.</i>	
Other Options		
PAINT	Monotone Paint Application	STD
203WB	203" Wheelbase	STD
STDRD	Radio: AM/FM Stereo w/MP3 Player <i>Includes 6 speakers.</i> <i>Includes:</i> - SYNC Communications & Entertainment System <i>Includes enhanced voice recognition, 911 Assist, 4.2" LCD center stack screen, AppLink, 1 smart-charging USB port and steering wheel audio controls.</i>	
96V	XL Value Package - XL Decor Group - Chrome Front Bumper - Steering Wheel-Mounted Cruise Control	<i>Includes:</i>
90L	Power Equipment Group <i>Deletes passenger side lock cylinder. Includes upgraded door-trim panel.</i> <i>Includes:</i> - Accessory Delay - Advanced Security Pack <i>Includes SecuriLock Passive Anti-Theft System (PATS) and inclination/intrusion sensors.</i> - Folding Trailer Tow Mirrors w/Power Heated Glass <i>Includes manual telescoping, heated convex spotter mirror and integrated clearance lamps/turn signals.</i> - MyKey <i>Includes owner controls feature.</i> - Power Front & Rear Side Windows <i>Includes 1-touch up/down driver/passenger window.</i> - Power Locks - Remote Keyless Entry	
473	Snow Plow Prep Package - <i>Includes pre-selected springs (see order guide supplemental reference for springs/FGAWR of specific vehicle configurations). Note 1: Restrictions apply; see supplemental reference or body builders layout book for details. Note 2: Also allows for the attachment of a winch. Note 3: Highly recommended to add (86M) dual battery on 7.3L gas engines. Adding (67B) 397 amp alternators for diesel engine is highly recommended for max output.</i> <i>Includes:</i> - 332 Amp Alternators	
41H	Engine Block Heater	
61J	6-Ton Hydraulic Jack	
62R	Transmission Power Take-Off Provision <i>Includes mobile and stationary PTO modes.</i>	



Prepared by: Harry Bougher

06/01/2021

Dewey Ford | 3055 SE Delaware Ankeny Iowa | 500219830

2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

As Configured Vehicle (cont'd)

Code	Description
67A	332 Amp Alternators
63A	Utility Lighting System <i>Includes LED side-mirror spotlights.</i>
18B	Platform Running Boards
59H	Center High-Mounted Stop Lamp (CHMSL)
872	Rear View Camera & Prep Kit <i>Pre-installed content includes cab wiring and frame wiring to the rear most cross member. Upfitters kit includes camera with mounting bracket, 20' jumper wire and camera mounting/aiming instructions.</i>

Fleet Options

525_	Steering Wheel-Mounted Cruise Control
------	---------------------------------------

Emissions

425	50-State Emissions System	STD
-----	---------------------------	-----

Interior Color

AS_01	Medium Earth Gray
-------	-------------------

Exterior Color

Z1_01	Oxford White
-------	--------------



2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Selected Equip & Specs

Dimensions

- Exterior length: 289.2"
- Exterior width: 80.0"
- Wheelbase: 203.0"
- Rear track: 74.0"
- Rear tire outside width: 93.9"
- Front legroom: 43.9"
- Front headroom: 40.8"
- Front hiproom: 62.5"
- Front shoulder room: 66.7"
- Passenger volume: 131.7cu.ft.
- Maximum cargo volume: 52.1cu.ft.
- Cab to axle: 84.0"
- Exterior height: 81.7"
- Front track: 74.8"
- Turning radius: 28.6"
- Min ground clearance: 8.2"
- Rear legroom: 43.6"
- Rear headroom: 40.4"
- Rear hiproom: 64.7"
- Rear shoulder room: 65.9"
- Cargo volume: 52.1cu.ft.

Powertrain

- * **Powerstroke 330hp 6.7L OHV 32 valve intercooled turbo V-8 engine with diesel direct injection**
- federal
- Part-time
- Fuel Economy Cty: N/A
- * **Transmission PTO provision**
- * **Recommended fuel : diesel**
- TorqShift 10 speed automatic transmission with overdrive
- * **Limited slip differential**
- Fuel Economy Highway: N/A

Suspension/Handling

- Front Mono-beam non-independent suspension with anti-roll bar, HD shocks
- Firm ride Suspension
- Front and rear 19.5 x 6 argent steel wheels
- Dual rear wheels
- * **Rear DANA 130 rigid axle leaf spring suspension with anti-roll bar, HD shocks**
- Hydraulic power-assist re-circulating ball Steering
- * **LT225/70SR19.5 GBSW AT front and rear tires**

Body Exterior

- 4 doors
- Conventional right rear passenger
- * **Turn signal indicator in mirrors**
- * **Chrome bumpers**
- Trailer harness
- Front and rear 19.5 x 6 wheels
- Conventional left rear passenger
- * **Driver and passenger power remote heated, manual folding door mirrors with turn signal indicator**
- Black door mirrors
- * **Side steps**
- Clearcoat paint
- 2 front tow hook(s)

Convenience



2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Selected Equip & Specs (cont'd)

- Manual air conditioning with air filter
- * **Power windows**
- * **Driver and passenger 1-touch down**
- Manual tilt steering wheel
- Day-night rearview mirror
- 911 Assist emergency SOS
- AppLink smart device integration
- Front and rear cupholders
- Full overhead console
- * **Rear door bins**
- * **Cruise control with steering wheel controls**
- * **Driver and passenger 1-touch up**
- * **Remote power door locks with 2 stage unlock and illuminated entry**
- Manual telescopic steering wheel
- FordPass Connect 4G internet access
- Wireless phone connectivity
- 2 1st row LCD monitors
- Passenger visor mirror
- * **Driver and passenger door bins**
- Upfitter switches

Seats and Trim

- Seating capacity of 6
- 4-way driver seat adjustment
- 4-way passenger seat adjustment
- 60-40 folding rear split-bench seat
- Front 40-20-40 split-bench seat
- Manual driver lumbar support
- Centre front armrest with storage

Entertainment Features

- AM/FM stereo radio
- Steering wheel mounted radio controls
- Streaming audio
- SYNC external memory control
- 4 speakers
- Fixed antenna

Lighting, Visibility and Instrumentation

- Halogen aero-composite headlights
- Auto on/off headlights
- Light tinted windows
- Tachometer
- Outside temperature display
- Trip computer
- Delay-off headlights
- Variable intermittent front windshield wipers
- Front and rear reading lights
- Compass
- * **Camera(s) - rear**
- Trip odometer

Safety and Security

- 4-wheel ABS brakes
- 4-wheel disc brakes
- Dual front impact airbag supplemental restraint system
- Safety Canopy System curtain 1st and 2nd row overhead airbag supplemental restraint system
- * **Power remote door locks with 2 stage unlock and panic alarm**
- * **MyKey restricted driving mode**
- Brake assist
- Driveline traction control
- Dual seat mounted side impact airbag supplemental restraint system
- * **Remote activated perimeter/approach lighting**
- * **Security system with SecuriLock immobilizer**
- Manually adjustable front head restraints



2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Selected Equip & Specs (cont'd)

- 3 manually adjustable rear head restraints

Dimensions

General Weights

* Curb	8,454 lbs.	* GVWR	19,500 lbs.
* Payload	11,150 lbs.		

Front Weights

* Front GAWR	7,000 lbs.	* Front curb weight	5,061 lbs.
Front axle capacity	7,000 lbs.	* Front spring rating	7,000 lbs.
Front tire/wheel capacity	7,500 lbs.		

Rear Weights

* Rear GAWR	14,706 lbs.	* Rear curb weight	3,393 lbs.
* Rear axle capacity	14,706 lbs.	* Rear spring rating	15,000 lbs.
Rear tire/wheel capacity	15,000 lbs.		

Trailer Type

Harness	Yes	Trailer sway control	Yes
---------------	-----	----------------------------	-----

General Trailering

* 5th-wheel towing capacity	23000 lbs.	* Gooseneck towing capacity	23000 lbs.
Towing capacity	18340 lbs.	* GCWR	32500 lbs.

Fuel Tank type

Capacity	40 gal.
----------------	---------

Off Road

Min ground clearance	8 "
----------------------------	-----

Interior cargo

Cargo volume	52.1 cu.ft.	Maximum cargo volume	52.1 cu.ft.
--------------------	-------------	----------------------------	-------------

Rear Frame

Height loaded	29 "	Height unloaded	34 "
---------------------	------	-----------------------	------

Powertrain

Engine Type

* Brand	Powerstroke	Block material	Iron
Cylinders	V-8	Head material	Aluminum
* Ignition	Compression	* Injection	Diesel direct injection
* Liters	6.7L	Orientation	Longitudinal



2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Selected Equip & Specs (cont'd)

* Recommended fuel Diesel
Valvetrain OHV

* Valves per cylinder 4
* Forced induction Intercooled turbo

Engine Spec

* Bore 3.90"
* Displacement 406 cu.in.

* Compression ratio 15.8:1
* Stroke 4.25"

Engine Power

SAEJ1349 AUG2004 compliant Yes
* Torque 825 ft.-lb @ 2,000 RPM

* Output 330 HP @ 2,600 RPM

Alternator

* Type Dual

* Amps 332

Battery

Amp hours 78
Run down protection Yes

Cold cranking amps 750
* Type Dual

Engine Extras

* Block heater Yes

Transmission

Electronic control Yes
Overdrive Yes
Type Automatic

Lock-up Yes
Speed 10

Transmission Gear Ratios

1st 4.696
3rd 2.146
5th 1.52
7th 1
9th 0.689
Reverse Gear ratios 4.866

2nd 2.985
4th 1.769
6th 1.275
8th 0.854
10th 0.616

Transmission Extras

Driver selectable mode Yes
Oil cooler Regular duty

Sequential shift control SelectShift
* PTO provision Yes

Drive Type

4wd type Part-time

Type Four-wheel

Drive Feature

* Limited slip differential Mechanical
* Power take-off provision Yes

Traction control Driveline
Locking hub control Auto



2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Selected Equip & Specs (cont'd)

Transfer case shift Electronic

Drive Axle

Ratio 4.88

Exhaust

Material Stainless steel System type Single

Emissions

CARB Federal

Fuel Economy

* Fuel type Diesel

Engine Retarder

* Type Yes

Driveability

Brakes

ABS 4-wheel ABS channels 3
Type 4-wheel disc Vented discs Front and rear

Brake Assistance

Brake assist Yes

Suspension Control

Ride Firm

Front Suspension

Independence Mono-beam non-independent Anti-roll bar Regular

Front Spring

Type Coil * Grade HD

Front Shocks

Type HD

Rear Suspension

* Independence DANA 130 rigid axle Type Leaf

Anti-roll bar Regular

Rear Spring

Type Leaf Grade HD

Rear Shocks

Type HD



2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Selected Equip & Specs (cont'd)

Steering

Activation Hydraulic power-assist Type Re-circulating ball

Steering Specs

of wheels 2

Exterior

Front Wheels

Diameter 19.5" Width 6.00"

Rear Wheels

Diameter 19.5" Width 6.00"
Dual Yes

Front and Rear Wheels

Appearance Argent Material Steel

Front Tires

Aspect 70 Diameter 19.5"
Sidewalls BSW Speed S
* **Tread** **AT** Type LT
Width 225mm LT load rating G
* **RPM** **645**

Rear Tires

Aspect 70 Diameter 19.5"
Sidewalls BSW Speed S
* **Tread** **AT** Type LT
Width 225mm LT load rating G
* **RPM** **645**

Wheels

Front track 74.8" Rear track 74.0"
Turning radius 28.6' Wheelbase 203.0"
Rear tire outside width 93.9"

Body Features

Front splash guards Yes Body material Aluminum
Side impact beams Yes * **Side steps** **Yes**
Front tow hook(s) 2

Body Doors

Door count 4 Left rear passenger Conventional
Right rear passenger Conventional



2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Selected Equip & Specs (cont'd)

Exterior Dimensions

Length	289.2"	Body width	80.0"
Body height	81.7"	Cab to axle	84.0"
Axle to end of frame	47.2"	Frame section modulus	12.7cu.in.
Frame yield strength (psi)	50000.0	Frame rail width	34.2"
Front bumper to Front axle	38.3"	Cab to end of frame	131.2"
Front bumper to back of cab	158.1"		

Safety

Airbags

Driver front-impact	Yes	Driver side-impact	Seat mounted
Overhead Safety Canopy System curtain 1st and 2nd row		Passenger front-impact	Yes
Passenger side-impact	Seat mounted		

Seatbelt

Height adjustable	Front
-------------------------	-------

Security

* Immobilizer	SecuriLock	* Panic alarm	Yes
* Restricted driving mode	MyKey		

Seating

Passenger Capacity

Capacity	6
----------------	---

Front Seats

Split	40-20-40	Type	Split-bench
-------------	----------	------------	-------------

Driver Seat

Fore/aft	Manual	Reclining	Manual
Way direction control	4	Lumbar support	Manual

Passenger seat

Fore/aft	Manual	Reclining	Manual
Way direction control	4		

Front Head Restraint

Control	Manual	Type	Adjustable
---------------	--------	------------	------------

Front Armrest

Centre	Yes	Storage	Yes
--------------	-----	---------------	-----

Rear Seats



2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Selected Equip & Specs (cont'd)

Descriptor Split-bench
Folding 60-40
Type Fixed

Facing Front
Folding position Fold-up cushion

Rear Head Restraints

Control Manual
Number 3

Type Adjustable

Front Seat Trim

Material Vinyl

Back material Vinyl

Rear Seat Trim Group

Material Vinyl

Back material Carpet

Convenience

AC And Heat Type

Air conditioning Manual
Underseat ducts Yes

Air filter Yes

Audio System

Radio AM/FM stereo
Seek-scan Yes

Radio grade Regular
External memory control SYNC

Audio Speakers

Speaker type Regular

Speakers 4

Audio Controls

Steering wheel controls Yes
Streaming audio Bluetooth yes

Voice activation Yes

Audio Antenna

Type Fixed

LCD Monitors

1st row 2

Primary monitor size (inches) 4.2

Cruise Control

* Cruise control With steering wheel controls

Convenience Features

* Retained accessory power Yes
Emergency SOS 911 Assist
Smart device integration App link

12V DC power outlet 3
Wireless phone connectivity Bluetooth
Upfitter switches Yes

Door Lock Activation

* Type Power with 2 stage unlock

* Remote Keyfob (all doors)



2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Selected Equip & Specs (cont'd)

* **Integrated key/remote** **Yes**

Door Locks Extra FOB Controls

Remote engine start Smart device only

Instrumentation Type

Appearance Analog

Instrumentation Gauges

Tachometer Yes

* **Turbo/supercharger boost** **Yes**

Engine hour meter Yes

Engine temperature Yes

Transmission fluid temp Yes

Instrumentation Warnings

Oil pressure Yes

Battery Yes

Key Yes

Door ajar Yes

Brake fluid Yes

Engine temperature Yes

Lights on Yes

Low fuel Yes

Service interval Yes

Instrumentation Displays

Clock In-radio display

Exterior temp Yes

* **Camera(s) - rear** **Yes**

Compass Yes

Systems monitor Yes

Instrumentation Feature

Trip computer Yes

Trip odometer Yes

Steering Wheel Type

Material Urethane

Telescoping Manual

Tilting Manual

Front Side Windows

* **Window 1st row activation** **Power**

Windows Rear Side

* **2nd row activation** **Power**

Window Features

* **1-touch down** **Driver and passenger**

Tinted Light

* **1-touch up** **Driver and passenger**

Front Windshield

Wiper Variable intermittent

Rear Windshield

Window Fixed



2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Selected Equip & Specs (cont'd)

Interior

Passenger Visor

Mirror Yes

Rear View Mirror

Day-night Yes

Headliner

Coverage Full Material Cloth

Floor Trim

Coverage Full Covering Vinyl/rubber

Trim Feature

Gear shifter material Urethane Interior accents Chrome

Lighting

Dome light type Fade Front reading Yes

* **Illuminated entry** **Yes** Rear reading Yes

Variable IP lighting Yes

Overhead Console Storage

Storage Yes Type Full

Storage

* **Driver door bin** **Yes** Front Beverage holder(s) Yes

Glove box Locking * **Passenger door bin** **Yes**

* **Seatback storage pockets** **2** Illuminated Yes

Rear yes Yes Instrument panel Covered bin

Dashboard Yes * **Rear door bins** **Yes**

Legroom

Front 43.9" Rear 43.6"

Headroom

Front 40.8" Rear 40.4"

Hip Room

Front 62.5" Rear 64.7"

Shoulder Room

Front 66.7" Rear 65.9"

Interior Volume

Passenger volume 131.7 cu.ft.



Prepared by: Harry Bougher

06/01/2021

Dewey Ford | 3055 SE Delaware Ankeny Iowa | 500219830

2022 F-550 Chassis 4x4 SD Crew Cab 203" WB DRW XL (W5H)

Warranty

Standard Warranty

Basic

Distance 36,000 miles Months 36 months

Powertrain

Distance 60,000 miles Months 60 months

Corrosion Perforation

Distance Unlimited miles Months 60 months

Roadside Assistance

Distance 60,000 miles Months 60 months

Additional Warranty

Diesel Engine

Distance 100,000 miles Months 60 months



Sole Source/Brand and Single Source Justification

Request Submitted By

Name:	
Job Title:	
Department:	
E-Mail Address:	
Date of Request:	

Request Details

Sole Source: Any contract entered into without a competitive solicitation process, based on a justification that only one known source exists or that only one single supplier can fulfill the requirements of the County.

Sole Brand: A purchasing situation in which only one brand of equipment/supply, etc. will meet the requirements of the County.

Single Source: Any contract entered into without a competitive solicitation process, based on a justification that two or more vendors can supply the commodity, technology, and/or perform the services required by an agency, but one vendor is selected over the others for reasons such as expertise or previous experience with similar contracts.

For Sole Source or Sole Brand, identify efforts made to locate other possible sources.

Desired Supplier Name:
Desired Supplier Email:
Desired Supplier Phone Number:

Scope of Work

Provide a detailed description of commodities/services to be provided. Also, include the following details: exact or estimated quantity, per unit price, and the total estimated cost.

Justifying a Sole Source/Brand

Provide an explanation why only a particular style, model, type or manufacturer is required (i.e. why the commodity is the only commodity which will meet the County needs).

Provide a detailed description of proposed source's unique capabilities and/or personnel to perform the work and why this is the only source.

Justifying a Single Source

Provide an explanation why the recommended vendor is being selected over other vendors that can provide the requested commodity, technology, and/or perform the services required.

--

Letter from Original Equipment Manufacturer (required):

Attached

Purchasing Use Only

Buyer:

Buyer E-Mail Address:

Buyer Telephone:

Contract #:

Contract Name:

If publicly solicited, number of protests:

Outcome:

Bid # (if competitively bid):

Purchase Order #:



AGENDA ITEM

Emergency Management

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 300/2023

SUBJECT: Approve the purchase and installation of three (3) new standby generators and one (1) existing standby generator at North Hall Community Center, East Hall Community Center, Mulberry Creek Community Center and the Transitional Care House for Emergency Management to Cain Electric Company, Inc. of Gainesville, GA, in the amount \$841,370.00.

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: ZB

Recommendation:

Approve.

Purpose of Request:

Approve the purchase and installation of three (3) new standby generators and one (1) existing standby generator at North Hall Community Center, East Hall Community Center, Mulberry Creek Community Center and the Transitional Care House for Emergency Management to Cain Electric Company, Inc. of Gainesville, GA, in the amount \$841,370.00.

History:

Facts and Issues:

The recommendation stems from the competitive bid IFB #059-43 where Cain Electric is the lowest cost, responsible and responsive bidder and has furnished all mandatory documentation.

Options:

The County owns one (1) generator that will be used and installed at the Transitional Care House.

The contractor will furnish three (3) new one generators at East Hall Community Center, Mulberry Creek Community Center, and North Hall Community Center.

Funding Requested \$ 841,370.00
Are funds within current budget? Yes
Source of Funds ARPA Funding
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.? Yes
Has it been reviewed by the County Attorney? Yes
Is there a deadline for this item?

Approvals:

Buyer	Submit	Approve	Purchasing
AP	ZB	ZB	AP
Budget	Finance	Attorney	Administration
TS	WG	WLI	CR
Clerk			
JR			

Attachments:

Financial Supplement
 Contract
 Notice of Intent to Award
 Quote
 Bid Tab Summary



**HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT**

AGENDA ITEM 300/2023

Funds Requested: \$ 841,370.00

Request Budgeted: Yes

Proposed Source of Funding:

Budget Transfer Requested:

ARPA Funding

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2024	230-AMERICAN RESCUE PLAN ACT FUND	3921-COVID RELIEF	542500-OTHER EQUIPMENT	\$841,370.00

Budget Transfer Items:

Additional Information/Comments:

Dept: 830 - American Rescue Plan Act GSLT-0641-3921-542500

Contact for Questions: ZB

Phone:

770-533-7908



Hall County Government
FINANCIAL SERVICES

EXHIBIT K

STATE OF GEORGIA
COUNTY OF HALL

CONTRACT #059-43

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

DIRECTOR
Wesley Geddings

For the provision of
**FURNISH AND INSTALL FOUR
STANDBY GENERATORS**

At four (4) different County Facilities in Hall County, Georgia

ARTICLE #101 - INTRODUCTION

This Contract for Services to furnish and install four (4) standby generators at four (4) different County Facilities in Hall County, (hereinafter "Services") as entered into on [County to enter date here] and with an Effective Date of [County to enter date here], is by and between; Hall County, Georgia (hereinafter "County") located at 2875 Browns Bridge Rd, Gainesville, Georgia 30504, and Cain Electric Co., Inc. located at [743] Cleveland Hwy.; Gainesville, GA 30501 (hereinafter "Contractor"). Contractor is an entity that is legally registered and qualified, and holding any such licenses and certifications as may be required to render Services to do business in the State of Georgia. County and Contractor are known individually as a "Party" and collectively as the "Parties".

Whereas, the parties do mutually desire to enter into this Contract to document the provision of Services or other valuable consideration by the Contractor to the County in exchange for payment as compensation.

This Contract is the result of the competitively bid **IFB #059-43**, the Bidder's bid response, the Scope of Work, Exhibits, Attachments, and references are all incorporated herein by reference. Therefore, in consideration of the terms, conditions, and mutual promises contained herein, expressed by a valid offer and acceptance, the receipt and sufficiency of which both parties hereby acknowledge, the parties hereto agree as follows:

ARTICLE #102 - CONTRACT

A. Contractor agrees to provide the Services to the County as detailed herein as the **Scope of Work**, and for

locations and services as described in the IFB #059-43 and the bidder's response.

Services include furnishing and installing new, outside playground equipment at Cool Springs Park.

- B. **COMPENSATION:** County hereby agrees as good and valuable compensation as provided in the attached bidder's response entitled **Exhibit C – Mandatory Cost Proposal Worksheet**, which shall serve as the Guaranteed Maximum Price Lump-Sum Cost. All payments are in arrears, as the County does not pay for Services not yet rendered.

- C. **Price Escalation Clause.** - Reserved

ARTICLE #103 - NOTICES:

To the extent that either party to this Contract are required to provide notice(s) to the other party in compliance herewith, then the party shall direct notice(s) to the following persons:

COUNTY PROJECT MANAGER

Zach Brackett, Director
Hall County Emergency Management
& Homeland Security Services
zbrackett@hallcounty.org
Ph: (770) – 533-7908

COUNTY ISSUING OFFICER

Andy Penick
Purchasing Manager
Hall County, Georgia
2875 Browns Bridge Rd
Gainesville, GA 30504
apenick@hallcounty.org
Ph: (770) 531-4939

CONTRACTOR'S CONTACT INFO

Enter Name
Enter Title
Enter Legal Company Name
Enter Street Address
Enter City, State, Zip
Enter Email Address
Enter Phone

REMIT-TO ADDRESS

Company's FEIN # _____
PO BOX/DRAWER _____
Enter Legal Company Name
Enter Street Address
Enter City, State, Zip
Enter Email Address
Enter Phone

ARTICLE #104 – NON-EXCLUSIVE RIGHTS:

The Contract is not exclusive. The County reserves the right to select other Contractors to provide the Services similar to those described in this Contract, during the term of the Contract should the need arise or the contractor fail to perform.

ARTICLE #105 – CONTRACT TERM:

Until substantial, completion, and all sub-contractor(s) and material suppliers' liens are satisfied.

ARTICLE #106 - CONTRACT AMENDMENTS AND MODIFICATION:

This Contract can only be modified, amended, or added to in writing and fully executed by both parties hereto. This Contract document constitutes the sole and entire Contract and understanding between the parties as to the subject matter hereof, and no verbal promises have been made by either party in relation hereto.

ARTICLE # 107 – REMEDIES AND CONTRACT PERFORMANCE:

In the event that either party to this Contract breaches this Contract, including by failure to meet the timetables set forth herein, the non-breaching party shall provide written notice to the breaching party which describes the breach of this Contract. The party whose breach is alleged shall have thirty (30) days from the date of receipt of the written notice to cure the breach or to otherwise negotiate a resolution of the breach.

If the breach has not been cured and the parties hereto have not resolved the issue described in the notice letter by thirty (30) days after receipt of the notice letter, the party authoring the letter shall be entitled to seek any and all remedies allowed by Georgia law, including damages, equitable relief, declaratory relief, specific performance, and/or seeking relief as to any bonds issued hereon. Additional provisions are;

- A. **Delay or Impossibility of Performance.** Any failure or delay must be beyond the control of and without the fault or negligence of the Contractor. If the Services to be provided to the County are interrupted by a Force Majeure Event, as defined below, the County will be entitled to an equitable adjustment to the fees and other payments due to the Contractor under this Contract. If delay results from a subcontractor's negligent conduct or failure to perform, the Contractor shall not be excused from compliance with the terms and obligations of the Contract. Epidemics and pandemics are not considered Force Majeure events by the County.

Neither party shall be held liable or responsible to the other party nor be deemed to have defaulted under or breached this Agreement for failure or delay in fulfilling or performing any obligation under this Agreement when such failure or delay is caused by or results from causes beyond the reasonable control of the affected party, including but not limited to fire, floods, embargoes, war, acts of war, insurrections, riots, strikes, lockouts or other labor disturbances, or acts of God; provided, however, that the party so affected shall use reasonable commercial efforts to avoid or remove such causes of nonperformance, and shall continue performance hereunder with reasonable dispatch whenever such causes are removed. Either party shall provide the

other party with prompt written notice of any delay or failure to perform that occurs by reason of Force Majeure.

Definition: The term 'force majeure' as defined in Black's Law Dictionary, is 'an event or effect that can be neither anticipated nor controlled. It is a contractual provision allocating the risk of loss if performance becomes impossible or impracticable, especially as a result of an event that the parties could not have anticipated or controlled.'

- B. Obligations beyond Contract Term.** The Contract shall remain in full force and effect to the end of the specified term or until terminated or canceled pursuant to the Contract.
- C. Transition Cooperation with the County and Cooperation with other Contractors.** Contractor agrees that upon termination of this Contract for any reason, it shall provide sufficient efforts and reasonable cooperation and assistance to the County to ensure an orderly and efficient transition to the County or an alternative Contractor. Further, in the event that the County has entered into or enters into contracts with other Contractors related to the Services, Contractor agrees to cooperate fully with such other Contractors. Contractor shall not engage in any act that will interfere with the performance of work by any other Contractor(s).

ARTICLE # 108 - TERMINATION:

Either party may terminate this Contract by providing thirty (30) days written notice to the other party at any time. Should either party terminate this Contract prior to the date of automatic termination pursuant to section four (4) above, Contractor shall provide the County with all deliverables up to the date of termination thirty (30) days after the Notice to Terminate is issued. The County shall pay the Contractor for all work properly performed in compliance with the terms of the Contract up to the date of termination.

- A. Termination for Convenience.** Following thirty (30) days written notice, either party may terminate the Contract in whole or in part for any reason without the payment of any penalty or incurring any further obligation to the Contractor.
- B. Termination for Cause.** The occurrence of any one or more of the following events shall constitute cause for the County to declare the Contractor in default of its obligations under the Contract:
1. The Contractor fails to deliver or has delivered nonconforming Services or fails to perform, to the County's satisfaction, any material requirement of the Contract or is in violation of a material provision of the Contract, including, but without limitation, the express warranties made by the Contractor.

2. The County determines that satisfactory performance of the Contract is substantially endangered or that a default is likely to occur.
3. The Contractor fails to make substantial and timely progress toward performance of the Contract.
4. The Contractor becomes subject to any bankruptcy or insolvency proceeding under federal or state law to the extent allowed by applicable federal or state law including bankruptcy laws; the Contractor terminates or suspends its business; or the County reasonably believes that the Contractor has become insolvent or unable to pay its obligations as they accrue consistent with applicable federal or state law.
5. The Contractor has failed to comply with applicable federal, state and local laws, rules, County ordinances, regulations and orders when performing within the scope of the Contract.
6. The Contractor has engaged in conduct that has or may expose the County or the State to liability, as determined in the County's sole discretion; or a material breach of the terms of the Contract by County upon County's failure to cure such material breach after written notice thereof has been delivered in accordance with ARTICLE #108.C. below constitutes cause for the Contractor to declare that the County is in default of its obligations under the Contract.

C. **Notice of Default.** If either party causes one or more of the default events set out in ARTICLE #108, then either party shall issue a written Notice-of-Default to the party that causes one or more of the default events, requesting that the breach or noncompliance be remedied within the period of time specified in the party's Notice-of-Default to the Contractor. If the breach or noncompliance is not remedied within the period of time specified in the written notice, the non-breaching party may:

1. Immediately terminate the Contract for default without additional written notice.
2. In the event of a breach by the Contractor, the County may procure substitute Services from another source and charge the difference between the Contract and the substitute Contract to the defaulting Contractor; and/or,
3. Enforce the terms and conditions of the Contract and seek any legal or equitable remedies.

D. **Termination Due to Non-Availability of Funds.**

This Contract will terminate immediately and absolutely if the County determines that adequate funds are de-appropriated such that the County cannot fulfill its obligations under the Contract, such

determination being at the County's sole discretion and conclusive. County agrees to provide prompt written notice to Contractor in the event of any de-appropriation.

E. Termination due to Failure of Contractor to Act.

The County may terminate the Contract for any one or more of the following reasons effective immediately without advance notice:

1. In the event that the Contractor must be certified or licensed as a condition precedent to providing the Services, the revocation or loss of such license or certification may result in immediate termination of the Contract effective as of the date on which the license or certification is no longer in effect.
2. The County determines that the actions, or failure to act, of the Contractor, its agents, employees or sub-Contractors have caused, or reasonably could cause, life, health or safety to be jeopardized.
3. The Contractor furnished any statement, representation, or certification in connection with the Contract or the bidding process, which is materially false, deceptive, criminal activity, incorrect or incomplete.
4. Failure of the Contractor to obtain, provide, maintain, and deliver the Performance and Payment Bonds (if required) as and when required under this Contract, or failure to comply with any requirement pertaining to the appropriate amounts thereof as set forth in ARTICLE #123 - PERFORMANCE AND PAYMENT BOND REQUIREMENT.

F. **Payment Limitation in Event of Termination.** In the event of termination of the Contract for any reason by either party, the County shall pay only those amounts, if any, due and owing to the Contractor for Services actually received and accepted by the County up to and including the date of termination of the Contract and for which the County is obligated to pay pursuant to the Contract.

G. **The Contractor's Termination Duties.** Upon receipt of notice of termination, the Contractor shall:

1. Cease work under the Contract and take all necessary or appropriate steps to limit disbursements and minimize costs and furnish a report within thirty (30) days of the date of notice of termination, describing the status of all work under the Contract, including, without limitation, results accomplished, conclusions resulting therefrom, and any other matters the County may require.
2. Immediately cease using and return to the County, any personal property or materials, whether tangible or intangible, provided by the County to the Contractor.

3. Comply with the County's instructions for the timely transfer of any active files and work product produced by the Contractor under the Contract.
4. Cooperate in good faith with the County, its employees, agents, and Contractors during the transition period between the notification of termination and the substitution of any replacement Contractor; and
5. Immediately return to the County any payments made by the County for goods and services that were not delivered by the Contractor.

H. **Liquidated Damages. - Reserved**

ARTICLE # 109 – NO DEFENSE OR INDEMNIFICATION BY COUNTY:

The parties agree that the County shall not be responsible for defending or indemnifying any Contractor from any claim brought by any third party against the Contractor.

ARTICLE #110 - ASSIGNMENT AND DELEGATION BY CONTRACTOR:

The Contractor shall not assign or delegate this Contract, or any performance required by it, in whole or in part, without the prior express written consent of the County.

ARTICLE #111 – USE OF THIRD PARTIES (SUB-CONTRACTORS):

This Contract is for the benefit of the parties hereto only and is not intended to benefit any third-party or give rise to any duty or causes of action for any third party. All restrictions, obligations and responsibilities of the Contractor under the Contract shall also apply to third parties such as sub-Contractors, if allowed in writing by the County. Any Contract with a subcontractor must also preserve the rights of the County.

ARTICLE #112 – SUPERSEDES FORMER CONTRACTS

Unless otherwise specified in the Contract, this Contract supersedes all prior Contracts or Agreements between the County and the Contractor for the Services provided in connection with the Contract.

ARTICLE #113 - SEVERABILITY:

If any paragraph, sub-paragraph, sentence, clause, phrase, or portion of this Contract is declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Contract as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not

be construed to affect the remaining portions of this Contract not so held to be invalid or the application of this Contract to other circumstances not so held to be invalid.

ARTICLE # 114 - RECORDS:

- A. **Public Records Request.** The Georgia Open Records Act, as provided in O.C.G.A. § 50-18-70 et seq, requires procurement records and all other records received by or prepared or maintained on behalf of the County, shall be made open to public inspection, unless otherwise provided by law.
- B. **Record Retention and Access.** The Contractor shall maintain books, records, and documents in accordance with generally accepted accounting principles and procedures and which sufficiently and properly document and calculate all charges billed to the County throughout the term of the Contract for a period of at least five (5) years following the date of final payment or completion of any required audit, whichever is later. Records to be maintained include both financial records and service records.

ARTICLE # 115 - ADDITIONAL TERMS:

- A. The County shall not be bound by any terms and conditions included in any Contractor's literature, packaging, invoice, catalog, brochure, technical data sheet, on-line representation, warranties or service level agreement or other document which attempts to impose any condition in variance with or in addition to the terms and conditions contained herein.
- B. The County shall not be bound to any Terms and Conditions of the Contractor that are only accessible by hyper-link. All Terms and Conditions must be in print and approved by the County.

ARTICLE # 116 - WAIVER:

The failure of any party hereto to seek a remedy for any alleged breach of this Contract shall not constitute a waiver of any claim, cause of action, or remedy allowed by Georgia law for breach thereof.

ARTICLE # 117 - CONTRACTOR AND COUNTY RIGHTS AND OBLIGATIONS:

- A. The County has the right to issue a written Stop Work Order at any time to require the Contractor cease any procedure, or the use of any equipment materials or chemicals considered by the County to be hazardous (or toxic) to persons, buildings, or surfaces. The Contractor will utilize acceptable substitutes as quickly as possible.

- B. The County has the right to require the Contractor to reassign or remove any employee or subcontractor's employee from the premises temporarily or permanently when, in the County's sole opinion, the employee is not suitable. The County's decision on this matter shall be final, and Contractor will remove this employee immediately and replace with a person of at least equivalent training, experience and requisite qualifications as quickly as possible, subject to the County's prior approval.

- C. Contractor agrees to obtain prior written approval from the County for the use of sub-Contractors to provide the Services described in *SCOPE OF WORK* prior to subcontractor's performance of work.

ARTICLE # 118– INSURANCE REQUIREMENTS:

Workers Compensation Insurance: Required for all contracts.

- a. \$500,000 Bodily Injury by Accident Each Accident
- b. \$500,000 Bodily Injury by Disease Each Disease
- c. \$500,000 Bodily Injury by Disease Each Employee

Additional Provisions: Waiver of Subrogation. The insurer agrees to waive all rights of subrogation against Hall County Board of Commissioners (BOC), its elected or appointed officers, officials, agents, authorized volunteers and employees for losses paid under the terms of this policy which arise from work performed by the Named Insured for Hall County BOC; but this provision applies regardless of whether or not Hall County BOC has received a waiver of subrogation from the insurer.

General Liability Insurance: Required for all contracts.

- a. \$2,000,000 General Aggregate
- b. \$2,000,000 Products & Completed Operations Aggregate
- c. \$1,000,000 Each Occurrence
- d. \$1,000,000 Personal & Advertising Injury
- e. \$500,000 Damages to Premises / Fire / Legal
- f. \$5,000 Medical Payments

Commercial Auto Liability Insurance: Required for all contracts, except for Goods and/or Services that are remote in nature and/or are delivered by a professional delivery service.

- a. \$1,000,000 Combined Single Limit OR
- b. \$500,000 per Person
- c. \$500,000 per Occurrence
- d. \$100,000 Property Damage
- e. \$1,000 for Medical Payments (no fault coverage)

Additional Provisions:

- a. Uninsured motorists coverage should be equal to the per occurrence limit except for contracts with other governmental entities
- b. Coverage shall be included for any owned, leased, hired, or non-owned autos
- c. For any contracts involving the transportation of hazardous materials, limited pollution endorsement ISO form CA9948 or its equivalent shall be on the policy

Umbrella Liability Insurance: Required for all contracts

- a. \$1,000,000 per Occurrence

Additional Provisions:

- a. Underlying coverage shall be General Liability, Automobile Liability, and Employers Liability (Workers Compensation)
- b. Minimum limit of \$5,000,000 per occurrence for all contracts over \$1,000,000 or involving any special risks or high hazard activities
- c. Minimum limit of \$5,000,000 for automobile coverage for any transportation contracts involving seniors, special education, transit services, students, or youths.
- d. Concurrent policy dates with primary liability policies except for workers compensation

- B. **Insurance Certificates and General Requirements.** No Contract performance shall occur unless and until the County receives required insurance certificates.

The insurance certificate must reference the Contract number assigned by the County and document that the liability coverage purchased by the Contractor includes contractual liability coverage to insure the indemnity agreement as stated herein.

- C. The Contractor understands and agrees that the foregoing policies will not be canceled, or not renewed or allowed to lapse for any reason until at least thirty (30) days prior written notice has been given to the County, or until such time as other valid and effective insurance coverage acceptable in every respect to the County and providing protection equal to protection called for in the policies referenced in this section shall have been received, accepted, and acknowledged by the County. Certificates of insurance showing such coverage to be in force shall be filed with the County prior to commencement of any work under the Contract. The foregoing policies shall be obtained from insurance companies licensed to do business in Georgia and, unless waived or modified in writing by the County, shall be an insurer with a minimum A.M. Best Rating of "A-". All such coverage shall remain in full force and effect during the term

and any renewal or extension thereof. The insurance certificate must be submitted with this Contract.

- D. **Waiver of Subrogation.** There is no waiver of subrogation rights by either Party with respect to insurance.

ARTICLE # 119 – NO WAIVER:

- A. **Authority to Enter into Contract.** The Contractor represents and warrants that it has full authority to enter into and perform its obligations under the Contract and that the Contract constitutes a legal, valid, and binding obligation upon the Contractor in accordance with its terms. The representatives of the parties hereto also represent and warrant that they are authorized to sign this Contract on behalf of each party hereto.”
- B. **Solicitation.** The Contractor warrants that no person or selling agency (except bona fide employees or selling agents maintained for the purpose of securing business) has been employed or retained to solicit and secure the Contract upon an agreement or understanding for commission, percentage, brokerage or contingency.

ARTICLE # 120 – INTELLECTUAL PROPERTY RIGHTS and OWNERSHIP:

Contractor agrees it will not use the name or any intellectual property, including but not limited to, County trademarks or logos in any manner, including commercial advertising or as a business reference, without the expressed prior written consent of the County.

ARTICLE # 121 - COMPENSATION:

- A. The County will pay the Contractor for the Services provided pursuant to this Contract and in accordance with the prices quoted and conditions set forth in the Bidder's response on Exhibit C – Mandatory Cost Proposal Worksheet, which is attached hereto and incorporated into this Contract as if fully set forth herein. Payments will be made monthly in arrears to the Contractor after acceptance of the Contractor's delivered Services by the County, and after receipt of undisputed invoice to the County.
- B. Prices quoted shall be firm and fixed throughout the term of this Contract, unless otherwise Amended or Modified by mutual agreement.
- C. Cost may be prorated for Services added or removed under this Contract to align cost with the remaining term of Contract.

- D. It is understood that this bid or proposal is made without collusion or fraud. Contractor understands and acknowledges that collusive bidding is a violation of state and federal law and may result in the cancellation of the Contract.

ARTICLE # 122 - COUNTY PAYMENT TO CONTRACTOR:

- A. The County will issue a Notice to Proceed (NTP) to the Contractor, and Purchase Order(s) (herein after 'PO'). The terms of this Contract shall be incorporated by reference into any and all PO(s) issued prior to the expiration or termination of this Contract. The County will issue the PO by electronic mail (e-mail) to the Contractor's representative in *ARTICLE #103 - NOTICES*. A PO is considered "issued" when the e-mail containing the PO is sent by the County to the Contractor.

The Contractor shall not deliver any Services, equipment, devices, or components thereof until authorized in writing by the County through issuance of a PO, which shall provide a commencement Notice to Proceed date. Any work, including but not limited to travel, preliminary meetings, planning, etc., performed outside of the terms and conditions of and before the issuance of the PO will not be considered for payment. Contractors are not to begin work or ship any product on any verbal communication from within the County. The County will not be liable for payment for any work or product with the issuance of a verbal communication.

The Scope of Work shall remain in effect from the Notice to Proceed to completion of the project. The Parties agree that the County will not pay or otherwise compensate the Contractor for any Services, materials, equipment, devices or components thereof outside of the Scope of Work and/or beyond the term of this Contract, unless specifically authorized in writing as evidenced by an amendment (see *ARTICLE #106 - CONTRACT AMENDMENTS & MODIFICATION*), a time extension letter, or as otherwise authorized by the County.

B. Invoice/Payment.

1. Contractor shall invoice the County via email solely to accountspayable@hallcounty.org and only after the County inspects and accepts the Services provided. Receipt of the Services does not constitute acceptance. Invoice amounts shall not exceed the Contractor's pricing set forth in *ARTICLE #102*.
2. Each invoice shall include the Contractor's current "Remit to" address; a description and location of the Services provided; the invoice amount; the Contract number and the associated PO number issued. Each properly prepared invoice must be sent in accordance with the instructions listed on

the PO. Standard payment terms are net 30 days (N30) in arrears from the date the invoice is accepted, following delivery of the Services.

3. The County does not pay for services not yet received but only in arrears.
4. The Contractor shall be solely responsible for paying all costs, expenses and charges it incurs in connection with its performance under the Contract, which includes release of any liens from all sub-contractors and material providers.

C. Unsatisfactory Performance; Delay of Payment.

1. If the County determines that the quality of the Services provided are deficient, unacceptable, or unsatisfactory, the County's Project Manager identified in *ARTICLE #103* shall issue a written notice to Contractor. Contractor agrees that upon receipt of the written notice, it shall make every effort to correct the deficiency (ies) within the timeframe prescribed therein. If the Contractor fails to timely correct the deficiencies, the County reserves the right to delay or withhold payment pursuant to this *ARTICLE #122* or terminate the Contract (*ARTICLE #108 – TERMINATION PROVISIONS*).
2. **Delay of Payment Due to Contractor's Failure.** If the County determines that the Contractor has failed to perform or deliver any Services as required by the Contract, the Contractor shall not be entitled to any compensation under the Contract until such Services are delivered and accepted. In this event, the County may withhold that portion of the Contractor's compensation, which represents payment for Services that were not delivered. To the extent that the Contractor's failure to perform or deliver in a timely manner causes the County to incur costs, the County may deduct the amount of such incurred costs from any amounts payable to Contractor. The County's authority to deduct such incurred costs shall not in any way affect the County's authority to terminate the Contract.

D. Set-Off Against Sums Owed by the Contractor. In the event that the Contractor owes the County any sum under the terms of the Contract, pursuant to any judgment, or pursuant to any law, the County may set off the sum owed by the Contractor against any sum owed to the Contractor, in the County's sole discretion.

E. Final Payment. Contractor shall issue an invoice for final payment to the County no later than thirty (30) days following the expiration or termination date of the Contract.

F. The Contractor must not "Factor or Assign Payments" to another or a financial institution. The County will only pay the party to whom it is contracted with. The County will not in any circumstances pay a third party.

ARTICLE #123 – PERFORMANCE AND PAYMENT BONDS

The Contractor must furnish to the County a Performance Bond equal to one-hundred percent (100%) of the Contract's total initial term dollar amount, and additionally a Payment Bond equal to one-hundred percent (100%) of the total initial term dollar amount. After receipt of the bonds, the County will issue a Notice-to-Proceed. Only surety companies licensed to do business in the State of Georgia are acceptable. The Contractor is required to provide new bonds at the issuance of each Renewal Option Term(s) or Extension(s) that follow.

The Contractor must provide all required bonding instruments to the County prior to commencement of any work. The County will consider any work done prior to the receipt of bonding instruments as null-and-void and thus not eligible for compensation.

ARTICLE #124 – RETAINAGE

The County will retain funds from compensation in compliance with Georgia law. Hall County may hold up to five-percent (5%) retainage throughout the entire project and will release said retainage at the point of completion and final acceptance by the County and issuance of Occupancy Permit by County.

ARTICLE #125 – VENUE AND GOVERNING LAW

The parties agree that this Contract shall be interpreted, construed, and enforced in accordance with the laws of the State of Georgia. To the extent that either party may bring a legal suit to enforce the terms of this Contract, including suit in equity, the parties agree and consent to file any such suit in the Superior Court of Hall County, Georgia.

ARTICLE # 126 - NOTICE OF INTENT TO LITIGATE

Contractor hereby agrees not to file any civil action of disputes or claims relating to the Contract except after first giving thirty days (30) written notice to the County of the claim and the intent to initiate a civil action.

ARTICLE # 127- GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT:

- A. By signing this Contract, the Contractor certifies that prior to and throughout the performance of all applicable work under this Contract it will remain in full compliance with all federal and state immigration laws, including but not limited to 8 U.S.C. § 1324a and the Georgia Security and Immigration Compliance Act (O.C.G.A. §13-10-90 et seq.), as amended by the Illegal Immigration Reform and Enforcement Act of 2011, regarding the verification of employment eligibility of employees under the Immigration Reform and Control Act of 1986. Contractor will ensure that only persons who are citizens

or nationals of the United States or non-citizens authorized under federal immigration laws are employed to perform services under this Contract or any subcontract or sub-subcontract hereunder.

- B. Contractor further certifies its compliance with the aforementioned federal and state immigration laws set forth by signing a sworn affidavit, the Georgia Security and Immigration Compliance Act Affidavit, notarized by an Official Notary Public, and obtaining the same affidavits from any sub-contractor providing services pursuant to this Contract.

ARTICLE # 128 – ORDER OF PRECEDENCE:

In the event of any inconsistency, ambiguity, or conflict among the specific provisions of the Contract and the Contractor's Response, the order of precedence shall be as follows:

- A. First, any amendments to the Contract, including all Exhibits thereto.
- B. Second, the Contract itself, including all Exhibits thereto.
- C. Third, Attachments appended to the Contract.

ARTICLE # 129– CONTRACT EXHIBITS AND ATTACHMENTS:

The Parties mutually acknowledge that any following Exhibits and Attachments listed below made a part of this Contract, as though expressly written in the RFQ/P documents and the bidder's response, are-herein-incorporated into this contract by reference.

EXHIBIT C - Mandatory Cost Proposal

ARTICLE # 130 - ENTIRE CONTRACT:

This Contract, as executed and approved, shall constitute the entire agreement between the Parties and supersedes all other prior and contemporaneous statements, agreements, and understandings between the Parties. No written or oral statements, agreements, or understandings that are not set out, referenced, or specifically incorporated in this Contract shall in any way be binding or of effect between the Parties.

ARTICLE # 131– VALIDITY

If any paragraph, sub-paragraph, sentence, clause, phrase or any portion of this agreement shall be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this agreement as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be constructed to affect the portions of this agreement not so held to

be invalid or the application of this agreement to other circumstances not so held to be invalid. The parties hereby declare that this is the intent of the parties to this agreement is to provide for separate and divisible parts.

ARTICLE #132 – SALES TAX EXEMPTION STATUS

The County is exempt from Federal Excise Taxes and from Georgia State and Local Sales and Use Taxes on the Services. The Contractor may request a copy of the County's Georgia Sales and Use Tax Exemption Certificate.

ARTICLE #133 – HOLD HARMLESS AGREEMENT

The successful respondent hereby agrees to indemnify, hold free and harmless, Hall County Government, County Commissioners, its agents, servants, employees, officers, directors and elected officials, or any other person(s) against any loss or expense. This includes attorney fees, because of any liability imposed by law upon the County, except in cases of the County's sole negligence, sustained by any person(s) on account of bodily injury or property damage arising out of or in the consequence of this agreement.

ARTICLE # 134 – CONTRACT TERMS AND CONDITIONS

1. All purchases must comply with The Official Code of Hall County Sections 3.10.010 – 3.10.190.
2. If any conflict or ambiguity arises between the Terms and Conditions herein, and The Official Code of Hall County, the latter will govern.
3. The Terms and Conditions set forth herein shall supersede and govern over all Contractor's Terms and Conditions or Service Level Agreements.
4. Hall County, Georgia, herein referred to as 'The County', retains the right to 'red-line' sections of the Supplier's Terms and Conditions if such are in conflict with the best interest of the County.
5. Acceptance of a Purchase Order (PO) and delivery of Goods or Services serves as the Supplier's full and complete acceptance of The County's Terms and Conditions.
6. The terms; supplier, vendor, bidder, offeror, Contractor, Contractor, designer, distributor, dealer or manufacturer or otherwise purveyor or source of supply or performance of service shall mean one-and-the-same, herein denoted as 'Supplier' for goods and 'Contractor' for services.
7. Furthermore, the terms; goods, materials, commodities, components, drawings, drafts, renderings, plans, physical or digital, software, SaaS, Engineering, Architectural, capital asset equipment, vehicles, heavy earth-moving or other equipment, purchased or leased, or other such deliverables are herein denoted as 'Goods' and shall mean one-and-the-same.
8. 'Services' shall mean all services, either financial, advisory, consultative, labor, staff augmentation, construction, rehabilitation, restoration, repair, support or maintenance, communication, telephony, internet, TV or streaming, pest control, grounds maintenance, custodial and janitorial, street or paved surfaces cleaning, drain cleaning or otherwise where services are offered for consideration.
9. The County's payment terms are Net 30 days.

10. The Supplier shall transfer and deliver all goods or services described on the attached PO for the consideration set forth herein.
11. The Supplier shall only deliver goods and services as described on the PO and within the Scope of Work and the Supplier's Bid Response.
12. The County holds no obligation to pay for goods delivered or services rendered unless specified on a written Purchase Order or a Change Order of such.
13. The Supplier shall not construe any verbal consent to purchase goods or services as valid.
14. The County does not accept substitutions of services or goods that do not comply with the Scope of Work or Specifications set forth in the Purchase Order, Contract or Agreement, unless mutually agreed in writing by both parties.
15. The County does not accept automatic contract renewals with the exception of monthly subscription services.
16. The County only pays for services rendered in arrears. The County does not pay for services not yet rendered.
17. The County does not pay deposits towards goods ordered. Exceptions exist for custom made items (such as window coverings and blinds, or carpet, tile etc.), fabrication, decoration, or otherwise custom designed specifically for the County.
18. The County will accept backorders only if goods are out of stock and with prior written notice. Supplier's shall ship all quantities that it has in stock and hold orders for backorders.
19. The County participates in Cooperative Purchasing Agreements, State of Georgia Statewide Contracts, and other state, local, Intergovernmental Agreements, Memorandums-of-Understanding and other such Agreements.
20. In all cases, the jurisdiction shall be the State of Georgia, County of Hall, for arbitration or other legalities
21. Deliveries go to the ship-to addresses listed on the PO and within the time specified. The Supplier must follow instructions if multiple ship-to address exist on the PO.
22. Risk of loss of the goods shall pass to The County upon inspection and acceptance only.
23. Receipt of goods or services does not constitute acceptance.
24. Title to the goods shall remain with the Supplier until acceptance by The County.
25. The Supplier warrants that the goods are merchantable and that the Supplier has a legal right to deliver the goods and services and as described herein.
26. The County shall have the right to inspect all goods or services at the time and place of delivery.
27. Vendor agrees not to assign in full or part of the Contract to another party without the County's express written consent. Any attempted assignment or delegation shall void and make ineffectual for all purposes unless made in conformity with this paragraph.
28. The County is exempt from Federal Excise Tax and Georgia Sales and Use Tax.
29. This issuance of the PO shall not violate the Code of Ethics and Conflicts of Interest for Public Officers and Employees for Government Service set forth in the 2020 Section 45-1020 *et seq.* of the Official Code of Georgia Annotated and the Official Code of Hall County Section 3.10.070 governing Ethics.
30. All goods and services supplied pursuant to this PO shall, unless otherwise noted, must conform exactly to all of the descriptions, specifications, Exhibits and attachments contained in the Bid Solicitation upon which a PO is based and all the terms, conditions, and specifications of the Bid Solicitation are incorporated herein by reference and made a part hereof.

31. Any-and-all media production, recordings, videos, photography, artwork, plates, engravings, and other printed or digital media materials paid in full by The County is considered County property and shall be delivered to The County upon request.
32. Invoices submitted to The County will reflect the language of the PO with the PO Number printed on each invoice submitted.
33. In the event that a PO has an attached Contract or Agreement, the terms and conditions of the latter shall govern in the event of any conflict with these terms and conditions.
34. The Supplier may be suspended, terminated, or debarred if it is determined that the Supplier has made false certification(s) or has violated such certification(s) by failure to carry out the requirements herein.
35. The Supplier certifies that it and its subcontractors are not been debarred, suspended, or declared ineligible by any agency of the County, or State of Georgia or as defined in the Federal Acquisition Regulation (FAR) 48 C.F.R. Ch. 1 Subpart 9.4.
36. The Supplier certifies that the Supplier is not currently engaged in an active or pending lawsuit or other grievance, injunction, or levy against the County.
37. Goods are Free-On-Board (F.O.B.) destination and freight, shipping and delivery shall be pre-paid and added to the invoice as a separate line item.
38. The County does not pay late fees nor interest charges.
39. The Supplier shall charge the County the exact amount of freight, delivery, handling and insurance charges.
40. The County is not bound to any minimum or maximum quantity or dollar amount set by the Supplier
41. In the event there is a discrepancy between the unit price and extended price, the unit price shall govern.

[Signature Page Follows]

IN WITNESS WHEREOF, said Parties have hereunto affixed their signature and seal on the day, month, and year first above written:

CAIN ELECTRIC COMPANY, INC.

HALL COUNTY, GEORGIA

By: R. H. Higgins

By: _____

Title: Vice President

Richard Higgins, Chairman
Hall County Board of Commissioners

Print Name: Ryan Howard

Attestation: _____
County Clerk

Sworn to and subscribed before me this

APPROVED AS TO FORM:

13th Day of July, 2023

William J. Linkous III
William J. Linkous III, County Attorney

Notary Public: Stacy Thigpen

Notary commission expires: 04-08-26

[Locus Sigilli]





Hall County Government
FINANCIAL SERVICES

NOTICE OF INTENT TO AWARD
IFB #059-43

For the provision of services to:

FURNISH AND INSTALL FOUR
STANDBY GENERATORS

At four (4) different County Facilities in Hall County, Georgia

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

DIRECTOR
Wesley Geddings

Hall County, Georgia, Board of Commissioners, hereby gives Notice of Intent to Award Contract #059-43 to Benny Cain, Inc. d/b/a Cain Electric Company, of 1743 Cleveland Hwy, Gainesville, GA 30501, to furnish and install three (3) new generators at County Community Centers and install one (1) County supplied generator at locations listed below for the total sum of seven-hundred eighty-three thousand four-hundred dollars and no/100 (\$783,400.00).

Furnish and Install One (1) New Generator. Cost \$222,500.00
North Hall Community Center & Park
4175 Nopone Road, Gainesville, GA 30506

Furnish and Install One (1) New Generator. Cost \$220,700.00
East Hall Community Center & Park
3911 P. Davidson Road, Gainesville, GA 30507

Furnish and Install One (1) New Generator. Cost \$289,300.00
Mulberry Creek Community Center & Park
4491 J.M. Turk Road, Flowery Branch, GA 30542

Install One (1) County Supplied Generator. Cost \$50,900.00
Correctional Institute of Hall County Transitional Care House (TC House)
1945 Calvary Church Road, Gainesville, GA 30507

A Notice of Award will be issued upon approval of the Hall County Board of Commissioners on voting meeting August 24, 2023,

Sincerely,

Andy Penick, Issuing Officer
Hall County, Georgia
apenick@hallcounty.org

EXHIBIT C - REVISED

IFB # 059-43

FURNISH AND INSTALL FOUR GENERATORS

MANDATORY COST PROPOSAL WORKSHEET

Company Name: Cain Electric Company, Inc.
 Bidder's Name: Ryan Hungary
 Bidder's Signature: [Signature]
 Date: July 13, 2023

Instructions: Complete the lump sum and lead time totals below
 Furnish and Install all materials, equipment, supervision and labor to complete each job listed below. Include all bonds and insurance in the lump-sum amount. Quote lead time in number of weeks. The County may use lead times in addition to lowest cost provider if in the best interest of the County.

Line	Lump-Sum Amount
North Hall Community Center & Park - Furnish and Install One (1) New Generator	\$222,500.00
Lead Time in Number of Weeks	50-56
East Hall Community Center & Park - Furnish and Install One (1) New Generator	\$220,700.00
Lead Time in Number of Weeks	56-60
Mulberry Creek Community Center & Park - Furnish and Install One (1) New Generator	\$289,300.00
Lead Time in Number of Weeks	56-60
Transitional Care House - Install One (1) County Supplied Generator	\$50,900.00

Total Cost: \$783,400.00

Mobilization per each location (if any)
 (x4 Total)

(*) Please See Attached optional maint. Agreements (*)



Corporate Office
 3235 Veterans Circle
 Birmingham, AL.35235
 Office (205)520-2183

Note: This Pricing is valid for 30 Days from the quote date.

Date: July 7, 2023

North Hall County Community Center
 4175 Nopone Rd.
 Gainesville, Ga. 30506

✓ **Please check all above appropriate boxes for desired service options.**

Model: Generac SD300 300KW Diesel S/N TBD

Agreement Type: Year #1 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection.** \$ 450.00 (X 3)
- 1 Comprehensive PM Service Inspection.** \$ 1,650.00
- Total price for Quarterly: (4) service inspections per year.** \$ 3,000.00

Agreement Type: Year #2 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection.** \$ 465.00 (X 3)
- 1 Comprehensive PM Service Inspection.** \$ 1,695.00
- Total price for Quarterly: (4) service inspections per year.** \$ 3,090.00

Agreement Type: Year #3 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection.** \$ 485.00 (X 3)
- 1 Comprehensive PM Service Inspection.** \$ 1,740.00
- Total price for Quarterly: (4) service inspections per year.** \$ 3,195.00

Agreement Type: Year #4 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection.** \$ 505.00 (X 3)
- 1 Comprehensive PM Service Inspection.** \$ 1,790.00
- Total price for Quarterly: (4) service inspections per year.** \$ 3,305.00

Agreement Type: Year #5 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection.** \$ 535.00 (X 3)
- 1 Comprehensive PM Service Inspection.** \$ 1,850.00
- Total price for Quarterly: (4) service inspections per year.** \$ 3,455.00

Total price for Quarterly services for 5 years. \$16,045.00

- *I want to prepay this Service Agreement.**
- *I want to be invoiced per Service.**

By signing below, you do agree to all stated and, or selected options within this Service Agreement Document.

24 X 7 Emergency Service
 Remote Monitoring

Scheduled Maintenance Agreements
 Load Bank Testing

Extended Warranties
 Rental Generator Sets



Accepted By: _____.

Signature: _____ . Date _____.

As of June 1, 2022 – we will begin charging 3.5% on ALL credit cards – Contact AR@essellc.com for questions. [Credit Card Payment Authorization](#)

PO # (if Applicable), _____.

If purchase order numbers or work order numbers change annually, please provide them as soon as possible to avoid any billing issues.

Preauthorized Repairs:

- Should a repair be required that is not under warranty & our Tech is prepared to complete while on site Energy Systems Southeast, LLC is pre-authorized to make any necessary repairs not to exceed \$_____. (Please Indicate Amount) (Quote not needed for Preauthorized Amount listed)

Optional Services for Biofuel & Diesel Units only:

Diesel Fuel Top off Services:

ESSE can provide diesel fuel tank top off while on site performing either major or minor service not to exceed \$_____ (\$600 recommended). This service shall be documented on the inspection report. Cost for fuel service will be invoiced separately at ESSE prevailing labor and fuel rates will be at current pump fuel prices (+) \$1.50 per gallon delivery fee. Service trucks are capable of providing up to 85 gallons per visit if approved pricing covers cost.

Fuel Sampling and Testing: \$150.00 per sample

ESSE is preauthorized to take a sample of your diesel fuel and test it for contaminations including water, micro –organisms, bacteria, and fungi. The test will also verify the quality of the fuel and make sure it has not deteriorated and the octane level, flash point, density, distillation, cloud point and gel point are within optimal ranges. Diesel fuel has a limited shelf life and needs to be tested & maintained to ensure that your generator starts & operates efficiently when you need it.

- Price quoted is for scheduled service maintenance based on regular working hours from 8:00 AM – 5:00 PM weekdays.
- Any additional repair work not related to this service agreement will be Quoted & Billed separately at the regular rate of \$168.00 per hour plus \$3.25 per mile.
- After hour call outs will be billed at \$252.00 per hour plus \$3.25 per mile.
- Holiday call outs will be billed at \$336.00 per hour plus \$3.25 per mile.

Special Terms and Conditions:

- Air Filters, Batteries, Belts, Hoses, and any other required parts and or materials needed to repair the generator unit, including the necessary freight for the delivery of these items will be quoted & invoiced separately.
- You agree to hold harmless Energy Systems Southeast, LLC and / or our technician for any circumstances that may occur during any services performed that is not a direct consequence of negligence from our technician.
- Energy Systems Southeast, LLC will not be held liable or assume responsibility for any failures or damage caused to a generator unit, the engine or any equipment associated with the generator unit during load bank testing that cannot be determined and / or proven to be caused by our technician's improper actions before or after testing of said unit began.

Operational PM Service:

- ESSE.LLC will perform an inspection of the generator unit coolant system, engine monitoring system, exhaust system, lube & oil system, safety control system & starting system.
- The Tech will also the start & run the unit to the proper operating temperature to diagnose and or determine the correct operation of the generator unit.
- The Tech will top off any of the necessary fluids for the unit.

Comprehensive PM Service:

- ESSE.LLC will perform all the above listed services within the Operational PM service & also include the replacement of the oil & the oil filter.
- The fuel system filters for all diesel units will also be replaced at the time of this PM service.
- We will inspect the air induction system filters & clean or replace as needed. (See special terms & conditions)
- The replacement of any of the generator units air filters will be quoted & invoiced separately.

After Hours & Emergency Contact Number.

Phone (855) GEN-ESSE

Phone (855) 436-3773

Prepared By: Special Markets Department

Return Form To: Email: Special.Market@essellc.com

Billy Dasher
Special Markets Sales
Energy Systems Southeast, LLC
Billy.Dasher@essellc.com
(770) 381-2424 Ext. 206



Additional Information:

Please fill out information below (if same as header, note "same")

Billing Address:

Street City State Zip

Site Address:

Street City State Zip

Billing Contact:

Name Phone Email

Site Contact:

Name Phone Email





ALABAMA • GEORGIA • MISSISSIPPI • NW FLORIDA • TENNESSEE

Corporate Office
 3235 Veterans Circle
 Birmingham, AL.35235
 Office (205)520-2183

Note: This Pricing is valid for 30 Days from the quote date.

Date: July 7, 2023

East Hall County Community Center
 3911 P. Davidson Rd.
 Gainesville, Ga. 30507

✓ **Please check all above appropriate boxes for desired service options.**

Model: Generac SD350 350KW Diesel S/N TBD

Agreement Type: Year #1 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection.** \$ 450.00 (X 3)
- 1 Comprehensive PM Service Inspection.** \$ 1,650.00
- Total price for Quarterly: (4) service inspections per year.** \$ 3,000.00

Agreement Type: Year #2 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection.** \$ 465.00 (X 3)
- 1 Comprehensive PM Service Inspection.** \$ 1,695.00
- Total price for Quarterly: (4) service inspections per year.** \$ 3,090.00

Agreement Type: Year #3 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection.** \$ 485.00 (X 3)
- 1 Comprehensive PM Service Inspection.** \$ 1,740.00
- Total price for Quarterly: (4) service inspections per year.** \$ 3,195.00

Agreement Type: Year #4 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection.** \$ 505.00 (X 3)
- 1 Comprehensive PM Service Inspection.** \$ 1,790.00
- Total price for Quarterly: (4) service inspections per year.** \$ 3,305.00

Agreement Type: Year #5 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection.** \$ 535.00 (X 3)
- 1 Comprehensive PM Service Inspection.** \$ 1,850.00
- Total price for Quarterly: (4) service inspections per year.** \$ 3,455.00

Total price for Quarterly services for 5 years. \$16,045.00

***I want to prepay this Service Agreement.**

***I want to be invoiced per Service.**

By signing below, you do agree to all stated and, or selected options within this Service Agreement Document.

24 X 7 Emergency Service
 Remote Monitoring

Scheduled Maintenance Agreements
 Load Bank Testing

Extended Warranties
 Rental Generator Sets



Accepted By: _____.

Signature: _____ . Date _____.

As of June 1, 2022 – we will begin charging 3.5% on ALL credit cards – Contact AR@essellc.com for questions. [Credit Card Payment Authorization](#)

PO # (if Applicable), _____.

If purchase order numbers or work order numbers change annually, please provide them as soon as possible to avoid any billing issues.

Preauthorized Repairs:

- Should a repair be required that is not under warranty & our Tech is prepared to complete while on site Energy Systems Southeast, LLC is pre-authorized to make any necessary repairs not to exceed \$_____. (Please Indicate Amount) (Quote not needed for Preauthorized Amount listed)

Optional Services for Biofuel & Diesel Units only:

Diesel Fuel Top off Services:

ESSE can provide diesel fuel tank top off while on site performing either major or minor service not to exceed \$_____ (\$600 recommended). This service shall be documented on the inspection report. Cost for fuel service will be invoiced separately at ESSE prevailing labor and fuel rates will be at current pump fuel prices (+) \$1.50 per gallon delivery fee. Service trucks are capable of providing up to 85 gallons per visit if approved pricing covers cost.

Fuel Sampling and Testing: \$150.00 per sample

ESSE is preauthorized to take a sample of your diesel fuel and test it for contaminations including water, micro –organisms, bacteria, and fungi. The test will also verify the quality of the fuel and make sure it has not deteriorated and the octane level, flash point, density, distillation, cloud point and gel point are within optimal ranges. Diesel fuel has a limited shelf life and needs to be tested & maintained to ensure that your generator starts & operates efficiently when you need it.

- Price quoted is for scheduled service maintenance based on regular working hours from 8:00 AM – 5:00 PM weekdays.
- Any additional repair work not related to this service agreement will be Quoted & Billed separately at the regular rate of \$168.00 per hour plus \$3.25 per mile.
- After hour call outs will be billed at \$252.00 per hour plus \$3.25 per mile.
- Holiday call outs will be billed at \$336.00 per hour plus \$3.25 per mile.

Special Terms and Conditions:

- Air Filters, Batteries, Belts, Hoses, and any other required parts and or materials needed to repair the generator unit, including the necessary freight for the delivery of these items will be quoted & invoiced separately.
- You agree to hold harmless Energy Systems Southeast, LLC and / or our technician for any circumstances that may occur during any services performed that is not a direct consequence of negligence from our technician.
- Energy Systems Southeast, LLC will not be held liable or assume responsibility for any failures or damage caused to a generator unit, the engine or any equipment associated with the generator unit during load bank testing that cannot be determined and / or proven to be caused by our technician's improper actions before or after testing of said unit began.

Operational PM Service:

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Prepared By: Special Markets Department

Return Form To: Email: Special.Market@essellc.com

Billy Dasher

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Please fill out information below (if same as header, note "same")

Billing Address:

Street City State Zip

Site Address:

Street City State Zip

Billing Contact:

Name Phone Email

Site Contact:

Name Phone Email





Corporate Office
 3235 Veterans Circle
 Birmingham, AL.35235
 Office (205)520-2183

Note: This Pricing is valid for 30 Days from the quote date.

Date: July 7, 2023

Mulberry Creek Community Center
 4491 J.M. Turk Rd.
 Flowery Branch, Ga. 30542

✓ **Please check all above appropriate boxes for desired service options.**

Model: Generac SD350 350KW Diesel S/N TBD

Agreement Type: Year #1 Quarterly Service (4 visits per year)

3 Operational PM Service Inspection. \$ 450.00 (X 3)

1 Comprehensive PM Service Inspection. \$ 1,650.00

Total price for Quarterly: (4) service inspections per year. \$ 3,000.00

Agreement Type: Year #2 Quarterly Service (4 visits per year)

3 Operational PM Service Inspection. \$ 465.00 (X 3)

1 Comprehensive PM Service Inspection. \$ 1,695.00

Total price for Quarterly: (4) service inspections per year. \$ 3,090.00

Agreement Type: Year #3 Quarterly Service (4 visits per year)

3 Operational PM Service Inspection. \$ 485.00 (X 3)

1 Comprehensive PM Service Inspection. \$ 1,740.00

Total price for Quarterly: (4) service inspections per year. \$ 3,195.00

Agreement Type: Year #4 Quarterly Service (4 visits per year)

3 Operational PM Service Inspection. \$ 505.00 (X 3)

1 Comprehensive PM Service Inspection. \$ 1,790.00

Total price for Quarterly: (4) service inspections per year. \$ 3,305.00

Agreement Type: Year #5 Quarterly Service (4 visits per year)

3 Operational PM Service Inspection. \$ 535.00 (X 3)

1 Comprehensive PM Service Inspection. \$ 1,850.00

Total price for Quarterly: (4) service inspections per year. \$ 3,455.00

Total price for Quarterly services for 5 years. \$16,045.00

*I want to prepay this Service Agreement.

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By signing below, you do agree to all stated and, or selected options within this Service Agreement Document.

24 X 7 Emergency Service
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Scheduled Maintenance Agreements
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 Rental Generator Sets



Accepted By: _____.

Signature: _____ . Date _____.

As of June 1, 2022 – we will begin charging 3.5% on ALL credit cards – Contact AR@essellc.com for questions. [Credit Card Payment Authorization](#)

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Optional Services for Biofuel & Diesel Units only:

Diesel Fuel Top off Services:

ESSE can provide diesel fuel tank top off while on site performing either major or minor service not to exceed \$_____ (\$600 recommended). This service shall be documented on the inspection report. Cost for fuel service will be invoiced separately at ESSE prevailing labor and fuel rates will be at current pump fuel prices (+) \$1.50 per gallon delivery fee. Service trucks are capable of providing up to 85 gallons per visit if approved pricing covers cost.

Fuel Sampling and Testing: \$150.00 per sample

ESSE is preauthorized to take a sample of your diesel fuel and test it for contaminations including water, micro –organisms, bacteria, and fungi. The test will also verify the quality of the fuel and make sure it has not deteriorated and the octane level, flash point, density, distillation, cloud point and gel point are within optimal ranges. Diesel fuel has a limited shelf life and needs to be tested & maintained to ensure that your generator starts & operates efficiently when you need it.

- Price quoted is for scheduled service maintenance based on regular working hours from 8:00 AM – 5:00 PM weekdays.
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Special Terms and Conditions:

- Air Filters, Batteries, Belts, Hoses, and any other required parts and or materials needed to repair the generator unit, including the necessary freight for the delivery of these items will be quoted & invoiced separately.
- You agree to hold harmless Energy Systems Southeast, LLC and / or our technician for any circumstances that may occur during any services performed that is not a direct consequence of negligence from our technician.
- Energy Systems Southeast, LLC will not be held liable or assume responsibility for any failures or damage caused to a generator unit, the engine or any equipment associated with the generator unit during load bank testing that cannot be determined and / or proven to be caused by our technician's improper actions before or after testing of said unit began.

Operational PM Service:

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Phone (855) 436-3773

Prepared By: Special Markets Department

Return Form To: Email: Special.Market@essellc.com

Billy Dasher

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Energy Systems Southeast, LLC

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(770) 381-2424 Ext. 206



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Name Phone Email





ALABAMA • GEORGIA • MISSISSIPPI • NW FLORIDA • TENNESSEE

Corporate Office
 3235 Veterans Circle
 Birmingham, AL.35235
 Office (205)520-2183

Note: This Pricing is valid for 30 Days from the quote date.

Date: July 7, 2023

TC House Hall County
 1945 Calvary Church Rd.
 Gainesville, Ga. 30507

✓ **Please check all above appropriate boxes for desired service options.**

Model: Generac SD100 100KW Diesel S/N TBD

Agreement Type: Year #1 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection. \$ 350.00 (X 3)
- 1 Comprehensive PM Service Inspection. \$ 745.00
- Total price for Quarterly: (4) service inspections per year. \$1,795.00

Agreement Type: Year #2 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection. \$ 365.00 (X 3)
- 1 Comprehensive PM Service Inspection. \$ 775.00
- Total price for Quarterly: (4) service inspections per year. \$1,870.00

Agreement Type: Year #3 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection. \$ 385.00 (X 3)
- 1 Comprehensive PM Service Inspection. \$ 800.00
- Total price for Quarterly: (4) service inspections per year. \$1,955.00

Agreement Type: Year #4 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection. \$ 405.00 (X 3)
- 1 Comprehensive PM Service Inspection. \$ 835.00
- Total price for Quarterly: (4) service inspections per year. \$2,050.00

Agreement Type: Year #5 Quarterly Service (4 visits per year)

- 3 Operational PM Service Inspection. \$ 435.00 (X 3)
- 1 Comprehensive PM Service Inspection. \$ 860.00
- Total price for Quarterly: (4) service inspections per year. \$2,165.00

Total price for Quarterly services for 5 years. \$9,835.00

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Accepted By: _____.

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Street City State Zip

Site Address:

_____ / _____ / _____ / _____
Street City State Zip

Billing Contact:

_____ / _____ / _____
Name Phone Email

Site Contact:

_____ / _____ / _____
Name Phone Email



BID TABULATION SUMMARY

IFB # 059-43

FURNISH AND INSTALL FOUR GENERATORS

BIDDER	Cain Electric Company, Inc., Gainesville, GA	Capital City Electrical Services, Norcross, GA	Data Power Source, Covington, GA	Current Edge Solutions, LLC, Savannah, GA	Sunbelt, Covington, GA
Location	Generac Power Systems	Kohler	Generac Power Systems	Blue Star Power Systems Inc	No Bid
North Hall Community Center & Park - Furnish and Install One (1) New Generator	\$ 222,500.00	\$ 295,897.00	\$ 350,000.00	\$ 602,639.00	\$ -
Lead Time in Number of Weeks	50-60 weeks	26 weeks	30-40 weeks	40 weeks	n/a
East Hall Community Center & Park - Furnish and Install One (1) New Generator	\$ 220,700.00	\$ 301,215.00	\$ 358,000.00	\$ 257,908.00	\$ -
Lead Time in Number of Weeks	56-60 weeks	67 weeks	55 weeks	40 weeks	n/a
Mulberry Creek Community Center & Park - Furnish and Install One (1) New Generator	\$ 289,300.00	\$ 411,515.00	\$ 413,000.00	\$ 422,749.00	\$ -
Lead Time in Number of Weeks	56-60 weeks	67 weeks	55 weeks	40 weeks	
Transitional Care House - Install One (1) County Supplied Generator	\$ 50,900.00	\$ 61,150.00	\$ 84,500.00	\$ 96,669.00	\$ -
Lead Time in Number of Weeks	n/a (County providing generator)	n/a (County providing generator)	n/a (County providing generator)	n/a (County providing generator)	n/a
Total Cost:	\$ 783,400.00	\$ 1,069,777.00	\$ 1,205,500.00	\$ 1,379,965.00	\$ -



AGENDA ITEM

Planning and Development

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 466/2023

SUBJECT: **3271 & 3270 Buffington Farm Road | Rezone** | from Agricultural-Residential-III (AR-III) and Vacation-Cottage (V-C) to Planned Residential Development (PRD) on a 55.54± acre tract located on the north side of Buffington Farm Road at its intersection with Cagle Road | Zoned AR-III & V-C; Tax Parcels 09106 000001A & 000005 (pt.) | **Proposed use: 121-lot subdivision** | Commission District 3 | **Arabella Capital, LLC, applicant.** NOTE: Tabled at the August 10, 2023 Voting Meeting until the August 24, 2023 Voting Meeting.

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: RD
Recommendation:

Approval.

Conditions:

1. Development is approved for lots as generally shown on the concept plan and typical lot layout (sheet 200) dated March 27, 2023, and as described in the project narrative, and as described in the final conditions of zoning, modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards. Any conflict in development standards between the concept plans, project narrative, and conditions of zoning shall be determined by the final conditions of zoning.
2. Standard Hall County Development Review and permitting processes shall be followed. Approval of this request does not supersede development standards, or processes, in effect when the plans are submitted for review. Such standards include, but are not limited to, stormwater management and emergency access requirements.
3. This section of the development is approved for a maximum of 121 lots with a minimum lot size of 6,800 square feet each.
4. The minimum heated floor area (HFA) shall be 1,600 square feet for dwelling units. Houses shall be constructed with a mixture of cement siding, stone, and/or brick façade, with a minimum of brick or stone accents on the front of the homes. The balance of the home may be the same material or of fiber-cement material. Vinyl siding is prohibited. Houses shall be consistent with the submitted renderings for the Annapolis, Harrisburg, Macland, and Creekside elevations. Elevations shall provide a similar expression of depth, dimension, and architectural detailing articulated on the proposed renderings.
5. All homes shall be constructed with a garage with a minimum of two-car capacity.
6. Minimum front yard setback must be a minimum of 20 feet, to accommodate additional parking in driveways without encroaching into rights-of-way.
7. A maximum of 19 lots shall be permitted driveway access from Buffington Farm Road per the conceptual site plan dated March 27, 2023.
8. A left turn lane and deceleration lane on Cagle Road for Buffington Farm Road shall be constructed by the developer per the requirements of the Hall County Traffic Engineering Department.
9. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
10. The development shall be limited to a maximum of three (3) model homes prior to approval and recording of the final plat.
11. No variances or development exceptions not specifically listed in these conditions of approval are granted.
12. A 50 foot undisturbed buffer shall be maintained along the eastern boundary of the subject property from Buffington Farm Road to the U.S.A.C.E. property.

Purpose of Request:

3271 & 3270 Buffington Farm Road | Rezone | from Agricultural-Residential-III (AR-III) and Vacation-Cottage (V-C) to Planned Residential Development (PRD) on a 55.54± acre tract located on the north side of Buffington Farm Road at its intersection with Cagle Road | Zoned AR-III & V-C; Tax Parcels 09106 000001A & 000005 (pt.) | **Proposed use: 121-lot subdivision |** Commission District 3 | **Arabella Capital, LLC, applicant.**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
RD	RD	WLI	CR
Clerk			
JR			

Attachments:

Board Memo

Recommendation Report

Application

Narrative

Site Plan

Maps

Renderings

Deeds

Environmental Health Comments

GDOT Comments

Updated Public Works Comments

Original Public Works Comments

Fire Comments

Traffic Impact Study

Updated Notice Signs

Notice Sign Photos

Constitutional Objections Letter



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
PLANNING AND DEVELOPMENT

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Srikanth Yamala

PLANNING AND DEVELOPMENT
DIRECTOR
Randi Doveton

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

From: Randi Doveton, Director of Planning & Development

Date: July 24, 2023

Subject: **3271 & 3270 Buffington Farm Road | Rezone |** from Agricultural-Residential-III (AR-III) and Vacation-Cottage (V-C) to Planned Residential Development (PRD) on a 55.54± acre tract | **Proposed use: 121-lot subdivision | Arabella Capital, LLC, applicant.**

The request before you is the request of Arabella Capital, LLC to Rezone from Agricultural-Residential-III (AR-III) and Vacation-Cottage (V-C) to Planned Residential Development (PRD) to allow a 121-lot subdivision. This item is located within Commission District 3.

At their July 17, 2023 meeting, the Hall County Planning Commission voted to recommend approval with twelve (12) conditions **(4-0, Varner absent)**.

There were **no public comments submitted** in advance of the Planning Commission meeting and **two 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. Development is approved for lots as generally shown on the concept plan and typical lot layout (sheet 200) dated March 27, 2023, and as described in the project narrative, and as described in the final conditions of zoning, modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards. Any conflict in development standards between the concept plans, project narrative, and conditions of zoning shall be determined by the final conditions of zoning.
2. Standard Hall County Development Review and permitting processes shall be followed. Approval of this request does not supersede development standards, or processes, in effect when the plans are

submitted for review. Such standards include, but are not limited to, stormwater management and emergency access requirements.

3. This section of the development is approved for a maximum of 121 lots with a minimum lot size of 6,800 square feet each.
4. The minimum heated floor area (HFA) shall be 1,600 square feet for dwelling units. Houses shall be constructed with a mixture of cement siding, stone, and/or brick façade, with a minimum of brick or stone accents on the front of the homes. The balance of the home may be the same material or of fiber-cement material. Vinyl siding is prohibited. Houses shall be consistent with the submitted renderings for the Annapolis, Harrisburg, Macland, and Creekside elevations. Elevations shall provide a similar expression of depth, dimension, and architectural detailing articulated on the proposed renderings.
5. All homes shall be constructed with a garage with a minimum of two-car capacity.
6. Minimum front yard setback must be a minimum of 20 feet, to accommodate additional parking in driveways without encroaching into rights-of-way.
7. A maximum of 19 lots shall be permitted driveway access from Buffington Farm Road per the conceptual site plan dated March 27, 2023.
8. A left turn lane and deceleration lane on Cagle Road for Buffington Farm Road shall be constructed by the developer per the requirements of the Hall County Traffic Engineering Department.
9. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
10. The development shall be limited to a maximum of three (3) model homes prior to approval and recording of the final plat.
11. No variances or development exceptions not specifically listed in these conditions of approval are granted.
12. A 50 foot undisturbed buffer shall be maintained along the eastern boundary of the subject property from Buffington Farm Road to the U.S.A.C.E. property.

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Arabella Capital, LLC

Request Rezone from Agricultural Residential-III (AR-III, [17.110](#)) and Vacation-Cottage (V-C, [17.50](#)) to Planned Residential Development (PRD, [17.180.060](#))

Proposed Use 121-lot subdivision

Size 55.54 ± acres

Zoning Current Agricultural Residential-III (AR-III, [17.110](#)) and Vacation-Cottage (V-C, [17.50](#)) | Proposed Planned Residential Development (PRD, [17.180.060](#))

Location 3271 & 3270 Buffington Farm Road | Tax Parcels 09106 000001A & 000005 (pt.)

Commission District Three

Planning Commission Date July 17, 2023

Staff Recommendation **Approval, with conditions, based on the intended use and prior approvals, the requested zoning designation is appropriate.**

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

Planning Commission Conditions:

1. Development is approved for lots as generally shown on the concept plan and typical lot layout (sheet 200) dated March 27, 2023, and as described in the project narrative, and as described in the final conditions of zoning, modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards. Any conflict in development standards between the concept plans, project narrative, and conditions of zoning shall be determined by the final conditions of zoning.

2. Standard Hall County Development Review and permitting processes shall be followed. Approval of this request does not supersede development standards, or processes, in effect when the plans are submitted for review. Such standards include, but are not limited to, stormwater management and emergency access requirements.
3. This section of the development is approved for a maximum of 121 lots with a minimum lot size of 6,800 square feet each.
4. The minimum heated floor area (HFA) shall be 1,600 square feet for dwelling units. Houses shall be constructed with a mixture of cement siding, stone, and/or brick façade, with a minimum of brick or stone accents on the front of the homes. The balance of the home may be the same material or of fiber-cement material. Vinyl siding is prohibited. Houses shall be consistent with the submitted renderings for the Annapolis, Harrisburg, Macland, and Creekside elevations. Elevations shall provide a similar expression of depth, dimension, and architectural detailing articulated on the proposed renderings.
5. All homes shall be constructed with a garage with a minimum of two-car capacity.
6. Minimum front yard setback must be a minimum of 20 feet, to accommodate additional parking in driveways without encroaching into rights-of-way.
7. A maximum of 19 lots shall be permitted driveway access from Buffington Farm Road per the conceptual site plan dated March 27, 2023.
8. A left turn lane and deceleration lane on Cagle Road for Buffington Farm Road shall be constructed by the developer per the requirements of the Hall County Traffic Engineering Department.
9. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
10. The development shall be limited to a maximum of three (3) model homes prior to approval and recording of the final plat.
11. No variances or development exceptions not specifically listed in these conditions of approval are granted.
12. A 50 foot undisturbed buffer shall be maintained along the eastern boundary of the subject property from Buffington Farm Road to the U.S.A.C.E. property.

Public Forum:

Seth Vining, 3587 Lake View Drive, Gainesville, spoke in opposition. Concerns were traffic with new construction nearby and the size of the development.

Jerry Springfield, 12 Forest Hill SW, Cartersville, spoke in opposition. Concerns were public road access and traffic.

Summary Analysis

The subject request is to rezone 55.54± acres from Agricultural Residential-III (AR-III, [17.110](#)) and Vacation-Cottage (V-C, [17.50](#)) to Planned Residential Development (PRD, [17.180.060](#)) for the purpose of developing a 121-lot subdivision.

The properties exist without any dwellings and sit adjacent to Lake Lanier. The general area does not have a singular identifiable character. Several subdivisions populate the area – Surfside Club Estate, Pine Point, and Lake View Section. There are a significant number of vacant lots – large and small. The zoning varies throughout the area – AR-III, PRD, R-I, I-II, and V-C. Thus, the development types vary between mobile homes and single-family dwelling units of various sizes.

The proposed development is comprised of 121 single-family residential lots, an addition to the existing proposed development on the adjacent parcels. The proposed development will include accessory uses of amenity areas, community areas/buildings, lake access, parking for residents, and other typical ancillary support services for a residential subdivision. Additional alterations in the proposed development as identified by the applicant’s narrative and site plan submittals are identified below:

The narrative states that single-family lots shall be at least 6,500 square feet in area and at least 40 feet wide. The following development standards were proposed, some of which are deficient based on the Planned Residential Development (PRD, [17.180.060](#)) standards:

Standard	Required	Proposed
Minimum Lot Area	8,000 square feet	6,500 square feet
Minimum Lot Width	50 feet	40 feet
Minimum Front Yard Setback	25 feet	20 feet
Minimum Exterior Buffer	50 feet	6 foot fence and a single row of trees (only a portion of boundary in Phase III)

All other standards are either proposed to be met or will be required to demonstrate compliance during the permitting process.

Based on the future land-use plan, staff finds the *requested zoning designation* is not consistent with the Hall County Comprehensive Plan. The Comprehensive Plan’s future land use designation for the subject parcel is “Lake Area Residential.” This land use category is characterized by low-density single-family residential and neighborhoods. The intent of land use category is to preserve established neighborhoods and create opportunities for permanent and vacation residences similar in land use patterns to Residential Areas but at a lower density. The Lake Area Residential designation envisions 1 dwelling per acre; however, the maximum recommended density is 2 units per acre within a Planned Residential Development (PRD, [17.180.060](#)), and the proposed development falls just below that at 1.96 DU/acre.

There is an associated application to amend the conditions of a previously approved Planned Residential Development (PRD, [17.180.060](#)) on a neighboring 110.345± acres. The intent is to develop the two subject areas in phases of one cohesive development.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered by Planning commission and the Hall County Commission pursuant to [17.380.060](#):

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 zoning proposal is suitable given the context of the surrounding area. The adjacent developed parcels are a consistent character.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed residential use will adversely affect adjacent properties. An updated traffic study found that “due to overall low traffic volumes in the vicinity of**

the project site, the existing roadway capacity and lane configuration is expected to be sufficient to accommodate future traffic volumes in the area. No roadway improvements are recommended along Buffington Farm Road or at the study intersections.”

3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **It is unclear whether 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; **Staff does not find that the proposed development will cause an excessive or burdensome use of existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use is not consistent with the Comprehensive Plan and the “Lake Area Residential” land use designation. Density is envisioned to be less than one unit per acre, and the proposed development exceeds that minimum.**
6. The extent to which property values are diminished by the existing zoning restrictions; **The proposed density is greater than the current zoning, so it is likely the value of the property is increased with the added density.**
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; **Hall County property tax records shows that [tax parcel 09106 000001A](#) is developed with a single-family residence constructed in 1941. [Tax parcel 09106 000005](#) is undeveloped.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any changing conditions that affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning is a Planned Residential Development (PRD, [17.180.080](#)). Per the Official Code of Hall County, Planned Development District ([17.180](#)) are 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. That being said, the proposed density is higher than that found on surrounding properties.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**

13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed density is higher than that found on surrounding properties but in general the use does not appear to be out of scale with the needs of the County as a whole, as there is a need for additional and a variety of housing.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the County that support a moderate-density single-family residential uses based on the Future Land Use Map.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The request could not be handled alternatively as a variance.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and federal regulations. As a result, there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

A Planned Residential Development (PRD, [17.180.080](#)) allows for more flexibility in the design and development of the property. This provides for a mixture of housing types and encourages maximum use of natural features through proper site planning measures. The development should conform to the existing character and development pattern of the surrounding area. Based on the intended use and prior approvals, the requested zoning designation is appropriate.

[17.380.050](#) - Submission requirements for a rezoning request

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. Applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**
- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **Proposal does provide a narrative outlining the intent of the change; however, the applicant has not prepared a response to each of the criteria listed in [17.380.060.C](#).**
 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat

or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **Proposal does meet the requirement. The applicant has provided typical house location plans, but the siting of each unit will not be submitted until the building permit process.**

- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The proposed development will utilize public sewer and water; as such, this is not applicable.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **Proposal does meet the requirement. The traffic study found that “due to overall low traffic volumes in the vicinity of the project site, the existing roadway capacity and lane configuration is expected to be sufficient to accommodate future traffic volumes in the area. No roadway improvements are recommended along Buffington Farm Road or at the study intersections.”**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated June 9, 2023, Emily McGahee stated “No comment, public sewer.”

Hall County Fire Marshal

An email dated May 1, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated the following:

Phase 1, 2, and 3 must meet the following fire codes below.

503.2.2 Authority.

The *fire code official* shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction. The fire apparatus access roads shall comply with the requirements of this section and Appendix D of the International Fire Code 2018 edition including Georgia State modifications.

Georgia State Modifications Below:

Add a new section, Appendix D 107.1, as follows:

Developments of one- or two-family dwellings where the number of dwelling units exceeds 120 shall be provided with two separate and approved fire apparatus access roads. Phase 2 is proposed to have 136 dwelling units.

Exceptions:

- 1. Where there are more than 120 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in

accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
3. The fire apparatus access roads cannot be installed because of location on the property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. Plans shall accompany the written request that delineate improvements to proposed fire apparatus access roads approved by the fire code official of the local responding fire department. Recommended compliance alternatives for residential developments having less than the minimum of two entrances includes, but is not limited to one of more of the following alternative remedies:
 1. Enhanced turning radii to meet local responding fire department requirements; and/or
 2. Increased road widths to meet local responding fire department requirements; or the Hall County Fire Marshal's Office requires road widths of 26' when the number of dwellings exceed 120 in residential developments.
 3. Fire Lane signs per D103.6 in locations determined by the Fire Code Official; or
 4. The absence of dead-end streets and cul-de-sacs; and unless the requirements meet or exceed Table D103.4 for Fire Apparatus Access Roads; or
 5. The primary entrance roadway being a boulevard with medians and each lane meeting fire access road widths; or
 6. Single entrance roads providing a dedicated emergency lane separating each drive lane; or
 7. Additional fire apparatus access road which is permitted to be a roadway or approved surface not accessible to motor vehicles, designed by a registered design professional to meet the loading requirements and minimum specifications of Appendix D; and this surface provides all weather conditions capabilities for emergency fire department access; or
 8. Statement by Fire Code Official that the Plans submitted meet the requirements of Exception 3 and/or Appendix D for access by local responding fire department

Pursuant to O.C.G.A. Title 25-2-12 (e)(4) the local fire official, building official, or developer may obtain a waiver when adequate access appropriate for the fire apparatus of the local responding fire department is not met or provided by using alternative methods on a waiver form designed and prescribed by the Safety Fire Commissioner. The State Fire Marshal or designated representative shall respond within 30 days for the decision for approval or disapproval or recommendations for modifications to the Plan If the 30-day time frame is not met, the Plans submitted shall be deemed to be approved.

Add a new section, Appendix D 107.2, as follows:

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

503.2.5 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. See Table D103.4 Requirements for dead end fire apparatus roads.

503.6 Security gates.

The installation of security gates across a fire apparatus access road shall be *approved by the fire code official*. Where security gates are installed, they shall have an *approved* means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. Knox key switch override device shall be installed at each gate that is access controlled.

Fire apparatus roads shall not terminate abruptly at a security gate, approved turnaround shall be provided.

507.5.1 Where required.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*. All proposed dwellings shall be no greater than 400' hose lay distance from a fire hydrant as the fire truck travels.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated June 15, 2023, Bill Nash, Director, stated the following:

Engineering:

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

Show stream buffer and impervious setback from wrested vegetation not center line of stream.

All lots to be accessed by internal roads.

Phase #3 comments already on package.

Traffic:

Recommend requiring a left turn lane and deceleration lane on Cagle Road for Buffington Farm Road.

Utilities:

Hall county sewer district- sewer connection may be within feasible distance.

Georgia Department of Transportation

In an email dated April 28, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor, indicated coordination would not be required.

➤ **Excerpts from the minutes of the July 17, 2023 meeting**

Applicant's Presentation:

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

Wes Robinson, 200 E.E. Butler Parkway, Gainesville, presented the request. The applicant stated that the location of the amenity area has changed and that the rezoning request is for a separate phase with its own entrance but same layout. The applicant is requesting a variance to not require the 50 foot undisturbed buffer in the rear of 8 lots in Phase III but instead to construct a 6 foot fence and single row of trees along the property line. The applicant stated the updated traffic study has taken into consideration future development and suggest no new street lights are needed.

Adam Whitmire, 829 Long River Trail, Hoschton, presented the request.

Rebuttal

Mr. Robinson stated that the traffic study doesn't specifically name the new elementary school or inland port but it does take into consideration the overall future traffic. Mr. Whitmire explained that Buffington Farm Road will not become a private road, it will continue to be a public road. Mr. Whitmire discussed options of a gate placement in Phase II. The applicants explained the site plan.

Public Forum:

Seth Vining, 3587 Lake View Drive, Gainesville, spoke in opposition. Concerns were traffic with new construction nearby and the size of the development.

Jerry Springfield, 12 Forest Hill SW, Cartersville, spoke in opposition. Concerns were public road access and traffic.

Planning Commission Comments:

Mr. Braswell clarified that the correct acreage size of the rezone request is 62.26± acres. Mr. Braswell questioned if there would be any other private roads or gates. Mr. Whitmire stated that Phase I is private with a gate, Phase II will have a gate, but Phase III will not. Mr. Hunt stated that his only concern with a gate

in Phase II is that it impedes access to other residents on the public road. The applicants stated they will accommodate to prevent that. Mr. Whitmire stated that the homes in Phase III will be smaller with a minimum 1,600 sq. ft. Mr. Hunt stated that smaller homes are needed. Ms. Pilcher and Mr. Hunt stated that they could not support a variance in Phase III that did away with the rear 50 foot undisturbed buffer. Ms. Pilcher suggested that the 8 lots affected by the buffer be reconfigured to be wider and have the layout adjusted. Mr. Robinson stated it would be favorable to have the variance since the topography is tricky.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Picher. Vote: 4-0 (Varner absent)

Conditions:

1. *Development is approved for lots as generally shown on the concept plan and typical lot layout (sheet 200) dated March 27, 2023, and as described in the project narrative, and as described in the final conditions of zoning, modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards. Any conflict in development standards between the concept plans, project narrative, and conditions of zoning shall be determined by the final conditions of zoning.*
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- 10. The development shall be limited to a maximum of three (3) model homes prior to approval and recording of the final plat.*
- 11. No variances or development exceptions not specifically listed in these conditions of approval are granted.*
- 12. A 50 foot undisturbed buffer shall be maintained along the eastern boundary of the subject property from Buffington Farm Road to the U.S.A.C.E. property.*

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



ZONING APPLICATION

Applicant (Name & Mailing Address)

Arabella Capital, LLC
 2255 Buford Highway Suite 250
 Buford GA 30518
 Phone 770.330.5859
 Email Address melissa@arabellacapital.com
 Proposed Use Subdivision

Property Owner (Name & Mailing Address)

Mambo Cat, LLC
 PO Box 2698
 Gainesville GA 30501
 Phone 678-316-8178
 Email Address buzzmeeks73@gmail.com almik113@hotmail.com
 Green Implementation Group LLC
 300 E Smokehouse Terrace
 Alpharetta GA 30005

Contact Person (Name & Mailing Address)

T. Wesley Robinson
 PO Box 1457
 Gainesville GA 30503
 Phone 770.532.63212
 Email Address twr@homlaw.com
 Tax Parcel Number See attached parcel list
 Location Address See attached parcel list

Status of Applicant

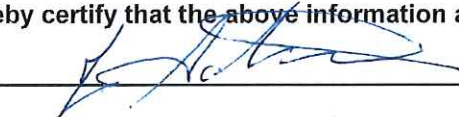
- Owner
- Option to Purchase
- Area Resident
- Other

Requested Action

Existing Zoning: AR-III & PRD
 Rezone to: PRD
 Fee: \$
 Receipt #:
 Check #:

Acreage 172.55

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

Sign  Date: 3/27/23

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

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

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____
 Tentative Planning Commission Date: _____ Tentative County Commission Date: _____
 County Commission District: _____

PARCEL LIST

Owner: Green Implementation Group LLC

09105 000001	3329 WISHING WELL TER
09106 000001A	3271 BUFFINGTON FARM RD
09106 000007	3293 BUFFINGTON FARM RD
09106 000013	3205 WATER LILY DR
09106 000014	3211 WATER LILY DR
09106 000015	3217 WATER LILY DR
09106 000016	3223 WATER LILY DR
09106 000017	3229 WATER LILY DR
09106 000018	3237 WATER LILY DR
09106 000019	3325 WISHING WELL TER
09106 000020	3330 WISHING WELL TER
09106 000021	3320 WISHING WELL TER
09106 000022	3234 WATER LILY DR
09106 000023	3220 WATER LILY DR
09106 000024	3208 WATER LILY DR
09106 000025	3317 WISHING WELL TER
09108 000107	3302 WISHING WELL TER
09108 000108	3303 WISHING WELL TER
09108 000109	3309 WISHING WELL TER
09106 000003	3341 BUFFINGTON FARM

Owner: MAMBO CAT LLC

09106 000005	3270 BUFFINGTON FARM
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MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 | f: 770-531-3902



AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Mambo Cat, LLC

Address PO Box 2698
Gainesville, GA 30501

Phone Number 678-316-8178

Name of applicant(s) Arabella Capital, LLC

Address 2255 Buford Highway, Suite 250
Buford, GA 30518

Phone Number 770-330-5859

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

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

Signature of Owner(s)
[Handwritten Signature]

Personally appeared before me
Marion L. Meeks, Jr.

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

[Handwritten Signature]
Notary Public

1-23-22
Date



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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have** I have not

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

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

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Date: 6-23-22

Applicant's/Owner's Name (Printed): Mambo Cat, LLC

PLANNING AND DEVELOPMENT DEPARTMENT
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MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 | f: 770-531-3902



AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Green Implementation Group, LLC
Address 300 E. Smoketree Terrace
Johns Creek, GA 30005
Phone Number _____

Name of applicant(s) Arabella Capital, LLC
Address 2255 Buford Highway, Suite 250
Buford, GA 305181
Phone Number 770-330-5859

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

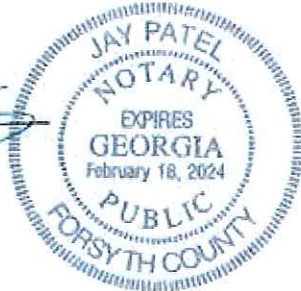
I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s)

Personally appeared before me

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

Notary Public



Date 03/11/2023

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

- (b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - (3) The name and official position of the local government official to whom the campaign contribution was made; and
 - (4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

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

I have** _____ I have not

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

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

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature:  _____ Date: 2/11/23

Applicant's/Owner's Name (Printed): Green Implementation Group, LLC

ZONING NARRATIVE

Applicant seeks both the modification of an existing PRD and to add additional acreage to that PRD. The additional acreage will be rezoned from AR-III to PRD so as to allow the development of the additional acreage as a third phase of the exiting Hazelton Subdivision.

A complete list of the parcels involved in this application is:

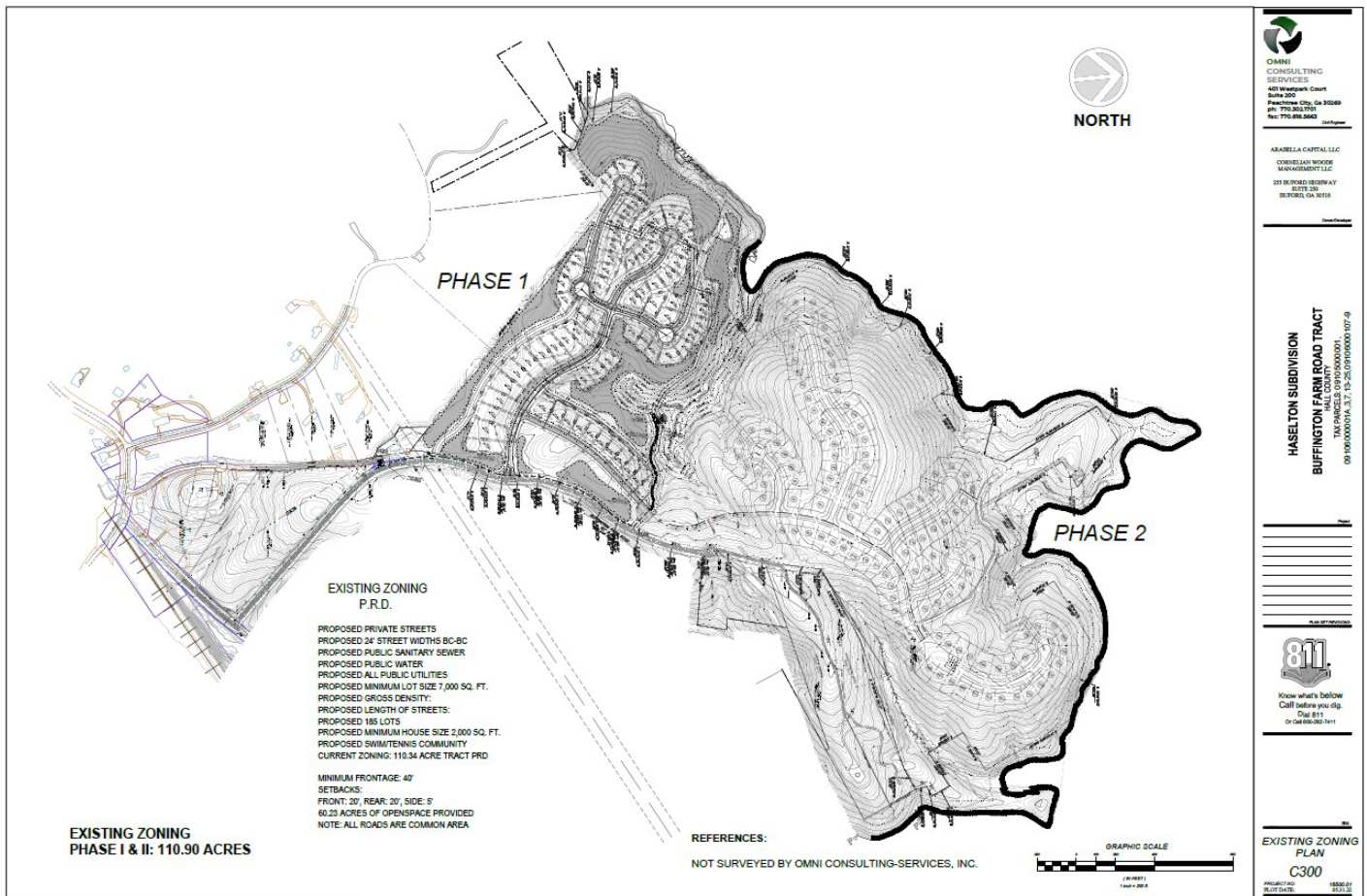
Owner: Green Implementation Group LLC

09105 000001	3329 WISHING WELL TER
09106 000001A	3271 BUFFINGTON FARM RD
09106 000007	3293 BUFFINGTON FARM RD
09106 000013	3205 WATER LILY DR
09106 000014	3211 WATER LILY DR
09106 000015	3217 WATER LILY DR
09106 000016	3223 WATER LILY DR
09106 000017	3229 WATER LILY DR
09106 000018	3237 WATER LILY DR
09106 000019	3325 WISHING WELL TER
09106 000020	3330 WISHING WELL TER
09106 000021	3320 WISHING WELL TER
09106 000022	3234 WATER LILY DR
09106 000023	3220 WATER LILY DR
09106 000024	3208 WATER LILY DR
09106 000025	3317 WISHING WELL TER
09108 000107	3302 WISHING WELL TER
09108 000108	3303 WISHING WELL TER
09108 000109	3309 WISHING WELL TER
09106 000003	3341 BUFFINGTON FARM

Owner: MAMBO CAT LLC

09106 000005	3270 BUFFINGTON FARM
--------------	----------------------

History of Use. That portion of the property that is now designated as Phase I was originally platted as a subdivision of estate lots in 2005 as currently shown on the tax assessor records. That development was never successful. In May 2016 the property that is now designated as Phase I and Phase II of the Haselton subdivision was rezoned to PRD for use as a subdivision. This PRD did away with the previous estate lots. The current PRD is configured as shown below:



Phase I of the subdivision is currently under development. A land disturbance permit was issued on December 14, 2017. The development of sewer infrastructure in the area, the pandemic and other market conditions have delayed the development of this Phase. However, horizontal development of infrastructure for this Phase is now underway. A copy of the Civil/Site plans for Phase I have been included with the materials filed along with this application.

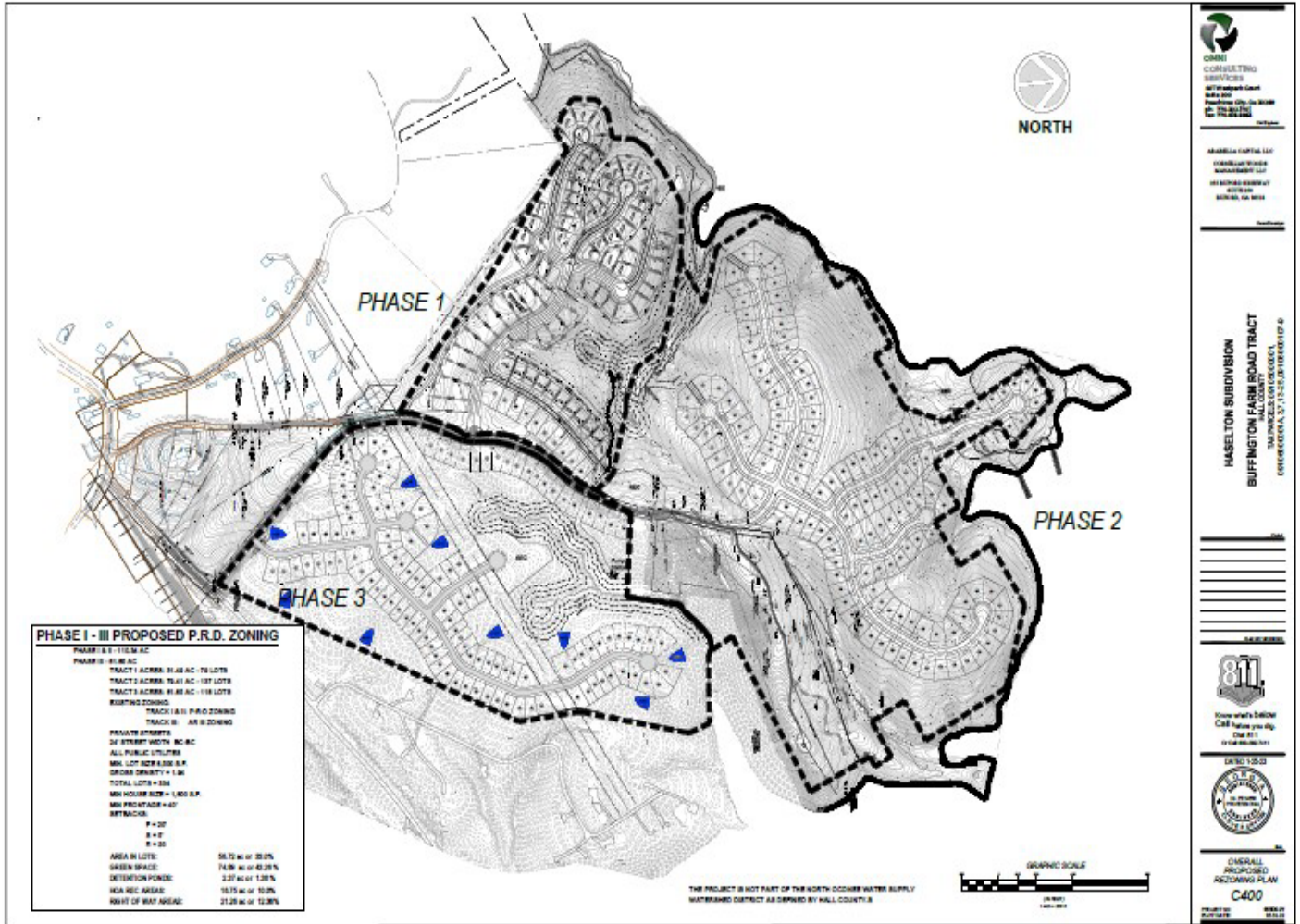
The adjoining tract, Tax Parcel 09106 000005, containing 61.65 acres is located off of Buffington Farm Road and adjoins this above PRD tract. This property is currently vacant and undeveloped apart from a 100' transmission line which traverses the property. This parcel is currently owned by Mambo Cat, LLC and is under contract for sale to the Applicant.

Proposed Use. The application requests both the amendment of an existing PRD and to add additional property to that PRD. The existing subdivision is called Haselton and is located off of Buffington Farm Road in East Hall County.

Applicant proposes to amend the existing PRD so as to add eleven (11) additional lots to Phase I of the Haselton PRD. The proposed revised site plan also reconfigures the approved roadways in Phase II of the Haselton Subdivision and relocates the amenity area.

Applicant seeks to add additional property to the existing PRD. The additional property, consisting of a 61.65 acres tract of land, will be rezoned from AR-III to PRD. This additional property is designated as Tax Parcel 09106 00005 by the Hall County Tax Assessor. The basis for this zoning action is to allow for the development of an additional phase within the existing Haselton Subdivision.

The proposed use of the property is for a one hundred twenty-one (121) lot phase to be added to the existing Hazelton Subdivision. The property will have an amenity area including a swimming pool and an associated playground. The proposed site plan is depicted below:



As proposed the entire property will consist of approximately 171.84 acres. Of that, 56.72 acres (33%) will be residential lots, 78.62 Acres (44.64%) will be greenspace and ponds, 16.75 acres (10%) will be HOA recreational areas and 21.26 acres (12.36%) will be right of way areas. There will be a total of 337 lots. The density for the entire project is less than two units per acre.

As shown on the site plan the actual acreage is as follows:

PHASE I - III PROPOSED P.R.D. ZONING

PHASE I & II - 110.34 AC

PHASE III - 81.85 AC

TRACT 1 ACRES: 31.48 AC - 80 LOTS

TRACT 2 ACRES: 79.41 AC - 138 LOTS

TRACT 3 ACRES: 81.85 AC - 121 LOTS

EXISTING ZONING:

TRACK I & II: P-R-D ZONING

TRACK III: AR III ZONING

PRIVATE STREETS

24' STREET WIDTH BC-BC

ALL PUBLIC UTILITIES

MIN. LOT SIZE 8,500 S.F.

GROSS DENSITY = 1.88

TOTAL LOTS = 337

MIN HOUSE SIZE = 1,800 S.F.

MIN FRONTAGE = 40'

SETBACKS:

F = 30'

S = 5'

R = 20'

AREA IN LOTS: 56.72 ac or 33.0%

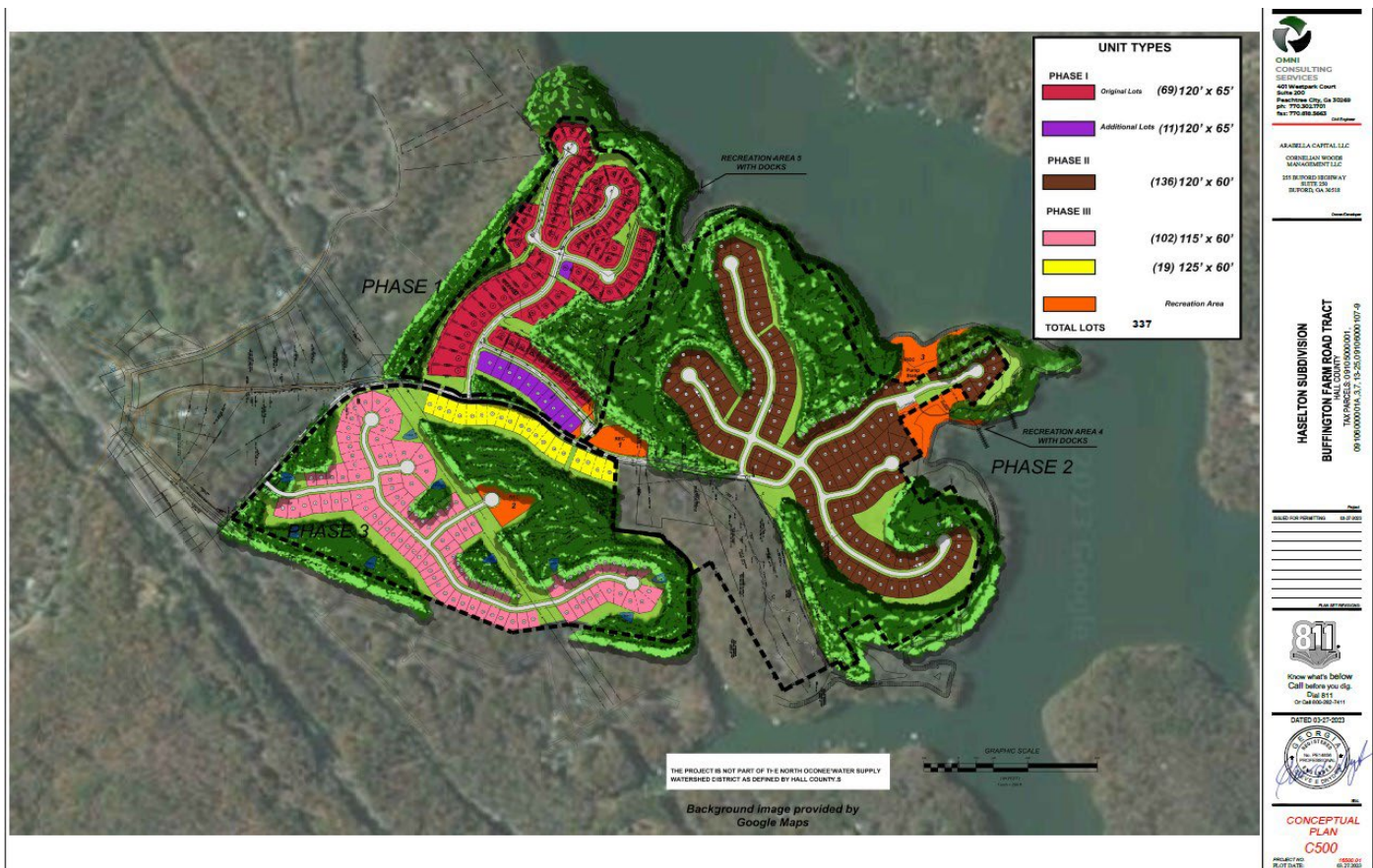
GREEN SPACE: 74.89 ac or 43.26 %

DETENTION PONDS: 2.37 ac or 1.38 %

HOA REC AREAS: 16.75 ac or 10.0%

RIGHT OF WAY AREAS: 21.26 ac or 12.36%

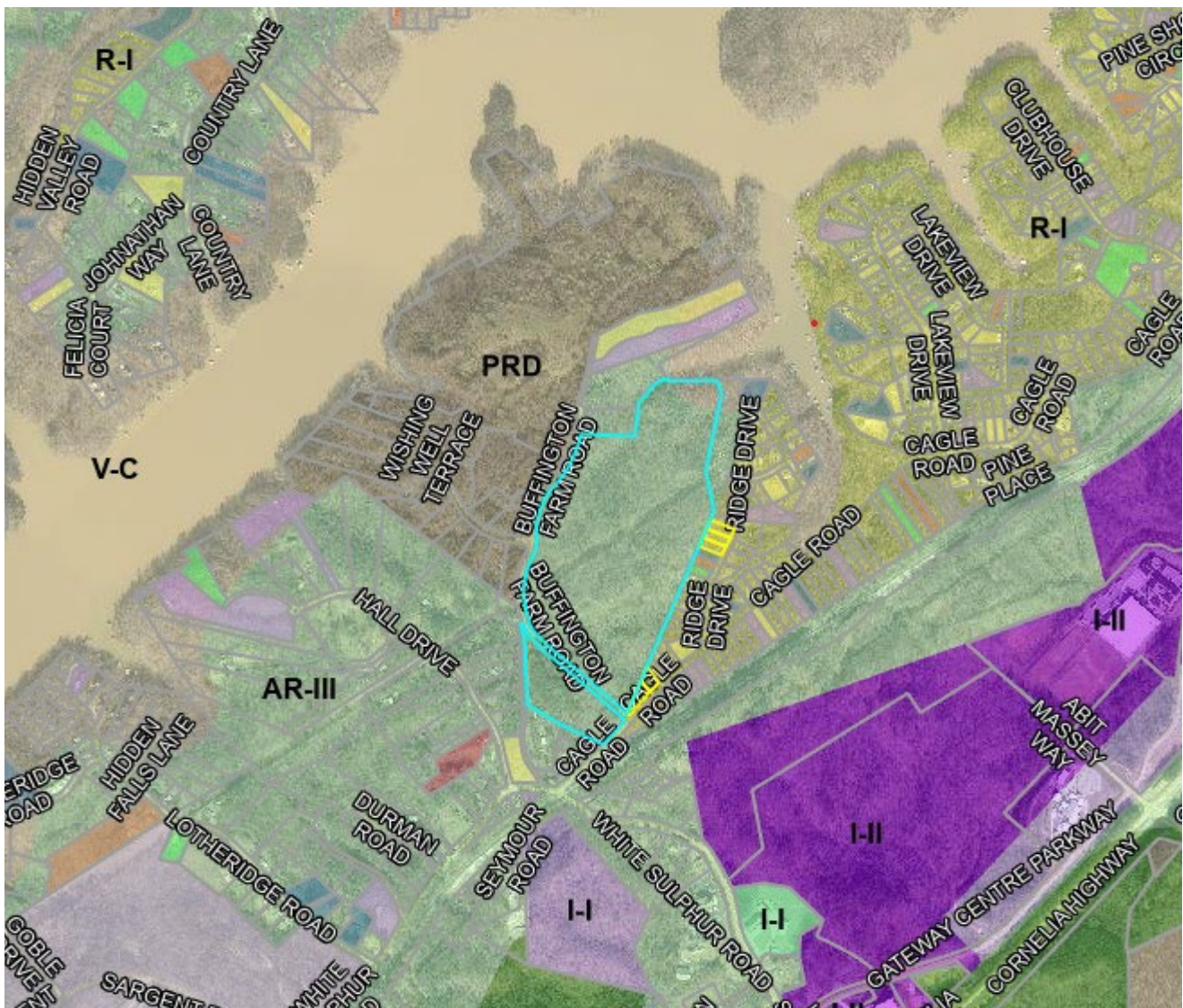
A depiction of the entire development broken down into phases is as follows:



Current Zoning. The current zoning for the undeveloped 61.65 acres (09106 000005) is AR-III. The balance of the property is already zoned PRD.

Development Schedule. Development of Phase I is currently underway. Horizontal development is expected to be completed in mid-2024. Vertical construction will begin immediately thereafter. Current plans are to begin horizontal development of Phases II and III in the first part of 2024. It is anticipated that infrastructure will be completed by the end of 2026.

Surrounding Zoning/Uses. The existing PRD property is largely surrounded by Lake Lanier and residential property, largely zoned AR-III. The 61.65-acre tract adjoins the PRD and other residential uses largely zoned AR-III and R-I. The property is in across Cagle Road from the property currently zoned I-I and I-II which are part of the future inland port. A copy of the GIS map with surrounding zoning is below:



Sewer/Septic. The homes would be serviced by sewer provided by Hall County Sewer and water provided by the City of Gainesville. A Sewer Availability Letter from Hall Counter Public Works and Utilities is

included in the application. The sewer allocations for 338 lots represents all of the proposed lots in Phases 1, 2 and 3.

Traffic. A traffic study has been provided as a part of the application. The site is accessed from Buffington Farm Road. Original plans for Haselton Phase II called for a cul-de-sac at the end of Buffington Farm Road. Applicant proposes to eliminate that cul-de-sac as outlined on the attached plan so as to access Phase II lots via an extension of Buffington farm Road. This will eliminate the need for an additional roadway between Phase I and Phase II, allowing for additional recreational space, green space lots. The extension of Buffington Farm Road will also provide for superior access to the driveways of the adjacent landowners at the end of Buffington Farm Road. Phase III will include 19 lots on Buffington Farm Road. The remaining 99 lots would be accessed via new roads as depicted on the site plan.

Home Size. The homes for Phases 1 & 2 will be a minimum of 2,000 SF 4-6 bedrooms applying a modern farm and costal architectural style. The price point will be from \$600-\$900k. Phase 3 will be a minimum of 1,500 SF 3-4 bedrooms using a similar architectural style as phase 1 & 2 with a price point of \$300-\$400k. All homes will have a 2-car garage with adequate driveway parking. Below are elevations similar to what will be built. Because of the higher price point of phase 1 & 2, there will be many semi-custom homes with unique features. Detailed examples of home plans have been included with this submission. The general appearance of and materials will be similar to the following:

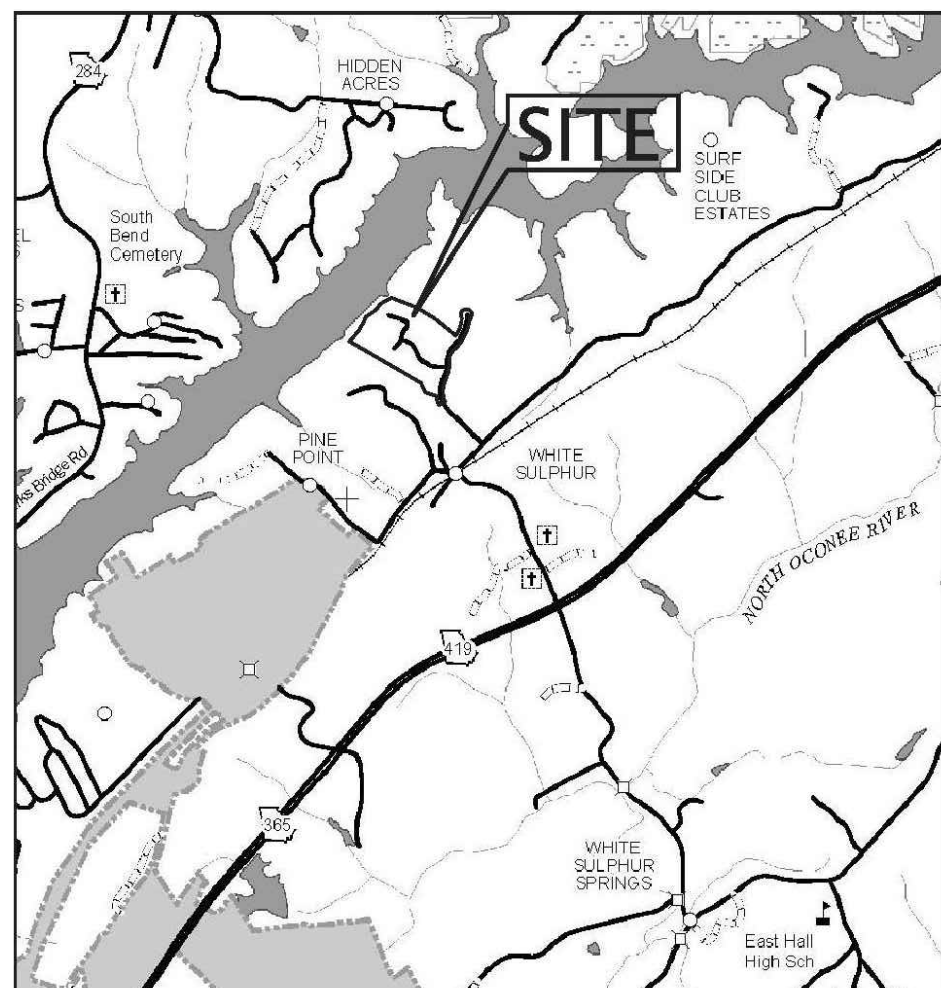




Amenities. There will be several separate Homeowner's Associations established to maintain all private utilities and common areas. The current plan is to have a number of amenities including swim and boat slips for interested homeowners. There will be a large amenity area located between Phase I and Phase II as depicted as Rec Area #1 on the site plan. This area will have a pool and pool house, playground and pickle ball courts. The intent is for this to serve Phase I and Phase II only. There is an additional community dock area located within Phase II as depicted as Rec Area #2 on the site plan. This will have a small community area with a pavilion and parking for the dock. There is a currently approved seventy-two (72) slip dock. Walking trails in common areas will traverse the open space with pocket parks located at convenient locations. The open space will be available for all homeowners to use and enjoy with restricted areas to be determined by the association. There will be a separate amenity area located within the boundaries of Phase III that will serve only the homeowners within that phase as depicted as Rec Area #3 on the site plan.

Model Home. Applicant proposes the use of at least one Model Home to be constructed before final plat.

Set Back Issues. Several lots in Phase III border another residential subdivision. Topography in the area limits the placement of the roadways. In this area Applicant proposes to substitute a six (6') foot fence and single row of trees in lieu of a traditional buffer.



LOCATION MAP
SCALE: N.T.S.

REZONING PLAN FOR PHASE I, II & III OF HASELTON/BUFFINGTON FARMS

PROJECT DATA:

TOTAL TRACT SIZE: 171.99 ACRES
 PHASE I & II - 110.34 ACRES
 PHASE III - 61.65 ACRES

CURRENT ZONING: PRD - PHASE I & II
 AR-III - PHASE III

TAX PARCELS: PHASE 1 - 09105000001, 09106 000019, 09106 000025,
 09108 000109, 09108 000108, 09108 000107,
 09106 000020, 09106 000021, 09106 000022,
 09106 000023, 09106 000024, 09106 000018,
 09106 000017, 09106 000016, 09106 000015,
 09106 000014, 09106 000013

PHASE 2 - 09106 000003

PHASE 3 - 09106 000005, 09106 000010

PROPOSED SINGLE FAMILY ATTACHED LOTS

PHASE I - 80 LOTS
 PHASE II - 136 LOTS
 PHASE III - 121 LOTS
 TOTAL LOTS 337 LOTS

TOTAL PROPOSED DENSITY: 1.96 UNITS PER ACRE

PUBLIC WATER - CITY OF GAINESVILLE
 PUBLIC SEWER - HALL COUNTY

AREA IN LOTS: 56.72 ac or 33.00%
 GREENSPACE: 74.89 ac or 43.26 %
 PONDS: 2.37 ac or 1.38 %
 HOA REC AREAS: 16.75 ac or 10.00%
 RIGHT OF WAY AREAS: 21.26 ac or 12.36%

SHEET INDEX

C001	COVER ALTA SURVEY PHASES 1 & 2 - BY OTHERS ALTA SURVEY PHASE 3 - BY OTHERS 2005 LAYOUT - BY OTHERS
C200	TYPICAL LOT LAYOUT & ZONING INFORMATION
C300	EXISTING PHASE I & II ZONING PLAN
C400	OVERALL PROPOSED PHASE I, II & III ZONING PLAN
C401	OVERALL PROPOSED PHASE I, II & III ZONING PLAN WITHOUT TOPOGRAPHY
C402	ENLARGED PHASE I ZONING PLAN
C403	ENLARGED PHASE II ZONING PLAN
C404	ENLARGED PHASE III ZONING PLAN
C500	ILLUSTRATIVE LOT PHASING PLAN

THE PROJECT IS NOT PART OF THE NORTH OCONEE WATER SUPPLY WATERSHED DISTRICT AS DEFINED BY HALL COUNTY.S



ARABELLA CAPITAL LLC
 CORNELIAN WOODS MANAGEMENT LLC
 255 BUFORD HIGHWAY SUITE 250
 BUFORD, GA 30518

Owner/Developer

HASELTON SUBDIVISION
BUFFINGTON FARM ROAD TRACT
 HALL COUNTY
 TAX PARCELS: 09105000001,
 09106000001A, 3, 7, 13-25, 09106000107-9

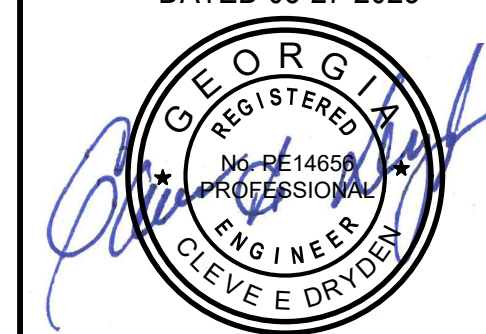
Project
 ISSUED FOR PERMITTING 03-27-2023

PLAN SET REVISIONS:



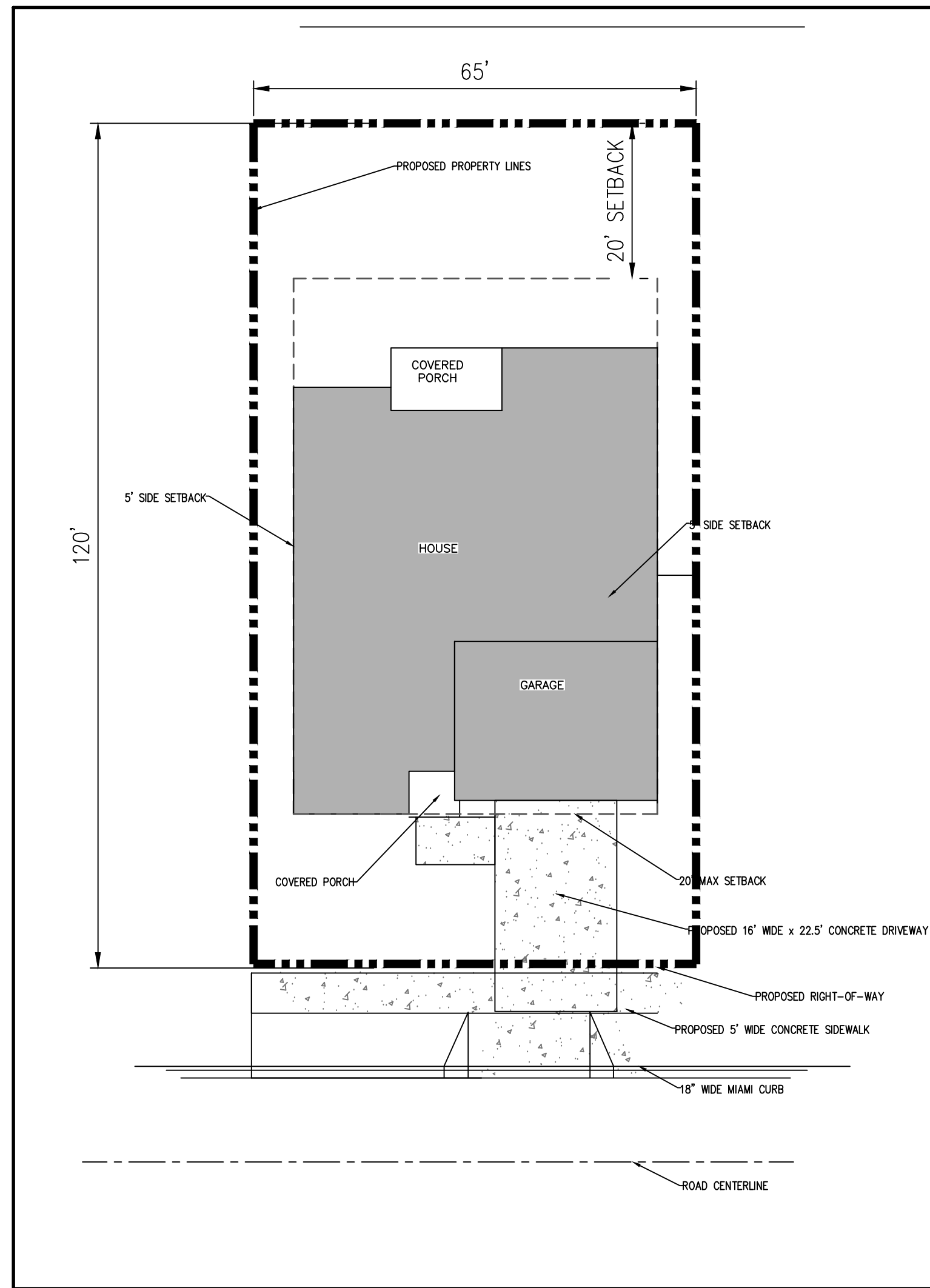
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DATED 03-27-2023

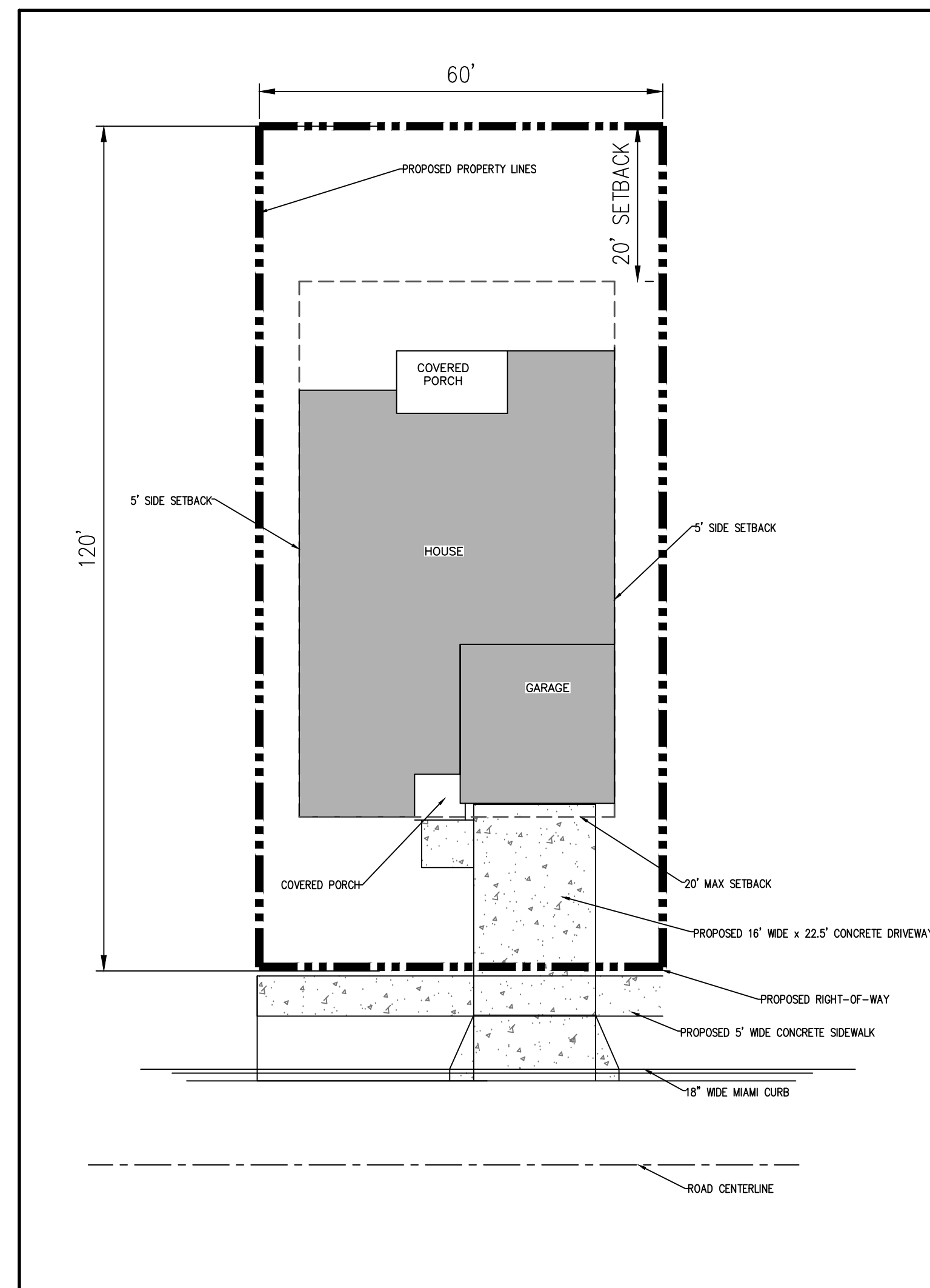


COVER SHEET
C001

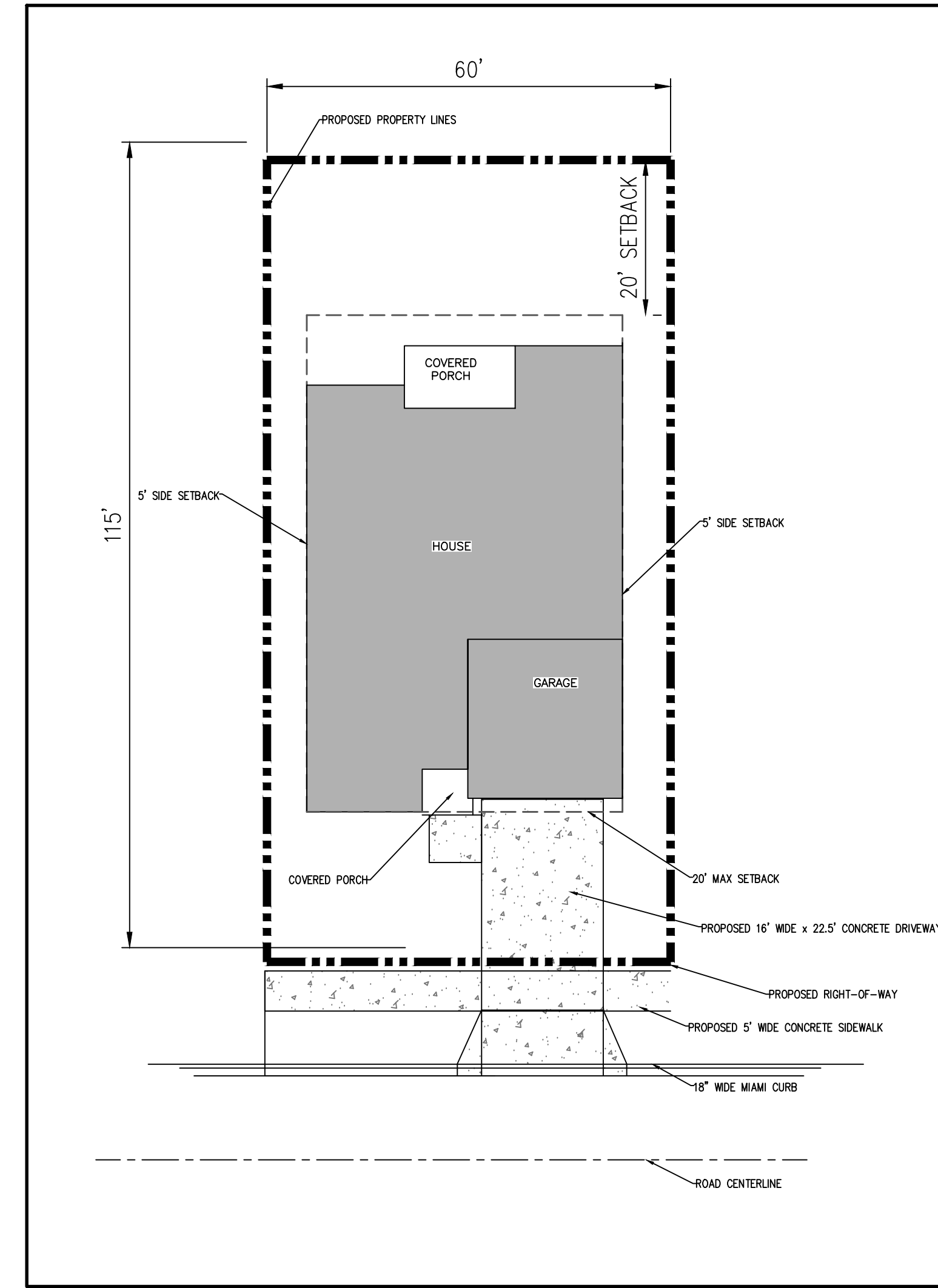
PROJECT NO. 16500.01
 PLOT DATE: 03.27.2023



**TYP. LOT LAYOUT
PHASE 1**



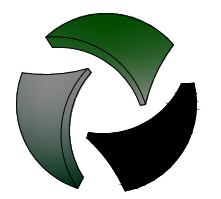
**TYP. LOT LAYOUT
PHASE 2**



**TYP. LOT LAYOUT
PHASE 3**

Notes:

1. FENCING ALONG PROPERTY LINES SHALL NOT IMPEDE THE FLOW OF STORMWATER BETWEEN HOUSES.
2. GARBAGE PADS AND AIR CONDITIONING UNITS MAY NEED TO BE CONSTRUCTED OFF-GRADE TO ALLOW FOR RUNOFF TO FLOW BETWEEN HOUSES.
3. EXCEPT ON RESIDENTIAL LOTS WHERE ANY PORTION OF THE LOT IS 35 FEET IN WIDTH OR NARROWER, FRONT ENTRY GARAGES MUST BE RECESSED A MINIMUM OF 3' BEHIND THE FARTHEST FORWARD PROJECTION OF THE HOME. DOES NOT APPLY TO SIDE ENTRY GARAGES. WHEN THE PORCH IS THE FARTHEST FORWARD PROJECTION, THE PORCH SHALL BE A MINIMUM OF 5' DEEP. WHERE RECESSING IS NOT REQUIRED, THE FOLLOWING DESIGN STANDARDS APPLY TO FRONT ENTRY GARAGES ONLY: (1) THE GARAGE DOORS MUST INCLUDE A TRANSPARENT ELEMENT; (2) A PROJECTING ELEMENT (SUCH AS AN EAVE, CANTILEVER, OR PORCH) MUST BE PLACED OVER THE GARAGE BETWEEN THE FIRST AND SECOND FLOORS; AND (3) THE MOST FORWARD VERTICAL ELEMENT OF THE FRONT PORCH MAY NOT BE RECESSED MORE THAN 5' FROM THE VERTICAL FACE OF THE GARAGE.
4. REFER TO SITE DATA FOR PROPOSED IMPERVIOUS AREA PER LOT SIZE AND HOME TYPE.
5. SEE GRADING AND DRAINAGE PLAN NOTES FOR GRADING INTENT FOR THE 5' DRAINAGE EASEMENTS SHOW ON EITHER SIDE OF THE HOUSE.



**OMNI
CONSULTING
SERVICES**
401 Westpark Court
Suite 200
Peachtree City, Ga 30269
ph: 770.302.1701
fax: 770.818.5663
Civil Engineer

ARABELLA CAPITAL LLC
CORNELIAN WOODS
MANAGEMENT LLC
255 BUFORD HIGHWAY
SUITE 250
BUFORD, GA 30518

Owner/Developer

HASELTON SUBDIVISION
BUFFINGTON FARM ROAD TRACT
HALL COUNTY
TAX PARCELS: 09105000001,
09106000001A, 3, 7, 13-25, 09106000107-9

Project
ISSUED FOR PERMITTING 03-27-2023

PLAN SET REVISIONS:



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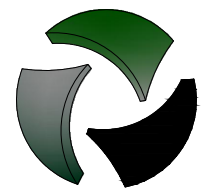
DATED 03-27-2023



SEAL

**TYP. LOT
LAYOUT
C200**

PROJECT NO. 16500.01
PLOT DATE: 03.27.2023



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 Suite 200
 Peachtree City, Ga 30269
 ph: 770.302.1701
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 Civil Engineer

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 CORNELIAN WOODS MANAGEMENT LLC
 255 BUFORD HIGHWAY
 SUITE 250
 BUFORD, GA 30518

Owner/Developer

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 HALL COUNTY
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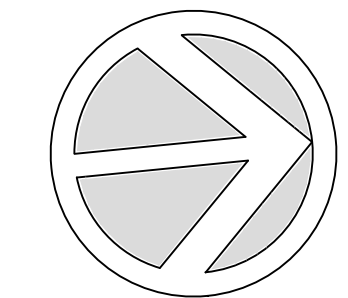
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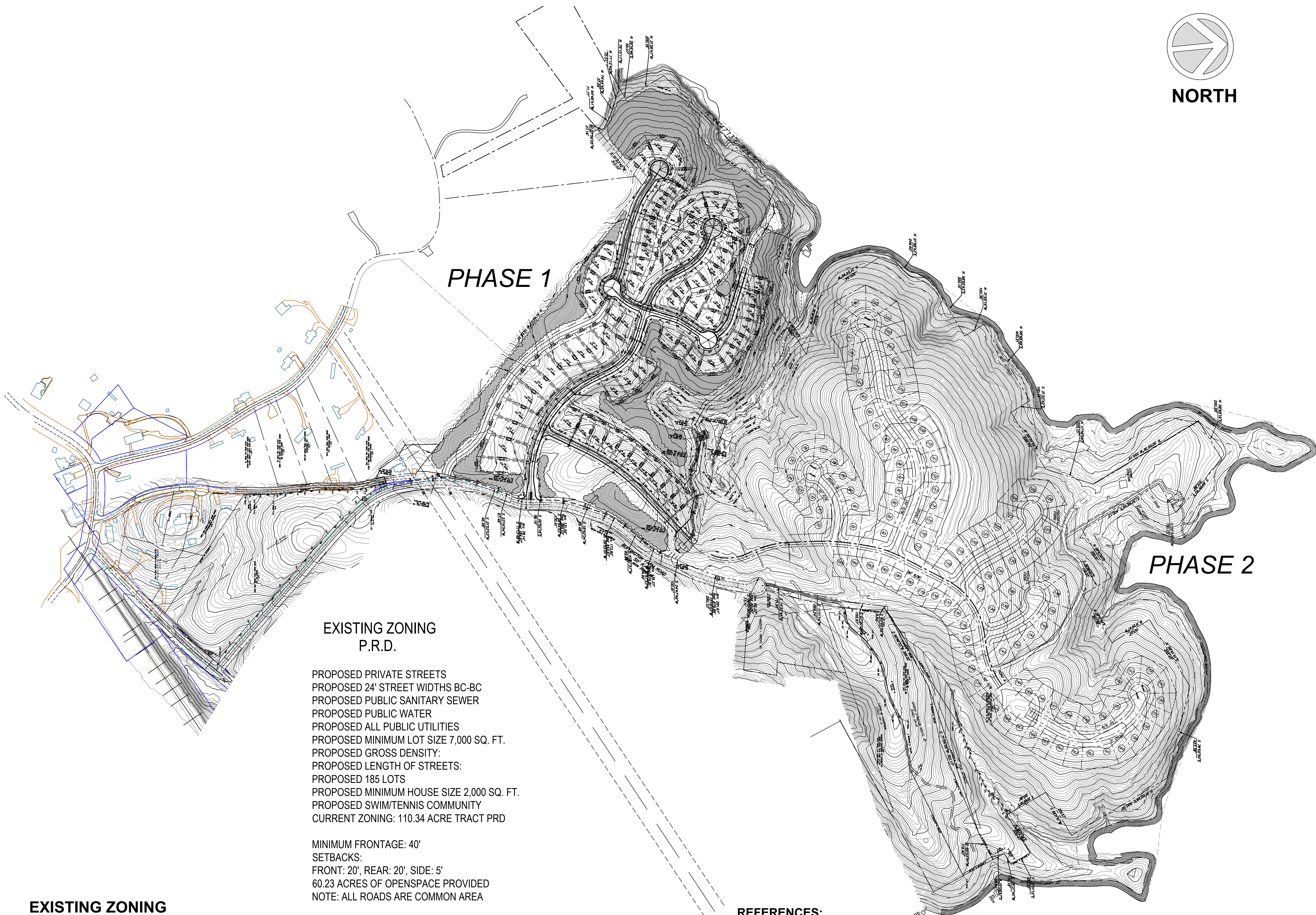
EXISTING ZONING PLAN

C300

PROJECT NO. 16500.01
 PLOT DATE: 03.27.2023



NORTH



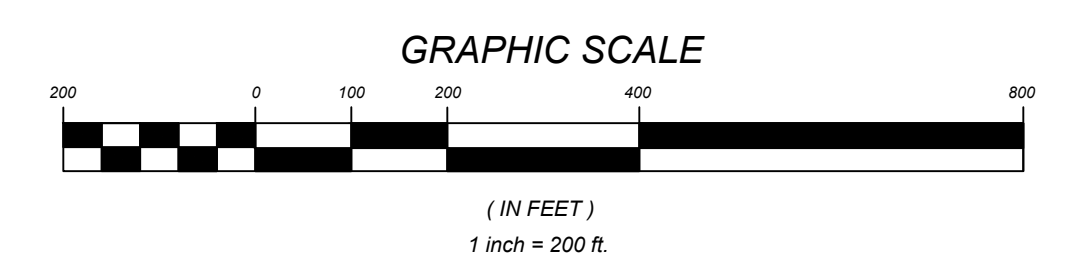
EXISTING ZONING P.R.D.

- PROPOSED PRIVATE STREETS
- PROPOSED 24' STREET WIDTHS BC-BC
- PROPOSED PUBLIC SANITARY SEWER
- PROPOSED PUBLIC WATER
- PROPOSED ALL PUBLIC UTILITIES
- PROPOSED MINIMUM LOT SIZE 7,000 SQ. FT.
- PROPOSED GROSS DENSITY:
- PROPOSED LENGTH OF STREETS:
- PROPOSED 185 LOTS
- PROPOSED MINIMUM HOUSE SIZE 2,000 SQ. FT.
- PROPOSED SWIM/TENNIS COMMUNITY
- CURRENT ZONING: 110.34 ACRE TRACT PRD

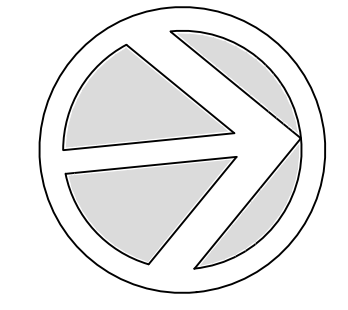
- MINIMUM FRONTAGE: 40'
- SETBACKS:
- FRONT: 20', REAR: 20', SIDE: 5'
- 60.23 ACRES OF OPENSACE PROVIDED
- NOTE: ALL ROADS ARE COMMON AREA

REFERENCES:

NOT SURVEYED BY OMNI CONSULTING-SERVICES, INC.



EXISTING ZONING PHASE I & II: 110.90 ACRES



NORTH



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401 Westpark Court
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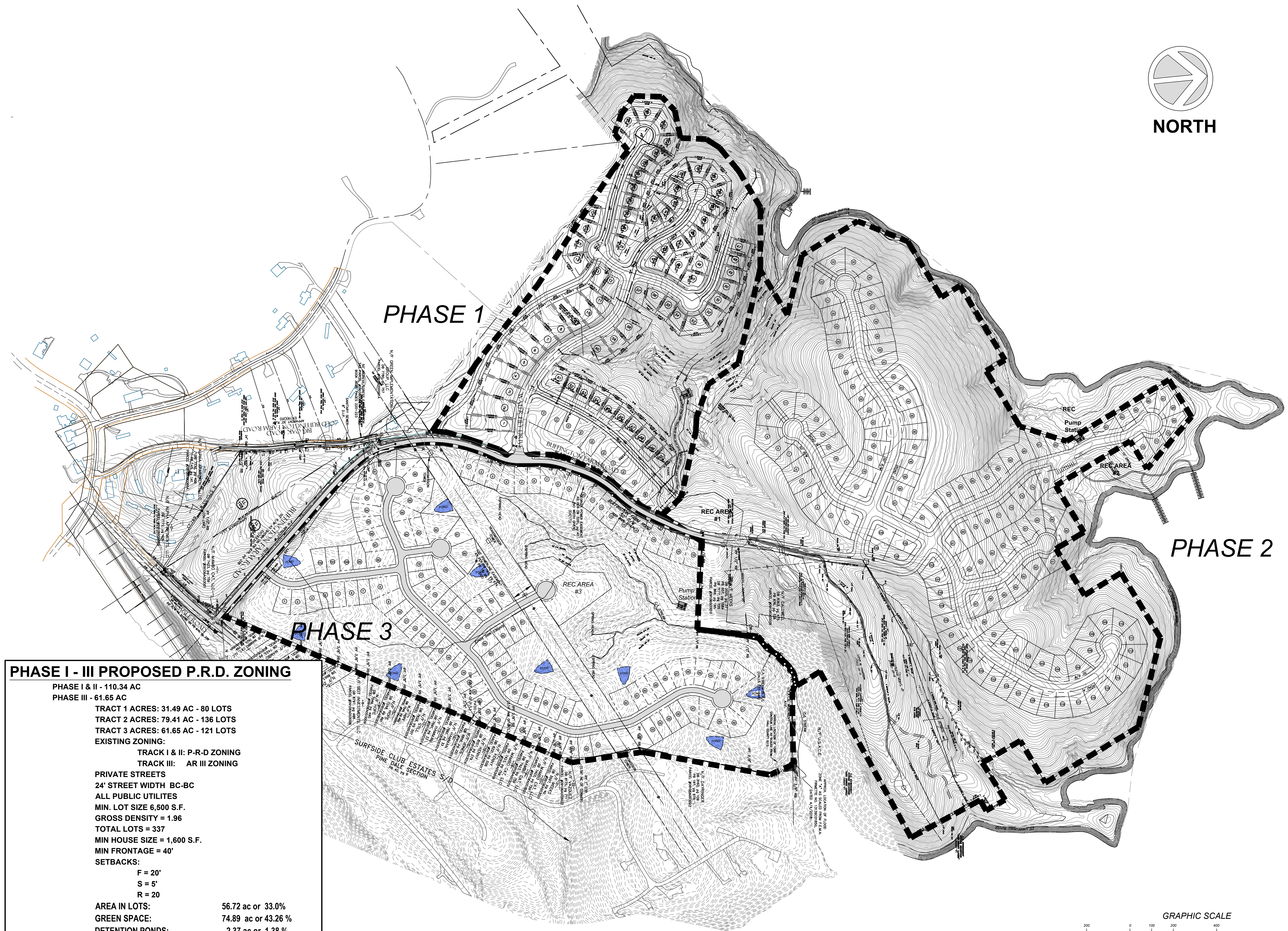
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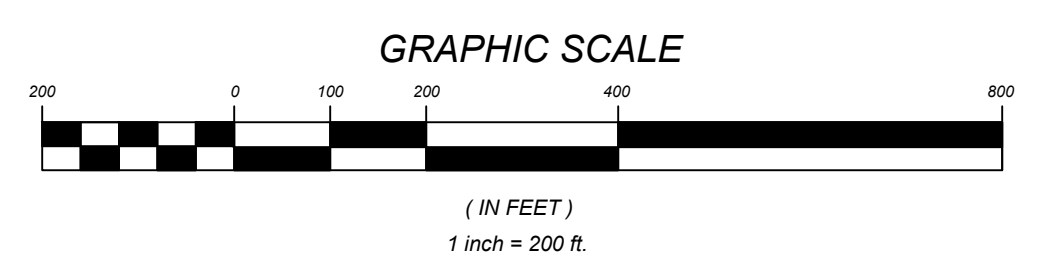
OVERALL PROPOSED REZONING PLAN
C400

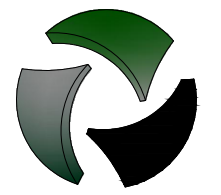
PROJECT NO. 16500.01
PLOT DATE: 03.27.2023



PHASE I - III PROPOSED P.R.D. ZONING
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PHASE III - 61.65 AC
TRACT 1 ACRES: 31.49 AC - 80 LOTS
TRACT 2 ACRES: 79.41 AC - 136 LOTS
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EXISTING ZONING:
TRACK I & II: P-R-D ZONING
TRACK III: AR III ZONING
PRIVATE STREETS
24' STREET WIDTH BC-BC
ALL PUBLIC UTILITIES
MIN. LOT SIZE 6,500 S.F.
GROSS DENSITY = 1.96
TOTAL LOTS = 337
MIN HOUSE SIZE = 1,600 S.F.
MIN FRONTAGE = 40'
SETBACKS:
F = 20'
S = 5'
R = 20
AREA IN LOTS: 56.72 ac or 33.0%
GREEN SPACE: 74.89 ac or 43.26 %
DETENTION PONDS: 2.37 ac or 1.38 %
HOA REC AREAS: 16.75 ac or 10.0%
RIGHT OF WAY AREAS: 21.26 ac or 12.36%

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ISSUED FOR PERMITTING 03-27-2023

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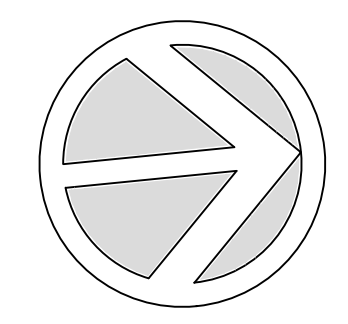
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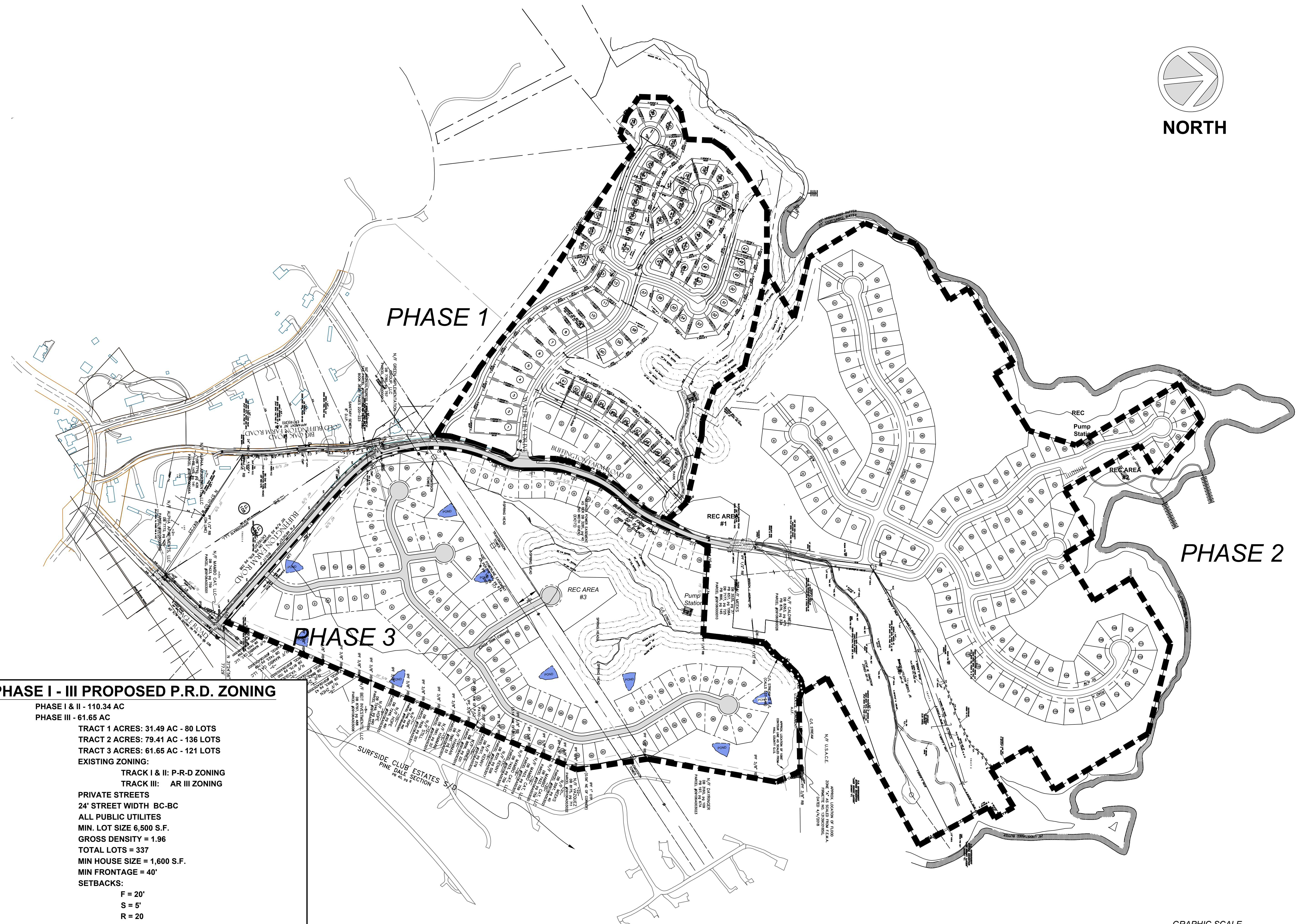


OVERALL PROPOSED REZONING PLAN
C401

PROJECT NO. 16500.01
 PLOT DATE: 03.27.2023



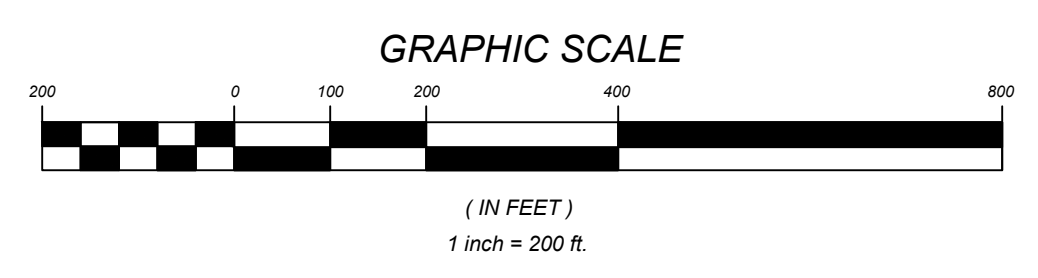
NORTH



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 RIGHT OF WAY AREAS: 21.26 ac or 12.36%

THE PROJECT IS NOT PART OF THE NORTH OCONEE WATER SUPPLY WATERSHED DISTRICT AS DEFINED BY HALL COUNTY.S





OMNI CONSULTING SERVICES
 401 Westpark Court
 Suite 200
 Peachtree City, Ga 30269
 ph: 770.302.1701
 fax: 770.818.5663
 Civil Engineer

ARABELLA CAPITAL LLC
 CORNELIAN WOODS MANAGEMENT LLC
 255 BUFORD HIGHWAY
 SUITE 250
 BUFORD, GA 30518

Owner/Developer

HASELTON SUBDIVISION
BUFFINGTON FARM ROAD TRACT
 HALL COUNTY
 TAX PARCELS: 09105000001,
 09106000001A, 3, 7, 13-25, 091060000107-9

ISSUED FOR PERMITTING 03-27-2023

PLAN SET REVISIONS:



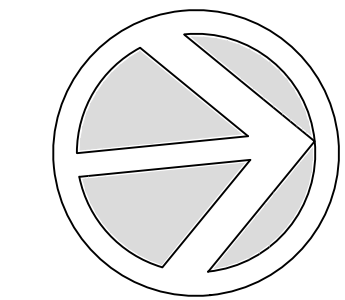
Know what's below
 Call before you dig.
 Dial 811
 Or Call 800-282-7411

DATED 03-27-2023

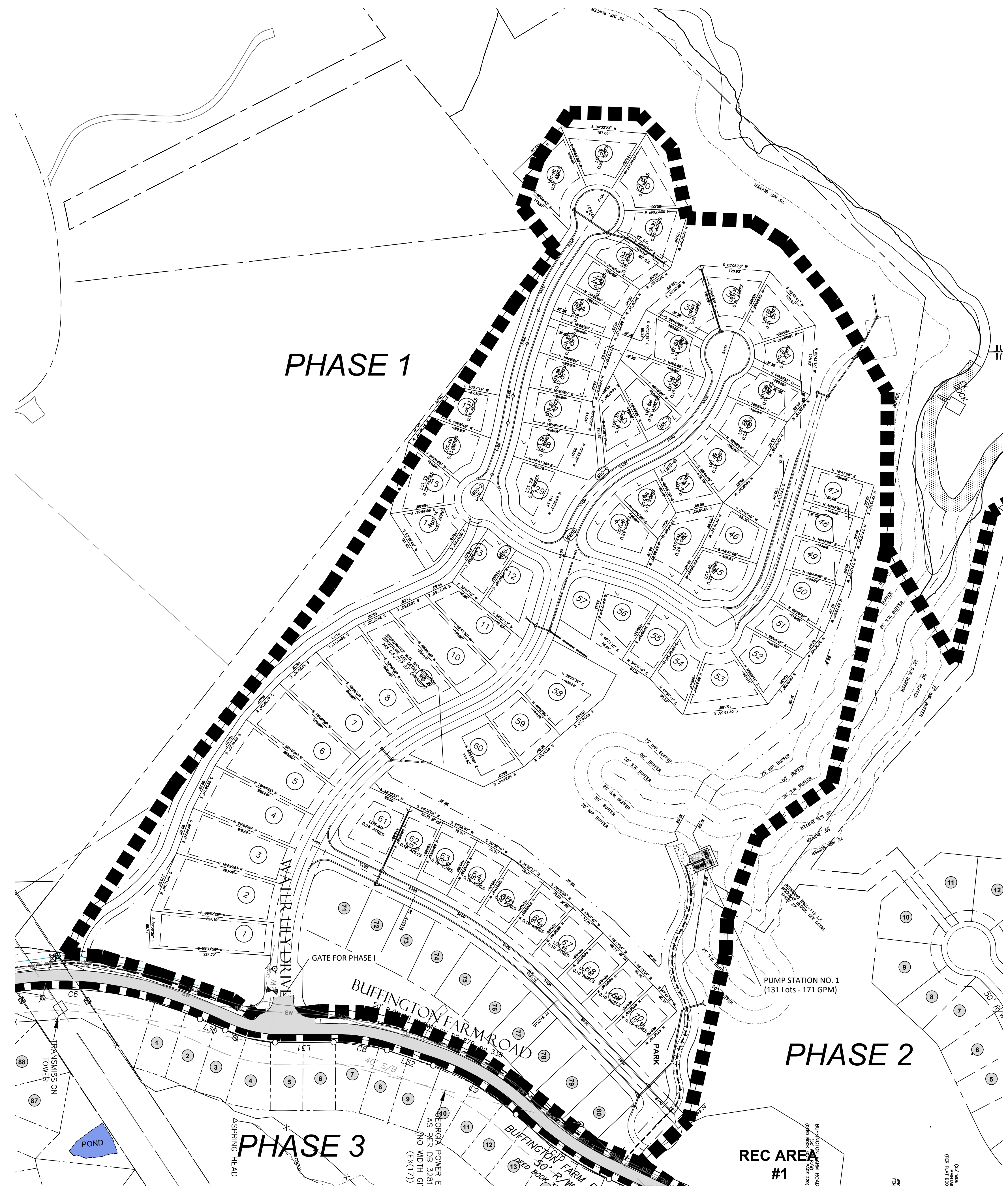


PHASE I ENLARGEMENT
C402

PROJECT NO. 16500.01
 PLOT DATE: 03.27.2023



NORTH



PHASE I - III PROPOSED P.R.D. ZONING

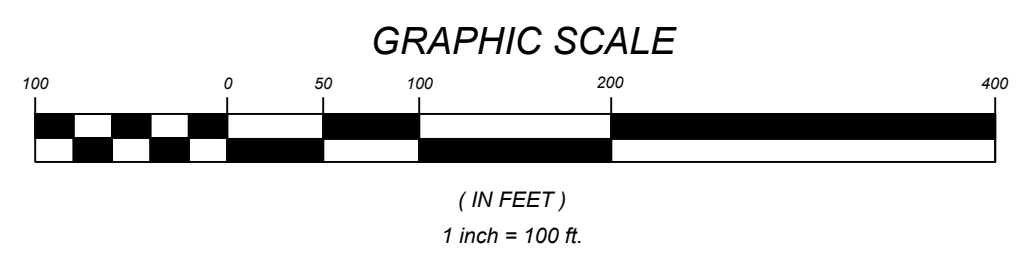
PHASE I & II - 110.34 AC
 PHASE III - 61.65 AC

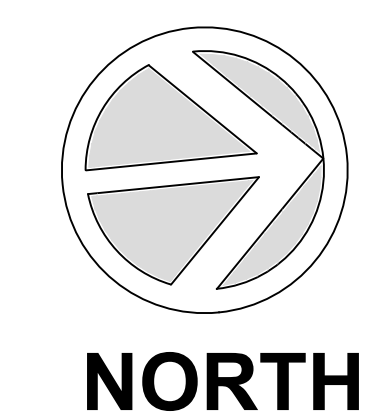
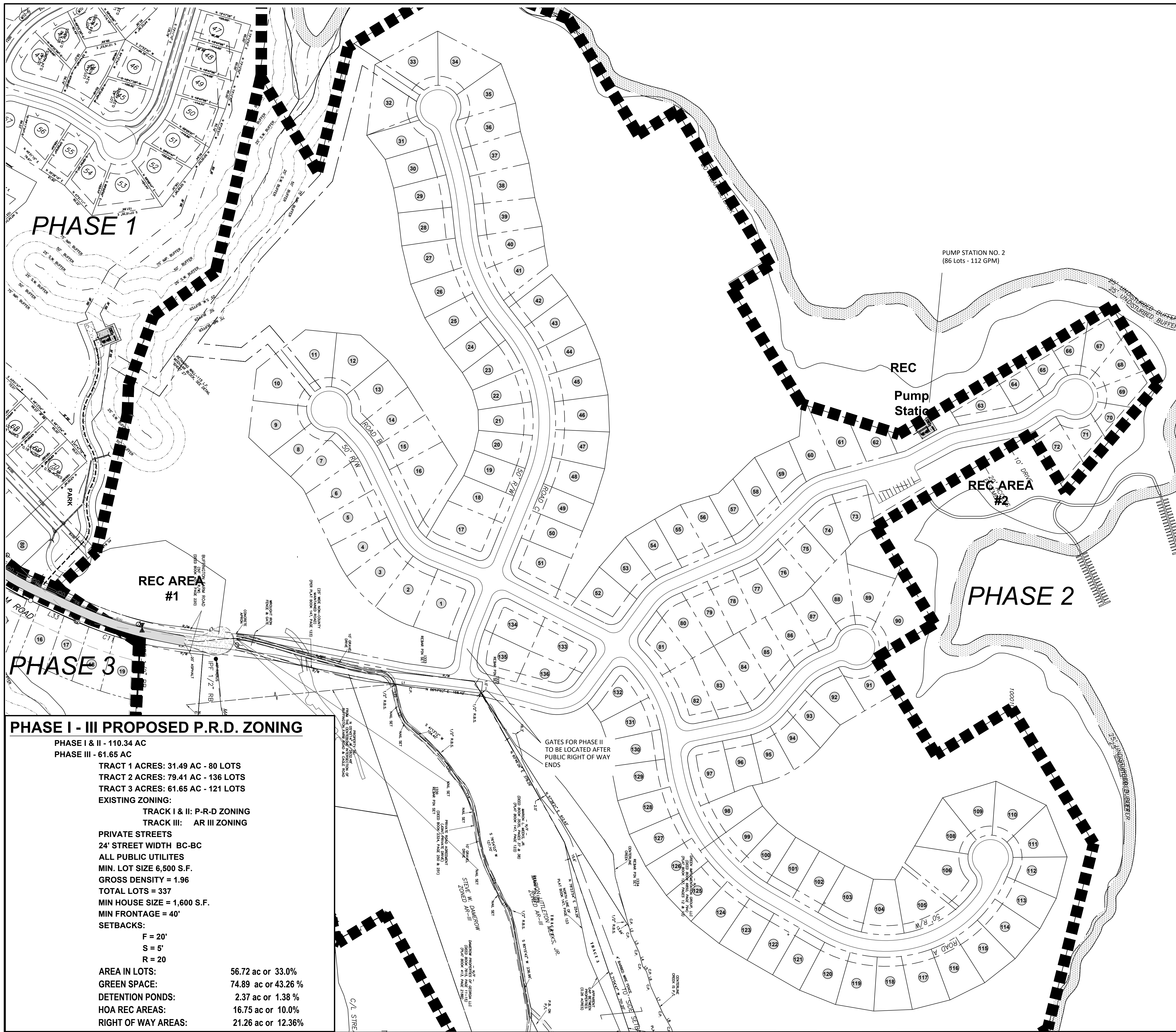
TRACT 1 ACRES: 31.49 AC - 80 LOTS
 TRACT 2 ACRES: 79.41 AC - 136 LOTS
 TRACT 3 ACRES: 61.65 AC - 121 LOTS

EXISTING ZONING:
 TRACK I & II: P-R-D ZONING
 TRACK III: AR III ZONING

PRIVATE STREETS
 24' STREET WIDTH BC-BC
 ALL PUBLIC UTILITIES
 MIN. LOT SIZE 6,500 S.F.
 GROSS DENSITY = 1.96
 TOTAL LOTS = 337
 MIN HOUSE SIZE = 1,600 S.F.
 MIN FRONTAGE = 40'
 SETBACKS:
 F = 20'
 S = 5'
 R = 20

AREA IN LOTS: 56.72 ac or 33.0%
 GREEN SPACE: 74.89 ac or 43.26 %
 DETENTION PONDS: 2.37 ac or 1.38 %
 HOA REC AREAS: 16.75 ac or 10.0%
 RIGHT OF WAY AREAS: 21.26 ac or 12.36%





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Owner/Developer

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BUFFINGTON FARM ROAD TRACT
 HALL COUNTY
 TAX PARCELS: 09105000001,
 09106000001A, 3, 7, 13-25, 09106000107-9

Project
 ISSUED FOR PERMITTING 03-27-2023

PLAN SET REVISIONS:



Know what's below
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 Dial 811
 Or Call 800-282-7411

DATED 03-27-2023



PHASE II ENLARGEMENT
C403

PROJECT NO. 16500.01
 PLOT DATE: 03.27.2023

PHASE I - III PROPOSED P.R.D. ZONING

PHASE I & II - 110.34 AC
 PHASE III - 61.65 AC

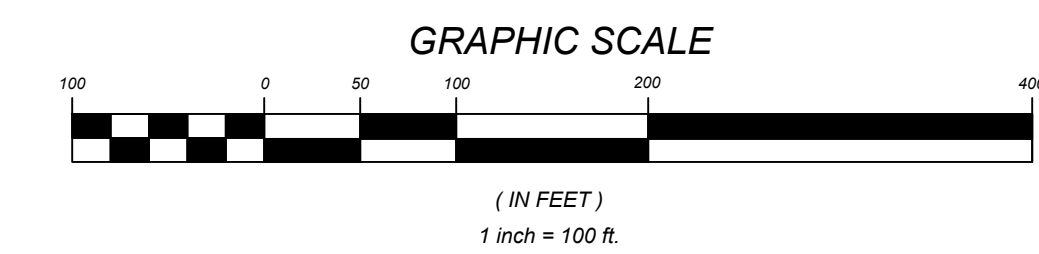
TRACT 1 ACRES: 31.49 AC - 80 LOTS
 TRACT 2 ACRES: 79.41 AC - 136 LOTS
 TRACT 3 ACRES: 61.65 AC - 121 LOTS

EXISTING ZONING:
 TRACK I & II: P-R-D ZONING
 TRACK III: AR III ZONING

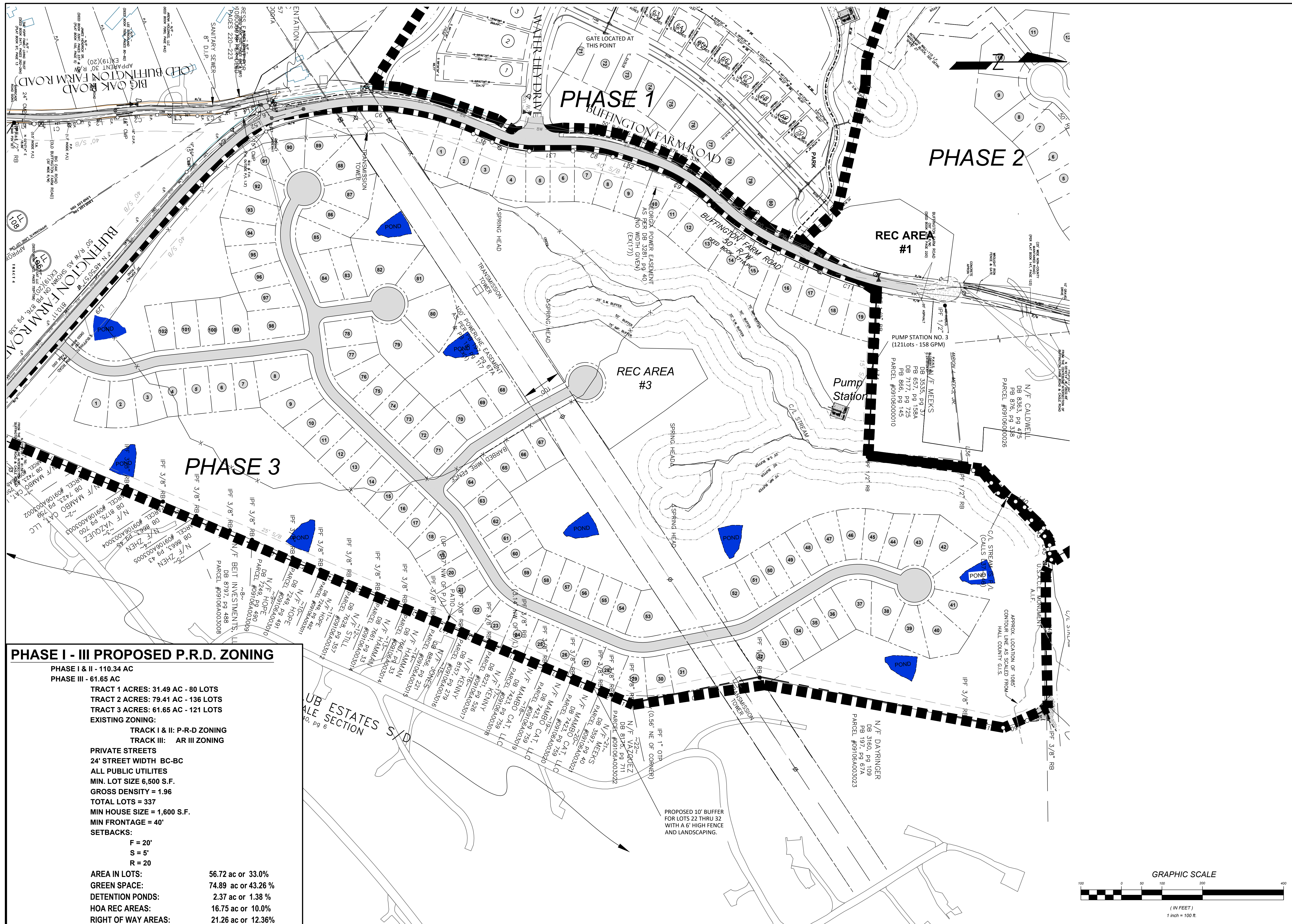
PRIVATE STREETS
 24' STREET WIDTH BC-BC
 ALL PUBLIC UTILITIES
 MIN. LOT SIZE 6,500 S.F.
 GROSS DENSITY = 1.96
 TOTAL LOTS = 337
 MIN HOUSE SIZE = 1,600 S.F.
 MIN FRONTAGE = 40'

SETBACKS:
 F = 20'
 S = 5'
 R = 20'

AREA IN LOTS: 56.72 ac or 33.0%
 GREEN SPACE: 74.89 ac or 43.26 %
 DETENTION PONDS: 2.37 ac or 1.38 %
 HOA REC AREAS: 16.75 ac or 10.0%
 RIGHT OF WAY AREAS: 21.26 ac or 12.36%



GATES FOR PHASE II TO BE LOCATED AFTER PUBLIC RIGHT OF WAY ENDS



PHASE I - III PROPOSED P.R.D. ZONING

PHASE I & II - 110.34 AC
 PHASE III - 61.65 AC

TRACT 1 ACRES: 31.49 AC - 80 LOTS
 TRACT 2 ACRES: 79.41 AC - 136 LOTS
 TRACT 3 ACRES: 61.65 AC - 121 LOTS

EXISTING ZONING:
 TRACK I & II: P-R-D ZONING
 TRACK III: AR III ZONING

PRIVATE STREETS
 24' STREET WIDTH BC-BC
 ALL PUBLIC UTILITIES
 MIN. LOT SIZE 6,500 S.F.
 GROSS DENSITY = 1.96
 TOTAL LOTS = 337
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 HOA REC AREAS: 16.75 ac or 10.0%
 RIGHT OF WAY AREAS: 21.26 ac or 12.36%

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 HALL COUNTY
 TAX PARCELS: 09105000001,
 09106000001A, 3, 7, 13-25, 091060000107-9

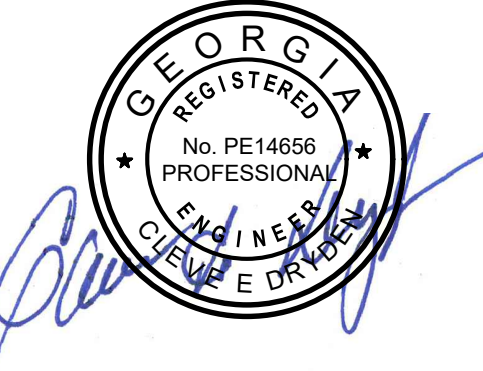
ISSUED FOR PERMITTING 03-27-2023

PLAN SET REVISIONS:



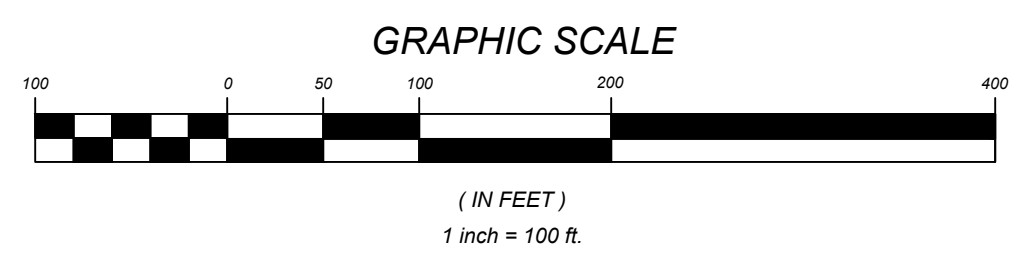
Know what's below
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DATED 03-27-2023



PHASE III ENLARGEMENT
C404

PROJECT NO. 16500.01
 PLOT DATE: 03.27.2023





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Owner/Developer

HASELTON SUBDIVISION
BUFFINGTON FARM ROAD TRACT
 HALL COUNTY
 TAX PARCELS: 09105000001,
 09106000001A, 3, 7, 13-25, 09106000107-9

Project
 ISSUED FOR PERMITTING 03-27-2023

PLAN SET REVISIONS:



Know what's below
 Call before you dig.
 Dial 811
 Or Call 800-282-7411







DATED 03-27-2023

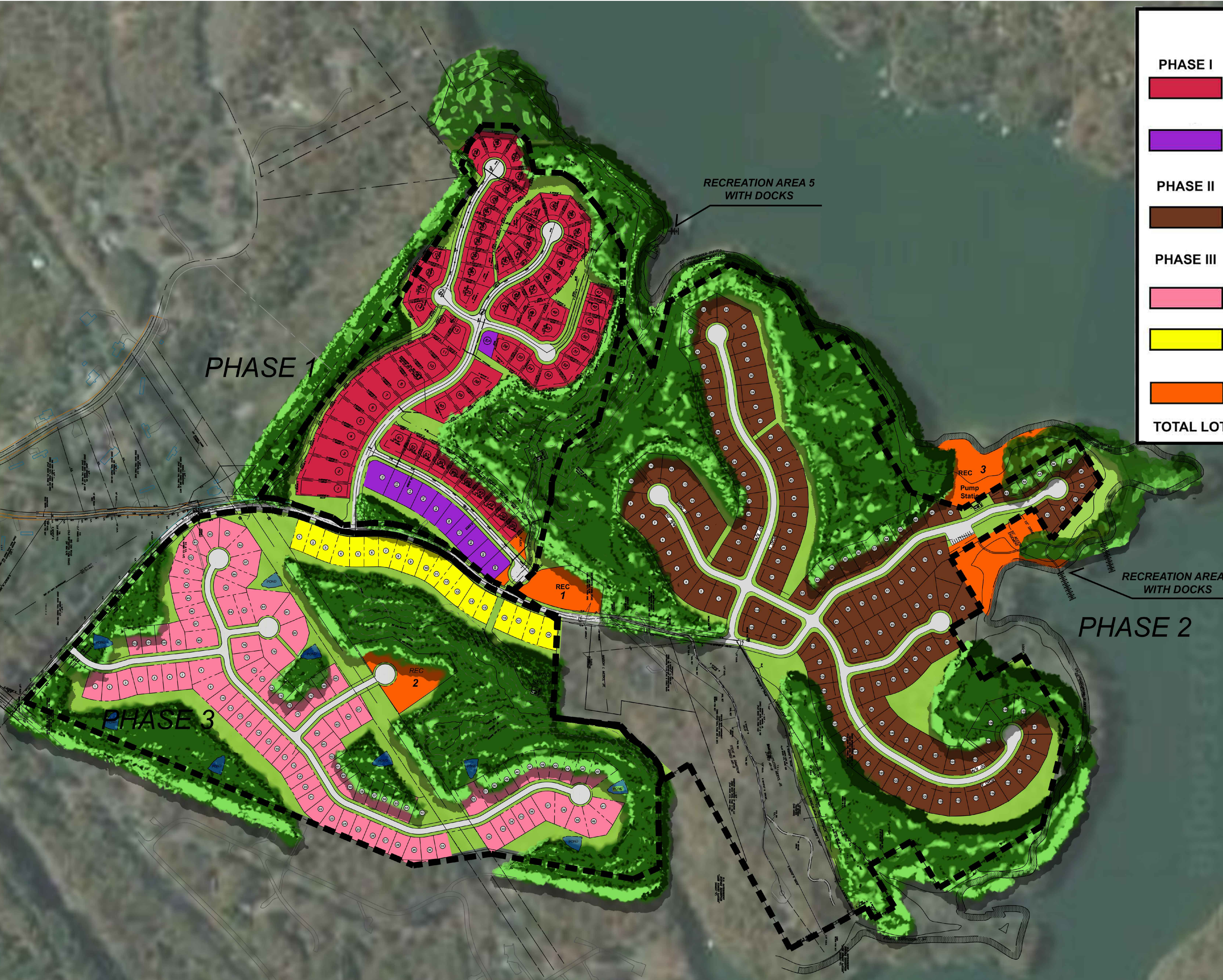


SEAL

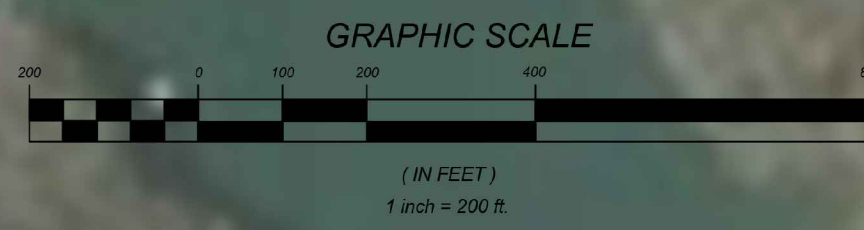
CONCEPTUAL PLAN
C500

PROJECT NO. 16500.01
 PLOT DATE: 03.27.2023

UNIT TYPES	
PHASE I	
 Original Lots	(69) 120' x 65'
 Additional Lots	(11) 120' x 65'
PHASE II	
	(136) 120' x 60'
PHASE III	
	(102) 115' x 60'
	(19) 125' x 60'
	Recreation Area
TOTAL LOTS	337



THE PROJECT IS NOT PART OF THE NORTH OCOONEE WATER SUPPLY WATERSHED DISTRICT AS DEFINED BY HALL COUNTY.S



Background image provided by Google Maps

-LEGEND-

○	CALCULATED POSITION	RB	REBAR
●	IRON PIN FOUND/SET (IPF/IRS)	SR	SOLID ROD
⊠	MONUMENT	OCS	OUTLET CONTROL STRUCTURE
C/L	CENTERLINE	CPP	CONCRETE PIPE
CP	CORNER	DI	DROPPED INLET
DB	DEED BOOK	GI	GRATE INLET
N/F	NOW OR FORMERLY	SMW	SANITARY SEWER MANHOLE (SMW)
OT	OPEN TOP PIPE	XX	LIGHTPOLE
PB	PLAT BOOK	○	CLEANOUT
PG	PAGE	○	(ALL IPS ARE 1/2" RB "CAPPED" UNLESS OTHERWISE LABELED)
P/L	PROPERTY LINE	---	ADJONER
⊠	TELEPHONE PED. (TP)	---	LAND LOT LINE (L.L.L.)
⊠	FIRE HYDRANT (FH)	---	RIGHT OF WAY (R/W)
○	WATER METER (WM)	---	FENCE
○	WATER VALVE (WV)	---	OVERHEAD POWER
⊠	POWER BOX (PBX)	---	8" WATER LINE
⊠	POWER POLE (PP)	---	ATT
		---	UG COMMUNICATION
		---	UG POWER
		---	FIBER OPTIC CABLE

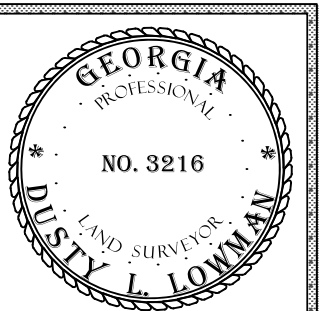
-ZONING INFORMATION-

COUNTY: HALL
 ZONE: AR-III
 SETBACK REQUIREMENTS:
 FRONT: 40'
 REAR: 25'
 SIDE: 15'

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

BUSTY L. LOWMAN PLS# 3216

SURVEYOR CERTIFICATION



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

-SURVEY NOTES-

FIELD MEASUREMENTS WERE TAKEN WITH A TRIMBLE S6 ROBOTIC INSTRUMENT.

FIELD DATA FOUND TO HAVE A CLOSURE PRECISION OF 1 FOOT IN 15,086 FEET, AND AN ANGULAR ERROR OF 6 SECONDS PER ANGLE.

FIELD DATA ADJUSTED USING THE LEAST SQUARES METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO HAVE A PRECISION OF 1 FOOT IN 451,208 FEET.

THIS PLAT DOES NOT CONSTITUTE AND SHALL NOT BE CONSTRUED AS A TITLE SEARCH OR REPORT, AND THIS MAY BE SUBJECT TO ANY EASEMENTS, RIGHT OF WAY OR RESTRICTIONS ONE MAY FIND.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THIS PLAT.

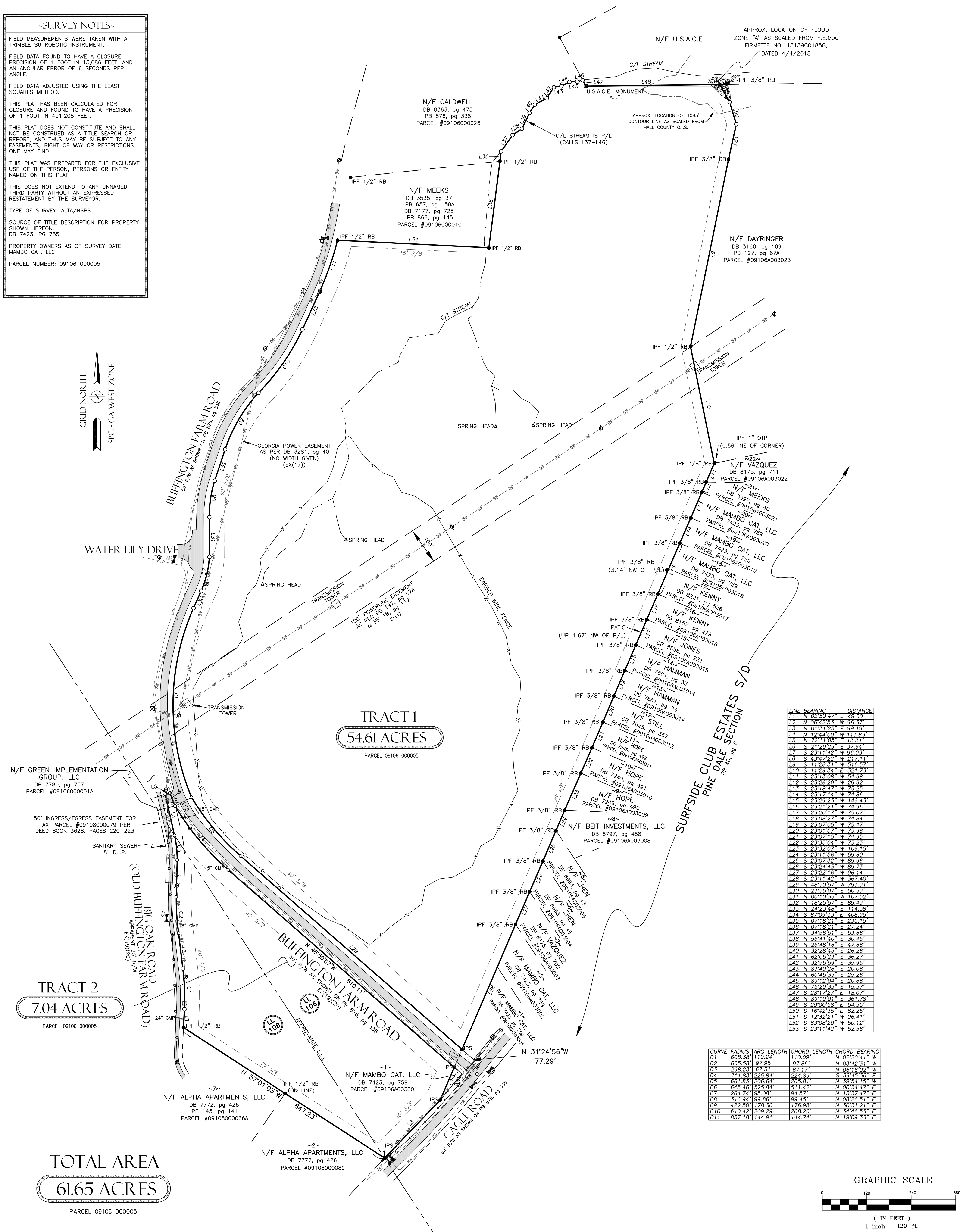
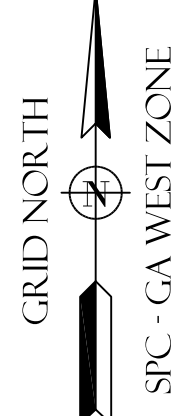
THIS DOES NOT EXTEND TO ANY UNNAMED THIRD PARTY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR.

TYPE OF SURVEY: ALTA/NSPS

SOURCE OF TITLE DESCRIPTION FOR PROPERTY SHOWN HEREON:
 DB 7423, PG 755

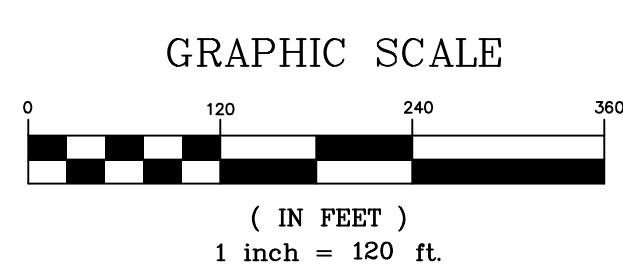
PROPERTY OWNERS AS OF SURVEY DATE:
 MAMBO CAT, LLC

PARCEL NUMBER: 09106 000005



LINE	BEARING	DISTANCE
L1	N 02°50'47" E	49.60
L2	N 06°42'53" W	96.37
L3	N 01°31'25" E	99.19
L4	N 24°44'00" W	113.83
L5	N 72°11'05" E	13.31
L6	S 21°29'29" E	37.94
L7	S 23°11'42" W	96.03
L8	S 43°47'22" W	97.11
L9	S 11°28'31" W	516.57
L10	S 11°23'52" E	321.73
L11	S 23°13'08" W	54.98
L12	S 23°26'20" W	29.92
L13	S 23°18'47" W	75.25
L14	S 23°11'14" W	74.86
L15	S 23°29'23" W	149.43
L16	S 23°21'21" W	74.96
L17	S 23°20'17" W	75.07
L18	S 23°08'27" W	74.84
L19	S 23°07'05" W	75.47
L20	S 23°01'57" W	75.98
L21	S 23°07'15" W	74.95
L22	S 23°35'04" W	75.23
L23	S 23°32'07" W	109.15
L24	S 23°11'58" W	59.60
L25	S 23°07'52" W	89.95
L26	S 23°24'43" W	89.73
L27	S 23°22'16" W	96.14
L28	S 23°11'42" W	367.40
L29	S 48°50'57" W	793.91
L30	N 23°55'07" E	150.59
L31	N 00°10'35" W	107.52
L32	N 18°23'57" E	89.49
L33	N 24°23'48" E	114.38
L34	S 87°09'33" E	408.95
L35	N 07°18'21" E	235.15
L36	N 07°18'21" E	27.24
L37	N 34°56'51" E	53.66
L38	S 55°17'10" E	30.25
L39	S 25°48'10" E	47.68
L40	N 32°28'45" E	26.26
L41	S 62°05'23" E	36.27
L42	N 32°55'59" E	35.93
L43	N 83°49'26" E	20.08
L44	N 60°45'35" E	25.26
L45	N 89°12'04" E	20.68
L46	N 72°09'35" E	15.57
L47	S 28°17'27" E	18.07
L48	N 89°19'01" E	361.78
L49	S 23°00'58" E	54.55
L50	S 16°42'35" E	62.25
L51	S 12°32'21" W	96.41
L52	S 63°08'20" W	50.12
L53	S 23°11'42" W	152.56

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	608.38	170.24	170.09	N 02°20'41" W
C2	665.58	137.99	137.88	N 01°42'21" W
C3	298.23	67.31	67.17	N 06°16'02" W
C4	711.83	225.84	224.89	S 39°45'56" E
C5	661.83	206.64	205.81	N 39°54'15" W
C6	645.46	525.84	511.42	N 00°34'47" E
C7	264.74	95.08	94.57	N 13°37'47" E
C8	316.94	99.86	99.45	N 08°26'51" E
C9	422.50	178.32	178.98	N 30°31'21" E
C10	610.42	209.29	208.26	N 34°46'53" E
C11	857.18	144.91	144.74	N 19°09'33" E



SHEET NO.
2 of 2

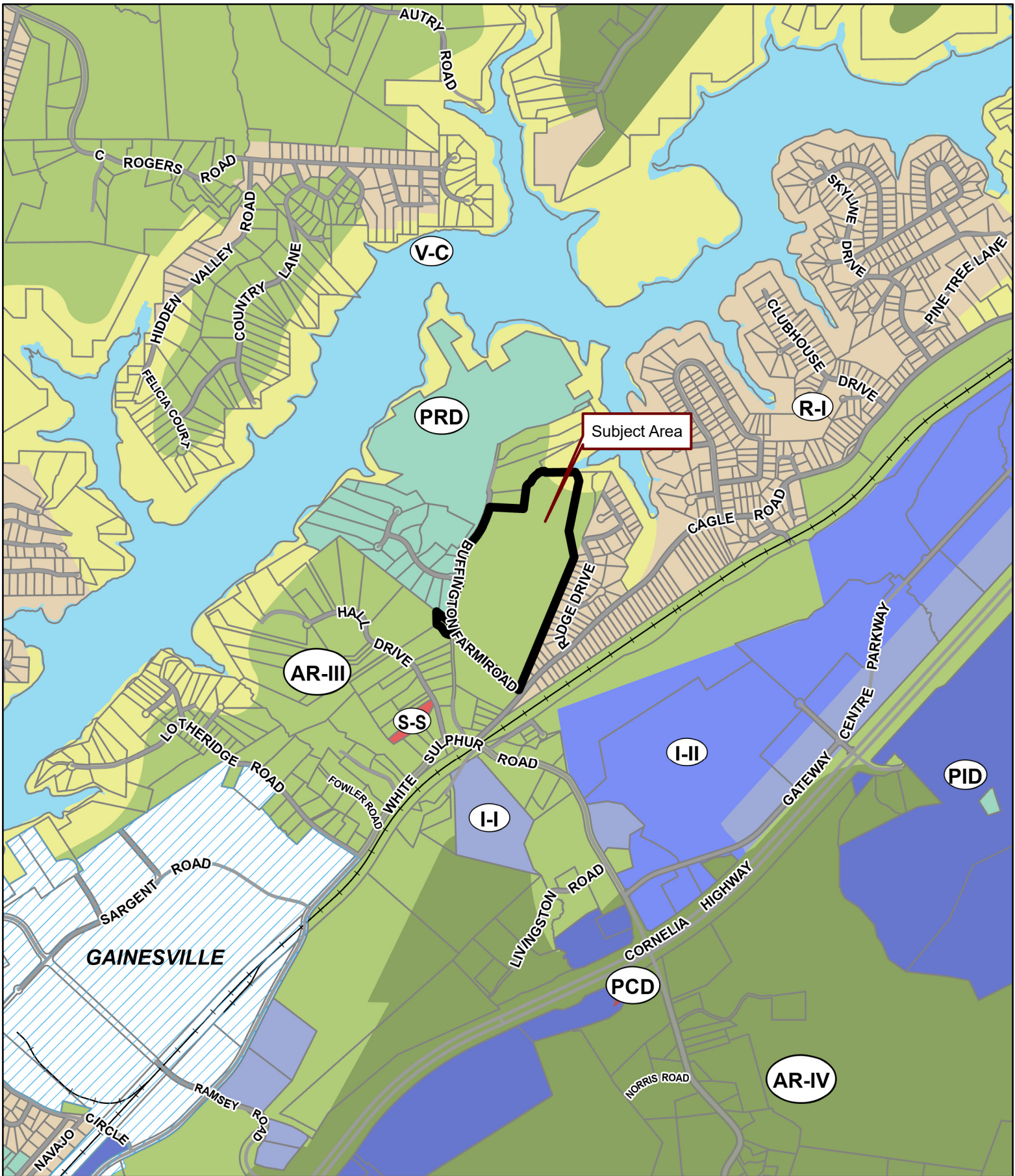
PROJECT NO.
21-390

REVISIONS BY: MS
 REVISION DATE: 12/6/2021
 DRAWING BY: DS
 DRAWING DATE: 11/16/2021
 FIELD CREW: AM

ALTA/NSPS LAND TITLE SURVEY FOR:
 ARABELLA CAPITAL, LLC
 &
 STEWART TITLE GUARANTY COMPANY
 LAND LOTS 106 & 108
 9th DISTRICT
 HALL COUNTY, GEORGIA

PREPARED BY
DES DAVIS
 ENGINEERING & SURVEYING
 133 PROMINENCE COURT
 SUITE 210
 DAWSONVILLE, GA 30534
 PHONE: (706) 265-1234
 DAVISENGINEERS.COM

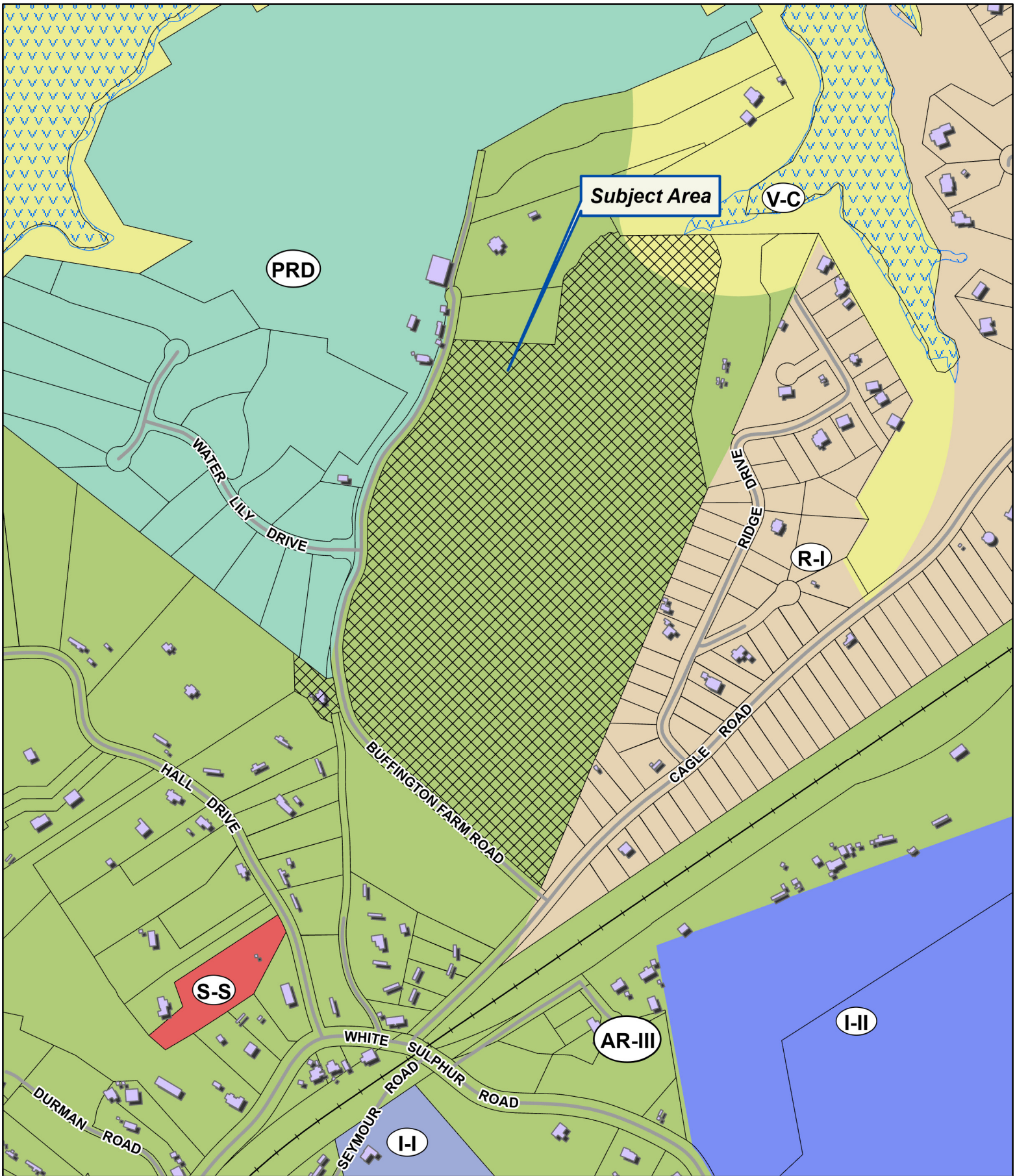
CERTIFICATE OF AUTHORIZATION NUMBER: LSF 001057



Applicant: ARABELLA CAPITAL, LLC
Tax Parcel #: 09106 00001A & 000005 (PT.)
Location: 3271 & 3270 BUFFINGTON FARM ROAD, GAINESVILLE, GA 30501
Commission District 3 **PC Mtg. Date:** 07/17/23



- Zoning Boundary
 - ▭ City Limits
 - Subject Area
 - Structure
- N
↑



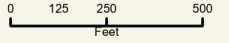
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Location: 3271 & 3270 BUFFINGTON FARM ROAD, GAINESVILLE, GA 30501

Commission District 3

PC Mtg. Date: 07/17/23



- Zoning Boundary
- ▨ City Limits
- ▩ Subject Area
- Structure





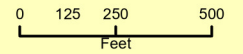
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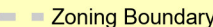
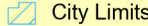

Tax Parcel #: 09106 000001A & 000005 (PT.)

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Commission District 3

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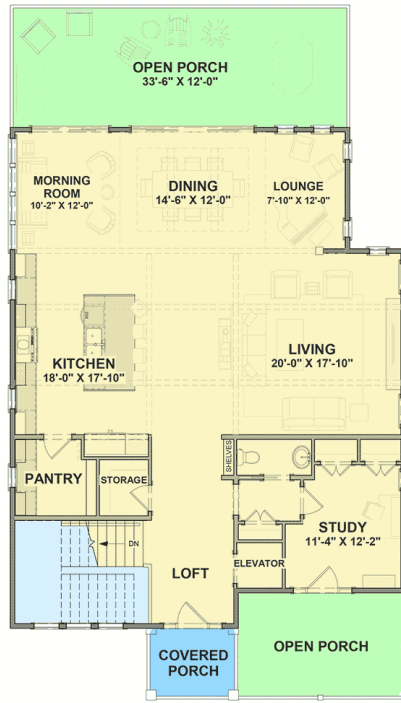
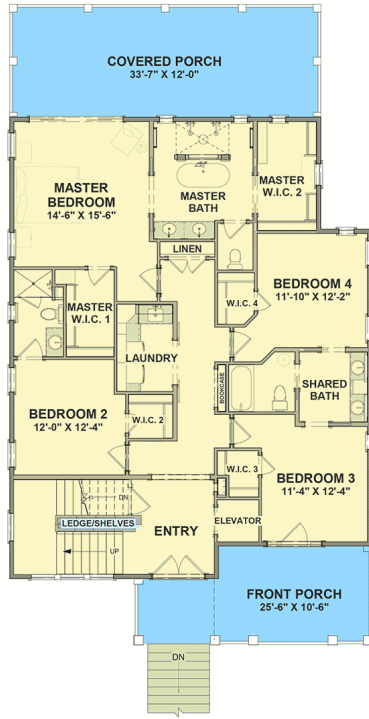
-  Zoning Boundary
-  City Limits
-  Subject Area



Low Country

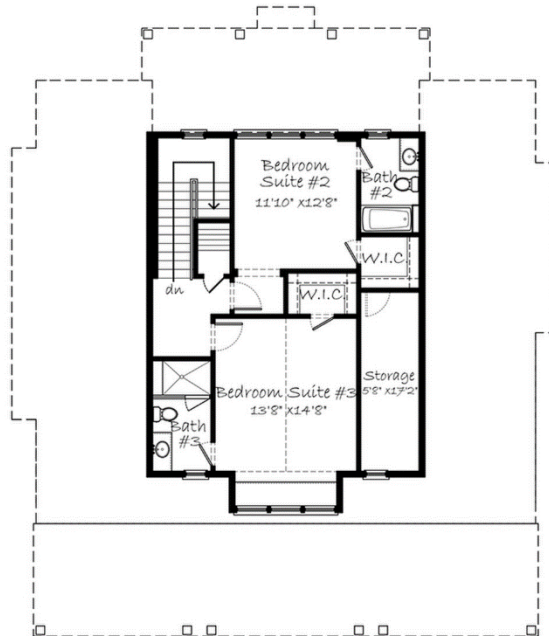
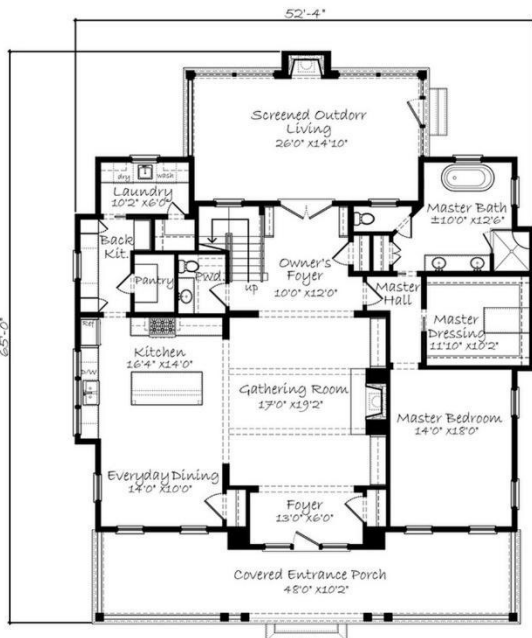
4-5 Beds | 3.5 Baths | 3450 SF





LOWCOUNTRY FARMHOUSE

3 Beds | 4 Baths | 2754 SF



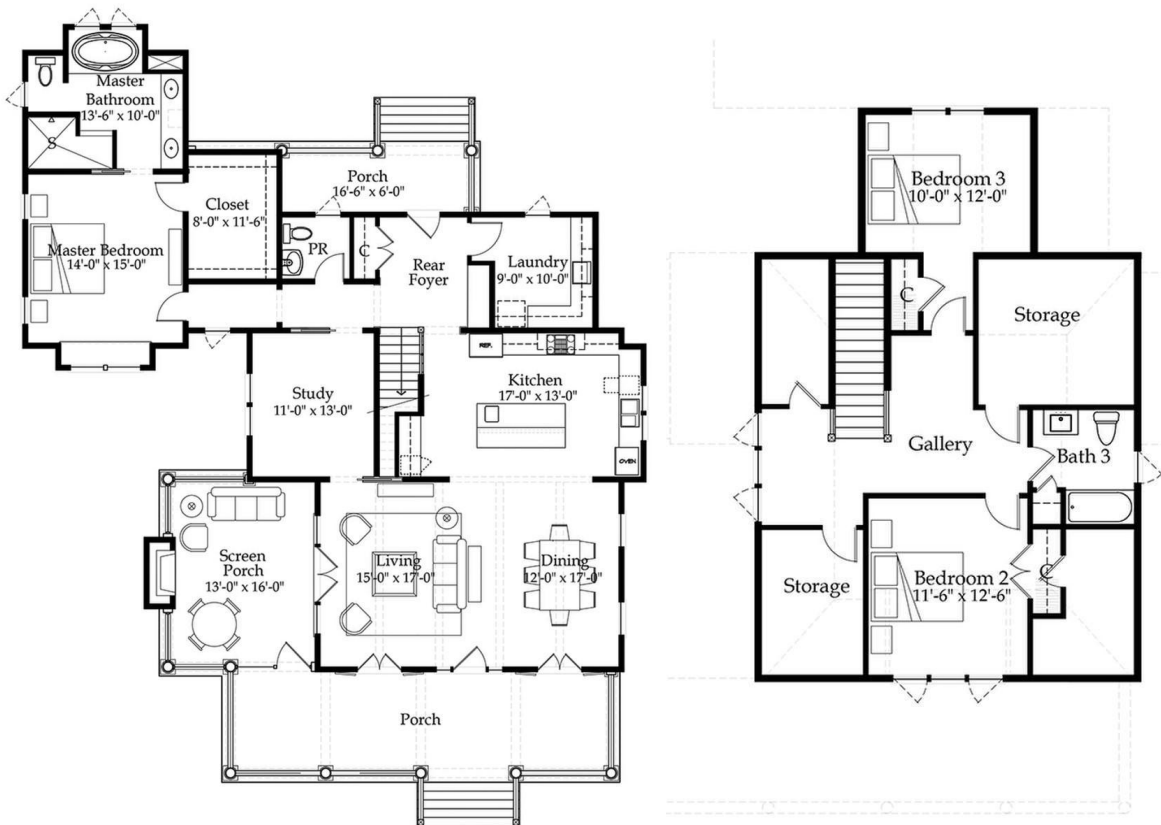
SUGARBERRY COTTAGE

3 Beds | 3 Baths | 1679 SF



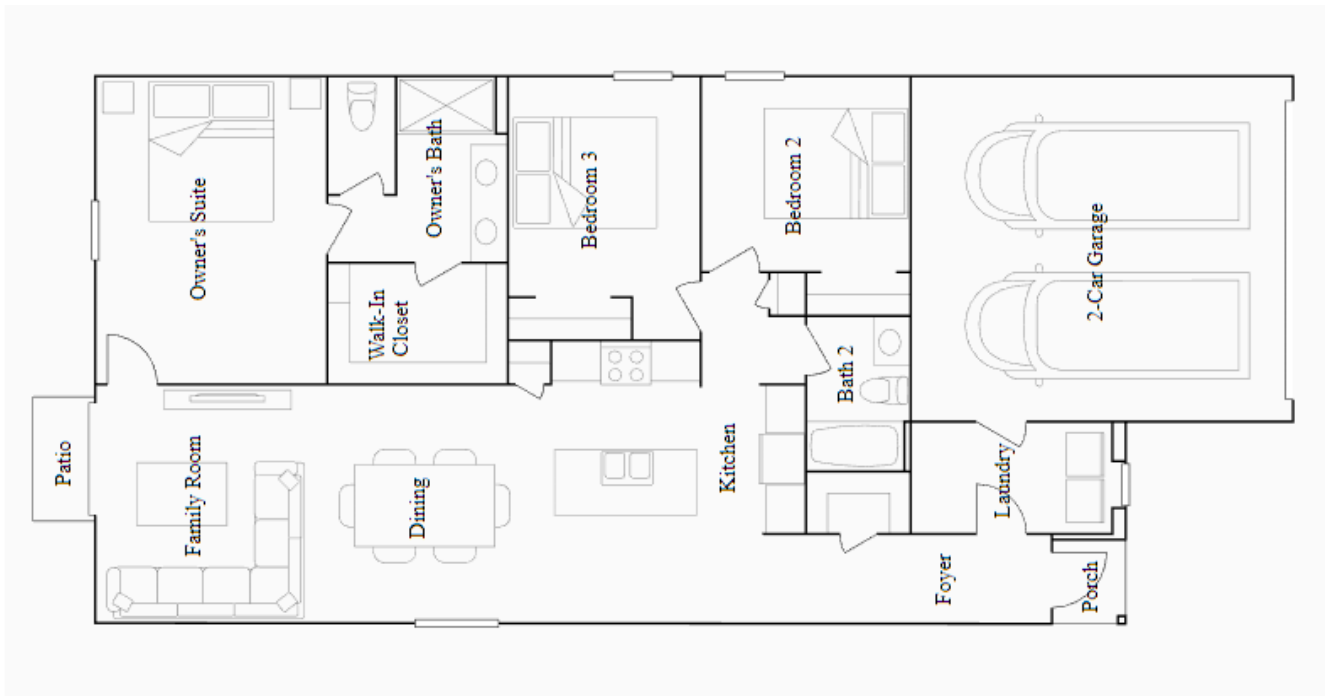
RIVER PLACE COTTAGE

3 Beds | 3 Baths | 2420 SF



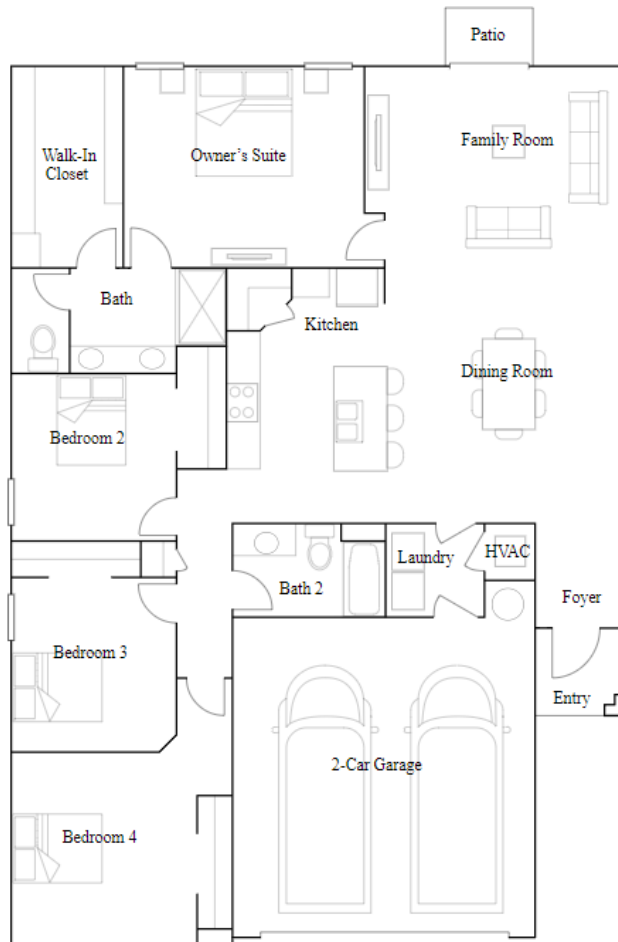
ANNAPOLIS

3 Beds | 2 Baths | 1600 SF



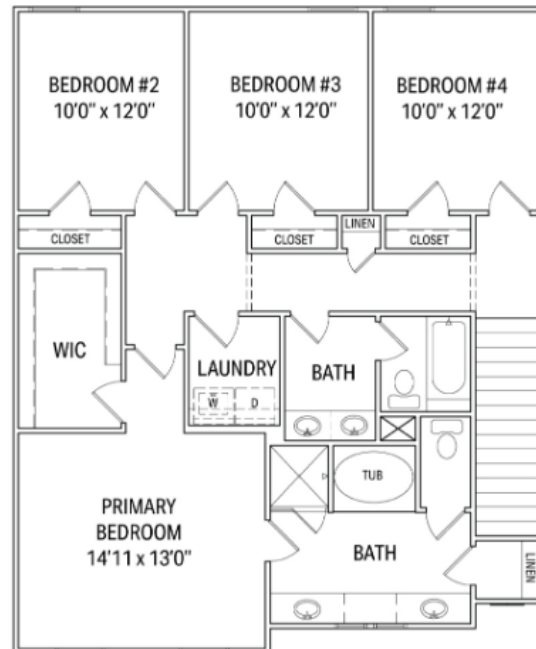
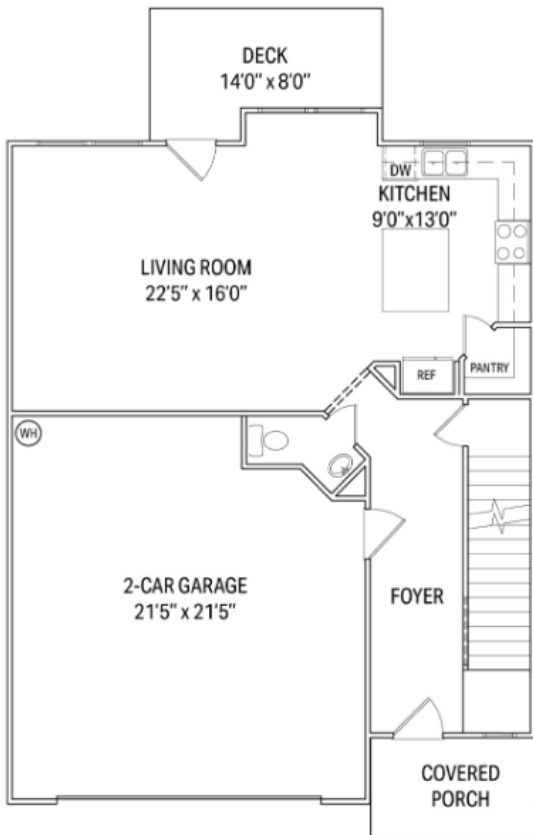
HARRISBURG

4 Beds | 2 Baths | 1779 SF



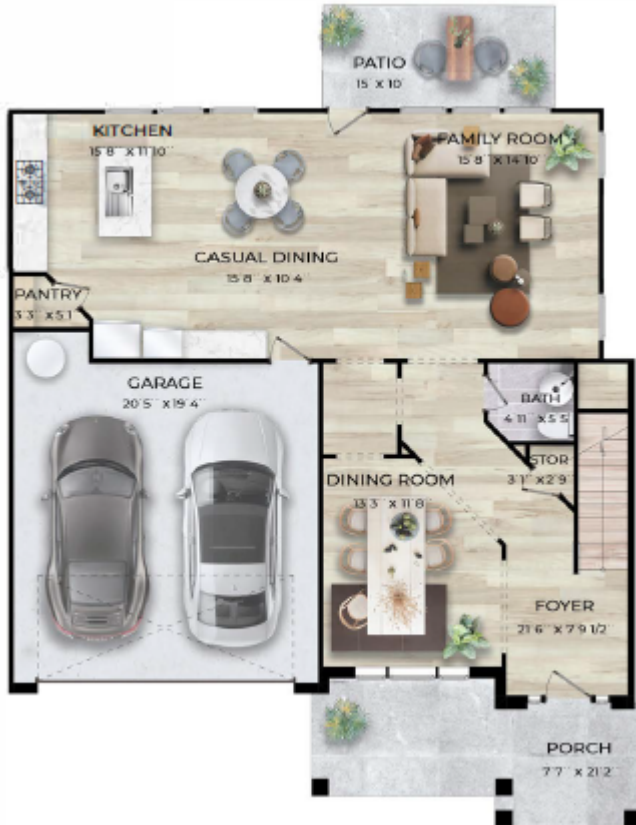
MACLAND

4 Beds | 2.5 Baths | 1931 SF



CREEKSIDE

4 Beds | 2.5 Baths | 2163 SF



000329

GEORGIA, HALL COUNTY, CLERK SUPERIOR COURT
Filed in office, this 27 day of April
20 12 at 11:59 AM. Recorded in Deed
Book 6993 Page(s) 329-331
Charles Baker, Clerk By JL

009752

HALL COUNTY, Georgia
Real Estate Transfer Tax

Paid \$ 1100.00

Date 4-27-12

Charles Baker
Superior Court Clerk

By JL

PT61 069-2012 002486

0692012 002486

PLEASE RECORD AND RETURN TO:

✓ Hasty Pope, LLP
P.O. Box 1818
Canton, GA 30169
(File No. 44-12)

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CHEROKEE

THIS DEED, made this 28th day of March in the Year of Our Lord Two Thousand Twelve, between **WOODSTOCK OVERLOOK, LLC**, a Georgia limited liability company ("Grantor") and **GREEN IMPLEMENTATION GROUP, LLC**, a Georgia limited liability company ("Grantee") (the terms "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural, and shall be deemed to refer equally to each of said persons, firms, or entities, their respective heirs, successors and assigns where the context hereof requires or permits, unless otherwise specifically provided herein).

WITNESSETH THAT: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which being hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee, the following described real property:

**SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF.**

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

THIS CONVEYANCE is made subject to state and county ad valorem real property taxes and assessments not yet due and payable and all zoning ordinances, easements, covenants and restrictions of record affecting said bargained premises.

000330

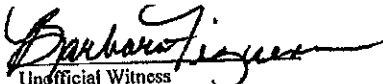
AND SUBJECT TO the title matters expressly set forth hereinabove, if any, Grantor will warrant and forever defend the right and title to the above-described tract or parcel of land unto the Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned has signed, sealed and delivered this Deed on behalf of and as a free act and deed of the company on the day and year first above written.

WOODSTOCK OVERLOOK, LLC

By: 
CHRISTOPHER LITREL [SEAL]
Manager

Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public



S:\Cathy\CLOSINGS 2017-2012\44-12, Woodstock

000331

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 105, 106, 108 AND 109, 9TH DISTRICT, HALL COUNTY, GEORGIA, CONTAINING 39.29 ACRES, MORE OR LESS, AND BEING DESCRIBED ACCORDING TO THAT CERTAIN SURVEY FOR THE ESTATE OF HAROLD D. BUFFINGTON BY PATTON-PATTON & ASSOCIATES DATED NOVEMBER 1, 1988, AND ACCORDING TO SAID SURVEY DESCRIBED AS FOLLOWS:

BEGINNING AT AN ANGLE IRON AT THE U.S. GOVERNMENT LINE ON THE LAND LOT LINE SEPARATING LAND LOTS 105 AND 109, SAID ANGLE IRON BEING NORTH 31 DEGREES 23 MINUTES 43 SECONDS WEST 400.08 FEET FROM THE CORNER COMMON TO LAND LOTS 105, 106, 108 AND 109 AND THENCE FROM SAID POINT OF BEGINNING SOUTH 80 DEGREES 40 MINUTES 30 SECONDS EAST ALONG THE U.S. GOVERNMENT LINE 462.81 FEET TO AN ANGLE IRON; THENCE SOUTH 65 DEGREES 41 MINUTES 23 SECONDS EAST 286.14 FEET TO AN IRON PIN; THENCE NORTH 58 DEGREES 18 MINUTES 48 SECONDS EAST 124.88 FEET TO AN IRON PIN; THENCE SOUTH 35 DEGREES 34 MINUTES 52 SECONDS EAST 187.82 FEET TO AN IRON PIN; THENCE SOUTH 81 DEGREES 08 MINUTES 13 SECONDS EAST 275.07 FEET TO AN IRON PIN; THENCE SOUTH 02 DEGREES 53 MINUTES 07 SECONDS WEST 54.45 FEET TO A 28" POLAR; THENCE SOUTH 69 DEGREES 12 MINUTES 40 SECONDS EAST 381.38 FEET TO AN IRON PIN; THENCE SOUTH 34 DEGREES 69 MINUTES 35 SECONDS WEST 350.75 FEET TO AN IRON PIN; THENCE NORTH 53 DEGREES 44 MINUTES 50 SECONDS WEST 89.86 FEET TO AN IRON PIN; THENCE SOUTH 30 DEGREES 05 MINUTES 56 SECONDS WEST 147.27 FEET TO AN IRON PIN; THENCE SOUTH 81 DEGREES 07 MINUTES 47 SECONDS EAST 155.43 FEET TO AN IRON PIN ON THE WESTERLY RIGHT OF WAY OF BUFFINGTON FARM ROAD; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES; SOUTH 15 DEGREES 51 MINUTES 09 SECONDS WEST 68.65 FEET; THENCE SOUTH 09 DEGREES 29 MINUTES 26 SECONDS WEST 49.71 FEET; SOUTH 02 DEGREES 44 MINUTES 55 SECONDS EAST 45.04 FEET; THENCE SOUTH 05 DEGREES 11 MINUTES 48 SECONDS EAST 47.44 FEET; THENCE SOUTH 00 DEGREES 59 MINUTES 06 SECONDS WEST 47.84 FEET; THENCE SOUTH 05 DEGREES 09 MINUTES 10 SECONDS WEST 40.15 FEET; THENCE SOUTH 20 DEGREES 28 MINUTES 57 SECONDS WEST 48.00 FEET; THENCE SOUTH 25 DEGREE 10 MINUTES 39 SECONDS WEST 49.53 FEET; THENCE SOUTH 21 DEGREES 38 MINUTES 08 SECONDS WEST 60.39 FEET; THENCE SOUTH 16 DEGREES 14 MINUTES 16 SECONDS WEST 50.58 FEET; THENCE SOUTH 13 DEGREES 15 MINUTES 20 SECONDS WEST 48.62 FEET; THENCE SOUTH 11 DEGREES 51 MINUTES 44 SECONDS WEST 116.59 FEET; THENCE SOUTH 07 DEGREES 51 MINUTES 34 SECONDS WEST 88.09 FEET; AND THENCE SOUTH 02 DEGREES 14 MINUTES 42 SECONDS WEST 27.15 FEET TO A POINT, THENCE LEAVING SAID RIGHT OF WAY NORTH 51 DEGREES 50 MINUTES 54 SECONDS WEST 1632.31 FEET TO AN IRON PIN; THENCE SOUTH 51 DEGREES 17 MINUTES 52 SECONDS WEST 312.03 FEET TO THE CENTERLINE OF A BRANCH (WHICH LINE HAS AN IRON PIN SET 20.00 FEET OFF THE BRANCH); THENCE ALONG THE CENTERLINE OF THE BRANCH NORTH 38 DEGREES 41 MINUTES 40 SECONDS WEST 28.89 FEET; THENCE NORTH 59 DEGREES 55 MINUTES 37 SECONDS WEST 115.87 FEET; THENCE NORTH 62 DEGREES 11 MINUTES 15 SECONDS WEST 36.68 FEET AND NORTH 88 DEGREES 03 MINUTES 43 SECONDS WEST 32.86 FEET TO A POINT AT THE U.S. GOVERNMENT LINE; THENCE LEAVING THE BRANCH AND FINAL POLICY WILL INCLUDE ENDORSEMENTS CROSSING AN IRON PIN 20.00 FEET OFF THE BRANCH NORTH 58 DEGREES 47 MINUTES 52 SECONDS EAST 54.10 FEET TO AN ANGLE IRON PIN; THENCE CONTINUING ALONG THE U.S. GOVERNMENT LINE NORTH 31 DEGREES 23 MINUTES 43 SECONDS WEST 200.12 FEET TO ANGLE IRON; THENCE CONTINUING ALONG THE U.S. GOVERNMENT LINE NORTH 44 DEGREES 43 MINUTES 22 SECONDS EAST 824.25 FEET TO THE ANGLE IRON ON THE LAND LOT LINE SEPARATING LAND LOTS 105 AND 109 AND THE POINT OF BEGINNING. SAID PROPERTY CONSISTS OF TWO TRACTS, ONE CONTAINING 11.08 ACRES, MORE OR LESS AND BEING THE SAME PROPERTY CONVEYED TO HAROLD D. BUFFINGTON BY CHRISTINE S. BUFFINGTON BY WARRANTY DEED DATED MAY 7, 1982 AND RECORDED IN DEED BOOK 789, PAGE 553, AND ON TRACT CONTAINING 28.21 ACRES, MORE OR LESS, AND BEING THE SAME PROPERTY CONVEYED BY MARION BUFFINGTON AS EXECUTOR OF THE LAST WILL AND TESTAMENT OF RUTH WILLIAMS BUFFINGTON TO HAROLD BUFFINGTON AND GRACE BUFFINGTON BY EXECUTOR'S DEED DATED DECEMBER 30, 1981, RECORDED IN DEED BOOK 761, PAGE 520, HALL COUNTY, GEORGIA RECORDS.

Weissman, Nowack, Curry & Wilco P.C.
3500 Lenox Road
One Alliance Center, 4th Floor
Atlanta, GA 30326

Record and Return to:
Weissman, Nowack, Curry & Wilco, P.C.
615 Green Street, Suite A
Gainesville, GA 30501
File Number: GA160-11-0065

000794

010953

GEORGIA, HALL COUNTY, CLERK SUPERIOR COURT
Filed in office, this 14 day of June
20 11 at 11:40AM. Recorded in Deed
Book 6850 Page(s) 794
Charles Baker, Clerk By SB

EXECUTOR'S DEED

STATE OF GEORGIA
COUNTY OF HALL

THIS INDENTURE, made this 1ST DAY OF JUNE, 2011 between JOHNNIE B. HICKS as Executor of the last will and testament of MARION W. BUFFINGTON aka MARION WILLIAM BUFFINGTON late of the State of GEORGIA and the County of HALL, deceased, hereinafter called Grantor, and GREEN IMPLEMENTATION GROUP, LLC, as party or parties of the second part, hereafter called Grantees (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, (acting under and by virtue of the power and authority contained in the said will, the same having been duly probated and recorded in Court of Probate HALL County, State of GEORGIA, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged), has granted, bargained, sold, and conveyed 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 Land Lots 105 and 106 of the 9th District, Hall County, Georgia, being 70.73 acres, of Survey for Marion W. Buffington, as per Plat thereof recorded in Plat Book 127, pages 12-13, Hall County, Georgia, records, which Plat is incorporated herein and made a part hereof by reference for a more detailed description

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, forever IN FEE SIMPLE; in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said deceased.

IN WITNESS WHEREOF my hand and seal, this 1st day of June, 2011.

Signed, sealed and delivered
in the presence of:

[Signature]
Unofficial Witness

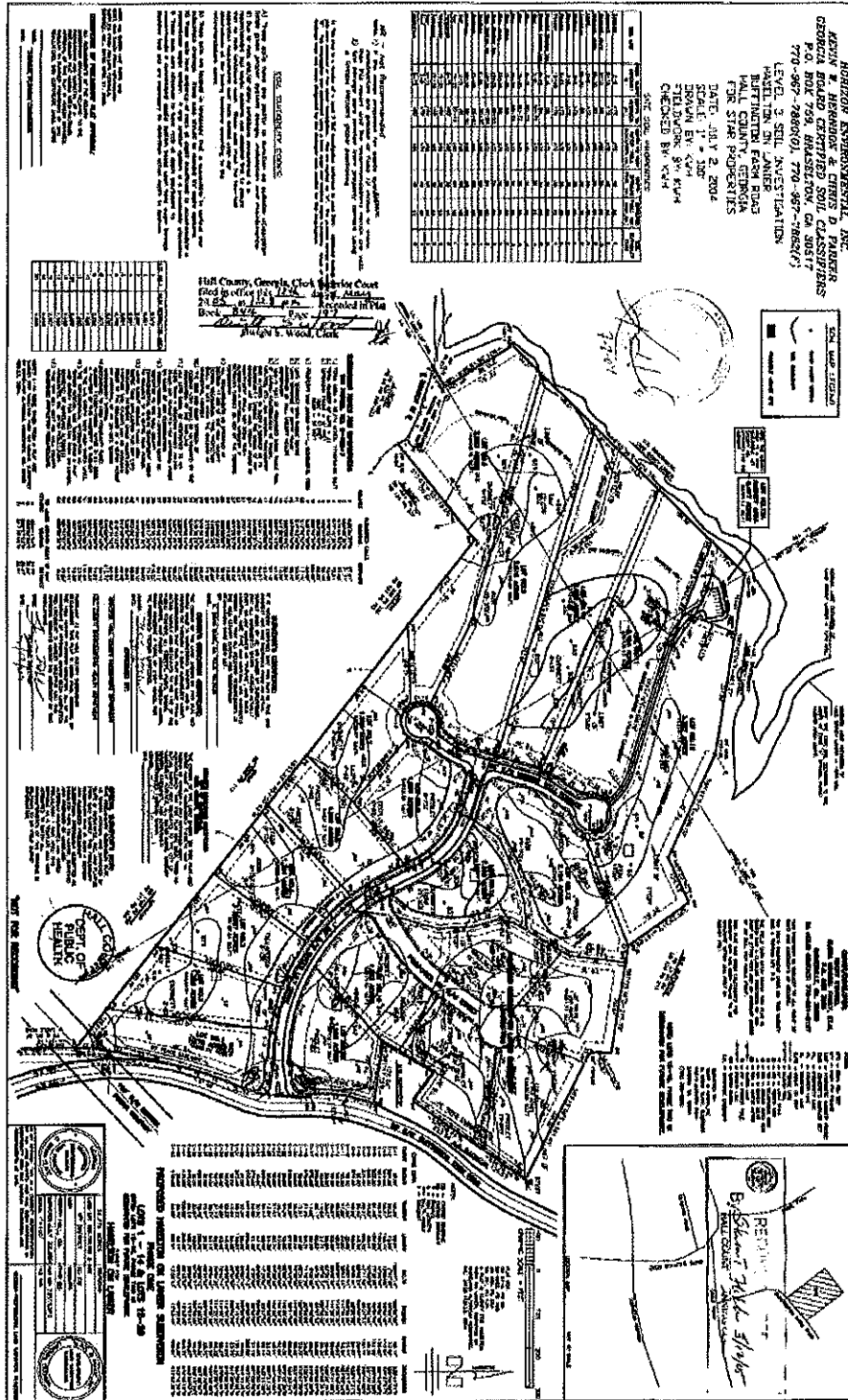
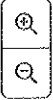
[Signature] (L.S.)
Johnnie B. Hicks, as Executor

[Signature]
Notary Public

My Commission Expires: _____
(Notary Seal)



HALL COUNTY, Georgia
Real Estate Transfer Tax
Paid \$ 2350.00
Date June 14 2011
Charles Baker
Superior Court Clerk
By SB
PT61 069-2011 003227



Type: DEED Book: 07423 Page: 00755

HALL COUNTY, Georgia
Real Estate Transfer Tax

000755

Paid \$ -0-
Date 9-29-14
Charles Baker
Superior Court Clerk
By JN
PTS# 069-2014006278

GEORGIA, HALL COUNTY, CLERK SUPERIOR COURT
Filed in office, this 29 day of September
20 14 at 3:19 pm, Recorded in Deed
Book 7423 Page(s) 755-758
Charles Baker, Clerk By JN

File: →

AFTER RECORDING PLEASE RETURN TO:
Coleman, Chambers & Rogers, LLP
1370 Thompson Bridge Road, Suite 300
Gainesville, GA 30501
File # 8033

018674

DEED PREPARATION ONLY
NO TITLE WORK CONDUCTED

QUITCLAIM DEED

STATE OF GEORGIA,
COUNTY OF HALL.

THIS INDENTURE is made this 25 day of September, 2014 between Marion Littleton Meeks, Jr., Trustee of the Marion Littleton Meeks Revocable Trust of April 10, 1995 (hereinafter referred to as "Grantor") and Mambo Cat, LLC (hereinafter referred to as "Grantee").

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.

WITNESSETH:

GRANTOR, for and in consideration of one dollar (\$1.00) received at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has bargained, sold, and by these presents does remise, convey and forever QUIT-CLAIM unto Grantee the following described property:

See Exhibit "A" which is attached hereto and incorporated herein by reference for a more complete description of the subject property.

TO HAVE AND TO HOLD the said tract or parcel of land to Grantee, so that neither the Grantor nor its heirs, nor any other person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to the aforesaid tract or parcel of land or appurtenances, or any rights thereof.

000756

IN WITNESS WHEREOF, Grantor has hereunto set its hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of:

Cheryl Thompson
Unofficial Witness

Lauren Leigh Thompson
Notary Public

Marion Littleton Meeks, Jr. (S/AL)
Marion Littleton Meeks, Jr.,
Trustee of the Marion Littleton
Meeks Revocable Trust of
April 10, 1995



Exhibit "A"**000757****Tract I:**

All that tract or parcel of land lying and being in Land Lot 106 of the 9th Land District of Hall County, Georgia, being Lot 1, in the Pine Dale Section of Surfside Club Estates, as recorded in Plat Book 40, Page 6, Hall County Deed Records.

This conveyance made subject to restrictions recorded in Book 363, Page 3, Hall County Records.

Tract II:

All that tract or parcel of land with all improvements thereon, lying and being in Land Lot 106 of the 9th Land District of Hall County, Georgia, being Lots 2, 18, 19 and 20, Pine Dale Section of Surfside Club Estates, as recorded in Plat Book 40, Page 6, Hall County Records, which plat is incorporated herein by reference.

Tract III:

All that tract or parcel of land with all improvements thereon lying and being in Land Lot 106 of the 9th Land District, Hall County Georgia, being Lot 21 of the Pine Dale Section of Surfside Club Estates as recorded in Plat Book 40, Page 6, Hall County Plat Records, which plat is incorporated herein by reference for a more complete description of the subject property.

Tract IV:

All that tract or parcel of land lying and being mostly in Land Lot 106 and partly in Land Lot 108 in the 9th Land District of Hall County, Georgia, containing 86.29 acres according to plat by Farley Collins Associates, and being more particularly described as follows:

BEGINNING at an iron pin on the northwest side of the right of way of Cagle Road located 469.25 feet northeast of the centerline of Red Lane Road at its intersection with Cagle Road; thence North 56° 31' West 666.1 feet to an iron pin; thence northeast along the centerline of Buffington Farm Road 2982.42 feet to an iron pin; thence North 60° 43' East 408.92 feet to an iron pin; thence North 78° 27' East 254.59 feet to an iron pin; thence North 66° 56' East 450.21 feet to an iron pin; thence North 62° 01' East 132.07 feet to an iron pin; thence along line of property of United States South 28° 36' East 302.44 feet to an iron pin and South 61° 17' West 873.79 feet to an iron pin and South 28° 16' East 149.53 feet to an iron pin and North 89° 21' East 795.45 feet to an iron pin; thence South 23° 35' West 1121.48 feet to an iron pin; thence South 23° 29' West 85.39 feet to an iron pin; thence South 23° 21' West 224.79 feet to an iron pin; thence South 23° 23' West 300.57 feet to an iron pin; thence South 23° 05' West 150.82 feet to an iron pin; thence South 23° 26' West 259.48 feet to an iron pin; thence South 23° 19' West 59.70 feet to an iron pin; thence South 23° 06' West 89.87 feet to an iron pin; thence South 23° 24' West 89.84 feet to an iron pin; thence South 23° 15' West 612.13 feet to an iron pin on the right of way of Cagle Road; thence along the right of way of Cagle Road South 43° 49' West 224.59 feet to the beginning corner.

(Continued On Following Page)

Exhibit "A" Continued**000758**

Grantor further conveys to Grantee all mineral and water rights conveyed to Jesse L. Meeks and Mrs. Jesse L. Meeks by A. W. Bell, Jr., by deed recorded in Book 181, page 43, Hall County, Georgia Deed Records.

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 106, 9th District of Hall County containing 4.58 acres as more particularly described on a survey prepared for Dr. M. L. Meeks by Henry Grady Jarrard, Georgia Registered Surveyor, dated February 7, 1991 as recorded in Plat Book 147, page 123 of the Hall County, Georgia Plat Records. Said plat description being specifically incorporated herein by reference for a more full and complete description.

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 106, 9th District of Hall County containing 4.47 acres as more particularly described on a survey prepared for Dr. M. L. Meeks by Henry Grady Jarrard, Georgia Registered Surveyor, dated February 7, 1991 as recorded in Plat Book 147, page 123 of the Hall County, Georgia Plat Records. Said plat description being specifically incorporated herein by reference for a more full and complete description.

LESS AND EXCEPT:

That property conveyed in Warranty Deed from Marion Littleton Meeks Trust of April 10, 1995 by Marion Littleton Meeks, Sr., acting as Trustee, to Marion L. Meeks, Jr., dated February 26, 1998, recorded in Deed Book 3184, page 346, Hall County, Georgia Deed Records, the description contained in said deed being incorporated herein by reference for a complete description of said property.

LESS AND EXCEPT:

That property conveyed in Corrective Warranty Deed from Marion Littleton Meeks Trust of April 10, 1995 to Charles E. Castleberry and Helen E. Castleberry, dated March 23, 1998, recorded in Deed Book 3177, page 313, Hall County, Georgia Deed Records, the description contained in said deed being incorporated herein by reference for a complete description of said property.

LESS AND EXCEPT:

That property conveyed in Warranty Deed from Marion L. Meeks, Sr. and Marion Littleton Meeks Revocable Trust to Steven A. Dayringer and Sharon L. Dayringer, dated March 23, 1998, recorded in Deed Book 3160, page 109, Hall County, Georgia Deed Records, the description contained in said deed being incorporated herein by reference for a complete description of said property.

Anael Dominguez (CDI: Planning)

From: Emily McGahee (Environmental Health)
Sent: Friday, June 9, 2023 12:09 PM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning); Beth Garmon (CDI: Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: Tentative HCPC Agenda 7.17.23

Please find Environmental Health comments below:

Item 1, 3271/3270 Buffington Farm Road, Arabella Capital: No comment, public sewer.

Item 2, 3293/3341 Buffington Farm Road, Arabella Capital: No comment, public sewer.

Items 3A/B, 110 Hall Street, Pirkle: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. All proposed structures must meet required setbacks to existing septic system and future repair areas.

Item 4, 7042 Baker Lane, Labovitz: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Septic Permit OSC-7948 was issued on February 24, 2023 to accommodate a 36' x 60' barn with bathroom.

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, June 9, 2023 3:53 PM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning)
Cc: Chavers, Veronica E; Peevy, Jonathan
Subject: RE: Tentative Planning Agenda for July 17, 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.

New Business (Pirkle Gutter and Laura Lavobitz) will not require GDOT Coordination.

Thank you,

Parker Niebauer

DITO 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: Thursday, June 8, 2023 11:59 AM
Subject: Tentative Planning Agenda for July 17, 2023

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, July 17, 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 **Thursday, June 15th**. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – June 19, 2023

OLD BUSINESS

1. [3271 & 3270 Buffington Farm Road | Rezone | from Agricultural-Residential-III \(AR-III\) and Vacation-Cottage \(V-C\) to Planned Residential Development \(PRD\) on a 55.54± acre tract located on the north side of Buffington Farm Road at its intersection with Cagle Road | Zoned AR-III & V-C; Tax Parcels 09106 000001A & 000005 \(pt.\) | Proposed use: 121-lot subdivision | ** Commission District 3 | Arabella Capital, LLC, applicant. NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)
2. [3293 & 3341 Buffington Farm Road & Haselton On Lanier Subdivision, Phase 1 | Amend Conditions of PRD | on a 108.13± acre tract located on the west side of Buffington Farm Road at its intersection with Cagle Road | Zoned PRD; Tax Parcels 09105 000001, 09108 000107 - 000109, & 09106 000003, 000003A, 000007, 000013-000025 | Proposed use: 216-lot subdivision | ** Commission District 3 | Arabella Capital, LLC, applicant. NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)

NEW BUSINESS

3. (A) [110 Hall Street | Variance | from 17.240.010 to reduce the front yard setback from 75 feet from centerline of the road to 25 feet from the centerline of the road | on a 0.44± acre tract located on the east side of Hall Street, approximately 439 feet from its intersection with Stringer Ave | Zoned I-I, Tax Parcel 00132 005030 | Proposed Use: commercial addition | * Commission District 4 | Pirkle Gutter Supply of Gainesville, LLC, applicant.](#)
(B) [110 Hall Street | Variance | from 17.240.010 to reduce the right side yard setback from 20 feet to 14 feet | on a 0.44± acre tract located on the east side of Hall Street, approximately 439 feet from its intersection with Stringer Ave | Zoned I-I, Tax Parcel 00132 005030 | Proposed Use: bring existing commercial structure into compliance | * Commission District 4 | Pirkle Gutter Supply of Gainesville, LLC, applicant.](#)
4. [7042 Baker Lane | Rezone | from Agricultural Residential-IV to Planned Commercial Development \(PCD\) on a 32.02± acre tract located on the terminus of Baker Lane | Zoned AR-IV; Tax Parcel 12037 000003 | Proposed use: agricultural business | ** Commission District 3 | Laura Labovitz, 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 30 days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing **Thursday, August 24, 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, August 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.

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



Human trafficking impacts every corner of the globe, including our state and local communities. Georgia DOT is committed to end human trafficking in Georgia through education enabling its employees and the public to recognize the signs of human trafficking and how to react in order to help make a change. To learn more about the warning signs of human trafficking, visit <https://doas.ga.gov/human-resources-administration/human-trafficking-awareness>. To report any suspicious activity, call the Georgia Human Trafficking Hotline at 866-363-4842. Let's band together to end human trafficking in Georgia.



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: May 1, 2023
Subject: May 15, 2023 - Hall County Planning Commission Agenda

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.

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the May 15, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. [3621 Reece Circle | Annual Review of the previously approved hardship mobile home on a 1.01± acre tract located on the south side of Reece Circle at its intersection with A L Mangum Road | Zoned R-II; Tax Parcel 15014 000056A | Proposed use: hardship mobile home | * Commission District 3 | Henry Whitlow, applicant.](#)
 - a. **Engineering:** No Comment
 - b. **Traffic:** No Comment
 - c. **Utilities:** No Comment

2. [3432 & 0 Cleveland Highway & 3572 Casper Drive | Variance | for a left side yard setback variance from 15 feet to 13 feet on a 8.16± acre tract located on the east side of Cleveland Highway at approximately 297 feet from its intersection with Casper Drive | Zoned AR-III; Tax Parcel 10144 000032, 000007, & 000009A | Proposed use: to bring an existing shed into compliance | * Commission District 3 | John Carter, applicant.](#)
 - a. **Engineering:** No comment
 - b. **Traffic:** No comment
 - c. **Utilities:** No Comment

3. [4601 Old Cornelia Highway | Variance | for a right side yard setback variance from 15 feet to 4 feet on a 1.15± acre tract located on the north side of Old Cornelia Highway at its intersection with Highway 52 | Zoned AR-III; Tax Parcel 15007 000009K | Proposed use: construct a garage | * Commission District 3 | Kenneth Alexander Jones, applicant.](#)
 - a. **Engineering:** No comment
 - b. **Traffic:** No comment
 - c. **Utilities:** No comment

4. [5860 Gailey Drive | Use Subject to Planning Commission Approval | on a 2.66± acre tract located on the south side of Gailey Drive approximately 1,220 feet from its intersection with Cleveland Highway | Zoned AR-IV; Tax Parcel 12056 000023 | Proposed use: rural business | * Commission District 3 | R. Mike Oswald, 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 FEMA and Hall County studied Flood plains present on site.
Show stream buffer and impervious setback from wretched vegetation not center line of stream
 - b. **Traffic:** No Comment
 - c. **Utilities:** No Comment

5. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, 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 buffer and impervious setback from wretched vegetation not center line of stream
 - b. **Traffic:** Driveway must be permitted/approved by GDOT
 - c. **Utilities:** No Hall County sewer

6. [3724 Roy Parks Road | Use Subject to County Commission Approval | on an 87.38± acre tract located on the north side of Roy Parks Road approximately 829 feet from its intersection with Talmo Road | Zoned AR-IV; Tax Parcel 15024 000019 | Proposed use: equestrian center | ** Commission District 3 | Patricia M. Egan, 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 FEMA and Hall County studied Flood plains present on site.
Show stream buffer and impervious setback from wretched vegetation not center line of stream
 - b. **Traffic:** No Comment
 - c. **Utilities:** No Comment.

7. [6084 Highway 52 | Use Subject to County Commission Approval | on a 53.96± acre tract located on the south side of Highway 52 approximately 456 feet from its intersection with Hooper Road | Zoned AR-IV; Tax Parcel 15004 000034 | Proposed use: telecommunications facility | ** Commission District 3 | Mattaniah S. Jahn P.A. obo VB BTS II, LLC, applicant.](#)

- a. **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage FEMA and Hall County studied Flood plains present on site.
Show stream buffer and impervious setback from wretched vegetation not center line of stream
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Buffington Farm Rezoning

Reviewed by Franklin P. Miller, P.E. 5/2/2023

Traffic Study on file dated 2/2022 “Buffington Farm Road Phase 3 Tract” is not sufficient and does not address the number of lots in Phase 3. It is recommended that a new comprehensive traffic study be performed and submitted to determine the impact of all phases of the development. This would include ADT on Cagle Road and and Buffington Road as well as the impact to the intersection at Buffington and Cagle. Also, the study should address the new roadway projects and intersections created with the White Sulphur and Cagle Road projects which is now underway.

A sanitary sewer study should also be including illustrating how the effluent from the entire development will be pumped from each of the phases to the existing Hall County sewer system and the impact it will have on the receiving lift station.

- b. **Traffic:** Traffic Study
Bring Buffington Farm Road up to County standards including a cul-de-sac at the end.
All lots will have internal access only.

c. **Utilities:** Review and approved sanitary sewer prior to LDP submittal.

16. [3293 & 3341 Buffington Farm Road & Haselton On Lanier Subdivision, Phase 1 | Amend Conditions of PRD | on a 108.13± acre tract located on the west side of Buffington Farm Road at its intersection with Cagle Road | Zoned PRD; Tax Parcels 09105 000001, 09108 000107 - 000109, & 09106 000003, 000003A, 000007, 000013-000025 | Proposed use: 121-lot subdivision | ** Commission District 3 | Arabella Capital, LLC, applicant.](#)

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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: May 1, 2023
Subject: May 15, 2023 - Hall County Planning Commission Agenda

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.

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the May 15, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. [3621 Reece Circle | Annual Review of the previously approved hardship mobile home on a 1.01± acre tract located on the south side of Reece Circle at its intersection with A L Mangum Road | Zoned R-II; Tax Parcel 15014 000056A | Proposed use: hardship mobile home | * Commission District 3 | Henry Whitlow, applicant.](#)
 - a. **Engineering:** No Comment
 - b. **Traffic:** No Comment
 - c. **Utilities:** No Comment

2. [3432 & 0 Cleveland Highway & 3572 Casper Drive | Variance | for a left side yard setback variance from 15 feet to 13 feet on a 8.16± acre tract located on the east side of Cleveland Highway at approximately 297 feet from its intersection with Casper Drive | Zoned AR-III; Tax Parcel 10144 000032, 000007, & 000009A | Proposed use: to bring an existing shed into compliance | * Commission District 3 | John Carter, applicant.](#)
 - a. **Engineering:** No comment
 - b. **Traffic:** No comment
 - c. **Utilities:** No Comment

3. [4601 Old Cornelia Highway | Variance | for a right side yard setback variance from 15 feet to 4 feet on a 1.15± acre tract located on the north side of Old Cornelia Highway at its intersection with Highway 52 | Zoned AR-III; Tax Parcel 15007 000009K | Proposed use: construct a garage | * Commission District 3 | Kenneth Alexander Jones, applicant.](#)
 - a. **Engineering:** No comment
 - b. **Traffic:** No comment
 - c. **Utilities:** No comment

4. [5860 Gailey Drive | Use Subject to Planning Commission Approval | on a 2.66± acre tract located on the south side of Gailey Drive approximately 1,220 feet from its intersection with Cleveland Highway | Zoned AR-IV; Tax Parcel 12056 000023 | Proposed use: rural business | * Commission District 3 | R. Mike Oswald, 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 FEMA and Hall County studied Flood plains present on site.
Show stream buffer and impervious setback from wretched vegetation not center line of stream
 - b. **Traffic:** No Comment
 - c. **Utilities:** No Comment

5. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, 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 buffer and impervious setback from wretched vegetation not center line of stream
 - b. **Traffic:** Driveway must be permitted/approved by GDOT
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6. [3724 Roy Parks Road | Use Subject to County Commission Approval | on an 87.38± acre tract located on the north side of Roy Parks Road approximately 829 feet from its intersection with Talmo Road | Zoned AR-IV; Tax Parcel 15024 000019 | Proposed use: equestrian center | ** Commission District 3 | Patricia M. Egan, 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 FEMA and Hall County studied Flood plains present on site.
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Anael Dominguez (CDI: Planning)

From: John Hornick (Fire Services)
Sent: Monday, May 1, 2023 4:43 PM
To: Anael Dominguez (CDI: Planning)
Cc: Randi Doveton (CDI: Planning); Michael Vieira (Fire Services)
Subject: Fire Comments

Monday, May 15th, 2023 Hall County Planning Commission Meeting.

[3271 & 3270 Buffington Farm Road | Rezone | from Agricultural-Residential-III \(AR-III\) and Vacation-Cottage \(V-C\) to Planned Residential Development \(PRD\) on a 55.54± acre tract located on the north side of Buffington Farm Road at its intersection with Cagle Road | Zoned AR-III & V-C; Tax Parcels 09106 000001A & 000005 \(pt.\) | Proposed use: 216-lot subdivision | ** Commission District 3 | Arabella Capital, LLC, applicant.](#)

Phase 1,2 and 3 must meet the following fire codes below.

503.2.2 Authority.

The *fire code official* shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction. The fire apparatus access roads shall comply with the requirements of this section and Appendix D of the International Fire Code 2018 edition including Georgia State modifications.

Georgia State Modifications Below: Add a new section, Appendix D 107.1, as follows:

Developments of one- or two-family dwellings where the number of dwelling units exceeds 120 shall be provided with two separate and approved fire apparatus access roads. Phase 2 is proposed to have 136 dwelling units.

Exceptions:

1. Where there are more than 120 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
3. The fire apparatus access roads cannot be installed because of location on the property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. Plans shall accompany the written request that delineate improvements to proposed fire apparatus access roads approved by the fire code official of the local responding fire department. Recommended compliance alternatives for residential developments having less than the minimum of two entrances includes, but is not limited to one of more of the following alternative remedies:
 1. Enhanced turning radii to meet local responding fire department requirements; and/or

2. Increased road widths to meet local responding fire department requirements; or The Hall County Fire Marshal's Office requires road widths of 26' when the number of dwellings exceed 120 in residential developments.
3. Fire Lane signs per D103.6 in locations determined by the Fire Code Official; or
4. The absence of dead-end streets and cul-de-sacs; and unless the requirements meet or exceed Table D103.4 for Fire Apparatus Access Roads; or
5. The primary entrance roadway being a boulevard with medians and each lane meeting fire access road widths; or
6. Single entrance roads providing a dedicated emergency lane separating each drive lane; or
7. Additional fire apparatus access road which is permitted to be a roadway or approved surface not accessible to motor vehicles, designed by a registered design professional to meet the loading requirements and minimum specifications of Appendix D; and this surface provides all weather conditions capabilities for emergency fire department access; or
8. Statement by Fire Code Official that the Plans submitted meet the requirements of Exception 3 and/or Appendix D for access by local responding fire department

Pursuant to O.C.G.A. Title 25-2-12 (e)(4) the local fire official, building official, or developer may obtain a waiver when adequate access appropriate for the fire apparatus of the local responding fire department is not met or provided by using alternative methods on a waiver form designed and prescribed by the Safety Fire Commissioner. The State Fire Marshal or designated representative shall respond within 30 days for the decision for approval or disapproval or recommendations for modifications to the Plan. If the 30-day time frame is not met, the Plans submitted shall be deemed to be approved.

Add a new section, Appendix D 107.2, as follows:

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

503.2.5 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an *approved* area for turning around fire apparatus. See Table D103.4 Requirements for dead end fire apparatus roads.

503.6 Security gates.

The installation of security gates across a fire apparatus access road shall be *approved by the fire code official*. Where security gates are installed, they shall have an *approved* means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of

ASTM F2200. Knox key switch override device shall be installed at each gate that is access controlled.

Fire apparatus roads shall not terminate abruptly at a security gate, approved turnaround shall be provided.

507.5.1 Where required.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*. All proposed dwellings shall be no greater than 400' hose lay distance from a fire hydrant as the fire truck travels.

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





Buffington Farm Road Tract

Traffic Impact Study

Prepared for:

Arabella Capital, LLC

Prepared by:

KCI Technologies Inc.

2160 Satellite Boulevard, Suite 130

Duluth, GA 30097

www.kci.com

678.990.6200

June 2023

KCI Project #242200426.01

RISE TO THE
CHALLENGE





Buffington Farm Road Tract

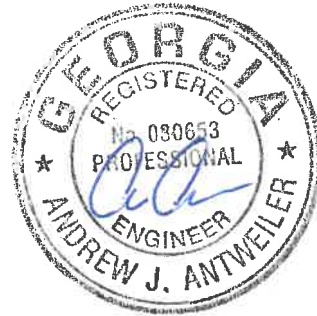
Traffic Impact Study

Prepared for:
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2160 Satellite Boulevard, Suite 130
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6/6/2023

RISE TO THE
CHALLENGE



Executive Summary

The purpose of this study is to evaluate the potential traffic impacts of the proposed *Buffington Farm Road Tract* development. The site is in Hall County and located along the west and east side of Buffington Farm Road, an existing public road. Based on the concept plan (dated 03/27/2023), the +/-171.99-acre development will include a total of 337 detached single-family homes. The concept plan (see Appendix B) for the development illustrates the conditions in the study area, including the three phases of the proposed development and proposed access. Vehicular traffic access to the site is proposed via the existing intersection of Buffington Farm Road at Cagle Road. Access from the three phases of development is proposed at two driveways along Buffington Farm Road and extending Buffington Farm Road (into phase 2 of the development).

Cagle Road is a two-lane roadway with a 35-mph posted speed limit in the area of the proposed development. White Sulphur Road is a two-lane roadway with a 35-mph posted speed limit near the site. Buffington Farm Road is a two-lane dead-end roadway with residential land use along its length. The existing site is undeveloped.

For the purposes of the traffic study, the analysis included the expected completion (build-out) of the development by year 2025. This study performed an analysis of existing traffic conditions and future traffic conditions. The future conditions analysis was performed for the year 2025 No-Build Conditions and the year 2025 Build Conditions (with the Buffington Farm Road Tract development).

The traffic impact study network consisted of two intersections. The study intersections were Cagle Road at Buffington Farm Road and White Sulphur Road at Cagle Road. It is important to note a Hall County roadway project is programmed for White Sulphur Road and involves shifting White Sulphur Road to the south side of the railroad tracks which would cut off White Sulphur from intersecting with Cagle Road. Therefore, future conditions analyses were not performed for Cagle Road at White Sulphur Road (the intersection is removed).

The results of the traffic analysis indicate the intersections of Cagle Road at Buffington Farm Road and White Sulphur Road at Cagle Road currently operate at level of service A during both the AM and PM peak hours.

In the future year 2025 No-Build conditions (without the Buffington Farm Road Tract development traffic volumes) the study intersection of Buffington Farm Road at Cagle Road is expected to operate at acceptable levels of service during both the AM and PM peak hours.

In the future year 2025 Build Conditions (with the Buffington Farm Road Tract development traffic volumes), the study intersection of Buffington Farm Road at Cagle Road is expected to operate at acceptable levels of service during the AM and PM peak hours. Additionally, the two driveways on Buffington Farm Road are expected to operate at acceptable levels of service during the AM and PM peak hours.

Due to overall low traffic volumes in the vicinity of the project site, the existing roadway capacity and lane configuration is expected to be sufficient to accommodate future traffic volumes in the area. No roadway improvements are recommended along Buffington Farm Road or at the study intersections.

Based on estimated traffic volumes in the year 2025 Build year conditions, and Buffington Farm Road is a dead-end road, the following driveway geometric recommendations are provided at the site access driveways:

- Buffington Farm Road at Driveway #1 (Access to Phase 1)
 - Driveway (two lane: one entry lane and one exit); driveway to be stop-control
- Buffington Farm Road at Driveway #3 (Access to Phase 3)
 - Driveway (two lane: one entry lane and one exit); driveway to be stop-control

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Appendix

A: Figures

- Figure 1 – Location Map
- Figure 2 – Aerial & Access Locations
- Figure 3 – Existing Traffic Conditions
- Figure 4 – Project Trip Distribution
- Figure 5 – Build (Year 2025) Traffic Conditions
- Figure 6 – Build (Year 2025) ADT Traffic Conditions

B: Concept Plan

C: Traffic Count Data

D: GDOT Traffic Data

E: Intersection Volume Development

F: Capacity Analysis Reports

G: Hall County Roadway Plan

1. Existing Conditions

1.1 Site Conditions

The proposed development is located on undeveloped property. **Figure 1** provides a general location map. **Figure 2** is an aerial that shows the site location and the proposed site driveways (Figures included in Appendix A). Access to the property is proposed to be provided at three locations along Buffington Farm Road (The concept plan is included in Appendix B). Nearby land uses are predominantly residential homes. The development is also located along Lake Lanier.

1.2 Roadway Conditions

Cagle Road is a two-lane roadway, with a 35mph posted speed limit in the area of the proposed development. Cagle Road is a northeast-southwest oriented roadway in the vicinity of the development. GDOT classifies Cagle Road as a Local Road. The roadway has grassed, rural shoulders on both the east and west side, with no sidewalks.

White Sulphur Road is a two-lane roadway, with a 35mph posted speed limit in the area of the proposed development. White Sulphur Road is an east-west oriented roadway in the vicinity of its intersection with Cagle Road. GDOT classifies White Sulphur Road as a Major Collector to the east and Minor Arterial to the west. The roadway has grassed, rural shoulders on both the north and south side, with no sidewalks.

Buffington Farm Road is a narrow two-lane dead-end public roadway. It is classified as a Local Road. The roadway has grassed, rural shoulders on both the east and west side, with no sidewalks.

Cagle Road at Buffington Farm Road and White Sulphur Road at Cagle Road are both side-street stop-controlled intersections. Buffington Farm Road is the side-street at its intersection with Cagle Road while Cagle Road is the side-street at its intersection with White Sulphur Road.

1.3 Traffic Volumes

Traffic counts were collected on Tuesday, May 16, 2023, for use in the traffic analysis. Hall County public schools were in session. Two 24-hour volume counts were collected, one on Cagle Rd south of Buffington Farm Rd and one on Buffington Farm Rd, west of Cagle Rd. The existing Average Daily Traffic (ADT) on Cagle Road is 1,459 vehicles and the existing ADT on Buffington Farm Road is 88 vehicles. Additionally, the traffic data collected included intersection turning movement counts at the following locations during the 7-9AM and 4-6PM peak periods.

1. Cagle Road at Buffington Farm Road
2. White Sulphur Road at Cagle Road

Historical traffic volume data available from the GDOT TADA source were utilized to inform the annual growth factor. The two locations are indicated in Appendix D. The two locations are:

- GDOT Count Station #139-0538 located on White Sulphur Road, east of Harrington Road.
- GDOT Count Station #139-0536 located on White Sulphur Road, between Ramsey Circle.

2. Future Conditions

2.1 Future No-Build Traffic Volumes

Future No-Build traffic volumes were developed by reviewing the historical traffic volumes roadways within the vicinity of the project and historic population growth in the county. Two GDOT count stations in the area were reviewed. The annual historic compound growth rate at the GDOT count stations averaged to 1.9% per year. Hall County's population growth rate was most recently reported as 1.2% per year in 2020. The Governor's Office of Planning and Budget developed population projections which indicates an estimated growth of 1.5% per year by 2025 in Hall County.

Considering this data, a 1.6% per year growth rate to account for background traffic volume growth was used in the traffic study. For the purposes of this study the proposed development is expected to be completed and opened by 2025. A 1.6% per year growth rate was applied to the 2023 existing volumes to calculate year 2025 No-Build traffic volumes. The 2025 No-Build traffic volumes are indicated in the Intersection Volume Development tables included in the Appendix E.

Additionally, the roadway network modification due to the Hall County project (explained in next section), resulted in re-routing existing vehicles crossing the railroad and traveling on White Sulphur Road. Based on the Hall County in-progress plans, and a review of the road network, the existing volume was redirected to White Sulphur Road to the south. This would provide access towards Gainesville and to I-985.

2.2 Future Roadway Conditions

A review of Georgia DOT and Gainesville-Hall Metropolitan Planning Organization planned and programmed transportation projects was performed. Hall County has two planned projects near the proposed development:

- PI 1162100: White Sulphur Road Realignment involves realigning White Sulphur Road to be on the south side of the railroad tracks and will remove the intersection of White Sulphur Road at Cagle Road near the development. This project is expected to be completed in 2024. A PDF of the in-progress roadway plan (cover sheet only) indicating the modification is included in Appendix G.
- Cagle Road Improvements
 - This project is a repaving project of Cagle Road just north of the proposed development.

3. Proposed Development Traffic

Project traffic was calculated for the proposed development. Project traffic is defined as the vehicular trips expected to be generated by the development and distributed over the roadway network.

3.1 Trip Generation

The project driveway volumes were calculated based on the Institute of Transportation Engineers' (ITE) Trip Generation Manual, Eleventh Edition. The development proposes a total of 337 detached single-family homes for all three phases of development. The most applicable ITE land use (LU) codes is LU 210 (Single-Family Detached). Due to the development type, pass-by reductions and internal capture reductions were not included for the traffic analysis. **Table 1** below summarizes the trips expected daily, during the AM peak hour and during the PM peak hour for the development.

Land Use (ITE Code)	Units	Daily Trips	AM Peak Hour			PM Peak Hour		
		Two-Way Total	Enter	Exit	Total	Enter	Exit	Total
Single-Family Detached (210)	337	3,179	61	183	244	205	121	326

3.2 Trip Distribution and Assignment

An overall trip distribution and assignment of project trips was based on existing traffic patterns and a review of land uses and the street network in the area. This information was used to apply the project traffic volumes at the study intersections. Additionally, the roadway network modification due to the Hall County project was considered. The directional distribution for the proposed development is estimated to be:

- 10% to/from the northeast along Cagle Road
- 90% to/from the southwest along White Sulphur Road

Figure 4 (in Appendix A) illustrates the residential trip distribution in the study area. All site generated trips will access the roadway network through Buffington Farm Road.

3.3 Future Build Traffic Volumes

The 2025 future Build traffic volumes were calculated by adding the proposed development (Buffington Farm Road Tract) traffic volumes to the projected year 2025 No-Build traffic volumes. **Figure 5** (in Appendix A) illustrates the year 2025 Build traffic volumes.

4. Capacity Analysis

Capacity analysis was performed at the study intersections for the weekday AM and PM peak hours. Intersection Level of Service (LOS) was calculated based on the methodologies contained in the Highway Capacity Manual, 6th Edition. The Synchro Studio software, which utilizes the HCM 6th Edition methodology, was utilized to perform the analyses.

Capacity is defined as the maximum number of vehicles that can pass over a particular road segment or through a particular intersection within a specified period under prevailing roadway, traffic, and control conditions. Level of service (LOS) is used to describe the operating characteristics of a road segment or intersection in relation to its capacity. LOS is defined as a qualitative measure that describes operational conditions and motorist's perceptions. The Highway Capacity Manual defines six levels of service, LOS A through LOS F. Level of service A indicates excellent operations with little delay to motorists, while level of service F indicates extremely long delay.

Level of service for unsignalized intersections is calculated for the average control delay incurred for vehicles on the stop control approach, compared to the average control delay per vehicle for all approaches at a signalized intersection. Control delay for vehicles include initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. **Table 2** below indicates the relationship between delay and LOS for signalized and unsignalized intersections, respectively. Level-of-service "E" is typically considered to be the limit of acceptable delay.

Several factors affect the controlled delay for unsignalized intersections, including the availability of gaps in the cross-street traffic, and acceptable gap time to make the movement from the stop position. For stop-control intersections, LOS E and F exist when there are insufficient gaps in traffic, resulting in long delays. Low level of service for stop-control approaches are not uncommon at major cross-streets.

Table 2: Level of Service Criteria		
Level of Service	Average Control Delay Per Vehicle (sec)	
	Signalized Intersection	Unsignalized Intersection
A	≤10	≤10
B	>10 and ≤20	>10 and ≤15
C	>20 and ≤35	>15 and ≤25
D	>35 and ≤55	>25 and ≤35
E	>55 and ≤80	>35 and ≤50
F	>80	>50

4.1 Existing Conditions Capacity Analysis

Capacity analysis was performed for the year 2023 traffic volumes and the existing roadway conditions. The existing traffic conditions are illustrated in **Figure 3**. **Table 3** summarizes the results of the capacity analysis.

Table 3: Existing Year (2023) Level of Service				
Intersection	Intersection Control	Approach	AM Peak Hour LOS (Delay*)	PM Peak Hour LOS (Delay*)
Cagle Road at Buffington Farm Road	Stop-control	EB	A (9)	A (9)
White Sulphur Road at Cagle Road	Stop-control	SB	B (11)	B (11)

**Average vehicle delay in seconds*

Both study intersections are currently operating at an acceptable level of service in both the AM and PM peak hours.

4.2 Future No-Build Conditions Capacity Analysis

Capacity analysis was performed for the year 2025 Future Conditions and includes the No-Build traffic volumes (without the Buffington Farm Road Tract development traffic) and the existing roadway conditions for one intersection. Since the intersection of White Sulphur Road at Cagle Road is expected to be removed by year 2025, the intersection was not analyzed in future year conditions. **Table 4** summarizes the results of the capacity analysis for the Future No-Build Conditions.

Table 4: Future Year (2025) No-Build Level of Service				
Intersection	Intersection Control	Approach	AM Peak Hour LOS (Delay*)	PM Peak Hour LOS (Delay*)
Cagle Road at Buffington Farm Road	Stop-control	EB	A (9)	A (9)

**Average vehicle delay in seconds*

The study intersection is expected to continue operating at an acceptable level of service during both the AM and PM peak hours.

4.3 Future Build Conditions Capacity Analysis

Capacity analysis was performed for the year 2025 Future Conditions and includes the No-Build traffic volumes plus the Buffington Farm Road Tract development volumes. The Build traffic conditions and volumes are illustrated in **Figure 5**. **Table 5** summarizes the results of the capacity analysis.

Table 5: Future Year (2025) Build Level of Service				
Intersection	Intersection Control	Approach	AM Peak Hour LOS (Delay*)	PM Peak Hour LOS (Delay*)
Cagle Road at Buffington Farm Road	Stop-control	EB	B (10)	B (10)
Buffington Farm Road at Driveway #1 (Access to Phase #1)	Stop-control	NB	B (10)	B (10)
Buffington Farm Road at Driveway #3 (Access to Phase #3)	Stop-Control	SB	A (9)	A (9)

**Average vehicle delay in seconds*

The study intersection is expected to operate at an acceptable level of service during both the AM and PM peak hours. Additionally, both driveways are expected to operate at acceptable levels of service during both the AM and PM peak hours.

The existing intersection is not expected to need any geometric modifications due to the low volume on both Cagle and Buffington Farm Road.

5. Recommendations

Recommendations for access for the proposed development are based on existing conditions, the proposed development use, and expected traffic volumes. The need for dedicated turn lanes at the study intersections and appropriate traffic control (i.e. stop control) were reviewed. Recommendations included reviewing Hall County Code of Ordinances requirements, knowledge of general transportation standards, and engineering judgment.

Hall County Code of Ordinance 16.60.290 identifies when deceleration and turn lanes are required at development driveways, which is primarily based on roadway ADT and number of proposed residential lots. The Ordinance states the Hall County Traffic Engineer determines if any improvements are required.

The estimated daily traffic volumes along the study roadways and at the proposed development driveways is illustrated in **Figure 6**. Due to the low volumes on Buffington Farm Road, the volumes generated by the development are not expected to have a major impact on operations of the existing intersection of Buffington Farm Road at Cagle Road. The existing roadway capacity and lane configuration is expected to be sufficient to accommodate future traffic volumes at the intersection. No roadway improvements are recommended along Buffington Farm Road or at the intersection.

5.1 Recommended Driveway Geometry

Vehicular traffic access to the site is proposed via the existing intersection of Buffington Farm Road at Cagle Road. Access from the three phases of development is proposed at two driveways along Buffington Farm Road and extending Buffington Farm Road (into phase 2 of the development).

Based on estimated traffic volumes in the year 2025 Build year conditions, and Buffington Farm Road is a dead-end road, the following driveway geometric recommendations are provided at the site access driveways:

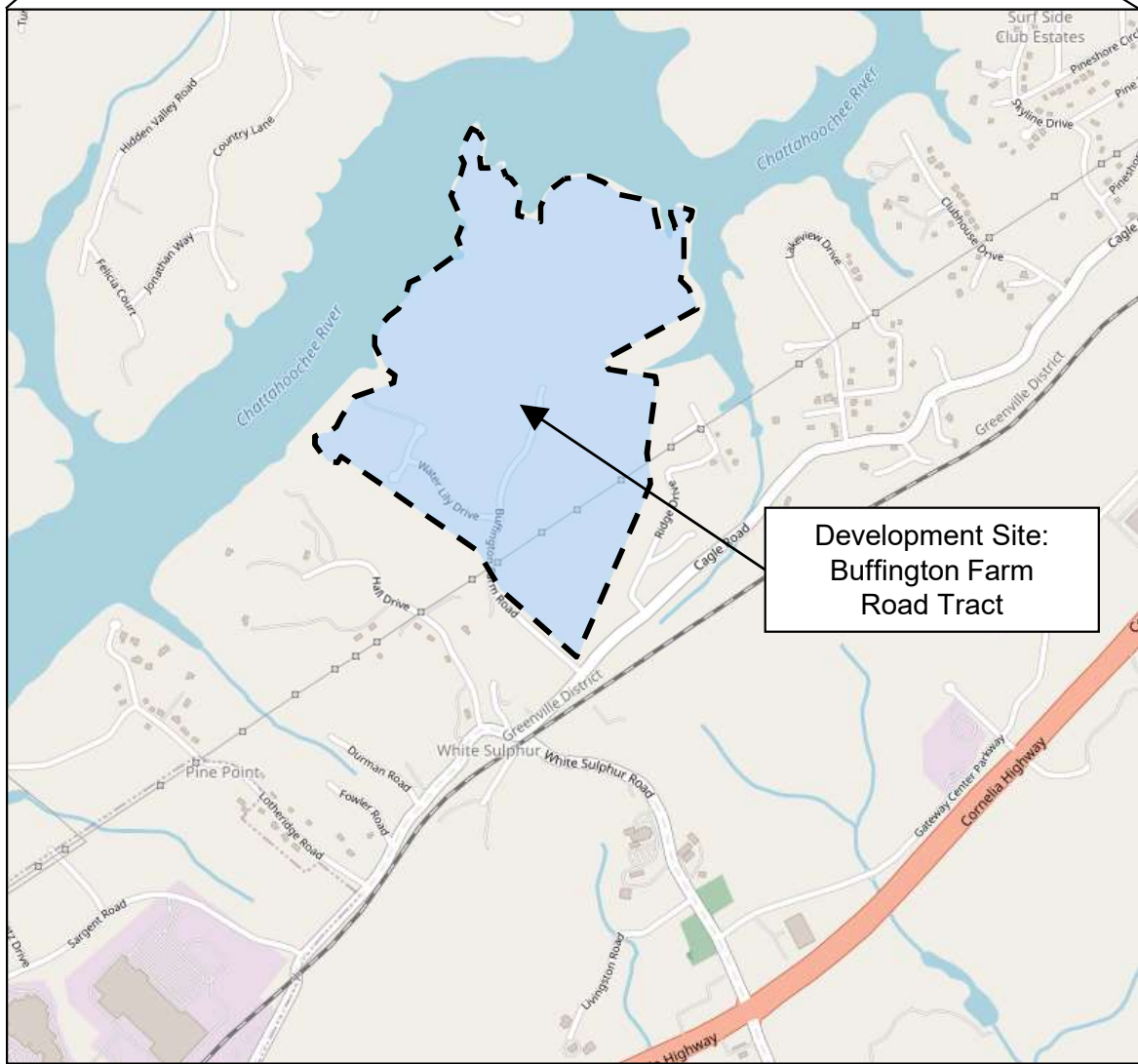
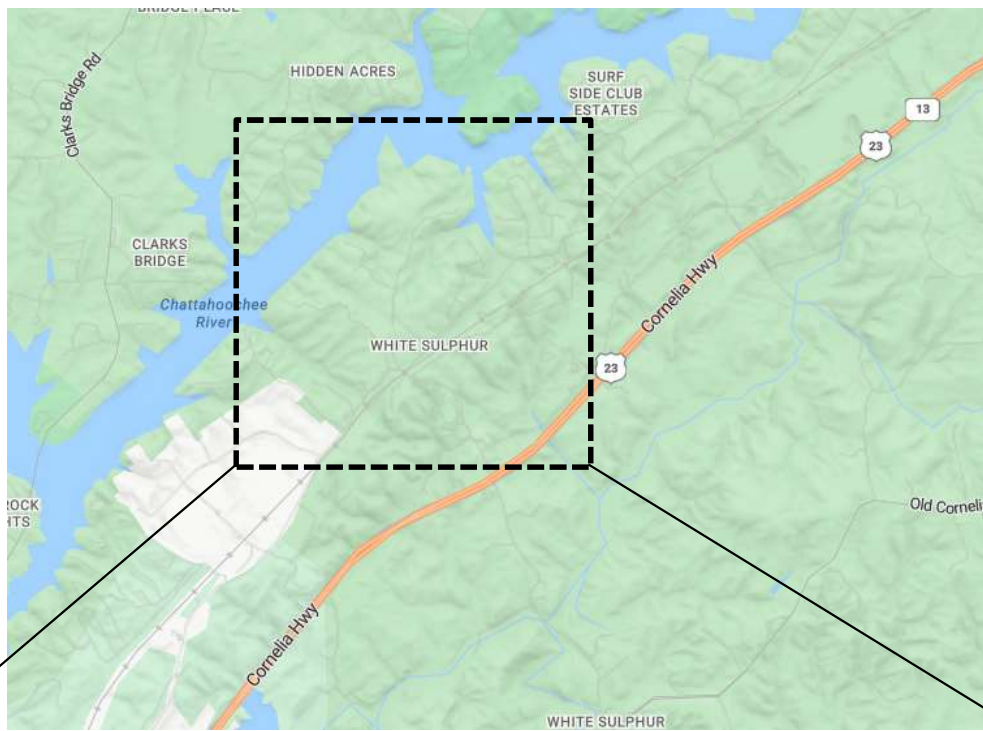
- Buffington Farm Road at Driveway #1 (Access to Phase 1)
 - Driveway (two lane: one entry lane and one exit); driveway to be stop-control
- Buffington Farm Road at Driveway #3 (Access to Phase 3)
 - Driveway (two lane: one entry lane and one exit); driveway to be stop-control

Appendices

- Appendix A
 - Figures
- Appendix B
 - Concept Plan
- Appendix C
 - Traffic Count Data
- Appendix D
 - GDOT Traffic Data
- Appendix E
 - Intersection Volume Development
- Appendix F
 - Capacity Analysis Reports
- Appendix G
 - Hall County Project

Appendix A

Figures



Development Site:
Buffington Farm
Road Tract



Not to Scale

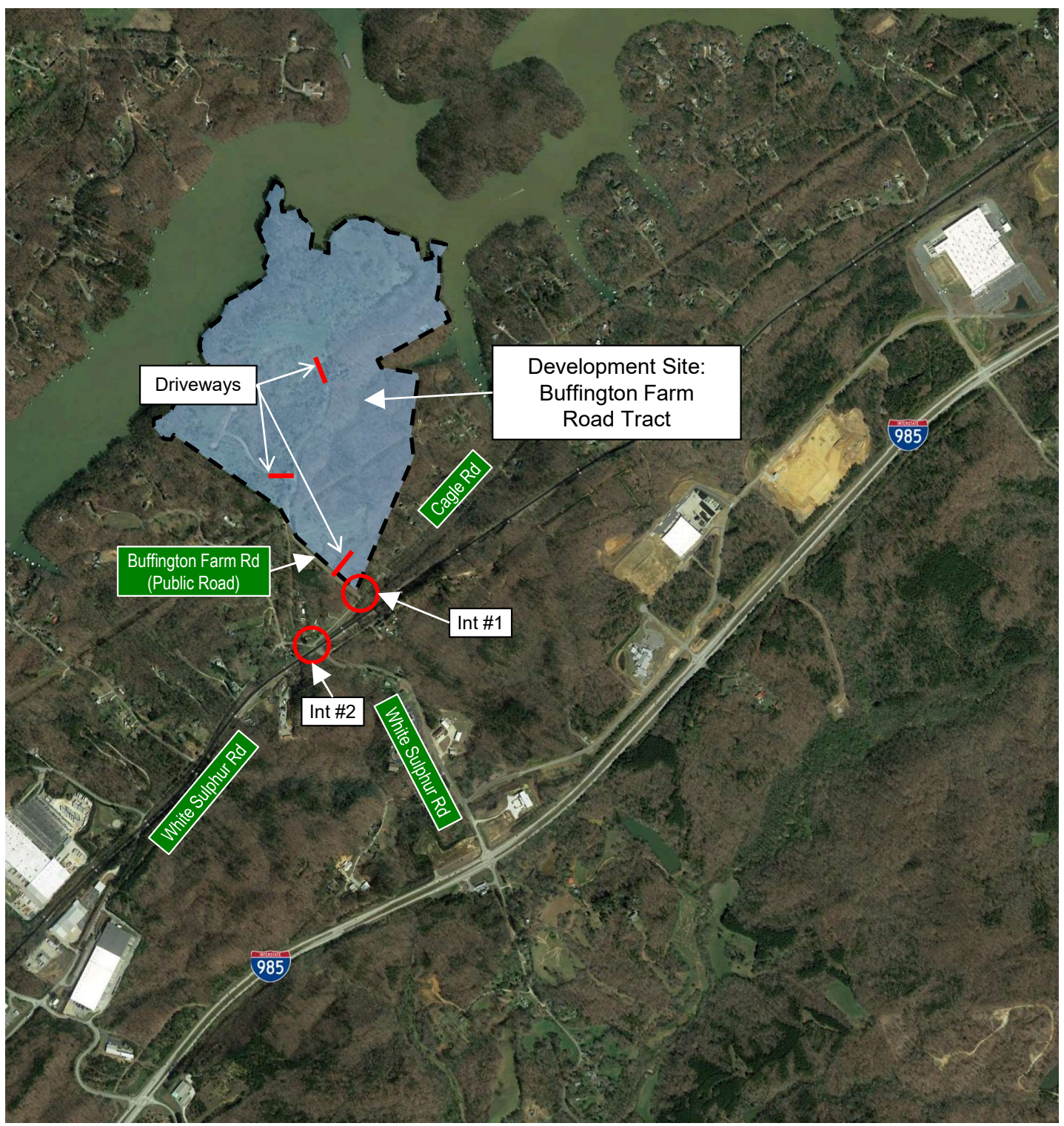


**Traffic Impact Study
Buffington Farm Road Tract
Hall County, Georgia**

**Location
Map**

**Figure
1**

Legend:
○ Study Intersection



Not to Scale



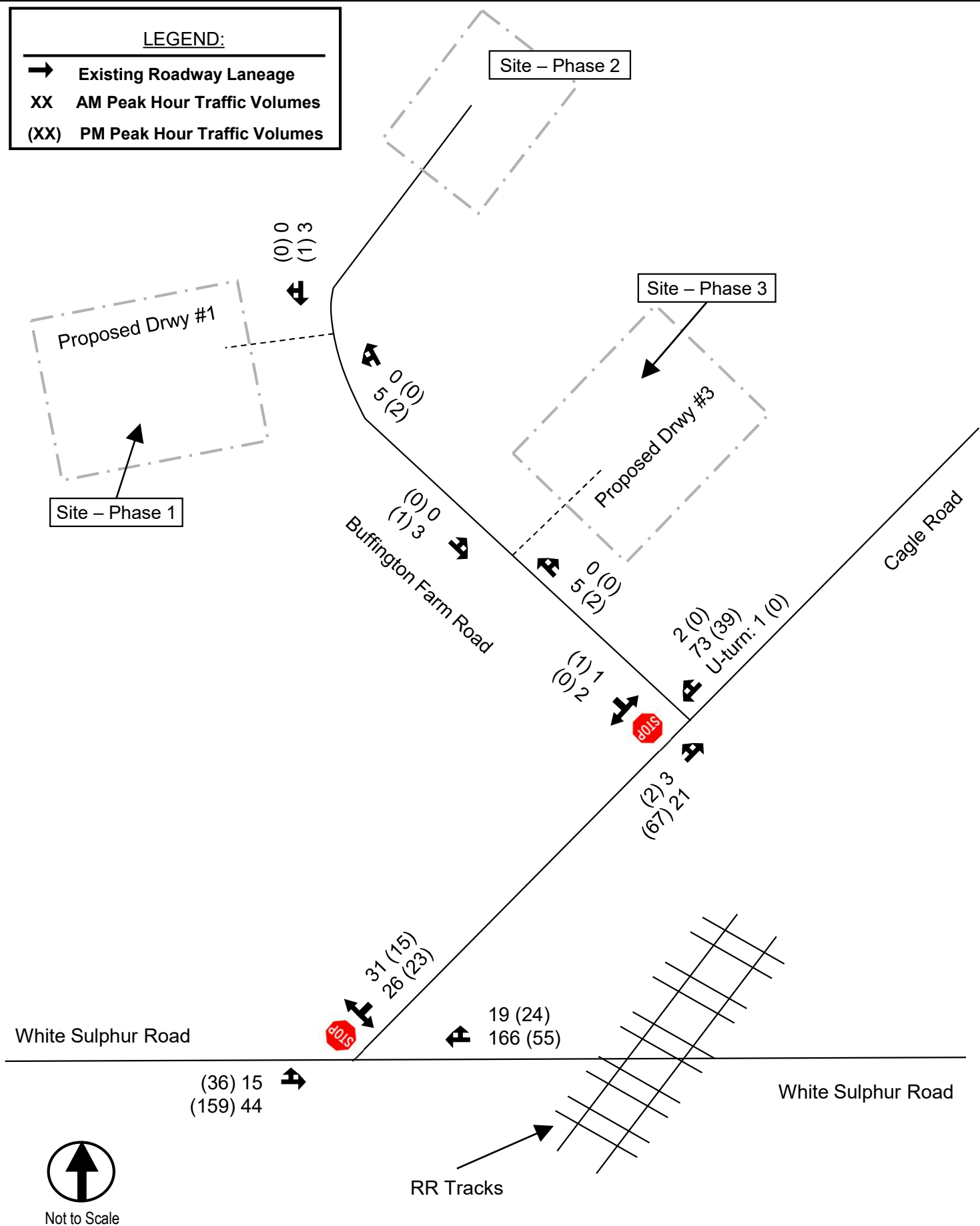
**Traffic Impact Study
Buffington Farm Road Tract
Hall County, Georgia**

**Aerial &
Intersection
Locations**

**Figure
2**

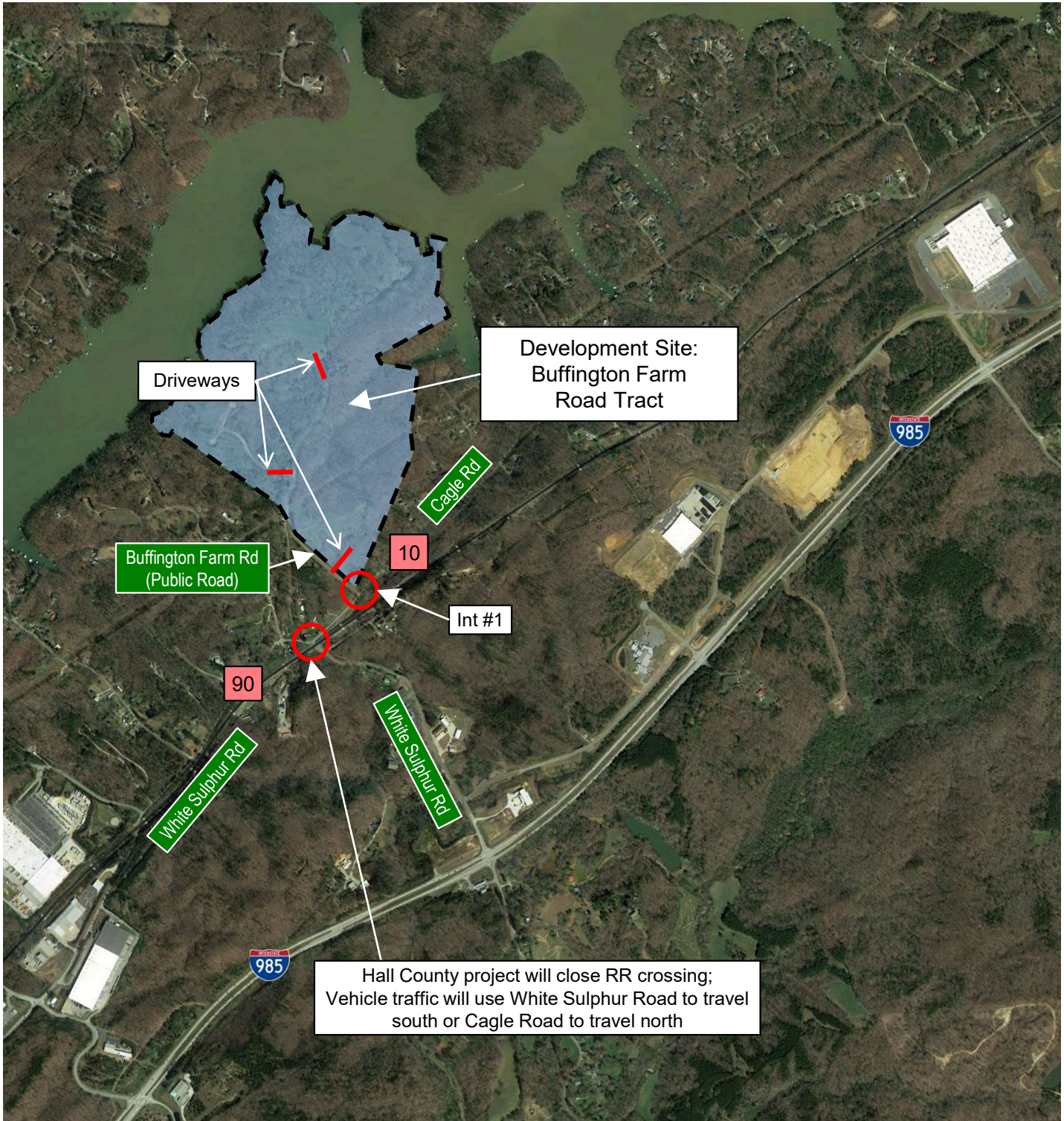
LEGEND:

- ➔ Existing Roadway Laneage
- XX AM Peak Hour Traffic Volumes
- (XX) PM Peak Hour Traffic Volumes



Not to Scale

Legend:
100 Residential %



Not to Scale



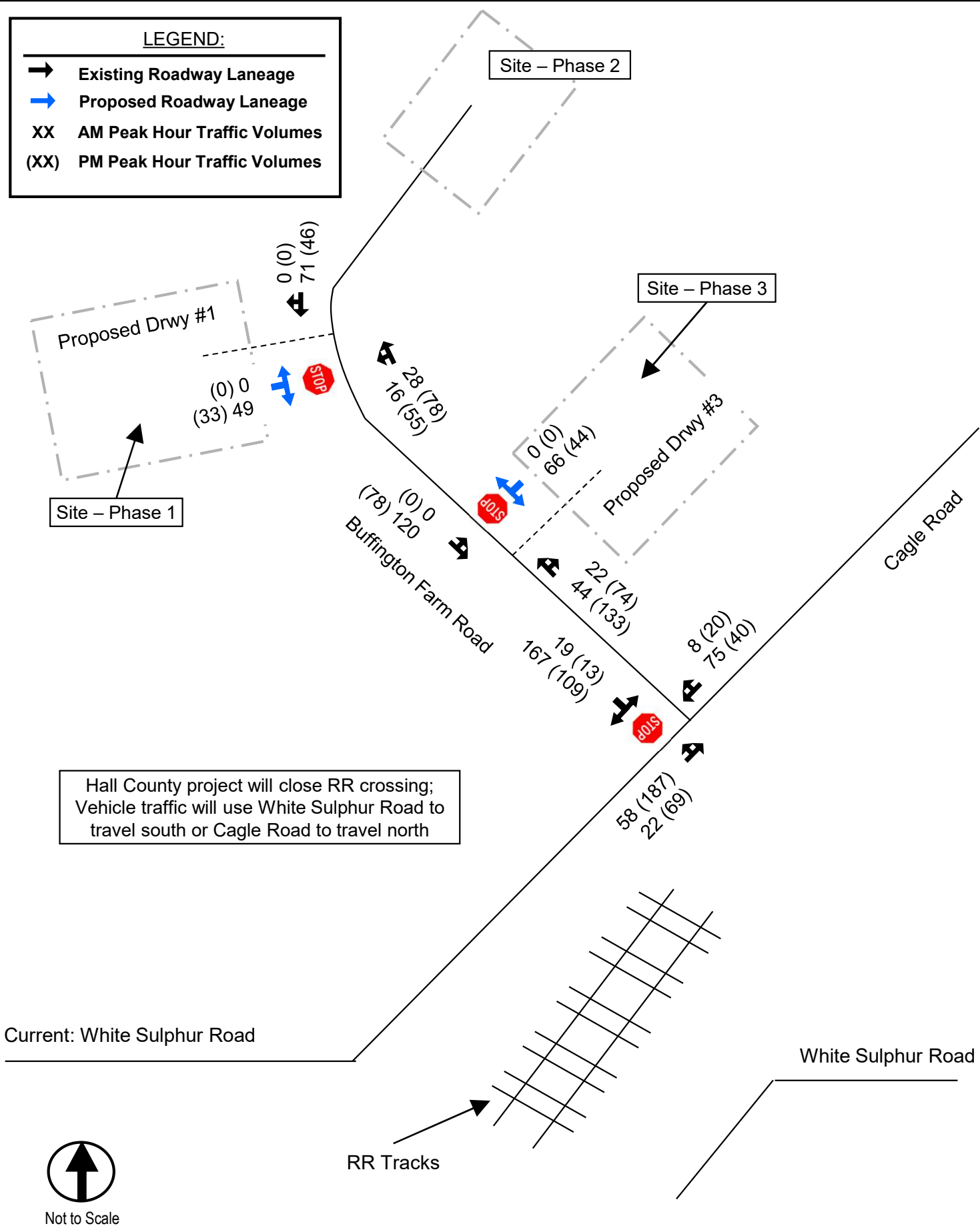
**Traffic Impact Study
 Buffington Farm Road Tract
 Hall County, Georgia**

**Project Trip
 Distribution**

**Figure
 4**

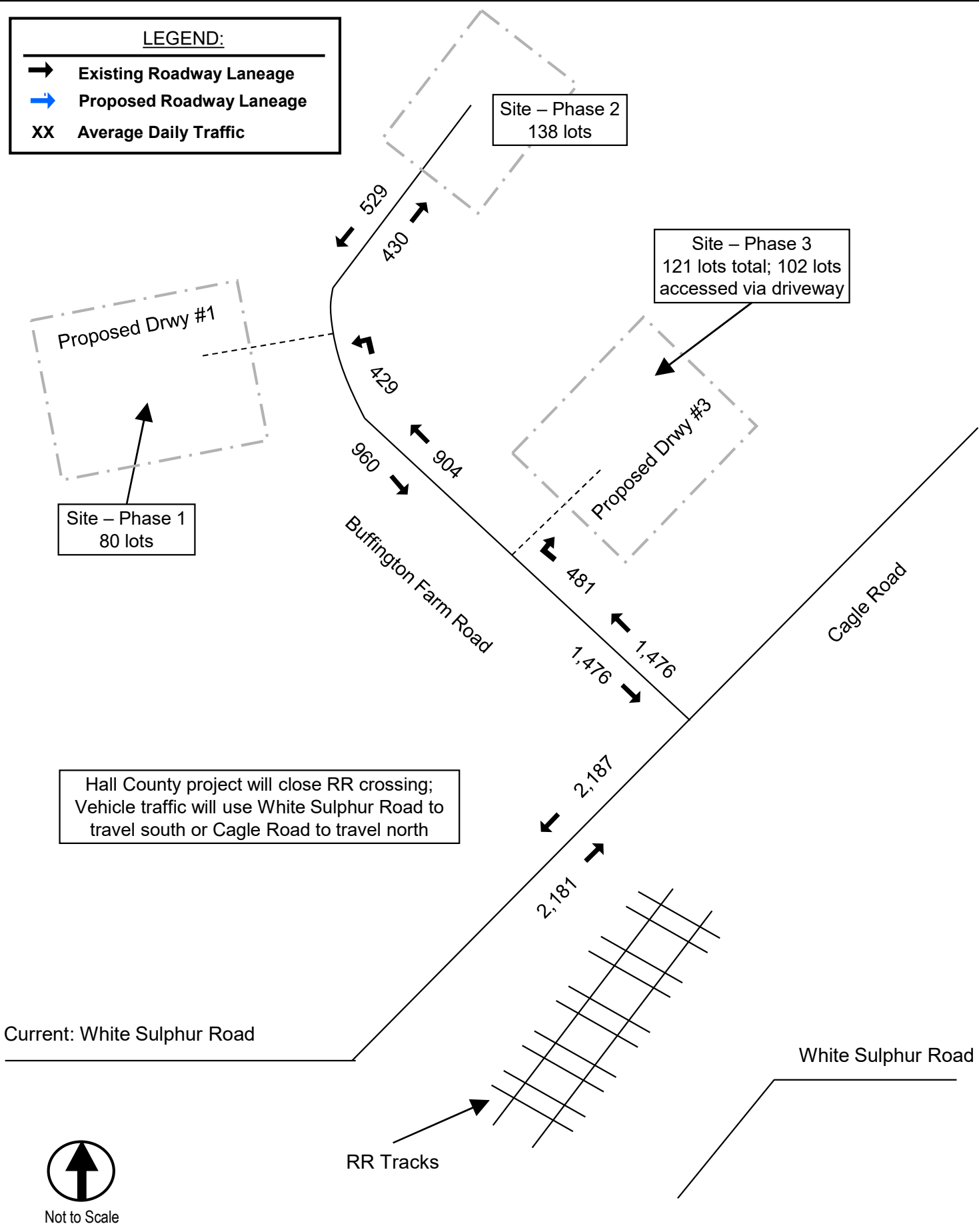
LEGEND:

- Existing Roadway Laneage
- Proposed Roadway Laneage
- XX AM Peak Hour Traffic Volumes
- (XX) PM Peak Hour Traffic Volumes



LEGEND:

- Existing Roadway Laneage
- Proposed Roadway Laneage
- XX Average Daily Traffic



Not to Scale

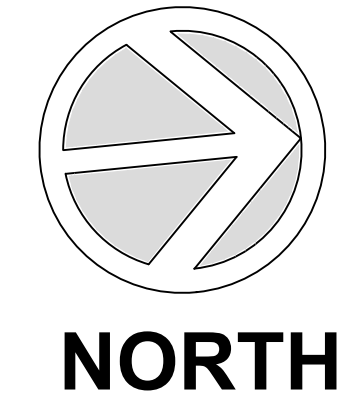
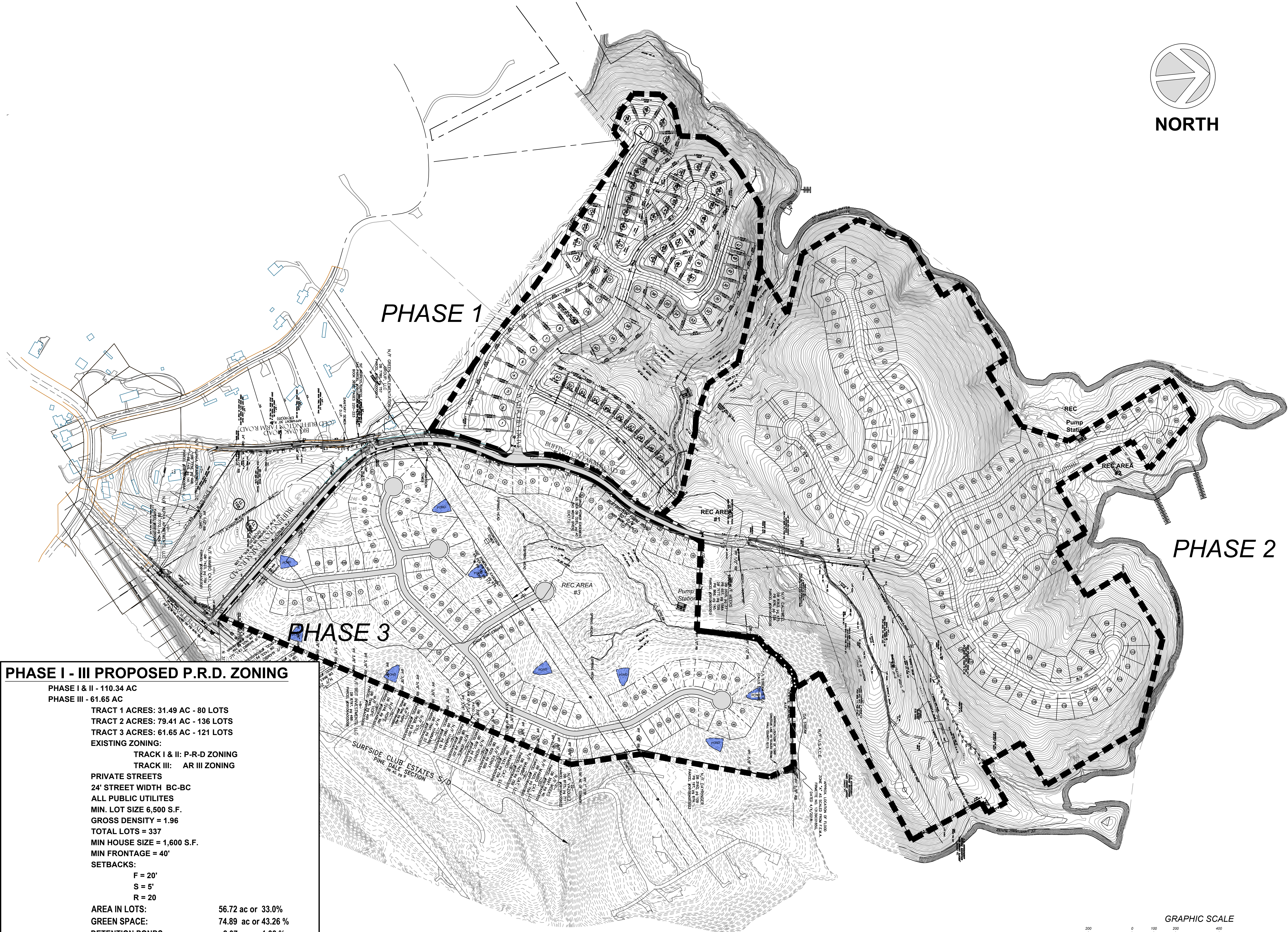


**Traffic Impact Study
Buffington Farm Road Tract
Hall County, Georgia**

**Future Build
(Year 2025) ADT
Conditions**

**Figure
6**

Appendix B
Concept Plan



PHASE I - III PROPOSED P.R.D. ZONING

PHASE I & II - 110.34 AC
 PHASE III - 61.65 AC

TRACT 1 ACRES: 31.49 AC - 80 LOTS
 TRACT 2 ACRES: 79.41 AC - 136 LOTS
 TRACT 3 ACRES: 61.65 AC - 121 LOTS

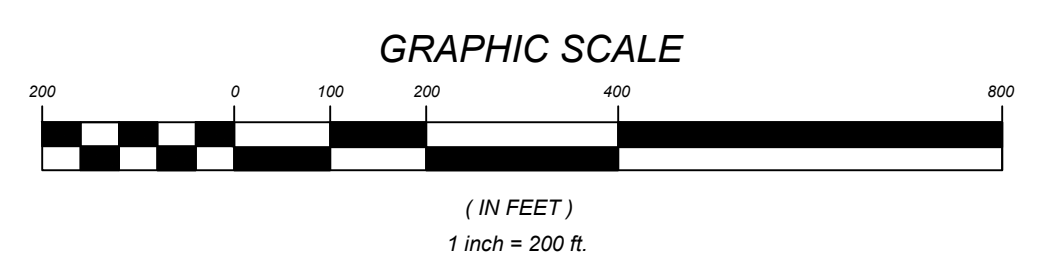
EXISTING ZONING:
 TRACK I & II: P-R-D ZONING
 TRACK III: AR III ZONING

PRIVATE STREETS
 24' STREET WIDTH BC-BC
 ALL PUBLIC UTILITIES
 MIN. LOT SIZE 6,500 S.F.
 GROSS DENSITY = 1.96
 TOTAL LOTS = 337
 MIN HOUSE SIZE = 1,600 S.F.
 MIN FRONTAGE = 40'

SETBACKS:
 F = 20'
 S = 5'
 R = 20'

AREA IN LOTS: 56.72 ac or 33.0%
 GREEN SPACE: 74.89 ac or 43.26 %
 DETENTION PONDS: 2.37 ac or 1.38 %
 HOA REC AREAS: 16.75 ac or 10.0%
 RIGHT OF WAY AREAS: 21.26 ac or 12.36%

THE PROJECT IS NOT PART OF THE NORTH OCONEE WATER SUPPLY WATERSHED DISTRICT AS DEFINED BY HALL COUNTY.S



OMNI CONSULTING SERVICES
 401 Westpark Court
 Suite 200
 Peachtree City, Ga 30269
 ph: 770.302.1701
 fax: 770.818.5663
 Civil Engineer

ARABELLA CAPITAL LLC
 CORNELIAN WOODS MANAGEMENT LLC
 255 BUFORD HIGHWAY
 SUITE 250
 BUFORD, GA 30518

Owner/Developer

HASELTON SUBDIVISION
 BUFFINGTON FARM ROAD TRACT
 HALL COUNTY
 TAX PARCELS: 09105000001,
 09106000001A, 3, 7, 13-25, 09106000107-9

ISSUED FOR PERMITTING 03-27-2023

PLAN SET REVISIONS:



Know what's below
 Call before you dig.
 Dial 811
 Or Call 800-282-7411

DATED 03-27-2023



OVERALL PROPOSED REZONING PLAN
 C400

PROJECT NO. 16500.01
 PLOT DATE: 03.27.2023

Appendix C
Traffic Count Data



[Click here for Map](#)

Peak Hour Turning Movement Count

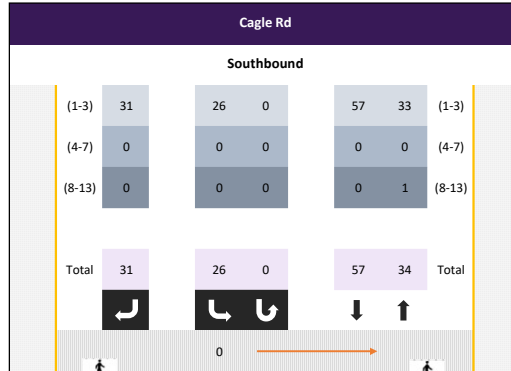
Hall County, GA



www.marrtraffic.com

Tuesday, May 16, 2023	
Period	0700 - 0900
Peak Hour	0745 - 0845

* the Peak Hour Diagram does not include Bikes

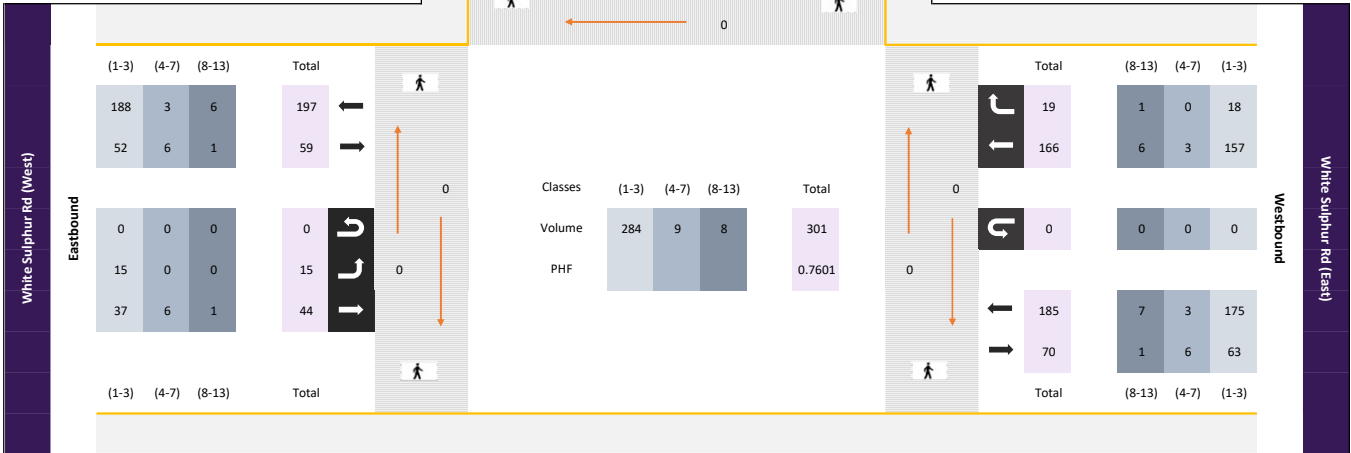


Session Parameters

(Drop Down Menu)

Peak Hour

Volume



All vehicles

Time					Southbound				Eastbound				Westbound				Int Total		
	App Total				Cagle Rd			App Total	White Sulphur Rd (West)			App Total	White Sulphur Rd (East)			App Total			
					Left 2.1	Right 2.2	U-Turn 2.3		Left 2.4	Thru 2.5	U-Turn 2.6		Thru 2.7	Right 2.8	U-Turn 2.9				
0745 - 0800	-	-	-	-	8	4	0	12	4	16	0	20	-	22	4	0	26	58	
0800 - 0815	-	-	-	-	7	11	0	18	6	11	0	17	-	59	5	0	64	99	
0815 - 0830	-	-	-	-	6	10	0	16	2	9	0	11	-	60	4	0	64	91	
0830 - 0845	-	-	-	-	5	6	0	11	3	8	0	11	-	25	6	0	31	53	
Total	0	0	0	0	26	31	0	57	15	44	0	59	0	166	19	0	185	301	
Approach %	0.00	0.00	0.00	0.00	45.61	0.00	54.39	0.00	25.42	74.58	0.00	0.00	0.00	89.73	10.27	0.00	-		
PHF	0.00	0.00	0.00	0.00	0.81	0.00	0.70	0.00	0.63	0.69	0.00	0.00	0.74	0.00	0.69	0.79	0.00	0.72	0.76

Passenger Vehicles (1-3)

Time					Southbound				Eastbound				Westbound				Int Total		
	App Total				Cagle Rd			App Total	White Sulphur Rd (West)			App Total	White Sulphur Rd (East)			App Total			
					Left 2.1	Right 2.2	U-Turn 2.3		Left 2.4	Thru 2.5	U-Turn 2.6		Thru 2.7	Right 2.8	U-Turn 2.9				
0745 - 0800	-	-	-	-	8	4	0	12	4	11	0	15	-	20	3	0	23	50	
0800 - 0815	-	-	-	-	7	11	0	18	6	9	0	15	-	56	5	0	61	94	
0815 - 0830	-	-	-	-	6	10	0	16	2	9	0	11	-	59	4	0	63	90	
0830 - 0845	-	-	-	-	5	6	0	11	3	8	0	11	-	22	6	0	28	50	
Total	0	0	0	0	26	31	0	57	15	37	0	52	0	157	18	0	175	284	
Approach %	0.00	0.00	0.00	0.00	45.61	0.00	54.39	0.00	28.85	71.15	0.00	0.00	0.00	89.71	10.29	0.00	-		
PHF	0.00	0.00	0.00	0.00	0.81	0.00	0.70	0.00	0.63	0.84	0.00	0.00	0.87	0.00	0.67	0.75	0.00	0.69	0.76

Single Unit Trucks (4-7)

Time					Southbound				Eastbound				Westbound				Int Total		
	App Total				Cagle Rd			App Total	White Sulphur Rd (West)			App Total	White Sulphur Rd (East)			App Total			
					Left 2.1	Right 2.2	U-Turn 2.3		Left 2.4	Thru 2.5	U-Turn 2.6		Thru 2.7	Right 2.8	U-Turn 2.9				
0745 - 0800	-	-	-	-	0	0	0	0	0	5	0	5	-	0	0	0	5	5	
0800 - 0815	-	-	-	-	0	0	0	0	0	1	0	1	-	1	0	0	1	2	
0815 - 0830	-	-	-	-	0	0	0	0	0	0	0	0	-	0	0	0	0	0	
0830 - 0845	-	-	-	-	0	0	0	0	0	0	0	0	-	2	0	0	2	2	
Total	0	0	0	0	0	0	0	0	0	6	0	6	0	3	0	0	3	9	
Approach %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	100.00	0.00	0.00	-		
PHF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.30	0.00	0.00	0.30	0.00	0.38	0.00	0.00	0.38	0.45

Combination Trucks (8-13)

Time					Southbound				Eastbound				Westbound				Int Total	
	App Total				Cagle Rd			App Total	White Sulphur Rd (West)			App Total	White Sulphur Rd (East)			App Total		
					Left 2.1	Right 2.2	U-Turn 2.3		Left 2.4	Thru 2.5	U-Turn 2.6		Thru 2.7	Right 2.8	U-Turn 2.9			
0745 - 0800	-	-	-	-	0	0	0	0	0	0	0	0	-	2	1	0	3	3
0800 - 0815	-	-	-	-	0	0	0	0	0	1	0	1	-	2	0	0	2	3
0815 - 0830	-	-	-	-	0	0	0	0	0	0	0	0	-	1	0	0	1	1
0830 - 0845	-	-	-	-	0	0	0	0	0	0	0	0	-	1	0	0	1	1
Total	0	0	0	0	0	0	0	0	0	1	0	1	0	6	1	0	7	8
Approach %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	85.71	14.29	0.00	-	
PHF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.25	0.00	0.00	0.25	0.00	0.25	0.00	0.58	0.67

Bikes

Time					Southbound				Eastbound				Westbound				Int Total		
	App Total				Cagle Rd			App Total	White Sulphur Rd (West)			App Total	White Sulphur Rd (East)			App Total			
					Left 2.1	Right 2.2	U-Turn 2.3		Left 2.4	Thru 2.5	U-Turn 2.6		Thru 2.7	Right 2.8	U-Turn 2.9				
0745 - 0800	-	-	-	-	0	0	0	0	0	0	0	0	-	0	0	0	0	0	
0800 - 0815	-	-	-	-	0	0	0	0	0	0	0	0	-	0	0	0	0	0	
0815 - 0830	-	-	-	-	0	0	0	0	0	0	0	0	-	0	0	0	0	0	
0830 - 0845	-	-	-	-	0	0	0	0	0	0	0	0	-	0	0	0	0	0	
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Approach %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-		
PHF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00



[Click here for Map](#)

Peak Hour Turning Movement Count

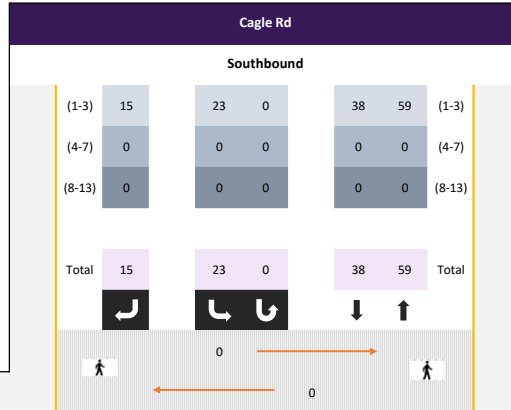
Hall County, GA



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Tuesday, May 16, 2023	
Period	1600 - 1800
Peak Hour	1700 - 1800

* the Peak Hour Diagram does not include Bikes

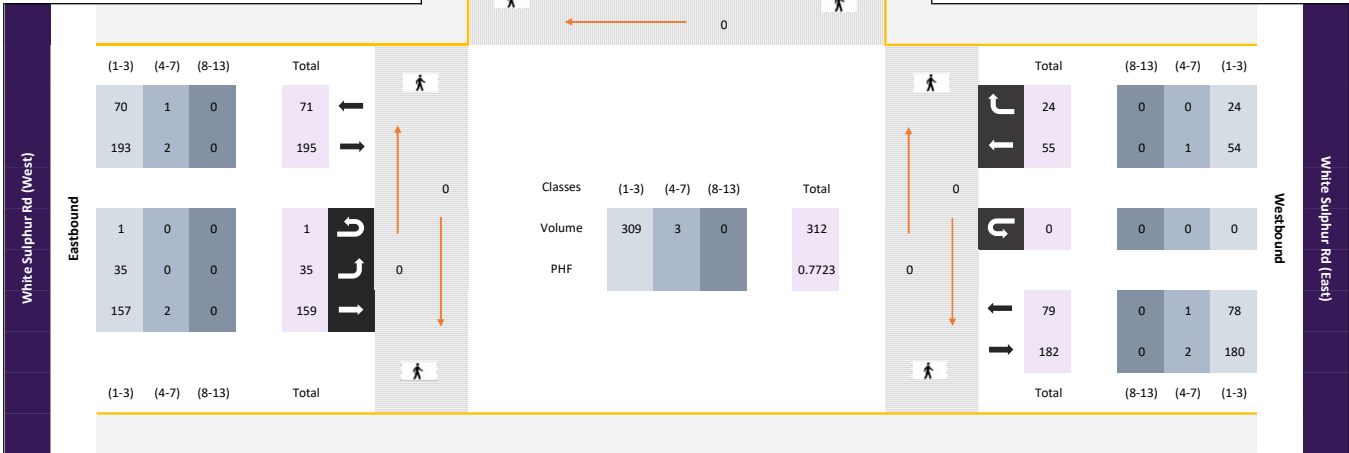


Session Parameters

(Drop Down Menu)

Peak Hour

Volume



All vehicles

Time					Southbound					Eastbound					Westbound					Int Total
	App Total				Cagle Rd			App Total	White Sulphur Rd (West)				White Sulphur Rd (East)							
					Left 2.1	Right 2.2	U-Turn 2.3		Left 2.4	Thru 2.5	U-Turn 2.6	Thru 2.7	Right 2.8	U-Turn 2.9						
1700 - 1715	-	-	-	-	8	1	0	9	8	38	1	47	12	4	0					
1715 - 1730	-	-	-	-	6	6	0	12	12	35	0	47	14	9	0					
1730 - 1745	-	-	-	-	4	7	0	11	7	60	0	67	17	6	0					
1745 - 1800	-	-	-	-	5	1	0	6	8	26	0	34	12	5	0					
Total	0	0	0	0	23	15	0	38	35	159	1	195	55	24	0					
Approach %	0.00	0.00	0.00	0.00	60.53	0.00	39.47	0.00	17.95	81.54	0.00	0.51	0.00	69.62	30.38					
PHF	0.00	0.00	0.00	0.00	0.72	0.00	0.54	0.00	0.73	0.66	0.00	0.25	0.00	0.81	0.67					

Passenger Vehicles (1-3)

Time					Southbound					Eastbound					Westbound					Int Total
	App Total				Cagle Rd			App Total	White Sulphur Rd (West)				White Sulphur Rd (East)							
					Left 2.1	Right 2.2	U-Turn 2.3		Left 2.4	Thru 2.5	U-Turn 2.6	Thru 2.7	Right 2.8	U-Turn 2.9						
1700 - 1715	-	-	-	-	8	1	0	9	8	38	1	47	11	4	0					
1715 - 1730	-	-	-	-	6	6	0	12	12	33	0	45	14	9	0					
1730 - 1745	-	-	-	-	4	7	0	11	7	60	0	67	17	6	0					
1745 - 1800	-	-	-	-	5	1	0	6	8	26	0	34	12	5	0					
Total	0	0	0	0	23	15	0	38	35	157	1	193	54	24	0					
Approach %	0.00	0.00	0.00	0.00	60.53	0.00	39.47	0.00	18.13	81.35	0.00	0.52	0.00	69.23	30.77					
PHF	0.00	0.00	0.00	0.00	0.72	0.00	0.54	0.00	0.73	0.65	0.00	0.25	0.00	0.79	0.67					

Single Unit Trucks (4-7)

Time					Southbound					Eastbound					Westbound					Int Total
	App Total				Cagle Rd			App Total	White Sulphur Rd (West)				White Sulphur Rd (East)							
					Left 2.1	Right 2.2	U-Turn 2.3		Left 2.4	Thru 2.5	U-Turn 2.6	Thru 2.7	Right 2.8	U-Turn 2.9						
1700 - 1715	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
1715 - 1730	-	-	-	-	0	0	0	0	0	2	0	2	0	0	0					
1730 - 1745	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
1745 - 1800	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
Total	0	0	0	0	0	0	0	0	0	2	0	2	0	1	0					
Approach %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	0.00	100.00	0.00					
PHF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.25	0.00	0.00	0.00	0.25	0.00					

Combination Trucks (8-13)

Time					Southbound					Eastbound					Westbound					Int Total
	App Total				Cagle Rd			App Total	White Sulphur Rd (West)				White Sulphur Rd (East)							
					Left 2.1	Right 2.2	U-Turn 2.3		Left 2.4	Thru 2.5	U-Turn 2.6	Thru 2.7	Right 2.8	U-Turn 2.9						
1700 - 1715	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
1715 - 1730	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
1730 - 1745	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
1745 - 1800	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
Approach %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00					
PHF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00					

Bikes

Time					Southbound					Eastbound					Westbound					Int Total
	App Total				Cagle Rd			App Total	White Sulphur Rd (West)				White Sulphur Rd (East)							
					Left 2.1	Right 2.2	U-Turn 2.3		Left 2.4	Thru 2.5	U-Turn 2.6	Thru 2.7	Right 2.8	U-Turn 2.9						
1700 - 1715	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
1715 - 1730	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
1730 - 1745	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
1745 - 1800	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0					
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
Approach %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00					
PHF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00					

Classified Turn Movement Count || All vehicles



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Hall County, GA

Site 2 of 2

Date

Tuesday, May 16, 2023

Weather

Mostly Cloudy
73°F

Cagle Rd
White Sulphur Rd (West)
White Sulphur Rd (East)

Lat/Long

34.356554°, -83.765869°

0700 - 0900 (Weekday 2h Session) (05-16-2023)

All vehicles

TIME	Southbound				Eastbound				Westbound				Int Total	
	Cagle Rd				White Sulphur Rd (West)				White Sulphur Rd (East)					
	Left 2.1	Right 2.2	U-Turn 2.3	App Total	Left 2.4	Thru 2.5	U-Turn 2.6	App Total	Thru 2.7	Right 2.8	U-Turn 2.9	App Total		
0700 - 0715	12	8	0	20	1	11	0	12	0	8	3	0	11	43
0715 - 0730	15	8	0	23	2	4	0	6	0	16	3	0	19	48
0730 - 0745	6	10	0	16	4	6	0	10	0	13	3	0	16	42
0745 - 0800	8	4	0	12	4	16	0	20	0	22	4	0	26	58
Hourly Total	41	30	0	71	11	37	0	48	0	59	13	0	72	191
0800 - 0815	7	11	0	18	6	11	0	17	0	59	5	0	64	99
0815 - 0830	6	10	0	16	2	9	0	11	0	60	4	0	64	91
0830 - 0845	5	6	0	11	3	8	0	11	0	25	6	0	31	53
0845 - 0900	9	3	0	12	5	10	0	15	0	13	8	0	21	48
Hourly Total	27	30	0	57	16	38	0	54	0	157	23	0	180	291
Grand Total	68	60	0	128	27	75	0	102	0	216	36	0	252	482
Approach %	53.13	46.88	0.00	-	26.47	73.53	0.00	-	0.00	85.71	14.29	0.00	-	-
Intersection %	14.11	12.45	0.00	26.56	5.60	15.56	0.00	21.16	0.00	44.81	7.47	0.00	52.28	-
PHF	0.81	0.70	0.00	0.79	0.63	0.69	0.00	0.74	0.00	0.69	0.79	0.00	0.72	0.76

1600 - 1800 (Weekday 2h Session) (05-16-2023)

All vehicles

TIME	Southbound				Eastbound				Westbound				Int Total	
	Cagle Rd				White Sulphur Rd (West)				White Sulphur Rd (East)					
	Left 2.1	Right 2.2	U-Turn 2.3	App Total	Left 2.4	Thru 2.5	U-Turn 2.6	App Total	Thru 2.7	Right 2.8	U-Turn 2.9	App Total		
1600 - 1615	9	6	0	15	8	23	0	31	0	17	13	0	30	76
1615 - 1630	5	4	0	9	6	13	0	19	0	9	14	0	23	51
1630 - 1645	4	6	0	10	6	19	0	25	0	10	4	0	14	49
1645 - 1700	4	1	0	5	13	21	0	34	0	6	11	0	17	56
Hourly Total	22	17	0	39	33	76	0	109	0	42	42	0	84	232
1700 - 1715	8	1	0	9	8	38	1	47	1	12	4	0	16	72
1715 - 1730	6	6	0	12	12	35	0	47	0	14	9	0	23	82
1730 - 1745	4	7	0	11	7	60	0	67	0	17	6	0	23	101
1745 - 1800	5	1	0	6	8	26	0	34	0	12	5	0	17	57
Hourly Total	23	15	0	38	35	159	1	195	1	55	24	0	79	312
Grand Total	45	32	0	77	68	235	1	304	1	97	66	0	163	544
Approach %	58.44	41.56	0.00	-	22.37	77.30	0.33	-	0.18	59.51	40.49	0.00	-	-
Intersection %	8.27	5.88	0.00	14.15	12.50	43.20	0.18	55.88	0.18	17.83	12.13	0.00	29.96	-
PHF	0.72	0.54	0.00	0.79	0.73	0.66	0.25	0.73	0.25	0.81	0.67	0.00	0.86	0.77



[Click here for Map](#)

Peak Hour Turning Movement Count

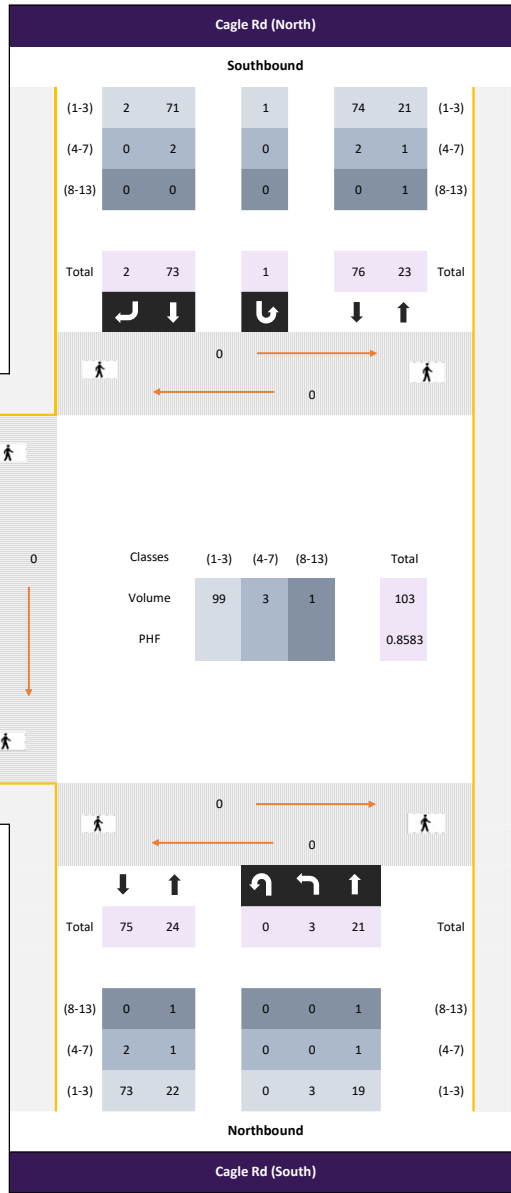
Hall County, GA



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Tuesday, May 16, 2023	
Period	0700 - 0900
Peak Hour	0700 - 0800

* the Peak Hour Diagram does not include Bikes

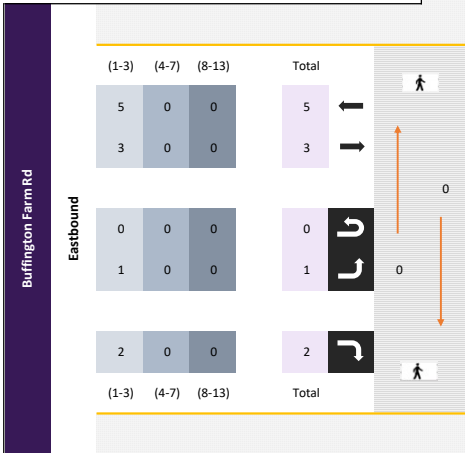


Session Parameters

(Drop Down Menu)

Peak Hour

Volume





[Click here for Map](#)

Peak Hour Turning Movement Count

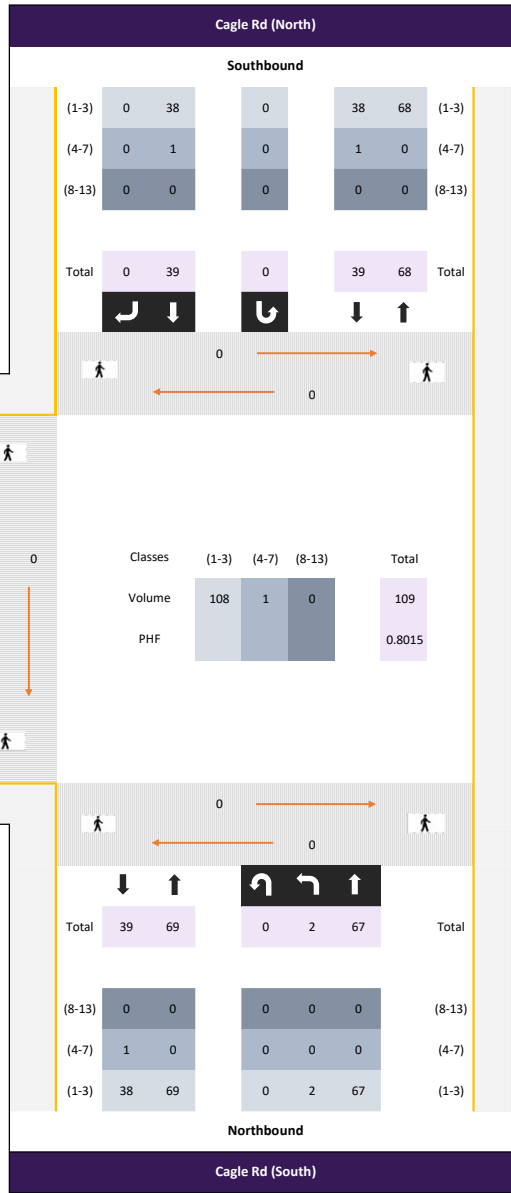
Hall County, GA



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Tuesday, May 16, 2023	
Period	1600 - 1800
Peak Hour	1600 - 1700

* the Peak Hour Diagram does not include Bikes



Session Parameters

(Drop Down Menu)

Peak Hour

Volume

Buffington Farm Rd

Eastbound

(1-3)	2	0	0	2	↑
(4-7)	1	0	0	1	↑
(8-13)	0	0	0	0	↻
Total	3	0	0	3	↑

Westbound

(1-3)	0	0	0	0	↻
(4-7)	1	0	0	1	↻
(8-13)	0	0	0	0	↻
Total	1	0	0	1	↻

Classified Turn Movement Count || All vehicles



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Hall County, GA

Site 1 of 2

Cagle Rd (South)
Cagle Rd (North)
Buffington Farm Rd

Date

Tuesday, May 16, 2023

Weather

Mostly Cloudy
73°F

Lat/Long

34.358128°, -83.764044°

0700 - 0900 (Weekday 2h Session) (05-16-2023)

All vehicles

TIME	Northbound Cagle Rd (South)				Southbound Cagle Rd (North)				Eastbound Buffington Farm Rd				Int Total
	Left 1.1	Thru 1.2	U-Turn 1.3	App Total	Thru 1.4	Right 1.5	U-Turn 1.6	App Total	Left 1.7	Right 1.8	U-Turn 1.9	App Total	
	0700 - 0715	0	3	0	3	23	1	0	24	0	0	0	
0715 - 0730	0	6	0	6	19	1	0	20	0	1	0	1	27
0730 - 0745	2	6	0	8	19	0	1	20	1	1	0	2	30
0745 - 0800	1	6	0	7	12	0	0	12	0	0	0	0	19
Hourly Total	3	21	0	24	73	2	1	76	1	2	0	3	103
0800 - 0815	1	9	0	10	14	1	0	15	0	2	0	2	27
0815 - 0830	0	7	0	7	15	0	0	15	0	1	0	1	23
0830 - 0845	0	10	0	10	11	0	0	11	0	0	0	0	21
0845 - 0900	2	10	1	13	11	0	0	11	0	0	0	0	24
Hourly Total	3	36	1	40	51	1	0	52	0	3	0	3	95
Grand Total	6	57	1	64	124	3	1	128	1	5	0	6	198
Approach %	9.38	89.06	1.56	-	96.88	2.34	0.78	-	16.67	83.33	0.00	-	
Intersection %	3.03	28.79	0.51	32.32	62.63	1.52	0.51	64.65	0.51	2.53	0.00	3.03	
PHF	0.38	0.88	0.00	0.75	0.79	0.50	0.25	0.79	0.25	0.50	0.00	0.38	0.86

1600 - 1800 (Weekday 2h Session) (05-16-2023)

All vehicles

TIME	Northbound Cagle Rd (South)				Southbound Cagle Rd (North)				Eastbound Buffington Farm Rd				Int Total
	Left 1.1	Thru 1.2	U-Turn 1.3	App Total	Thru 1.4	Right 1.5	U-Turn 1.6	App Total	Left 1.7	Right 1.8	U-Turn 1.9	App Total	
	1600 - 1615	1	18	0	19	15	0	0	15	0	0	0	
1615 - 1630	1	19	0	20	10	0	0	10	0	0	0	0	30
1630 - 1645	0	12	0	12	9	0	0	9	1	0	0	1	22
1645 - 1700	0	18	0	18	5	0	0	5	0	0	0	0	23
Hourly Total	2	67	0	69	39	0	0	39	1	0	0	1	109
1700 - 1715	0	15	0	15	7	0	0	7	0	1	0	1	23
1715 - 1730	0	18	0	18	11	0	0	11	0	0	0	0	29
1730 - 1745	1	16	0	17	10	0	0	10	0	0	0	0	27
1745 - 1800	0	12	0	12	6	0	0	6	1	0	0	1	19
Hourly Total	1	61	0	62	34	0	0	34	1	1	0	2	98
Grand Total	3	128	0	131	73	0	0	73	2	1	0	3	207
Approach %	2.29	97.71	0.00	-	100.00	0.00	0.00	-	66.67	33.33	0.00	-	
Intersection %	1.45	61.84	0.00	63.29	35.27	0.00	0.00	35.27	0.97	0.48	0.00	1.45	
PHF	0.50	0.88	0.00	0.86	0.65	0.00	0.00	0.65	0.25	0.00	0.00	0.25	0.80

Bi-Directional Class Count || Bi-Directional 15min

Hall County, GA



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Site 3
Cagle Rd (South),
south of Buffington Farm Rd

Date
Tuesday, May 16, 2023

Weather
Mostly Cloudy
73°F

Lat/Long
34.357690°, -83.764453°

0000 - 2400 (24h Session) (05-16-2023)
Bi-Directional 15min

Table with columns for Time, 1-13, 15min Total, and 60min Total. Contains 240 rows of 15-minute interval counts.

Summary table with 14 columns for session statistics and peak hour volumes (AM, Noon, PM).

Bi-Directional Class Count || Volume Summary 60min

Hall County, GA



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Site 3

Cagle Rd (South),
south of Buffington Farm Rd

Date

Tuesday, May 16, 2023

Weather

Mostly Cloudy
73°F

Lat/Long

34.357690°, -83.764453°

0000 - 2400 (24h Session) (05-16-2023)

Volume Summary 60min

Volume Summary 60min			
TIME	NB	SB	Total
0000 - 0100	7	3	10
0100 - 0200	6	3	9
0200 - 0300	2	5	7
0300 - 0400	3	2	5
0400 - 0500	5	13	18
0500 - 0600	2	20	22
0600 - 0700	13	58	71
0700 - 0800	24	75	99
0800 - 0900	40	55	95
0900 - 1000	30	36	66
1000 - 1100	36	36	72
1100 - 1200	38	43	81

Volume Summary 60min			
Time	NB	SB	Total
1200 - 1300	42	40	82
1300 - 1400	39	44	83
1400 - 1500	47	40	87
1500 - 1600	58	58	116
1600 - 1700	69	39	108
1700 - 1800	62	35	97
1800 - 1900	64	45	109
1900 - 2000	43	31	74
2000 - 2100	36	18	54
2100 - 2200	33	13	46
2200 - 2300	20	17	37
2300 - 2400	8	3	11

Session Total	727	732	1459
Session Average	30.29	30.50	60.79
Session Percentage	49.83	50.17	

Bi-Directional Class Count || Volume Summary 60min

Hall County, GA



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Site 4

Buffington Farm Rd,
west of Cagle Rd (North)

Date

Tuesday, May 16, 2023

Weather

Mostly Cloudy
73°F

Lat/Long

34.358532°, -83.764626°

0000 - 2400 (24h Session) (05-16-2023)

Volume Summary 60min

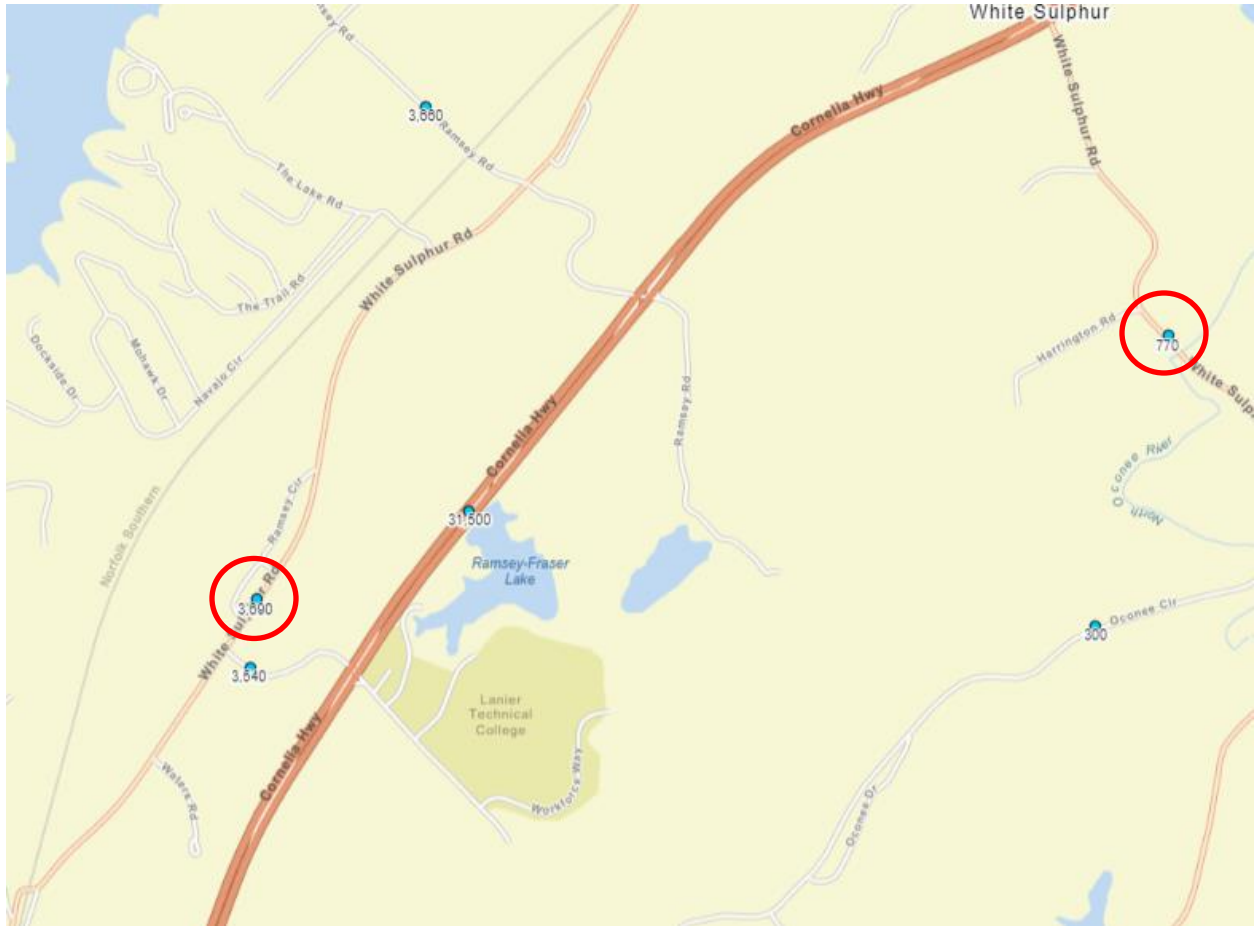
Volume Summary 60min			
TIME	EB	WB	Total
0000 - 0100	1	1	2
0100 - 0200	1	2	3
0200 - 0300	1	0	1
0300 - 0400	1	0	1
0400 - 0500	2	2	4
0500 - 0600	3	1	4
0600 - 0700	1	1	2
0700 - 0800	3	5	8
0800 - 0900	3	4	7
0900 - 1000	1	2	3
1000 - 1100	1	1	2
1100 - 1200	2	2	4

Volume Summary 60min			
Time	EB	WB	Total
1200 - 1300	1	0	1
1300 - 1400	4	5	9
1400 - 1500	2	3	5
1500 - 1600	6	3	9
1600 - 1700	1	2	3
1700 - 1800	2	1	3
1800 - 1900	1	1	2
1900 - 2000	0	0	0
2000 - 2100	1	2	3
2100 - 2200	3	3	6
2200 - 2300	2	2	4
2300 - 2400	1	1	2

Session Total	44	44	88
Session Average	1.83	1.83	3.67
Session Percentage	50.00	50.00	


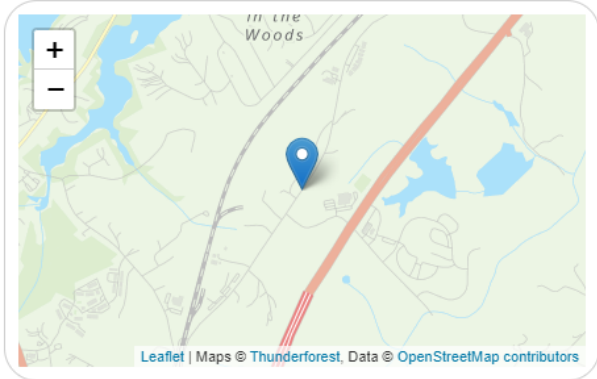
Appendix D
GDOT Traffic Data

Location Map of GDOT Count Stations



0000139_0536 - 139-0536
Description: CS 129807/White Sulphur Rd N of SR369
City: Gainesville **County:** Hall
Route number: 00129807
LRS section: 1393129807
Functional class: 4U - Minor Arterial (Urban)
Coordinates: 34.33343966, -83.78557946

Site Data


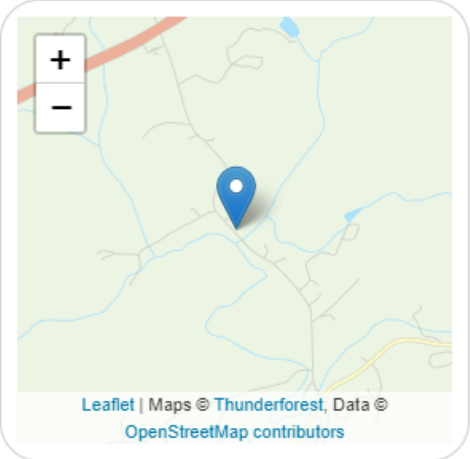



Count History

Year	Month	Count type	Duration	Count
2018	May	Volume	48 hours	4277
2015	June	Volume	48 hours	4405
2011	September	Volume	48 hours	3592

0000139_0538 - 139-0538
Description: SRX 041900
County: Hall
Route number: 00129800
LRS section: 1392129800
Functional class: 5R - Major Collector (Rural)
Coordinates: 34.34074679, -83.75488429

Site Data

Count History

Year	Month	Count type	Duration	Count
2018	July	Class	48 hours	810
2014	April	Volume	48 hours	895
2010	January	Volume	48 hours	836

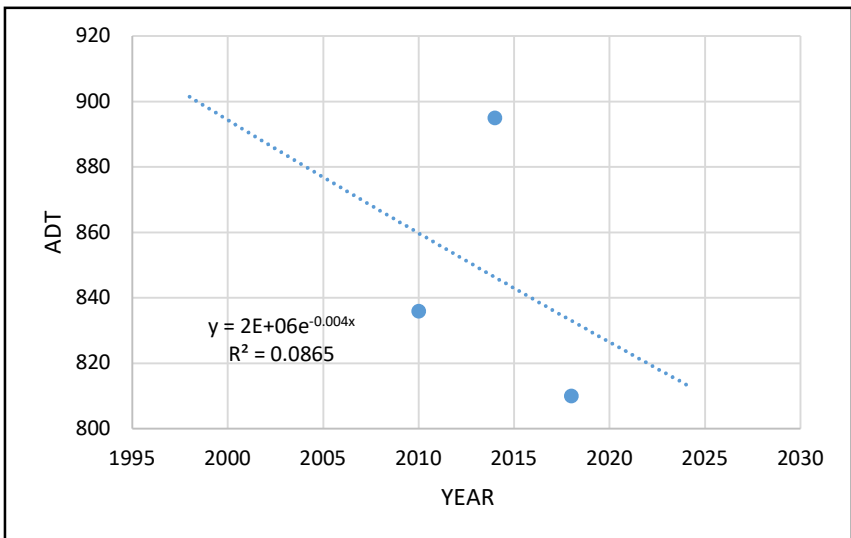
Count Station: GDOT #139-0538
 Street: White Sulphur Road
 Location: east of Harrington Road
 Source: GDOT

YEAR	ADT	TREND
1998		900
1999		900
2000		900
2001		900
2002		900
2003		900
2004		900
2005		900
2006		900
2007		900
2008		900
2009		900
2010	836	900
2011		900
2012		900
2013		800
2014	895	800
2015		800
2016		800
2017		800
2018	810	800
2019		800
2020		800
2021		800
2022		800
2023		800
2024		800

8-Years of Count Data

Trend Annual Historic Compound Growth Rate

0.00%

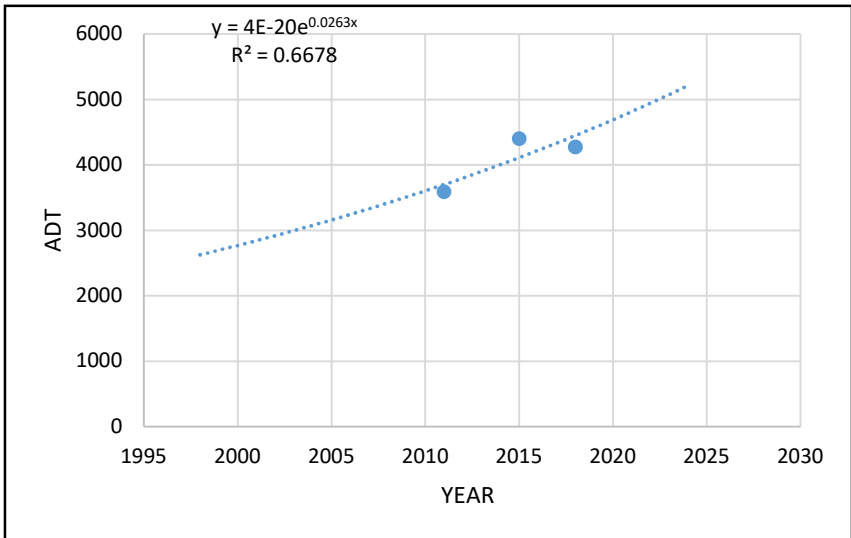


Count Station: GDOT #0139-0536
 Street: White Sulphur Road
 Location: between Ramsey Circle
 Source: GDOT

YEAR	ADT	TREND
1998		2600
1999		2700
2000		2800
2001		2800
2002		2900
2003		3000
2004		3100
2005		3200
2006		3200
2007		3300
2008		3400
2009		3500
2010		3600
2011	3592	3700
2012		3800
2013		3900
2014		4000
2015	4405	4100
2016		4200
2017		4300
2018	4277	4400
2019		4600
2020		4700
2021		4800
2022		4900
2023		5100
2024		5200

7-Years of Count Data
Trend Annual Historic Compound Growth Rate

3.72%



Appendix E

Intersection Volume Development

Traffic Impact Study
 Buffington Farm Road Tract
 Intersection Traffic Volumes

Intersection: #1 - Buffington Farm Rd at Cagle Rd

A.M. PEAK HOUR

Condition	Cagle Rd (South) Northbound			Cagle Rd (North) Southbound			Buffington Farm Rd Eastbound			N/A Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Existing Volumes (2023)	3	21	0	0	73	2	1	0	2			
Annual Growth Rate	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%
No-Build Condition (2025)	3	22	0	0	75	2	1	0	2	0	0	0
Project Trips:												
Trip Distribution IN	90%					10%						
Trip Distribution OUT							10%		90%			
Residential Trips	55	0	0	0	0	6	18	0	165	0	0	0
Total Project Trips	55	0	0	0	0	6	18	0	165	0	0	0
Buildout Total (2025)	58	22	0	0	75	8	19	0	167	0	0	0

P.M. PEAK HOUR

Condition	Cagle Rd (South) Northbound			Cagle Rd (North) Southbound			Buffington Farm Rd Eastbound			N/A Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Existing Volumes (2023)	2	67	0	0	39	0	1	0	0			
Annual Growth Rate	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%
No-Build Condition (2025)	2	69	0	0	40	0	1	0	0	0	0	0
Project Trips:												
Trip Distribution IN	90%					10%						
Trip Distribution OUT							10%		90%			
Residential Trips	185	0	0	0	0	20	12	0	109	0	0	0
Total Project Trips	185	0	0	0	0	20	12	0	109	0	0	0
Buildout Total (2025)	187	69	0	0	40	20	13	0	109	0	0	0

Traffic Impact Study
 Buffington Farm Road Tract
 Intersection Traffic Volumes

Intersection: #3 - Buffington Farm Road at Driveway #3 (Phase 3)

A.M. PEAK HOUR

Condition	N/A Northbound			Driveway #3 Southbound			Buffington Farm Rd Westbound			Buffington Farm Rd Eastbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Existing Volumes (2023)								5			3	
Annual Growth Rate	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%
No-Build Condition (2025)	0	0	0	0	0	0	0	5	0	0	3	0
Project Trips:												
Trip Distribution IN								64%	36%			
Trip Distribution OUT						36%					64%	
Residential Trips	0	0	0	0	0	66	0	39	22	0	117	0
Total Project Trips	0	0	0	0	0	66	0	39	22	0	117	0
Buildout Total (2025)	0	0	0	0	0	66	0	44	22	0	120	0

P.M. PEAK HOUR

Condition	N/A Northbound			Driveway #3 Southbound			Buffington Farm Rd Westbound			Buffington Farm Rd Eastbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Existing Volumes (2023)								2			1	
Annual Growth Rate	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%
No-Build Condition (2025)	0	0	0	0	0	0	0	2	0	0	1	0
Project Trips:												
Trip Distribution IN								64%	36%			
Trip Distribution OUT						36%					64%	
Residential Trips	0	0	0	0	0	20	0	131	74	0	77	0
Total Project Trips	0	0	0	0	0	20	0	131	74	0	77	0
Buildout Total (2025)	0	0	0	0	0	20	0	133	74	0	78	0

Traffic Impact Study
 Buffington Farm Road Tract
 Intersection Traffic Volumes

Intersection: #4 - Buffington Farm Road at Driveway #1 (Phase 1)

A.M. PEAK HOUR

Condition	Driveway #1 Northbound			N/A Southbound			Buffington Farm Rd Westbound			Buffington Farm Rd Eastbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Existing Volumes (2023)								5			3	
Annual Growth Rate	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%
No-Build Condition (2025)	0	0	0	0	0	0	0	5	0	0	3	0
Project Trips:												
Trip Distribution IN							27%	37%				
Trip Distribution OUT						27%					37%	
Residential Trips	0	0	0	0	0	49	16	23	0	0	68	0
Total Project Trips	0	0	0	0	0	49	16	23	0	0	68	0
Buildout Total (2025)	0	0	0	0	0	49	16	28	0	0	71	0

P.M. PEAK HOUR

Condition	Driveway #1 Northbound			N/A Southbound			Buffington Farm Rd Westbound			Buffington Farm Rd Eastbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Existing Volumes (2023)								2			1	
Annual Growth Rate	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%
No-Build Condition (2025)	0	0	0	0	0	0	0	2	0	0	1	0
Project Trips:												
Trip Distribution IN							27%	37%				
Trip Distribution OUT						27%					37%	
Residential Trips	0	0	0	0	0	20	55	76	0	0	45	0
Total Project Trips	0	0	0	0	0	20	55	76	0	0	45	0
Buildout Total (2025)	0	0	0	0	0	20	55	78	0	0	46	0

Appendix F

Capacity Analysis Reports

Existing Conditions – Year 2022

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T		T		T	
Traffic Vol, veh/h	1	2	3	21	73	2
Future Vol, veh/h	1	2	3	21	73	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	85	85	85	85	85	85
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	2	4	25	86	2

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	120	87	88	0	0
Stage 1	87	-	-	-	-
Stage 2	33	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	876	971	1508	-	-
Stage 1	936	-	-	-	-
Stage 2	989	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	873	971	1508	-	-
Mov Cap-2 Maneuver	873	-	-	-	-
Stage 1	933	-	-	-	-
Stage 2	989	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	8.9	0.9	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1508	-	936	-	-
HCM Lane V/C Ratio	0.002	-	0.004	-	-
HCM Control Delay (s)	7.4	0	8.9	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection						
Int Delay, s/veh	2.4					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↶	↷		↶	↷
Traffic Vol, veh/h	15	44	166	19	26	31
Future Vol, veh/h	15	44	166	19	26	31
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	76	76	76	76	76	76
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	20	58	218	25	34	41

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	243	0	0	329	231
Stage 1	-	-	-	231	-
Stage 2	-	-	-	98	-
Critical Hdwy	4.12	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	3.518	3.318
Pot Cap-1 Maneuver	1323	-	-	665	808
Stage 1	-	-	-	807	-
Stage 2	-	-	-	926	-
Platoon blocked, %		-	-		
Mov Cap-1 Maneuver	1323	-	-	654	808
Mov Cap-2 Maneuver	-	-	-	654	-
Stage 1	-	-	-	794	-
Stage 2	-	-	-	926	-

Approach	EB	WB	SB
HCM Control Delay, s	2	0	10.5
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1323	-	-	-	730
HCM Lane V/C Ratio	0.015	-	-	-	0.103
HCM Control Delay (s)	7.8	0	-	-	10.5
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.3

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		
Traffic Vol, veh/h	1	0	2	67	39	0
Future Vol, veh/h	1	0	2	67	39	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	80	80	80	80	80	80
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	0	3	84	49	0

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	139	49	49	0	0
Stage 1	49	-	-	-	-
Stage 2	90	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	854	1020	1558	-	-
Stage 1	973	-	-	-	-
Stage 2	934	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	852	1020	1558	-	-
Mov Cap-2 Maneuver	852	-	-	-	-
Stage 1	971	-	-	-	-
Stage 2	934	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.2	0.2	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1558	-	852	-	-
HCM Lane V/C Ratio	0.002	-	0.001	-	-
HCM Control Delay (s)	7.3	0	9.2	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection						
Int Delay, s/veh	2.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	
Traffic Vol, veh/h	36	159	55	24	23	15
Future Vol, veh/h	36	159	55	24	23	15
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	77	77	77	77	77	77
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	47	206	71	31	30	19

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	102	0	-	0	387 87
Stage 1	-	-	-	-	87 -
Stage 2	-	-	-	-	300 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1490	-	-	-	616 971
Stage 1	-	-	-	-	936 -
Stage 2	-	-	-	-	752 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1490	-	-	-	594 971
Mov Cap-2 Maneuver	-	-	-	-	594 -
Stage 1	-	-	-	-	902 -
Stage 2	-	-	-	-	752 -

Approach	EB	WB	SB
HCM Control Delay, s	1.4	0	10.5
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1490	-	-	-	702
HCM Lane V/C Ratio	0.031	-	-	-	0.07
HCM Control Delay (s)	7.5	0	-	-	10.5
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.2

Future No-Build Conditions – Year 2025

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		T
Traffic Vol, veh/h	1	2	3	22	75	2
Future Vol, veh/h	1	2	3	22	75	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	85	85	85	85	85	85
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	2	4	26	88	2

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	123	89	90	0	0
Stage 1	89	-	-	-	-
Stage 2	34	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	872	969	1505	-	-
Stage 1	934	-	-	-	-
Stage 2	988	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	869	969	1505	-	-
Mov Cap-2 Maneuver	869	-	-	-	-
Stage 1	931	-	-	-	-
Stage 2	988	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	8.9	0.9	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1505	-	933	-	-
HCM Lane V/C Ratio	0.002	-	0.004	-	-
HCM Control Delay (s)	7.4	0	8.9	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			L		R
Traffic Vol, veh/h	1	0	2	69	40	0
Future Vol, veh/h	1	0	2	69	40	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	80	80	80	80	80	80
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	0	3	86	50	0

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	142	50	50	0	0
Stage 1	50	-	-	-	-
Stage 2	92	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	851	1018	1557	-	-
Stage 1	972	-	-	-	-
Stage 2	932	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	849	1018	1557	-	-
Mov Cap-2 Maneuver	849	-	-	-	-
Stage 1	970	-	-	-	-
Stage 2	932	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.2	0.2	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1557	-	849	-	-
HCM Lane V/C Ratio	0.002	-	0.001	-	-
HCM Control Delay (s)	7.3	0	9.2	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Future Build Conditions – Year 2025

Intersection						
Int Delay, s/veh	6.6					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T			T		T
Traffic Vol, veh/h	19	167	58	22	75	8
Future Vol, veh/h	19	167	58	22	75	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	85	85	85	85	85	85
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	22	196	68	26	88	9

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	255	93	97	0	0
Stage 1	93	-	-	-	-
Stage 2	162	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	734	964	1496	-	-
Stage 1	931	-	-	-	-
Stage 2	867	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	700	964	1496	-	-
Mov Cap-2 Maneuver	700	-	-	-	-
Stage 1	888	-	-	-	-
Stage 2	867	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10.1	5.5	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1496	-	928	-	-
HCM Lane V/C Ratio	0.046	-	0.236	-	-
HCM Control Delay (s)	7.5	0	10.1	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.9	-	-

HCM 6th TWSC
3: Buffington Farm Rd & Driveway #3

Build 2025
AM Peak Hour

Intersection						
Int Delay, s/veh	2.6					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑	↑		↑	
Traffic Vol, veh/h	0	120	44	22	66	0
Future Vol, veh/h	0	120	44	22	66	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	130	48	24	72	0

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	-	0	-	0	190 60
Stage 1	-	-	-	-	60 -
Stage 2	-	-	-	-	130 -
Critical Hdwy	-	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	-	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	0	-	-	-	799 1005
Stage 1	0	-	-	-	963 -
Stage 2	0	-	-	-	896 -
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	-	-	799 1005
Mov Cap-2 Maneuver	-	-	-	-	799 -
Stage 1	-	-	-	-	963 -
Stage 2	-	-	-	-	896 -

Approach	EB	WB	SB
HCM Control Delay, s	0	0	10
HCM LOS			B

Minor Lane/Major Mvmt	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	-	799
HCM Lane V/C Ratio	-	-	-	0.09
HCM Control Delay (s)	-	-	-	10
HCM Lane LOS	-	-	-	B
HCM 95th %tile Q(veh)	-	-	-	0.3

HCM 6th TWSC
4: Driveway #1 & Buffington Farm Rd

Build 2025
AM Peak Hour

Intersection						
Int Delay, s/veh	3.5					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑			↑	↑	
Traffic Vol, veh/h	71	0	16	23	0	49
Future Vol, veh/h	71	0	16	23	0	49
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	77	0	17	25	0	53

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	-	77	0	136 77
Stage 1	-	-	-	-	77 -
Stage 2	-	-	-	-	59 -
Critical Hdwy	-	-	4.12	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	-	-	2.218	-	3.518 3.318
Pot Cap-1 Maneuver	-	0	1522	-	857 984
Stage 1	-	0	-	-	946 -
Stage 2	-	0	-	-	964 -
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1522	-	848 984
Mov Cap-2 Maneuver	-	-	-	-	848 -
Stage 1	-	-	-	-	946 -
Stage 2	-	-	-	-	953 -

Approach	EB	WB	NB
HCM Control Delay, s	0	3	8.9
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	WBL	WBT
Capacity (veh/h)	984	-	1522	-
HCM Lane V/C Ratio	0.054	-	0.011	-
HCM Control Delay (s)	8.9	-	7.4	0
HCM Lane LOS	A	-	A	A
HCM 95th %tile Q(veh)	0.2	-	0	-

Intersection						
Int Delay, s/veh	6.1					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T		T		T	
Traffic Vol, veh/h	13	109	187	69	40	20
Future Vol, veh/h	13	109	187	69	40	20
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	80	80	80	80	80	80
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	16	136	234	86	50	25

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	617	63	75	0	0
Stage 1	63	-	-	-	-
Stage 2	554	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	453	1002	1524	-	-
Stage 1	960	-	-	-	-
Stage 2	575	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	380	1002	1524	-	-
Mov Cap-2 Maneuver	380	-	-	-	-
Stage 1	805	-	-	-	-
Stage 2	575	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10.1	5.7	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1524	-	853	-	-
HCM Lane V/C Ratio	0.153	-	0.179	-	-
HCM Control Delay (s)	7.8	0	10.1	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0.5	-	0.6	-	-

HCM 6th TWSC
3: Buffington Farm Rd & Driveway #3

Build 2025
PM Peak Hour

Intersection						
Int Delay, s/veh	1.4					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑	↑		↑	
Traffic Vol, veh/h	0	78	133	74	44	0
Future Vol, veh/h	0	78	133	74	44	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	85	145	80	48	0

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	-	0	-	0	270 185
Stage 1	-	-	-	-	185 -
Stage 2	-	-	-	-	85 -
Critical Hdwy	-	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	-	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	0	-	-	-	719 857
Stage 1	0	-	-	-	847 -
Stage 2	0	-	-	-	938 -
Platoon blocked, %	-	-	-	-	
Mov Cap-1 Maneuver	-	-	-	-	719 857
Mov Cap-2 Maneuver	-	-	-	-	719 -
Stage 1	-	-	-	-	847 -
Stage 2	-	-	-	-	938 -

Approach	EB	WB	SB
HCM Control Delay, s	0	0	10.4
HCM LOS			B

Minor Lane/Major Mvmt	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	-	-	-	719
HCM Lane V/C Ratio	-	-	-	0.067
HCM Control Delay (s)	-	-	-	10.4
HCM Lane LOS	-	-	-	B
HCM 95th %tile Q(veh)	-	-	-	0.2

HCM 6th TWSC
4: Driveway #1 & Buffington Farm Rd

Build 2025
PM Peak Hour

Intersection						
Int Delay, s/veh	3.3					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑			↑	↑	
Traffic Vol, veh/h	46	0	55	76	0	33
Future Vol, veh/h	46	0	55	76	0	33
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	50	0	60	83	0	36

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	-	50	0	253 50
Stage 1	-	-	-	-	50 -
Stage 2	-	-	-	-	203 -
Critical Hdwy	-	-	4.12	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	-	-	2.218	-	3.518 3.318
Pot Cap-1 Maneuver	-	0	1557	-	736 1018
Stage 1	-	0	-	-	972 -
Stage 2	-	0	-	-	831 -
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1557	-	707 1018
Mov Cap-2 Maneuver	-	-	-	-	707 -
Stage 1	-	-	-	-	972 -
Stage 2	-	-	-	-	798 -

Approach	EB	WB	NB
HCM Control Delay, s	0	3.1	8.7
HCM LOS			A

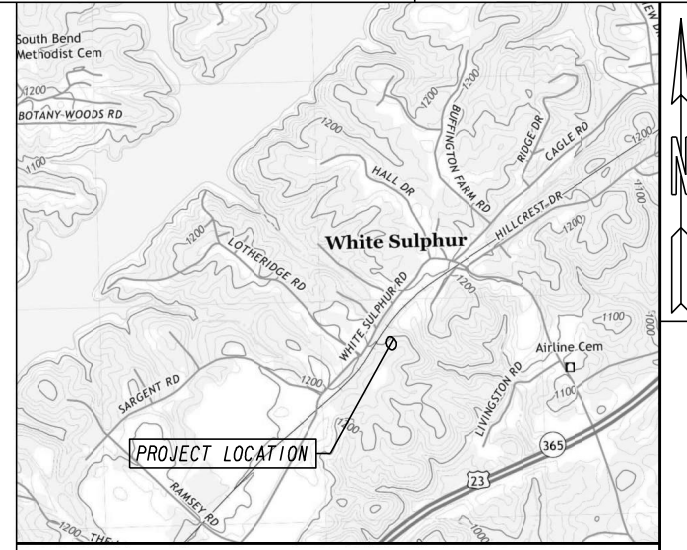
Minor Lane/Major Mvmt	NBLn1	EBT	WBL	WBT
Capacity (veh/h)	1018	-	1557	-
HCM Lane V/C Ratio	0.035	-	0.038	-
HCM Control Delay (s)	8.7	-	7.4	0
HCM Lane LOS	A	-	A	A
HCM 95th %tile Q(veh)	0.1	-	0.1	-

Appendix G
Hall County
Roadway Project

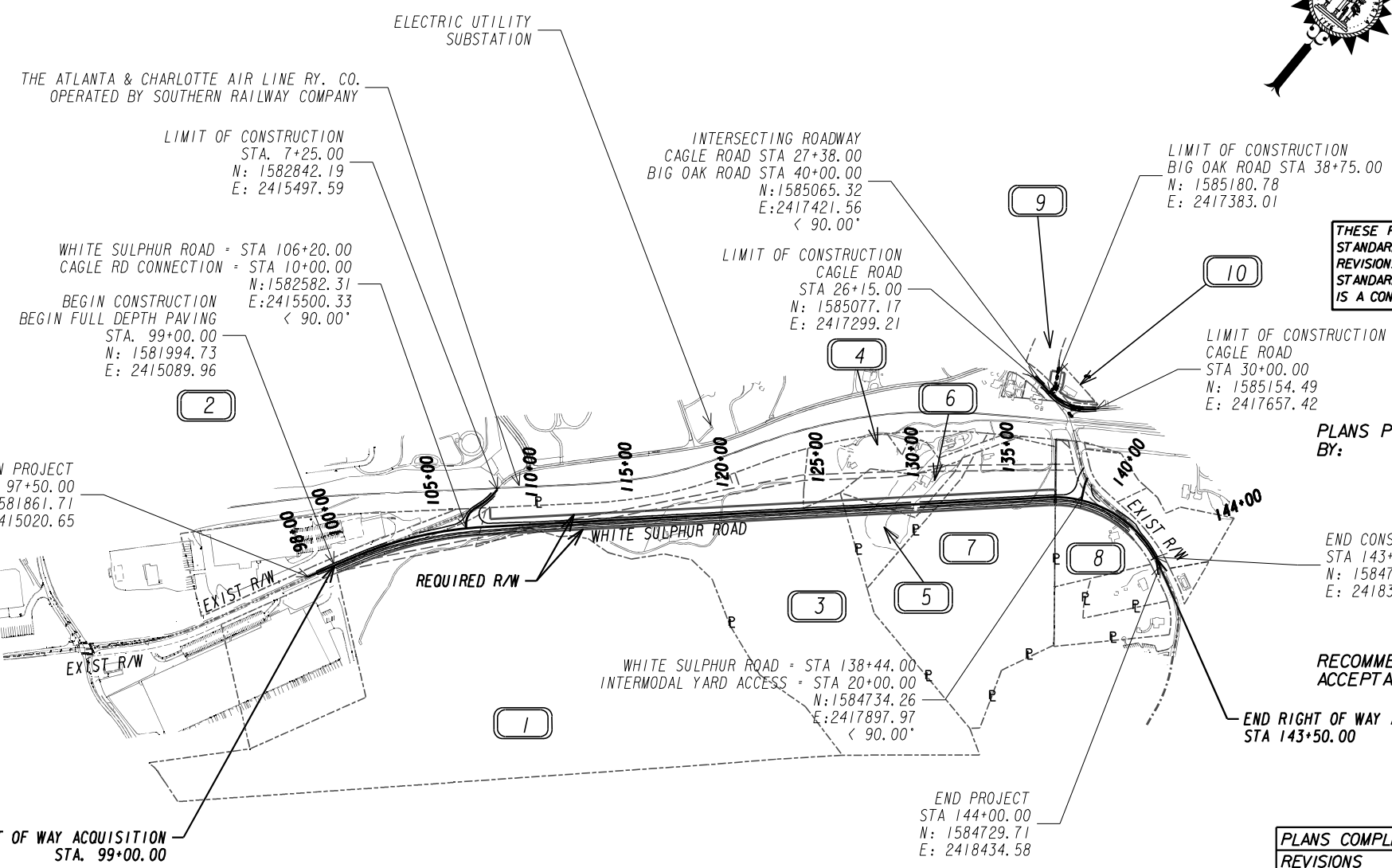
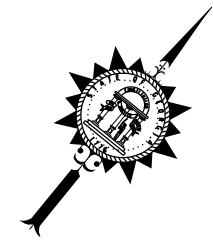
DEPARTMENT OF PUBLIC WORKS HALL COUNTY

PLAN AND PROFILE OF PROPOSED WHITE SULPHUR ROAD REALIGNMENT

P.J. NO. 1162100



LOCATION SKETCH (N.T.S)



VOLKERT

1720 PEACHTREE STREET
SUITE 405
ATLANTA, GA 30309
TEL: (404)-239-2138

PLANS PREPARED BY:

DESIGN

RECOMMENDED FOR ACCEPTANCE BY:

HALL COUNTY

DESIGN ENGINEER

LOCATION & DESIGN APPROVAL DATE:

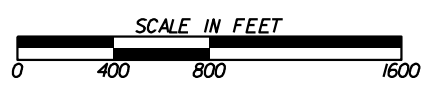
FUNCTIONAL CLASS:
LOCAL ROAD

THIS PROJECT IS 100% IN HALL COUNTY AND IS 100% IN CONG. DIST. NO. 9.

THIS PROJECT HAS BEEN PREPARED USING THE HORIZONTAL GEORGIA COORDINATE SYSTEM OF 1984 (NAD 1983/94 WEST ZONE), AND THE NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988.

THE DATA, TOGETHER WITH ALL OTHER INFORMATION SHOWN ON THESE PLANS OR IN ANYWAY INDICATED THEREBY, WHETHER BY DRAWINGS OR NOTES, OR IN ANY OTHER MANNER, ARE BASED UPON FIELD INVESTIGATIONS AND ARE BELIEVED TO BE INDICATIVE OF ACTUAL CONDITIONS. HOWEVER, THE SAME ARE SHOWN AS INFORMATION ONLY, ARE NOT GUARANTEED, AND DO NOT BIND THE DEPARTMENT OF PUBLIC WORKS IN ANY WAY. THE ATTENTION OF BIDDER IS SPECIFICALLY DIRECTED TO SUBSECTIONS 102.04, 102.05, AND 104.03 OF THE SPECIFICATIONS.

LENGTH OF PROJECT	COUNTY No. 139
	Project No. 1162100
	MILES
NET LENGTH OF ROADWAY	0.843
NET LENGTH OF BRIDGES	0
NET LENGTH OF PROJECT	0.843
NET LENGTH OF EXCEPTIONS	0
GROSS LENGTH OF PROJECT	0.843



PLANS COMPLETED 01-27-2023	
REVISIONS	

ZONING NOTICE

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

APPLICANT: ARABELLA CAPITAL

REQUEST: REZONE FROM AR-III & V-C TO PRD FOR A 121-LOT SUBDIVISION.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: July 17, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: August 24, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

Aug 11, 2023 11:55:26
3861 Wiley Road
Gainesville
Hall County
Georgia

ZONING NOTICE

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

APPLICANT:

ARABELLA CAPITAL

REQUEST:

REZONE FROM AR-III & V-C TO PRD FOR A 121-LOT SUBDIVISION.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: JULY 17 2023

Time: 5:15 PM

COUNTY COMMISSION

Date: AUGUST 24 2023

Time: 6:00 P.M.

COUNTY GOVERNMENT CENTER, 2875 BROWN'S BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL (770) 531-6809

Aug 11, 2023 11:58:14
3293 Buffington Farm Road
Gainesville
Hall County
Georgia

ZONING NOTICE

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

APPLICANT:

ARABELLA CAPITAL

REQUEST:

REZONE FROM AR-III & V-C TO PRD
FOR A 121-LOT SUBDIVISION.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: JULY 17 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: AUGUST 24 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6609

Aug 11, 2023 12:00:03
3314 Buffington Farm Road
Gainesville
Hall County
Georgia

ZONING NOTICE

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

APPLICANT: ARABELLA CAPITAL
REQUEST: REZONE FROM AR-III & VC TO PRD
FOR A 121-LOT SUBDIVISION.

PUBLIC HEARINGS WILL BE HELD ON:

COUNTY COMMISSION
Date: AUGUST 24 2023
Time: 6:00 P.M.

PLANNING COMMISSION
Date: JULY 17 2023
Time: 5:15 P.M.

ALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL (770) 531-6809

Aug 11, 2023 12:02:38
3875 Wiley Road
Gainesville
Hall County
Georgia

ZONING NOTICE

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

APPLICANT:

ARABELLA CAPITAL

REQUEST:

REZONE FROM AR-III & V-C TO PRD FOR A 121-LOT SUBDIVISION.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: JULY 17, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: AUGUST 10, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

Jun 9, 2023 11:45:08
3208 Water Lily Drive
Gainesville
Hall County
Georgia

ZONING NOTICE

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

APPLICANT:

ARABELLA CAPITAL

REQUEST:

REZONE FROM AR-III & V-C TO PRD
FOR A 121-LOT SUBDIVISION.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: July 17, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: AUGUST 10, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

Jun 9, 2023 11:41:26
3808 Wiley Road
Gainesville
Hall County
Georgia

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: **ARABELLA CAPITAL, LLC**
REQUEST: **REZONE FROM AR-III & V-C TO PRD FOR A 216-LOT SUBDIVISION**
PERIOD HEARINGS WILL BE HELD ON:
PLANNING COMMISSIONS: Date: **May 17, 2023** Time: **5:15 PM**
&
ZONING COMMISSION: Date: **June 19, 2023** Time: **6:00 PM**
HALL COUNTY GOVERNMENT OFFICES: 100 EAST BRASS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-1999

Jun 9, 2023 11:35:59
3333 Cagle Road
Gainesville
Hall County
Georgia

HULSEY, OLIVER & MAHAR, LLP

EST. 1914

JULIUS M. HULSEY
R. DAVID SYFAN
THOMAS L. FITZGERALD
THOMAS D. CALKINS
ABBOTT S. HAYES, JR.
PAUL B. SMART
JASON A. DEAN
T. WESLEY ROBINSON
JASON E. VOYLES
JESSICA M. LUND
VANESSA E. SYKES
MONICA B. HATFIELD
AMANDA L. WARD
SPENCER M. PRICE
BRADFORD A. LORENZ

ATTORNEYS AT LAW

E.D. KENYON
(1890-1981)
SAMUEL L. OLIVER
(1942-2011)

OF COUNSEL

JANE A. RANGE

August 8, 2023

VIA EMAIL

Richard Higgins, Chairman
and Members of the Hall County Commission
c/o Hall County Planning Department
P.O. Drawer 1435
Gainesville, GA 30504

**RE: Rezoning Application for 3271 & 3270 Buffington Farm Road
Rezone for Agricultural-111 (AR 111) and Vacation Cottage (V-C) to
Planned Residential Development (PRD) on 55.54 +/- acre tract
Tax Parcels: 09106 000005 and 09105 000001; 09106 000001A
Applicant/Owners: Arabella Capital, LLC/Mambo Cat, LLC and Green
Implementation Group, LLC**

Dear Chairman Higgins and Members of the Commission:

This firm represents Arabella Capital, LLC in its application for amendment to the existing zoning classification for the above referenced tract ("the Property"). **Please note this letter is being forwarded to you because Georgia law requires that the following Constitutional objections be submitted in order to preserve the rights of the Applicant during the rezoning process.**

Please accept this letter as notice of the position of the Applicant/Owner that those portions of the zoning regulations of the County as presently in effect which prohibits the use of the Property above as Planned Residential Development use are unconstitutional as applied to the Property. The zoning ordinances as applied to the above referenced Property is unconstitutional in that they render this Property unusable and destroy its marketability, and as such the zoning ordinances therefore constitute a taking of property without just and adequate compensation and without due process of law in violation of the provisions of the Fifth Amendment to the U.S. Constitution (as made applicable to the states by the Fourteenth Amendment) and Article I, Section I, Paragraph I; and Article I, Section III, Paragraph 1(a) of the Constitution of the State of Georgia.

Additionally, the current zoning ordinances as applied to this Property denies the Applicant equal protection under the law as provided in the Fourteenth Amendment of the U.S. Constitution and Article I, Section I, Paragraph I; Article I, Section III, Paragraph 1(a) and Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia in that the zoning ordinances as applied to this Property makes it impractical to develop the Property and thus significantly diminishes its value. The zoning ordinance as applied to this Property is arbitrary and capricious in that it inflicts a significant detriment on the Property owner that is insubstantially related to the health, safety, morality and welfare of the public. These ordinances as applied restrict the unfettered use of the owner's property inflicting serious and significant injury and damage to the Applicant which resulted with relatively little gain or benefit to the public as such, we will object to their application to the above referenced property in the current zoning request and ask that they be declared unconstitutional.

Additionally, the imposition of a condition that Applicant make improvements on Cagle Road potentially on property not owned by Applicant is an unconstitutional taking of property without just and adequate compensation in and of itself, and further denies the Applicant equal protection.

I request this letter be made part of the record regarding the application above.

We appreciate your consideration of this request and encourage the Commission to approve the request as submitted.

Thank you.

Sincerely,



T. Wesley Robinson

Cc: Arabella Capital, LLC (via email)

TWR/15776/w285150



AGENDA ITEM

Planning and Development

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 448/2023

SUBJECT: **2196 Centennial Drive | Use Subject to County Commission Approval |** on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | **Proposed Use: food processing plant involving the further processing of animal or animal product |** Commission District 4 | **Brian Jones, applicant.**

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: RD

Recommendation:
Approval.

Conditions:

1. The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of site plan approval.
2. A 30 foot transitional buffer shall be planted or remain undisturbed along any boundary which abuts residential use of zoned properties. Planting standards shall meet those requirements in Section [17.260.020](#) of the Official Code of Hall County.
3. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
4. All conditions of zoning shall be made part of any plats created for the property.
5. There shall be no truck or vehicle parking or idling in the right-of-way of Centennial Drive.

Purpose of Request:

2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | **Proposed Use: food processing plant involving the further processing of animal or animal product |** Commission District 4 | **Brian Jones, applicant.**

History:

Facts and Issues:**Options:**

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

Approvals:

Submit	Approve	Attorney	Administration
AD	RD	WLI	CR
Clerk			
JR			

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Notice Sign Photo



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
PLANNING AND DEVELOPMENT

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Srikanth Yamala

PLANNING AND DEVELOPMENT
DIRECTOR
Randi Doveton

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

From: Randi Doveton, Director of Planning & Development

Date: August 8, 2023

Subject: **2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel | Proposed Use: food processing plant involving the further processing of animal or animal product | Brian Jones, applicant.**

The request before you is the request of Brian Jones for a Use Subject to County Commission Approval to allow a food processing plant involving the further processing of animal or animal product. This item is located within Commission District 4.

At their August 7, 2023 meeting, the Hall County Planning Commission voted to recommend **approval with five (5) conditions (5-0)**.

There were **no public comments submitted** in advance of the Planning Commission meeting and **one (1) person spoke in favor 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 conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of site plan approval.
2. A 30 foot transitional buffer shall be planted or remain undisturbed along any boundary which abuts residential use of zoned properties. Planting standards shall meet those requirements in Section [17.260.020](#) of the Official Code of Hall County.
3. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
4. All conditions of zoning shall be made part of any plats created for the property.
5. There shall be no truck or vehicle parking or idling in the right-of-way of Centennial Drive.

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant.....Brian Jones

Request.....Use Subject to County Commission Approval

Proposed Use.....Food processing plant involving the further processing of animal or animal product

Size.....4.19± acres

Zoning..... Light Industrial (I-I, [17.160](#))

Location.....**2196 Centennial Drive** | Tax Parcel
08013 003033

Commission District.....Four

Planning Commission Date.....July 24, 2023

Staff Recommendation.....**Approval, as the proposed use of a poultry processing facility is consistent with the established development pattern along Centennial Drive.**

Planning Commission Recommendation.....**Approval, with conditions**

Vote: 5-0

Planning Commission Conditions:

1. The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of site plan approval.
2. A 30 foot transitional buffer shall be planted or remain undisturbed along any boundary which abuts residential use of zoned properties. Planting standards shall meet those requirements in Section 17.260.020 of the Official Code of Hall County.
3. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
4. All conditions of zoning shall be made part of any plats created for the property.
5. There shall be no truck or vehicle parking or idling in the right-of-way of Centennial Drive.

Public Forum:

Juan Carlos Lomas, 3587 Southers Drive, Gainesville, spoke in favor. Spoke about expanding their business and becoming a resource to the community.

Summary Analysis

The applicant is requesting conditional use approval from the Board of Commissioners for the purpose of developing the 4.19± acre parcel with a poultry processing facility. Within the Light Industrial (I-I, [17.160](#)) zoning district, food processing plants involving the further processing of animals or animal products are subject to approval of the Board of Commissioners.

Per the applicant’s narrative, the facility is intended to be used as a further processing facility for poultry. No slaughtering is proposed on the subject parcel. The subject parcel is 4.17± acres in size and is undeveloped. The western portion of the property is bordered by a stream, resulting in flood plain on the northern portion of the parcel, with the proposed development occupying the eastern side of the parcel. The proposed access for the development is from a single entrance on Centennial Drive. The submitted site plan shows a 19,241 square foot metal-sided building and a loading dock with five (5) bays located behind the building. The proposed parking lot contains 92 parking spaces and a 10 foot landscape strip follows the frontage of the parcel along Centennial Drive.

The narrative continues to explain that during the development process the property will be graded for a future 9,636 square foot expansion. There are anticipated to be 10 refrigerated semi-trucks accessing the facility on a daily basis and the business will operate 3 shifts:

- 1st Shift: Quality Assurance – 6:00am to 4:30pm
 Production – 8:00am – 4:00pm
 +/- 100 employees

- 2nd Shift: Quality Assurance – 4:30pm to 1:00am
 Production – 4:00pm to 12:30am
 +/- 60 people

- 3rd Shift: Sanitation – 12:00am – 8:00am
 +/- 15 people

The applicant has requested no variances from the Zoning Ordinance and has stated that the proposed development will be consistent with the requirements of the Light Industrial (I-I, [17.160](#)) zoning district, as well as landscaping, lighting, and signage requirements. Staff has not identified any needed variances during the analysis of the request.

Based on the future land-use plan, staff finds the proposed conditional use request inconsistent with the future land use classification of Lake Area Residential in the [Comprehensive Plan](#). It should be noted that Light Industrial (I-I, [17.160](#)) zoning classification is already established and the current request is for conditional use approval. The proposed use is consistent with the general development pattern along Centennial Drive, which contains a mixture of light industrial businesses.

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 Light Industrial (I-I, [17.160](#)) and the current request is for a use subject to approval of the Board of Commissioners for poultry processing business. Within the I-I district, food processing plants involving the further processing of animal or animal product are subject to approval of the Board of Commissioners.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The site is already zoned Light Industrial (I-I, [17.160](#)) and is currently undeveloped. It is not anticipated that the proposed development and use would have an adverse impact on adjacent or nearby property. The subject property is bounded to the northwest by the City of Gainesville water treatment facility, and to the southwest, east, and south by light industrial uses.**
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 Light Industrial (I-I, [17.160](#)). As such, the property can be used for any use permitted by right. As the requested use requires conditional use approval from the Board of Commissioner, the proposed use cannot operate unless approval is granted.**
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 Light Industrial (I-I, [17.160](#)) zoning classification is currently established on the property. The proposed use is not anticipated to cause excessive or burdensome use of community facilities.**
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 Light Industrial (I-I, [17.160](#)) zoning classification has already been established on the property, and as such, this criteria is not applicable.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to assess the extent to which property values are diminished by the existing zoning restrictions. If the conditional use request is not approved, the applicant would not be able to operate the business at the subject property.**
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 Light Industrial (I-I, [17.160](#)) 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; **If the conditional use request is not approved, the applicant would not be able to operate the business at the subject property.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is undeveloped and appears to have been so for a number of years.**
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; **The proposed use of a poultry processing facility requires conditional use approval from the Board of Commissioners in the Light Industrial (I-I, [17.160](#)), meaning a conditional use request would be required on another I-I property in the county.**
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; **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.**

[17.380.050](#). - Submission requirements for a rezoning request

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall

appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. Applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**

- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **The applicant has submitted a narrative and site plan but has not explicitly addressed the criteria listed in [17.350.120](#).**
 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. **A site plan drawn to scale was submitted as part of the application.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable as a slow rate land treatment system is not proposed on the site.**
- 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. **As there are not 100 or more residential dwelling units proposed and as such this criteria is not applicable.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated June 22, 2023, Emily McGahee stated “No comment. Public sewer.”

Hall County Fire Marshal

In an email dated June 22, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated:

Hall County Fire Marshal Comments:

- 1) If approved an engineered site development plan will need to be submitted to Hall County for review and approval by the Development Review Committee.
- 2) Based off the size of the proposed building a supervised fire protection system will be required.
- 3) Underground fire line will be required for the fire protection water supply.
- 4) Gainesville Fire Service Vault will be required.
- 5) Additional fire hydrant(s) may be required.

- 6) Fire apparatus accessibility must meet International Fire Code Standards.
- 7) Emergency responder radio coverage test will be required.

Hall County Public Works and Utilities

In a memo dated June 20, 2023, 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 buffer and impervious setback from wrested vegetation not center line of stream.
Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.

Traffic:

No comment.

Utilities

No comment.

Georgia Department of Transportation

In an email dated June 21, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed that this project will not require GDOT coordination.

- **Excerpts from the minutes of the August 7, 2023 meeting**

Applicant's Presentation:

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

Brian Jones, 108 Ozark Trail, Canton, presented the request. The applicant stated that the property was purchased with the intent to further expand the business. The applicant stated that there will be no animal slaughtering on the property.

Public Forum:

Juan Carlos Lomas, 3587 Southers Drive, Gainesville, spoke in favor. Spoke about expanding their business and becoming a resource to the community.

Planning Commission Comments:

Mr. Braswell requested clarification on future expansion on the site plan. The applicant stated it would have some challenges but it was not a focus at the moment. Mr. Braswell questioned the number of semi-trucks a day on the property. The applicant stated it would be staggered and limited to ten a day.

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

Conditions:

1. The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of site plan approval.
2. A 30 foot transitional buffer shall be planted or remain undisturbed along any boundary which abuts residential use of zoned properties. Planting standards shall meet those requirements in Section [17.260.020](#) of the Official Code of Hall County.
3. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
4. All conditions of zoning shall be made part of any plats created for the property.
5. There shall be no truck or vehicle parking or idling in the right-of-way of Centennial Drive.

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



CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

Brian Jones
1401 W Paces Ferry Rd, # 2407
Atlanta, GA 30327
 Phone (404) 435-7931
 Email Address bdj7931@gmail.com

Property Owner (Name & Mailing Address)

Juan Carlos Lomas
PO BOX 1746
Gainesville, GA 30503
 Phone (770) 780-4622
 Email Address Juancarlos.Lomas@vitalfoods.us

Proposed Use Processing and packaging of poultry with no on site slaughter of animals.

Contact Person (Name & Mailing Address)

Brian Jones
1401 W Paces Ferry Rd, # 2407
Atlanta, GA 30327
 Phone (404) 435-7931
 Email Address bdj7931@gmail.com
 Tax Parcel Number 08013003033
 Location Address 2196 Centennial Dr, Gainesville, GA 30504

Status of Applicant

- Owner
- Option to Purchase
- Area Resident
- Other

Requested Action

Permissive Use:
 HCPC HCC
 Fee: \$ _____
 Receipt #: _____
 Check #: _____

Zoning: I-1
 Acreage 4.174

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

Sign [Signature] Date: 05/02/2023

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

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

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____
 Tentative Planning Commission Date: _____ Tentative County Commission Date: _____
 County Commission District: _____

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AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Juan Carlos Lomas

Address PO Box 1746
Gainesville GA, 30503

Phone Number (770) 780-4622

Name of applicant(s) Brian Jones

Address 1401 W Paces Ferry Rd #2407
Atlanta, GA 30327

Phone Number (404) 435-7931

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

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

Signature of Owner(s)
[Handwritten Signature]

Personally appeared before me
Aline Kaiser

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

[Handwritten Signature]
Notary Public

05/02/2023
Date

[Handwritten Signature]
Aline Kaiser
NOTARY PUBLIC
Cobb County, GEORGIA
My Comm. Expires
10/27/2025

PLANNING AND DEVELOPMENT DEPARTMENT
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

- (b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - (3) The name and official position of the local government official to whom the campaign contribution was made; and
 - (4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

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

I have** _____ I have not X

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

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

Name of Official(s): _____

Office: _____

Dollar Amount: _____

Date of Contribution: _____

Applicant's/Owner's Signature: B. D. J.

Date: 5/3/23

Applicant's/Owner's Name (Printed): Brian David Jones

PLANNING AND DEVELOPMENT DEPARTMENT
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- (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:

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

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

Name of Official(s): _____

Office: _____

Dollar Amount: _____

Date of Contribution: _____

Applicant's/Owner's Signature: JCL

Date: 05/02/2023

Applicant's/Owner's Name (Printed): Juan Carlos Lomas



April 3, 2023

NARRATIVE FOR CONDITIONAL USE PERMIT
PROPERTY: Vital Foods, 2196 Centennial Drive, Gainesville, GA 30504

Application Checklist:

- **Indicate current zoning district and applicable overlay districts.**

Per Hall County GIS, current zoning for the property is I-1, Light Industrial District. It does not appear that any overlay districts are applicable to this property.

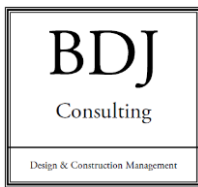
- **Description of the proposed use including type of business, operating hours, etc.**
 - This facility is intended to be a processing plant for poultry. The product will be slaughtered at another facility, and broken down further in this facility. Intended operations schedule is as follows:

1 st Shift:	Quality Assurance from 6:00 AM to 4:30 PM Production starts at 8:00 AM to 4:00 PM +/-100 people
2 nd Shift:	Quality Assurance from 4:30 to 1:00 AM Production starts at 4:00 PM to 12:30 AM +/-60 people
3 rd Shift:	Sanitation starts at 12:00 AM to 8:00 AM +/-15 people

 - On a daily basis, we estimate 10 refrigerated semi-trucks in and out of the facility's loading docks on a daily basis. Poultry will be offloaded into the on-site cooler facility (3100 sf) and processed in the Processing Area, which will be kept at a maximum of 50 degrees Fahrenheit in accordance with Health Code regulations. Based on currently used facilities, the noises, odors, and chemicals will not be significant outside of the facility.

- **Proposed standards for development including restrictions on use of property, density (lot size), number of lots, and setback requirements.**
 - We are pursuing use of this property for poultry processing pursuant to 17.160.040.G, requiring approval of the county commission and this application.
 - Lot size is 181,817 SF or 4.174 AC.
 - For I-1 lots the following restrictions are to be followed: Minimum lot size for I-1 is 15,000 SF. Minimum lot frontage is 100'. Front yard is to be 75' from center of road or 50' from property line, whichever is greater. Side and rear setbacks are both 20'.
 - We intend to meet or exceed the requirement of 20% of the site being retained as open space.

- **Proposed signs and specifications**
 - As is typical along this street, we would have a monument sign near the entrance and signage on the building identifying the business.



April 3, 2023

• **Proposed lighting**

- Site lighting would include LED site pole mounted lighting and wall packs on the building.

• **Provisions for water and waste water disposal**

- Stormwater Management - There is an existing stream with buffers on site that will require vegetation buffers. We intend to design around these constraints with the footprint of our building.
- Waste water Management – We intend to build a pre-treatment facility on site for use in treating water from the processing areas. This will consist of a pit for chemical treatment, skimming equipment to remove animal waste, and a holding tank for proper removal of skimmed waste. This will all occur prior to routing the water into the County sanitary lines.

• **Plans for protecting abutting properties (buffers)**

- To the West side of the property, there is a stream, which will require natural vegetative buffers. We intend to minimize any construction related impact to this protected area.
- To the North side of the property, we will maintain the existing vegetation up to the setback. Based on grading needs, we will evaluate what needs to be done within the setback to the back of the proposed pad for the future expansion.
- The South side of the property is the road frontage. We will only be modifying approximately half of this frontage for our access and utilities.
- The East side of the property will have minimal buffering with the driveway running along this side of the property. But is facing a non-active side of the adjacent building and will not require significant buffering as a result.

Building Design:

We are proposing to erect a 19,241 sf insulated metal panel building on the site to house operations.

Approximate break down of the facility square footage is as follows:

Cooler	3100	sf
Processing Area	7734	sf
Dry Storage	1872	sf
Maintenance	810	sf
Electrical	381	sf
Restrooms	419	sf
Miscellaneous Storage	300	sf
Office	2735	sf
Loading Docks/Circulation Space	1890	sf
Total	19,241	sf

We will also be providing a prepared building pad for a future expansion of **9,636 SF**.

Landscaping:



April 3, 2023

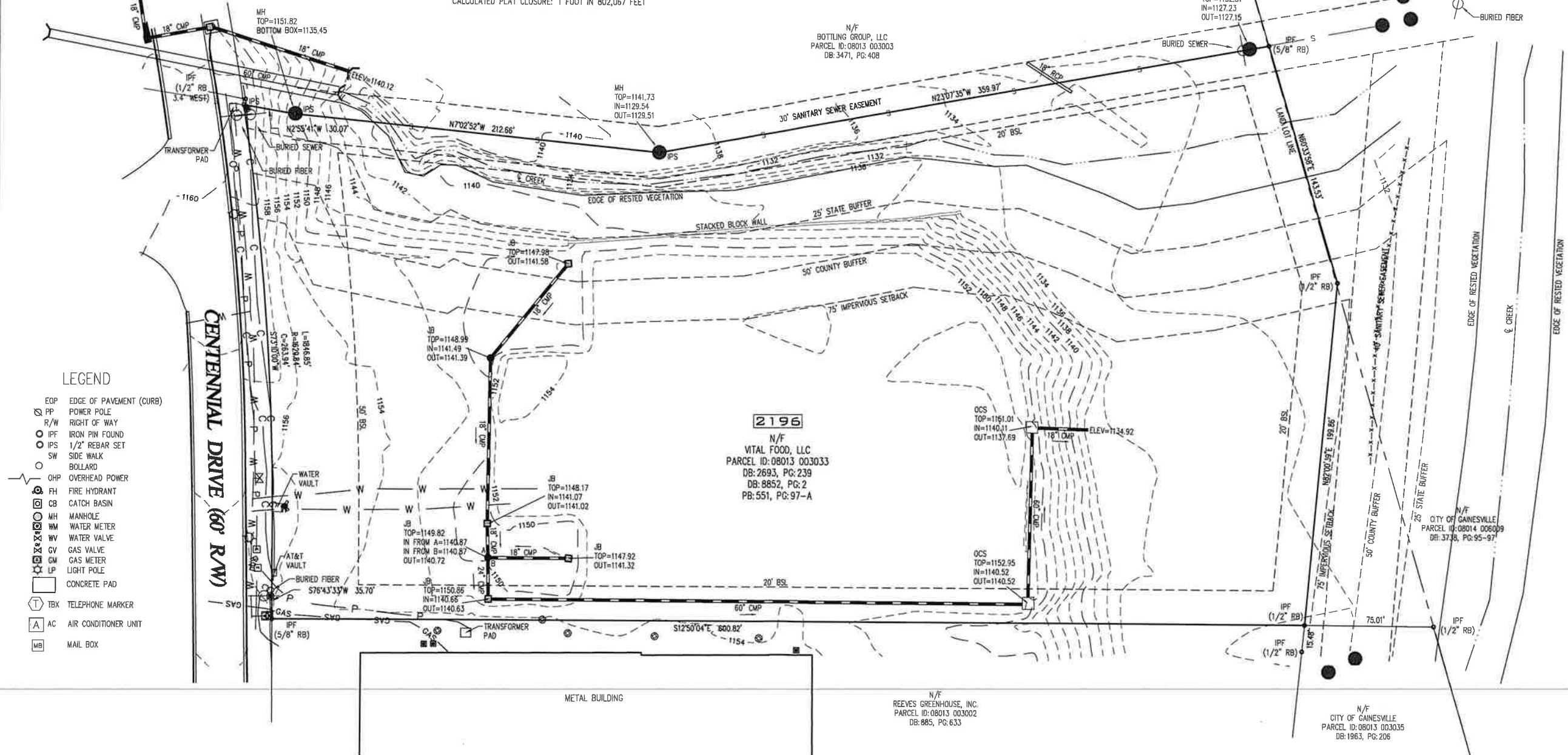
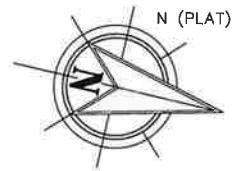
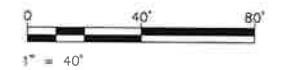
We have not proceeded with a landscape design as of yet. We expect to design and install all landscaping in accordance with City and County requirements and regulations.

GENERAL NOTES:
 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
 4: No Geodetic monuments were found within 500 feet of this site.
 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

FIELD DATA:
 DATE OF FIELD SURVEY 11-2-21, 11-8-21, 6-7-22, 7-8-22 & 9-21-22.
 THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.00 FEET.
EQUIPMENT:
 ELECTRONIC TOTAL STATION AND NETWORK GPS
 GPS RECEIVER: CHAMPION INSTRUMENTS, PRO, SN:1033458,
 NETWORK: eGPSVRS
 TOTAL AREA: 181,817 SQ FT, 4.174 AC
 CALCULATED PLAT CLOSURE: 1 FOOT IN 802,067 FEET

SURVEY DATA:
 TYPE OF SURVEY: RETRACEMENT
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 2693 PG 239, DB 8852 PG 2
 PROPERTY OWNER AT TIME OF SURVEY: VITAL FOOD, LLC
 PARCEL NUMBER: 08013 003033
 REFERENCE: PLAT BOOK 551 PG 97A
 DEED BOOK 2693 PG 239
 DEED BOOK 8852 PG 002
 FLOOD HAZARD NOTE: THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF HALL COUNTY, GEORGIA 13139CD1886 EFFECTIVE DATE APRIL 4, 2018

HALL COUNTY
 ZONING: I-1 (LIGHT INDUSTRIAL)
 FRONT SETBACK - 75' FROM CENTER LINE OF ROAD OR 50' FROM PROPERTY LINE, WHICHEVER IS GREATER
 SIDE SETBACK - 20'
 REAR SETBACK - 20'



- LEGEND**
- EOP EDGE OF PAVEMENT (CURB)
 - PP POWER POLE
 - R/W RIGHT OF WAY
 - IPF IRON PIN FOUND
 - IPS 1/2" REBAR SET
 - SW SIDE WALK
 - BOLLARD
 - OHP OVERHEAD POWER
 - FH FIRE HYDRANT
 - CB CATCH BASIN
 - MH MANHOLE
 - WM WATER METER
 - WV WATER VALVE
 - GV GAS VALVE
 - GM GAS METER
 - LP LIGHT POLE
 - CONCRETE PAD
 - TBX TELEPHONE MARKER
 - AC AIR CONDITIONER UNIT
 - MB MAIL BOX

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plat, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set for in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A Section 15-6-67.

REVISIONS		
Date	Description	By
6-3-22	ADDED STREAM BUFFERS	JTF
7-14-22	ADD STORM AND SEWER INVERTS	JTF
10-3-22	LOCATE ADDITIONAL CREEK FOR BUFFERS	JTF

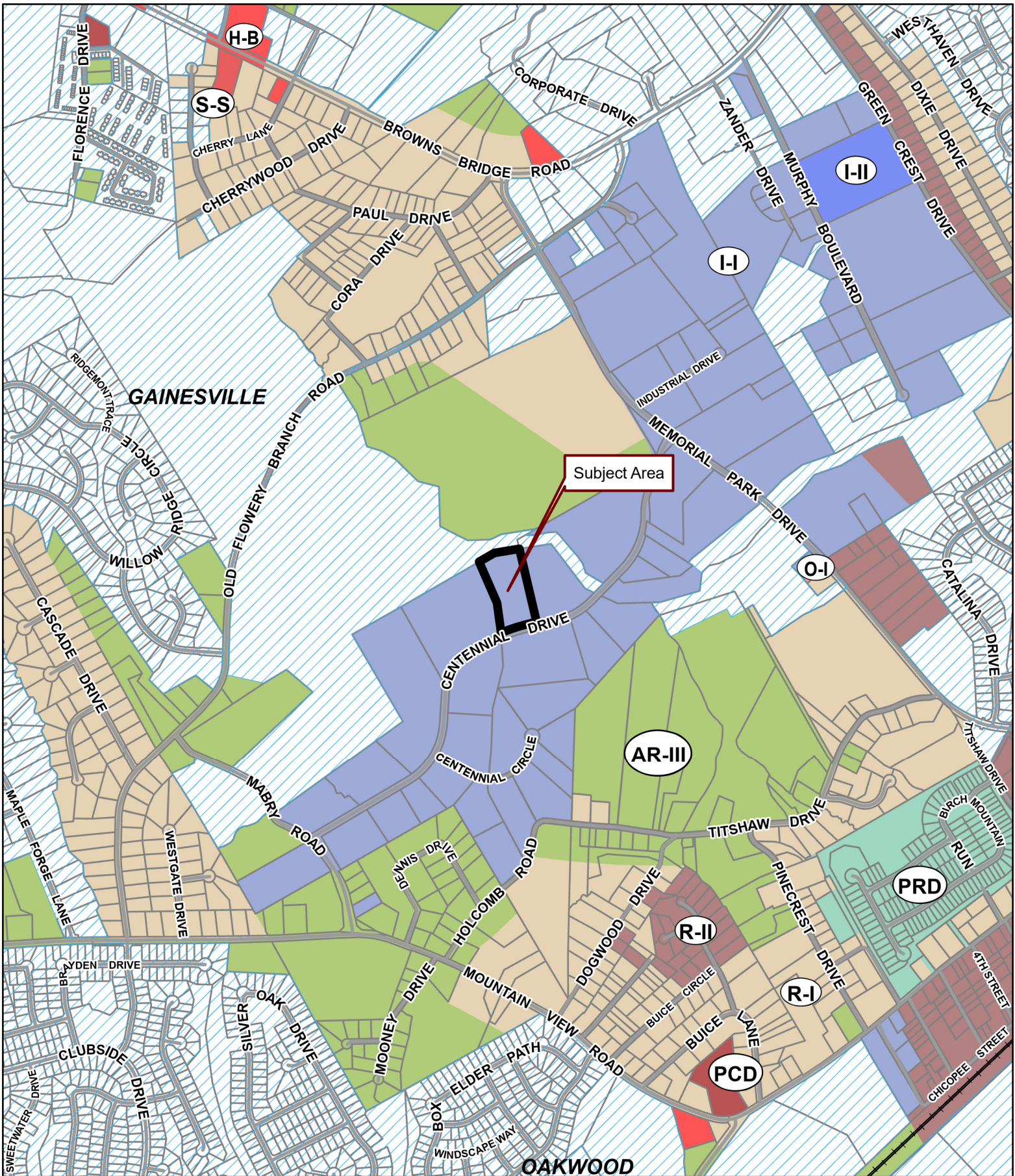
KEYSTONE LAND SURVEYING, INC.
 182 E. CROGAN ST.
 SUITE F
 LAWRENCEVILLE, GEORGIA
 770.545.8700
 www.keystonelandsurveying.com

BOUNDARY SURVEY FOR
 ELISA IDORO
 2196 CENTENNIAL DRIVE, GAINESVILLE, GEORGIA 30504

FOR KEYSTONE LAND SURVEYING, INC.

Date:	11-16-21
Scale:	1" = 40'
Client:	ELISA IDORO
Drawn By:	JTF
Sheet 1 of 1	

LAND LOT 13 - 8TH DISTRICT, HALL COUNTY, GEORGIA



Applicant: BRIAN JONES

Tax Parcel #: 08013 003033

Location: 2196 CENTENNIAL DRIVE, GAINESVILLE, GA 30501

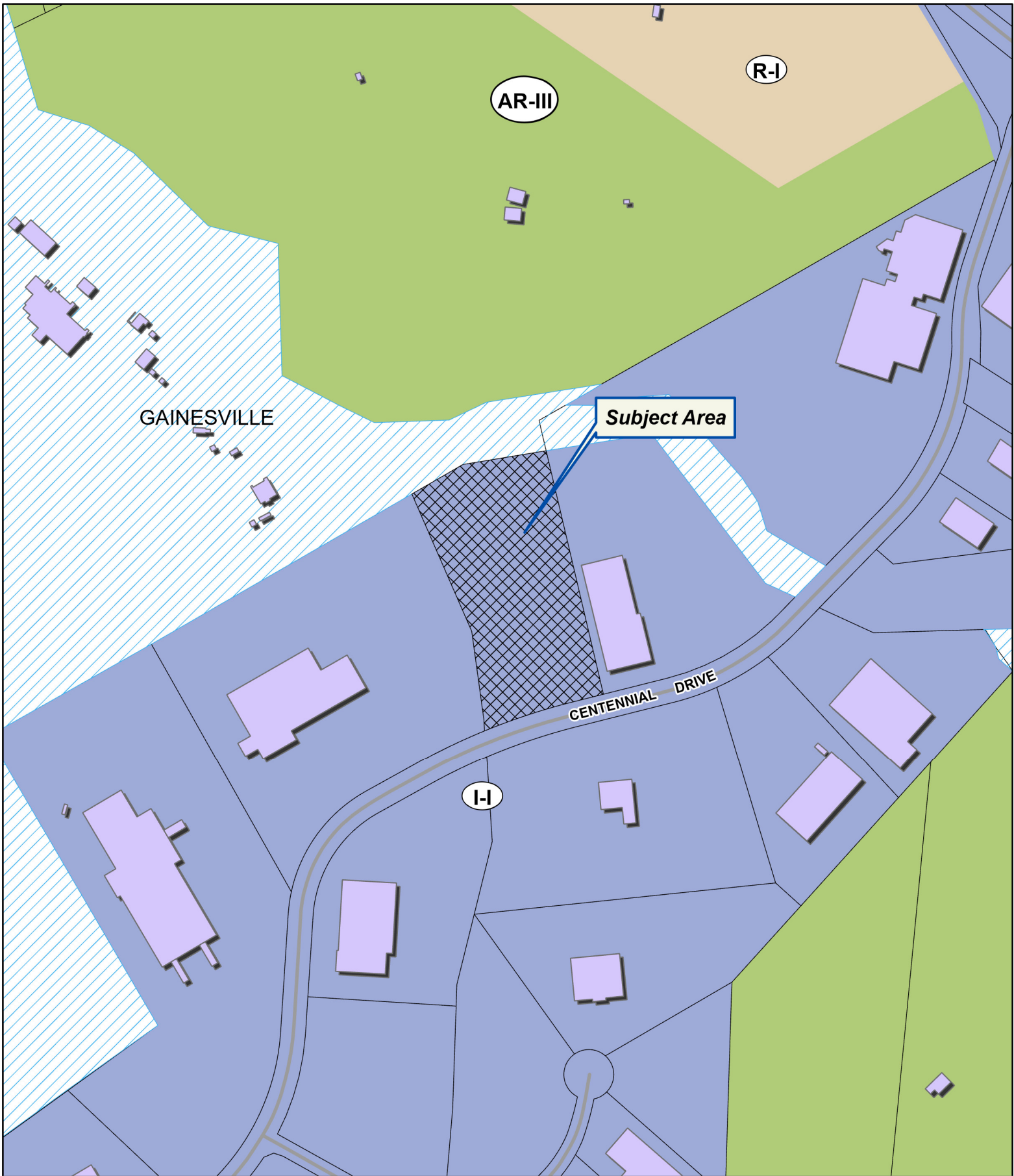
Commission District 4

PC Mtg. Date: 07/24/23



- Zoning Boundary
- City Limits
- Subject Area
- Structure





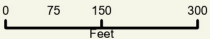
Applicant: BRIAN JONES

Tax Parcel #: 08013 003033

Location: 2196 CENTENNIAL DRIVE, GAINESVILLE, GA 30501

Commission District 4

PC Mtg. Date: 07/24/23



- Zoning Boundary
- ▨ City Limits
- ▩ Subject Area
- Structure





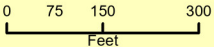
Applicant: BRIAN JONES

Tax Parcel #: 08013 003033

Location: 2196 CENTENNIAL DRIVE, GAINESVILLE, GA 30501

Commission District 4

PC Mtg. Date: 07/24/23



- Zoning Boundary
- ▨ City Limits
- ▨ Subject Area



Anael Dominguez (CDI: Planning)

From: Emily McGahee (Environmental Health)
Sent: Thursday, June 22, 2023 12:37 PM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning); Beth Garmon (CDI: Planning)
Cc: Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)
Subject: HCPC Tentative Agenda 7.24.23

Please find Environmental Health comments below:

Item 1, 5351 Lanier Islands Pkwy, Bell: A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items such as a soil evaluation and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. ON-SITE SEWAGE MANAGEMENT SYSTEMS RULES 511-3-1-.03 General Requirements for On-Site Sewage Management Systems. (1) If public or community sewage treatment systems are not available, the owner of a building, residence, or property that is designed or intended for human occupancy or congregation shall provide an approved on-site sewage management system sufficient for the number of persons normally expected to use or frequent the building, residence or other property for two hours or more. (2) No person may begin the physical development of a lot or structure where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof, without having first obtained from the County Health Department a construction permit for the installation of an onsite sewage management system. And (1)(a) Connection shall be made to a public or community sewage treatment system if such system is available within two hundred feet (200') of the property line, or available in a public right-of-way abutting the property.

Item 2, 8511/8515 Belton Bridge Road, Cole: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat.

Items 3A/3B, 3463 Leisure Lane, Justus: No comment.

Items 4A/4B, 6178 Lake Lanier Heights Road, Edelstein: Any proposed additions must meet all residential permitting requirements. All proposed structures must meet required setbacks to existing septic system. Further determination will be made at time of application.

Item 5, 5961 Pocahontas Drive, Zax: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. 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.

Items 6A/6B, 3555 North Bogan Road, Moore: 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: soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Sewage flows for the entire property will be limited to 600gallons per non-restricted acre per day.

Item 7, 2196 Centinnial Drive, Jones: No comment. Public sewer.

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: Wednesday, June 21, 2023 9:57 AM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning)
Cc: Peevy, Jonathan; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for July 24, 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.

As none of the new business items front a state route nor would they add significant impacts to state route intersections, none of the new business items will require GDOT coordination

Thank you,

Parker Niebauer
DITO 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: Thursday, June 15, 2023 12:02 PM
Subject: Tentative Planning Agenda for July 24, 2023

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, July 24, 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 **Thursday, June 22nd**. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – July 17, 2023

OLD BUSINESS

1. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, applicant.](#)
[NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)

NEW BUSINESS

2. [8511 & 8515 Belton Bridge Road | Variance | from 17.240.010 to reduce the road frontage requirement from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | Proposed Use: 2-lot subdivision | * Commission District 3 | Robin Cole, applicant.](#)
3. (A) [3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)
(B) [3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)
4. (A) [6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)
(B) [6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)
5. [5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, applicant.](#)
6. (A) [3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
(B) [3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
(C) [3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
7. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, 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 30 days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing **Thursday, August 24, 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, August 24, 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 Community Development and Infrastructure
(770) 531-6810 | www.hallcounty.org



Human trafficking impacts every corner of the globe, including our state and local communities. Georgia DOT is committed to end human trafficking in Georgia through education enabling its employees and the public to recognize the signs of human trafficking and how to react in order to help make a change. To learn more about the warning signs of human trafficking, visit <https://doas.ga.gov/human-resources-administration/human-trafficking-awareness>. To report any suspicious activity, call the Georgia Human Trafficking Hotline at 866-363-4842. Let's band together to end human trafficking in Georgia.



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: June 20, 2023

Subject: July 24, 2023 - Hall County Planning Commission Agenda

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.

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 24, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, applicant. NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)

- 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 buffer and impervious setback from wretched vegetation not center line of stream
Show stream buffer and impervious setback from wretched vegetation not center line of stream
Comments on the last submittal.
- b) **Traffic:** Access permit from GDOT for connection to Lanier Islands Parkway.
- c) **Utilities:** Permit from environmental health may be required for portable bathrooms.

2. [8511 & 8515 Belton Bridge Road | Variance | from 17.240.010 to reduce the road frontage requirement from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | Proposed Use: 2-lot subdivision | * Commission District 3 | Robin Cole, 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 buffer and impervious setback from wretched vegetation not center line of stream
Show stream buffer and impervious setback from wretched vegetation not center line of stream.
- b) **Traffic:** No Comment
- c) **Utilities:** No Comment

3.

[\(A\) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)

[\(B\) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)

 - a) **Engineering:** No Comment
 - b) **Traffic:** No comment
 - c) **Utilities:** No Comment

4.

[\(A\) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)

[\(B\) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)

 - a) **Engineering:** No Comment
 - b) **Traffic:** No Comment
 - c) **Utilities:** No Comment

5.

[5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, 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 buffer and impervious setback from wrested vegetation not center line of stream Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.
 - b) **Traffic:** No Comment
 - c) **Utilities:** City of Flowery Branch sewer district.

6. [\(A\) 3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
- [\(B\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
- [\(C\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., 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 buffer and impervious setback from wrested vegetation not center line of stream
Show stream buffer and impervious setback from wrested vegetation not center line of stream.
 - b) **Traffic:** No Comment
 - c) **Utilities:** City of Flowery Branch sewer district.
7. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, applicant.](#)
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Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.
 - b) **Traffic:** Driveway must meet Hall County requirements.
 - c) **Utilities:** City of Gainesville sewer district.

Anael Dominguez (CDI: Planning)

From: John Hornick (Fire Services)
Sent: Thursday, June 22, 2023 4:02 PM
To: Anael Dominguez (CDI: Planning)
Cc: Randi Doveton (CDI: Planning)
Subject: Fire Comments

Monday, July 24, 2023 Hall County Planning Commission Meeting.

1. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, applicant.](#)

Hall County Fire Marshal's Comments

- 1) [If approved a engineered site development plan will need to be submitted to Hall County for review and approval by the Development Review Committee](#)
- 2) [Based off the size of the proposed building a supervised fire protection system will be required](#)
- 3) [Underground fire line will be required for the fire protection water supply](#)
- 4) [Gainesville Fire Service Vault will be required](#)
- 5) [Additional fire hydrant\(s\) may be required](#)
- 6) [Fire apparatus accessibility must meet International Fire Code Standards.](#)
- 7) [Emergency responder radio coverage test will be required](#)

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



ZONING NOTICE

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

APPLICANT:

BRIAN JONES

REQUEST:

USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR A FOOD PROCESSING PLANT INVOLVING THE FURTHER PROCESSING OF ANIMAL OR ANIMAL

PUBLIC HEARINGS WILL BE HELD ON: PRODUCT

PLANNING COMMISSION

Date: AUG 7 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

Jul 25, 2023 09:39:48
2196 Centennial Drive
Gainesville
Hall County
Georgia



AGENDA ITEM

Planning and Development

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 447/2023

SUBJECT: **5961 Pocahontas Drive | Use Subject to County Commission Approval |** on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | **Proposed use: 5-lot subdivision | Commission District 2 | Kimberly Zax, applicant.**

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: RD

Recommendation:
Approval.

Conditions:

1. The property shall be subdivided into a maximum of five (5) 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.
3. All conditions of zoning shall be made part of any plats created for the property.
4. There shall only be one (1) home built at a time through completion, from permitting to issuance of CO.
5. Permitting shall require normal review process.
6. A sign shall be posted on the lot thirty (30) days in advance of construction. The sign shall serve as notification of construction for the neighborhood.

Purpose of Request:
5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | **Proposed use: 5-lot subdivision | Commission District 2 | Kimberly Zax, applicant.**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
AD	RD	WLI	CR
Clerk			
JR			

Attachments:

- Board Memo
- Recommendation Report
- Application
- Narrative
- Site Plan
- Maps
- Renderings
- Environmental Health Comments
- GDOT Comments
- Public Works Comments
- Fire Comments
- Public Comments
- Notice Sign Photos



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
PLANNING AND DEVELOPMENT

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Srikanth Yamala

PLANNING AND DEVELOPMENT
DIRECTOR
Randi Doveton

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

From: Randi Doveton, Director of Planning & Development

Date: August 8, 2023

Subject: **5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract | Proposed use: 5-lot subdivision | Kimberly Zax, applicant.**

The request before you is the request of Kimberly Zax for a Use Subject to County Commission Approval to allow a 5-lot subdivision. This item is located within Commission District 2.

At their August 7, 2023 meeting, the Hall County Planning Commission voted to recommend **approval with six (6) conditions (3-2, Varner & Pilcher opposed).**

There was **three (3) public comments submitted** in advance of the Planning Commission meeting and **six (6) 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 property shall be subdivided into a maximum of 5 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.
3. All conditions of zoning shall be made part of any plats created for the property.
4. There shall only be one (1) home built at a time through completion, from permitting to issuance of CO.
5. Permitting shall require normal review process.
6. A sign shall be posted on the lot thirty (30) days in advance of construction. The sign shall serve as notification of construction for the neighborhood.

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Kimberly Zax
Request Conditional Use for a 5-lot subdivision
Proposed Use 5-lot subdivision
Size 5.30± acres
Zoning Residential-I (R-I, [17.60](#))
Location **5961 Pocahontas Drive** | Tax Parcel 08131 002046
Commission District Two
Planning Commission Date July 24, 2023
Staff Recommendation **Approval as the proposed subdivision is consistent with the Lake Area Residential future land use classification of the [Comprehensive Plan](#).**
Planning Commission Recommendation.....**Approval, with conditions**
Vote: 3-2 (Varner & Pilcher opposed)

Planning Commission Conditions:

1. The property shall be subdivided into a maximum of 5 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.
3. All conditions of zoning shall be made part of any plats created for the property.
4. There shall only be one (1) home built at a time through completion, from permitting to issuance of CO.
5. Permitting shall require normal review process.
6. A sign shall be posted on the lot thirty (30) days in advance of construction. The sign shall serve as notification of construction for the neighborhood.

Public Forum:

Saleena Phillips, 5960 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were tree removal, visibility of power lines, lack of site plan, and devaluing property.

Tammy Harris, 5936 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were builders, construction traffic, wildlife, road infrastructure, destroying property, and property value.

Sid Smith, 5941 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were the trail, road length, heavy construction, construction traffic, and destroying neighboring property.

Andrea Nelson, 5970 Pocahontas Drive, Flowery Branch, spoke in opposition. Concerns were wildlife, soil erosion, lakeshore protection, number of homes, narrow street, emergency vehicle access, and traffic.

Dennis Pritchett, 5984 Pocahontas Drive, Flowery Branch, spoke in opposition. Concerns were narrow roads, safety, traffic, drainage, tree removal, and construction.

Tim Nouis, 5930 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were home quantity, clear cutting, and wildlife.

Summary Analysis

The applicant is requesting approval to subdivide a 5.30± acre parcel into 5-building lots. Per the requirements of [17.60.040](#), uses permitted subject to approval of the county commission, within the Residential-I (R-I, [17.60](#)) zoning district, subdivisions require Board of Commissioner approval. The submitted narrative explains that the applicant intends to subdivide the property into 5 building lots.

According to tax records, the property is currently developed with a shop with a canopy; the structure would need to be removed as it does not meet the setback requirements for the R-I ([17.60](#)) district and no variances have been requested.

Within the Residential-I District (R-I, [17.60](#)) the following development standards are required:

Residential-I (R-I, 17.60) Standards	Required	Proposed
Lot Area	35,000 square feet	Lot 1: 65,340 square feet Lot 2: 41,382 square feet Lot 3: 41,382 square feet Lot 4: 41,382 square feet Lot 5: 41,382 square feet
Lot Frontage	Collector Road: 90 feet	Lot 1: 459.91 feet Lot 2: 138.38 feet Lot 3: 138.41 feet Lot 4: 138.37 feet Lot 5: 138.40 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	55 feet from centerline of road
Side Yard Setback	10 feet	10 feet

Rear Yard Setback	20 feet	20 feet
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No variances were requested as part of this application.

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 and development of adjacent and nearby property; **The proposed use of 5 residential lots is 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 5 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, Residential-I (R-I, [17.60](#)), but the applicant cannot subdivide the property into 5-lots without approval of the County Commission.**
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 5 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 5-lot subdivision is consistent 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 1.06 units per acre.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Unless the conditional use request is approved, the applicant will not be able to subdivide the property into 5-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 with an old shed, which has been on the property since 1985.**

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; **This question is not applicable as there are no proposed changes to the zoning classification.**
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; **The subdivision of land within the Residential-I zoning district (R-I, [17.60](#)) requires County Commission approval.**
15. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **This question is not applicable as there are not proposed changes to the zoning classification.**
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, [17.60](#)) 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:
 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section [17.380.060.C](#) of this section [chapter]. **The applicant has submitted a narrative and 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. **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 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 June 22, 2023, Emily McGahee stated “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. 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

In an email dated June 22, 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 June 20, 2023, 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 buffer and impervious setback from wrested vegetation not center line of stream
FEMA and Hall County studied Flood plains present on site.

Traffic:

No comment.

Utilities

City of Flowery Branch sewer district

Georgia Department of Transportation

In an email dated June 21, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will not require GDOT coordination.

➤ **Excerpts from the minutes of the August 7, 2023 meeting**

Applicant's Presentation:

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

Lee Chambers, 4622 Pine Manor Bluff, Suwanee, presented the request. The applicant stated that soil samples came out good and the homes will be on septic. The applicant stated that the homes will sell at approximately \$1 million.

Rebuttal

The applicant stated that there will not be any clear cutting on the lots and that only trees in the proximity of the homes will be cut. The applicant stated that there is not a developmental site plan yet due to the process of approval. The applicant stated that there will be construction entrances.

Public Forum:

Saleena Phillips, 5960 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were tree removal, visibility of power lines, lack of site plan, and devaluing property.

Tammy Harris, 5936 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were builders, construction traffic, wildlife, road infrastructure, destroying property, and property value.

Sid Smith, 5941 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were the trail, road length, heavy construction, construction traffic, and destroying neighboring property.

Andrea Nelson, 5970 Pocahontas Drive, Flowery Branch, spoke in opposition. Concerns were wildlife, soil erosion, lakeshore protection, number of homes, narrow street, emergency vehicle access, and traffic.

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Tim Nouis, 5930 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were home quantity, clear cutting, and wildlife.

Planning Commission Comments:

Mr. Braswell questioned the phases of building. The applicant stated that he will need to have a pinned survey before starting but will probably build two houses at a time after clearing the needed space. Ms. Pilcher questioned the number of rooms. The applicant stated it would be about four to five rooms. Ms. Pilcher questioned the placement of the homes on the property. The applicant stated roughly 100 feet from the centerline of the road. Ms. Pilcher questioned if the applicant would consider less than five lots. The applicant said it was not financially doable. Mr. Sosebee questioned if the applicant would consider building one house at a time through completion. The applicant stated he could do it. Mr. Varner questioned if the

applicant could build when school is out to reduce traffic. The applicant stated they would be unable to build in that timeframe.

Motion: A motion to approve, with conditions was made by Mr. Sosebee and seconded by Mr. Hunt. Vote: 3-2 (Varner & Pilcher opposed)

Conditions:

1. The property shall be subdivided into a maximum of 5 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.
3. All conditions of zoning shall be made part of any plats created for the property.
4. There shall only be one (1) home built at a time through completion, from permitting to issuance of CO.
5. Permitting shall require normal review process.
6. A sign shall be posted on the lot thirty (30) days in advance of construction. The sign shall serve as notification of construction for the neighborhood.

PLANNING AND DEVELOPMENT DEPARTMENT
 2875 BROWNS BRIDGE ROAD GAINESVILLE GA 30504
 MAILING ADDRESS PO BOX 1435 GAINESVILLE GA 30503
 (770-531-6809 f 770-531-3902



CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)
 Kimberly Zax
 6512 Garrett Road
 Buford, Ga. 30518
 Phone 404-661-3337
 Email Address kimzaxsell@gmail.com
Proposed Use Residential - 5 lot sub.

Property Owner (Name & Mailing Address)
 Timothy Guy Ford
 P.O. Box 1469
 Blue Ridge Ga. 30513
 Phone 770-652-3849
 Email Address tford@northgeorgia.com

Contact Person (Name & Mailing Address)
 Lee Chambers
 Phone 678-943-9026
 Email Address leebama13@gmail.com
 Tax Parcel Number 08131002041e
 Location Address 5961 Pocahontas Drive, Flowery Branch, GA. 30542

Status of Applicant
 Owner
 Option to Purchase
 Area Resident
 Other
 Zoning: R-1
 Acreage 5.28

Requested Action
 Permissive Use:
 HCPC HCC
 Fee: \$ 400.00
 Receipt #: _____
 Check #: _____

I hereby certify that the above information and all attached information are true and correct.
 Sign [Signature] Date: 5/3/23

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

Application Withdrawal: I hereby withdraw the application.
 Sign _____ Date: _____

Staff Use Only
 Application Date: _____ Taken by: _____
 Tentative Planning Commission Date: _____ Tentative County Commission Date: _____
 County Commission District: _____

PLANNING AND DEVELOPMENT DEPARTMENT
2375 BROWNS BRIDGE ROAD GAINESVILLE GA 30504
MAILING ADDRESS, PO BOX 1435 GAINESVILLE GA 30503
t 770-531-6809 f 770-531-3902



AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Timothy Guy Ford
Address 2612 Parker Trail Gainesville GA 30506
Mailing Address P.O. Box 1469 Blue Ridge GA 30513
Phone Number 770-652-3849

Name of applicant(s) Kimberly Zax
Address 6512 Garrett Road
Buford, GA 30518
Phone Number ~~404~~ 404-661-3337

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

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

Signature of Owner(s)

Personally appeared before me

Timothy G. Ford

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

Jessica Kirtley
Notary Public



May 5, 2023
Date

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): NA

Office: NA

Dollar Amount: NA

Date of Contribution: NA

Applicant's/Owner's Signature: Kimberly Zax

Date: 5/11/23

Applicant's/Owner's Name (Printed): Kimberly Zax

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

Name of Official(s): _____

Office: _____

Dollar Amount: _____

Date of Contribution: _____

Applicant's/Owner's Signature:  _____

Date: 05-11-2023

Applicant's/Owner's Name (Printed): Tim Ford

5961 Pocahontas Drive
Flowery Branch, Ga. 30518

Narrative:

Existing land is 5.27 acres zoned R-1 located at 5961 Pocahontas Drive, Flowery Branch, Georgia 30518.

Proposing to sub-divide into 5 separate lots. Lot 1 to be 1.5 acres and will have assigned the current boat dock. Lots 2-5 to be .950 acres each.

Set back requirements are 55 feet from the center line of the street or 30 feet from property line, whichever is deepest. 100 feet off the middle of the powerlines, 50 feet from back of property line and 10 feet on sides.

This property only abuts up to one residential home located on Pocahontas Drive. The other side abuts up to powerlines located on Nacoochee Trail. Buffer to neighboring property to be 10 feet. Buffer to be on the powerline side 100 feet from the middle of the powerlines, which leaves approximately 20 feet of buffer to hide the powerlines. Silt fencing will be installed and monitored to protect buffer and neighboring home located on Pocahontas Drive. Fowler Site Work Inc. has included erosion control to protect the neighbors and Lake Lanier.

Land will be improved by removing abandoned workshop, unsightly fencing along both streets and random areas of concrete/foundation throughout property.

New homes will be serviced by Gainesville Water, underground utilities, and septic tanks. Soil report has been completed and approved for 4 bedrooms or more, per soil report. Land will be cleared and graded by Fowler Site Work Inc. and have included scope of work to application.

Signage to be residential real estate signs once homes are complete. There will be no proposed lighting during construction.

Houses to be 3500 sq. ft. or more with and without basements, land permitting. Price range starts at \$900,000 plus.



3701 Old Monroe Madison Hwy
Madison GA 30650
770-490-0163 cfowler316@aol.com

Date: 5-1-2023

Project: Nachoochee Trail

Subject: **Budget** for, Clear entire acreage, cut dirt from highpoint and move to ditch at road for raising lots, Demo and haul off garage, water tank, concrete pad and trash

FSWI has prepared a Budget number for clearing the entire property, demoing building, shed, water tower and removing trash from property. FSWI has also included Grading down the highpoint of the property and moving that material over to the road at the low area to help with lots. This budget number includes about 12,075 cubic yards of dirt to be moved. Since the lots are on Lake Lanier, I included some erosion control numbers as well for your review.

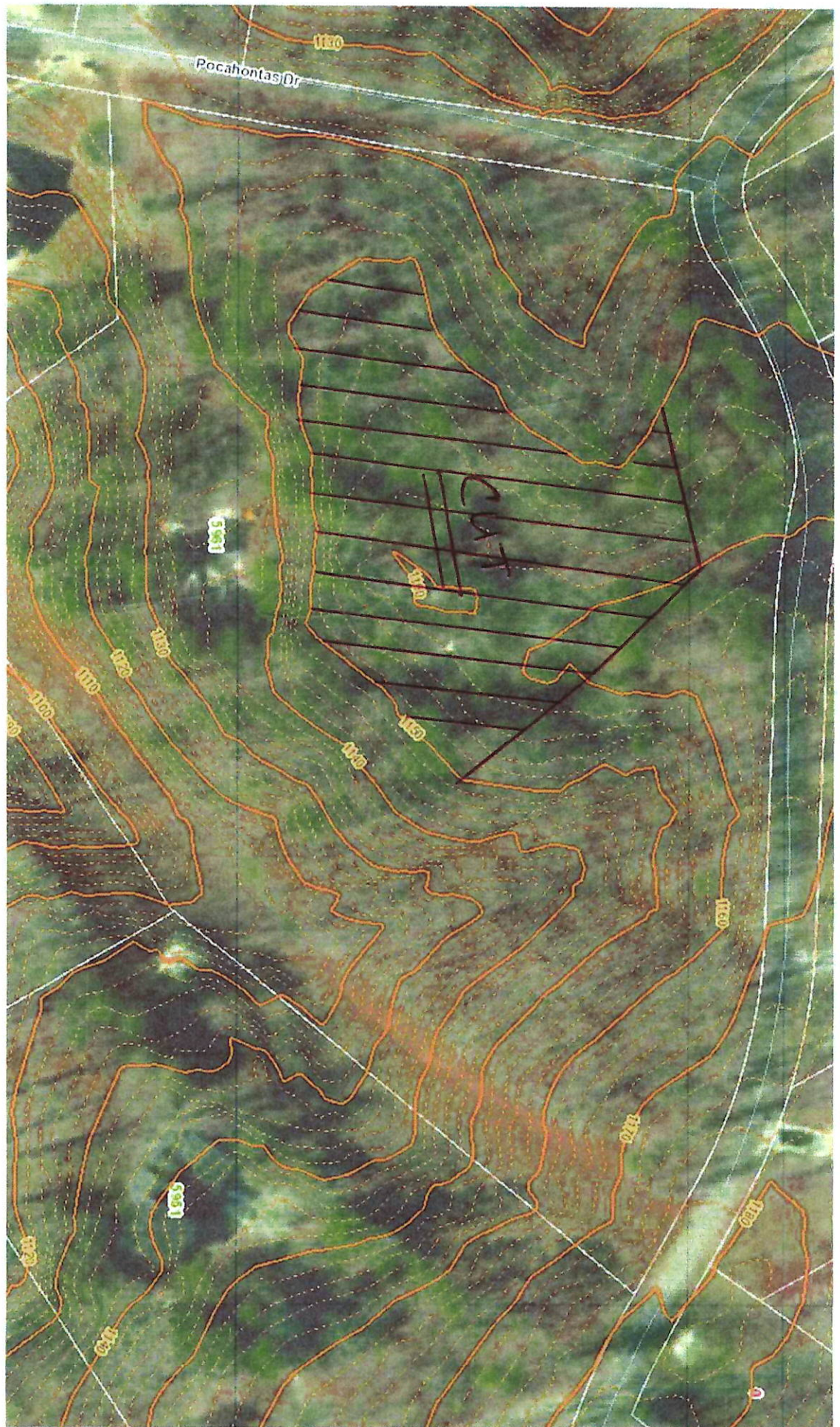
Plases review and let me know what questions you have. Thanks for the opportunity.

Thanks

Chris Fowler

Nachoochee Trail Budget

BID ITEM #	TASK DESCRIPTION	Contract		
		QTY		Total
Erosion Control				
1.001	Silt Fence	LF	4,300.00 \$ 3.24	\$ 13,944.90
1.002	Tree Save	LF	2,150.00 \$ 1.87	\$ 4,021.79
1.008	Maintenance	LS	1.00 \$ 1,833.00	\$ 1,833.00
1.009	Redress Exit	TN	50.00 \$ 51.70	\$ 2,585.00
1.013	Ds3	AC	5.30 \$ 1,850.00	\$ 9,805.00
	Construction exit	EA	1.00 \$ 2,500.00	\$ 2,500.00
Erosion Control Total				\$ 34,689.69
Grading				
2.004	Grading	cy	12,075.00 \$ 6.50	\$ 78,487.50
2.005	Clearing	AC	4.67 \$ 12,500.00	\$ 58,375.00
2.007	Building pad demo	SF	5,500.00 \$ 0.75	\$ 4,125.00
2.008	Demo Building, shed	LS	1.00 \$ 23,000.00	\$ 23,000.00
2.009	Remove Water Tower and trash	LS	1.00 \$ 11,500.00	\$ 11,500.00
2.010	Mobilization	LS	1.00 \$ 2,500.00	\$ 2,500.00
2.012	Pad Lots	EA	5.00 \$ 950.00	\$ 4,750.00
2.013				\$ -
				\$ -
				\$ -
Grading Total				\$ 182,737.50
Total Bid Amount				\$ 217,427.19



Location:

Scale: 1:60

Estimator:

Grid Size: 50.0

Project Area:	43924.5 SF	1.0 A		
Resolution:	2.00(ft): (Medium)			
Subsoil:				
Site Swell:	1.31	Subsoil Cut:	9217.8 CY	Subsoil Fill:
Import Swell:	1.31		12075.3 LCY	0.0 CY
Import Comp:	76.3	For Fill:	0.0 CY	From Cut:
			0.0 LCY	0.0 CY
		Spoil(Export):	9217.8 CY	Borrow(Import):
			12075.3 LCY	0.0 CY
Summary:				
Total Cut:		Topsoil Strip:	0.0 CY	0.0 LCY
		Subsoil Cut:	9217.8 CY	12075.3 LCY
		Total:	9217.8 CY	12075.3 LCY
Total Fill:		Topsoil Respread:	0.0 CY	0.0 LCY
		Subsoil Fill:	0.0 CY	0.0 LCY
		Total:	0.0 CY	0.0 LCY
Site Balance:	Raise proposed elevations by		5.67 ft	

Status:

Bid Date:

LEGEND

RF	REBAR FOUND
SL	SUB FOUND
SR	IRON PIPE FOUND
DF	CONCRETE FOUND
FM	CONCRETE FOUND
OT	OPEN TOP PIPE
RM	REINFORCED
CT	CRACK TOP PIPE
CO	SAINT ANTHONY CLEAN OUT
CV	IRIGATION CONTROL VALVE
DL	DRILL HOLE
LL	LAND LOT LINE
LI	LAND LOT
PL	PROPERTY LINE
CL	CONTROL LINE
RL	REINFORCED CONCRETE LINE
RM	RIGHT OF WAY
RS	SANITARY SEWER LAMENENT
DR	DRAINAGE CASSEMENT
CR	CURB GUTTER
BC	BACK OF CURB
RF	REAR OF FACILITY
TC	TOP OF CURB
GD	GEORGIA METAL DISTRICT
PL	PLAT BOOK / PAGE
DR	DRILL HOLE
PO	POINT OF BEGINNING
PC	POINT OF COMMENCEMENT
EL	ELEVATION
IE	INVERT ELEVATION
FE	FRESH FLOOR ELEVATION
BE	BASEMENT FLOOR ELEVATION
GE	GARAGE FLOOR ELEVATION
CF	CORROSIATE METAL PIPE
RP	REINFORCED CONCRETE PIPE
DF	DUCTILE IRON PIPE
PC	PVC
VC	VITRIFIED CLAY PIPE
LP	LIGHT POLE
PP	POWER POLE OR UTILITY POLE
MA	MANHOLE
CB	CURB BURN
CS	CURB BURN
HT	HEADPOST
GI	GRATE INLET
FR	FIRE HYDRANT
WV	WATER VALVE
WM	WATER METER
GV	GAS VALVE
EE	EXISTING GROUND ELEVATION
PE	PERKINS OR SET
UE	UNDERGROUND FIBER OPTIC
PO	POWERLINE
TE	TELEPHONE LINE
TL	UNDERGROUND TELEPHONE LINE
GL	UNDERGROUND GAS LINE
CM	CONCRETE RIGHT-OF-WAY MARKER
CS	UNDERGROUND CABLE TV LINE
SL	SANITARY SEWER LINE
ST	STORM DRAIN PIPE
WL	WATER LINE / PIP
FL	FENCE LINE
CR	CRACK / STREAM CENTERLINE
FL	FLOOD HAZARD ZONE LIMITS
HT	HARDWOOD TREE
LA	LIMITED ACCESS
ST	STATION
NO	NON OR FORMERLY
BM	BENCH MARK
CP	CONTROL POINT

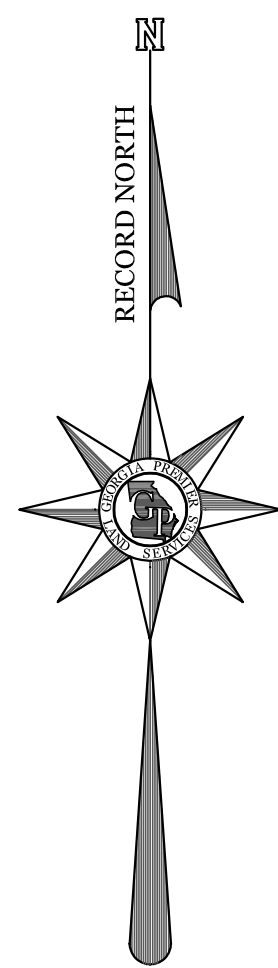
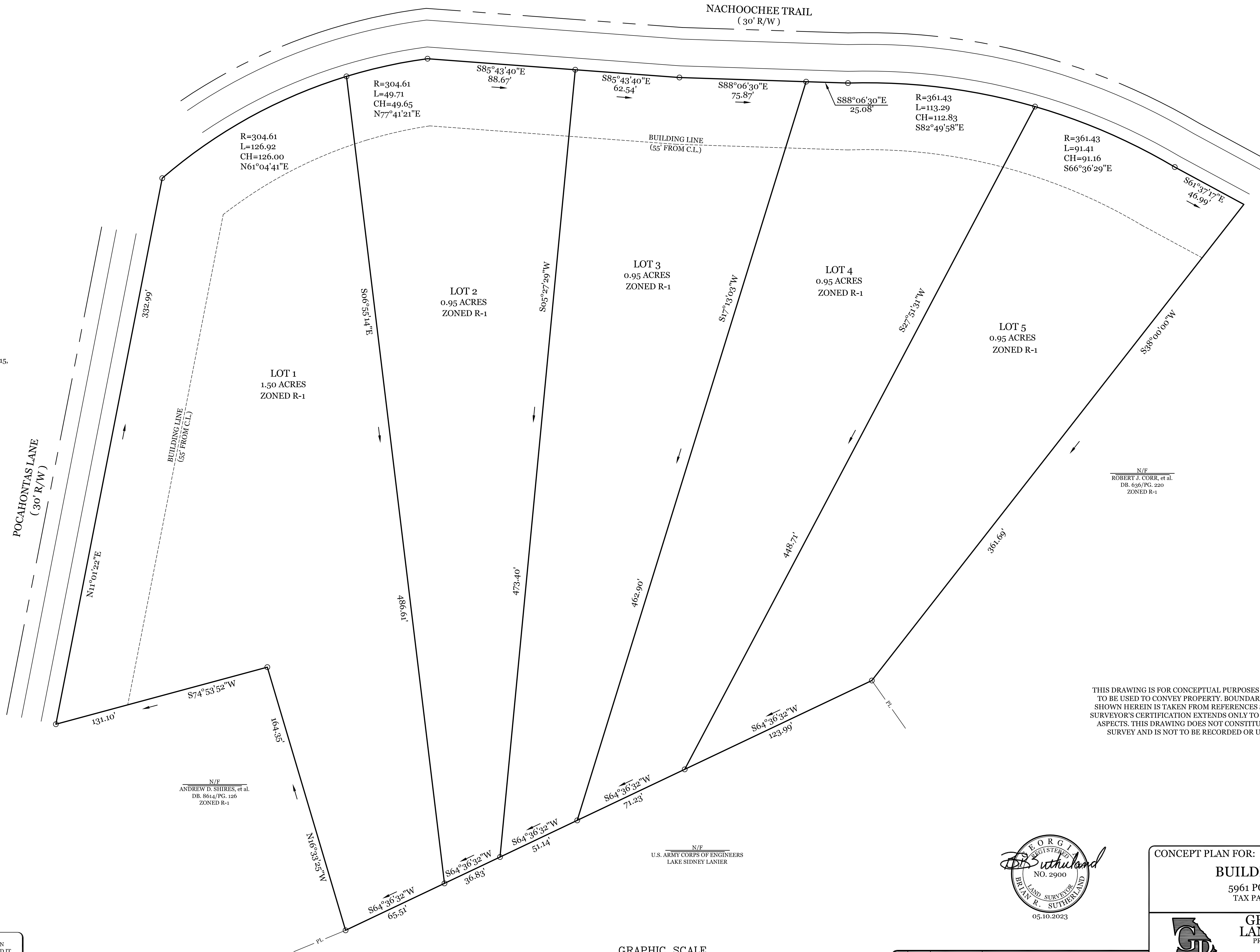
THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. SUBJECT AND ADJACENT PROPERTY OWNERS DEED REFERENCES WERE PROVIDED BY GEORGIA PREMIER LAND SERVICES, INC. AND ARE NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS.

THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.



NO PORTION OF SUBJECT PROPERTY LIES WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA AS DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY PER F.I.R.M. PANEL NO. 13139Co280 G, DATED APRIL 4, 2018

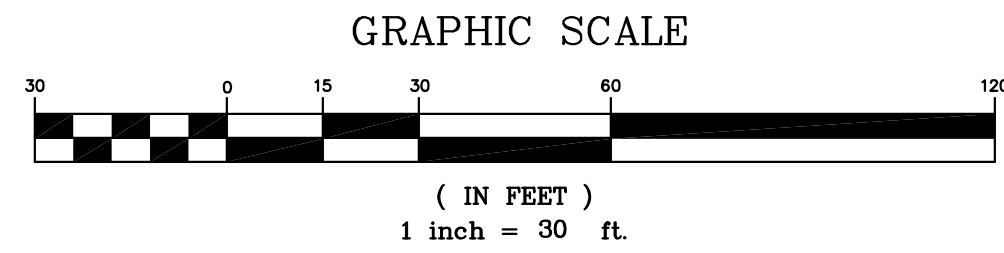
- REFERENCES:**
- 1) WARRANTY DEED RECORDED IN DEED BOOK 4477, PAGE 515, HALL COUNTY RECORDS.
 - 2) SURVEY FOR TIM FORD PREPARED BY CONROY & ASSOCIATES, P.C., DATED 01/01/2003.



THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY AND IS NOT TO BE USED TO CONVEY PROPERTY. BOUNDARY INFORMATION SHOWN HEREIN IS TAKEN FROM REFERENCES SHOWN AND THE SURVEYOR'S CERTIFICATION EXTENDS ONLY TO THE CONCEPTUAL ASPECTS. THIS DRAWING DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS NOT TO BE RECORDED OR USED AS SUCH.

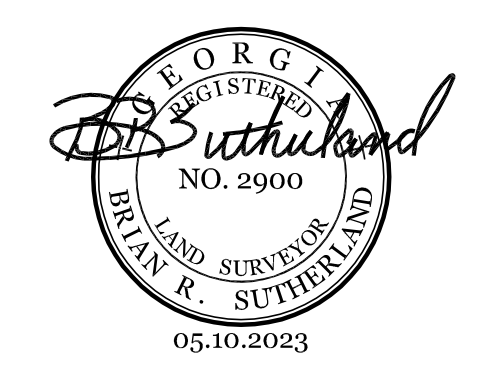
INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. ALSO, UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.



No.	By	Date	Revision

Cadd File No: 23/23121/5961PocahontasDrive/121Concept.DWG

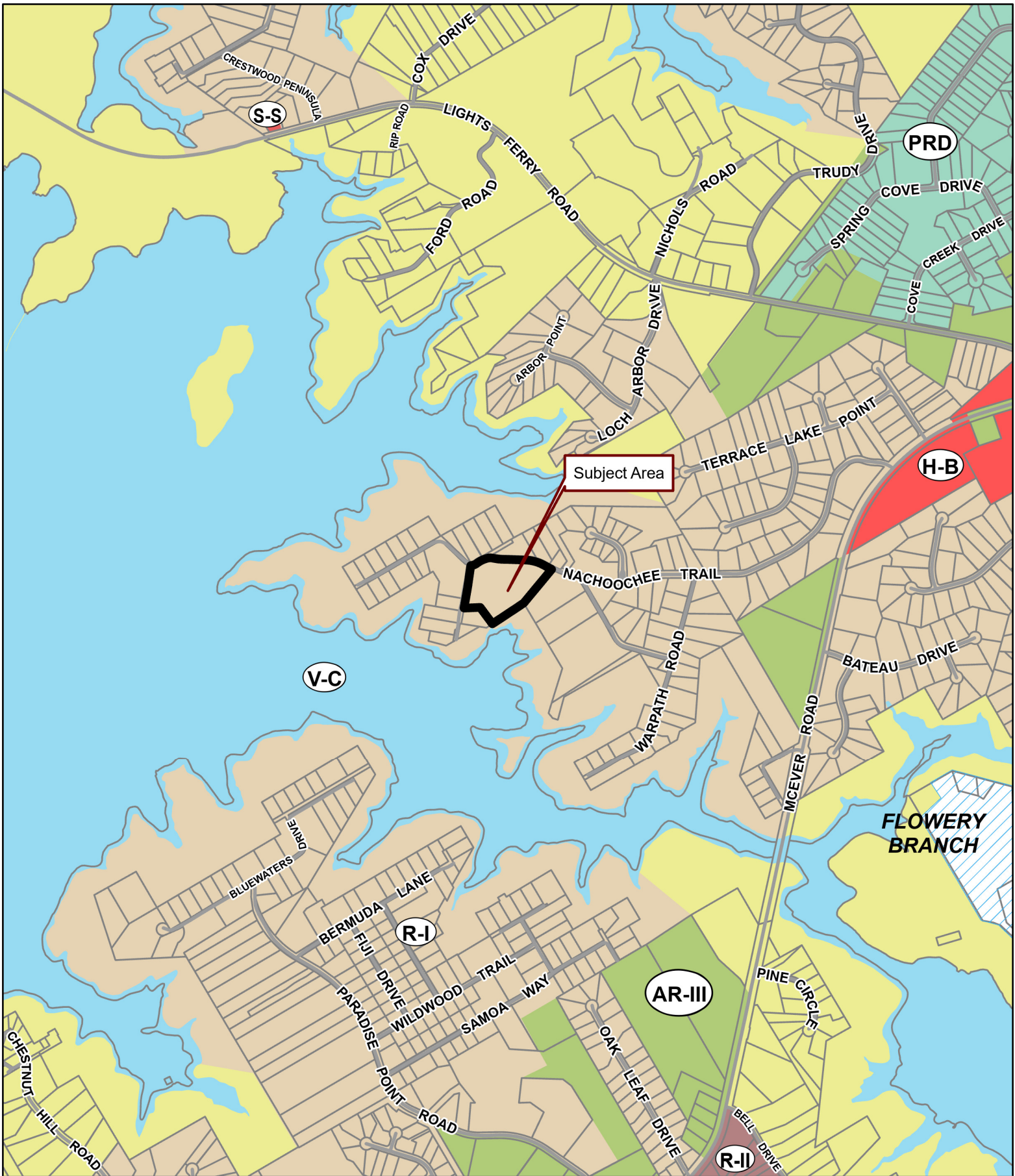


CONCEPT PLAN FOR:

BUILDERS TO BUYERS
5961 POCAHONTAS DRIVE
TAX PARCEL NO. 08131 002046

GEORGIA PREMIER LAND SERVICES, INC.
PROFESSIONAL LAND SURVEYING
3000 HAMILTON MILL ROAD
BUDFORD, GEORGIA 30510
(770) 614-3904 FAX (770) 614-3956
LAND SURVEY FIRM COA #1177

Date: 05.08.2023	Land Lot: 131	District: 8th	Sheet No.
County: HALL, GEORGIA	Scale: 1" = 30'	1 of 1	
Project: 23121	Drawn By: AS		



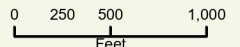
Applicant: KIMBERLY ZAX

Tax Parcel #: 08131 002046

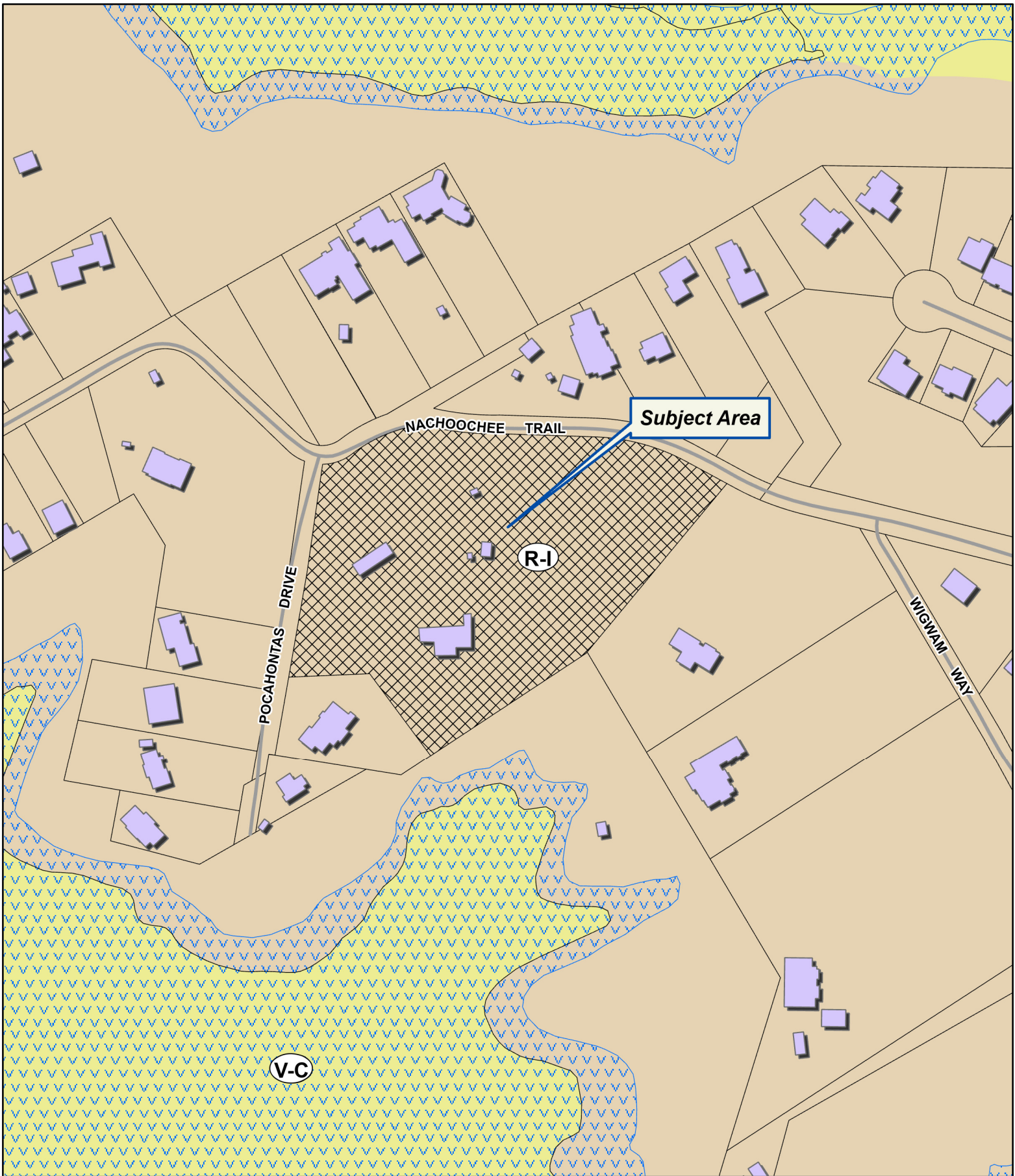
Location: 5961 POCAHONTAS DRIVE, FLOWERY BRANCH, GA 30542

Commission District 2

PC Mtg. Date: 07/24/23



- Zoning Boundary
 - ▭ City Limits
 - ◻ Subject Area
 - Structure
- N
↑



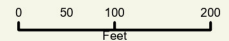
Applicant: KIMBERLY ZAX

Tax Parcel #: 08131 002046

Location: 5961 POCAHONTAS DRIVE, FLOWERY BRANCH, GA 30542

Commission District 2

PC Mtg. Date: 07/24/23



- Zoning Boundary
- ▨ City Limits
- ▧ Subject Area
- Structure





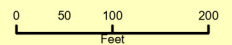
Applicant: KIMBERLY ZAX

Tax Parcel #: 08131 002046

Location: 5961 POCAHONTAS DRIVE, FLOWERY BRANCH, GA 30542

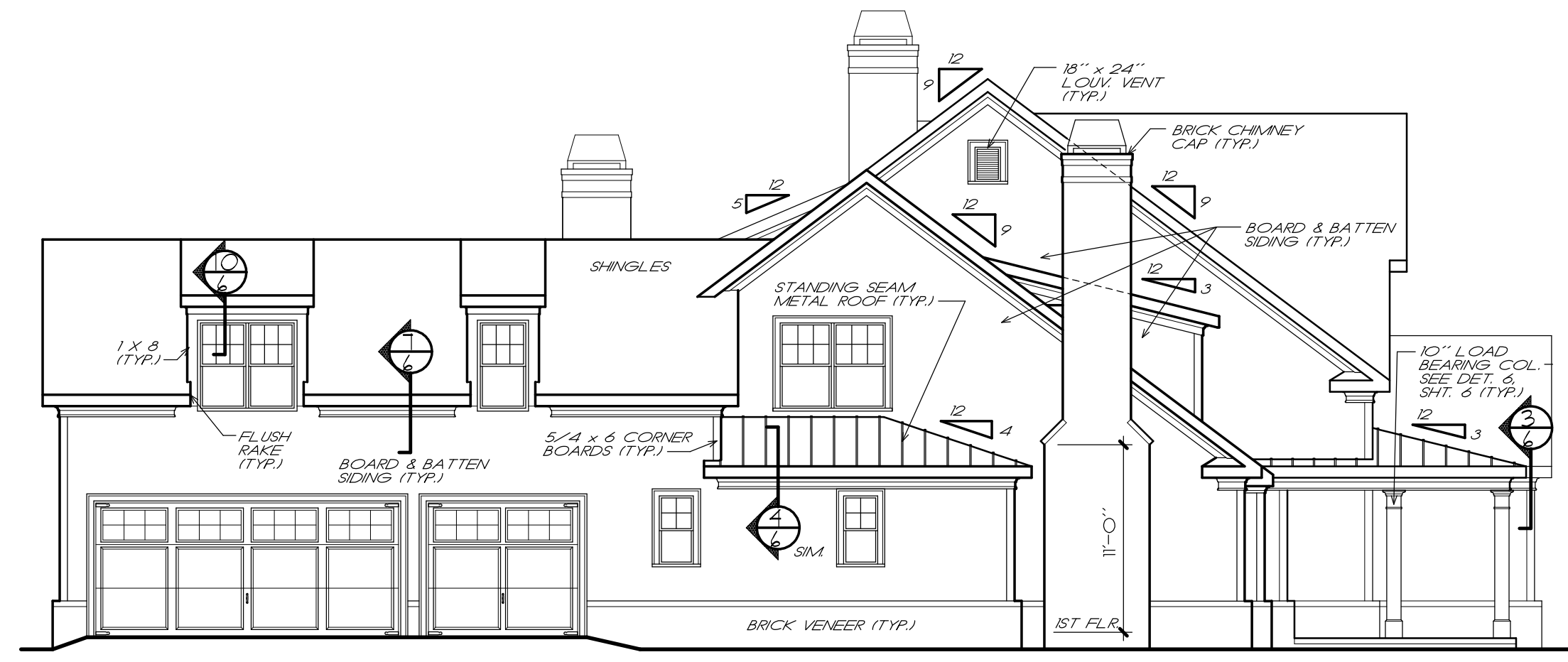
Commission District 2

PC Mtg. Date: 07/24/23



- Zoning Boundary
- City Limits
- Subject Area

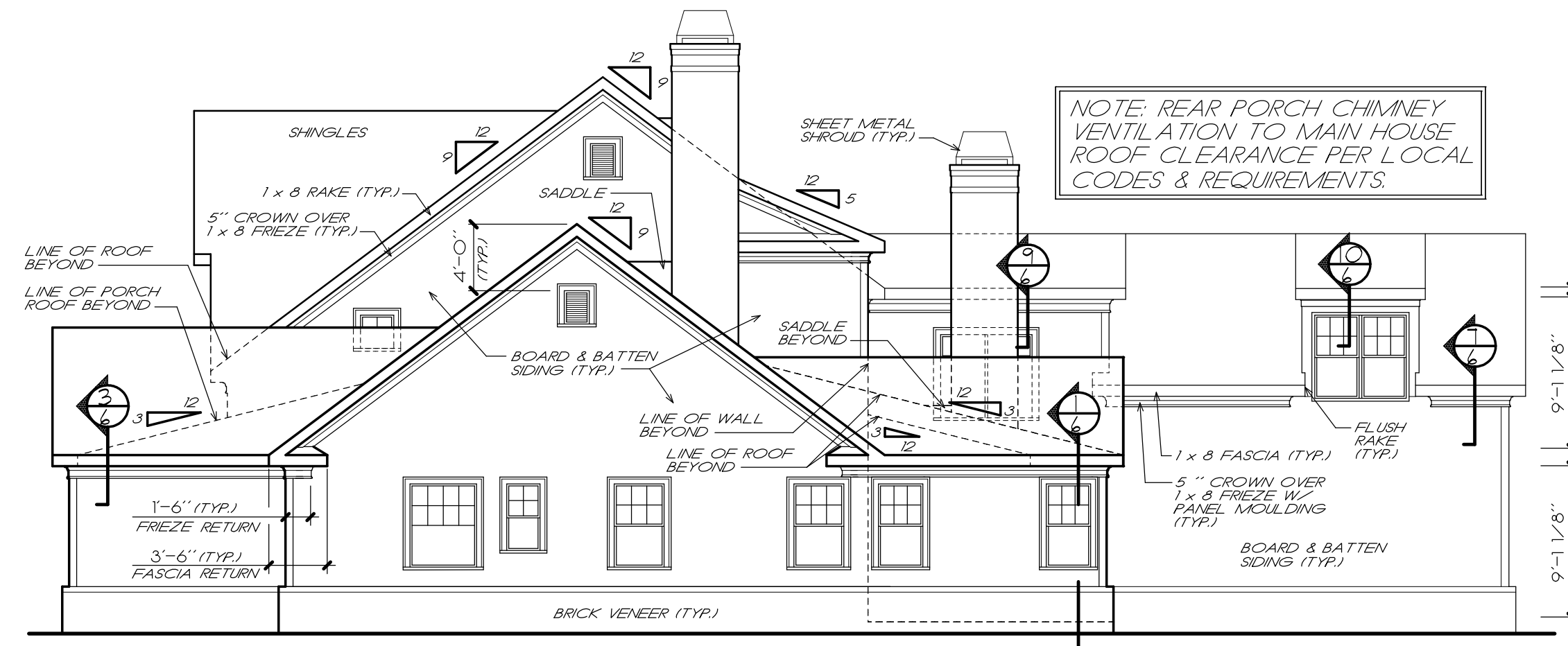




LEFT ELEVATION

1/8" = 1'-0"

PROVIDE SUPPORT FOR PORCH AND STEPS TO GRADE AS REQ'D.



RIGHT ELEVATION

1/8" = 1'-0"

NOTE: REAR PORCH CHIMNEY VENTILATION TO MAIN HOUSE ROOF. CLEARANCE PER LOCAL CODES & REQUIREMENTS.



REAR ELEVATION

1/8" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION



FRONT ELEVATION

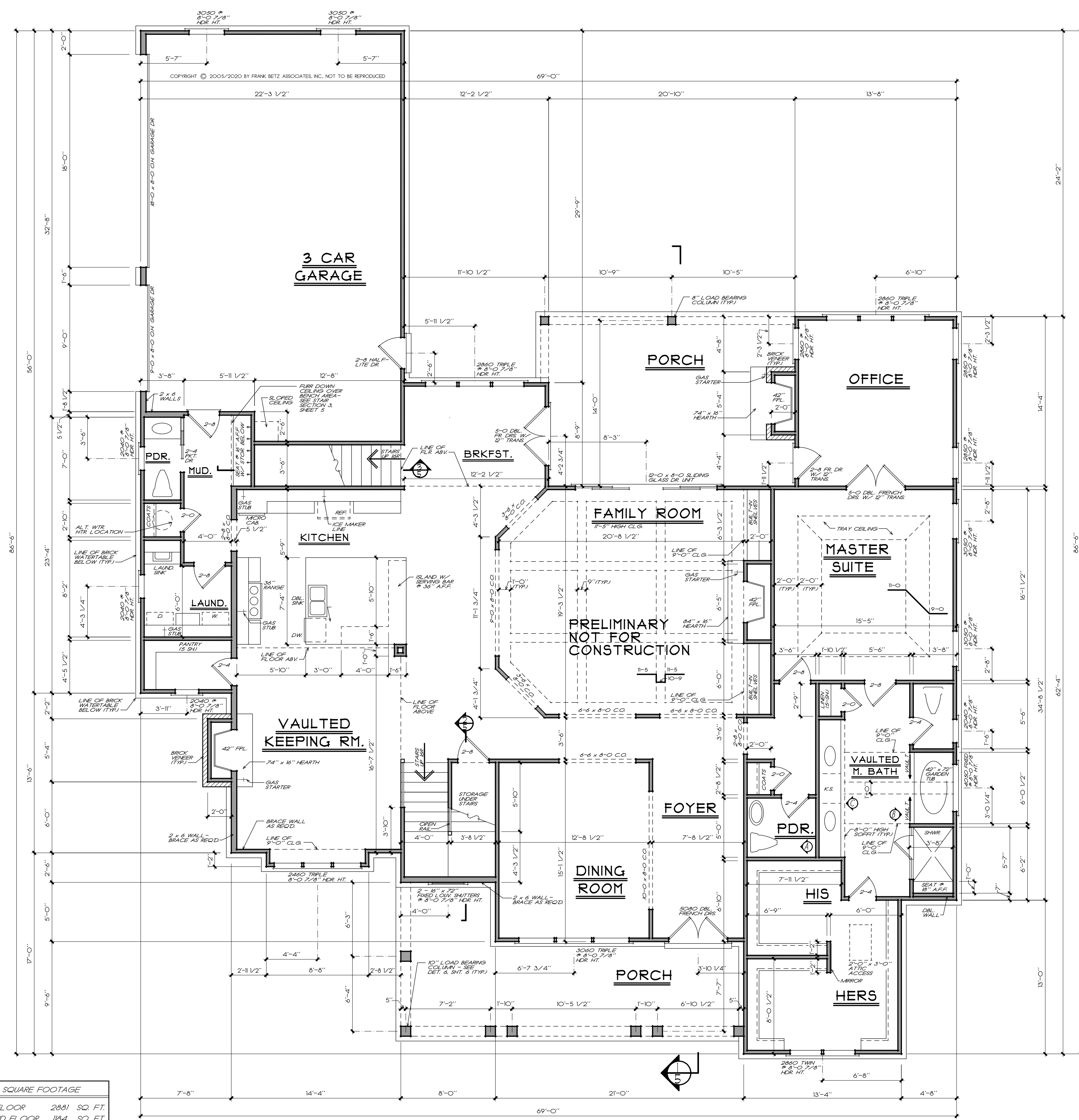
1/4" = 1'-0"

NOTE: WHEN TWO ROOFS INTERSECT WITH DIFFERENT ROOF PITCHES, BLOCK TOP OF STUD WALLS AS REQ'D. TO LINE UP FASCIAS AT A MINIMUM OF 1'-0" OVERHANG.

NOTE: ATTIC VENTILATION PER LOCAL CODES AND REQUIREMENTS.

NOTE: RAFTERS ARE PITCHED FROM TOP OF CEILING JOISTS. SEE DETAILS.

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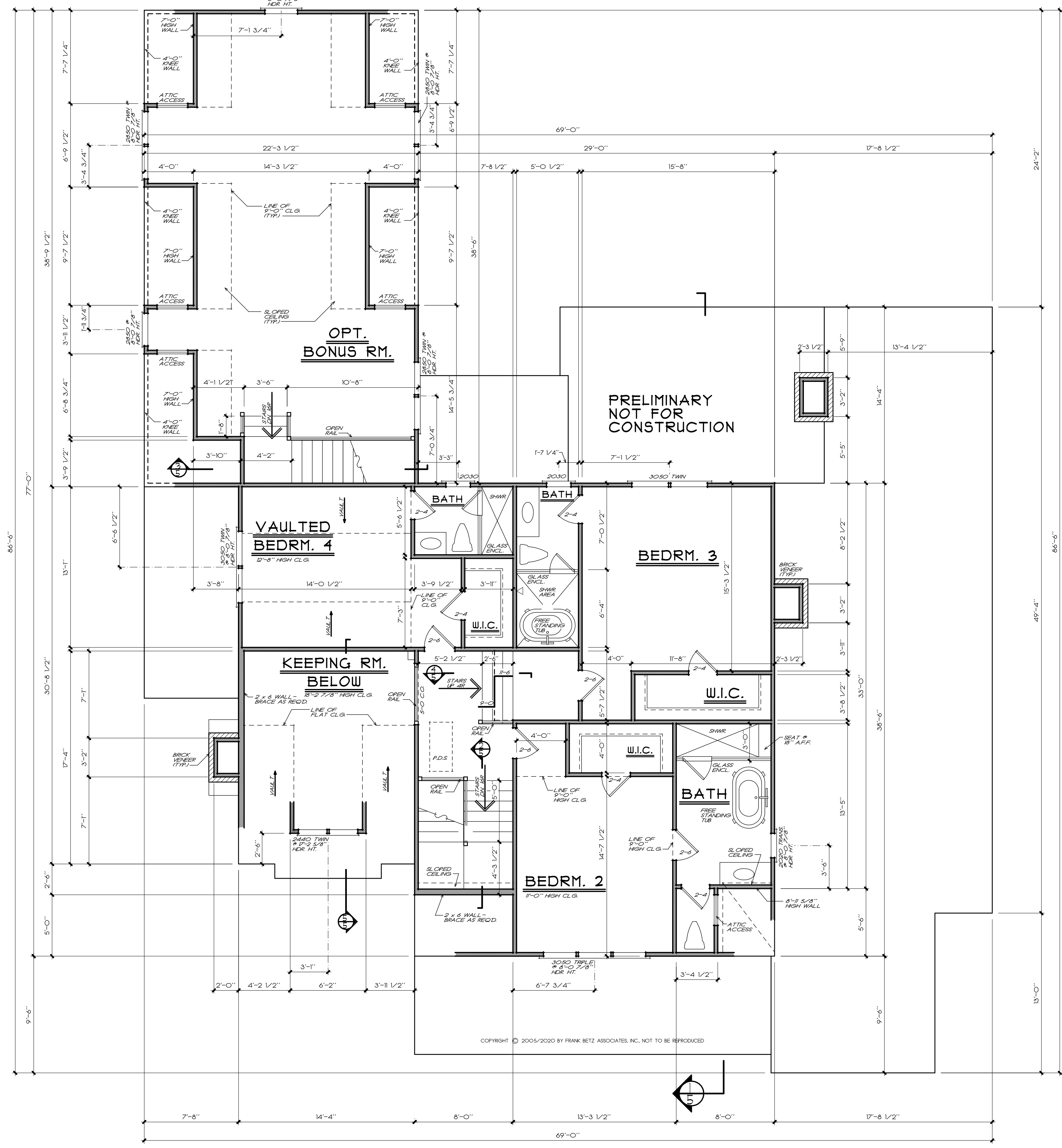
SQUARE FOOTAGE	
FIRST FLOOR	2881 SQ. FT.
SECOND FLOOR	184 SQ. FT.
TOTAL	4065 SQ. FT.
OPT. BONUS RM	645 SQ. FT.
TOTAL	4730 SQ. FT.

NOTE: ALL ANGLES ARE 45° UNLESS OTHERWISE NOTED

FIRST FLOOR PLAN

3/18/10

NOTE: ALL CEILING JOISTS AND RAFTER BRACINGS TO BEAR ON LOAD BEARING WALLS DESIGNED TO CARRY LOAD FROM ALL LEVELS AND TERMINATE AT FOUNDATION AND BE SUPPORTED BY THICKENED SLAB GRADE BEAM OR FOOTING DESIGNED TO CARRY LOAD.



SECOND FLOOR PLAN
3/8" = 1'-0"

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Anael Dominguez (CDI: Planning)

From: Emily McGahee (Environmental Health)
Sent: Thursday, June 22, 2023 12:37 PM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning); Beth Garmon (CDI: Planning)
Cc: Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)
Subject: HCPC Tentative Agenda 7.24.23

Please find Environmental Health comments below:

Item 1, 5351 Lanier Islands Pkwy, Bell: A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items such as a soil evaluation and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. ON-SITE SEWAGE MANAGEMENT SYSTEMS RULES 511-3-1-.03 General Requirements for On-Site Sewage Management Systems. (1) If public or community sewage treatment systems are not available, the owner of a building, residence, or property that is designed or intended for human occupancy or congregation shall provide an approved on-site sewage management system sufficient for the number of persons normally expected to use or frequent the building, residence or other property for two hours or more. (2) No person may begin the physical development of a lot or structure where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof, without having first obtained from the County Health Department a construction permit for the installation of an onsite sewage management system. And (1)(a) Connection shall be made to a public or community sewage treatment system if such system is available within two hundred feet (200') of the property line, or available in a public right-of-way abutting the property.

Item 2, 8511/8515 Belton Bridge Road, Cole: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat.

Items 3A/3B, 3463 Leisure Lane, Justus: No comment.

Items 4A/4B, 6178 Lake Lanier Heights Road, Edelstein: Any proposed additions must meet all residential permitting requirements. All proposed structures must meet required setbacks to existing septic system. Further determination will be made at time of application.

Item 5, 5961 Pocahontas Drive, Zax: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. 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.

Items 6A/6B, 3555 North Bogan Road, Moore: 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: soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Sewage flows for the entire property will be limited to 600gallons per non-restricted acre per day.

Item 7, 2196 Centinnial Drive, Jones: No comment. Public sewer.

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: Wednesday, June 21, 2023 9:57 AM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning)
Cc: Peevy, Jonathan; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for July 24, 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.

As none of the new business items front a state route nor would they add significant impacts to state route intersections, none of the new business items will require GDOT coordination

Thank you,

Parker Niebauer
DITO 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: Thursday, June 15, 2023 12:02 PM
Subject: Tentative Planning Agenda for July 24, 2023

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, July 24, 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 **Thursday, June 22nd**. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – July 17, 2023

OLD BUSINESS

1. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, applicant.](#)
[NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)

NEW BUSINESS

2. [8511 & 8515 Belton Bridge Road | Variance | from 17.240.010 to reduce the road frontage requirement from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | Proposed Use: 2-lot subdivision | * Commission District 3 | Robin Cole, applicant.](#)
3. (A) [3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)
(B) [3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)
4. (A) [6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)
(B) [6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)
5. [5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, applicant.](#)
6. (A) [3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
(B) [3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
(C) [3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
7. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, 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 30 days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing **Thursday, August 24, 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, August 24, 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 Community Development and Infrastructure
(770) 531-6810 | www.hallcounty.org



Human trafficking impacts every corner of the globe, including our state and local communities. Georgia DOT is committed to end human trafficking in Georgia through education enabling its employees and the public to recognize the signs of human trafficking and how to react in order to help make a change. To learn more about the warning signs of human trafficking, visit <https://doas.ga.gov/human-resources-administration/human-trafficking-awareness>. To report any suspicious activity, call the Georgia Human Trafficking Hotline at 866-363-4842. Let's band together to end human trafficking in Georgia.



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: June 20, 2023
Subject: July 24, 2023 - Hall County Planning Commission Agenda

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.

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 24, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, applicant. NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)
 - 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 buffer and impervious setback from wrested vegetation not center line of stream
Show stream buffer and impervious setback from wrested vegetation not center line of stream
Comments on the last submittal.
 - b) **Traffic:** Access permit from GDOT for connection to Lanier Islands Parkway.
 - c) **Utilities:** Permit from environmental health may be required for portable bathrooms.

2. [8511 & 8515 Belton Bridge Road | Variance | from 17.240.010 to reduce the road frontage requirement from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | Proposed Use: 2-lot subdivision | * Commission District 3 | Robin Cole, 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 buffer and impervious setback from wrested vegetation not center line of stream
Show stream buffer and impervious setback from wrested vegetation not center line of stream.
 - b) **Traffic:** No Comment
 - c) **Utilities:** No Comment

3.

[\(A\) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)

[\(B\) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)

 - a) **Engineering:** No Comment
 - b) **Traffic:** No comment
 - c) **Utilities:** No Comment

4.

[\(A\) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)

[\(B\) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)

 - a) **Engineering:** No Comment
 - b) **Traffic:** No Comment
 - c) **Utilities:** No Comment

5.

[5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, 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 buffer and impervious setback from wrested vegetation not center line of stream Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.
 - b) **Traffic:** No Comment
 - c) **Utilities:** City of Flowery Branch sewer district.

6. [\(A\) 3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
[\(B\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
[\(C\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
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Show stream buffer and impervious setback from wrested vegetation not center line of stream.
 - b) **Traffic:** No Comment
 - c) **Utilities:** City of Flowery Branch sewer district.
7. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, 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 buffer and impervious setback from wrested vegetation not center line of stream
Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.
 - b) **Traffic:** Driveway must meet Hall County requirements.
 - c) **Utilities:** City of Gainesville sewer district.

Anael Dominguez (CDI: Planning)

From: John Hornick (Fire Services)
Sent: Thursday, June 22, 2023 2:59 PM
To: Anael Dominguez (CDI: Planning)
Cc: Randi Doveton (CDI: Planning)
Subject: Fire Comments

Monday, July 24, 2023 Hall County Planning Commission Meeting.

1. [5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-1; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, 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 - August 7, 2023 - Submission #78749

Date Submitted: 8/6/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Beverly

Last Name*

Harris

Address1*

5936 Nachoochee trail

Address2

City*

Flowery Branch

State*

Ga

Zip*

30542

Zoning Item for Comment*

1. 5961 Pocahontas Drive | Use Subject to County Commission Approval

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

Your Comments*

With this increase of individual lots would increase traffic that is already at a breaking points, I strongly object to this request.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Bharris007_30542@yahoo.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - August 7, 2023 - Submission #78750

Date Submitted: 8/6/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

David

Last Name*

White

Address1*

5932 Nachoohee Trl

Address2

City*

Flowery Branch

State*

GA

Zip*

30542

Zoning Item for Comment*

1. 5961 Pocahontas Drive | Use Subject to County Commission Approval



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

Your Comments*

I wish to register my opposition to the proposed development of the five acres on Pocahontas Drive because of the destruction of wildlife habitat, potential damage to the lake due to runoff, damaged property values due to construction and the safety hazard that heavy equipment and trucks passing through the neighborhood cause. Many of our neighbors are elderly and walk for their health. The roads in this neighborhood are narrow, and the trucks involved in previous construction have driven very fast up and down the road hauling supplies and/or equipment, posing a safety hazard to residents walking their dogs or walking for health. The simultaneous construction of five houses will cause a significant increase in heavy traffic, resulting in unsafe conditions. There are few undeveloped areas in the neighborhood, and wildlife that lives in this plot of land will be displaced, resulting in traffic hazards as the wildlife crosses roads looking for shelter.

The grading that would take place in order to build these houses would likely cause silt and runoff that could cause significant damage to the lake ecosystem nearby, as well as causing a deterioration of neighboring properties and docks.

If this project is approved, at least the following measures must be taken to prevent these problems:

1. Significant buffers to prevent silt and drainage issues.
2. Speed tables placed every 1/4 mile along Nachoochee Trail.
3. Consideration of widening the roadbed by at least 12 inches to permit safe passage of walkers and traffic.
4. Entrance/Exit lanes on McEver Road to accommodate the increased ingress/egress of traffic in the neighborhood.

Thank you for considering these comments and the safety of the residents of our neighborhood.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Yes, please email me at dmwhite24@gmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 24, 2023 - Submission #78479

Date Submitted: 7/23/2023

Comments completed in the form below will be submitted into the record for the July 24, 2023 meeting of the Hall County Planning Commission.

First Name*

lois

Last Name*

kemp

Address1*

6034 thornlake drive

Address2

City*

flowery branch

State*

ga

Zip*

30542

Zoning Item for Comment*

5. 5961 Pocahontas Drive | Use Subject to County Commission Approval

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

Your Comments*

The letter I received indicates the meeting is on Tuesday July 24th. Many folks are planning on attending in person but believe it is on Tuesday per your letter. Additionally, many of my neighbors do not have internet yet due to the storm last week. Given both situations - you need to postpone discussion of this property. Kindly advise at 678-777-4204.

My comments on this property are:

1. There should NOT be any clear cutting of the trees along Nachoochee Trail. Trees must be protected along the street line. This is a beautiful, natural neighborhood. Many of us have moved here because of the beauty and regularly walk the street. This will impact our daily life and could have a negative impact to our property value
2. The street is very narrow and not designed for 2 way traffic. Increased traffic puts many of us who walk daily on Nachoochee Trail in danger. 5 new homes will add 10-15 cars on the road daily. This is a narrow road with no speed tables. Strongly suggest fewer homes with the addition of 2-3 speed tables.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

678-777-4204 loisatlanier@gmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY.
APPLICANT: **KIMBERLY ZAX**
REQUEST: **USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR A 5-LOT SUBDIVISION IN R-1.**
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION **August 7th** & COUNTY COMMISSION
Date: **AUG 7, 2023** Date: **Aug 14, 2023**
Time: **5:15p.m.** Time: **6:00p.m.**
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL (770) 531-6809

Jul 25, 2023 10:13:22
5961 Pocahontas Drive
Flowery Branch
Hall County
Georgia

ZONING NOTICE

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

APPLICANT:

KIMBERLY ZAX

REQUEST:

USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR
A 5-LOT SUBDIVISION IN R-1.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: **AUG 7 2023**

Time:

5:15 p.m.

COUNTY COMMISSION

Date: **Aug 24, 2023**

Time:

6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

Jul 25, 2023 10:16:03
5961 Pocahontas Drive
Flowery Branch
Hall County
Georgia

ZONING NOTICE

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

APPLICANT:

KIMBERLY ZAX

REQUEST:

USE SUBJECT TO COUNTY COMMISSION APPROVAL
FOR A 5-LOT SUBDIVISION IN R-1

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: ~~Aug 7~~ ^{August} 7th 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

Jul 25, 2023 10:17:32
5954 Nachoochee Trail
Flowery Branch
Hall County
Georgia



AGENDA ITEM

Planning and Development

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 449/2023

SUBJECT: **3555 North Bogan Road | Use Subject to County Commission Approval |** on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue |** Commission District 1 | **John A. Moore, Sr., applicant.**

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: RD
Recommendation: Denial.

Purpose of Request: **3555 North Bogan Road | Use Subject to County Commission Approval |** on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue |** Commission District 1 | **John A. Moore, Sr., applicant.**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
AD	RD	WLI	CR
Clerk			
JR			

Attachments:

- Board Memo
- Recommendation Report
- Application
- Narrative
- Site Plan
- Maps
- Renderings
- Deed
- GDOT Comments
- Environmental Health Comments
- Public Works Comments
- Fire Comments
- Public Comments
- Notice Sign Photos



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
PLANNING AND DEVELOPMENT

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Srikanth Yamala

PLANNING AND DEVELOPMENT
DIRECTOR
Randi Doveton

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

From: Randi Doveton, Director of Planning & Development

Date: August 8, 2023

Subject: **3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract | Proposed use: agri-entertainment venue | John A. Moore, Sr., applicant.**

The request before you is the request of John A. Moore, Sr. for a Use Subject to County Commission Approval with two variances to allow an agri-entertainment venue. This item is located within Commission District 1.

At their August 7, 2023 meeting, the Hall County Planning Commission voted to recommend **denial of all three requests (5-0)**. The Planning Commission expressed concern over the magnitude of the variance requests; without the variances, the use, as proposed is not possible. Therefore, the Planning Commission recommends denial of all associated applications: use subject to County Commission, setback reduction for the structure, and setback reduction for the parking.

There were **sixteen (16) public comments submitted** in advance of the Planning Commission meeting, **six (6) people spoke in favor, 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.

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

ApplicantJohn A. Moore, Sr.

Request(A) Use Subject to County Commission Approval |
for an agri-entertainment venue
(B) Variance | from [17.215.040](#) to reduce the
setback for agri-entertainment structures from
300 feet to 15 feet
(C) Variance | from [17.215.040](#) to reduce the
setback for agri-entertainment parking from
200 feet to 15 feet

Proposed Use Agri-entertainment venue with variances

Size 7.03± acres

Zoning Agricultural Residential III (AR-III, [17.110](#))

Location **3555 North Bogan Road** | Tax Parcels 08155
000029

Commission DistrictOne

Planning Commission DateJuly 24, 2023

Staff Recommendation **(A) Denial as the proposed use is inconsistent
with the Residential Future land use designation
in the [Comprehensive Plan](#),**
**(B) Denial of the requested variance from
[17.215.040](#) to reduce the setback for agri-
entertainment structures from 300 feet to 15
feet as the applicant has failed to demonstrate
that hardship exists pursuant to the criteria of
[2.60.030](#), and**
**(C) Denial of the requested variance from
[17.215.040](#) to reduce the setback for agri-
entertainment parking from 200 feet to 15 feet
as the applicant has failed to demonstrate that
hardship exists pursuant to the criteria of
[2.60.030](#).**

Planning Commission Recommendation.....(A) Denial
Vote: 5-0
(B) Denial
Vote: 5-0
(C) Denial
Vote: 5-0

Public Forum:

Kelly Morgan, 3552 N Bogan Road, Buford, spoke in favor. Spoke about weekend operations, applicant living on the property, importance of community, and event time limits.

Stephen Henley, 4589 Lake Falls Drive, Buford, spoke in favor. Spoke about the applicant’s character.

Creston Mapes, 5662 Villa Crest Drive, Hoschton, spoke in favor. Spoke about the community and land preservation.

Lilian Pedraza, 4392 Chatuge Drive, spoke in favor. Spoke about the venue having set times and becoming an amenity to the neighborhood.

Narcis Ciceu, 3550 N Bogan Road, Buford, spoke in favor. Spoke about the property’s cleanliness, giving to the community, and amenity to neighbors.

Jeremy Fowler, 3537 N Bogan Road, Buford, spoke in favor.

Connie Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were traffic, property value, noise, and commercial use.

Tony Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were the site plan parking, type of events, and traffic.

Sybil Sobanjo, 3534 N Bogan Road, Buford, spoke in opposition. Concerns were noise, traffic, and property value.

Summary Analysis

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

The applicant is proposing to operate an agri-entertainment venue on the subject property, which will be located in a proposed 50 foot by 100 foot barn, with an attached 70 foot by 100 foot pavilion. Per the submitted site plan, the proposed barn location is approximately 20 feet from the right side property line and 140 feet from the rear property line. There is a proposed gravel parking area, located immediately adjacent to the proposed event venue. The parking area is approximately 20 feet from the right side property line and

approximately 25 feet from the rear property line and will contain 60 parking spaces. The site plan notes there area an additional 84 grass parking spaces, but it is not clear where on the property those are located. The site plan shows a proposed buffer of Leyland Cypress trees along the left and right side property lines. The narrative states that the buffer may be vegetated or consist of a split rail fence. Additionally, the site plan notes that the gravel parking area would be surrounded by an 8 foot tall fence to mitigate any impact on the neighboring property.

The submitted narrative states that intent of the agri-entertainment venue is to provide an event space for the community. The primary use will be weddings, which the narrative states may occur Fridays, Saturdays and Sundays from 5pm – 10pm or 11pm. During the week, the venue is proposed to be used by community organizations, between the hours of 11am – 6pm. The maximum number of guests proposed by the applicant is 300. The applicant submitted two examples of the proposed structure for reference, which are included in the application packet.

The subject property is developed with a 4,500 square foot single family residence, constructed in 2014. An existing barn will be demolished and the proposed event venue constructed in its place. Access to the property will be from the existing driveway on North Bogan Road.

Based on the future land-use plan, staff finds the requested use inconsistent with the future land use classification of Residential in the [Comprehensive Plan](#). The primary future land uses for this classification are moderate density single-family residential developments, greenspace, and civic uses such as libraries, churches, and schools.

Zoning Analysis

Per section [17.215.040](#), conditions and regulations for agri-entertainment:

- A. A Hall County Business License shall be required if the zoning request is approved for the agri-entertainment events.
 - *The applicant will be required to obtain a Hall County Business License, subject to the below conditions and any additional conditions added, prior to beginning operation.*
- B. The property shall be used for the purpose of providing an agri-entertainment venue, as provided for in [section 17.215.030\(A\)](#).
 - *The proposed uses are consistent with those described in [section 17.215.030\(A\)](#).*
- C. The structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner.
 - *The applicant has requested relief from the building setback requirement, with the proposed structure located approximately 20 feet from the right side property line. The requested variance is 15 feet from property line.*
 - *Required setback = 300 feet*
Proposed setback = 15 feet
Required variance =285 feet
- D. All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner.
 - *The applicant has requested relief from the parking setback requirement, with the proposed parking area located approximately 20 feet from the right side property line and 25 feet from the rear property line. The requested variance is 15 feet from property line.*

- *Required setback = 200 feet*
Proposed setback = 15 feet
Required variance = 185 feet
- E. Parking shall be permitted on grass or gravel.
- *The applicant's narrative states that the parking areas will be both gravel and grass.*
- F. The agri-entertainment event barn or primary event structure shall be permitted to be constructed only on the property described.
- *The applicant intends to construct a 50 foot by 100 foot barn, with an attached 70 foot by 100 foot pavilion, if the agri-entertainment use is approved.*
- G. The maximum number of attendees to occupy any agri-entertainment event barn or structure on the premises shall be regulated by the Hall County Fire Marshal.
- *The applicant's narrative states that maximum number of guests is proposed to be 300, with 144 proposed parking spaces. The maximum number of occupants will be determined by the Hall County Fire Marshal during the development process.*
- H. The occupancy of the agri-entertainment event barn or primary event structure shall not exceed the occupancy load provisions of the Uniform Building Code and those occupancy load limits shall be posted on the premises by the Hall County Building Inspection Department.
- *If approved, the occupancy will be determined by Hall County Building Inspections and the Fire Marshal, based on the above criteria.*
- I. The use of the premises for an agri-entertainment venue shall be permitted only after the issuance of a certificate of occupancy by the Hall County Building Inspection Department.
- *If approved, the applicant shall be required to obtain a certificate of occupancy prior to commencing operations.*
- J. Any improvements required to support the property as an agri-entertainment venue shall be made only after the issuance of a building permit by the Hall County Building Inspection Department.
- *If approved, the applicant shall be required to obtain a building permit from Hall County Building Inspections.*
- K. Outdoor activities within the agri-entertainment event barn or primary event structure shall not involve the outside amplification of voice, music and/or instruments except during a wedding ceremony.
- *The applicant has not indicated that outside amplification of voice, music, and/or instruments is proposed as part of the application.*
- L. Agri-entertainment events shall commence no earlier than 9:00 a.m. and shall terminate no later than 10:00 p.m. on Sunday through Thursday and no later than 12:00 a.m. on Friday and Saturday.
- *For [the] purpose of this section, termination shall mean the termination of food, drinks, service and entertainment with the understanding that attendees will need a reasonable amount of time after termination to exit the premises.*
 - *The proposed agri-entertainment business meets this condition. The proposed hours of operation for special events such as weddings are Friday – Sunday from 5pm – 10pm and 11pm to meet the requirements of this section. During the week, the venue is proposed to be used by community organizations, between the hours of 11am – 6pm.*
- M. All agri-entertainment events shall be provided with adequate potable water and sanitary waste disposal systems as approved by the Hall County Environmental Health Department.
- *The applicant must meet this requirement if the request is approved, and has indicated there is enough land to meet the septic requirements.*
- N. All agri-entertainment events shall provide for adequate access and egress for emergency vehicles as determined through the development review process.

- *The applicant will be required to receive approval from Hall County Engineering for the proposed site access.*
- O. All agri-entertainment events shall be provided with adequate personnel to assist with parking, emergency and other potential impacts of each event.
 - *If approved, the applicant must meet this requirement.*
- P. If the property being considered for agri-entertainment use is "bona-fide conservation use property" as defined under O.C.G.A. §§ 48-5-7.1 through 48-5-7.4, caution should be used to insure that the proposed agri-entertainment use of the property does not constitute a breach of the conservation covenants applicable to the property.
 - *The property is not under a conservation use covenant and as such this regulation is not applicable.*

(A) Use Subject to County Commission Approval | for an agri-entertainment venue.

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 and development of adjacent and nearby property; **The proposed use of the property is an agri-entertainment venue in the Agricultural-Residential-III (AR-III, [17.110](#)) district. Properties to the north and west across North Bogan Road are within the city limits of Buford. The properties to the east are zoned Residential I (R-I, [17.60](#)) and are developed with single-family residential uses.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The request is for conditional use approval for an agri-entertainment venue in the Agricultural-Residential-III (AR-III, [17.110](#)) district. The proposed use may be more intense than that of the adjacent or nearby parcels and the requested variances for the building location and parking setback requirements reduce the separation of the event venue and parking from adjacent 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, but the proposed business cannot occur as described without approval of the conditional use request. The subject property is zoned Agricultural Residential III (AR-III, [17.110](#)) and is developed with a 4,500 square foot single-family residence, constructed in 2014, and a 80 foot by 80 foot barn, per Hall County [Property Tax records](#).**
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 may cause an excessive or burdensome use of existing streets and transportation facilities, depending on the number of visitors the business can accommodate.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The current application is for a conditional use request for agri-entertainment business within the Agricultural-Residential-III (AR-III, [17.110](#)) district. The parcel falls within the Residential future land use classification of in the [Comprehensive Plan](#). The intent of this classification is to preserve the established neighborhoods and create new residential developments consistent with surrounding suburban densities. The proposed use is not consistent with the Comprehensive Plan.**

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 site has been developed with a residence since at least 2014.**
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; **There is no proposed change to the underlying zoning, as such, this criteria is not applicable.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed use is not out of scale with the needs of the county as a whole, as an event venue could compliment the residential growth occurring in the South Hall area.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **As the proposed uses require Board of Commissioner approval for a conditional use permit, there are not adequate sites already zoned for an agri-entertainment business.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **As the proposed uses require Board of Commissioner approval for a conditional use permit, 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; **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 evidence to indicate a mistake was made in the original zoning of the property.**

(B) Variance from [17.215.040](#) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet and (C) Variance from [17.215.040](#) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet:

Section [17.420.070](#), appeals and modifications states that “if substantial modifications or changes are necessary, any person, firm, group or organization may apply for relief from the requirements set forth in this chapter to the Hall County Planning Commission, unless otherwise specified in this chapter.”

The Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that [2.60.030.J](#) provided the request meets the criteria set forth in [2.60.030.K](#).

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **Though the property is 7.03 acres in size, the site is somewhat limited by the existing structures and a pond on the property. It is possible that the proposed event venue and parking could be located so that no variances are needed, but the potential area is limited by the location of the pond and septic system.**
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The application of the requirements of [Title 17](#) to this particular piece of property would not create an unusual hardship. The property can continue to be used as currently developed, with single-family residential and agricultural uses.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The existing site development limits the potential places an event venue could be located on the property.**
4. Such conditions are not the result of any actions of the property owner; **The applicant is proposing the development standards for the project that require the variance request.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#); provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by [Title 17](#) or for a conditional use which has been denied by the county planning commission. **It is difficult to assess the full impact of a development on the public, but if these variances were granted there should not be detriment to the public good or impair the intent of [Title 17](#). The property will be subject to all other applicable local, state, and federal development standards.**

[17.380.050](#) - Submission requirements for a rezoning request

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

present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.

- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **The applicant has submitted a narrative and 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 applicant has submitted a site plan drawn to scale.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable as the site will be served by 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. **As there are not 100 or more residential dwelling units proposed this question is not applicable.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated June 22, 2023, Emily McGahee stated “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: soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Sewage flows for the entire property will be limited to 600 gallons per non-restricted acre per day.”

Hall County Fire Marshal

In an email dated June 22, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

1. If approved engineered site development plan will need to be submitted to Hall County for review and approval by the Development Review Committee
2. Based off the size of the proposed building and occupant load a fire protection and fire alarm system will be required
3. 8 inch underground fire line will be required for the fire protection water supply
4. Gainesville Fire Service Vault will be required
5. Additional fire hydrant(s) may be required
6. Fire apparatus accessibility must meet International Fire Code Standards.
7. Emergency responder radio coverage test will be required

Hall County Public Works and Utilities

In a memo dated May 18, 2023, 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 buffer and impervious setback from wretched vegetation not center line of stream. Show stream buffer and impervious setback from wretched vegetation not center line of stream.

Traffic:

No comment.

Utilities

City of Flowery Branch sewer district.

Georgia Department of Transportation

In an email dated May 25, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor confirmed GDOT coordination would not be required.

- **Excerpts from the minutes of the August 7, 2023 meeting**

Applicant's Presentation:

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

John Moore, 3555 North Bogan Road, Buford, presented the request. The applicant stated that he also lives on the property and knows the responsibility the approval carries if obtained. The applicant stated that the focus would be on weddings on weekends with the rare weekday event.

Rebuttal

The applicant stated that a venue will preserve the property unlike selling and building a subdivision.

Public Forum:

Kelly Morgan, 3552 N Bogan Road, Buford, spoke in favor. Spoke about weekend operations, applicant living on the property, importance of community, and event time limits.

Stephen Henley, 4589 Lake Falls Drive, Buford, spoke in favor. Spoke about the applicant's character.

Creston Mapes, 5662 Villa Crest Drive, Hoschton, spoke in favor. Spoke about the community and land preservation.

Lilian Pedraza, 4392 Chatuge Drive, spoke in favor. Spoke about the venue having set times and becoming an amenity to the neighborhood.

Narcis Ciceu, 3550 N Bogan Road, Buford, spoke in favor. Spoke about the property's cleanliness, giving to the community, and amenity to neighbors.

Jeremy Fowler, 3537 N Bogan Road, Buford, spoke in favor.

Connie Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were traffic, property value, noise, and commercial use.

Tony Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were the site plan parking, type of events, and traffic.

Sybil Sobanjo, 3534 N Bogan Road, Buford, spoke in opposition. Concerns were noise, traffic, and property value.

Planning Commission Comments:

Mr. Sosebee stated that seven public comments were submitted in advance of the meeting. Ms. Pilcher requested clarification on the driveway entrance for the proposed parking. Mr. Hunt questioned occupancy for the venue. The applicant stated he has not determined that yet. Mr. Hunt and Mr. Braswell stated that the variances were too aggressive.

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

2 (B)

Motion: A motion to remove from the table was made by Ms. Pilcher and seconded by Mr. Sosebee. Vote: 5-0

Background Information:

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting (B) relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

Applicant's Presentation:

See item 2 (A).

Public Forum:

See item 2 (A).

Planning Commission Comments:

See item 2 (A).

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

2 (C)

Motion: A motion to remove from the table was made by Ms. Pilcher and seconded by Mr. Sosebee. Vote: 5-0

Background Information:

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting (B) relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

Applicant's Presentation:

See item 2 (A).

Public Forum:

See item 2 (A).

Planning Commission Comments:

See item 2 (A).

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

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



CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

John A. Moore, Sr.
3555 North Bogan Rd
Buford, GA 30519

Phone 678-300-2745

Email Address drewmoorega@comcast.net

Proposed Use wedding venue.

Property Owner (Name & Mailing Address)

John A Moore, Sr.
3555 North Bogan Rd
Buford GA 30519

Phone 678-300-2745

Email Address _____

Contact Person (Name & Mailing Address)

John A. Moore, Sr.
3555 North Bogan Rd
Buford, GA 30519

Phone 678-300-2745

Email Address DREW MOORE GA@comcast.net

Tax Parcel Number _____

Location Address 3555 North Bogan Rd Buford, GA 30519

Status of Applicant

- Owner
- Option to Purchase
- Area Resident
- Other

Requested Action

Permissive Use:

HCPC HCC

Fee: \$ 400.00

Receipt #: _____

Check #: _____

Zoning: AR III
 Acreage _____

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

Sign John A Moore

Date: 3/1/23

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

Application Withdrawal: I hereby withdraw the application.

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

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

County Commission District: _____

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

Applicant's/Owner's Signature: John Moore

Date: 3/1/23

Applicant's/Owner's Name (Printed): JOHN A. MOORE

John Andrew "Drew" Moore
3555 North Bogan Road
Buford, GA. 30519

May 10th, 2023

To whom it may concern,

The plan over the next 30 years to give back to our community by opening an Event Venue. The main focus will be: Weddings, on Friday, Saturday and Sunday Between the hours of 5pm to 10 or 11 pm. I would like to optimize as many wedding as possible, but I am totally open to whatever the county sets as a limit. Additionally, Hosting to Special groups like fire fighters, Police and Special needs children, etc.... to help offer something that may not be in their budget. I would offer these events weekends and week days if that is the only time they can make it. I would only operate week day events from 11 am thru 6 pm. Once again I am totally ok if the county sets any type of limits on week day events, either times or max events in a year. I really want to give back to my community as much as I can. I am also open to extend the range of activity if mornings are open. This is not about getting rich, this is about making money on weddings to support the property and giving back to the community. I cant change the world but I can try and change the small part of the world I touch.

I have included several Neighbors letters that touch my property. As you can see I get along with ALL my neighbors. If more letters are required I am sure I can get them from any neighbor you require I know them all. My property has always been open to all they only need ask.

The property directly behind us is a natural area and will never be developed. It is declared "Wet Lands". I have included this Site plan. Plat from 116 spring street for 4340 Chatuga drive. Plat book 627 Page: 107A.

I would need to provide a variance for the building and the parking since it sits next to my neighbor Jeremy Fouler. Jeremy Fouler will join us for the meeting, he also signed a letter. I need this variance since there is a large 1-acre pond in the middle of the property. Which means I can only build on the side of it and park near it.... See the proposed drawing for Parking and building specs. The pond is one of the selling features of the property and gives people a beautiful setting (For the guests and the neighbors). If Jeremy would ever move I would buy his property and we have talked about it.

I am proposing a planted buffer on the side property lines with shrubs or a Sypris trees or a 4 rail fence. (whatever the neighbors feel is a nice buffer, shrubs or trees or fence) and an 8-foot tall fence around the parking area behind the barn to mitigate any impact on my neighbors if that is what my neighbors want. I am open to additional mitigation if the board wishes to do so. I also want the neighbors that must look at whatever I do, to be very happy with it. I mentioned a 8 foot fence to my neighbor and he said he "there are other options he would consider more aesthetically pleasing, like a 4 rail fence. My neighbors are very important to me. I plan to make

PAGE 1/2 John Moore

John Andrew "Drew" Moore
3555 North Bogan Road
Buford, GA. 30519

the building soundproof as well as acoustically designed. This is just a proposal, and I am totally open to any changes the board, or my neighbors would like to see. On my property or theirs. My intention is not to dictate what I want but provide, its to find something that everyone agrees on.

There is a winery only three houses to the North of us called "Cloud Land". I am not in a subdivision, but I am on a the same major road: "North Bogan Road" where many businesses exist. My property is over seven acres which is more than most wedding venues provide, like four Oak Manor, that only has a couple acres and is only a couple miles away. My property is also zoned AR III. This venue would cater to people over a short window, mainly on the weekends.

I have provided a plat with "existing", and "proposed" buildings, Proposed Pavilion and parking with an existing house.

The plan is to tear down the old 80' x 80' barn and put a new larger structure in its place. The building will be large enough to hold whatever number of occupants the county would allow and would be soundproofed. No more than 300 people. I also have plenty of room for septic. If approved, the process of designing the building and getting all the permits needed would begin within the next couple of years. I would expect to invest somewhere between 700 to 1 million to get everything complete. I don't want this to be a low end event center. I want this to be beautiful from landscaping to the buildings.

As owner, I plan to continue to live on the property for the rest of my life and be a good steward to my community. This has been a dream for many years, and I think now is the time to start this project. "If you build it, they will come". This is my field of dreams....

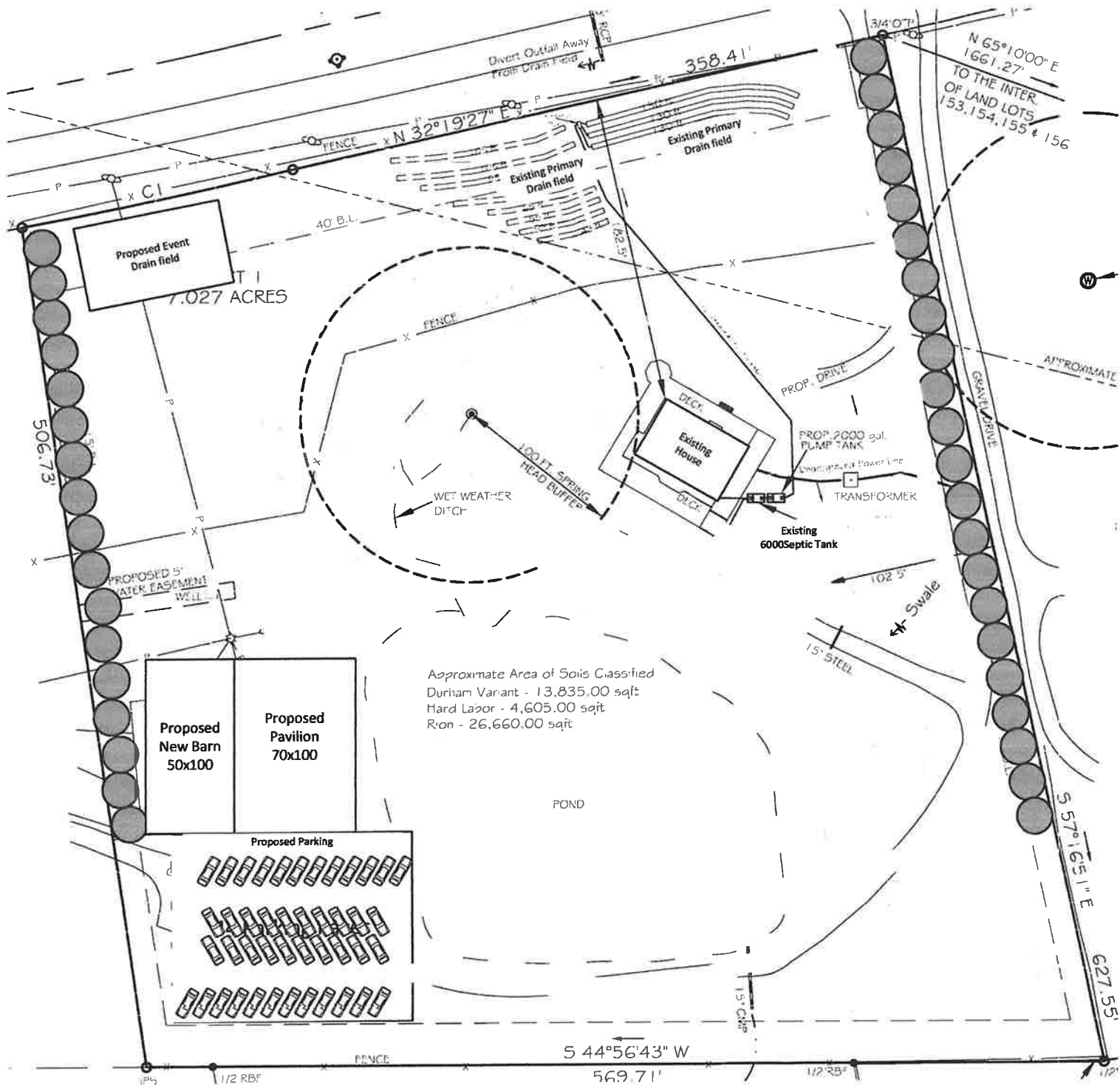
Thank you for the opportunity to present this request. I look forward to hearing from you and potentially sharing something with our community.

Sincerely,



John Andrew (Drew) Moore

PAGE 2/2 John Moore



Approximate Area of Soils Classified
 Durham Variant - 13,835.00 sqft
 Hard Labor - 4,605.00 sqft
 Ron - 26,660.00 sqft

(60) Gravel Parking

(84) Grass Parking

- Lilian Cypress Trees on property line 20 foot wide x 60-80 foot high
- 8 (Red) foot fence on Barn gravel Parking

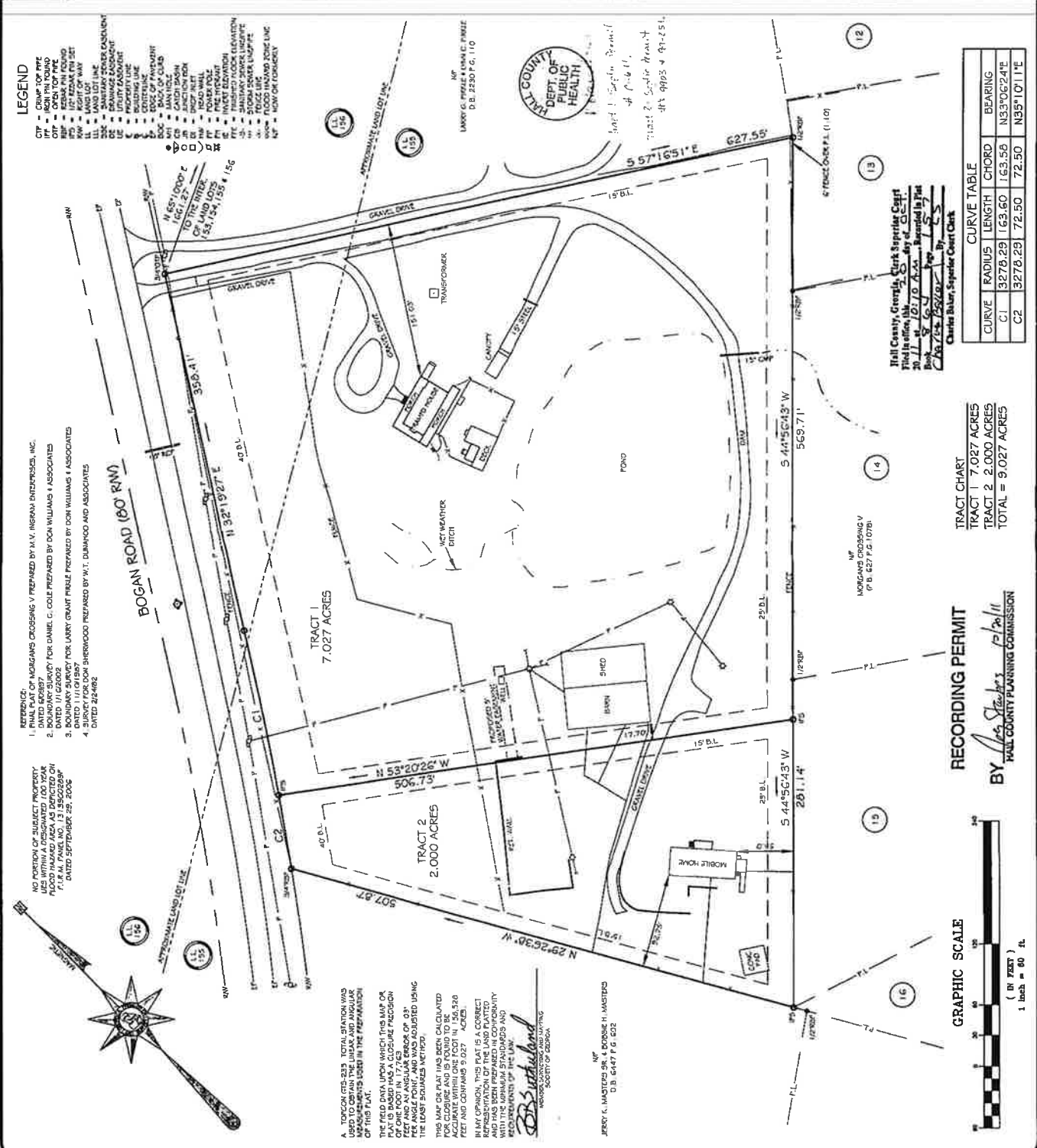
THE ESTATE OF DON R. SHERWOOD
 SURVEY FOR:

Project: 11140	County: HALL, GEORGIA	Scale: 1" = 60'
Date: 9/9/11	Land Lot: 155 & 156	District: 211
Revision		
No. By	Date	

ACAD FILE:

NO. BY DATE

GEORGIA
 LAND SURVEYING, INC.
 PROFESSIONAL LAND SURVEYING SERVICES
 359 PERRY STREET
 BUFORD, GEORGIA 30519
 (770) 614-3004 FAX (770) 614-3956



REFERENCE:

- FINAL PART OF MORGANS CROSSING V PREPARED BY M.V. INGRAM ENTERPRISES, INC. DATED 8/28/07
- BOUNDARY SURVEY FOR DANIEL C. COLE PREPARED BY DON WILLIAMS & ASSOCIATES DATED 11/11/2003
- BOUNDARY SURVEY FOR LARRY GRANT PREPARED BY DON WILLIAMS & ASSOCIATES DATED 11/11/2007
- BOUNDARY SURVEY FOR SHERWOOD PREPARED BY W.T. CLAWSON AND ASSOCIATES DATED 12/24/08

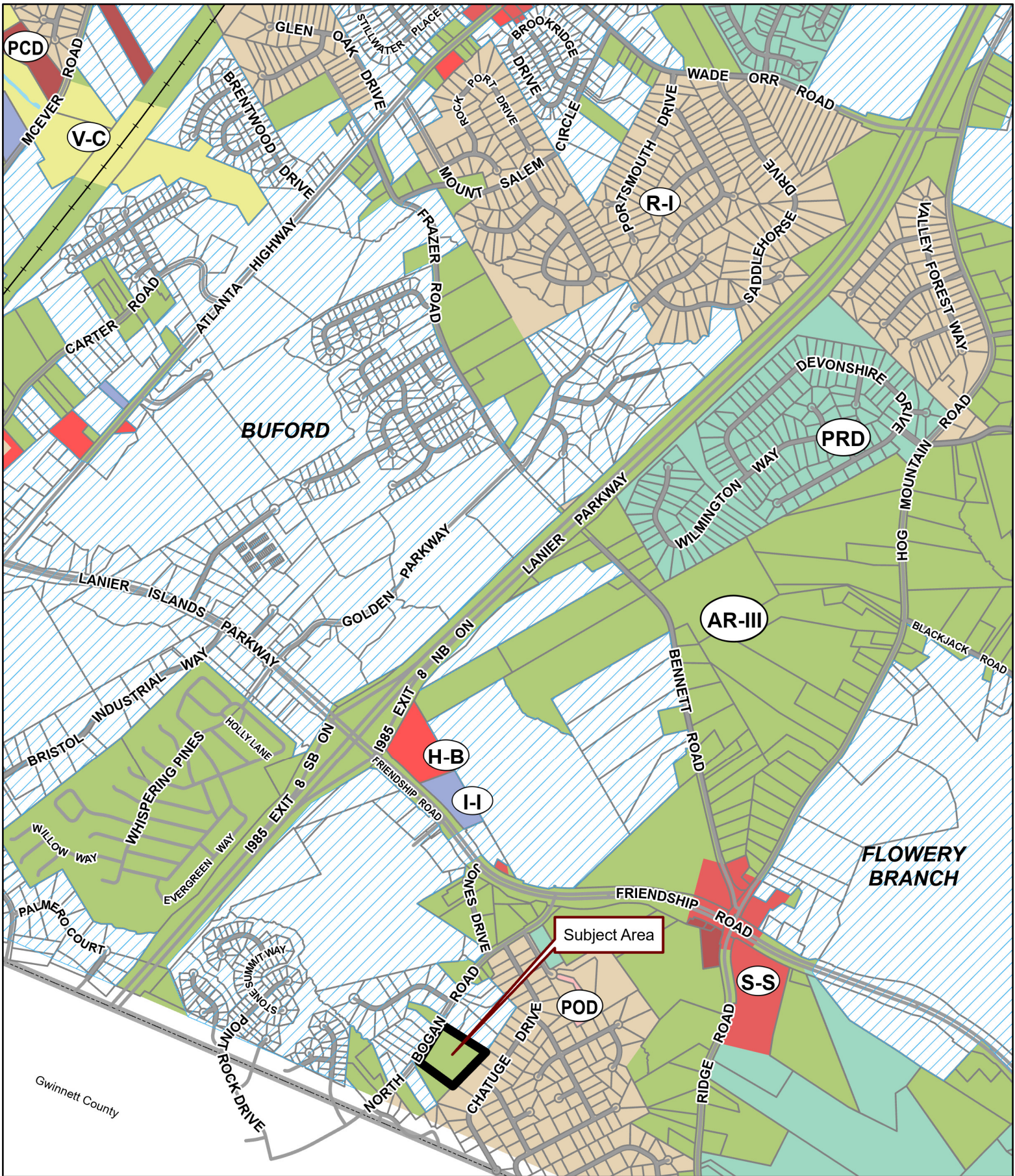
NO PORTION OF SUBJECT PROPERTY LIES WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA AS DEPICTED ON THE FLOOD HAZARD MAP OF HALL COUNTY, GEORGIA DATED SEPTEMBER 25, 2003

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 156,326 FEET AND CONTAINS 9.027 ACRES.

REPRESENTATION OF THIS PLAT HAS BEEN PREPARED IN CONFORMANCE WITH THE MINIMUM STANDARDS AND HAS BEEN REVIEWED IN CONFORMITY WITH THE MINIMUM STANDARDS AND

[Signature]
 JERRY K. MASTERS SR. & DORISE H. MASTERS
 D.B. 6477 P.G. 002





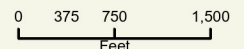
Applicant: JOHN A. MOORE. SR.

Tax Parcel #: 08155 000029

Location: 3555 NORTH BOGAN ROAD, BUFORD, GA 30519

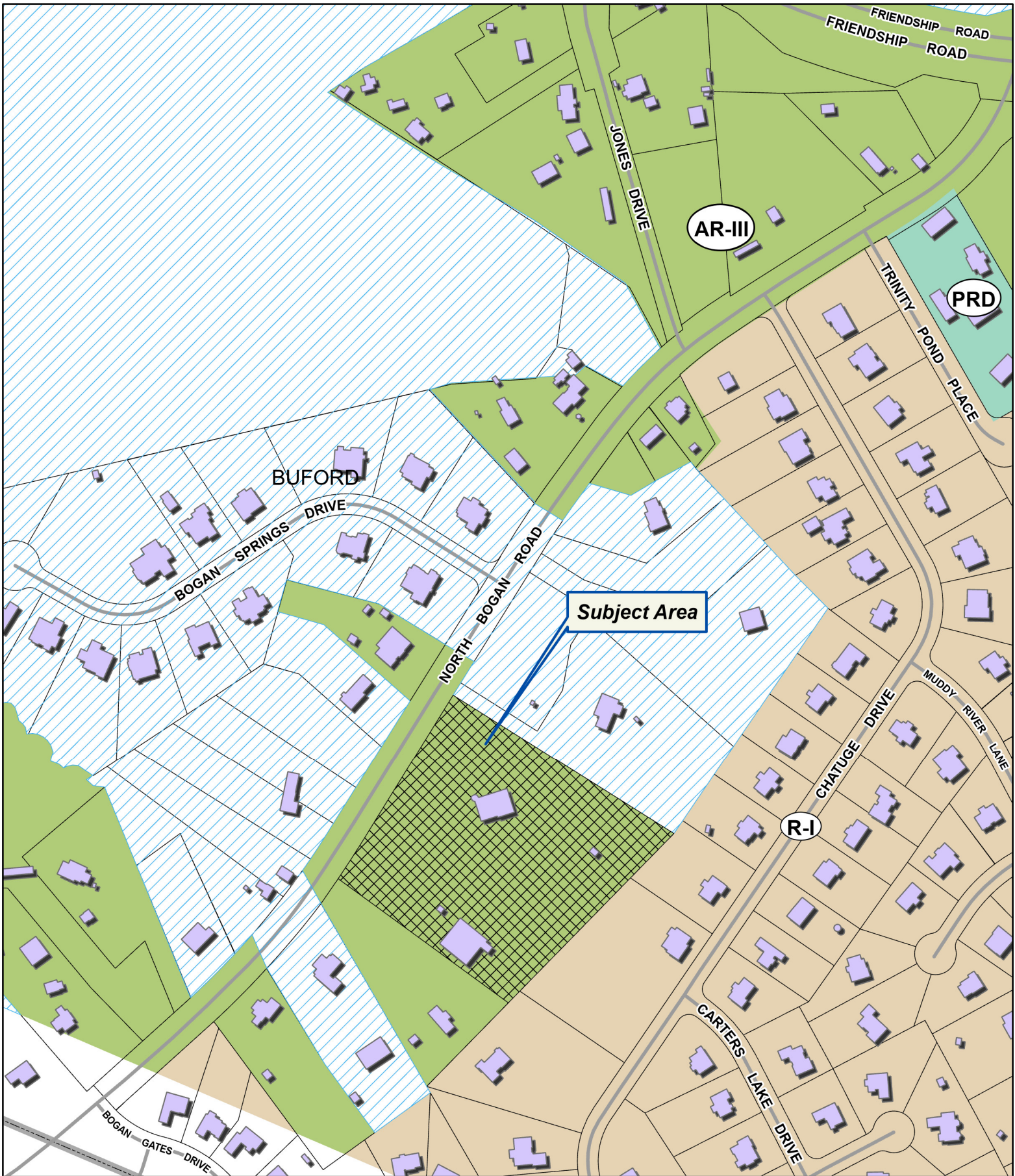
Commission District 1

PC Mtg. Date: 07/24/23



- Zoning Boundary
- City Limits
- Subject Area
- Structure





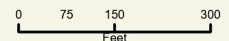
Applicant: JOHN A. MOORE. SR.

Tax Parcel #: 08155 000029

Location: 3555 NORTH BOGAN ROAD, BUFORD, GA 30519

Commission District 1

PC Mtg. Date: 07/24/23



- Zoning Boundary
- ▭ City Limits
- ▧ Subject Area
- Structure





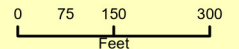
Applicant: JOHN A. MOORE. SR.

Tax Parcel #: 08155 000029

Location: 3555 NORTH BOGAN ROAD, BUFORD, GA 30519

Commission District 1

PC Mtg. Date: 07/24/23



— Zoning Boundary

▨ City Limits

▨ Subject Area







FILED & RECORDED
DATE: 2/1/2019
TIME: 9:29AM
DEED BOOK: 8213
PAGES: 712-713
FILING FEES: \$12.00
PT61: 0692019000865
TRANSFER TAX: \$.00
Recorded By: MT
Charles Baker, C.S.C.
Hall County, GA

Record and Return to:

Sparks|King|Watts|Reddick, LLC
33 Buford Village Way, Suite 325
Buford, GA 30518
Order No.: GA-SUW190008OTH
Tax Parcel ID: 08155 000029

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF GWINNETT

THIS INDENTURE, made the 18th day of January, in the year 2019, between

John A. Moore, Sr.

as party or parties of the first part, hereinafter called Grantor, and

John A. Moore, Sr. and Marilyn Sieger
as Joint Tenants with Rights of Survivorship and not as Tenants In Common

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).

W I T N E S S E T H: That Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has bargained, sold and does by these presents, bargain, sell, remise, release and forever QUITCLAIM unto said Grantee all the right, title, interest, claim or demand which the Grantor has or may have in and to the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 155 and 156, 8th District of Hall County, Georgia, and being shown as Tract I on a Survey for the Estate of Don R. Sherwood, dated 9/9/11 and recorded at Plat Book 864, Page 157, Hall County, Georgia Records.

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said described property unto the said Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said property or its appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year first above written.

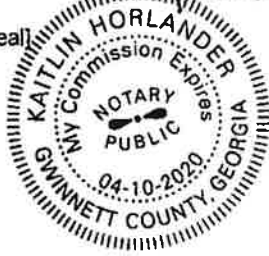
Signed, sealed and delivered
in the presence of:

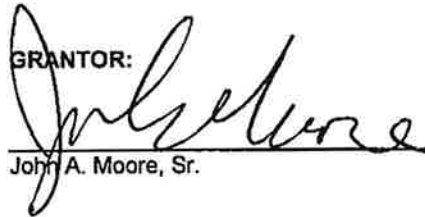


Unofficial Witness

Notary Public
My Commission Expires April 10, 2020

[Notary Seal]



GRANTOR:


John A. Moore, Sr. (Seal)

Anael Dominguez (CDI: Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Wednesday, June 21, 2023 9:57 AM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning)
Cc: Peevy, Jonathan; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for July 24, 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.

As none of the new business items front a state route nor would they add significant impacts to state route intersections, none of the new business items will require GDOT coordination

Thank you,

Parker Niebauer
DITO 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: Thursday, June 15, 2023 12:02 PM
Subject: Tentative Planning Agenda for July 24, 2023

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, July 24, 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 **Thursday, June 22nd**. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – July 17, 2023

OLD BUSINESS

1. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, applicant.](#)
[NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)

NEW BUSINESS

2. [8511 & 8515 Belton Bridge Road | Variance | from 17.240.010 to reduce the road frontage requirement from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | Proposed Use: 2-lot subdivision | * Commission District 3 | Robin Cole, applicant.](#)
3. (A) [3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)
(B) [3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)
4. (A) [6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)
(B) [6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)
5. [5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, applicant.](#)
6. (A) [3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
(B) [3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
(C) [3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
7. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, 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 30 days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing **Thursday, August 24, 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, August 24, 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 Community Development and Infrastructure
(770) 531-6810 | www.hallcounty.org



Human trafficking impacts every corner of the globe, including our state and local communities. Georgia DOT is committed to end human trafficking in Georgia through education enabling its employees and the public to recognize the signs of human trafficking and how to react in order to help make a change. To learn more about the warning signs of human trafficking, visit <https://doas.ga.gov/human-resources-administration/human-trafficking-awareness>. To report any suspicious activity, call the Georgia Human Trafficking Hotline at 866-363-4842. Let's band together to end human trafficking in Georgia.

Anael Dominguez (CDI: Planning)

From: Emily McGahee (Environmental Health)
Sent: Thursday, June 22, 2023 12:37 PM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning); Beth Garmon (CDI: Planning)
Cc: Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)
Subject: HCPC Tentative Agenda 7.24.23

Please find Environmental Health comments below:

Item 1, 5351 Lanier Islands Pkwy, Bell: A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items such as a soil evaluation and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. ON-SITE SEWAGE MANAGEMENT SYSTEMS RULES 511-3-1-.03 General Requirements for On-Site Sewage Management Systems. (1) If public or community sewage treatment systems are not available, the owner of a building, residence, or property that is designed or intended for human occupancy or congregation shall provide an approved on-site sewage management system sufficient for the number of persons normally expected to use or frequent the building, residence or other property for two hours or more. (2) No person may begin the physical development of a lot or structure where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof, without having first obtained from the County Health Department a construction permit for the installation of an onsite sewage management system. And (1)(a) Connection shall be made to a public or community sewage treatment system if such system is available within two hundred feet (200') of the property line, or available in a public right-of-way abutting the property.

Item 2, 8511/8515 Belton Bridge Road, Cole: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat.

Items 3A/3B, 3463 Leisure Lane, Justus: No comment.

Items 4A/4B, 6178 Lake Lanier Heights Road, Edelstein: Any proposed additions must meet all residential permitting requirements. All proposed structures must meet required setbacks to existing septic system. Further determination will be made at time of application.

Item 5, 5961 Pocahontas Drive, Zax: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. 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.

Items 6A/6B, 3555 North Bogan Road, Moore: 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: soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Sewage flows for the entire property will be limited to 600gallons per non-restricted acre per day.

Item 7, 2196 Centinnial Drive, Jones: No comment. Public sewer.

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)



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: June 20, 2023

Subject: July 24, 2023 - Hall County Planning Commission Agenda

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.

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 24, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, applicant. NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)

- 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 buffer and impervious setback from wretched vegetation not center line of stream
Show stream buffer and impervious setback from wretched vegetation not center line of stream
Comments on the last submittal.
- b) **Traffic:** Access permit from GDOT for connection to Lanier Islands Parkway.
- c) **Utilities:** Permit from environmental health may be required for portable bathrooms.

2. [8511 & 8515 Belton Bridge Road | Variance | from 17.240.010 to reduce the road frontage requirement from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | Proposed Use: 2-lot subdivision | * Commission District 3 | Robin Cole, 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 buffer and impervious setback from wretched vegetation not center line of stream
Show stream buffer and impervious setback from wretched vegetation not center line of stream.
- b) **Traffic:** No Comment
- c) **Utilities:** No Comment

3.

[\(A\) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)

[\(B\) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)

 - a) **Engineering:** No Comment
 - b) **Traffic:** No comment
 - c) **Utilities:** No Comment

4.

[\(A\) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)

[\(B\) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)

 - a) **Engineering:** No Comment
 - b) **Traffic:** No Comment
 - c) **Utilities:** No Comment

5.

[5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, 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 buffer and impervious setback from wrested vegetation not center line of stream Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.
 - b) **Traffic:** No Comment
 - c) **Utilities:** City of Flowery Branch sewer district.

6. [\(A\) 3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
- [\(B\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
- [\(C\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., 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 buffer and impervious setback from wrested vegetation not center line of stream
Show stream buffer and impervious setback from wrested vegetation not center line of stream.
 - b) **Traffic:** No Comment
 - c) **Utilities:** City of Flowery Branch sewer district.
7. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, 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 buffer and impervious setback from wrested vegetation not center line of stream
Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.
 - b) **Traffic:** Driveway must meet Hall County requirements.
 - c) **Utilities:** City of Gainesville sewer district.

Anael Dominguez (CDI: Planning)

From: John Hornick (Fire Services)
Sent: Thursday, June 22, 2023 3:50 PM
To: Anael Dominguez (CDI: Planning)
Cc: Randi Doveton (CDI: Planning); Michael Vieira (Fire Services)
Subject: Fire Comments

Monday, July 24, 2023 Hall County Planning Commission Meeting.

1. [\(A\) 3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
[\(B\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
[\(C\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)

Hall County Fire Marshal's Comments

- 1) If approved engineered site development plan will need to be submitted to Hall County for review and approval by the Development Review Committee
- 2) Based off the size of the proposed building and occupant load a fire protection and fire alarm system will be required
- 3) 8 inch underground fire line will be required for the fire protection water supply
- 4) Gainesville Fire Service Vault will be required
- 5) Additional fire hydrant(s) may be required
- 6) Fire apparatus accessibility must meet International Fire Code Standards.
- 7) Emergency responder radio coverage test will be required

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 (CDI: Planning)

From: Katie L. Greenway (CDI: Planning)
Sent: Monday, July 24, 2023 3:45 PM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning); Beth Garmon (CDI: Planning)
Subject: FW: Meeting on 3555 N. Bogan Rd.

Ana,

Please add to the record.

Thank you,

Katie Greenway
Principal Planner
Hall County Community Development and Infrastructure
(office) 770-297-2649
(direct) 470-978-8272
klgreenway@hallcounty.org

* Our office will be closed from 4:20PM to 5:00PM on Wednesday, July 26, 2023 for a staff meeting, we will return all messages in the order received when we return on Thursday, July 27th. *

-----Original Message-----

From: Beverly Rodoski <beverly1754@yahoo.com>
Sent: Monday, July 24, 2023 3:38 PM
To: Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Subject: Meeting on 3555 N. Bogan Rd.

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.

My address is 5558 River Valley Way
Flowery Branch, Ga.30542

I am against the proposed building for entertainment in a residential neighborhood! It will cause lots of problems! Crime, increase consumption of alcohol. This neighborhood is designated for families and agriculture not entertainment. The traffic will be terrible and increase in car accidents. This cozy neighborhood will be ruined!

Thank You,
Beverly Rodoski

Sent from my iPhone

Print

Planning Commission Comments - August 7, 2023 - Submission #78752

Date Submitted: 8/6/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Cheryl

Last Name*

Smith

Address1*

4520 Bogan Gates Drive

Address2

City*

Buford

State*

Georgia

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

Please, please, please do not approve this zoning variance request. We do not need commercial development in a residential area. My home is in a direct line to this property and I personally don't want to hear the noise in the evenings and on weekends. This would increase traffic in our area and since there is a school 4/10s of a mile away we do not need any additional traffic in this area. It is bad enough as it currently is. Thank you for your consideration of not approving this request.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

leigh.smith@alston.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - August 7, 2023 - Submission #78651

Date Submitted: 8/1/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Connie

Last Name*

Reilly

Address1*

4561 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

3555 North Bogan Road Rezoning Request for Wedding/Other Events
The main concerns with this rezoning request at 3555 N. Bogan Rd. in Buford, that I and my nearby neighbors have are:

1. Much more traffic congestion with 144 cars trying to get on to N Bogan Rd from Friendship going to an event or getting onto Friendship from N. Bogan when leaving an event and the backups that already occur in this area will be seriously multiplied. Everyone in all the surrounding neighborhoods knows how difficult it is to turn left on Friendship Rd at the school - there is no light there. And, it is just as difficult to turn left from Jones Rd onto Friendship already with no light there either, but add 144 more cars it will to be extremely long wait times to get to Friendship Rd, turn left or right there, or get to 985. I wonder what might happen if 175 cars showed up for a wedding event - would the invited guests in 31 of those cars be turned away because the car limit has been reached? If not where will they park? The only access & exit to these venues will be N. Bogan Rd.
2. The noise level will increase due to the request for an outdoor pavilion where 300 people in a 99.9% residential area will be milling around talking and likely consuming alcohol. Hall County officials told me the outside music cannot be amplified but outdoor voices can be (like using a microphone and speakers). This could mean that entire ceremonies and other types of events could be amplified outdoors in the pavilion, toasting, celebrating, clapping, talking etc.
3. Mr. Moore has requested his setbacks from his neighbor's property lines be changed and reduced from 200 feet to 15 feet so he can put the proposed 2 buildings and the parking within 15 feet of his neighbors. The neighbors directly across the street and some whose backyards are in Bogan Gates subdivision are close to Mr. Moore's property. Also, the Morgan's Crossing neighbor's backyards are very close to the back of Mr. Moore's property right where he is proposing to build these 2 large buildings and parking.
4. Event venues could be of all kinds, not just weddings, including rock concerts if he ever chose to do so. These events could potentially be between 9am - 10pm Sunday through Thursday and 9 am - Midnight on Fridays and Saturdays. That is a lot of traffic and car emissions and potential noise every day of the week and late into the evenings when folks are trying to sleep.
5. If this proposal is approved, having a commercial venue such as this in a 99.9% residential neighborhood and surrounded by other single homes and subdivisions on all sides will change the look and feel of our area. It can impact traffic flow, increase noise levels, and increase traffic backups and emissions in the area and reduce air quality.
6. This request of Mr. Moore's for an event venue is also totally inconsistent with the Residential Future land use designation in the Hall County's Comprehensive Plan. In part, this Plan states the primary future land uses for this area are "moderate density single-family residential developments..." The Narrative submitted by Mr. Moore to Hall County states "...it is about making money" thus making this a proposal for a commercial venue in a primarily residential area.

-Connie Reilly, Bogan Gates neighbor 24 yrs. call or text,: 770-614-4006

Please write your comments in the box above.

File Upload

No file chosen
If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Anael Dominguez (CDI: Planning)

From: Katie L. Greenway (CDI: Planning)
Sent: Monday, July 24, 2023 8:37 AM
To: Anael Dominguez (CDI: Planning)
Subject: FW: 3555 North Bogan Road--Agri entertainment venue

Concern for the record. Thanks!

Katie Greenway
Principal Planner
Hall County Community Development and Infrastructure
(office) 770-297-2649
(direct) 470-978-8272
klgreenway@hallcounty.org

* Our office will be closed from 4:20PM to 5:00PM on Wednesday, July 26, 2023 for a staff meeting, we will return all messages in the order received when we return on Thursday, July 27th. *

-----Original Message-----

From: Jawad Ilyas <jawadilyas@gmail.com>
Sent: Sunday, July 23, 2023 10:02 PM
To: Planning <planning@hallcounty.org>
Subject: 3555 North Bogan Road--Agri entertainment venue

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. Mr. Srikanth Yamala,

I am writing in response to a letter dated June 21, 2023 which notifies us of a proposed Agri-entertainment venue on 3555 N. Bogan Rd. which is across from my home at 3528 N. Bogan Rd.

I wanted to express my concerns about this proposed venture. This is an exclusively residential area with homes both across and on each side of the proposed venue. I am concerned about the risks of increased traffic, loss of privacy, noise, trash, use of alcohol, drunk driving and loss of property value if this project goes ahead. My neighbors also have expressed similar concerns.

Thank you for your attention to this matter.

Jawad Ilyas.
3528 N. Bogan Rd.
Buford, GA 30519.

Print

Planning Commission Comments - August 7, 2023 - Submission #78753

Date Submitted: 8/6/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Kristen & Jonathan

Last Name*

Craig

Address1*

4461 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s)

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

Your Comments*

We oppose the venue proposal on North Bogan which backs up to our home in Bogan Gates neighborhood. We have multiple concerns related to property value, traffic, commercial zoning, noise, etc.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

krisford17@hotmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

TO: HALL COUNTY

IN REGARDS TO THE ENCLOSED REQUEST
FOR AN ENTERTAINMENT VENUE.

I WISH TO GIVE HALL COUNTY A HEADS-UP.

THIS PROPERTY ALREADY HAS A LARGE
FISHING POND BEHIND THE HOUSE.

I HAVE PASSED THIS HOUSE MANY
TIMES OVER THE PAST 5 PLUS YEARS

I HAVE SEEN TRAFFIC IN / OUT
TO THAT POND BUT OVER THOSE
YEARS IT APPEARS IT HAS NEVER
BEEN COMPLIANT TO THE STATE OF
GEORGIA ATTRACTIVE NUISANCE LAWS.
THIS LAW EXISTS TO PROTECT CHILDREN.

WHY WOULD HALL COUNTY WANT
A PROSPECTIVE WEDDING VENUE
WHICH WOULD DRAW MORE CHILDREN
ADJACENT TO THIS BODY OF WATER?

THIS EXPOSES THE OWNER AND POTENTIALLY
THE COUNTY TO LIABILITY SUITS.
THIS WRITER WISHES TO REMAIN ANONYMOUS
AS I DO NOT WANT TO SUBJECT MYSELF TO
THE SOCIAL MEDIA CIRCUS ALREADY BREWING!

BESIDES, THIS IS A SIMPLE POINT
OF COMPLIANCE TO EXISTING LAW.
I DO NOT KNOW MR MOORE
PERSONALLY. BUT SINCE THIS HAS
BEEN THIS WAY FOR YEARS I DO
QUESTION HIS COMMITMENT TO THE
SAFETY OF THE COMMUNITY AT
LARGE

THANK
YOU!

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST: VARY THE RIGHT SIDE YARD SEIBACK FROM 200 FT TO 15 FT FOR AN AGRIL ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON: PARKING LOT.

COUNTY COMMISSION

PLANNING COMMISSION

Date: July 24, 2023

Time: 5:15 P.M.

Date: Aug 24, 2023

Time: 6:00 P.M.

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

FOR MORE INFORMATION CALL (770) 531-6809

Print

Planning Commission Comments - August 7, 2023 - Submission #78754

Date Submitted: 8/7/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Michael

Last Name*

Lee

Address1*

4540 Bogan Gates Drive

Address2

City*

Buford

State*

Ga

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

I am a 53 year old male that lives in Bogan Gates subdivision off Bogan Road less than a mile away from this proposal of a commercial building. I DO NOT SUPPORT THIS COMMERCIAL BUILD IN THIS AREA. My strong belief is that this property will not only drive our home values down, but will also bring unwanted traffic issues and noise late into the night. This will only disrupt our peaceful living area here in Bogan Gates subdivision and the surrounding neighborhoods. Please do not let this build of a commercial property happen due to the nice environment we all love and enjoy currently..

Thank you!

Sincerely,
Michael S Lee
4540 Bogan Gates Rd
Buford, Georgia 30519
678-386-2087
Mlee122169@gmail.com

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Mlee122169@gmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - August 7, 2023 - Submission #78755

Date Submitted: 8/7/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Steve

Last Name*

Harkness

Address1*

3548 Lily Magnolia Court

Address2

City*

Buford

State*

Ga

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s)

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

Your Comments*

The increase in traffic in this residential area would be unmanageable and will create major problems for current residents. This zoning request should be denied. This area should be residential only.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 24, 2023 - Submission #78322

Date Submitted: 7/15/2023

Comments completed in the form below will be submitted into the record for the July 24, 2023 meeting of the Hall County Planning Commission.

First Name*

steve

Last Name*

rosetti

Address1*

4565 bogan gates dr

Address2

City*

buford

State*

ga

Zip*

30519

Zoning Item for Comment*

6. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval



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

Your Comments*

- 1) The county has the obligation to make public, and the residents the right to review, a properly completed application before making a recommendation concerning the variance request
 - a. Per county application requirements the application “shall include” the location of signs, a DOT letter of commitment, details on ingress and egress, and where the full 144 parking spots will be located; none was provided
 - b. Without the proper public notice that a complete application provides, no other decision but a denial of the variance request is appropriate
 - c. The Notice of Public Hearing states that this meeting is being held on a Tuesday.
- 2) The proposed activities are not in keeping with character of the neighborhood
 - a. Nearby subdivisions contain hundreds of homes
 - b. No nearby businesses have paved parking lots for more than 10 vehicles
- 3) Other factors:
 - a. Excessive size: The size of the new barn as proposed is to be limited only by “whatever the county allows” but hopefully will hold up to 300 people at one time; the pavilion is even larger.
 - b. Excessive noise: Pavilion/outside noise will be excessive under proposed uses; a “soundproof building” is irrelevant.
 - c. Excessive proximity: Existing zoning provides some buffer to adjacent residential properties. Reducing the setback 185 and/or 285 feet places the proposed improvements right on top of multiple subdivisions.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 24, 2023 - Submission #78471

Date Submitted: 7/22/2023

Comments completed in the form below will be submitted into the record for the July 24, 2023 meeting of the Hall County Planning Commission.

First Name*

Tony

Last Name*

Reilly

Address1*

4561 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

6. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval 

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

My name is Tony Reilly. I am against this proposed request for an Entertainment Venue for 3355 N. Bogan Rd for several reasons as follows:

1. Bogan Rd is only a small 2 lane road with no bike, walking, running, or turn lanes with the exception of some small turn lanes into some of the existing subdivisions and properties. There are already traffic bottlenecks for access from the N. Bogan Rd. to Friendship Rd. intersection at the school and from N. Bogan Rd. to the small cut through street Jones Rd. to Friendship intersection. These bottlenecks occur in the morning rush hour at the school on Friendship and at the intersection at Jones to Friendship. Cars are trying to mostly turn left to get to 985 so Jones and Bogan Roads get very backed up there. It also backs up on the weekends when folks are out and about running errands and trying to get to 985. There are no lights at either intersection. It is so bad on school mornings that there is usually a policeman directing traffic at N. Bogan and Friendship. The property at 3555 N. Bogan Rd is very close to Jones Rd and also very close to Friendship Rd and if wedding events or any other kinds of events that might be held according to the applicant's Narrative document this could cause a lot of major backups and a potential rise in accidents at those intersections with Friendship. The applicant has requested possible space for parking of at least 144 vehicles - that is a lot more vehicles coming and going in the area coming around the same time and leaving around the same time. I do not believe that narrow Bogan Rd nor the intersections could handle the traffic.

2. Our area is 99.9% residential and has a nice residential feel including 3555 N. Bogan Rd. property. The look and feel or residential would change to a more commercial look and feel. The applicant has never said he would apply for a liquor or alcohol license and most wedding events serve alcohol so this would be likely going forward. The applicant has stated in his Narrative that this proposal is "to make money", so it will be commercial because of that and it will contain a larger building plus another large outdoor pavilion which will certainly be used for outside purposes so if people are outside there will be potential much higher noise levels even if most, but not necessarily all, amplified music and noise are going to be inside the building. What is the use of the Pavilion for - it is not specifically stated in the Narrative so it is difficult to say what the noise levels in the surrounding residences and neighborhoods would be like until it happens, if this request is approved. If an event, whether wedding or other type of event, did include imbibing of alcohol then drivers leaving the area after a few hours may very well be inebriated and potentially be less safe drivers to say the least, thus more traffic accidents could occur, particularly trying to turn left on Friendship Rd. from N. Bogan Rd or Jones Rd. I have lived in this area for 24 years and have seen many people almost have an accident trying to go left on Friendship Rd and Friendship Rd. traffic is flying and coming to those intersections way beyond the posted speed limits.

3. Allowing this to become a potential commercial event venue may encourage the other nearby neighbors who have single homes on their properties to sell out to some commercial venture going forward. As is mentioned in the Hall County Planning Commission Staff Report, "Based on the future land-use plan, staff finds the requested use inconsistent with the future land use classification of Residential in the Comprehensive Plan. The Primary future land uses for this classification are moderate density single-family residential developments..." I, and many of my nearby Hall County neighbors agree with this statement wholeheartedly. Others, who do not live near our residential area and neighborhoods may support the applicant but they do not have to be around it in the future, nor the traffic and potential safety issues, nor the possible drop in our property values. Who wants to buy a residential home near commercial businesses? I am all for commercial business success in areas where there are already many other commercial businesses that have been zoned for those purposes but not in a primarily residential area as ours.

4. I am also against the times for the events being requested and what could potentially be allowed according to already existing Hall County rules for a venue like this. The applicant's Narrative proposed that events might be held on "Fridays, Saturdays, and Sundays between 5pm to 11pm and some events also on week days from 11 am through 6pm." But I believe the Hall County rules events say that if the applicant's proposal is approved, the applicant could potentially be allowed to hold events between 9 am to 10 pm Sunday through Thursday, and from 9 am to Midnight on Fridays and Saturdays. That is potentially all day everyday from 9 am to 10 pm or Midnight. With those hours in mind plus the applicant states in the proposal there up to but "not more than 300 people" at an event means a lot of cars leaving at midnight on the weekends and possibly at 10 pm during the week. With a possible 144 parking spaces that is a lot of potential traffic noise late at night on work and school nights plus later at night on the weekends, and all of this in a residential neighborhood area surrounding this property. And, the applicants Narrative states he wants to "have as many weddings as possible" as well as other types of events not described in the narrative. Since none of these other types of events have been described in the Narrative, how can neighbors in the area know what to expect going forward. Will these other events be rock concerts? Will these other events be for parties and social events? What type of customers will this venue be attracting to our neighborhood areas? We just do not know what this will look like or possibly turn into in the future whether the applicant stays as the owner in the future or builds it up, then decides to sell out to some other owner who wants to turn it into a dance club, a bar, or who knows what?

In summary, my main concerns at this time are

1. Traffic backup issues and access from Bogan Rd to Friendship Rd to go left to get to 985 and from Bogan Rd to Jones to Friendship Rd. to get to 985. This will be a problem with any day or night time venues and especially when an approximate potential 144 cars come to a venue or leave a venue along with the noise level of cars potentially leaving at late hours of the night even up to 10 pm weekdays and up to midnight on weekends.

2. The impact on our residential look and feel with a commercial venue operating in the heart of several existing residential neighborhoods & subdivisions. There is a definite possibility of dropping home property values going forward if the request is approved, particularly for the homes nearest the venue. Who wants to buy a home near a commercial venture such as this?

3. If this applicant's request is approved, there are several nearby single & property homeowners not within a subdivision who might be encouraged to try to get their property rezoned to allow for commercial use as well thus changing our area even more toward commercial useage. This would of course go against the Hall County's "Comprehensive Plan which states that this area's land use classification is Residential in the Comprehensive Plan. And it also states, "The Primary future land uses for this classification are moderate density single-family residential developments..."

4. If the proposal is approved, the times that potential events could be held are every day between 9 am to 10pm work and school week days and 9 am to Midnight on weekends. This means it could possibly go on all day everyday until late hours at night with lots of noisy traffic leaving the events late at night. There are surrounding neighbors and subdivisions close by 3555 N. Bogan Rd. as well as neighbors directly across the street from this location that will have to deal with any traffic or event noise on any given day. And since the applicant has stated in his Narrative that he wants to "have as many weddings as possible" as well as other events but has not given a description of any of these other types of events, nearby neighbors have no idea of what the circumstances will be like going forward and cannot know until after the fact, if this is approved. More information would definitely be needed by all Hall County and all of our neighbors up front on the other types of events might be like so as to have a thorough understanding of what might be coming from this rezoning if approved.

Thank you,

Tony Reilly
770-331-1770

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

tareilly1@aol.com 770-331-1770

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - August 7, 2023 - Submission #78652

Date Submitted: 8/1/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Tony

Last Name*

Reilly

Address1*

4561 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

3555 North Bogan Road Rezoning Request for Wedding/Other Events
The main concerns with this rezoning request at 3555 N. Bogan Rd. in Buford, that I and my nearby neighbors have are:

1. Much more traffic congestion with 144 cars trying to get on to N Bogan Rd from Friendship going to an event or getting onto Friendship from N. Bogan when leaving an event and the backups that already occur in this area will be seriously multiplied. Everyone in all the surrounding neighborhoods knows how difficult it is to turn left on Friendship Rd at the school - there is no light there. And, it is just as difficult to turn left from Jones Rd onto Friendship already with no light there either, but add 144 more cars it will to be extremely long wait times to get to Friendship Rd, turn left or right there, or get to 985. I wonder what might happen if 175 cars showed up for a wedding event - would the invited guests in 31 of those cars be turned away because the car limit has been reached? If not where will they park? The only access & exit to these venues will be N. Bogan Rd.
2. The noise level will increase due to the request for an outdoor pavilion where 300 people in a 99.9% residential area will be milling around talking and likely consuming alcohol. Hall County officials told me the outside music cannot be amplified but outdoor voices can be (like using a microphone and speakers). This could mean that entire ceremonies and other types of events could be amplified outdoors in the pavilion, toasting, celebrating, clapping, talking etc.
3. Mr. Moore has requested his setbacks from his neighbor's property lines be changed and reduced from 200 feet to 15 feet so he can put the proposed 2 buildings and the parking within 15 feet of his neighbors. The neighbors directly across the street and some whose backyards are in Bogan Gates subdivision are close to Mr. Moore's property. Also, the Morgan's Crossing neighbor's backyards are very close to the back of Mr. Moore's property right where he is proposing to build these 2 large buildings and parking.
4. Event venues could be of all kinds, not just weddings, including rock concerts if he ever chose to do so. These events could potentially be between 9am - 10pm Sunday through Thursday and 9 am - Midnight on Fridays and Saturdays. That is a lot of traffic and car emissions and potential noise every day of the week and late into the evenings when folks are trying to sleep.
5. If this proposal is approved, having a commercial venue such as this in a 99.9% residential neighborhood and surrounded by other single homes and subdivisions on all sides will change the look and feel of our area. It can impact traffic flow, increase noise levels, and increase traffic backups and emissions in the area and reduce air quality.
6. This request of Mr. Moore's for an event venue is also totally inconsistent with the Residential Future land use designation in the Hall County's Comprehensive Plan. In part, this Plan states the primary future land uses for this area are "moderate density single-family residential developments..." The Narrative submitted by Mr. Moore to Hall County states "...it is about making money" thus making this a proposal for a commercial venue in a primarily residential area.

-Tony Reilly, Bogan Gates neighbor 24 yrs. call or text,: 770-6331-1770 tareilly1@aol.com

Please write your comments in the box above.

File Upload

No file chosen
If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Narcis Ciceu

3550 North Bogan Road

Buford GA. 30519

I have known Drew since I moved in 3 years ago. I was working on my front yard installing a new water line. Drew saw me working out in my yard and came over with a big smile and introduced himself and then proceeded to go get his equipment and started helping us dig and install the new water line. When he asked me to write a letter to give to Hall County for an event center I didn't even hesitate to say yes. He is the kind of neighbor you want to have. I am sure whatever he does it will be great. I am totally behind Drew starting an event center.

Narcis Ciceu

A handwritten signature in black ink, appearing to read 'Narcis Ciceu', with a long horizontal flourish extending to the right.

Jeremy Fowler

3537 N Bogan Rd, Buford, GA 30519

Shawn McDougal and Mikki McDougal

4320 Chatuge Dr, Buford, GA 30519

I have know both of these people for well over 10+ years and they have been a joy to know.

February 27, 2023

Jeremy Fowler
3537 North Bogan Road
Buford, GA 30519

Re: John Andrew (Drew) Moore
3555 North Bogan Road
Buford, GA 30519

To whom it may concern:

This letter will advise that John Andrew Moore is my neighbor. His property runs alongside of mine on the North side of my property on North Bogan Road. We have been neighbors for over ten years. Not only has he been a good neighbor but he has also been someone I could turn to in a time of need. There has never been a time when I have had a problem with him or a concern about him.

I understand his desire to build an Event Venue on his property near the current location of the old barn. I do not foresee this as a problem for me or my family.

Let me know if you need any other information from me.

Sincerely yours,



Jeremy Fowler

Shawn and Mikki McDougal
4320 Chatuge Drive
Buford, GA 30519

February 27, 2023

Re: John Andrew Moore
3555 North Bogan Road
Buford, GA 30519

To whom it may concern:

John (Drew) Moore is our neighbor. His property backs up to our property on Chatuge Drive. We have known Drew (John) for over ten years. He has always been a respectful neighbor and someone who has always been willing to help out when the need arose.

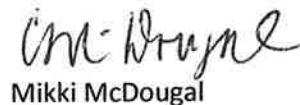
Recently, he mentioned his plans to develop an Event Center on his seven-acre piece of property. In discussing this with him, we did not feel that this created any conflict of interest for us as neighbors and residents in the community.

Should you have any questions regarding Drew Moore or the development of this venue, do not hesitate to contact us.

Sincerely,



Shawn McDougal



Mikki McDougal

To whom it may concern,

David Anderson
3575 North Bogan Road
Buford, GA. 30519

I just bought the property next to Drew and it only took a couple days for me to meet him. I plan on raising my children here. He is a great neighbor and has already offered to help with several projects on the property. When he mentioned he is applying for a wedding permit and needed a letter I was totally on board. His idea for a wedding venue will not interfere with anything I am doing. I am quite happy to know he is not going to build another subdivision on his property. An event center will enhance the neighborhood and be a welcome site. He already does so much to make his place look beautiful. I am sure if he does this it will just look that much better. We are not concerned with traffic or an event taking place on Drew's property. I have no issue with the county approving said request.

Thanks

A handwritten signature in blue ink that reads "David L. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Anderson

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST:

USE SUBJECT TO COUNTY COMMISSION APPROVAL
FOR AN AGRICULTURE ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: AUG 7, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST:

VARY THE RIGHT SIDE YARD SETBACK FROM
200 FT TO 15 FT FOR AN AGRICULTURE ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON: PARKING LOT.

PLANNING COMMISSION

Date: AUG 7, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST:

VARY THE RIGHT SIDE YARD SETBACK FROM
300 FT TO 15 FT FOR AN AGRICULTURE ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: AUG 7, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809



AGENDA ITEM

Planning and Development

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 450/2023

SUBJECT: **3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | Commission District 1 | **John A. Moore, Sr., applicant.**

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: RD
Recommendation: Denial.

Purpose of Request: **3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | Commission District 1 | **John A. Moore, Sr., applicant.**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
AD	RD	WLI	CR
Clerk			
JR			

Attachments:

- Board Memo
- Recommendation Report
- Application
- Narrative
- Site Plan
- Maps
- Renderings
- Deed
- Environmental Health Comments
- GDOT Comments
- Public Works Comments
- Fire Comments
- Public Comments
- Notice Sign Photos



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
PLANNING AND DEVELOPMENT

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Srikanth Yamala

PLANNING AND DEVELOPMENT
DIRECTOR
Randi Doveton

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

From: Randi Doveton, Director of Planning & Development

Date: August 8, 2023

Subject: **3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract | Proposed use: agri-entertainment venue | John A. Moore, Sr., applicant.**

The request before you is the request of John A. Moore, Sr. for a Use Subject to County Commission Approval with two variances to allow an agri-entertainment venue. This item is located within Commission District 1.

At their August 7, 2023 meeting, the Hall County Planning Commission voted to recommend **denial of all three requests (5-0)**. The Planning Commission expressed concern over the magnitude of the variance requests; without the variances, the use, as proposed is not possible. Therefore, the Planning Commission recommends denial of all associated applications: use subject to County Commission, setback reduction for the structure, and setback reduction for the parking.

There were **sixteen (16) public comments submitted** in advance of the Planning Commission meeting, **six (6) people spoke in favor, 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.

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

ApplicantJohn A. Moore, Sr.

Request(A) Use Subject to County Commission Approval |
for an agri-entertainment venue
(B) Variance | from [17.215.040](#) to reduce the
setback for agri-entertainment structures from
300 feet to 15 feet
(C) Variance | from [17.215.040](#) to reduce the
setback for agri-entertainment parking from
200 feet to 15 feet

Proposed Use Agri-entertainment venue with variances

Size 7.03± acres

Zoning Agricultural Residential III (AR-III, [17.110](#))

Location **3555 North Bogan Road** | Tax Parcels 08155
000029

Commission DistrictOne

Planning Commission DateJuly 24, 2023

Staff Recommendation **(A) Denial as the proposed use is inconsistent
with the Residential Future land use designation
in the [Comprehensive Plan](#),**
**(B) Denial of the requested variance from
[17.215.040](#) to reduce the setback for agri-
entertainment structures from 300 feet to 15
feet as the applicant has failed to demonstrate
that hardship exists pursuant to the criteria of
[2.60.030](#), and**
**(C) Denial of the requested variance from
[17.215.040](#) to reduce the setback for agri-
entertainment parking from 200 feet to 15 feet
as the applicant has failed to demonstrate that
hardship exists pursuant to the criteria of
[2.60.030](#).**

Planning Commission Recommendation.....(A) Denial
Vote: 5-0
(B) Denial
Vote: 5-0
(C) Denial
Vote: 5-0

Public Forum:

Kelly Morgan, 3552 N Bogan Road, Buford, spoke in favor. Spoke about weekend operations, applicant living on the property, importance of community, and event time limits.

Stephen Henley, 4589 Lake Falls Drive, Buford, spoke in favor. Spoke about the applicant’s character.

Creston Mapes, 5662 Villa Crest Drive, Hoschton, spoke in favor. Spoke about the community and land preservation.

Lilian Pedraza, 4392 Chatuge Drive, spoke in favor. Spoke about the venue having set times and becoming an amenity to the neighborhood.

Narcis Ciceu, 3550 N Bogan Road, Buford, spoke in favor. Spoke about the property’s cleanliness, giving to the community, and amenity to neighbors.

Jeremy Fowler, 3537 N Bogan Road, Buford, spoke in favor.

Connie Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were traffic, property value, noise, and commercial use.

Tony Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were the site plan parking, type of events, and traffic.

Sybil Sobanjo, 3534 N Bogan Road, Buford, spoke in opposition. Concerns were noise, traffic, and property value.

Summary Analysis

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

The applicant is proposing to operate an agri-entertainment venue on the subject property, which will be located in a proposed 50 foot by 100 foot barn, with an attached 70 foot by 100 foot pavilion. Per the submitted site plan, the proposed barn location is approximately 20 feet from the right side property line and 140 feet from the rear property line. There is a proposed gravel parking area, located immediately adjacent to the proposed event venue. The parking area is approximately 20 feet from the right side property line and

approximately 25 feet from the rear property line and will contain 60 parking spaces. The site plan notes there area an additional 84 grass parking spaces, but it is not clear where on the property those are located. The site plan shows a proposed buffer of Leyland Cypress trees along the left and right side property lines. The narrative states that the buffer may be vegetated or consist of a split rail fence. Additionally, the site plan notes that the gravel parking area would be surrounded by an 8 foot tall fence to mitigate any impact on the neighboring property.

The submitted narrative states that intent of the agri-entertainment venue is to provide an event space for the community. The primary use will be weddings, which the narrative states may occur Fridays, Saturdays and Sundays from 5pm – 10pm or 11pm. During the week, the venue is proposed to be used by community organizations, between the hours of 11am – 6pm. The maximum number of guests proposed by the applicant is 300. The applicant submitted two examples of the proposed structure for reference, which are included in the application packet.

The subject property is developed with a 4,500 square foot single family residence, constructed in 2014. An existing barn will be demolished and the proposed event venue constructed in its place. Access to the property will be from the existing driveway on North Bogan Road.

Based on the future land-use plan, staff finds the requested use inconsistent with the future land use classification of Residential in the [Comprehensive Plan](#). The primary future land uses for this classification are moderate density single-family residential developments, greenspace, and civic uses such as libraries, churches, and schools.

Zoning Analysis

Per section [17.215.040](#), conditions and regulations for agri-entertainment:

- A. A Hall County Business License shall be required if the zoning request is approved for the agri-entertainment events.
 - *The applicant will be required to obtain a Hall County Business License, subject to the below conditions and any additional conditions added, prior to beginning operation.*
- B. The property shall be used for the purpose of providing an agri-entertainment venue, as provided for in [section 17.215.030\(A\)](#).
 - *The proposed uses are consistent with those described in [section 17.215.030\(A\)](#).*
- C. The structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner.
 - *The applicant has requested relief from the building setback requirement, with the proposed structure located approximately 20 feet from the right side property line. The requested variance is 15 feet from property line.*
 - *Required setback = 300 feet*
Proposed setback = 15 feet
Required variance =285 feet
- D. All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner.
 - *The applicant has requested relief from the parking setback requirement, with the proposed parking area located approximately 20 feet from the right side property line and 25 feet from the rear property line. The requested variance is 15 feet from property line.*

- *Required setback = 200 feet*
Proposed setback = 15 feet
Required variance = 185 feet
- E. Parking shall be permitted on grass or gravel.
- *The applicant's narrative states that the parking areas will be both gravel and grass.*
- F. The agri-entertainment event barn or primary event structure shall be permitted to be constructed only on the property described.
- *The applicant intends to construct a 50 foot by 100 foot barn, with an attached 70 foot by 100 foot pavilion, if the agri-entertainment use is approved.*
- G. The maximum number of attendees to occupy any agri-entertainment event barn or structure on the premises shall be regulated by the Hall County Fire Marshal.
- *The applicant's narrative states that maximum number of guests is proposed to be 300, with 144 proposed parking spaces. The maximum number of occupants will be determined by the Hall County Fire Marshal during the development process.*
- H. The occupancy of the agri-entertainment event barn or primary event structure shall not exceed the occupancy load provisions of the Uniform Building Code and those occupancy load limits shall be posted on the premises by the Hall County Building Inspection Department.
- *If approved, the occupancy will be determined by Hall County Building Inspections and the Fire Marshal, based on the above criteria.*
- I. The use of the premises for an agri-entertainment venue shall be permitted only after the issuance of a certificate of occupancy by the Hall County Building Inspection Department.
- *If approved, the applicant shall be required to obtain a certificate of occupancy prior to commencing operations.*
- J. Any improvements required to support the property as an agri-entertainment venue shall be made only after the issuance of a building permit by the Hall County Building Inspection Department.
- *If approved, the applicant shall be required to obtain a building permit from Hall County Building Inspections.*
- K. Outdoor activities within the agri-entertainment event barn or primary event structure shall not involve the outside amplification of voice, music and/or instruments except during a wedding ceremony.
- *The applicant has not indicated that outside amplification of voice, music, and/or instruments is proposed as part of the application.*
- L. Agri-entertainment events shall commence no earlier than 9:00 a.m. and shall terminate no later than 10:00 p.m. on Sunday through Thursday and no later than 12:00 a.m. on Friday and Saturday.
- *For [the] purpose of this section, termination shall mean the termination of food, drinks, service and entertainment with the understanding that attendees will need a reasonable amount of time after termination to exit the premises.*
 - *The proposed agri-entertainment business meets this condition. The proposed hours of operation for special events such as weddings are Friday – Sunday from 5pm – 10pm and 11pm to meet the requirements of this section. During the week, the venue is proposed to be used by community organizations, between the hours of 11am – 6pm.*
- M. All agri-entertainment events shall be provided with adequate potable water and sanitary waste disposal systems as approved by the Hall County Environmental Health Department.
- *The applicant must meet this requirement if the request is approved, and has indicated there is enough land to meet the septic requirements.*
- N. All agri-entertainment events shall provide for adequate access and egress for emergency vehicles as determined through the development review process.

- *The applicant will be required to receive approval from Hall County Engineering for the proposed site access.*
- O. All agri-entertainment events shall be provided with adequate personnel to assist with parking, emergency and other potential impacts of each event.
 - *If approved, the applicant must meet this requirement.*
- P. If the property being considered for agri-entertainment use is "bona-fide conservation use property" as defined under O.C.G.A. §§ 48-5-7.1 through 48-5-7.4, caution should be used to insure that the proposed agri-entertainment use of the property does not constitute a breach of the conservation covenants applicable to the property.
 - *The property is not under a conservation use covenant and as such this regulation is not applicable.*

(A) Use Subject to County Commission Approval | for an agri-entertainment venue.

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 and development of adjacent and nearby property; **The proposed use of the property is an agri-entertainment venue in the Agricultural-Residential-III (AR-III, [17.110](#)) district. Properties to the north and west across North Bogan Road are within the city limits of Buford. The properties to the east are zoned Residential I (R-I, [17.60](#)) and are developed with single-family residential uses.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The request is for conditional use approval for an agri-entertainment venue in the Agricultural-Residential-III (AR-III, [17.110](#)) district. The proposed use may be more intense than that of the adjacent or nearby parcels and the requested variances for the building location and parking setback requirements reduce the separation of the event venue and parking from adjacent 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, but the proposed business cannot occur as described without approval of the conditional use request. The subject property is zoned Agricultural Residential III (AR-III, [17.110](#)) and is developed with a 4,500 square foot single-family residence, constructed in 2014, and a 80 foot by 80 foot barn, per Hall County [Property Tax records](#).**
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 may cause an excessive or burdensome use of existing streets and transportation facilities, depending on the number of visitors the business can accommodate.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The current application is for a conditional use request for agri-entertainment business within the Agricultural-Residential-III (AR-III, [17.110](#)) district. The parcel falls within the Residential future land use classification of in the [Comprehensive Plan](#). The intent of this classification is to preserve the established neighborhoods and create new residential developments consistent with surrounding suburban densities. The proposed use is not consistent with the Comprehensive Plan.**

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 site has been developed with a residence since at least 2014.**
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; **There is no proposed change to the underlying zoning, as such, this criteria is not applicable.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed use is not out of scale with the needs of the county as a whole, as an event venue could compliment the residential growth occurring in the South Hall area.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **As the proposed uses require Board of Commissioner approval for a conditional use permit, there are not adequate sites already zoned for an agri-entertainment business.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **As the proposed uses require Board of Commissioner approval for a conditional use permit, 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; **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 evidence to indicate a mistake was made in the original zoning of the property.**

(B) Variance from [17.215.040](#) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet and (C) Variance from [17.215.040](#) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet:

Section [17.420.070](#), appeals and modifications states that “if substantial modifications or changes are necessary, any person, firm, group or organization may apply for relief from the requirements set forth in this chapter to the Hall County Planning Commission, unless otherwise specified in this chapter.”

The Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that [2.60.030.J](#) provided the request meets the criteria set forth in [2.60.030.K](#).

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **Though the property is 7.03 acres in size, the site is somewhat limited by the existing structures and a pond on the property. It is possible that the proposed event venue and parking could be located so that no variances are needed, but the potential area is limited by the location of the pond and septic system.**
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The application of the requirements of [Title 17](#) to this particular piece of property would not create an unusual hardship. The property can continue to be used as currently developed, with single-family residential and agricultural uses.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The existing site development limits the potential places an event venue could be located on the property.**
4. Such conditions are not the result of any actions of the property owner; **The applicant is proposing the development standards for the project that require the variance request.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#); provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by [Title 17](#) or for a conditional use which has been denied by the county planning commission. **It is difficult to assess the full impact of a development on the public, but if these variances were granted there should not be detriment to the public good or impair the intent of [Title 17](#). The property will be subject to all other applicable local, state, and federal development standards.**

[17.380.050](#) - Submission requirements for a rezoning request

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

present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.

- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **The applicant has submitted a narrative and 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 applicant has submitted a site plan drawn to scale.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable as the site will be served by 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. **As there are not 100 or more residential dwelling units proposed this question is not applicable.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated June 22, 2023, Emily McGahee stated “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: soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Sewage flows for the entire property will be limited to 600 gallons per non-restricted acre per day.”

Hall County Fire Marshal

In an email dated June 22, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

1. If approved engineered site development plan will need to be submitted to Hall County for review and approval by the Development Review Committee
2. Based off the size of the proposed building and occupant load a fire protection and fire alarm system will be required
3. 8 inch underground fire line will be required for the fire protection water supply
4. Gainesville Fire Service Vault will be required
5. Additional fire hydrant(s) may be required
6. Fire apparatus accessibility must meet International Fire Code Standards.
7. Emergency responder radio coverage test will be required

Hall County Public Works and Utilities

In a memo dated May 18, 2023, 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 buffer and impervious setback from wretched vegetation not center line of stream. Show stream buffer and impervious setback from wretched vegetation not center line of stream.

Traffic:

No comment.

Utilities

City of Flowery Branch sewer district.

Georgia Department of Transportation

In an email dated May 25, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor confirmed GDOT coordination would not be required.

- **Excerpts from the minutes of the August 7, 2023 meeting**

Applicant's Presentation:

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

John Moore, 3555 North Bogan Road, Buford, presented the request. The applicant stated that he also lives on the property and knows the responsibility the approval carries if obtained. The applicant stated that the focus would be on weddings on weekends with the rare weekday event.

Rebuttal

The applicant stated that a venue will preserve the property unlike selling and building a subdivision.

Public Forum:

Kelly Morgan, 3552 N Bogan Road, Buford, spoke in favor. Spoke about weekend operations, applicant living on the property, importance of community, and event time limits.

Stephen Henley, 4589 Lake Falls Drive, Buford, spoke in favor. Spoke about the applicant's character.

Creston Mapes, 5662 Villa Crest Drive, Hoschton, spoke in favor. Spoke about the community and land preservation.

Lilian Pedraza, 4392 Chatuge Drive, spoke in favor. Spoke about the venue having set times and becoming an amenity to the neighborhood.

Narcis Ciceu, 3550 N Bogan Road, Buford, spoke in favor. Spoke about the property's cleanliness, giving to the community, and amenity to neighbors.

Jeremy Fowler, 3537 N Bogan Road, Buford, spoke in favor.

Connie Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were traffic, property value, noise, and commercial use.

Tony Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were the site plan parking, type of events, and traffic.

Sybil Sobanjo, 3534 N Bogan Road, Buford, spoke in opposition. Concerns were noise, traffic, and property value.

Planning Commission Comments:

Mr. Sosebee stated that seven public comments were submitted in advance of the meeting. Ms. Pilcher requested clarification on the driveway entrance for the proposed parking. Mr. Hunt questioned occupancy for the venue. The applicant stated he has not determined that yet. Mr. Hunt and Mr. Braswell stated that the variances were too aggressive.

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

2 (B)

Motion: A motion to remove from the table was made by Ms. Pilcher and seconded by Mr. Sosebee. Vote: 5-0

Background Information:

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting (B) relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

Applicant's Presentation:

See item 2 (A).

Public Forum:

See item 2 (A).

Planning Commission Comments:

See item 2 (A).

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

2 (C)

Motion: A motion to remove from the table was made by Ms. Pilcher and seconded by Mr. Sosebee. Vote: 5-0

Background Information:

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting (B) relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

Applicant's Presentation:

See item 2 (A).

Public Forum:

See item 2 (A).

Planning Commission Comments:

See item 2 (A).

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

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



CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

John A. Moore, Sr.
3555 North Bogan Rd
Buford, GA 30519

Phone 678-300-2745

Email Address drewmoorega@comcast.net

Proposed Use wedding venue.

Property Owner (Name & Mailing Address)

John A Moore, Sr.
3555 North Bogan Rd
Buford GA 30519

Phone 678-300-2745

Email Address _____

Contact Person (Name & Mailing Address)

John A. Moore, Sr.
3555 North Bogan Rd
Buford, GA 30519

Phone 678-300-2745

Email Address DREW MOORE GA@comcast.net

Tax Parcel Number _____

Location Address 3555 North Bogan Rd Buford, GA 30519

Status of Applicant

- Owner
- Option to Purchase
- Area Resident
- Other

Requested Action

Permissive Use:

HCPC HCC

Fee: \$ 400.00

Receipt #: _____

Check #: _____

Zoning: AR III

Acreage _____

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

Sign John A Moore

Date: 3/1/23

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

Application Withdrawal: I hereby withdraw the application.

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

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

County Commission District: _____

PLANNING AND DEVELOPMENT DEPARTMENT
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have** _____ I have not

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

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

Name of Official(s): _____

Office: _____

Dollar Amount: _____

Date of Contribution: _____

Applicant's/Owner's Signature: John Moore

Date: 3/1/23

Applicant's/Owner's Name (Printed): JOHN A. MOORE

John Andrew "Drew" Moore
3555 North Bogan Road
Buford, GA. 30519

May 10th, 2023

To whom it may concern,

The plan over the next 30 years to give back to our community by opening an Event Venue. The main focus will be: Weddings, on Friday, Saturday and Sunday Between the hours of 5pm to 10 or 11 pm. I would like to optimize as many wedding as possible, but I am totally open to whatever the county sets as a limit. Additionally, Hosting to Special groups like fire fighters, Police and Special needs children, etc.... to help offer something that may not be in their budget. I would offer these events weekends and week days if that is the only time they can make it. I would only operate week day events from 11 am thru 6 pm. Once again I am totally ok if the county sets any type of limits on week day events, either times or max events in a year. I really want to give back to my community as much as I can. I am also open to extend the range of activity if mornings are open. This is not about getting rich, this is about making money on weddings to support the property and giving back to the community. I cant change the world but I can try and change the small part of the world I touch.

I have included several Neighbors letters that touch my property. As you can see I get along with ALL my neighbors. If more letters are required I am sure I can get them from any neighbor you require I know them all. My property has always been open to all they only need ask.

The property directly behind us is a natural area and will never be developed. It is declared "Wet Lands". I have included this Site plan. Plat from 116 spring street for 4340 Chatuga drive. Plat book 627 Page: 107A.

I would need to provide a variance for the building and the parking since it sits next to my neighbor Jeremy Fouler. Jeremy Fouler will join us for the meeting, he also signed a letter. I need this variance since there is a large 1-acre pond in the middle of the property. Which means I can only build on the side of it and park near it.... See the proposed drawing for Parking and building specs. The pond is one of the selling features of the property and gives people a beautiful setting (For the guests and the neighbors). If Jeremy would ever move I would buy his property and we have talked about it.

I am proposing a planted buffer on the side property lines with shrubs or a Sypris trees or a 4 rail fence. (whatever the neighbors feel is a nice buffer, shrubs or trees or fence) and an 8-foot tall fence around the parking area behind the barn to mitigate any impact on my neighbors if that is what my neighbors want. I am open to additional mitigation if the board wishes to do so. I also want the neighbors that must look at whatever I do, to be very happy with it. I mentioned a 8 foot fence to my neighbor and he said he "there are other options he would consider more aesthetically pleasing, like a 4 rail fence. My neighbors are very important to me. I plan to make

PAGE 1/2 John Moore

John Andrew "Drew" Moore
3555 North Bogan Road
Buford, GA. 30519

the building soundproof as well as acoustically designed. This is just a proposal, and I am totally open to any changes the board, or my neighbors would like to see. On my property or theirs. My intention is not to dictate what I want but provide, its to find something that everyone agrees on.

There is a winery only three houses to the North of us called "Cloud Land". I am not in a subdivision, but I am on a the same major road: "North Bogan Road" where many businesses exist. My property is over seven acres which is more than most wedding venues provide, like four Oak Manor, that only has a couple acres and is only a couple miles away. My property is also zoned AR III. This venue would cater to people over a short window, mainly on the weekends.

I have provided a plat with "existing", and "proposed" buildings, Proposed Pavilion and parking with an existing house.

The plan is to tear down the old 80' x 80' barn and put a new larger structure in its place. The building will be large enough to hold whatever number of occupants the county would allow and would be soundproofed. No more than 300 people. I also have plenty of room for septic. If approved, the process of designing the building and getting all the permits needed would begin within the next couple of years. I would expect to invest somewhere between 700 to 1 million to get everything complete. I don't want this to be a low end event center. I want this to be beautiful from landscaping to the buildings.

As owner, I plan to continue to live on the property for the rest of my life and be a good steward to my community. This has been a dream for many years, and I think now is the time to start this project. "If you build it, they will come". This is my field of dreams....

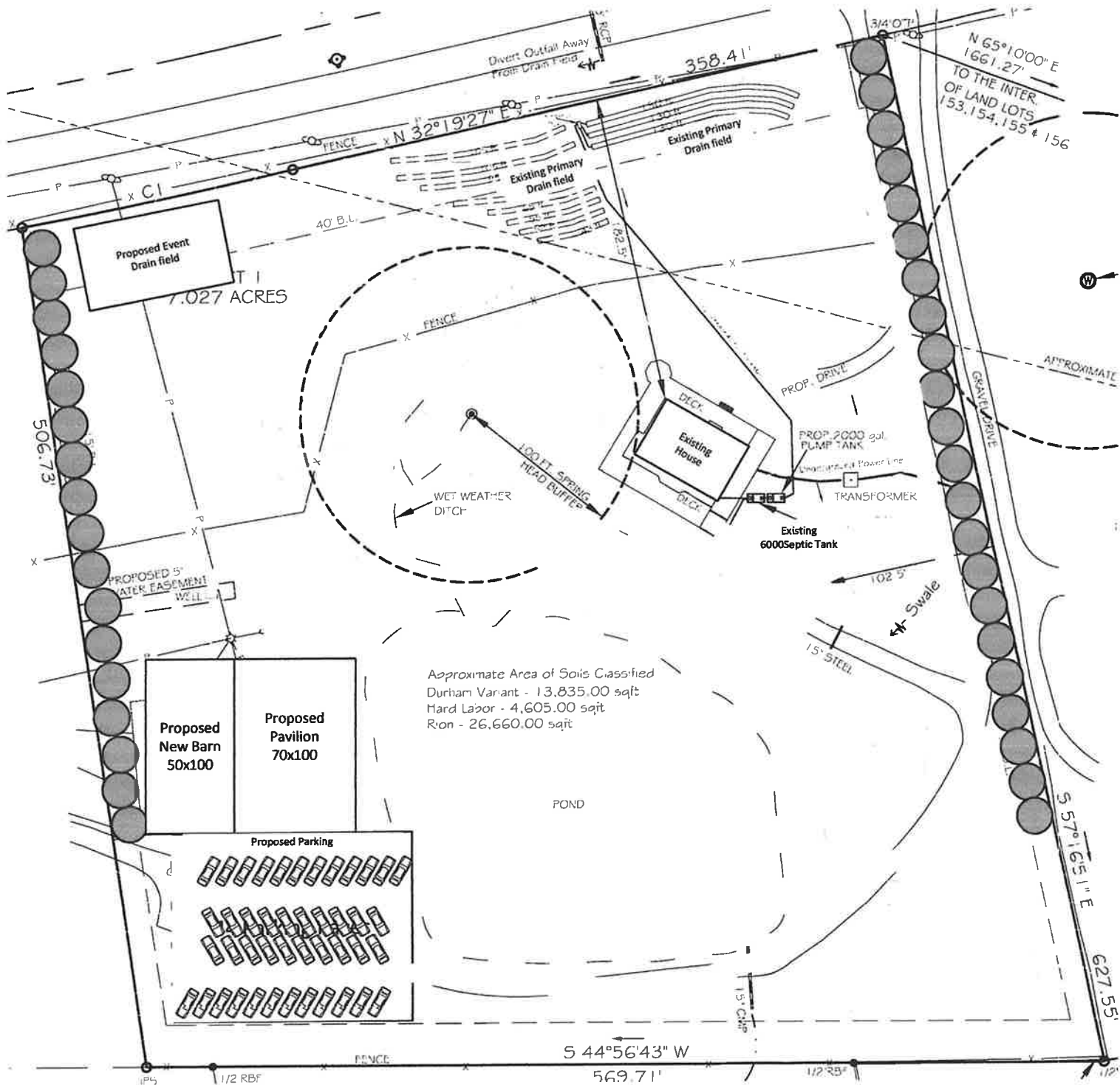
Thank you for the opportunity to present this request. I look forward to hearing from you and potentially sharing something with our community.

Sincerely,



John Andrew (Drew) Moore

PAGE 2/2 John Moore

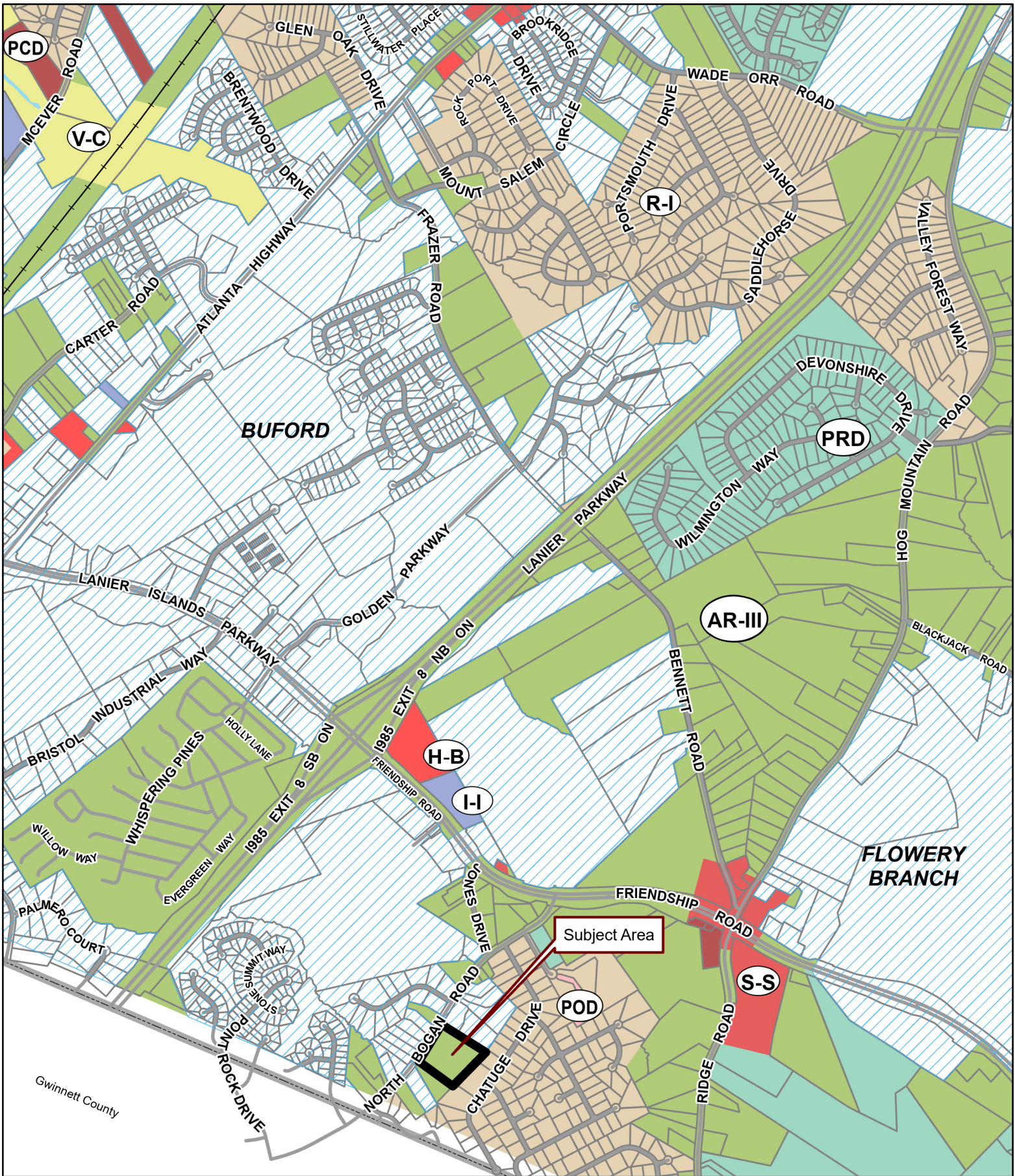


Approximate Area of Soils Classified
 Durham Variant - 13,835.00 sqft
 Hard Labor - 4,605.00 sqft
 Ron - 26,660.00 sqft

(60) Gravel Parking

(84) Grass Parking

- Lilian Cypress Trees on property line 20 foot wide x 60-80 foot high
- 8 (Red) foot fence on Barn gravel Parking



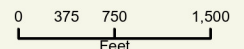
Applicant: JOHN A. MOORE. SR.

Tax Parcel #: 08155 000029

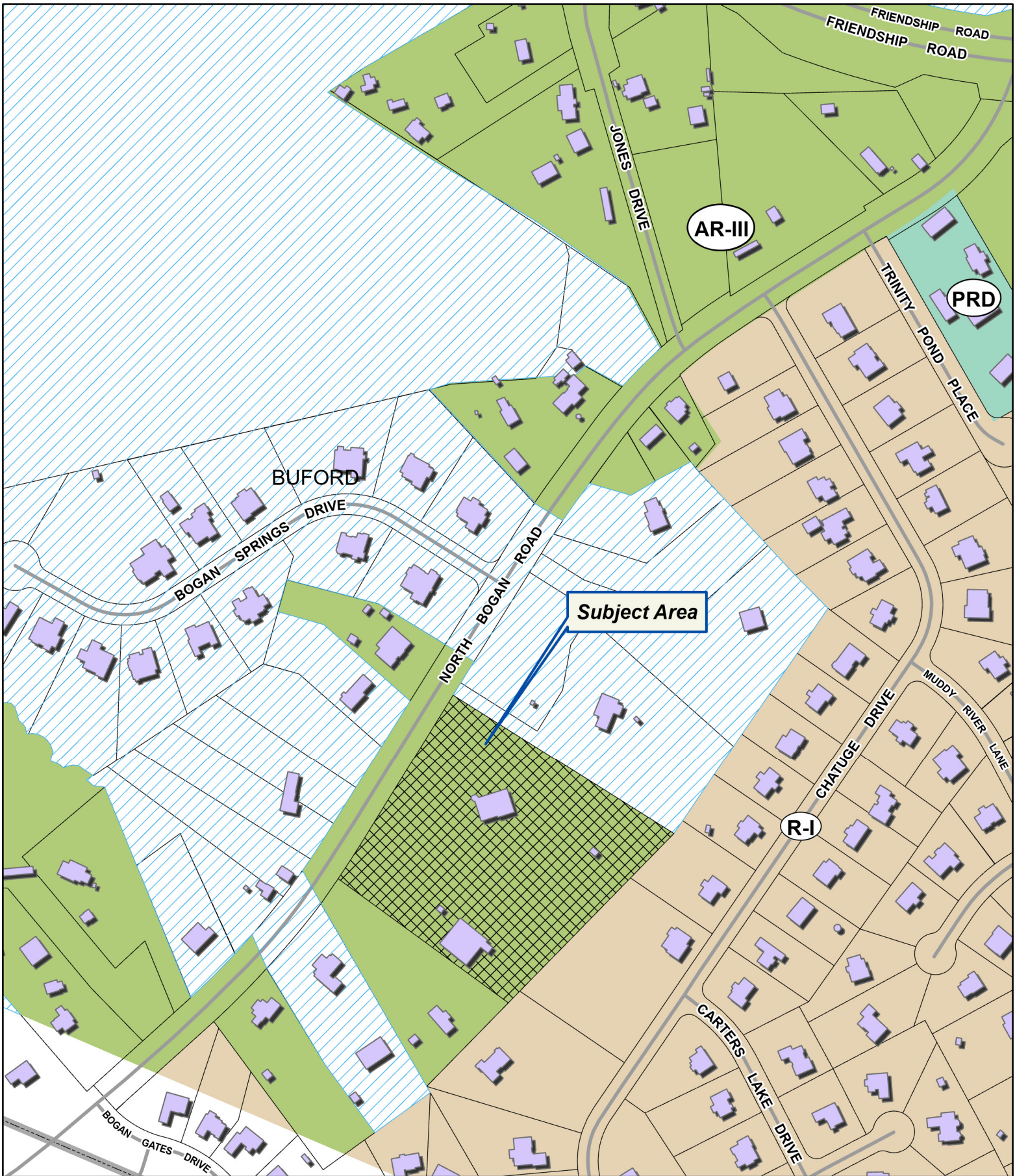
Location: 3555 NORTH BOGAN ROAD, BUFORD, GA 30519

Commission District 1

PC Mtg. Date: 07/24/23



- Zoning Boundary
 - ▭ City Limits
 - ▭ Subject Area
 - ▭ Structure
- N
↑



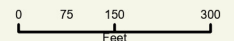
Applicant: JOHN A. MOORE. SR.

Tax Parcel #: 08155 000029

Location: 3555 NORTH BOGAN ROAD, BUFORD, GA 30519

Commission District 1

PC Mtg. Date: 07/24/23



- Zoning Boundary
- ▨ City Limits
- ▣ Subject Area
- Structure





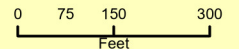
Applicant: JOHN A. MOORE. SR.

Tax Parcel #: 08155 000029

Location: 3555 NORTH BOGAN ROAD, BUFORD, GA 30519

Commission District 1

PC Mtg. Date: 07/24/23



— Zoning Boundary

▨ City Limits

▭ Subject Area







FILED & RECORDED
DATE: 2/1/2019
TIME: 9:29AM
DEED BOOK: 8213
PAGES: 712-713
FILING FEES: \$12.00
PT61: 0692019000865
TRANSFER TAX: \$.00
Recorded By: MT
Charles Baker, C.S.C.
Hall County, GA

Record and Return to:

Sparks|King|Watts|Reddick, LLC
33 Buford Village Way, Suite 325
Buford, GA 30518
Order No.: GA-SUW190008OTH
Tax Parcel ID: 08155 000029

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF GWINNETT

THIS INDENTURE, made the 18th day of January, in the year 2019, between

John A. Moore, Sr.

as party or parties of the first part, hereinafter called Grantor, and

John A. Moore, Sr. and Marilyn Sieger
as Joint Tenants with Rights of Survivorship and not as Tenants In Common

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).

W I T N E S S E T H: That Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has bargained, sold and does by these presents, bargain, sell, remise, release and forever QUITCLAIM unto said Grantee all the right, title, interest, claim or demand which the Grantor has or may have in and to the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 155 and 156, 8th District of Hall County, Georgia, and being shown as Tract I on a Survey for the Estate of Don R. Sherwood, dated 9/9/11 and recorded at Plat Book 864, Page 157, Hall County, Georgia Records.

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said described property unto the said Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said property or its appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year first above written.

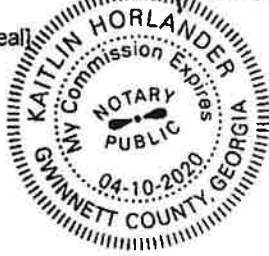
Signed, sealed and delivered
in the presence of:

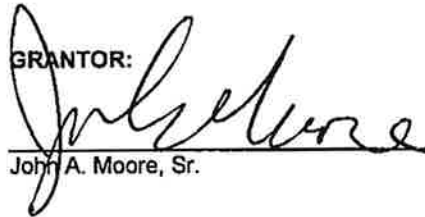


Unofficial Witness

Notary Public
My Commission Expires April 10, 2020

[Notary Seal]



GRANTOR:


John A. Moore, Sr. (Seal)

Anael Dominguez (CDI: Planning)

From: Emily McGahee (Environmental Health)
Sent: Thursday, June 22, 2023 12:37 PM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning); Beth Garmon (CDI: Planning)
Cc: Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)
Subject: HCPC Tentative Agenda 7.24.23

Please find Environmental Health comments below:

Item 1, 5351 Lanier Islands Pkwy, Bell: A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items such as a soil evaluation and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. ON-SITE SEWAGE MANAGEMENT SYSTEMS RULES 511-3-1-.03 General Requirements for On-Site Sewage Management Systems. (1) If public or community sewage treatment systems are not available, the owner of a building, residence, or property that is designed or intended for human occupancy or congregation shall provide an approved on-site sewage management system sufficient for the number of persons normally expected to use or frequent the building, residence or other property for two hours or more. (2) No person may begin the physical development of a lot or structure where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof, without having first obtained from the County Health Department a construction permit for the installation of an onsite sewage management system. And (1)(a) Connection shall be made to a public or community sewage treatment system if such system is available within two hundred feet (200') of the property line, or available in a public right-of-way abutting the property.

Item 2, 8511/8515 Belton Bridge Road, Cole: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat.

Items 3A/3B, 3463 Leisure Lane, Justus: No comment.

Items 4A/4B, 6178 Lake Lanier Heights Road, Edelstein: Any proposed additions must meet all residential permitting requirements. All proposed structures must meet required setbacks to existing septic system. Further determination will be made at time of application.

Item 5, 5961 Pocahontas Drive, Zax: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. 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.

Items 6A/6B, 3555 North Bogan Road, Moore: 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: soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Sewage flows for the entire property will be limited to 600gallons per non-restricted acre per day.

Item 7, 2196 Centinnial Drive, Jones: No comment. Public sewer.

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: Wednesday, June 21, 2023 9:57 AM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning)
Cc: Peevy, Jonathan; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for July 24, 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.

As none of the new business items front a state route nor would they add significant impacts to state route intersections, none of the new business items will require GDOT coordination

Thank you,

Parker Niebauer
DITO 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: Thursday, June 15, 2023 12:02 PM
Subject: Tentative Planning Agenda for July 24, 2023

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, July 24, 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 **Thursday, June 22nd**. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – July 17, 2023

OLD BUSINESS

1. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, applicant.](#)
[NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)

NEW BUSINESS

2. [8511 & 8515 Belton Bridge Road | Variance | from 17.240.010 to reduce the road frontage requirement from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | Proposed Use: 2-lot subdivision | * Commission District 3 | Robin Cole, applicant.](#)
3. (A) [3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)
(B) [3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)
4. (A) [6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)
(B) [6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)
5. [5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, applicant.](#)
6. (A) [3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
(B) [3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
(C) [3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
7. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, 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 30 days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing **Thursday, August 24, 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, August 24, 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 Community Development and Infrastructure
(770) 531-6810 | www.hallcounty.org



Human trafficking impacts every corner of the globe, including our state and local communities. Georgia DOT is committed to end human trafficking in Georgia through education enabling its employees and the public to recognize the signs of human trafficking and how to react in order to help make a change. To learn more about the warning signs of human trafficking, visit <https://doas.ga.gov/human-resources-administration/human-trafficking-awareness>. To report any suspicious activity, call the Georgia Human Trafficking Hotline at 866-363-4842. Let's band together to end human trafficking in Georgia.



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: June 20, 2023
Subject: July 24, 2023 - Hall County Planning Commission Agenda

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.

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 24, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, applicant. NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)
 - 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 buffer and impervious setback from wrested vegetation not center line of stream
Show stream buffer and impervious setback from wrested vegetation not center line of stream
Comments on the last submittal.
 - b) **Traffic:** Access permit from GDOT for connection to Lanier Islands Parkway.
 - c) **Utilities:** Permit from environmental health may be required for portable bathrooms.

2. [8511 & 8515 Belton Bridge Road | Variance | from 17.240.010 to reduce the road frontage requirement from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | Proposed Use: 2-lot subdivision | * Commission District 3 | Robin Cole, 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 buffer and impervious setback from wrested vegetation not center line of stream
Show stream buffer and impervious setback from wrested vegetation not center line of stream.
 - b) **Traffic:** No Comment
 - c) **Utilities:** No Comment

3.

[\(A\) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)

[\(B\) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)

 - a) **Engineering:** No Comment
 - b) **Traffic:** No comment
 - c) **Utilities:** No Comment

4.

[\(A\) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)

[\(B\) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)

 - a) **Engineering:** No Comment
 - b) **Traffic:** No Comment
 - c) **Utilities:** No Comment

5.

[5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, 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 buffer and impervious setback from wrested vegetation not center line of stream Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.
 - b) **Traffic:** No Comment
 - c) **Utilities:** City of Flowery Branch sewer district.

6. [\(A\) 3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
[\(B\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
[\(C\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
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Show stream buffer and impervious setback from wrested vegetation not center line of stream.
 - b) **Traffic:** No Comment
 - c) **Utilities:** City of Flowery Branch sewer district.
7. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, 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 buffer and impervious setback from wrested vegetation not center line of stream
Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.
 - b) **Traffic:** Driveway must meet Hall County requirements.
 - c) **Utilities:** City of Gainesville sewer district.

Anael Dominguez (CDI: Planning)

From: John Hornick (Fire Services)
Sent: Thursday, June 22, 2023 3:50 PM
To: Anael Dominguez (CDI: Planning)
Cc: Randi Doveton (CDI: Planning); Michael Vieira (Fire Services)
Subject: Fire Comments

Monday, July 24, 2023 Hall County Planning Commission Meeting.

1. [\(A\) 3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
[\(B\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
[\(C\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)

Hall County Fire Marshal's Comments

- 1) If approved engineered site development plan will need to be submitted to Hall County for review and approval by the Development Review Committee
- 2) Based off the size of the proposed building and occupant load a fire protection and fire alarm system will be required
- 3) 8 inch underground fire line will be required for the fire protection water supply
- 4) Gainesville Fire Service Vault will be required
- 5) Additional fire hydrant(s) may be required
- 6) Fire apparatus accessibility must meet International Fire Code Standards.
- 7) Emergency responder radio coverage test will be required

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 (CDI: Planning)

From: Katie L. Greenway (CDI: Planning)
Sent: Monday, July 24, 2023 3:45 PM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning); Beth Garmon (CDI: Planning)
Subject: FW: Meeting on 3555 N. Bogan Rd.

Ana,

Please add to the record.

Thank you,

Katie Greenway
Principal Planner
Hall County Community Development and Infrastructure
(office) 770-297-2649
(direct) 470-978-8272
klgreenway@hallcounty.org

* Our office will be closed from 4:20PM to 5:00PM on Wednesday, July 26, 2023 for a staff meeting, we will return all messages in the order received when we return on Thursday, July 27th. *

-----Original Message-----

From: Beverly Rodoski <beverly1754@yahoo.com>
Sent: Monday, July 24, 2023 3:38 PM
To: Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Subject: Meeting on 3555 N. Bogan Rd.

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.

My address is 5558 River Valley Way
Flowery Branch, Ga.30542

I am against the proposed building for entertainment in a residential neighborhood! It will cause lots of problems! Crime, increase consumption of alcohol. This neighborhood is designated for families and agriculture not entertainment. The traffic will be terrible and increase in car accidents. This cozy neighborhood will be ruined!

Thank You,
Beverly Rodoski

Sent from my iPhone

Print

Planning Commission Comments - August 7, 2023 - Submission #78752

Date Submitted: 8/6/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Cheryl

Last Name*

Smith

Address1*

4520 Bogan Gates Drive

Address2

City*

Buford

State*

Georgia

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) ▼

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

Your Comments*

Please, please, please do not approve this zoning variance request. We do not need commercial development in a residential area. My home is in a direct line to this property and I personally don't want to hear the noise in the evenings and on weekends. This would increase traffic in our area and since there is a school 4/10s of a mile away we do not need any additional traffic in this area. It is bad enough as it currently is. Thank you for your consideration of not approving this request.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

leigh.smith@alston.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - August 7, 2023 - Submission #78651

Date Submitted: 8/1/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Connie

Last Name*

Reilly

Address1*

4561 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

3555 North Bogan Road Rezoning Request for Wedding/Other Events
The main concerns with this rezoning request at 3555 N. Bogan Rd. in Buford, that I and my nearby neighbors have are:

1. Much more traffic congestion with 144 cars trying to get on to N Bogan Rd from Friendship going to an event or getting onto Friendship from N. Bogan when leaving an event and the backups that already occur in this area will be seriously multiplied. Everyone in all the surrounding neighborhoods knows how difficult it is to turn left on Friendship Rd at the school - there is no light there. And, it is just as difficult to turn left from Jones Rd onto Friendship already with no light there either, but add 144 more cars it will to be extremely long wait times to get to Friendship Rd, turn left or right there, or get to 985. I wonder what might happen if 175 cars showed up for a wedding event - would the invited guests in 31 of those cars be turned away because the car limit has been reached? If not where will they park? The only access & exit to these venues will be N. Bogan Rd.
2. The noise level will increase due to the request for an outdoor pavilion where 300 people in a 99.9% residential area will be milling around talking and likely consuming alcohol. Hall County officials told me the outside music cannot be amplified but outdoor voices can be (like using a microphone and speakers). This could mean that entire ceremonies and other types of events could be amplified outdoors in the pavilion, toasting, celebrating, clapping, talking etc.
3. Mr. Moore has requested his setbacks from his neighbor's property lines be changed and reduced from 200 feet to 15 feet so he can put the proposed 2 buildings and the parking within 15 feet of his neighbors. The neighbors directly across the street and some whose backyards are in Bogan Gates subdivision are close to Mr. Moore's property. Also, the Morgan's Crossing neighbor's backyards are very close to the back of Mr. Moore's property right where he is proposing to build these 2 large buildings and parking.
4. Event venues could be of all kinds, not just weddings, including rock concerts if he ever chose to do so. These events could potentially be between 9am - 10pm Sunday through Thursday and 9 am - Midnight on Fridays and Saturdays. That is a lot of traffic and car emissions and potential noise every day of the week and late into the evenings when folks are trying to sleep.
5. If this proposal is approved, having a commercial venue such as this in a 99.9% residential neighborhood and surrounded by other single homes and subdivisions on all sides will change the look and feel of our area. It can impact traffic flow, increase noise levels, and increase traffic backups and emissions in the area and reduce air quality.
6. This request of Mr. Moore's for an event venue is also totally inconsistent with the Residential Future land use designation in the Hall County's Comprehensive Plan. In part, this Plan states the primary future land uses for this area are "moderate density single-family residential developments..." The Narrative submitted by Mr. Moore to Hall County states "...it is about making money" thus making this a proposal for a commercial venue in a primarily residential area.

-Connie Reilly, Bogan Gates neighbor 24 yrs. call or text,: 770-614-4006

Please write your comments in the box above.

File Upload

No file chosen
If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Anael Dominguez (CDI: Planning)

From: Katie L. Greenway (CDI: Planning)
Sent: Monday, July 24, 2023 8:37 AM
To: Anael Dominguez (CDI: Planning)
Subject: FW: 3555 North Bogan Road--Agri entertainment venue

Concern for the record. Thanks!

Katie Greenway
Principal Planner
Hall County Community Development and Infrastructure
(office) 770-297-2649
(direct) 470-978-8272
klgreenway@hallcounty.org

* Our office will be closed from 4:20PM to 5:00PM on Wednesday, July 26, 2023 for a staff meeting, we will return all messages in the order received when we return on Thursday, July 27th. *

-----Original Message-----

From: Jawad Ilyas <jawadilyas@gmail.com>
Sent: Sunday, July 23, 2023 10:02 PM
To: Planning <planning@hallcounty.org>
Subject: 3555 North Bogan Road--Agri entertainment venue

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. Mr. Srikanth Yamala,

I am writing in response to a letter dated June 21, 2023 which notifies us of a proposed Agri-entertainment venue on 3555 N. Bogan Rd. which is across from my home at 3528 N. Bogan Rd.

I wanted to express my concerns about this proposed venture. This is an exclusively residential area with homes both across and on each side of the proposed venue. I am concerned about the risks of increased traffic, loss of privacy, noise, trash, use of alcohol, drunk driving and loss of property value if this project goes ahead. My neighbors also have expressed similar concerns.

Thank you for your attention to this matter.

Jawad Ilyas.
3528 N. Bogan Rd.
Buford, GA 30519.

Print

Planning Commission Comments - August 7, 2023 - Submission #78753

Date Submitted: 8/6/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Kristen & Jonathan

Last Name*

Craig

Address1*

4461 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

We oppose the venue proposal on North Bogan which backs up to our home in Bogan Gates neighborhood. We have multiple concerns related to property value, traffic, commercial zoning, noise, etc.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

krisford17@hotmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

TO: HALL COUNTY

IN REGARDS TO THE ENCLOSED REQUEST
FOR AN ENTERTAINMENT VENUE.

I WISH TO GIVE HALL COUNTY A HEADS-UP.

THIS PROPERTY ALREADY HAS A LARGE
FISHING POND BEHIND THE HOUSE.

I HAVE PASSED THIS HOUSE MANY
TIMES OVER THE PAST 5 PLUS YEARS

I HAVE SEEN TRAFFIC IN / OUT
TO THAT POND BUT OVER THOSE
YEARS IT APPEARS IT HAS NEVER
BEEN COMPLIANT TO THE STATE OF
GEORGIA ATTRACTIVE NUISANCE LAWS.
THIS LAW EXISTS TO PROTECT CHILDREN.

WHY WOULD HALL COUNTY WANT
A PROSPECTIVE WEDDING VENUE
WHICH WOULD DRAW MORE CHILDREN
ADJACENT TO THIS BODY OF WATER?

THIS EXPOSES THE OWNER AND POTENTIALLY
THE COUNTY TO LIABILITY SUITS.
THIS WRITER WISHES TO REMAIN ANONYMOUS
AS I DO NOT WANT TO SUBJECT MYSELF TO
THE SOCIAL MEDIA CIRCUS ALREADY BREWING!

BESIDES, THIS IS A SIMPLE POINT
OF COMPLIANCE TO EXISTING LAW.
I DO NOT KNOW MR MOORE
PERSONALLY. BUT SINCE THIS HAS
BEEN THIS WAY FOR YEARS I DO
QUESTION HIS COMMITMENT TO THE
SAFETY OF THE COMMUNITY AT
LARGE

THANK
YOU!

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST: VARY THE RIGHT SIDE YARD SEIBACK FROM 200 FT TO 15 FT FOR AN AGRIL ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON: PARKING LOT.

COUNTY COMMISSION

PLANNING COMMISSION

Date: July 24, 2023

Time: 5:15 P.M.

Date: Aug 24, 2023

Time: 6:00 P.M.

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

FOR MORE INFORMATION CALL (770) 531-6809

Print

Planning Commission Comments - August 7, 2023 - Submission #78754

Date Submitted: 8/7/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Michael

Last Name*

Lee

Address1*

4540 Bogan Gates Drive

Address2

City*

Buford

State*

Ga

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

I am a 53 year old male that lives in Bogan Gates subdivision off Bogan Road less than a mile away from this proposal of a commercial building. I DO NOT SUPPORT THIS COMMERCIAL BUILD IN THIS AREA. My strong belief is that this property will not only drive our home values down, but will also bring unwanted traffic issues and noise late into the night. This will only disrupt our peaceful living area here in Bogan Gates subdivision and the surrounding neighborhoods. Please do not let this build of a commercial property happen due to the nice environment we all love and enjoy currently..

Thank you!

Sincerely,
Michael S Lee
4540 Bogan Gates Rd
Buford, Georgia 30519
678-386-2087
Mlee122169@gmail.com

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Mlee122169@gmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - August 7, 2023 - Submission #78755

Date Submitted: 8/7/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Steve

Last Name*

Harkness

Address1*

3548 Lily Magnolia Court

Address2

City*

Buford

State*

Ga

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

The increase in traffic in this residential area would be unmanageable and will create major problems for current residents. This zoning request should be denied. This area should be residential only.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 24, 2023 - Submission #78322

Date Submitted: 7/15/2023

Comments completed in the form below will be submitted into the record for the July 24, 2023 meeting of the Hall County Planning Commission.

First Name*

steve

Last Name*

rosetti

Address1*

4565 bogan gates dr

Address2

City*

buford

State*

ga

Zip*

30519

Zoning Item for Comment*

6. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval



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

Your Comments*

- 1) The county has the obligation to make public, and the residents the right to review, a properly completed application before making a recommendation concerning the variance request
 - a. Per county application requirements the application “shall include” the location of signs, a DOT letter of commitment, details on ingress and egress, and where the full 144 parking spots will be located; none was provided
 - b. Without the proper public notice that a complete application provides, no other decision but a denial of the variance request is appropriate
 - c. The Notice of Public Hearing states that this meeting is being held on a Tuesday.

- 2) The proposed activities are not in keeping with character of the neighborhood
 - a. Nearby subdivisions contain hundreds of homes
 - b. No nearby businesses have paved parking lots for more than 10 vehicles

- 3) Other factors:
 - a. Excessive size: The size of the new barn as proposed is to be limited only by “whatever the county allows” but hopefully will hold up to 300 people at one time; the pavilion is even larger.
 - b. Excessive noise: Pavilion/outside noise will be excessive under proposed uses; a “soundproof building” is irrelevant.
 - c. Excessive proximity: Existing zoning provides some buffer to adjacent residential properties. Reducing the setback 185 and/or 285 feet places the proposed improvements right on top of multiple subdivisions.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 24, 2023 - Submission #78471

Date Submitted: 7/22/2023

Comments completed in the form below will be submitted into the record for the July 24, 2023 meeting of the Hall County Planning Commission.

First Name*

Tony

Last Name*

Reilly

Address1*

4561 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

6. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval

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

My name is Tony Reilly. I am against this proposed request for an Entertainment Venue for 3355 N. Bogan Rd for several reasons as follows:

1. Bogan Rd is only a small 2 lane road with no bike, walking, running, or turn lanes with the exception of some small turn lanes into some of the existing subdivisions and properties. There are already traffic bottlenecks for access from the N. Bogan Rd. to Friendship Rd. intersection at the school and from N. Bogan Rd. to the small cut through street Jones Rd. to Friendship intersection. These bottlenecks occur in the morning rush hour at the school on Friendship and at the intersection at Jones to Friendship. Cars are trying to mostly turn left to get to 985 so Jones and Bogan Roads get very backed up there. It also backs up on the weekends when folks are out and about running errands and trying to get to 985. There are no lights at either intersection. It is so bad on school mornings that there is usually a policeman directing traffic at N. Bogan and Friendship. The property at 3555 N. Bogan Rd is very close to Jones Rd and also very close to Friendship Rd and if wedding events or any other kinds of events that might be held according to the applicant's Narrative document this could cause a lot of major backups and a potential rise in accidents at those intersections with Friendship. The applicant has requested possible space for parking of at least 144 vehicles - that is a lot more vehicles coming and going in the area coming around the same time and leaving around the same time. I do not believe that narrow Bogan Rd nor the intersections could handle the traffic.

2. Our area is 99.9% residential and has a nice residential feel including 3555 N. Bogan Rd. property. The look and feel or residential would change to a more commercial look and feel. The applicant has never said he would apply for a liquor or alcohol license and most wedding events serve alcohol so this would be likely going forward. The applicant has stated in his Narrative that this proposal is "to make money", so it will be commercial because of that and it will contain a larger building plus another large outdoor pavilion which will certainly be used for outside purposes so if people are outside there will be potential much higher noise levels even if most, but not necessarily all, amplified music and noise are going to be inside the building. What is the use of the Pavilion for - it is not specifically stated in the Narrative so it is difficult to say what the noise levels in the surrounding residences and neighborhoods would be like until it happens, if this request is approved. If an event, whether wedding or other type of event, did include imbibing of alcohol then drivers leaving the area after a few hours may very well be inebriated and potentially be less safe drivers to say the least, thus more traffic accidents could occur, particularly trying to turn left on Friendship Rd. from N. Bogan Rd or Jones Rd. I have lived in this area for 24 years and have seen many people almost have an accident trying to go left on Friendship Rd and Friendship Rd. traffic is flying and coming to those intersections way beyond the posted speed limits.

3. Allowing this to become a potential commercial event venue may encourage the other nearby neighbors who have single homes on their properties to sell out to some commercial venture going forward. As is mentioned in the Hall County Planning Commission Staff Report, "Based on the future land-use plan, staff finds the requested use inconsistent with the future land use classification of Residential in the Comprehensive Plan. The Primary future land uses for this classification are moderate density single-family residential developments..." I, and many of my nearby Hall County neighbors agree with this statement wholeheartedly. Others, who do not live near our residential area and neighborhoods may support the applicant but they do not have to be around it in the future, nor the traffic and potential safety issues, nor the possible drop in our property values. Who wants to buy a residential home near commercial businesses? I am all for commercial business success in areas where there are already many other commercial businesses that have been zoned for those purposes but not in a primarily residential area as ours.

4. I am also against the times for the events being requested and what could potentially be allowed according to already existing Hall County rules for a venue like this. The applicant's Narrative proposed that events might be held on "Fridays, Saturdays, and Sundays between 5pm to 11pm and some events also on week days from 11 am through 6pm." But I believe the Hall County rules events say that if the applicant's proposal is approved, the applicant could potentially be allowed to hold events between 9 am to 10 pm Sunday through Thursday, and from 9 am to Midnight on Fridays and Saturdays. That is potentially all day everyday from 9 am to 10 pm or Midnight. With those hours in mind plus the applicant states in the proposal there up to but "not more than 300 people" at an event means a lot of cars leaving at midnight on the weekends and possibly at 10 pm during the week. With a possible 144 parking spaces that is a lot of potential traffic noise late at night on work and school nights plus later at night on the weekends, and all of this in a residential neighborhood area surrounding this property. And, the applicants Narrative states he wants to "have as many weddings as possible" as well as other types of events not described in the narrative. Since none of these other types of events have been described in the Narrative, how can neighbors in the area know what to expect going forward. Will these other events be rock concerts? Will these other events be for parties and social events? What type of customers will this venue be attracting to our neighborhood areas? We just do not know what this will look like or possibly turn into in the future whether the applicant stays as the owner in the future or builds it up, then decides to sell out to some other owner who wants to turn it into a dance club, a bar, or who knows what?

In summary, my main concerns at this time are

1. Traffic backup issues and access from Bogan Rd to Friendship Rd to go left to get to 985 and from Bogan Rd to Jones to Friendship Rd. to get to 985. This will be a problem with any day or night time venues and especially when an approximate potential 144 cars come to a venue or leave a venue along with the noise level of cars potentially leaving at late hours of the night even up to 10 pm weekdays and up to midnight on weekends.

2. The impact on our residential look and feel with a commercial venue operating in the heart of several existing residential neighborhoods & subdivisions. There is a definite possibility of dropping home property values going forward if the request is approved, particularly for the homes nearest the venue. Who wants to buy a home near a commercial venture such as this?

3. If this applicant's request is approved, there are several nearby single & property homeowners not within a subdivision who might be encouraged to try to get their property rezoned to allow for commercial use as well thus changing our area even more toward commercial useage. This would of course go against the Hall County's "Comprehensive Plan which states that this area's land use classification is Residential in the Comprehensive Plan. And it also states, "The Primary future land uses for this classification are moderate density single-family residential developments..."

4. If the proposal is approved, the times that potential events could be held are every day between 9 am to 10pm work and school week days and 9 am to Midnight on weekends. This means it could possibly go on all day everyday until late hours at night with lots of noisy traffic leaving the events late at night. There are surrounding neighbors and subdivisions close by 3555 N. Bogan Rd. as well as neighbors directly across the street from this location that will have to deal with any traffic or event noise on any given day. And since the applicant has stated in his Narrative that he wants to "have as many weddings as possible" as well as other events but has not given a description of any of these other types of events, nearby neighbors have no idea of what the circumstances will be like going forward and cannot know until after the fact, if this is approved. More information would definitely be needed by all Hall County and all of our neighbors up front on the other types of events might be like so as to have a thorough understanding of what might be coming from this rezoning if approved.

Thank you,

Tony Reilly
770-331-1770

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

tareilly1@aol.com 770-331-1770

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - August 7, 2023 - Submission #78652

Date Submitted: 8/1/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Tony

Last Name*

Reilly

Address1*

4561 Bogan Gates Trail

Address2

City*

Buford


State*

GA

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

3555 North Bogan Road Rezoning Request for Wedding/Other Events
The main concerns with this rezoning request at 3555 N. Bogan Rd. in Buford, that I and my nearby neighbors have are:

1. Much more traffic congestion with 144 cars trying to get on to N Bogan Rd from Friendship going to an event or getting onto Friendship from N. Bogan when leaving an event and the backups that already occur in this area will be seriously multiplied. Everyone in all the surrounding neighborhoods knows how difficult it is to turn left on Friendship Rd at the school - there is no light there. And, it is just as difficult to turn left from Jones Rd onto Friendship already with no light there either, but add 144 more cars it will to be extremely long wait times to get to Friendship Rd, turn left or right there, or get to 985. I wonder what might happen if 175 cars showed up for a wedding event - would the invited guests in 31 of those cars be turned away because the car limit has been reached? If not where will they park? The only access & exit to these venues will be N. Bogan Rd.
2. The noise level will increase due to the request for an outdoor pavilion where 300 people in a 99.9% residential area will be milling around talking and likely consuming alcohol. Hall County officials told me the outside music cannot be amplified but outdoor voices can be (like using a microphone and speakers). This could mean that entire ceremonies and other types of events could be amplified outdoors in the pavilion, toasting, celebrating, clapping, talking etc.
3. Mr. Moore has requested his setbacks from his neighbor's property lines be changed and reduced from 200 feet to 15 feet so he can put the proposed 2 buildings and the parking within 15 feet of his neighbors. The neighbors directly across the street and some whose backyards are in Bogan Gates subdivision are close to Mr. Moore's property. Also, the Morgan's Crossing neighbor's backyards are very close to the back of Mr. Moore's property right where he is proposing to build these 2 large buildings and parking.
4. Event venues could be of all kinds, not just weddings, including rock concerts if he ever chose to do so. These events could potentially be between 9am - 10pm Sunday through Thursday and 9 am - Midnight on Fridays and Saturdays. That is a lot of traffic and car emissions and potential noise every day of the week and late into the evenings when folks are trying to sleep.
5. If this proposal is approved, having a commercial venue such as this in a 99.9% residential neighborhood and surrounded by other single homes and subdivisions on all sides will change the look and feel of our area. It can impact traffic flow, increase noise levels, and increase traffic backups and emissions in the area and reduce air quality.
6. This request of Mr. Moore's for an event venue is also totally inconsistent with the Residential Future land use designation in the Hall County's Comprehensive Plan. In part, this Plan states the primary future land uses for this area are "moderate density single-family residential developments..." The Narrative submitted by Mr. Moore to Hall County states "...it is about making money" thus making this a proposal for a commercial venue in a primarily residential area.

-Tony Reilly, Bogan Gates neighbor 24 yrs. call or text,: 770-6331-1770 tareilly1@aol.com

Please write your comments in the box above.

File Upload

No file chosen
If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Narcis Ciceu

3550 North Bogan Road

Buford GA. 30519

I have known Drew since I moved in 3 years ago. I was working on my front yard installing a new water line. Drew saw me working out in my yard and came over with a big smile and introduced himself and then proceeded to go get his equipment and started helping us dig and install the new water line. When he asked me to write a letter to give to Hall County for an event center I didn't even hesitate to say yes. He is the kind of neighbor you want to have. I am sure whatever he does it will be great. I am totally behind Drew starting an event center.

Narcis Ciceu

A handwritten signature in black ink, appearing to read 'Narcis Ciceu', with a long horizontal flourish extending to the right.

Jeremy Fowler

3537 N Bogan Rd, Buford, GA 30519

Shawn McDougal and Mikki McDougal

4320 Chatuge Dr, Buford, GA 30519

I have know both of these people for well over 10+ years and they have been a joy to know.

February 27, 2023

Jeremy Fowler
3537 North Bogan Road
Buford, GA 30519

Re: John Andrew (Drew) Moore
3555 North Bogan Road
Buford, GA 30519

To whom it may concern:

This letter will advise that John Andrew Moore is my neighbor. His property runs alongside of mine on the North side of my property on North Bogan Road. We have been neighbors for over ten years. Not only has he been a good neighbor but he has also been someone I could turn to in a time of need. There has never been a time when I have had a problem with him or a concern about him.

I understand his desire to build an Event Venue on his property near the current location of the old barn. I do not foresee this as a problem for me or my family.

Let me know if you need any other information from me.

Sincerely yours,



Jeremy Fowler

Shawn and Mikki McDougal
4320 Chatuge Drive
Buford, GA 30519

February 27, 2023

Re: John Andrew Moore
3555 North Bogan Road
Buford, GA 30519

To whom it may concern:

John (Drew) Moore is our neighbor. His property backs up to our property on Chatuge Drive. We have known Drew (John) for over ten years. He has always been a respectful neighbor and someone who has always been willing to help out when the need arose.

Recently, he mentioned his plans to develop an Event Center on his seven-acre piece of property. In discussing this with him, we did not feel that this created any conflict of interest for us as neighbors and residents in the community.

Should you have any questions regarding Drew Moore or the development of this venue, do not hesitate to contact us.

Sincerely,



Shawn McDougal



Mikki McDougal

To whom it may concern,

David Anderson
3575 North Bogan Road
Buford, GA. 30519

I just bought the property next to Drew and it only took a couple days for me to meet him. I plan on raising my children here. He is a great neighbor and has already offered to help with several projects on the property. When he mentioned he is applying for a wedding permit and needed a letter I was totally on board. His idea for a wedding venue will not interfere with anything I am doing. I am quite happy to know he is not going to build another subdivision on his property. An event center will enhance the neighborhood and be a welcome site. He already does so much to make his place look beautiful. I am sure if he does this it will just look that much better. We are not concerned with traffic or an event taking place on Drew's property. I have no issue with the county approving said request.

Thanks

A handwritten signature in blue ink that reads "David L. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Anderson

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST:

USE SUBJECT TO COUNTY COMMISSION APPROVAL
FOR AN AGRICULTURE ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: AUG 7, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST:

VARY THE RIGHT SIDE YARD SETBACK FROM
200 FT TO 15 FT FOR AN AGRICULTURE ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON: PARKING LOT.

PLANNING COMMISSION

Date: AUG 7, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST:

VARY THE RIGHT SIDE YARD SETBACK FROM
300 FT TO 15 FT FOR AN AGRICULTURE ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: AUG 7, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809



AGENDA ITEM

Planning and Development

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 451/2023

SUBJECT: **3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | Commission District 1 | **John A. Moore, Sr., applicant.**

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: RD
Recommendation: Denial.

Purpose of Request: **3555 North Bogan Road | Variance** | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | **Proposed use: agri-entertainment venue** | Commission District 1 | **John A. Moore, Sr., applicant.**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
AD	RD	WLI	CR
Clerk			
JR			

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Renderings
Deed
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Public Comments
Notice Sign Photos



Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
PLANNING AND DEVELOPMENT

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Srikanth Yamala

PLANNING AND DEVELOPMENT
DIRECTOR
Randi Doveton

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

From: Randi Doveton, Director of Planning & Development

Date: August 8, 2023

Subject: **3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract | Proposed use: agri-entertainment venue | John A. Moore, Sr., applicant.**

The request before you is the request of John A. Moore, Sr. for a Use Subject to County Commission Approval with two variances to allow an agri-entertainment venue. This item is located within Commission District 1.

At their August 7, 2023 meeting, the Hall County Planning Commission voted to recommend **denial of all three requests (5-0)**. The Planning Commission expressed concern over the magnitude of the variance requests; without the variances, the use, as proposed is not possible. Therefore, the Planning Commission recommends denial of all associated applications: use subject to County Commission, setback reduction for the structure, and setback reduction for the parking.

There were **sixteen (16) public comments submitted** in advance of the Planning Commission meeting, **six (6) people spoke in favor, 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.

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

ApplicantJohn A. Moore, Sr.

Request(A) Use Subject to County Commission Approval |
for an agri-entertainment venue
(B) Variance | from [17.215.040](#) to reduce the
setback for agri-entertainment structures from
300 feet to 15 feet
(C) Variance | from [17.215.040](#) to reduce the
setback for agri-entertainment parking from
200 feet to 15 feet

Proposed Use Agri-entertainment venue with variances

Size 7.03± acres

Zoning Agricultural Residential III (AR-III, [17.110](#))

Location **3555 North Bogan Road** | Tax Parcels 08155
000029

Commission DistrictOne

Planning Commission DateJuly 24, 2023

Staff Recommendation **(A) Denial as the proposed use is inconsistent
with the Residential Future land use designation
in the [Comprehensive Plan](#),**
**(B) Denial of the requested variance from
[17.215.040](#) to reduce the setback for agri-
entertainment structures from 300 feet to 15
feet as the applicant has failed to demonstrate
that hardship exists pursuant to the criteria of
[2.60.030](#), and**
**(C) Denial of the requested variance from
[17.215.040](#) to reduce the setback for agri-
entertainment parking from 200 feet to 15 feet
as the applicant has failed to demonstrate that
hardship exists pursuant to the criteria of
[2.60.030](#).**

Planning Commission Recommendation.....(A) Denial
Vote: 5-0
(B) Denial
Vote: 5-0
(C) Denial
Vote: 5-0

Public Forum:

Kelly Morgan, 3552 N Bogan Road, Buford, spoke in favor. Spoke about weekend operations, applicant living on the property, importance of community, and event time limits.

Stephen Henley, 4589 Lake Falls Drive, Buford, spoke in favor. Spoke about the applicant’s character.

Creston Mapes, 5662 Villa Crest Drive, Hoschton, spoke in favor. Spoke about the community and land preservation.

Lilian Pedraza, 4392 Chatuge Drive, spoke in favor. Spoke about the venue having set times and becoming an amenity to the neighborhood.

Narcis Ciceu, 3550 N Bogan Road, Buford, spoke in favor. Spoke about the property’s cleanliness, giving to the community, and amenity to neighbors.

Jeremy Fowler, 3537 N Bogan Road, Buford, spoke in favor.

Connie Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were traffic, property value, noise, and commercial use.

Tony Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were the site plan parking, type of events, and traffic.

Sybil Sobanjo, 3534 N Bogan Road, Buford, spoke in opposition. Concerns were noise, traffic, and property value.

Summary Analysis

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

The applicant is proposing to operate an agri-entertainment venue on the subject property, which will be located in a proposed 50 foot by 100 foot barn, with an attached 70 foot by 100 foot pavilion. Per the submitted site plan, the proposed barn location is approximately 20 feet from the right side property line and 140 feet from the rear property line. There is a proposed gravel parking area, located immediately adjacent to the proposed event venue. The parking area is approximately 20 feet from the right side property line and

approximately 25 feet from the rear property line and will contain 60 parking spaces. The site plan notes there area an additional 84 grass parking spaces, but it is not clear where on the property those are located. The site plan shows a proposed buffer of Leyland Cypress trees along the left and right side property lines. The narrative states that the buffer may be vegetated or consist of a split rail fence. Additionally, the site plan notes that the gravel parking area would be surrounded by an 8 foot tall fence to mitigate any impact on the neighboring property.

The submitted narrative states that intent of the agri-entertainment venue is to provide an event space for the community. The primary use will be weddings, which the narrative states may occur Fridays, Saturdays and Sundays from 5pm – 10pm or 11pm. During the week, the venue is proposed to be used by community organizations, between the hours of 11am – 6pm. The maximum number of guests proposed by the applicant is 300. The applicant submitted two examples of the proposed structure for reference, which are included in the application packet.

The subject property is developed with a 4,500 square foot single family residence, constructed in 2014. An existing barn will be demolished and the proposed event venue constructed in its place. Access to the property will be from the existing driveway on North Bogan Road.

Based on the future land-use plan, staff finds the requested use inconsistent with the future land use classification of Residential in the [Comprehensive Plan](#). The primary future land uses for this classification are moderate density single-family residential developments, greenspace, and civic uses such as libraries, churches, and schools.

Zoning Analysis

Per section [17.215.040](#), conditions and regulations for agri-entertainment:

- A. A Hall County Business License shall be required if the zoning request is approved for the agri-entertainment events.
 - *The applicant will be required to obtain a Hall County Business License, subject to the below conditions and any additional conditions added, prior to beginning operation.*
- B. The property shall be used for the purpose of providing an agri-entertainment venue, as provided for in [section 17.215.030\(A\)](#).
 - *The proposed uses are consistent with those described in [section 17.215.030\(A\)](#).*
- C. The structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner.
 - *The applicant has requested relief from the building setback requirement, with the proposed structure located approximately 20 feet from the right side property line. The requested variance is 15 feet from property line.*
 - *Required setback = 300 feet*
Proposed setback = 15 feet
Required variance = 285 feet
- D. All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner.
 - *The applicant has requested relief from the parking setback requirement, with the proposed parking area located approximately 20 feet from the right side property line and 25 feet from the rear property line. The requested variance is 15 feet from property line.*

- *Required setback = 200 feet*
Proposed setback = 15 feet
Required variance = 185 feet
- E. Parking shall be permitted on grass or gravel.
- *The applicant's narrative states that the parking areas will be both gravel and grass.*
- F. The agri-entertainment event barn or primary event structure shall be permitted to be constructed only on the property described.
- *The applicant intends to construct a 50 foot by 100 foot barn, with an attached 70 foot by 100 foot pavilion, if the agri-entertainment use is approved.*
- G. The maximum number of attendees to occupy any agri-entertainment event barn or structure on the premises shall be regulated by the Hall County Fire Marshal.
- *The applicant's narrative states that maximum number of guests is proposed to be 300, with 144 proposed parking spaces. The maximum number of occupants will be determined by the Hall County Fire Marshal during the development process.*
- H. The occupancy of the agri-entertainment event barn or primary event structure shall not exceed the occupancy load provisions of the Uniform Building Code and those occupancy load limits shall be posted on the premises by the Hall County Building Inspection Department.
- *If approved, the occupancy will be determined by Hall County Building Inspections and the Fire Marshal, based on the above criteria.*
- I. The use of the premises for an agri-entertainment venue shall be permitted only after the issuance of a certificate of occupancy by the Hall County Building Inspection Department.
- *If approved, the applicant shall be required to obtain a certificate of occupancy prior to commencing operations.*
- J. Any improvements required to support the property as an agri-entertainment venue shall be made only after the issuance of a building permit by the Hall County Building Inspection Department.
- *If approved, the applicant shall be required to obtain a building permit from Hall County Building Inspections.*
- K. Outdoor activities within the agri-entertainment event barn or primary event structure shall not involve the outside amplification of voice, music and/or instruments except during a wedding ceremony.
- *The applicant has not indicated that outside amplification of voice, music, and/or instruments is proposed as part of the application.*
- L. Agri-entertainment events shall commence no earlier than 9:00 a.m. and shall terminate no later than 10:00 p.m. on Sunday through Thursday and no later than 12:00 a.m. on Friday and Saturday.
- *For [the] purpose of this section, termination shall mean the termination of food, drinks, service and entertainment with the understanding that attendees will need a reasonable amount of time after termination to exit the premises.*
 - *The proposed agri-entertainment business meets this condition. The proposed hours of operation for special events such as weddings are Friday – Sunday from 5pm – 10pm and 11pm to meet the requirements of this section. During the week, the venue is proposed to be used by community organizations, between the hours of 11am – 6pm.*
- M. All agri-entertainment events shall be provided with adequate potable water and sanitary waste disposal systems as approved by the Hall County Environmental Health Department.
- *The applicant must meet this requirement if the request is approved, and has indicated there is enough land to meet the septic requirements.*
- N. All agri-entertainment events shall provide for adequate access and egress for emergency vehicles as determined through the development review process.

- *The applicant will be required to receive approval from Hall County Engineering for the proposed site access.*
- O. All agri-entertainment events shall be provided with adequate personnel to assist with parking, emergency and other potential impacts of each event.
 - *If approved, the applicant must meet this requirement.*
- P. If the property being considered for agri-entertainment use is "bona-fide conservation use property" as defined under O.C.G.A. §§ 48-5-7.1 through 48-5-7.4, caution should be used to insure that the proposed agri-entertainment use of the property does not constitute a breach of the conservation covenants applicable to the property.
 - *The property is not under a conservation use covenant and as such this regulation is not applicable.*

(A) Use Subject to County Commission Approval | for an agri-entertainment venue.

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 and development of adjacent and nearby property; **The proposed use of the property is an agri-entertainment venue in the Agricultural-Residential-III (AR-III, [17.110](#)) district. Properties to the north and west across North Bogan Road are within the city limits of Buford. The properties to the east are zoned Residential I (R-I, [17.60](#)) and are developed with single-family residential uses.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The request is for conditional use approval for an agri-entertainment venue in the Agricultural-Residential-III (AR-III, [17.110](#)) district. The proposed use may be more intense than that of the adjacent or nearby parcels and the requested variances for the building location and parking setback requirements reduce the separation of the event venue and parking from adjacent 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, but the proposed business cannot occur as described without approval of the conditional use request. The subject property is zoned Agricultural Residential III (AR-III, [17.110](#)) and is developed with a 4,500 square foot single-family residence, constructed in 2014, and a 80 foot by 80 foot barn, per Hall County [Property Tax records](#).**
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 may cause an excessive or burdensome use of existing streets and transportation facilities, depending on the number of visitors the business can accommodate.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The current application is for a conditional use request for agri-entertainment business within the Agricultural-Residential-III (AR-III, [17.110](#)) district. The parcel falls within the Residential future land use classification of in the [Comprehensive Plan](#). The intent of this classification is to preserve the established neighborhoods and create new residential developments consistent with surrounding suburban densities. The proposed use is not consistent with the Comprehensive Plan.**

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 site has been developed with a residence since at least 2014.**
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; **There is no proposed change to the underlying zoning, as such, this criteria is not applicable.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed use is not out of scale with the needs of the county as a whole, as an event venue could compliment the residential growth occurring in the South Hall area.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **As the proposed uses require Board of Commissioner approval for a conditional use permit, there are not adequate sites already zoned for an agri-entertainment business.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **As the proposed uses require Board of Commissioner approval for a conditional use permit, 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; **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 evidence to indicate a mistake was made in the original zoning of the property.**

(B) Variance from [17.215.040](#) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet and (C) Variance from [17.215.040](#) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet:

Section [17.420.070](#), appeals and modifications states that “if substantial modifications or changes are necessary, any person, firm, group or organization may apply for relief from the requirements set forth in this chapter to the Hall County Planning Commission, unless otherwise specified in this chapter.”

The Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that [2.60.030.J](#) provided the request meets the criteria set forth in [2.60.030.K](#).

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **Though the property is 7.03 acres in size, the site is somewhat limited by the existing structures and a pond on the property. It is possible that the proposed event venue and parking could be located so that no variances are needed, but the potential area is limited by the location of the pond and septic system.**
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The application of the requirements of [Title 17](#) to this particular piece of property would not create an unusual hardship. The property can continue to be used as currently developed, with single-family residential and agricultural uses.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **The existing site development limits the potential places an event venue could be located on the property.**
4. Such conditions are not the result of any actions of the property owner; **The applicant is proposing the development standards for the project that require the variance request.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#); provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by [Title 17](#) or for a conditional use which has been denied by the county planning commission. **It is difficult to assess the full impact of a development on the public, but if these variances were granted there should not be detriment to the public good or impair the intent of [Title 17](#). The property will be subject to all other applicable local, state, and federal development standards.**

[17.380.050](#) - Submission requirements for a rezoning request

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

present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.

- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **The applicant has submitted a narrative and 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 applicant has submitted a site plan drawn to scale.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable as the site will be served by 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. **As there are not 100 or more residential dwelling units proposed this question is not applicable.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated June 22, 2023, Emily McGahee stated “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: soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Sewage flows for the entire property will be limited to 600 gallons per non-restricted acre per day.”

Hall County Fire Marshal

In an email dated June 22, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

1. If approved engineered site development plan will need to be submitted to Hall County for review and approval by the Development Review Committee
2. Based off the size of the proposed building and occupant load a fire protection and fire alarm system will be required
3. 8 inch underground fire line will be required for the fire protection water supply
4. Gainesville Fire Service Vault will be required
5. Additional fire hydrant(s) may be required
6. Fire apparatus accessibility must meet International Fire Code Standards.
7. Emergency responder radio coverage test will be required

Hall County Public Works and Utilities

In a memo dated May 18, 2023, 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 buffer and impervious setback from wretched vegetation not center line of stream. Show stream buffer and impervious setback from wretched vegetation not center line of stream.

Traffic:

No comment.

Utilities

City of Flowery Branch sewer district.

Georgia Department of Transportation

In an email dated May 25, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor confirmed GDOT coordination would not be required.

- **Excerpts from the minutes of the August 7, 2023 meeting**

Applicant's Presentation:

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

John Moore, 3555 North Bogan Road, Buford, presented the request. The applicant stated that he also lives on the property and knows the responsibility the approval carries if obtained. The applicant stated that the focus would be on weddings on weekends with the rare weekday event.

Rebuttal

The applicant stated that a venue will preserve the property unlike selling and building a subdivision.

Public Forum:

Kelly Morgan, 3552 N Bogan Road, Buford, spoke in favor. Spoke about weekend operations, applicant living on the property, importance of community, and event time limits.

Stephen Henley, 4589 Lake Falls Drive, Buford, spoke in favor. Spoke about the applicant's character.

Creston Mapes, 5662 Villa Crest Drive, Hoschton, spoke in favor. Spoke about the community and land preservation.

Lilian Pedraza, 4392 Chatuge Drive, spoke in favor. Spoke about the venue having set times and becoming an amenity to the neighborhood.

Narcis Ciceu, 3550 N Bogan Road, Buford, spoke in favor. Spoke about the property's cleanliness, giving to the community, and amenity to neighbors.

Jeremy Fowler, 3537 N Bogan Road, Buford, spoke in favor.

Connie Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were traffic, property value, noise, and commercial use.

Tony Riley, 4561 Bogan Gates Trail, Buford, spoke in opposition. Concerns were the site plan parking, type of events, and traffic.

Sybil Sobanjo, 3534 N Bogan Road, Buford, spoke in opposition. Concerns were noise, traffic, and property value.

Planning Commission Comments:

Mr. Sosebee stated that seven public comments were submitted in advance of the meeting. Ms. Pilcher requested clarification on the driveway entrance for the proposed parking. Mr. Hunt questioned occupancy for the venue. The applicant stated he has not determined that yet. Mr. Hunt and Mr. Braswell stated that the variances were too aggressive.

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

2 (B)

Motion: A motion to remove from the table was made by Ms. Pilcher and seconded by Mr. Sosebee. Vote: 5-0

Background Information:

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting (B) relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

Applicant's Presentation:

See item 2 (A).

Public Forum:

See item 2 (A).

Planning Commission Comments:

See item 2 (A).

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

2 (C)

Motion: A motion to remove from the table was made by Ms. Pilcher and seconded by Mr. Sosebee. Vote: 5-0

Background Information:

The applicant is requesting (A) Use Subject to County Commission Approval for an agri-entertainment ([17.215](#)) venue within the Agricultural Residential III (AR-III, [17.110](#)) zoning district on a 7.03± acre parcel. Concurrent to the rezoning request, the applicant is requesting (B) relief from [17.215.040](#) (conditions and regulations for agri-entertainment) to reduce the setback for agri-entertainment structures from 300 feet to 15 feet, and (C) to reduce the setback for agri-entertainment parking from 200 feet to 15 feet.

Applicant's Presentation:

See item 2 (A).

Public Forum:

See item 2 (A).

Planning Commission Comments:

See item 2 (A).

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0

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



CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

John A. Moore, Sr.
3555 North Bogan Rd
Buford, GA 30519

Phone 678-300-2745

Email Address drewmoorega@comcast.net

Proposed Use wedding venue.

Property Owner (Name & Mailing Address)

John A Moore, Sr.
3555 North Bogan Rd
Buford GA 30519

Phone 678-300-2745

Email Address _____

Contact Person (Name & Mailing Address)

John A. Moore, Sr.
3555 North Bogan Rd
Buford, GA 30519

Phone 678-300-2745

Email Address DREW MOORE GA@comcast.net

Tax Parcel Number _____

Location Address 3555 North Bogan Rd Buford, GA 30519

Status of Applicant

- Owner
- Option to Purchase
- Area Resident
- Other

Requested Action

Permissive Use:

HCPC HCC

Fee: \$ 400.00

Receipt #: _____

Check #: _____

Zoning: AR III
 Acreage _____

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

Sign John A Moore

Date: 3/1/23

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

Application Withdrawal: I hereby withdraw the application.

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

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

County Commission District: _____

PLANNING AND DEVELOPMENT DEPARTMENT
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have** _____ I have not

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

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

Name of Official(s): _____

Office: _____

Dollar Amount: _____

Date of Contribution: _____

Applicant's/Owner's Signature: John Moore

Date: 3/1/23

Applicant's/Owner's Name (Printed): JOHN A. MOORE

John Andrew "Drew" Moore
3555 North Bogan Road
Buford, GA. 30519

May 10th, 2023

To whom it may concern,

The plan over the next 30 years to give back to our community by opening an Event Venue. The main focus will be: Weddings, on Friday, Saturday and Sunday Between the hours of 5pm to 10 or 11 pm. I would like to optimize as many wedding as possible, but I am totally open to whatever the county sets as a limit. Additionally, Hosting to Special groups like fire fighters, Police and Special needs children, etc.... to help offer something that may not be in their budget. I would offer these events weekends and week days if that is the only time they can make it. I would only operate week day events from 11 am thru 6 pm. Once again I am totally ok if the county sets any type of limits on week day events, either times or max events in a year. I really want to give back to my community as much as I can. I am also open to extend the range of activity if mornings are open. This is not about getting rich, this is about making money on weddings to support the property and giving back to the community. I cant change the world but I can try and change the small part of the world I touch.

I have included several Neighbors letters that touch my property. As you can see I get along with ALL my neighbors. If more letters are required I am sure I can get them from any neighbor you require I know them all. My property has always been open to all they only need ask.

The property directly behind us is a natural area and will never be developed. It is declared "Wet Lands". I have included this Site plan. Plat from 116 spring street for 4340 Chatuga drive. Plat book 627 Page: 107A.

I would need to provide a variance for the building and the parking since it sits next to my neighbor Jeremy Fouler. Jeremy Fouler will join us for the meeting, he also signed a letter. I need this variance since there is a large 1-acre pond in the middle of the property. Which means I can only build on the side of it and park near it.... See the proposed drawing for Parking and building specs. The pond is one of the selling features of the property and gives people a beautiful setting (For the guests and the neighbors). If Jeremy would ever move I would buy his property and we have talked about it.

I am proposing a planted buffer on the side property lines with shrubs or a Sypris trees or a 4 rail fence. (whatever the neighbors feel is a nice buffer, shrubs or trees or fence) and an 8-foot tall fence around the parking area behind the barn to mitigate any impact on my neighbors if that is what my neighbors want. I am open to additional mitigation if the board wishes to do so. I also want the neighbors that must look at whatever I do, to be very happy with it. I mentioned a 8 foot fence to my neighbor and he said he "there are other options he would consider more aesthetically pleasing, like a 4 rail fence. My neighbors are very important to me. I plan to make

PAGE 1/2 John Moore

John Andrew "Drew" Moore
3555 North Bogan Road
Buford, GA. 30519

the building soundproof as well as acoustically designed. This is just a proposal, and I am totally open to any changes the board, or my neighbors would like to see. On my property or theirs. My intention is not to dictate what I want but provide, its to find something that everyone agrees on.

There is a winery only three houses to the North of us called "Cloud Land". I am not in a subdivision, but I am on a the same major road: "North Bogan Road" where many businesses exist. My property is over seven acres which is more than most wedding venues provide, like four Oak Manor, that only has a couple acres and is only a couple miles away. My property is also zoned AR III. This venue would cater to people over a short window, mainly on the weekends.

I have provided a plat with "existing", and "proposed" buildings, Proposed Pavilion and parking with an existing house.

The plan is to tear down the old 80' x 80' barn and put a new larger structure in its place. The building will be large enough to hold whatever number of occupants the county would allow and would be soundproofed. No more than 300 people. I also have plenty of room for septic. If approved, the process of designing the building and getting all the permits needed would begin within the next couple of years. I would expect to invest somewhere between 700 to 1 million to get everything complete. I don't want this to be a low end event center. I want this to be beautiful from landscaping to the buildings.

As owner, I plan to continue to live on the property for the rest of my life and be a good steward to my community. This has been a dream for many years, and I think now is the time to start this project. "If you build it, they will come". This is my field of dreams....

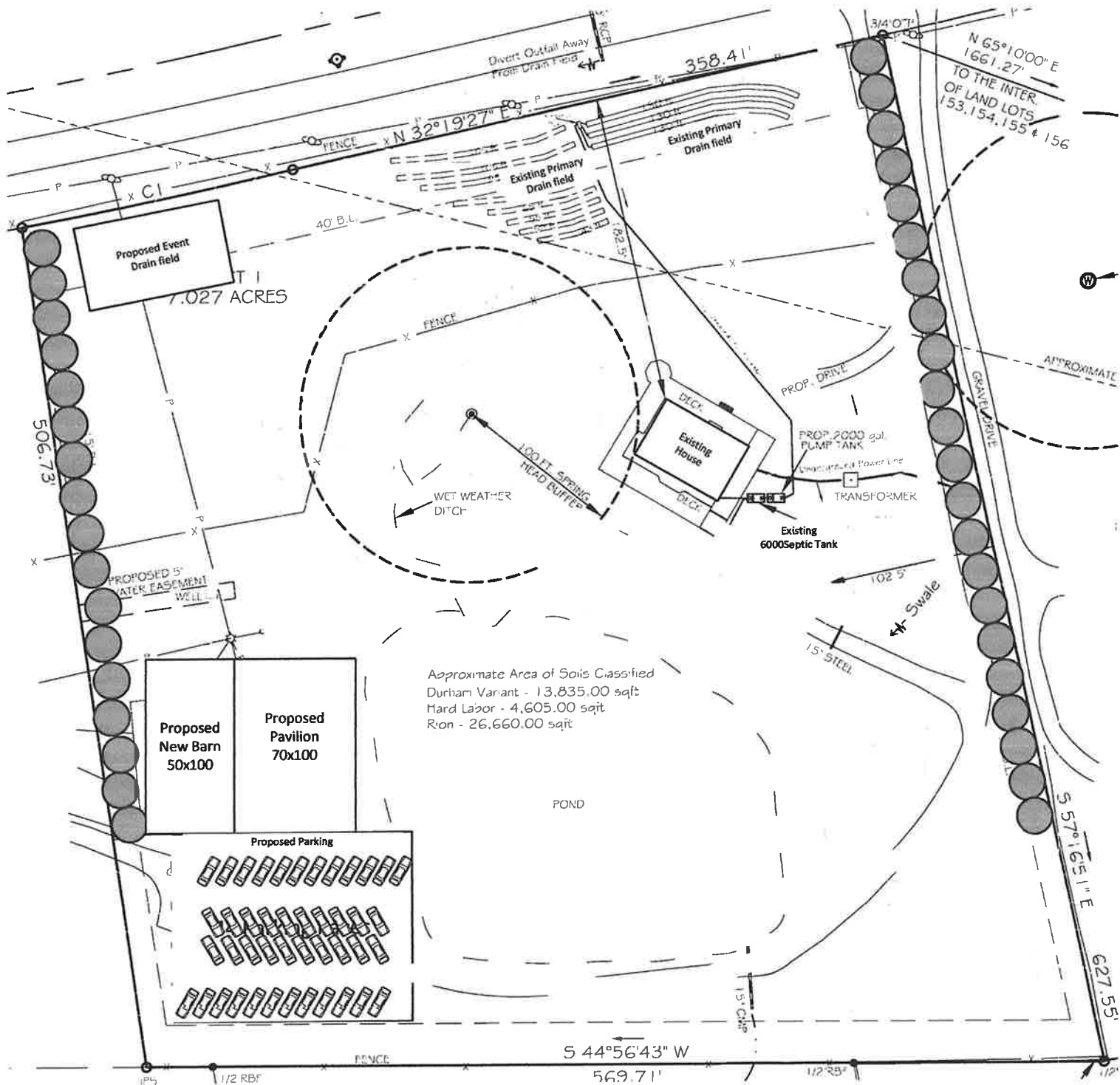
Thank you for the opportunity to present this request. I look forward to hearing from you and potentially sharing something with our community.

Sincerely,



John Andrew (Drew) Moore

PAGE 2/2 John Moore

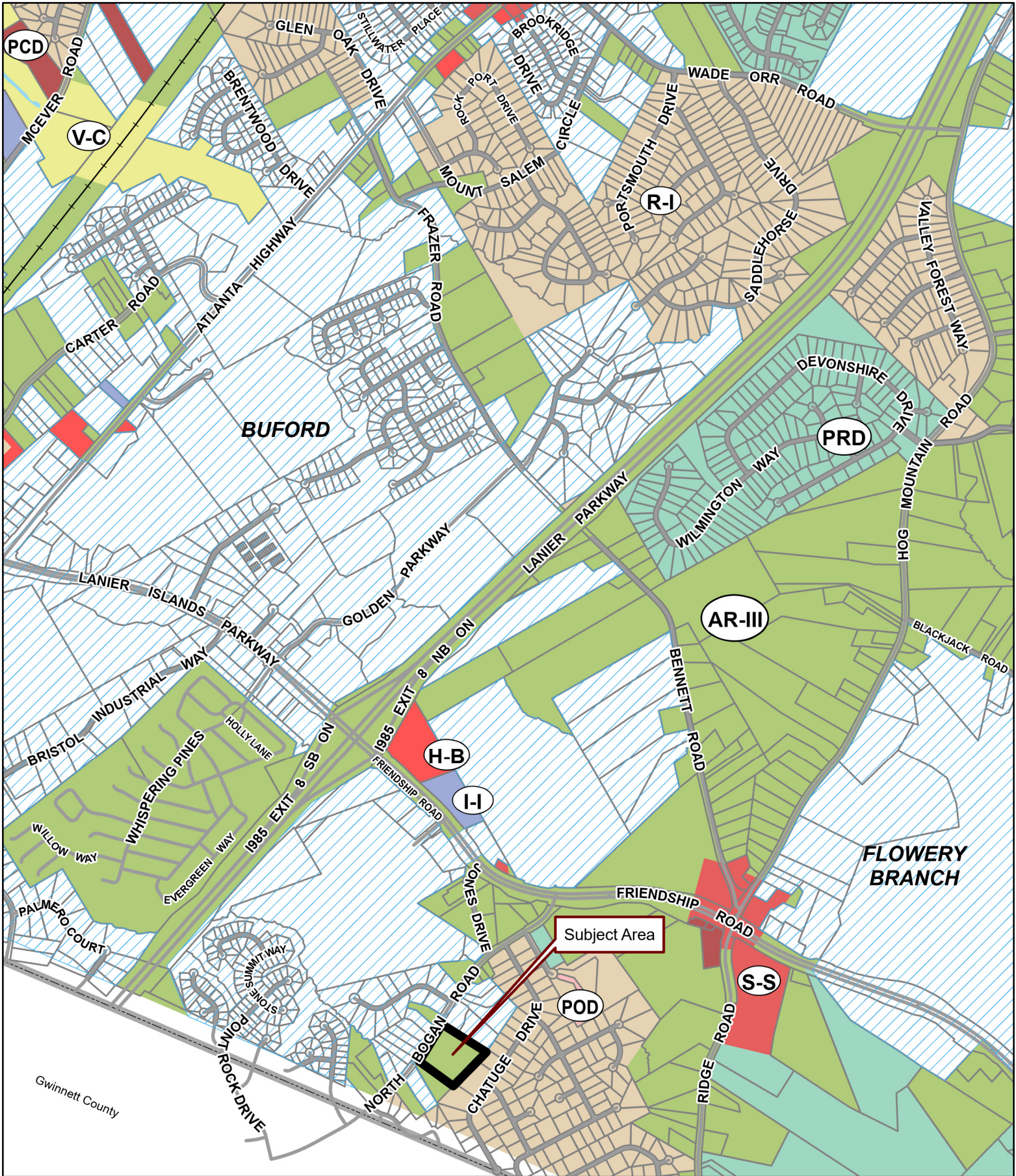


Approximate Area of Soils Classified
 Durham Variant - 13,835.00 sqft
 Hard Labor - 4,605.00 sqft
 Ron - 26,660.00 sqft

(60) Gravel Parking

(84) Grass Parking

- Lilian Cypress Trees on property line 20 foot wide x 60-80 foot high
- 8 (Red) foot fence on Barn gravel Parking



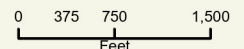
Applicant: JOHN A. MOORE. SR.

Tax Parcel #: 08155 000029

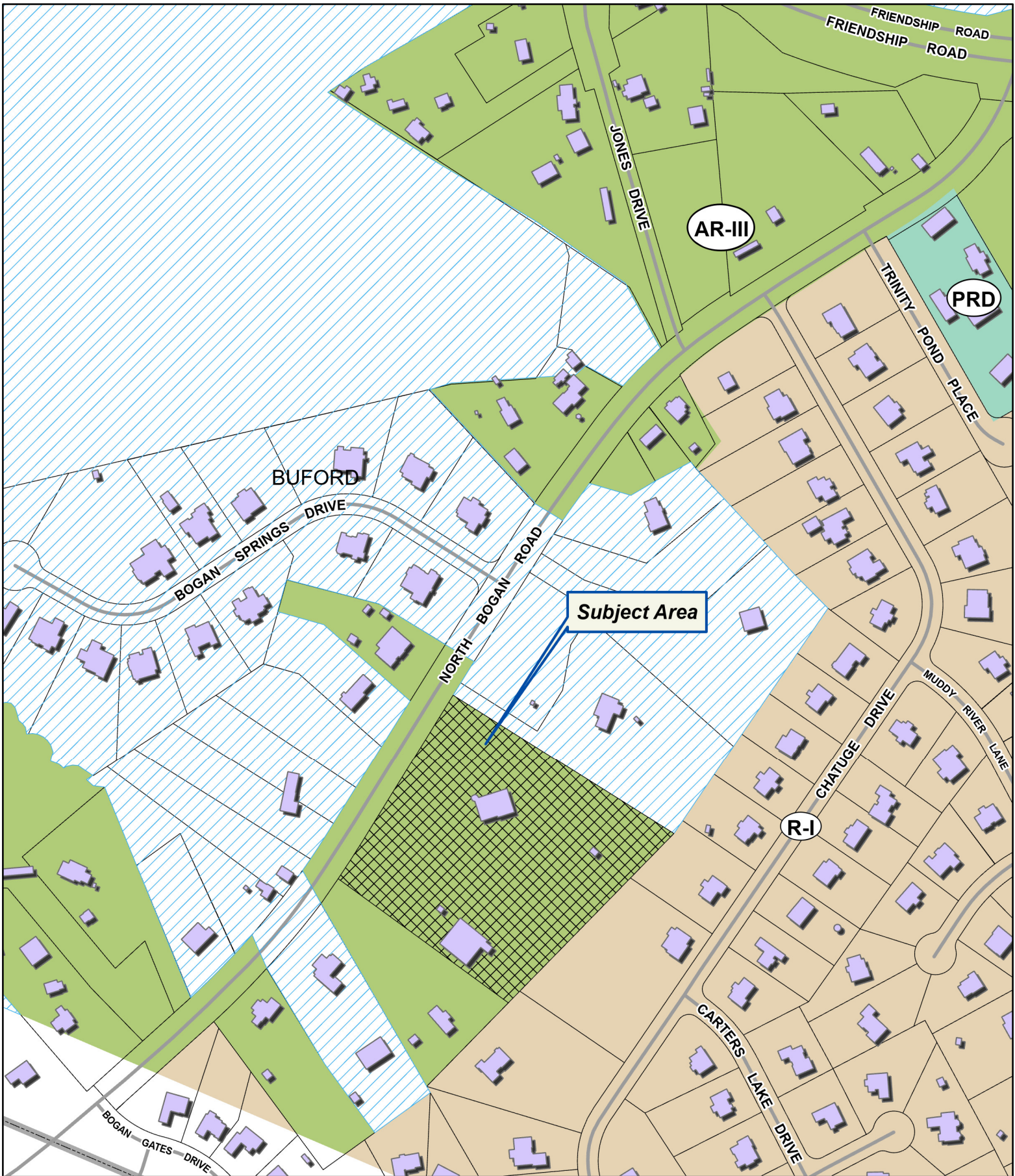
Location: 3555 NORTH BOGAN ROAD, BUFORD, GA 30519

Commission District 1

PC Mtg. Date: 07/24/23



- Zoning Boundary
 - ▭ City Limits
 - ▭ Subject Area
 - ▭ Structure
- N
↑



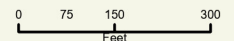
Applicant: JOHN A. MOORE. SR.

Tax Parcel #: 08155 000029

Location: 3555 NORTH BOGAN ROAD, BUFORD, GA 30519

Commission District 1

PC Mtg. Date: 07/24/23



- Zoning Boundary
- ▨ City Limits
- ▣ Subject Area
- Structure





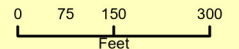
Applicant: JOHN A. MOORE. SR.

Tax Parcel #: 08155 000029

Location: 3555 NORTH BOGAN ROAD, BUFORD, GA 30519

Commission District 1

PC Mtg. Date: 07/24/23



— Zoning Boundary

▨ City Limits

▭ Subject Area







FILED & RECORDED
DATE: 2/1/2019
TIME: 9:29AM
DEED BOOK: 8213
PAGES: 712-713
FILING FEES: \$12.00
PT61: 0692019000865
TRANSFER TAX: \$.00
Recorded By: MT
Charles Baker, C.S.C.
Hall County, GA

Record and Return to:

Sparks|King|Watts|Reddick, LLC
33 Buford Village Way, Suite 325
Buford, GA 30518
Order No.: GA-SUW190008OTH
Tax Parcel ID: 08155 000029

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF GWINNETT

THIS INDENTURE, made the 18th day of January, in the year 2019, between

John A. Moore, Sr.

as party or parties of the first part, hereinafter called Grantor, and

John A. Moore, Sr. and Marilyn Sieger
as Joint Tenants with Rights of Survivorship and not as Tenants in Common

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).

W I T N E S S E T H: That Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has bargained, sold and does by these presents, bargain, sell, remise, release and forever QUITCLAIM unto said Grantee all the right, title, interest, claim or demand which the Grantor has or may have in and to the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 155 and 156, 8th District of Hall County, Georgia, and being shown as Tract I on a Survey for the Estate of Don R. Sherwood, dated 9/9/11 and recorded at Plat Book 864, Page 157, Hall County, Georgia Records.

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said described property unto the said Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said property or its appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year first above written.

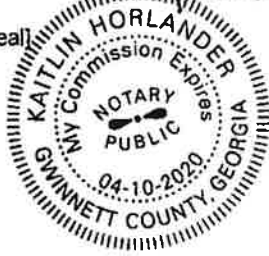
Signed, sealed and delivered
in the presence of:

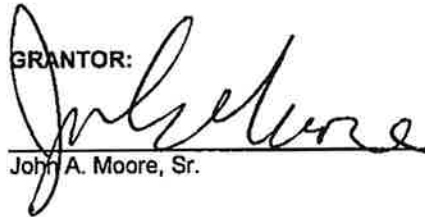


Unofficial Witness

Notary Public
My Commission Expires April 10, 2020

[Notary Seal]



GRANTOR:


John A. Moore, Sr. (Seal)

Anael Dominguez (CDI: Planning)

From: Emily McGahee (Environmental Health)
Sent: Thursday, June 22, 2023 12:37 PM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning); Beth Garmon (CDI: Planning)
Cc: Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)
Subject: HCPC Tentative Agenda 7.24.23

Please find Environmental Health comments below:

Item 1, 5351 Lanier Islands Pkwy, Bell: A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items such as a soil evaluation and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. ON-SITE SEWAGE MANAGEMENT SYSTEMS RULES 511-3-1-.03 General Requirements for On-Site Sewage Management Systems. (1) If public or community sewage treatment systems are not available, the owner of a building, residence, or property that is designed or intended for human occupancy or congregation shall provide an approved on-site sewage management system sufficient for the number of persons normally expected to use or frequent the building, residence or other property for two hours or more. (2) No person may begin the physical development of a lot or structure where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof, without having first obtained from the County Health Department a construction permit for the installation of an onsite sewage management system. And (1)(a) Connection shall be made to a public or community sewage treatment system if such system is available within two hundred feet (200') of the property line, or available in a public right-of-way abutting the property.

Item 2, 8511/8515 Belton Bridge Road, Cole: This plat is currently under review by the Hall County Plat Review Team and Environmental Health can approve the subdivision plat.

Items 3A/3B, 3463 Leisure Lane, Justus: No comment.

Items 4A/4B, 6178 Lake Lanier Heights Road, Edelstein: Any proposed additions must meet all residential permitting requirements. All proposed structures must meet required setbacks to existing septic system. Further determination will be made at time of application.

Item 5, 5961 Pocahontas Drive, Zax: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. 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.

Items 6A/6B, 3555 North Bogan Road, Moore: 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: soil evaluation, and septic system installation may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan. Sewage flows for the entire property will be limited to 600gallons per non-restricted acre per day.

Item 7, 2196 Centinnial Drive, Jones: No comment. Public sewer.

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: Wednesday, June 21, 2023 9:57 AM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning)
Cc: Peevy, Jonathan; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for July 24, 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.

As none of the new business items front a state route nor would they add significant impacts to state route intersections, none of the new business items will require GDOT coordination

Thank you,

Parker Niebauer
DITO 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: Thursday, June 15, 2023 12:02 PM
Subject: Tentative Planning Agenda for July 24, 2023

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, July 24, 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 **Thursday, June 22nd**. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – July 17, 2023

OLD BUSINESS

1. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, applicant.](#)
[NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)

NEW BUSINESS

2. [8511 & 8515 Belton Bridge Road | Variance | from 17.240.010 to reduce the road frontage requirement from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | Proposed Use: 2-lot subdivision | * Commission District 3 | Robin Cole, applicant.](#)
3. (A) [3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)
(B) [3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.](#)
4. (A) [6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)
(B) [6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.](#)
5. [5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, applicant.](#)
6. (A) [3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
(B) [3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
(C) [3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
7. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, 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 30 days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing **Thursday, August 24, 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, August 24, 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 Community Development and Infrastructure
(770) 531-6810 | www.hallcounty.org



Human trafficking impacts every corner of the globe, including our state and local communities. Georgia DOT is committed to end human trafficking in Georgia through education enabling its employees and the public to recognize the signs of human trafficking and how to react in order to help make a change. To learn more about the warning signs of human trafficking, visit <https://doas.ga.gov/human-resources-administration/human-trafficking-awareness>. To report any suspicious activity, call the Georgia Human Trafficking Hotline at 866-363-4842. Let's band together to end human trafficking in Georgia.



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: June 20, 2023

Subject: July 24, 2023 - Hall County Planning Commission Agenda

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.

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 24, 2023 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. [5351 Lanier Islands Parkway | Use Subject to County Commission Approval | on a 17.14± acre tract located on the north side of Lanier Islands Parkway approximately 568 feet from its intersection with Carter Road | Zoned AR-III; Tax Parcel 08169 003011 \(pt.\) | Proposed use: agri-entertainment | ** Commission District 1 | Keith D. & Chad Bell, applicant. NOTE: This application was tabled at the May 15th Planning Commission meeting.](#)

- 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 buffer and impervious setback from wretched vegetation not center line of stream
Show stream buffer and impervious setback from wretched vegetation not center line of stream
Comments on the last submittal.
- b) **Traffic:** Access permit from GDOT for connection to Lanier Islands Parkway.
- c) **Utilities:** Permit from environmental health may be required for portable bathrooms.

2. [8511 & 8515 Belton Bridge Road | Variance | from 17.240.010 to reduce the road frontage requirement from 90 feet to 50 feet | on a 11.79± acre tract located on the south side of Belton Bridge Road, approximately 91 feet from its intersection with Forrester Road | Zoned AR-IV, Tax Parcel 12127 000092 & 000093 | Proposed Use: 2-lot subdivision | * Commission District 3 | Robin Cole, 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 buffer and impervious setback from wretched vegetation not center line of stream
Show stream buffer and impervious setback from wretched vegetation not center line of stream.
- b) **Traffic:** No Comment
- c) **Utilities:** No Comment

3.

(A) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 2 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.

(B) 3463 Leisure Lane | Variance | from 17.240.010 to reduce the rear yard setback from 20 feet to 13 feet | on a 1.42± acre tract located on the north side of Leisure Lane, approximately 1,377 feet from its intersection with Griffin Drive | Zoned R-I; Tax Parcel 10145 000031 | Proposed use: bring existing accessory building into compliance | * Commission District 3 | Carolann Justus, applicant.

 - a) **Engineering:** No Comment
 - b) **Traffic:** No comment
 - c) **Utilities:** No Comment

4.

(A) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the left side yard setback from 10 feet to 3 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.

(B) 6178 Lake Lanier Heights Road | Variance | from 17.240.010 to reduce the right side yard setback from 10 feet to 4 feet | on a 0.24± acre tract located on the north side of Lake Lanier Heights Road, approximately 126 feet from its intersection with Lake Lanier Heights Road | Zoned V-C; Tax Parcel 07353 001025 | Proposed Use: residential addition and bring the existing residence into compliance | * Commission District 2 | Nave Edelstein, applicant.

 - a) **Engineering:** No Comment
 - b) **Traffic:** No Comment
 - c) **Utilities:** No Comment

5.

5961 Pocahontas Drive | Use Subject to County Commission Approval | on a 5.30± acre tract located at the intersection of Pocahontas Drive and Nachoochee Trail | Zoned R-I; Tax Parcel 08131 002046 | Proposed use: 5-lot subdivision | ** Commission District 2 | Kimberly Zax, 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 buffer and impervious setback from wrested vegetation not center line of stream Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.
 - b) **Traffic:** No Comment
 - c) **Utilities:** City of Flowery Branch sewer district.

6. [\(A\) 3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
[\(B\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment structures from 300 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
[\(C\) 3555 North Bogan Road | Variance | from 17.215.040 to reduce the setback for agri-entertainment parking from 200 feet to 15 feet on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
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 - b) **Traffic:** No Comment
 - c) **Utilities:** City of Flowery Branch sewer district.
7. [2196 Centennial Drive | Use Subject to County Commission Approval | on a 4.19± acre parcel located on the north side of Centennial Drive approximately 1,235 feet from its intersection with Centennial Circle | Zoned I-I; Tax Parcel 08013 003033 | Proposed Use: food processing plant involving the further processing of animal or animal product | ** Commission District 4 | Brian Jones, 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 buffer and impervious setback from wrested vegetation not center line of stream
Show stream buffer and impervious setback from wrested vegetation not center line of stream.
FEMA and Hall County studied Flood plains present on site.
 - b) **Traffic:** Driveway must meet Hall County requirements.
 - c) **Utilities:** City of Gainesville sewer district.

Anael Dominguez (CDI: Planning)

From: John Hornick (Fire Services)
Sent: Thursday, June 22, 2023 3:50 PM
To: Anael Dominguez (CDI: Planning)
Cc: Randi Doveton (CDI: Planning); Michael Vieira (Fire Services)
Subject: Fire Comments

Monday, July 24, 2023 Hall County Planning Commission Meeting.

1. [\(A\) 3555 North Bogan Road | Use Subject to County Commission Approval | on a 7.03± acre tract located on the east side of North Bogan Road, approximately 290 feet from its intersection with Bogan Springs Drive | Zoned AR-III, Tax Parcel 08155 000029 | Proposed use: agri-entertainment venue | ** Commission District 1 | John A. Moore, Sr., applicant.](#)
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Hall County Fire Marshal's Comments

- 1) [If approved engineered site development plan will need to be submitted to Hall County for review and approval by the Development Review Committee](#)
- 2) [Based off the size of the proposed building and occupant load a fire protection and fire alarm system will be required](#)
- 3) [8 inch underground fire line will be required for the fire protection water supply](#)
- 4) [Gainesville Fire Service Vault will be required](#)
- 5) [Additional fire hydrant\(s\) may be required](#)
- 6) [Fire apparatus accessibility must meet International Fire Code Standards.](#)
- 7) [Emergency responder radio coverage test will be required](#)

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 (CDI: Planning)

From: Katie L. Greenway (CDI: Planning)
Sent: Monday, July 24, 2023 3:45 PM
To: Anael Dominguez (CDI: Planning); Randi Doveton (CDI: Planning); Beth Garmon (CDI: Planning)
Subject: FW: Meeting on 3555 N. Bogan Rd.

Ana,

Please add to the record.

Thank you,

Katie Greenway
Principal Planner
Hall County Community Development and Infrastructure
(office) 770-297-2649
(direct) 470-978-8272
klgreenway@hallcounty.org

* Our office will be closed from 4:20PM to 5:00PM on Wednesday, July 26, 2023 for a staff meeting, we will return all messages in the order received when we return on Thursday, July 27th. *

-----Original Message-----

From: Beverly Rodoski <beverly1754@yahoo.com>
Sent: Monday, July 24, 2023 3:38 PM
To: Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Subject: Meeting on 3555 N. Bogan Rd.

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.

My address is 5558 River Valley Way
Flowery Branch, Ga.30542

I am against the proposed building for entertainment in a residential neighborhood! It will cause lots of problems! Crime, increase consumption of alcohol. This neighborhood is designated for families and agriculture not entertainment. The traffic will be terrible and increase in car accidents. This cozy neighborhood will be ruined!

Thank You,
Beverly Rodoski

Sent from my iPhone

Print

Planning Commission Comments - August 7, 2023 - Submission #78752

Date Submitted: 8/6/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Cheryl

Last Name*

Smith

Address1*

4520 Bogan Gates Drive

Address2

City*

Buford

State*

Georgia

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

Please, please, please do not approve this zoning variance request. We do not need commercial development in a residential area. My home is in a direct line to this property and I personally don't want to hear the noise in the evenings and on weekends. This would increase traffic in our area and since there is a school 4/10s of a mile away we do not need any additional traffic in this area. It is bad enough as it currently is. Thank you for your consideration of not approving this request.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

leigh.smith@alston.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - August 7, 2023 - Submission #78651

Date Submitted: 8/1/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Connie

Last Name*

Reilly

Address1*

4561 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

3555 North Bogan Road Rezoning Request for Wedding/Other Events
The main concerns with this rezoning request at 3555 N. Bogan Rd. in Buford, that I and my nearby neighbors have are:

1. Much more traffic congestion with 144 cars trying to get on to N Bogan Rd from Friendship going to an event or getting onto Friendship from N. Bogan when leaving an event and the backups that already occur in this area will be seriously multiplied. Everyone in all the surrounding neighborhoods knows how difficult it is to turn left on Friendship Rd at the school - there is no light there. And, it is just as difficult to turn left from Jones Rd onto Friendship already with no light there either, but add 144 more cars it will to be extremely long wait times to get to Friendship Rd, turn left or right there, or get to 985. I wonder what might happen if 175 cars showed up for a wedding event - would the invited guests in 31 of those cars be turned away because the car limit has been reached? If not where will they park? The only access & exit to these venues will be N. Bogan Rd.
2. The noise level will increase due to the request for an outdoor pavilion where 300 people in a 99.9% residential area will be milling around talking and likely consuming alcohol. Hall County officials told me the outside music cannot be amplified but outdoor voices can be (like using a microphone and speakers). This could mean that entire ceremonies and other types of events could be amplified outdoors in the pavilion, toasting, celebrating, clapping, talking etc.
3. Mr. Moore has requested his setbacks from his neighbor's property lines be changed and reduced from 200 feet to 15 feet so he can put the proposed 2 buildings and the parking within 15 feet of his neighbors. The neighbors directly across the street and some whose backyards are in Bogan Gates subdivision are close to Mr. Moore's property. Also, the Morgan's Crossing neighbor's backyards are very close to the back of Mr. Moore's property right where he is proposing to build these 2 large buildings and parking.
4. Event venues could be of all kinds, not just weddings, including rock concerts if he ever chose to do so. These events could potentially be between 9am - 10pm Sunday through Thursday and 9 am - Midnight on Fridays and Saturdays. That is a lot of traffic and car emissions and potential noise every day of the week and late into the evenings when folks are trying to sleep.
5. If this proposal is approved, having a commercial venue such as this in a 99.9% residential neighborhood and surrounded by other single homes and subdivisions on all sides will change the look and feel of our area. It can impact traffic flow, increase noise levels, and increase traffic backups and emissions in the area and reduce air quality.
6. This request of Mr. Moore's for an event venue is also totally inconsistent with the Residential Future land use designation in the Hall County's Comprehensive Plan. In part, this Plan states the primary future land uses for this area are "moderate density single-family residential developments..." The Narrative submitted by Mr. Moore to Hall County states "...it is about making money" thus making this a proposal for a commercial venue in a primarily residential area.

-Connie Reilly, Bogan Gates neighbor 24 yrs. call or text,: 770-614-4006

Please write your comments in the box above.

File Upload

No file chosen
If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Anael Dominguez (CDI: Planning)

From: Katie L. Greenway (CDI: Planning)
Sent: Monday, July 24, 2023 8:37 AM
To: Anael Dominguez (CDI: Planning)
Subject: FW: 3555 North Bogan Road--Agri entertainment venue

Concern for the record. Thanks!

Katie Greenway
Principal Planner
Hall County Community Development and Infrastructure
(office) 770-297-2649
(direct) 470-978-8272
klgreenway@hallcounty.org

* Our office will be closed from 4:20PM to 5:00PM on Wednesday, July 26, 2023 for a staff meeting, we will return all messages in the order received when we return on Thursday, July 27th. *

-----Original Message-----

From: Jawad Ilyas <jawadilyas@gmail.com>
Sent: Sunday, July 23, 2023 10:02 PM
To: Planning <planning@hallcounty.org>
Subject: 3555 North Bogan Road--Agri entertainment venue

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. Mr. Srikanth Yamala,

I am writing in response to a letter dated June 21, 2023 which notifies us of a proposed Agri-entertainment venue on 3555 N. Bogan Rd. which is across from my home at 3528 N. Bogan Rd.

I wanted to express my concerns about this proposed venture. This is an exclusively residential area with homes both across and on each side of the proposed venue. I am concerned about the risks of increased traffic, loss of privacy, noise, trash, use of alcohol, drunk driving and loss of property value if this project goes ahead. My neighbors also have expressed similar concerns.

Thank you for your attention to this matter.

Jawad Ilyas.
3528 N. Bogan Rd.
Buford, GA 30519.

Print

Planning Commission Comments - August 7, 2023 - Submission #78753

Date Submitted: 8/6/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Kristen & Jonathan

Last Name*

Craig

Address1*

4461 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s)

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

Your Comments*

We oppose the venue proposal on North Bogan which backs up to our home in Bogan Gates neighborhood. We have multiple concerns related to property value, traffic, commercial zoning, noise, etc.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

krisford17@hotmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

TO: HALL COUNTY

IN REGARDS TO THE ENCLOSED REQUEST
FOR AN ENTERTAINMENT VENUE.

I WISH TO GIVE HALL COUNTY A HEADS-UP.

THIS PROPERTY ALREADY HAS A LARGE
FISHING POND BEHIND THE HOUSE.

I HAVE PASSED THIS HOUSE MANY
TIMES OVER THE PAST 5 PLUS YEARS

I HAVE SEEN TRAFFIC IN / OUT
TO THAT POND BUT OVER THOSE
YEARS IT APPEARS IT HAS NEVER
BEEN COMPLIANT TO THE STATE OF
GEORGIA ATTRACTIVE NUISANCE LAWS.
THIS LAW EXISTS TO PROTECT CHILDREN.

WHY WOULD HALL COUNTY WANT
A PROSPECTIVE WEDDING VENUE
WHICH WOULD DRAW MORE CHILDREN
ADJACENT TO THIS BODY OF WATER?

THIS EXPOSES THE OWNER AND POTENTIALLY
THE COUNTY TO LIABILITY SUITS.
THIS WRITER WISHES TO REMAIN ANONYMOUS
AS I DO NOT WANT TO SUBJECT MYSELF TO
THE SOCIAL MEDIA CIRCUS ALREADY BREWING!

BESIDES, THIS IS A SIMPLE POINT
OF COMPLIANCE TO EXISTING LAW.
I DO NOT KNOW MR MOORE
PERSONALLY. BUT SINCE THIS HAS
BEEN THIS WAY FOR YEARS I DO
QUESTION HIS COMMITMENT TO THE
SAFETY OF THE COMMUNITY AT
LARGE

THANK
YOU!

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST: VARY THE RIGHT SIDE YARD SEIBACK FROM 200 FT TO 15 FT FOR AN AGRIL ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON: PARKING LOT.

COUNTY COMMISSION

PLANNING COMMISSION

Date: July 24, 2023

Time: 5:15 P.M.

Date: Aug 24, 2023

Time: 6:00 P.M.

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

FOR MORE INFORMATION CALL (770) 531-6809

Print

Planning Commission Comments - August 7, 2023 - Submission #78754

Date Submitted: 8/7/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Michael

Last Name*

Lee

Address1*

4540 Bogan Gates Drive

Address2

City*

Buford

State*

Ga

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

I am a 53 year old male that lives in Bogan Gates subdivision off Bogan Road less than a mile away from this proposal of a commercial building. I DO NOT SUPPORT THIS COMMERCIAL BUILD IN THIS AREA. My strong belief is that this property will not only drive our home values down, but will also bring unwanted traffic issues and noise late into the night. This will only disrupt our peaceful living area here in Bogan Gates subdivision and the surrounding neighborhoods. Please do not let this build of a commercial property happen due to the nice environment we all love and enjoy currently..

Thank you!

Sincerely,
Michael S Lee
4540 Bogan Gates Rd
Buford, Georgia 30519
678-386-2087
Mlee122169@gmail.com

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Mlee122169@gmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - August 7, 2023 - Submission #78755

Date Submitted: 8/7/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Steve

Last Name*

Harkness

Address1*

3548 Lily Magnolia Court

Address2

City*

Buford

State*

Ga

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

The increase in traffic in this residential area would be unmanageable and will create major problems for current residents. This zoning request should be denied. This area should be residential only.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 24, 2023 - Submission #78322

Date Submitted: 7/15/2023

Comments completed in the form below will be submitted into the record for the July 24, 2023 meeting of the Hall County Planning Commission.

First Name*

steve

Last Name*

rosetti

Address1*

4565 bogan gates dr

Address2

City*

buford

State*

ga

Zip*

30519

Zoning Item for Comment*

6. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval



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

Your Comments*

- 1) The county has the obligation to make public, and the residents the right to review, a properly completed application before making a recommendation concerning the variance request
 - a. Per county application requirements the application “shall include” the location of signs, a DOT letter of commitment, details on ingress and egress, and where the full 144 parking spots will be located; none was provided
 - b. Without the proper public notice that a complete application provides, no other decision but a denial of the variance request is appropriate
 - c. The Notice of Public Hearing states that this meeting is being held on a Tuesday.
- 2) The proposed activities are not in keeping with character of the neighborhood
 - a. Nearby subdivisions contain hundreds of homes
 - b. No nearby businesses have paved parking lots for more than 10 vehicles
- 3) Other factors:
 - a. Excessive size: The size of the new barn as proposed is to be limited only by “whatever the county allows” but hopefully will hold up to 300 people at one time; the pavilion is even larger.
 - b. Excessive noise: Pavilion/outside noise will be excessive under proposed uses; a “soundproof building” is irrelevant.
 - c. Excessive proximity: Existing zoning provides some buffer to adjacent residential properties. Reducing the setback 185 and/or 285 feet places the proposed improvements right on top of multiple subdivisions.

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 24, 2023 - Submission #78471

Date Submitted: 7/22/2023

Comments completed in the form below will be submitted into the record for the July 24, 2023 meeting of the Hall County Planning Commission.

First Name*

Tony

Last Name*

Reilly

Address1*

4561 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

6. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval

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

My name is Tony Reilly. I am against this proposed request for an Entertainment Venue for 3355 N. Bogan Rd for several reasons as follows:

1. Bogan Rd is only a small 2 lane road with no bike, walking, running, or turn lanes with the exception of some small turn lanes into some of the existing subdivisions and properties. There are already traffic bottlenecks for access from the N. Bogan Rd. to Friendship Rd. intersection at the school and from N. Bogan Rd. to the small cut through street Jones Rd. to Friendship intersection. These bottlenecks occur in the morning rush hour at the school on Friendship and at the intersection at Jones to Friendship. Cars are trying to mostly turn left to get to 985 so Jones and Bogan Roads get very backed up there. It also backs up on the weekends when folks are out and about running errands and trying to get to 985. There are no lights at either intersection. It is so bad on school mornings that there is usually a policeman directing traffic at N. Bogan and Friendship. The property at 3555 N. Bogan Rd is very close to Jones Rd and also very close to Friendship Rd and if wedding events or any other kinds of events that might be held according to the applicant's Narrative document this could cause a lot of major backups and a potential rise in accidents at those intersections with Friendship. The applicant has requested possible space for parking of at least 144 vehicles - that is a lot more vehicles coming and going in the area coming around the same time and leaving around the same time. I do not believe that narrow Bogan Rd nor the intersections could handle the traffic.

2. Our area is 99.9% residential and has a nice residential feel including 3555 N. Bogan Rd. property. The look and feel or residential would change to a more commercial look and feel. The applicant has never said he would apply for a liquor or alcohol license and most wedding events serve alcohol so this would be likely going forward. The applicant has stated in his Narrative that this proposal is "to make money", so it will be commercial because of that and it will contain a larger building plus another large outdoor pavilion which will certainly be used for outside purposes so if people are outside there will be potential much higher noise levels even if most, but not necessarily all, amplified music and noise are going to be inside the building. What is the use of the Pavilion for - it is not specifically stated in the Narrative so it is difficult to say what the noise levels in the surrounding residences and neighborhoods would be like until it happens, if this request is approved. If an event, whether wedding or other type of event, did include imbibing of alcohol then drivers leaving the area after a few hours may very well be inebriated and potentially be less safe drivers to say the least, thus more traffic accidents could occur, particularly trying to turn left on Friendship Rd. from N. Bogan Rd or Jones Rd. I have lived in this area for 24 years and have seen many people almost have an accident trying to go left on Friendship Rd and Friendship Rd. traffic is flying and coming to those intersections way beyond the posted speed limits.

3. Allowing this to become a potential commercial event venue may encourage the other nearby neighbors who have single homes on their properties to sell out to some commercial venture going forward. As is mentioned in the Hall County Planning Commission Staff Report, "Based on the future land-use plan, staff finds the requested use inconsistent with the future land use classification of Residential in the Comprehensive Plan. The Primary future land uses for this classification are moderate density single-family residential developments..." I, and many of my nearby Hall County neighbors agree with this statement wholeheartedly. Others, who do not live near our residential area and neighborhoods may support the applicant but they do not have to be around it in the future, nor the traffic and potential safety issues, nor the possible drop in our property values. Who wants to buy a residential home near commercial businesses? I am all for commercial business success in areas where there are already many other commercial businesses that have been zoned for those purposes but not in a primarily residential area as ours.

4. I am also against the times for the events being requested and what could potentially be allowed according to already existing Hall County rules for a venue like this. The applicant's Narrative proposed that events might be held on "Fridays, Saturdays, and Sundays between 5pm to 11pm and some events also on week days from 11 am through 6pm." But I believe the Hall County rules events say that if the applicant's proposal is approved, the applicant could potentially be allowed to hold events between 9 am to 10 pm Sunday through Thursday, and from 9 am to Midnight on Fridays and Saturdays. That is potentially all day everyday from 9 am to 10 pm or Midnight. With those hours in mind plus the applicant states in the proposal there up to but "not more than 300 people" at an event means a lot of cars leaving at midnight on the weekends and possibly at 10 pm during the week. With a possible 144 parking spaces that is a lot of potential traffic noise late at night on work and school nights plus later at night on the weekends, and all of this in a residential neighborhood area surrounding this property. And, the applicants Narrative states he wants to "have as many weddings as possible" as well as other types of events not described in the narrative. Since none of these other types of events have been described in the Narrative, how can neighbors in the area know what to expect going forward. Will these other events be rock concerts? Will these other events be for parties and social events? What type of customers will this venue be attracting to our neighborhood areas? We just do not know what this will look like or possibly turn into in the future whether the applicant stays as the owner in the future or builds it up, then decides to sell out to some other owner who wants to turn it into a dance club, a bar, or who knows what?

In summary, my main concerns at this time are

1. Traffic backup issues and access from Bogan Rd to Friendship Rd to go left to get to 985 and from Bogan Rd to Jones to Friendship Rd. to get to 985. This will be a problem with any day or night time venues and especially when an approximate potential 144 cars come to a venue or leave a venue along with the noise level of cars potentially leaving at late hours of the night even up to 10 pm weekdays and up to midnight on weekends.

2. The impact on our residential look and feel with a commercial venue operating in the heart of several existing residential neighborhoods & subdivisions. There is a definite possibility of dropping home property values going forward if the request is approved, particularly for the homes nearest the venue. Who wants to buy a home near a commercial venture such as this?

3. If this applicant's request is approved, there are several nearby single & property homeowners not within a subdivision who might be encouraged to try to get their property rezoned to allow for commercial use as well thus changing our area even more toward commercial useage. This would of course go against the Hall County's "Comprehensive Plan which states that this area's land use classification is Residential in the Comprehensive Plan. And it also states, "The Primary future land uses for this classification are moderate density single-family residential developments..."

4. If the proposal is approved, the times that potential events could be held are every day between 9 am to 10pm work and school week days and 9 am to Midnight on weekends. This means it could possibly go on all day everyday until late hours at night with lots of noisy traffic leaving the events late at night. There are surrounding neighbors and subdivisions close by 3555 N. Bogan Rd. as well as neighbors directly across the street from this location that will have to deal with any traffic or event noise on any given day. And since the applicant has stated in his Narrative that he wants to "have as many weddings as possible" as well as other events but has not given a description of any of these other types of events, nearby neighbors have no idea of what the circumstances will be like going forward and cannot know until after the fact, if this is approved. More information would definitely be needed by all Hall County and all of our neighbors up front on the other types of events might be like so as to have a thorough understanding of what might be coming from this rezoning if approved.

Thank you,

Tony Reilly
770-331-1770

Please write your comments in the box above.

File Upload

No file chosen

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

Would you like follow-up communication?

tareilly1@aol.com 770-331-1770

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - August 7, 2023 - Submission #78652

Date Submitted: 8/1/2023

Comments completed in the form below will be submitted into the record for the August 7, 2023 meeting of the Hall County Planning Commission.

First Name*

Tony

Last Name*

Reilly

Address1*

4561 Bogan Gates Trail

Address2

City*

Buford

State*

GA

Zip*

30519

Zoning Item for Comment*

2. (A)/(B)/(C) 3555 North Bogan Road | Use Subject to County Commission Approval | Variance(s) 

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

Your Comments*

3555 North Bogan Road Rezoning Request for Wedding/Other Events
The main concerns with this rezoning request at 3555 N. Bogan Rd. in Buford, that I and my nearby neighbors have are:

1. Much more traffic congestion with 144 cars trying to get on to N Bogan Rd from Friendship going to an event or getting onto Friendship from N. Bogan when leaving an event and the backups that already occur in this area will be seriously multiplied. Everyone in all the surrounding neighborhoods knows how difficult it is to turn left on Friendship Rd at the school - there is no light there. And, it is just as difficult to turn left from Jones Rd onto Friendship already with no light there either, but add 144 more cars it will to be extremely long wait times to get to Friendship Rd, turn left or right there, or get to 985. I wonder what might happen if 175 cars showed up for a wedding event - would the invited guests in 31 of those cars be turned away because the car limit has been reached? If not where will they park? The only access & exit to these venues will be N. Bogan Rd.
2. The noise level will increase due to the request for an outdoor pavilion where 300 people in a 99.9% residential area will be milling around talking and likely consuming alcohol. Hall County officials told me the outside music cannot be amplified but outdoor voices can be (like using a microphone and speakers). This could mean that entire ceremonies and other types of events could be amplified outdoors in the pavilion, toasting, celebrating, clapping, talking etc.
3. Mr. Moore has requested his setbacks from his neighbor's property lines be changed and reduced from 200 feet to 15 feet so he can put the proposed 2 buildings and the parking within 15 feet of his neighbors. The neighbors directly across the street and some whose backyards are in Bogan Gates subdivision are close to Mr. Moore's property. Also, the Morgan's Crossing neighbor's backyards are very close to the back of Mr. Moore's property right where he is proposing to build these 2 large buildings and parking.
4. Event venues could be of all kinds, not just weddings, including rock concerts if he ever chose to do so. These events could potentially be between 9am - 10pm Sunday through Thursday and 9 am - Midnight on Fridays and Saturdays. That is a lot of traffic and car emissions and potential noise every day of the week and late into the evenings when folks are trying to sleep.
5. If this proposal is approved, having a commercial venue such as this in a 99.9% residential neighborhood and surrounded by other single homes and subdivisions on all sides will change the look and feel of our area. It can impact traffic flow, increase noise levels, and increase traffic backups and emissions in the area and reduce air quality.
6. This request of Mr. Moore's for an event venue is also totally inconsistent with the Residential Future land use designation in the Hall County's Comprehensive Plan. In part, this Plan states the primary future land uses for this area are "moderate density single-family residential developments..." The Narrative submitted by Mr. Moore to Hall County states "...it is about making money" thus making this a proposal for a commercial venue in a primarily residential area.

-Tony Reilly, Bogan Gates neighbor 24 yrs. call or text,: 770-6331-1770 tareilly1@aol.com

Please write your comments in the box above.

File Upload

No file chosen
If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Narcis Ciceu

3550 North Bogan Road

Buford GA. 30519

I have known Drew since I moved in 3 years ago. I was working on my front yard installing a new water line. Drew saw me working out in my yard and came over with a big smile and introduced himself and then proceeded to go get his equipment and started helping us dig and install the new water line. When he asked me to write a letter to give to Hall County for an event center I didn't even hesitate to say yes. He is the kind of neighbor you want to have. I am sure whatever he does it will be great. I am totally behind Drew starting an event center.

Narcis Ciceu

A handwritten signature in black ink, appearing to read 'Narcis Ciceu', with a long horizontal flourish extending to the right.

Jeremy Fowler

3537 N Bogan Rd, Buford, GA 30519

Shawn McDougal and Mikki McDougal

4320 Chatuge Dr, Buford, GA 30519

I have know both of these people for well over 10+ years and they have been a joy to know.

February 27, 2023

Jeremy Fowler
3537 North Bogan Road
Buford, GA 30519

Re: John Andrew (Drew) Moore
3555 North Bogan Road
Buford, GA 30519


To whom it may concern:

This letter will advise that John Andrew Moore is my neighbor. His property runs alongside of mine on the North side of my property on North Bogan Road. We have been neighbors for over ten years. Not only has he been a good neighbor but he has also been someone I could turn to in a time of need. There has never been a time when I have had a problem with him or a concern about him.

I understand his desire to build an Event Venue on his property near the current location of the old barn. I do not foresee this as a problem for me or my family.

Let me know if you need any other information from me.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Jeremy Fowler', with a long, sweeping horizontal stroke extending to the right.

Jeremy Fowler

Shawn and Mikki McDougal
4320 Chatuge Drive
Buford, GA 30519

February 27, 2023

Re: John Andrew Moore
3555 North Bogan Road
Buford, GA 30519

To whom it may concern:

John (Drew) Moore is our neighbor. His property backs up to our property on Chatuge Drive. We have known Drew (John) for over ten years. He has always been a respectful neighbor and someone who has always been willing to help out when the need arose.

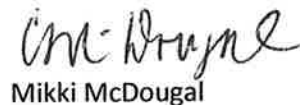
Recently, he mentioned his plans to develop an Event Center on his seven-acre piece of property. In discussing this with him, we did not feel that this created any conflict of interest for us as neighbors and residents in the community.

Should you have any questions regarding Drew Moore or the development of this venue, do not hesitate to contact us.

Sincerely,



Shawn McDougal



Mikki McDougal

To whom it may concern,

David Anderson
3575 North Bogan Road
Buford, GA. 30519

I just bought the property next to Drew and it only took a couple days for me to meet him. I plan on raising my children here. He is a great neighbor and has already offered to help with several projects on the property. When he mentioned he is applying for a wedding permit and needed a letter I was totally on board. His idea for a wedding venue will not interfere with anything I am doing. I am quite happy to know he is not going to build another subdivision on his property. An event center will enhance the neighborhood and be a welcome site. He already does so much to make his place look beautiful. I am sure if he does this it will just look that much better. We are not concerned with traffic or an event taking place on Drew's property. I have no issue with the county approving said request.

Thanks

A handwritten signature in blue ink that reads "David L. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Anderson

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST:

USE SUBJECT TO COUNTY COMMISSION APPROVAL
FOR AN AGRICULTURE ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: AUG 7, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST:

VARY THE RIGHT SIDE YARD SETBACK FROM
200 FT TO 15 FT FOR AN AGRICULTURE ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON: PARKING LOT.

PLANNING COMMISSION

Date: AUG 7, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809

ZONING NOTICE

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

APPLICANT:

JOHN MOORE

REQUEST:

VARY THE RIGHT SIDE YARD SETBACK FROM
300 FT TO 15 FT FOR AN AGRICULTURE ENTERTAINMENT VENUE.

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION

Date: AUG 7, 2023

Time: 5:15 p.m.

COUNTY COMMISSION

Date: Aug 14, 2023

Time: 6:00 p.m.

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

FOR MORE INFORMATION CALL (770) 531-6809



AGENDA ITEM

Public Works and Utilities

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 454/2023

SUBJECT: Approve the request from Lake Lanier Association for a waiver of Hall County Landfill tipping fees for an approximate 35 tons of trash to be collected (the estimated tipping fees are \$2,100.00) and to allow the deposit of prohibited items collected during the Shore Sweep event scheduled for September 23, 2023.

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: BN

Recommendation:
Approve.

Purpose of Request:
Approve the request from Lake Lanier Association for a waiver of Hall County Landfill tipping fees for an approximate 35 tons of trash to be collected (the estimated tipping fees are \$2,100.00) and to allow the deposit of prohibited items collected during the Shore Sweep event scheduled for September 23, 2023.

History:
This is an annual event that is led by the Lake Lanier Association.

Facts and Issues:

Options:

Funding Requested	\$ 0.00
Are funds within current budget?	No
Source of Funds	N/A
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?	2023-09-14

Approvals:

Submit	Approve	Budget	Finance
--------	---------	--------	---------

Submit	Approve	Budget	Finance
BN	BN	TS	WG
Attorney	Administration	Clerk	
WLI	CR	JR	

Attachments:

Request from Lanier Lanier Association



**HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT**

AGENDA ITEM 454/2023

Funds Requested: \$ 0.00

Request Budgeted: No

Proposed Source of Funding:

Budget Transfer Requested:

N/A

No

Funding Source Items:

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: NS

Phone: 770 531-6851



August 7, 2023

RE: Board of Commissioners Meeting Agenda Request for Shore Sweep 2023 Assistance

To Whom it May Concern:

The intent of this letter is to formally thank Hall County for your continued support in our efforts to keep Lake Lanier clean, full and safe. We rely heavily on community partnerships like yours to be successful. We are once again approaching the date for our 35th Annual Shore Sweep event to be held on **Saturday, September 23, 2023**.

As we discussed in a recent meeting, addressing encapsulated foam is becoming increasingly more challenging. While we've created an incredible partnership with United Rentals to safely remove the foam blocks from Lake Lanier, and in larger quantities than ever before, we are faced with the challenge of disposing of it after the event. The Lake Lanier Association is dedicated to finding a long-term solution for this problem, but we must rely on community partners to help us dispose of it responsibly in the meantime.

This year, we are requesting a minimum of two (2) dumpsters at each of the following locations to allow for the foam to be collected and disposed of separately. Disposal weight, as reported by Hall County Landfill for the 2022 event, is listed next to the sites to aid in determining whether 2 dumpsters is sufficient for each location.

Locations include:

- Aqualand Marina (5.71 Tons)
- Holly Park (4.8 Tons)
- Gainesville Marina (4.1 Tons)
- Laurel Park (2.3 Tons)
- Balus Creek (2.25 Tons)
- Lanier Islands (2.18 Tons)

Please accept this as my formal request for time on the next Board of Commissioners meeting agenda to present this challenge and obtain any approvals necessary to prepare for this event.

Sincerely,

Amy McGuire

Amy McGuire
Executive Director
Lake Lanier Association
678.935.8446



AGENDA ITEM

Public Works and Utilities

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 445/2023

SUBJECT: Approve the release of \$58,276.00 Irrevocable Letter of Credit for sidewalks in Deer Creek Crossing Subdivision. Commission District 3.

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: BN
Recommendation: Approve.

Purpose of Request: Approve the release of \$58,276.00 Irrevocable Letter of Credit for sidewalks in Deer Creek Crossing Subdivision. Commission District 3.

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Budget	Finance
WS	BN	TS	WG
Attorney	Administration	Clerk	
WLI	CR	JR	

Attachments:

Final Plat Information
Supporting Documents

Final Plat Information

Consider Release of \$58,276.00 Irrevocable Letter of Credit for Sidewalks in Deer Creek Crossing Subdivision.

Subject Subdivision is located off Highland Road

NAME OF SUBDIVISION: Deer Creek Crossing
NAME OF OWNER/DEVELOPER: William R.White
ADDRESS: 4674 Highland Road
Gainesville, GA 30506

TYPE OF MAINTENANCE BOND: Irrevocable Letter of Credit
DATE OF BOND: September 8, 2021
AMOUNT OF BOND: \$58,276

FINANCIAL INSTITUTION: United Community Bank
AND ADDRESS: 153 East Kyle Street
Cleveland, GA 30528

Account No.: 5030424927P

COMM. DIST.	STREET NAME	SHEET NO.	R/W IN FEET	LENGTH IN MILES	WIDTH IN FEET	TYPE OF SURFACE	STATE REF. NO.
3	Fawn Path	8	50	0.521	20	P.M.	----

NOTES:

NUMBER OF LOTS: 29
CURB & GUTTER: 24" Roll Back
TOTAL ACRES OF S/D: 57.67 AC



Hall County Government
COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
ENGINEERING DIVISION

MEMORANDUM

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.

COUNTY ENGINEER
Frank Miller, P.E.

TO: Mr. William Linkous III, County Attorney

FROM: Tammie Croy, Senior Engineer TC

SUBJECT: Collection of Irrevocable Letter of Credit/Performance Agreement for Sidewalks in Deer Creek Crossing Subdivision

DATE: August 4, 2023

This office has submitted a request to the County Commission to authorize your office to collect the irrevocable letter of credit/performance agreement held in behalf of Hall County. Enclosed is a copy of the letters notifying the developer and financial institution of the new bond requirement and existing bond expiration, a copy of the bond, and a copy of the final plat information.

Please advise if any additional information is needed regarding this matter.

cc: Board of Commissioners
Zachary Propes



Hall County Government
PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

FRANKLIN P. MILLER, P.E.
County Engineer

June 30, 2023

Deer Creek Crossing
William R. White
4674 Highland Road
Gainesville, GA 30506

RE: Bond # 5030424927P

To Mr. White,

Our records pertaining to **Deer Creek Crossing** indicate that all sidewalks have not been installed in this development and the bond associated with this development will expire on September 8, 2023. In order for the development to be in compliance with Hall County specifications it will be necessary to install all sidewalks by August 4, 2023.

All bonding mechanisms will need to be a minimum of 24 months.

Thank you for working in Hall County.

Should you have any questions, please do not hesitate to contact me at (770) 531-6800.

Sincerely,

Tammie Croy
Senior Civil Engineer

cc: Ralph Cavedo, Inspector
File



IRREVOCABLE LETTER OF CREDIT #5030424927P
FOR SIDEWALK CONSTRUCTION

Hall County Board of Commissioners
P.O. Drawer 1435
Gainesville, GA 30503

RE: Deer Creek Crossing Subdivision – William R. White
4674 Highland Road Gainesville, Ga 30506

Chairman :

The purpose of this Irrevocable Letter of Credit is to induce the Board of Commissioners of Hall County, Georgia to allow said owner/developer twenty-four (24) months to complete the sidewalk system as shown on the approved final plat, and to ensure completion of the sidewalk system as per the approved plans and regulations of Hall County, Georgia.

United Community Bank (Banking institution hereinafter referred to as "Issuer") hereby establishes its Irrevocable Letter of Credit No. 5030424927P in favor of Hall County, Georgia, for the account of William R. White, (Owner/developer) up to the aggregate amount of Fifty-Eight Thousand, Two Hundred Seventy-Six dollars* effective immediately and available by your draft(s) drawn at sight on the Issuer when accompanied by this Irrevocable Letter of Credit. This Irrevocable Letter of Credit is to cover the value of materials and work associated with the construction, repair, or maintenance of the sidewalk system at Deer Creek Crossing Subdivision.

The owner/developer responsibilities are as follows:

All construction of the sidewalk system of Deer Creek Crossing Subdivision will be completed within twenty-four (24) months of the date of the recorded final plat and in accordance with the terms and requirements shown on the recorded final plat and of the Subdivision Regulations in force in Hall County, Georgia. The sidewalks must be properly maintained and free from faults in design, materials, and workmanship as shown on the recorded final plat and as set out in the Subdivision Regulations in force in Hall County, Georgia. The Owner/developer must make all necessary repairs and complete all construction within forty-five (45) days from the date of written notice from the Hall County Engineer.

Hall County will pursue the collection of funds for deficiencies upon the elapsing of twenty-four (24) months from the date of recorded final plat and after the compliance date given in the 45-day written notice.

153 East Kytle Street
Cleveland, GA 30528
706.865.3151
Fax 706.865.6767

The condition of the obligation created hereunder is such that the Issuer hereby agrees that all drafts drawn under and in compliance with the terms of this Irrevocable Letter of Credit will be duly honored if drawn and presented for payment to the Issuer's office upon the failure of Owner/developer to meet the responsibilities as outlined in the preceding paragraph. Upon full compliance, this obligation shall be void; otherwise, it shall remain in force. Jurisdiction for any civil litigation necessary for collection of bond claims hereunder shall be in the Superior Court of Hall County, Georgia.

This Irrevocable Letter of Credit is hereby issued on September 8, 2021 and expires on September 8, 2023, and the Issuer will have no more liability after that date. When the indicated expiration date falls on Sunday or a legal holiday, or for any reason the Issuer is not open for business, the expiration date shall be extended to the next succeeding business day.

IN WITNESS WHEREOF the Issuer has set its hand and affixed its seal on this day of

September 8, 2021.

Dianne Pyles
Witness
Dianne Pyles
Notary Public

United Community Bank
Issuer
By: *Donna H. Clark*
Name and Title VP

My Commission Expires: 12/9/23

[Seal]



* The aggregate amount will be based on 100% of the cost of the sidewalks.



00000005030424927000009082021

SIGHT DRAFT

Principal	Loan Date	Maturity	Loan No	Call / Coll	Account	Officer	Initials
\$58,276.00	09-08-2021	09-08-2023	5030424927	99 / 3032	3104937	30124	

References in the boxes above are for Lender's use only and do not limit the applicability of this document to any particular loan or item.
Any item above containing "****" has been omitted due to text length limitations.

Borrower: WILLIAM R. WHITE (SSN: 414-68-2429)
4674 HIGHLAND ROAD
GAINESVILLE, GA 30506

Lender: UNITED COMMUNITY BANK
CLEVELAND - EAST KYTLE ST
153 E KYTLE ST
CLEVELAND, GA 30528

DATE _____

RE: United Community Bank Irrevocable Letter of Credit No. 5030424927P dated SEPTEMBER 8, 2021

On this date we present this Sight Draft against the Letter of Credit referenced above for immediate payment in good funds in the amount of FIFTY EIGHT THOUSAND TWO HUNDRED SEVENTY SIX AND NO/100 U.S. Dollars (\$58,276.00). This Sight Draft is submitted against Letter of Credit No. 5030424927P because:

HALL COUNTY BOARD OF COMMISSIONERS
Name of Beneficiary

By: _____

Title: _____



00000005030424927147009082021

IRREVOCABLE LETTER OF CREDIT

Borrower: WILLIAM R. WHITE (SSN: 414-68-2429)
4674 HIGHLAND ROAD
GAINESVILLE, GA 30506

Lender: UNITED COMMUNITY BANK
CLEVELAND - EAST KYTLE ST
153 E KYTLE ST
CLEVELAND, GA 30528

Beneficiary: HALL COUNTY BOARD OF COMMISSIONERS
PO BOX 1435
GAINESVILLE, GA 30506

NO.: 5030424927P

EXPIRATION DATE. This letter of credit shall expire upon the earlier of the close of business on 09-08-2023 and all drafts and accompanying statements or documents must be presented to Lender on or before that time, or the day that Lender honors a draw under which the full amount of this Letter of Credit has been drawn (the "Expiration Date").

AMOUNT OF CREDIT. Lender hereby establishes at the request and for the account of Borrower, an Irrevocable Letter of Credit in favor of Beneficiary for a sum of Fifty-eight Thousand Two Hundred Seventy-six & 00/100 Dollars (\$58,276.00) (the "Letter of Credit"). These funds shall be made available to Beneficiary upon Lender's receipt from Beneficiary of sight drafts drawn on Lender at Lender's address indicated above (or other such address that Lender may provide Beneficiary in writing) during regular business hours and accompanied by the signed written statements or documents indicated below.

WARNING TO BENEFICIARY: PLEASE EXAMINE THIS LETTER OF CREDIT AT ONCE. IF YOU FEEL UNABLE TO MEET ANY OF ITS REQUIREMENTS, EITHER SINGLY OR TOGETHER, YOU SHOULD CONTACT BORROWER IMMEDIATELY TO SEE IF THE LETTER OF CREDIT CAN BE AMENDED. OTHERWISE, YOU WILL RISK LOSING PAYMENT UNDER THIS LETTER OF CREDIT FOR FAILURE TO COMPLY STRICTLY WITH ITS TERMS AS WRITTEN.

DRAFT TERMS AND CONDITIONS. Lender shall honor drafts submitted by Beneficiary under the following terms and conditions: PRESENTATION OF A SINGLE SIGHT DRAFT DRAWN UPON US IN AN AMOUNT NOT EXCEEDING THE AMOUNT OF CREDIT INCLUDING THE FOLLOWING: (1) SIGNED STATEMENT BY AN OFFICER OF HALL COUNTY BOARD OF COMMISSIONERS STATING THE APPLICANT HAS NOT PERFORMED AS REQUIRED, AND (2) THE ORIGINAL LETTER OF CREDIT

Upon Lender's honor of such drafts, Lender shall be fully discharged of Lender's obligations under this Letter of Credit and shall not be obligated to make any further payments under this Letter of Credit once the full amount of credit available under this Letter of Credit has been drawn.

Beneficiary shall have no recourse against Lender for any amount paid under this Letter of Credit once Lender has honored any draft or other document which complies strictly with this Letter of Credit, and which on its face appears otherwise in order but which is signed, issued, or presented by a party or under the name of a party purporting to act for Beneficiary, purporting to claim through Beneficiary, or posing as Beneficiary without Beneficiary's authorization. By paying an amount demanded in accordance with this Letter of Credit, Lender makes no representation as to the correctness of the amount demanded and Lender shall not be liable to Beneficiary, or any other person, for any amount paid or disbursed for any reason whatsoever, including, without limitation, any nonapplication or misapplication by Beneficiary of the proceeds of such payment. By presenting upon Lender or a confirming bank, Beneficiary certifies that Beneficiary has not and will not present upon the other, unless and until Beneficiary meets with dishonor. Beneficiary promises to return to Lender any funds received by Beneficiary in excess of the Letter of Credit's maximum drawing amount.

USE RESTRICTIONS. All drafts must be marked "DRAWN UNDER UNITED COMMUNITY BANK IRREVOCABLE LETTER OF CREDIT NO. 5030424927P DATED 09-08-2021," and the amount of each draft shall be marked on the draft. Only Beneficiary may complete a draft and accompanying statements or documents required by this Letter of Credit and make a draw under this Letter of Credit. This original Letter of Credit must accompany any draft drawn hereunder.

Partial draws are not permitted under this Letter of Credit.

PERMITTED TRANSFEREES. The right to draw under this Letter of Credit shall be nontransferable, except for:

- A. A transfer (in its entirety, but not in part) by direct operation of law to the administrator, executor, bankruptcy trustee, receiver, liquidator, successor, or other representative at law of the original Beneficiary; and
- B. The first immediate transfer (in its entirety, but not in part) by such legal representative to a third party after express approval of a governmental body (judicial, administrative, or executive).

TRANSFEREES REQUIRED DOCUMENTS. When the presenter is a permitted transferee (i) by operation of law or (ii) a third party receiving transfer from a legal representative, as described above, the documents required for a draw shall include a certified copy of the one or more documents which show the presenter's authority to claim through or to act with authority for the original Beneficiary.

COMPLIANCE BURDEN. Lender is not responsible for any impossibility or other difficulty in achieving strict compliance with the requirements of this Letter of Credit precisely as written. Beneficiary understands and acknowledges: (i) that unless and until the present wording of this Letter of Credit is amended with Lender's prior written consent, the burden of complying strictly with such wording remains solely upon Beneficiary, and (ii) that Lender is relying upon the lack of such amendment as constituting Beneficiary's initial and continued approval of such wording.

NON-SEVERABILITY. If any aspect of this Letter of Credit is ever declared unenforceable for any reason by any court or governmental body having jurisdiction, Lender's entire engagement under this Letter of Credit shall be deemed null and void ab initio, and both Lender and Beneficiary shall be restored to the position each would have occupied with all rights available as though this Letter of Credit had never occurred. This non-severability provision shall override all other provisions in this Letter of Credit, no matter where such provision appears within this Letter of Credit.

GOVERNING LAW. This Agreement will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Georgia without regard to its conflicts of law provisions, and except to the extent such laws are inconsistent with the 2007 Revision of the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce, ICC Publication No. 600. This Agreement has been accepted by Lender in the State of Georgia.

EXPIRATION. Lender hereby agrees with Beneficiary that drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored if presented to Lender on or before the Expiration Date unless otherwise provided for above.

Dated: September 8, 2021



AGENDA ITEM

Public Works and Utilities

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 444/2023

SUBJECT: Approve the release of \$721,854.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Stephens Point Subdivision Phase 1. Commission District 2.

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: BN
Recommendation: Approve.

Purpose of Request: Approve the release of \$721,854.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Stephens Point Subdivision Phase 1. Commission District 2.

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Budget	Finance
WS	BN	TS	WG
Attorney	Administration		Clerk

Attorney	Administration	Clerk
WLI	CR	JR

Attachments:

Final Plat Information
Supporting Documents

Final Plat Information

Consider Release of \$721,854.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Stephens Point Subdivision Phase 1.

Subject Subdivision is located off of Stephens Road.

NAME OF SUBDIVISION: Stephens Point
NAME OF OWNER/DEVELOPER: Lennar Georgia, Inc.
ADDRESS: 1000 Holcomb Woods Parkway,
Bld. 400, Suite 450
Roswell, GA 30076

TYPE OF MAINTENANCE BOND: Guaranty Performance/Maintenance
DATE OF BOND: September 13, 2019
AMOUNT OF BOND: \$721,854.00

FINANCIAL INSTITUTION: Fidelity and Deposit Company of Maryland
AND ADDRESS: 1299 Zurich Way
Schaumburg, IL 60196

Account No.: 9327181

COMM. DIST.	STREET NAME	R/W IN FEET	LENGTH IN MILES	WIDTH IN FEET	TYPE OF SURFACE	STATE REF. NO.
2	Mariners Way	50	0.108	20	P.M.	----
2	Watchmans Cove	50	0.587	20	P.M.	----
2	Golden Oak Cove	50	0.205	20	P.M.	----
2	Flying Scott Way	50	0.029	20	P.M.	----
2	Schooner Court	50	0.060	20	P.M.	----
2	Noble Oak Cove	50	0.086	20	P.M.	----
2	Grand Oak Bluff	50	0.086	20	P.M.	----

NOTES:

NUMBER OF LOTS: 174
CURB & GUTTER: 24" Rolled Back
TOTAL ACRES OF S/D: 58.497 AC



Hall County Government
COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
ENGINEERING DIVISION

MEMORANDUM

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.

COUNTY ENGINEER
Frank Miller, P.E.

TO: Mr. William Linkous III, County Attorney

FROM: Tammie Croy, Senior Engineer TC

SUBJECT: Collection of Guaranty Performance/Maintenance
Agreement for Stephens Point Subdivision Phase 1

DATE: August 4, 2023

This office has submitted a request to the County Commission to authorize your office to collect the guaranty performance/maintenance agreement held in behalf of Hall County. Enclosed is a copy of the letters notifying the developer and financial institution of the new bond requirement and existing bond expiration, a copy of the bond, and a copy of the final plat information.

Please advise if any additional information is needed regarding this matter.

cc: Board of Commissioners
Zachary Propes



Hall County Government
PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

FRANKLIN P. MILLER, P.E.
County Engineer

July 17, 2023

Fidelity and Deposit Company of Maryland
1299 Zurich Way
Schaumburg, IL 60196

RE: Bond # 9327181

To whom it may concern;

Our records pertaining to **Stephens Point Phase 1** indicate that sidewalks and topping have not been installed in this development and the bond associated with this development will expire on September 13, 2023. In order for the development to be in compliance with Hall County specifications it will be necessary to install sidewalks, repair all items in need of maintenance (see attached) or submit a new bond (or extend your current bond) in the amount of \$721,854.00 by August 4, 2023. A separate \$1000 check will need to be submitted with your bond.

All bonding mechanisms will need to be a minimum of 24 months.

Thank you for working in Hall County.

Should you have any questions, please do not hesitate to contact me at (770) 531-6800.

Sincerely,

Tammie Croy
Civil Engineer III

cc: Will Allison, Inspector
File

DETENTION PONDS

	<u>Pond "A"</u>		<u>Pond "B"</u>		<u>Pond "C"</u>	
	YES	NO	YES	NO	YES	NO
1 Live water in pond?	✓	✓		✓		
2 Pond dry?	✓			✓		
3 Date of last rain:						
4 Pond functioning as designed?	✓	✓	✓			
5 Do pond slopes need maint.?		✓		✓		
6 AE to pond staked?	✓	✓		✓		
7 AE to and around pond clear?	✓		✓			
8 AE maximum grade 3:1?	✓		✓			
9 DE into and out of pond clear?	✓		✓			
10 OCS settled or leaning?		✓		✓		
11 Any water intrusion in OCS?		✓		✓		
12 Any water intrusion in pipe?		✓		✓		
13 Has Rt. been removed?		✓		✓		
14 Trash rack properly installed?		N/A		N/A		
15 Sand filter required?		✓		✓		
16 Sand filter need refreshing?						
17 Sand filter functioning properly?						
18 Fence required?	✓		✓			
19 Gate and fence in good condition?	✓		✓			
20 Master Lock & 2001 key installed?	✓		✓			
21 Proper signage installed?	✓		✓			
22 All BMPs properly maintained?	✓		✓			
23 Soils stabilized as per plans?	✓		✓			
24 Silt guage installed?	✓		✓			
25 Silt guage reading zero?	✓			✓		
26 Has vegetation been maintained?		✓		✓		

COMMENTS: *A - cut pond. B - cut top of pond and around OCS.*

45 DAY INSPECTION

____ APPROVED

____ REJECTED

Contractor's Signature (if on site):

Inspector's Signature:

Will Ullis

FINAL BOND INSPECTION

Subdivision Name: Stephens Point 1 Location: Stephens Rd
 Contractor: Lennar Date: 5/17/23 Time: 9:27A

<u>YES</u>	<u>NO</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1.25" F-mix topping in place
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pavement in good shape
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pavement is clean
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are there any settled places in the road?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pipe outlet protection (St.) clean and free to drain
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are all slopes and shoulders free from ruts, rills and erosion?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are all areas stabilized with a permanent grass and/or mulch?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are all traffic signs and markings installed as per plans?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are all utility ditches properly backfilled?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Storm drain extended 200 ft. from right-of-way or to natural drainage way
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are any signs, fences, walls, sprinkler systems, trees, lights, etc. on right-of-way?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	All debris and/or objects removed from R.O.W.? (Trailers, porta-johns, trash, concrete)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20 ft. access easements to ponds free of obstructions, fences, walls, trees, etc..
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All pond access easements staked
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are any curbs or sidewalks damaged and in need of repair? If so, please list locations.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are all sidewalks installed? List lots w/o permits that do not have sidewalks on plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are curbs clean?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are catch basins clean and free of debris?

COPY

NON-CURBED STREETS

Ditches 2 ft deep with front and rear slopes 2:1 or less
 Check dams properly installed and maintained

MEDIANS

A single, non-illuminated sign, 32 sq. ft. per face or less, only 2 faces
 Sign height is 6 ft. maximum from surface of the road
 Sign construction shall be wood, sign post 4"x4" maximum with break-away holes
 Sign shall not encroach into the right-of-way of intersecting road(s)

Comments:

Repair road / curb marked in white. Catch basin across from phase 2 - remove framework. Repair any curbs chipping off, missing road signs.



Hall County Government
PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

FRANKLIN P. MILLER, P.E.
County Engineer

July 17, 2023

Lennar Georgia, Inc.
1000 Holcomb Woods Parkway,
Bld. 400, Suite 450
Roswell, GA 30076

RE: Bond # 9327181

To whom it may concern;

Our records pertaining to **Stephens Point Phase 1** indicate that sidewalks and topping have not been installed in this development and the bond associated with this development will expire on September 13, 2023. In order for the development to be in compliance with Hall County specifications it will be necessary to install sidewalks, repair all items in need of maintenance (see attached) or submit a new bond (or extend your current bond) in the amount of \$721,854.00 by August 4, 2023. A separate \$1000 check will need to be submitted with your bond.

All bonding mechanisms will need to be a minimum of 24 months.

Thank you for working in Hall County.

Should you have any questions, please do not hesitate to contact me at (770) 531-6800.

Sincerely,

Tammie Croy
Civil Engineer III

cc: Will Allison, Inspector
File

STATE OF GEORGIA,
COUNTY OF HALL

GUARANTY PERFORMANCE/MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, Lennar Georgia, Inc. (owner/principal, hereinafter referred to as "Principal"), and Fidelity and Deposit Company of Maryland (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 \$ 721,854.00* (hereinafter referred to as "bonded amount") for payment of which we bind ourselves, our heirs, executors, administrators and assigns.

WHEREAS, Lennar Georgia, Inc. (principal) is owner of the Subdivision known as Stephens Point Subdivision, which subdivision is shown on a plat prepared by _____, Georgia Registered Surveyor Number _____, and

WHEREAS, Lennar Georgia, Inc. (principal) wishes to induce the Board of Commissioners of Hall County, Georgia to approve the street system shown on the Final Plat of Stephens Point Subdivision for recording purposes, and

WHEREAS, Lennar Georgia, Inc. (principal) wishes to induce the Board of Commissioners of Hall County, Georgia to accept the streets shown on the Final Plat of Stephens Point Subdivision for public maintenance (not applicable to private developments);

Lennar Georgia, Inc. (principal) and Fidelity and Deposit Company of Maryland (surety) agree in consideration of the foregoing,

NOW, THEREFORE BE IT RESOLVED, Lennar Georgia, Inc. (principal) agrees that all construction of the street system of Stephens Point

Subdivision will be completed and maintained for fifteen (15) months according to the terms and requirements as shown on the recorded Final Plat and of the Subdivision Regulations in force in Hall County, Georgia.

Lennar Georgia, Inc. (principal), and
Fidelity and Deposit Company of Maryland (surety) agree to the following:

Sidewalks will be completed throughout entire subdivision as shown on recorded final plat within one (1) year of signing of said final plat. One inch of "F" mix asphalt may be placed anytime prior to final platting or up to one (1) year after final plat approval. In addition, Principal and Surety agree that if either the sidewalks, cuts, fills, sub-grades, shoulders, pavement, grassing, storm water management facilities, or traffic signs in Stephens Point Subdivision are improperly maintained or are found to be defective from faults in design, materials or workmanship as shown on the recorded Final Plat, or as set out in the Subdivision Regulations in force in Hall County, Georgia, then upon demand from Hall County,

Fidelity and Deposit Company of Maryland (surety) shall pay the bond amount to Hall County.

Terms of Guaranty:

Lennar Georgia, Inc. (principal) and
Fidelity and Deposit Company of Maryland (surety) shall be bound by the provisions of this agreement until a properly authorized letter is received by

Fidelity and Deposit Company of Maryland (surety) from Hall County authorizing release of

Lennar Georgia, Inc. (principal) and
Fidelity and Deposit Company of Maryland (surety) from this Guaranty Agreement.

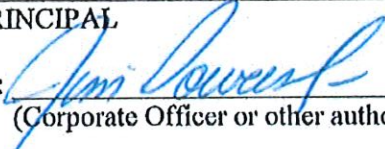
NOTWITHSTANDING the above provisions, this Guaranty Performance/Maintenance Agreement is hereby issued on September 13, 2019 (Date) and expires on September 13, 2021

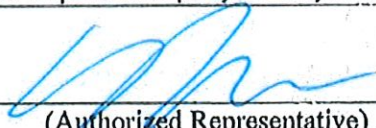
(Date, minimum 24 months from date of issuance), and the Issuer will have no more liability after that date. When

the indicated expiration date falls on Sunday or a legal holiday, or for any reason the Issuer is not open for business, the expiration date shall be extended to the next succeeding business day. Jurisdiction for any civil litigation necessary for collection of bond claims hereunder shall be in the Superior Court of Hall County, Georgia.

IN WITNESS WHEREOF, the undersigned have hereunto signed their names and affixed their seals, this

13th day of September, 2019.

- Lennar Georgia, Inc., a Georgia corporation
PRINCIPAL
By: 
(Corporate Officer or other authorized representative)
Principal's Address:
1000 Holcomb Woods Parkway, Bld. 400, Suite 450
Roswell, GA 30076

- Fidelity and Deposit Company of Maryland
SURETY
By:  My Hua
(Authorized Representative) Attorney-in-Fact
Surety's Address:
1299 Zurich Way
Schaumburg, IL 60196

- Approved:
Hall County
By: _____
(Chairman)

* 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.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On SEP 13 2019 before me, Kathy R. Mair, Notary Public,
DATE [Name of Notary Public and Title "Notary Public"]

personally appeared My Hua -----
[Name(s) of Signer(s)]

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Kathy R. Mair
Signature of Notary Public

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: My Hua

- Corporate Officer – Title(s): _____
 Partner – Limited General
 Individual Attorney-in-Fact
 Trustee Guardian or Conservator
 Other: _____

Signer Is Representing: _____

Signer's Name: _____

- Corporate Officer – Title(s): _____
 Partner – Limited General
 Individual Attorney-in-Fact
 Trustee Guardian or Conservator
 Other: _____

Signer is Representing: _____

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Robert D. Murray, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Mechelle LARKIN, Kathy R. MAIR, and My HUA, all of Irvine, California, EACH, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 1st day of May, A.D. 2019.



ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray
Vice President

By: Dawn E. Brown
Secretary

State of Maryland
County of Baltimore

On this 1st day of May, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, Robert D. Murray, Vice President and Dawn E. Brown, Secretary of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposed and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2019



APPLICATION FOR SURETY BOND

EMAIL COMPLETED APPROVED APPLICATION WITH ATTACHMENTS TO SURETYBONDS@LENNAR.COM

LENNAR CONTACT

DIVISION: Atlanta - ATL REQUESTED BY: Sherry Lancaster/David Caragher
 ADDRESS: 1000 Holcomb Woods Pkwy, Bldg 400, Ste 450 CITY: Roswell STATE: GA ZIP: 30076
 DATE OF REQUEST: 9/11/2019 PHONE NUMBER: 770-670-2767 EXTENSION: _____

PRINCIPAL AND INTERNAL INFORMATION

COMMUNITY NAME: STEPHENS POINT MASTER COMMUNITY NAME: _____
 TRACT/ SECTION (SPECIFY): _____ PHASE / LOTS / UNITS (SPECIFY): _____
 JDE COMM. COST CENTER: 6888101 .5635 JDE DIVISION COST CENTER: 760000 .1998.BILLING
 DESCRIPTION OF IMPROVEMENTS: Maintenance
 PRINCIPAL NAME (LEGAL NAME OF ENTITY): Lennar Georgia, Inc.
 PRINCIPAL ADDRESS: 1000 Holcomb Woods Pkwy, Bldg 400/Ste 450 CITY: Roswell STATE: GA ZIP: 30076
 PRINCIPAL'S RELATIONSHIP TO LENNAR: JOINT VENTURE WHOLLY-OWNED SUBSIDIARY

COMPLETE THIS SECTION IF PRINCIPAL IS A JV

NAME OF ENTITY: _____ IS JV WHOLLY-OWNED BY LENNAR? _____
 DO WE OWN THE PROPERTY?: YES NO IF NOT, NAME OF OWNER: _____

LEGAL INFORMATION

OBLIGEE NAME : Hall County
 OBLIGEE ADDRESS: 2875 Browns Bridge Road CITY: Gainesville STATE: GA ZIP: 30504
 NUMBER OF ORIGINAL BOND FORMS REQUIRED BY OBLIGEE: 1 DATE NEEDED BY: 9/19/2019

BOND INFORMATION

CONTRACT VALUE: \$ 721,854.00 ESTIMATED PROJECT COMPLETION DATE: 9/30/2021

I. PERFORMANCE / SUBDIVISION BONDS:

BOND PURPOSE: Performance BOND TYPE: Subdivision Improvements BOND AMOUNT: _____
 BOND PURPOSE: Financial BOND TYPE: Payment (Materials & Labor) BOND AMOUNT: _____
 BOND PURPOSE: Performance BOND TYPE: Maintenance / Warranty BOND AMOUNT: \$721,854.00
 BOND PURPOSE: Performance BOND TYPE: Subdivision (Monument) BOND AMOUNT: _____

MAINTENANCE / WARRANTY BONDS ONLY:

BOND REQUIRED AT BEGINNING OF PROJECT: YES NO MAINTENANCE / WARRANTY TERM: 15 months
 EXISTING PERFORMANCE BOND NUMBER (IF APPLICABLE): _____

II. OTHER BONDS:

BOND PURPOSE: Performance BOND TYPE: PERF_Subdivision Improvements BOND AMOUNT: \$ 721,854.00

III. LANGUAGE EXCEPTIONS: (DP APPROVAL REQUIRED)

UNCAPPED LIABILITY; LEGAL FEES EXCEEDING BOND AMOUNT; ON DEMAND PAYMENT; OTHER

COMMENTS/SPECIAL INSTRUCTIONS: _____

APPROVALS

REFER TO THE CURRENT APPROVAL LIMITS MATRIX POSTED ON THE TREASURY PAGE ON THE LENNAR PORTAL

APPROVER 1 SIGNATURE:	PRINTED NAME:	TITLE:	DATE:
	Ekaterina Schwallie	VP, Finance	
APPROVER 2 SIGNATURE:	PRINTED NAME:	TITLE:	DATE:
	Casey Hill	Vice President/DP	
APPROVER 3 SIGNATURE:	PRINTED NAME:	TITLE:	DATE:
APPROVER 4 SIGNATURE:	PRINTED NAME:	TITLE:	DATE:

TO BE COMPLETED BY TREASURY

APPROVAL #1: _____ DATE: _____ APPROVAL #2: _____ DATE: _____
 DATE RECEIVED: _____



Mechelle Larkin
Assistant Vice President

Marsh USA Inc.
2929 Allen Parkway, Suite 2500

Houston, TX 77019

Mechelle.V.Larkin@marsh.com
www.marsh.com

July 18, 2022

Maresa Cammarata
Lennar Georgia, LLC
1000 Holcomb Woods Pkwy, Bldg 400, Ste 450
Roswell, GA 30076

Subject: Rider for Principal Name Change Inc. to LLC & Expiration Date Extended to 9/13/23

Principal: Lennar Georgia, LLC
Obligee: Hall County Board of Commissioners
Bond Description: Perf/Maintenance sidewalks & topping
Bond Amount: \$721,854.00
Bond Number: 9327181
Surety Name: Fidelity and Deposit Company of Maryland

Dear Maresa Cammarata:

In response to the request dated 07/17/2022, I am pleased to enclose the above-referenced bond document that is based on the information we received with the request.

Prior to filing with Hall County Board of Commissioners the following items need to be completed:

1. Signed by authorized officer
2. Officer's name and title inserted below signature
3. Corporate seal affixed (if applicable)

As always, the bond document should be re-checked for accuracy before filing with Hall County Board of Commissioners.

If you have any questions, please feel free to contact me. Thank you for allowing Marsh to service your surety needs.

Sincerely,

Mechelle Larkin

Enclosure

SURETY RIDER

To be attached to and form a part of

Bond No. 9327181

dated September 13, 2019
effective (MONTH-DAY-YEAR)

executed by Lennar Georgia, LLC, as Principal,
(PRINCIPAL)

and by Fidelity and Deposit Company of Maryland, as Surety,

in favor of Hall County Board of Commisssioners
(OBLIGEE)

in consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing

Stephens Point, Phase 1

The Principal Name to: Lennar Georgia, LLC (as successor-in-interest by conversion from Lennar Georgia, Inc.)

The Bond Expiration Date to: September 13, 2023

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated.

This rider is effective July 18, 2022
(MONTH-DAY-YEAR)

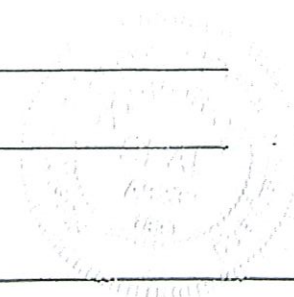
Signed and Sealed July 18, 2022
(MONTH-DAY-YEAR)

Lennar Georgia, LLC, a Georgia limited liability company
(PRINCIPAL)

By: _____
(PRINCIPAL)

Fidelity and Deposit Company of Maryland
(SURETY)

By: Mechelle Larkin
Mechelle Larkin, Attorney-in-Fact



EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have herunto subscribed my name and affixed the corporate seals of the said Companies, this _____ day of JUL 18 2022, _____.



A handwritten signature in cursive script that reads "Brian M. Hodges".

Brian M. Hodges, Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
www.reportsfclaims@zurichna.com
800-626-4577

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray**, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint, **Mechelle LARKIN, Kathy R. MAIR and My HUA**, all of Irvine, California its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons. The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 17th day of December A.D. 2020.



ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: *Robert D. Murray*
Vice President

By: *Dawn E. Brown*

Secretary

State of Maryland
County of Baltimore

On this 17th day of December, 2020, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray**, Vice President and **Dawn E. Brown**, Secretary of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023



AGENDA ITEM

Tax Assessors

REPORT TO: Work Session (08/21/23)

REPORT TO: Voting Meeting (08/24/23)

ITEM NO: 472/2023

SUBJECT: Approval and authorization for the Chairman to execute a resolution to appeal the State of Georgia Auditor's Office 2022 Hall County Sales Ratio Study, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the appeal, subject to review and approval by County Attorney.

Meetings:

Work Session Date: 08/21/23

Voting Meeting Date: 08/24/23

Executive Summary:

Presenter: SW

Recommendation:
Appeal the results of the DOAA Sales Ratio Study.

Purpose of Request:

History:

- Each year the Department of Audits and Accounts reviews each county to determine if the county property appraisals are in line with what property is selling for. The DOAA uses a sample, not all sales.
- The goal is to be at 40%.
- Law allows counties to be 36% - 44%.
 1. If a county falls below 38% public utilities will be recommended to be valued at whatever the ratio is at below 38% rather than the standard 40%.
 2. If a county falls below 36% in a “review year” a deficiency will be cited by the Department of Revenue and the county will have three years to correct. If not corrected within 3-years the county can be penalized \$5.00 per parcel (\$415,480 in Hall County) – We are not in a review year nor have we been cited
- Last year’s study, 2021 came in at 37.48% – We successfully appealed the study – Ratio was adjusted to 38.67% - The successful appeal saved \$330,306.36 in revenue countywide, \$111,018.84 to the county and \$160,393.237 to the county school with the remaining to the municipalities.

Counties statewide were under the same circumstances – We knew it would be worse for this study, 2022 due to the way that the study is conducted.

- As last year Hall County as well as 116 other Georgia Counties fell below 38%, that is 73% of all counties.
- Fifty percent of all counties fell below 36% and only 23% of all counties scored at 38% or better. Only 43 counties out of 159 scored above 38%.

Approval and authorization for the Chairman to execute a resolution to appeal the State of Georgia Auditor's Office 2021 Hall County Sales Ratio Study, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the appeal, subject to review and approval by County Attorney.

Facts and Issues:

Options:

As last year Hall County as well as 116 other Georgia Counties fell below 38%, that is 73% of all counties.

Fifty percent of all counties fell below 36% and only 23% of all counties scored at 38% or better. Only 43 counties out of 159 scored above 38%.

The 2022 Hall County DOAA Sales Ratio Study came in at 35.48%
- This was anticipated due to the flaw in the DOAA study.

The DOAA study is flawed.

The Department of Revenue educate us and teach us that we are to only use sales in the preceding colander year to set values as of January 1. In this case January 1, 2022.

The DOAA uses sales after January 1, 2022 to calculate the sales ratio. It is impossible and illegal for us to use sales after the date of appraisal for a tax year, in this case January 1, 2022.

The problem; the law or the DOAA's interpretation of the law.

The solution; change the law or the DOAA needs to change their interpretation of the law.

We are doing our appraisals correctly based on the instruction from the DOR and code section 48-5.

Solution for this year; appeal the study

1. Make our case that the study is flawed.
2. Have non arm's-length sales removed from the study.
3. Request a more accurate time adjustment – some sales used are 6-12 months out from Jan 1.
4. Request that sales with valuation freezes, 299c be removed from the study.
5. Request that lots with statutory absorption rates be removed.
6. Request that SB 346 valuation freezes be removed.
7. Request the sales with partial new construction be removed.

Appeal of the study has no cost – Loss of revenue if study is not successfully appealed is substantial.

County: \$174,421.55

County School: \$279,464.80

Last years DOAA study was succesfully appealed saving total revenue of \$330,306.36.

Funding Requested

\$ 0.00

Are funds within current budget?

No

Source of Funds

General Fund

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

Yes

Has it been reviewed by the County Attorney?

Yes

Is there a deadline for this item?

Approvals:

Submit	Approve	Budget	Finance
RW	RW	AO	AO
Attorney	Administration	Clerk	
AO	AO	AO	

Attachments:

2023 DOAA Ratio Study Appeal Letter

Resolution_-_Appeal_of_2022_DOAA_Sales_Ratio_Study.pdf

DOAA Sales ratio Results

DOAA Appeal Summary

Statewide Map of DOAA Sales Ratio Results

Statewide Map of Counties by Economic Growth

Population Growth Map



**HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT**

AGENDA ITEM 472/2023

Funds Requested: \$ 0.00

Request Budgeted: No

Proposed Source of Funding:

Budget Transfer Requested:

General Fund

No

Funding Source Items:

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: SW

Phone: 770-531-6733



Hall County Government

BOARD OF COMMISSIONERS

August 25, 2023

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8288

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Jennifer Rivera

Department of Audits and Accounts
Sales Ratio Division
Lee Thomas, Director
270 Washington Street, S.W.
Atlanta, GA 30334-8400

Dear Mr. Thomas:

This letter is in regards to the 2022 Hall County Sales Ratio Study dated August 9, 2023 issued by the State Auditor's Office. The preliminary results of this 2022 study state that Hall County's Public Utility Equalization Ratio Calculation is 35.48%, which is below the 38% required to be able to assess Public Utilities at 40%. These results would have the effect of requiring Hall County to compute the Public Utility Property Valuations at an assessed ratio value of less than 40%, thus reducing potential property tax revenue.

After conducting an internal review, the Tax Assessor's Office has determined that the data used for the testing by the State Auditor's Office includes non-arm's length sales. These sales include properties where new construction was partially complete, parcels with 299 (c) treatment, lots with statutory absorption rates, SB 346 treatment, and sales between related parties. Additionally, we determined that the time adjustment given by the State Auditor's Office does not accurately represent market conditions at the time of the study in Hall County.

Based on these findings, the Hall County Board of Commissioners and the Hall County School Board are formally requesting an appeal, on the basis of questioning the correctness of the Public Utility Equalization Ratio Calculation per the results of the 2022 Hall County Sales Ratio, dated August 9, 2023.

We appreciate the willingness of the State Auditor's Office to consider this appeal, and look forward to the results of the updated Ratio Study using accurate sales data and consideration for adjustment for time.

Respectfully yours,

Richard Higgins
Chairman, Hall County Board of Commissioners

cc: Nath Morris, Chairman – Hall County Board of Education
Jeremy Williams, Gainesville City Schools
Sam Couvillon, City of Gainesville
Ed Asbridge, City of Flowery Branch
Lamar Scroggs, City of Oakwood
Phillip Beard, City of Buford Schools

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION

WHEREAS, Hall County is in receipt of a 2022 Hall County Sales Ratio Study dated August 9, 2023 issued by the Georgia Department of Audits & Accounts (DOAA); and

WHEREAS, the 2022 study provides that Hall County's public utility equalization ratio calculation is 35.48 percent, which is below the 38 percent required to be able to assess public utilities at 40 percent; and

WHEREAS, the Hall County Tax Assessor's Office has conducted an internal review and has determined that the data used for testing by DOAA included some non-arm's length sales; and

WHEREAS, the Hall County Tax Assessor's Office has also determined that the time adjustment used by DOAA does not accurately represent market conditions at the time of the study for Hall County; and

WHEREAS, in order to appeal the DOAA's 2022 Hall County Sales Ratio Study, the Chairman of the Hall County Board of Commissioners will need to timely execute an audit appeal letter.

NOW THEREFORE, the Hall County Board of Commissioners hereby appeals the State Auditor's Office's (DOAA's) 2022 Hall County Sales Ratio Study. This appeal questions the correctness of the 2022 Hall County Sales Ratio Study pursuant to the Official Code of Georgia Annotated Title 48, Chapter 5. Hall County is aggrieved and hereby refers the question of the correctness of the current equalized adjusted property tax digest of Hall County to the Georgia State Auditor.

The Hall County Board of Commissioners hereby authorizes the Chairman of the Hall County Board of Commissioners to execute a letter to the Georgia Department of Audits and Accounts (DOAA) appealing the results of the 2022 Hall County Sales Ratio Study. The Board further authorizes the Chairman to execute any and all additional documents necessary to effectuate and pursue this appeal.

This _____ day of August, 2023.

**HALL COUNTY BOARD OF
COMMISSIONERS**

Chairman, Richard Higgins

ATTEST:

Jennifer Rivera, County Clerk

APPROVED AS TO FORM:

William J. Linkous III, County Attorney



DEPARTMENT OF AUDITS AND ACCOUNTS

SALES RATIO DIVISION

2021 SALES RATIO STUDY

REVENUE STATISTICS REPORT

069-HALL COUNTY

2021 DIGEST - RATIO ANALYSIS

CLASS	#SAMPLES	LCI	UCI	MEDIAN	AGGREGATE	COD	PRD
RESIDENTIAL	1,482	36.20	36.84	36.55	35.45	12.40	101.65
AGRICULTURAL	23	34.57	39.93	38.59	36.74	15.77	104.20
COMMERCIAL	29	33.48	41.43	38.91	36.39	11.72	105.03
INDUSTRIAL	16	35.95	42.46	39.67	40.31	8.86	97.67

PROPERTY CLASS RATIO CALCULATION

CLASS	2021 ASSESSMENTS	RATIO	M/A	PROJECTED DIGEST	% OF DIGEST
RESIDENTIAL	6,631,820,075	36.55	M	18,143,191,954	62.04%
AGRICULTURAL	539,014,326	38.59	M	1,396,636,013	5.04%
COMMERCIAL	1,766,768,899	38.91	M	4,541,165,213	16.53%
INDUSTRIAL	1,573,668,292	39.67	M	3,966,717,549	14.72%
PUBLIC UTILITY	178,776,522	40.00		446,941,305	1.67%
QUALIFIED TIMBER	0	0.00		0	0.00%
TOTAL	10,690,048,114	37.52		28,494,652,034	100.00%



DEPARTMENT OF AUDITS AND ACCOUNTS

SALES RATIO DIVISION

2021 SALES RATIO STUDY

069-HALL COUNTY

PUBLIC UTILITY EQUALIZATION RATIO CALCULATION

CLASS	2021 ASSESSMENT	RATIO	M/A	PROJECTED DIGEST
RESIDENTIAL	6,607,362,922	36.55	M	18,076,282,597
AGRICULTURAL	539,014,326	38.59	M	1,396,636,013
COMMERCIAL	1,766,768,899	38.91	M	4,541,165,213
INDUSTRIAL	1,573,668,292	39.67	M	3,966,717,549
TOTAL	10,486,814,439	37.48		27,980,801,372

2021 PUBLIC UTILITY EQUALIZATION RATIO CALCULATION

Issue: Each year the Georgia Department of Audits & Accounts does a Sales Ratio Study to determine the correctness of each county's tax digest. The DOAA compares the county valuation to the price of the property sold. If there is too much variation or deficiencies between the sale price and the valuation there are consequences regarding Public Utility Valuations and potential penalties if the deficiencies are not corrected within 3-years.

The 2021 tax digest the study was just published August 4, 2022.

There were no noted deficiencies in the Hall County study. However, the overall average assessment was determined to be below 38%, 37.48%.

This means that Public Utilities cannot be assessed at 40% for 2022 thus causing a loss in revenue.

- To determine valuations for the 2021 tax digest counties are required to use sales that occur in the previous calendar year i.e. 2020.
- However, the DOAA uses sales in the first 6-months of 2021 to compare to valuations set on sales that occurred in 2020.
- Obvious lapses in time require the DOAA to make adjustments for time since the sales they are using have occurred as much as twelve months after the date of valuation for the 2021 tax year.

The DOAA study can be appealed and we will be recommending appealing the DOAA study on the following basis.

1. The data used for the testing by the State Auditor's Office included over 100 non-arm's length sales. These sales included properties where new construction was partially complete, parcels with 299c treatment, lots with statutory absorption rates, SB 346 treatment and sales between related parties.
2. We assert that the time adjustment given by the State Auditor's Office does not accurately represent market conditions at the time of the study in Hall County.

Overview of Statewide Department of Audits Sales Ratio Results – Goal is to be at or above 38%

- Of 159 counties 95/59.75% scored below 38%.
- Of 159 counties 55/34.59% scored below 36%.
- Of 159 counties 64/40.25% scored above 38%.

*** The issue of not allowing an adequate time adjustment is systemic – 60% of all Georgia counties fell below 38%.**

*** Multiple counties will be appealing their DOAA Sales Ratio Study results.**

To support our claim and obtain a sales ratio of 38% or better please see the following and attached information.

- **Statewide map showing pass/failure rate.**
 - You will see in this map that the passing counties are generally clustered into two areas of the state.
 - This looks to indicate that adjustments made by the DOA seem to benefit the smaller counties only.
- **Statewide map show counties ranked by Economic Growth.**
 - Trend of pass/failure coincides with the level of growth and housing demand being lower in these areas than other areas of the state.
- **Statewide map show counties ranked by Population Growth.**
 - This continues to indicate that adjustments made by the DOA seem to benefit the smaller counties only.
- **Spreadsheet that includes the counties along with the adjusted ratios of each.**
 - This chart includes the population of each county according to *worldpopulationreview.com* and the growth percentages since 2010.
 - This aligns with our assertion that the DOAA study has an unintended bias.

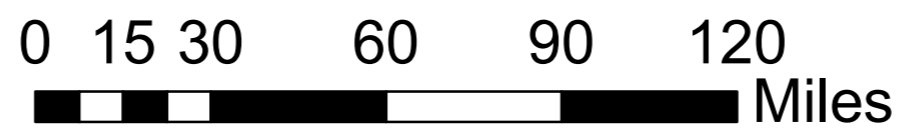
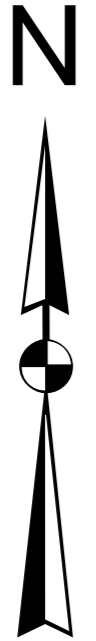
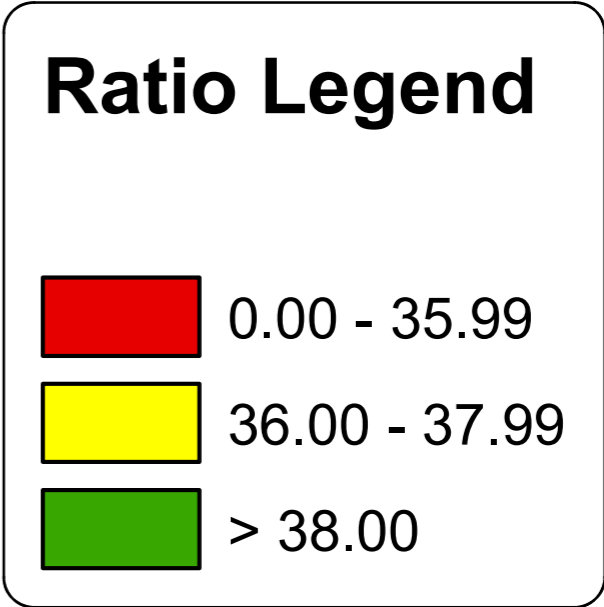
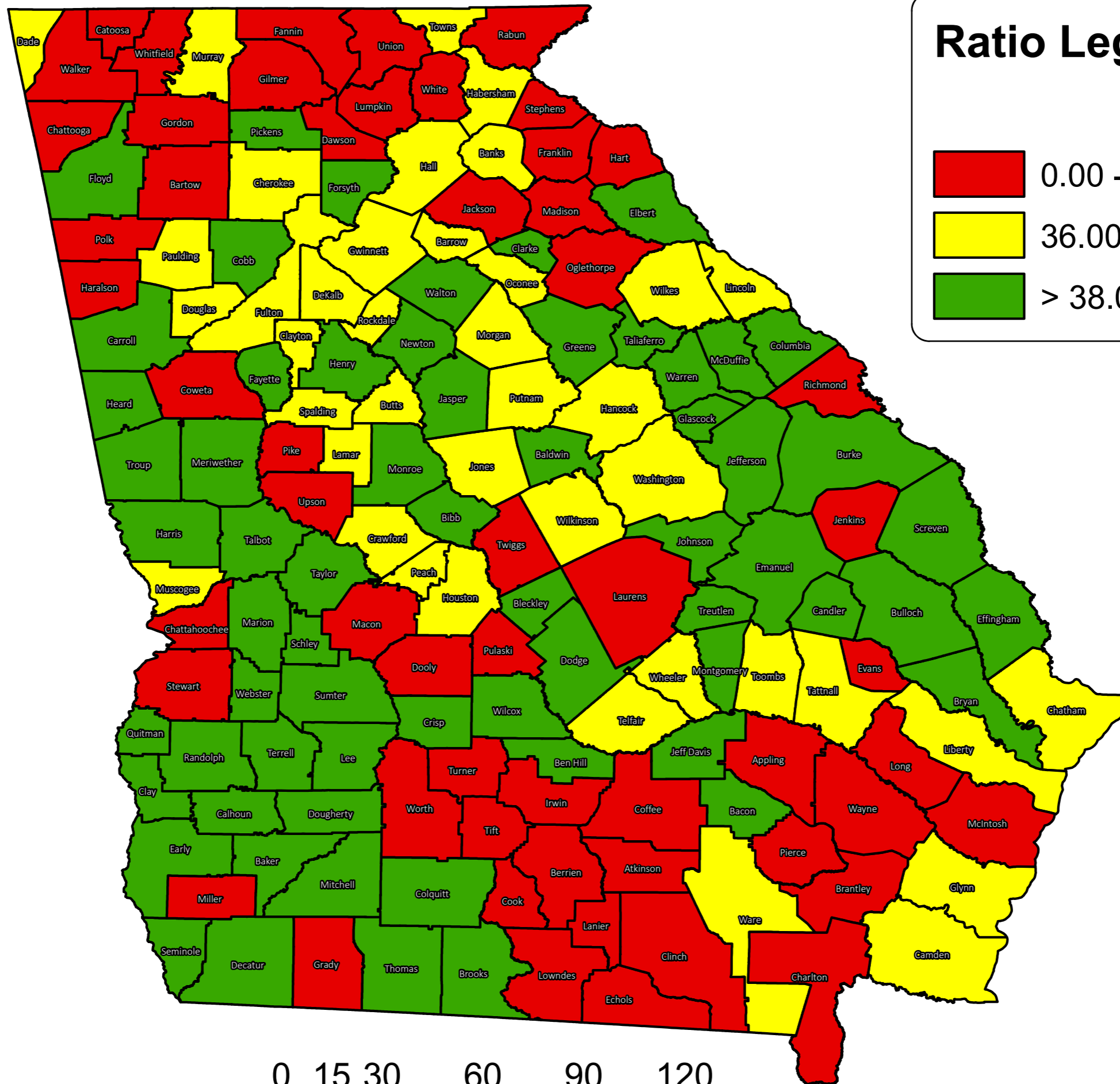
2021 PUBLIC UTILITY EQUALIZATION RATIO CALCULATION

REVENUE IMPACT ANALYSIS

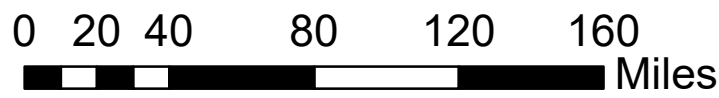
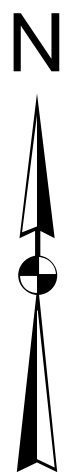
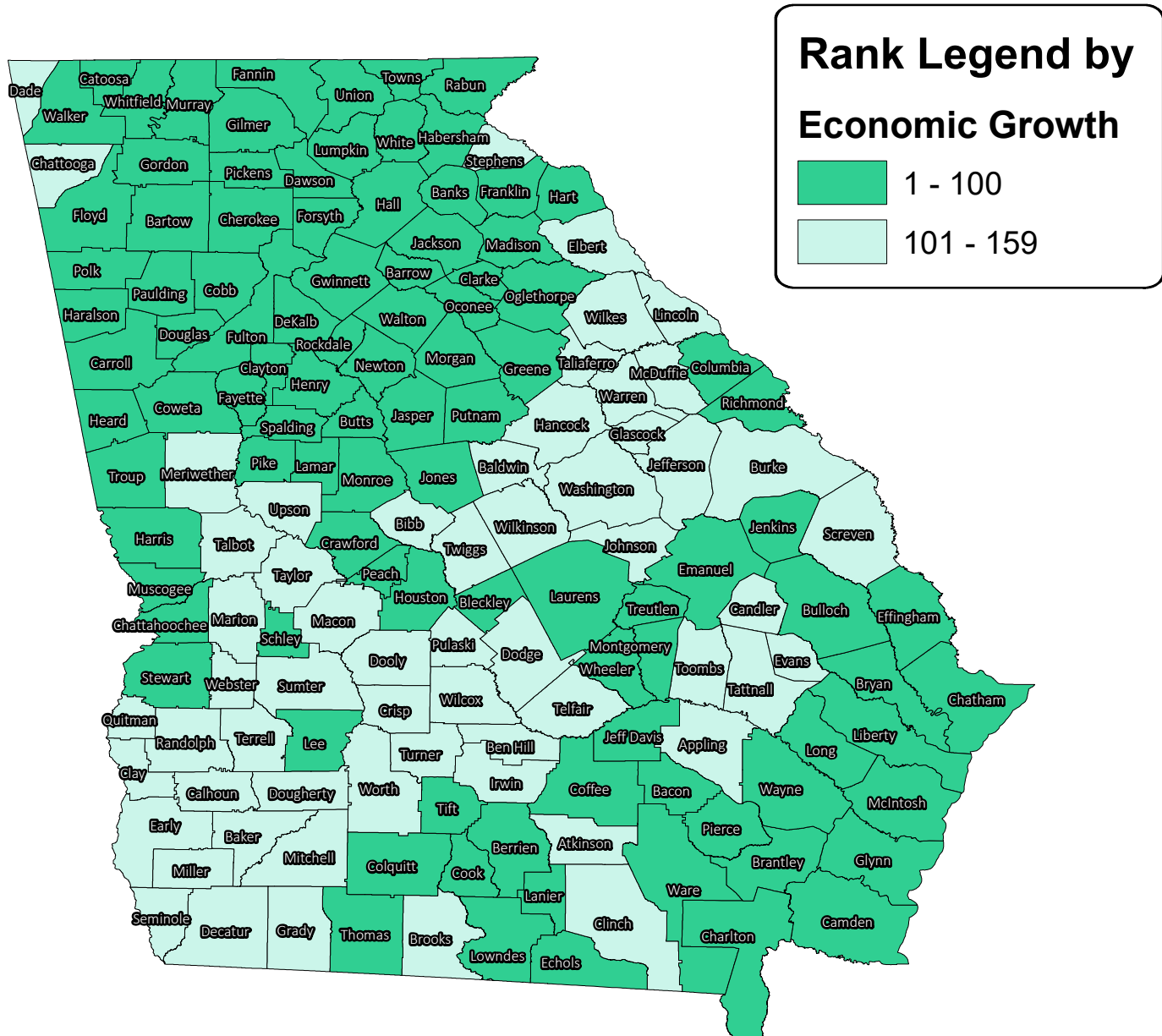
COUNTY TAX DIFF	-\$111,018.84
COUNTY SCHOOL TAX DIFF	-\$160,393.27
GAINESVILLE TAX DIFF	-\$20,359.79
GAINESVILLE SCHOOL TAX DIFF	-\$34,499.16
FLOWERY BRANCH	-\$1,005.76
BUFORD	-\$1,202.15
OAKWOOD	-\$1,827.39

TOTAL **-\$330,306.36**

2021 State-Wide Equalized 100% Digest



2021 State-Wide Equalized 100% Digest



2021 State-Wide Equalized 100% Digest

