



**HALL COUNTY BOARD OF COMMISSIONERS  
VOTING MEETING 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](http://www.hallcounty.org)  
**Thursday, October 10, 2024 - 06:00 PM**

**Call to Order**

**Approve Agenda**

**Invocation**

- 1 Chairman Richard Higgins

**Pledge**

- 2 Commissioner Kathy Cooper

**Public Comments - Agenda Items Only (2 minutes per speaker/20 maximum)**

**Proclamation/s**

- 3 Approve the proclamation recognizing October 2024 as Cybersecurity Awareness Month.

**Consent Agenda**

- 4 Approve the October 7, 2024 Work Session minutes.
- 5 Approve the September 24, 2024 Voting Meeting minutes.
- 6 Approve the September 24, 2024 Executive Session Minutes.
- 7 Approve the September 24, 2024 Meeting minutes.
- 8 Approval and authorization for the Chairman to execute a lease amendment between Hall County and the United States Department of Agriculture for lease of the facility located at 734 E. Crescent Drive in Gainesville, and authorization for the Chairman to execute any and all documents necessary to effectuate the lease, subject to review and approval by the County Attorney.
- 9 Approve the award of Task Order #2025-019 Replace Rooftop Air Conditioning Units at North Hall Community Center for Parks & Leisure Services to J.R. Hobbs Co - Atlanta of Lawrenceville, GA, in the amount of \$157,936.25.

- 10 Approve the resolution declaring 0.401 +/- acres of County right of way on Chestnut Mountain Circle to be unserviceable, and approving the transfer of said Right of Way to Lanier Christian Academy, subject to certain requirements, and authorizing the Chairman to execute any and all documents necessary to effectuate the transfer, subject to the review and approval of the County Attorney.
- 11 Approval of the standing order from the Superior Courts of Hall County to set the salary of any full-time Juvenile Court Judge at 85 percent of the base salary received by a Superior Court Judge in the circuit and to adjust Juvenile Court Judges' salaries on the same date of any adjustment made to Superior Court Judges' salaries unless an alternate date is set by separate order at that time by the Chief Superior Court Judge.
- 12 Approve the continuation award and any supplemental funding of the FY 2025 Victims of Crime Act (VOCA) Grant for the District Attorney's Office to provide direct support to crime victims in the amount of \$87,310.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. No match is required.
- 13 Approve the purchase of a new 2024 Ford F-550 for Public Works & Utilities to Wade Ford, Inc., of Smyrna, GA, in the amount of \$73,963.00.
- 14 Approve the resurfacing list for the Georgia Department of Transportation (GDOT) FY 2025 Local Maintenance Improvement Grant (LMIG) application for 7.5 miles of road resurfacing on fourteen (14) various County Roads, in the amount of \$3,616,612.00.
- 15 Approve the award of IFB #026-45 Spout Springs Water Reclamation Facility Expansion to 1.6 Million Gallons Per Day for Public Works & Utilities to Lakeshore Engineering, LLC of Atlanta, GA, in the amount of \$20,972,000.00.
- 16 Approve the FY 2025 School Security Program annual agreement between Hall County and the Hall County Board of Education.
- 17 Approve the continuation award and any supplemental funding of the FY 2025 Victims of Crime Act (VOCA) Grant for the Solicitor's Office to provide direct support to crime victims in the amount of \$125,741.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. No match is required.
- 18 Approve the 2023 personal property refund in the amount of \$128,552.92 for overpayment of taxes regarding property located at 2125 Candler Road, Gainesville, GA to Cottrell Properties, LP.

**Other Business - Public Works and Utilities**

- 19 Approve the award of RFQ/P #45-015 Roll-Off Solid Waste Hauling Services for Public Works & Utilities to North GA Excavating Group, LLC of Lula, GA. The estimated annual cost is \$750,000.00.

**Public Hearing to amend Hall County's Zoning Map as follows:**

- 20     **5820 McEver Road | Amend Conditions of Zoning |** on a 3.57± acre tract located on the west side of McEver Road at its intersection with Lights Ferry Road | Zoned H-B, Tax Parcel 08119 000003 | **Proposed Use: Gas station and convenience store |** Commission District 2 | **Nabeel Group of Companies, Inc, applicant** NOTE: Tabled at the September 10, 2024 Voting Meeting until the October 10, 2024 Voting Meeting.
- 21     **2466 Old Fork Road | Rezone |** from Agricultural Residential III (AR-III) and Vacation Cottage (V-C) to Vacation Cottage (V-C) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061| **Proposed Use: 5-lot single-family development |** Commission District 2 | **Rashmiranjan Jyotiprakash, applicant**
- 22     **2466 Old Fork Road | Use Subject to County Commission Approval |** on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061| **Proposed Use: 5-lot single-family development |** Commission District 2 | **Rashmiranjan Jyotiprakash, applicant**
- 23     **0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone |** from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 | **Proposed Use: 256-unit residential development |** Commission District 1 | **Steven P. Gilliam, applicant**

**County Administrator**

**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

### Invocation

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**REPORT TO:** Work Session (10/07/24)  
**REPORT TO:** Voting Meeting (10/10/24)  
**ITEM NO:** 616/2023  
**SUBJECT:** Chairman Richard Higgins

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#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** n  
**Recommendation:** n/a

**Purpose of Request:**

**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?** No  
**Is there a deadline for this item?**

**Approvals:**

<b>Approve</b>	<b>Clerk</b>
AO	AO

**Attachments:**



## AGENDA ITEM

### Pledge

**REPORT TO:** Work Session (10/07/24)  
**REPORT TO:** Voting Meeting (10/10/24)  
**ITEM NO:** 617/2023  
**SUBJECT:** Commissioner Kathy Cooper

**Meetings:**

**Work Session Date:** 10/07/24                      **Voting Meeting Date:** 10/10/24

**Executive Summary:**

**Presenter:** n  
**Recommendation:** n/a

**Purpose of Request:**                                      **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?** No  
**Is there a deadline for this item?**

**Approvals:**

Approve	Clerk
AO	AO

**Attachments:**



## AGENDA ITEM

### Proclamation/s

**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 548/2024

**SUBJECT:** Approve the proclamation recognizing October 2024 as Cybersecurity Awareness Month.

#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** CP  
**Recommendation:** Approval.

**Purpose of Request:** Approve the proclamation recognizing October 2024 as Cybersecurity Awareness Month.

**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:**

Approve	Public Information	Administration	Clerk
AD	SC	CR	JR

**Attachments:**

## Proclamation

# Hall County, Georgia



## Board of Commissioners

- WHEREAS,** *the Hall County Board of Commissioners wishes to emphasize the importance of education and awareness in preventing cyber threats and preserving the integrity of our digital landscape; and*
- WHEREAS,** *the average cost of a data breach in 2024 has reached \$4.8 million, highlighting the growing financial impact of cyber threats on organizations worldwide; and*
- WHEREAS,** *only 36% of people consistently install software updates when they become available, further increasing the risk of exposure to known vulnerabilities; and*
- WHEREAS,** *adopting practices such as enabling multifactor authentication, being mindful of what is shared online, keeping software up to date, using a password manager to generate and store unique passwords, and maintaining security awareness are vital steps individuals and organizations can take to protect against cyber threats; and*
- WHEREAS,** *the Hall County Board of Commissioners encourages citizens to take the opportunity to engage and be informed about the importance of strengthening cybersecurity and building our cybersecurity workforce, thereby learning how to stay safe online and connect with confidence; and*
- NOW THEREFORE, BE IT RESOLVED** *that the Hall County Board of Commissioners does hereby recognize October 2024 as*

***CYBERSECURITY AWARENESS MONTH***  
*and reminds our citizens that cybersecurity is important year-round.*

*Adopted this 10<sup>th</sup> day of October 2024.*

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RICHARD HIGGINS  
CHAIRMAN

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KATHY COOPER  
DISTRICT 1

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BILLY POWELL  
DISTRICT 2

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GREGG POOLE  
DISTRICT 3

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JEFFREY STOWE  
DISTRICT 4

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JENNIFER RIVERA  
COMMISSION CLERK









**HALL COUNTY BOARD OF COMMISSIONERS  
WORK SESSION MINUTES**

**Hall County Government Center 2nd Floor  
2875 Browns Bridge Road  
Gainesville, GA 30504**

**Streamed Live on Hall County Government's Website - [www.hallcounty.org](http://www.hallcounty.org)  
Monday, October 07, 2024 - 03:00 PM**

**Call to Order**

*Chairman Higgins at 3:00 p.m.*

*Present:*

*Chairman Richard Higgins, Vice-Chairman Gregg Poole and Commissioners Kathy Cooper, Billy Powell and Jeff Stowe*

*Also present were County Administrator Zach Propes, Assistant County Administrators Katie Crumley and Casey Ramsey, Commission Clerk Jennifer Rivera and County Attorney William Linkous III*

**Administration**

*Ms. Crumley addressed the Board.*

- 1 Approval and authorization for the Chairman to execute a lease amendment between Hall County and the United States Department of Agriculture for lease of the facility located at 734 E. Crescent Drive in Gainesville, and authorization for the Chairman to execute any and all documents necessary to effectuate the lease, subject to review and approval by the County Attorney.

*Consent*

**Community Services and Parks**

*Brent Holloway, Director of Community Services and Parks, addressed the Board.*

- 2 Approve the award of Task Order #2025-019 Replace Rooftop Air Conditioning Units at North Hall Community Center for Parks & Leisure Services to J.R. Hobbs Co - Atlanta of Lawrenceville, GA, in the amount of \$157,936.25.

*Consent*

**County Attorney**

*Mr. Linkous addressed the Board.*

- 3 Approve the resolution declaring 0.401 +/- acres of County right of way on Chestnut Mountain Circle to be unserviceable, and approving the transfer of said Right of Way to Lanier Christian Academy, subject to certain requirements, and authorizing the Chairman to execute any and all documents necessary to effectuate the transfer, subject to the review and approval of the County Attorney.

*Consent*

### **Court Administration**

*Jason Stephenson, Court Administrator, addressed the Board.*

- 4 Approval of the standing order from the Superior Courts of Hall County to set the salary of any full-time Juvenile Court Judge at 85 percent of the base salary received by a Superior Court Judge in the circuit and to adjust Juvenile Court Judges' salaries on the same date of any adjustment made to Superior Court Judges' salaries unless an alternate date is set by separate order at that time by the Chief Superior Court Judge.

*Consent*

### **District Attorney's Office**

*Lee Darragh, District Attorney, addressed the Board.*

- 5 Approve the continuation award and any supplemental funding of the FY 2025 Victims of Crime Act (VOCA) Grant for the District Attorney's Office to provide direct support to crime victims in the amount of \$87,310.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. No match is required.

*Consent*

### **Planning & Zoning**

*Beth Garmon, Director of Planning and Zoning, addressed the Board.*

- 6 **5820 McEver Road | Amend Conditions of Zoning |** on a 3.57± acre tract located on the west side of McEver Road at its intersection with Lights Ferry Road | Zoned H-B, Tax Parcel 08119 000003 | **Proposed Use: Gas station and convenience store |** Commission District 2 | **Nabeel Group of Companies, Inc, applicant** NOTE: Tabled at the September 10, 2024 Voting Meeting until the October 10, 2024 Voting Meeting.
- 7 **2466 Old Fork Road | Rezone |** from Agricultural Residential III (AR-III) and Vacation Cottage (V-C) to Vacation Cottage (V-C) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | **Proposed Use: 5-lot single-family development |** Commission District 2 | **Rashmiranjan Jyotiprakash, applicant**

- 8     **2466 Old Fork Road | Use Subject to County Commission Approval |** on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061| **Proposed Use: 5-lot single-family development |** Commission District 2 | **Rashmiranjan Jyotiprakash, applicant**
- 9     **0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone |** from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 | **Proposed Use: 256-unit residential development |** Commission District 1 | **Steven P. Gilliam, applicant**

### **Public Works and Utilities**

*Bill Nash, Director of Public Works and Utilities, addressed the Board.*

- 10    Approve the purchase of a new 2024 Ford F-550 for Public Works & Utilities to Wade Ford, Inc., of Smyrna, GA, in the amount of \$73,963.00.
- Consent*
- 11    Approve the resurfacing list for the Georgia Department of Transportation (GDOT) FY 2025 Local Maintenance Improvement Grant (LMIG) application for 7.5 miles of road resurfacing on fourteen (14) various County Roads, in the amount of \$3,616,612.00.
- Consent*
- 12    Approve the award of IFB #026-45 Spout Springs Water Reclamation Facility Expansion to 1.6 Million Gallons Per Day for Public Works & Utilities to Lakeshore Engineering, LLC of Atlanta, GA, in the amount of \$20,972,000.00.
- Consent*
- 13    Approve the award of RFQ/P #45-015 Roll-Off Solid Waste Hauling Services for Public Works & Utilities to North GA Excavating Group, LLC of Lula, GA. The estimated annual cost is \$750,000.00.

### **Sheriff's Office**

*Sheriff Gerald Couch addressed the Board.*

- 14    Approve the FY 2025 School Security Program annual agreement between Hall County and the Hall County Board of Education.
- Consent*

### **Solicitor of State Court**

*Stephanie Thompson, Interim Solicitor General, addressed the Board.*

- 15 Approve the continuation award and any supplemental funding of the FY 2025 Victims of Crime Act (VOCA) Grant for the Solicitor's Office to provide direct support to crime victims in the amount of \$125,741.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. No match is required.

*Consent*

### **Tax Assessors**

*Steve Watson, Chief Appraiser, addressed the Board.*

- 16 Approve the 2023 personal property refund in the amount of \$128,552.92 for overpayment of taxes regarding property located at 2125 Candler Road, Gainesville, GA to Cottrell Properties, LP.

*Mr. Watson discussed the item.*

*The following people addressed the Board:*

- *Pamela Fredebeil, 361 Tamarack Drive #20104, Jasper*

*Consent*

### **County Administrator**

*Mr. Propes addressed the Board and stated the following:*

- *Early Voting will be held October 15, 2024 to November 1, 2024. There are seven (7) locations. Advised to view the Elections page on the Hall County website.*
- *There are several Transportation SPLOST Public Information Sessions scheduled for this week:*
  - *Today, October 7, 2024 from 2:00 pm to 5:00 pm - Public Drop In - Hall County Government Center HR Training Room*
  - *Today, October 7, 2024 at 6:00 pm - Lula Train Depot*
  - *Thursday, October 10 from 5:00 pm to 7:00 pm - Public Drop In - Hall County Government Center HR Training Room*
  - *Friday, October 11 to Sunday, October 13 - Mule Camp*
  - *Monday, October 14 from 3:30 pm to 8:00 pm - Public Drop In - Downtown Gainesville Library*
  - *Tuesday, October 15 at 6:30 pm - Clermont Chattahoochee Center*
- *Presented a video highlighting the Hurricane Helene which occurred September 26-27, 2024.*

*Mr. Propes invited Emergency Management Director Zach Brackett to speak regarding Hurricane Helene. Mr. Brackett gave remarks and thanked staff from Public Works & Utilities, Fire Rescue, the Sheriff's Office, 911 Communications, Parks & Leisure, Animal Services, MIS, Central Services, the Correctional Institution and Emergency Management.*

*Lastly, Mr. Propes thanked Emergency Management Director Zach Brackett for his work during the weather event.*

## **Public Comments**

*There were no comments from the public.*

## **Commission Time**

*Commissioner Billy Powell, District 2, acknowledged current members of Leadership Hall. The following members addressed the Board:*

- *Cole Kaminski, Kubota Manufacturing of America*
- *Jenny Patten, Northeast Georgia Health System*

*Commissioner Gregg Poole, District 3, urged everyone to register to vote.*

*Chairman Richard Higgins asked for prayers for those affected by Hurricane Helene in Asheville and North Carolina.*

## **Adjourn**

*Chairman Higgins adjourned the meeting at 3:45 p.m.*



## AGENDA ITEM

### Consent Agenda

**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 564/2024

**SUBJECT:** Approve the September 24, 2024 Voting Meeting minutes.

**Meetings:**

**Work Session Date:** 10/07/24                      **Voting Meeting Date:** 10/10/24

**Executive Summary:**

**Presenter:** CA

**Recommendation:**  
Approve.

**Purpose of Request:** Approve the September 24, 2024 Voting Meeting minutes.

**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?** 2024-10-10

**Approvals:**

Approve	Attorney	Administration	Clerk
AD	WLI	CR	JR

**Attachments:**

9-24-2024 Voting Meeting Minutes







**HALL COUNTY BOARD OF COMMISSIONERS  
VOTING MEETING MINUTES**

**Hall County Government Center 2nd Floor  
2875 Browns Bridge Road  
Gainesville, GA 30504**

**Streamed Live on Hall County Government's Website - [www.hallcounty.org](http://www.hallcounty.org)  
Tuesday, September 24, 2024 - 06:00 PM**

**Call to Order**

*Chairman Higgins at 6:00 p.m.*

*Present:*

*Chairman Richard Higgins, Commissioners Kathy Cooper, Billy Powell and Jeff Stowe*

*Also present were County Administrator Zach Propes, Assistant County Administrator Casey Ramsey, Commission Clerk Jennifer Rivera, Deputy Commission Clerk Ana Dominguez, County Attorney William Linkous III, and Assistant County Attorney Justin Lawhon*

**Approve Agenda**

*Commissioner Powell/Commissioner Stowe — approve — Vote: 4 to 0*

*Commissioner Cooper —aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — absent*

*Commissioner Stowe — aye*

*Motion passed.*

**Invocation**

1 Chairman Richard Higgins

**Pledge**

2 Commissioner Jeff Stowe

**Public Comments**

*There were no comments from the public.*

### **Proclamation/s**

- 3 Approve the proclamation recognizing John Udzinski's retirement after 27 years of service to Hall County, Georgia.  
*Commissioner Powell presented John Udzinski with the Proclamation.*  
*Commissioner Stowe/Commissioner Powell — approve — Vote: 4 to 0*  
*Commissioner Cooper —aye*  
*Commissioner Powell — aye*  
*Chairman Higgins — aye*  
*Commissioner Poole — absent*  
*Commissioner Stowe — aye*  
*Motion passed.*
- 4 Approve the proclamation recognizing September 2024 as National Preparedness Month.  
*Commissioner Stowe presented Emergency Management Director Zach Brackett, Jessica Benton and Caleb Johnson with the Proclamation.*  
*Commissioner Stowe/Commissioner Powell — approve — Vote: 4 to 0*  
*Commissioner Cooper —aye*  
*Commissioner Powell — aye*  
*Chairman Higgins — aye*  
*Commissioner Poole — absent*  
*Commissioner Stowe — aye*  
*Motion passed.*
- 5 Approve the proclamation recognizing the General Federation of Women's Clubs (GFWC) Gainesville Phoenix Woman's Club.

*Commissioner Cooper presented Jill Bagley, Susan Miscally, Karen Snowholmes, Brenda Martin, Debbie Brown and Cindy Rinehart with the Proclamation.*

*Commissioner Stowe/Commissioner Powell — approve — Vote: 4 to 0*

*Commissioner Cooper —aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — absent*

*Commissioner Stowe — aye*

*Motion passed.*

### **Consent Agenda**

*Commissioner Powell/Commissioner Stowe — approve — Vote: 4 to 0*

*Commissioner Cooper —aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — absent*

*Commissioner Stowe — aye*

*Motion passed.*

- 6 Approve the September 23, 2024 Work Session minutes.
- 7 Approve the September 10, 2024 Voting Meeting minutes.
- 8 Approve the purchase and installation of two (2) Liebert EXM Uninterrupted Power Supply (UPS) systems and associated accessories for E-911 to SHI International Corp. of Somerset, NJ in the amount of \$232,143.14.
- 9 Approve the award of RFP/Q#45-007 Life & Disability Supplemental Health Benefits for Human Resources to Prudential Financial, Inc., of Newark, NJ; authorization for the Chairman to execute all related documents, subject to the review and approval by the County Attorney. The estimated annual cost is \$1,265,569.00.
- 10 Approval and authorization for the Chairman to execute a renewal application for the WaterFirst Program; authorization for the Chairman to execute any and all documents necessary to effectuate the program's renewal, subject to review and approval by the County Attorney.

### **Other Business - Planning and Development**

*Beth Garmon, Director of Planning and Zoning, addressed the Board.*

- 11 Public Hearing to amend Chapter 17.216 entitled "Short Term Rental" of the Official Code of Ordinances of Hall County, Georgia by deleting the current Chapter 17.216 of the Code of Ordinances in its entirety and inserting the word "Reserved" in place thereof; to amend Section 17.20.540 by deleting the current Section 17.20.540 and inserting a new Section 17.20.540 in lieu thereof; by inserting a new Chapter 5.100 entitled "Short Term Rentals" in Title 5 of the Code of Ordinances of Hall County, Georgia; and to provide for an effective date for said resolution; to repeal conflicting ordinances and resolutions; and for other purposes.

*Mr. Lawhon introduced the item. Ms. Garmon discussed the item. Mr. Lawhon conducted the Public Hearing.*

*There were no comments from the public.*

*Commissioner Powell/Commissioner Stowe — approve — Vote: 4 to 0*

*Commissioner Cooper —aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — absent*

*Commissioner Stowe — aye*

*Motion passed.*

**Public Hearing to amend Hall County's Zoning Map as follows:**

- 12 **4336, 4370, & 4420 Benefield Road | Rezone** | from Agricultural Residential IV (AR-IV) and Planned Commercial Development (PCD) to Planned Residential Development (PRD) | on a combined 68.83± acre tract located on the south side of Benefield Road, approximately 900 feet from its intersection with Village South Drive | Zoned AR-IV and PCD; Tax Parcels 15028 000014, 000070, & 000090 (pt.) | **Proposed Use: 302-unit residential development** | Commission District 1 | **Edge City Properties, Inc., applicant**

*Mr. Lawhon introduced the item. Ms. Garmon discussed the item.*

*Commissioner Cooper/Commissioner Stowe — approve tabling item 12 until the December 12, 2024 Voting Meeting — Vote: 4 to 0*

*Commissioner Cooper —aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — absent*

*Commissioner Stowe — aye*

*Motion passed.*

- 13 **4745 Cagle Mill Road | Rezone** | from Agricultural Residential III (AR-III) & Agricultural Residential IV (AR-IV) to Planned Industrial Development (PID) within the Gateway Corridors Overlay District (GCOD) | on a 10.59± acre tract located on the east side of Cornelia Highway (GA-365), approximately 4,970 feet from Cagle Road | Zoned AR-III & AR-IV; Tax Parcel 15007 00254 (pt.) | **Proposed Use: Industrial development** | Commission District 3 | **Josh Boling, applicant**

*Mr. Lawhon introduced the item. Ms. Garmon discussed the item.*

*Commissioner Stowe/Commissioner Powell — approve withdrawal of items 13 and 14 — Vote: 4 to 0*

*Commissioner Cooper —aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — absent*

*Commissioner Stowe — aye*

*Motion passed.*

- 14 **4745 Cagle Mill Road, 4673 & 4691 Noah Martin Drive | Rezone** | from Agricultural Residential III (AR-III) & Agricultural Residential IV (AR-IV) to Planned Residential Development (PRD) | on a combined 130.84± acre tract located on the west side of Cagle Mill Road, at its intersection with Noah Martin Drive | Zoned AR-III & AR-IV; Tax Parcels 15007 000254 (pt.), 15019 000043 & 15019 000114 | **Proposed Use: 349-unit residential development** | Commission District 3 | **Josh Boling, applicant**

*See item 13 for motion to approve withdrawal.*

- 15 **2052 Spring Road | Reestablishment of a Nonconforming Use** | on a 0.19± acre tract located on the north side of Spring Road, approximately 237 feet from its intersection with Skelton Road | Zoned H-B, Tax Parcel 00122 002010 | **Proposed Use: Single-family residence** | Commission District 4 | **Ashley Xitlaly Ruelas, applicant**

*Mr. Lawhon introduced the item. Ms. Garmon discussed the item. Mr. Lawhon conducted the Public Hearing.*

*The following people addressed the Board:*

*Favor:*

- *Carla Walker, 340 Jesse Jewell Parkway, Gainesville*

*Commissioner Stowe/Commissioner Powell — approve with the four (4) conditions listed below — Vote: 4 to 0*

*Commissioner Cooper —aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — absent*

*Commissioner Stowe — aye*

*Motion passed.*

*Conditions:*

- 1. The property shall be developed in accordance with the site plan dated June 6, 2024, and as described in the project narrative submitted on June 11, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.*
- 2. The Residential-II (R-II) setback standards, per section 17.240.10 shall be applicable.*
- 3. Further residential development of the property beyond the features indicated on the site plan is allowed provided all improvements comply with all county standards and ordinances, supplemental regulations, and all other requirements as established by the Official Code of Hall County enforced at the time of development. It shall be the responsibility of the property owner to determine if permits are required for any future improvements.*
- 4. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.*

16

**3475 Cook Road | Use Subject to County Commission Approval** | on a 13.91± acre tract located on the east side of Cook Road approximately 1,503 feet from its intersection with Davis Bridge Road | Zoned AR-III & VC; Tax Parcel 10068 000005C | **Proposed Use: 6-lot subdivision** | Commission District 2 | **Decatur Presbyterian Church, applicant**

*Mr. Lawhon introduced the item. Ms. Garmon discussed the item. Mr. Lawhon conducted the Public Hearing.*

*The following people addressed the Board:*

*Favor:*

- *Bryan Downs, 145 Vidal Boulevard, Decatur*

- *Jeff Cook, 3480 Cook Road, Gainesville*
- *Tabitha Rider, 3459 Cook Road, Gainesville*

*Commissioner Powell/Commissioner Stowe — approve with the seven (7) conditions listed below — Vote: 4 to 0*

*Commissioner Cooper —aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — absent*

*Commissioner Stowe — aye*

*Motion passed.*

*Conditions:*

- 1. The property shall be developed in accordance with the plat dated April 29, 2005, and as described in the project narrative dated July 1, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.*
- 2. The property shall be subdivided into a maximum of six (6) single-family residential lots in accordance with the requirements of the Agricultural-Residential-III (AR-III, 17.60) and Vacation Cottage (V-C) zoning districts as detailed in 17.240, Area and Setback Requirements.*
- 3. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."*
- 4. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official code of Hall County.*
- 5. All conditions of zoning shall be made part of any plats created for the property.*
- 6. The developer shall be responsible for the improvement of Cook Road along the frontage of the subject property. All improvements must meet or exceed Hall County Fire Marshal standards for ingress, egress, and emergency vehicle access. The surface material for the improved road section shall match the existing road surface of asphalt or gravel. All road improvements, including drive width, turn around and structural supporting capabilities, must be completed in accordance with Hall County Fire Marshal specifications.*
- 7. All required roadway improvements shall be completed prior to the issuance of any building permit for the proposed subdivision.*



## **County Administrator**

*Mr. Propes addressed the Board and stated the following:*

- *There is an online submittal form on the Hall County website to report potholes.*
- *Reminded those in attendance to stay weather alert this week in regards to inclement weather.*

## **Commission Time**

*Commissioner Jeff Stowe, District 4, invited everyone to the Health Department Ribbon Cutting on Wednesday, September 25, 2024 at 2:00 pm.*

## **Adjourn**

*Commissioner Powell/Commissioner Cooper — adjourn at 6:39 p.m. — Vote: 4 to 0*

*Commissioner Cooper —aye*

*Commissioner Powell — aye*

*Chairman Higgins — aye*

*Commissioner Poole — absent*

*Commissioner Stowe — aye*

*Motion passed.*



## AGENDA ITEM

### Consent Agenda

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**REPORT TO:** Work Session (10/07/24)  
**REPORT TO:** Voting Meeting (10/10/24)  
**ITEM NO:** 566/2024  
**SUBJECT:** Approve the September 24, 2024 Executive Session Minutes.

---

#### Meetings:

**Work Session Date:** 10/07/24                      **Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** CA  
**Recommendation:** Approve.

**Purpose of Request:** Approve the September 24, 2024 Executive Session Minutes.  
**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?** 2024-10-10

#### Approvals:

Approve	Attorney	Administration	Clerk
AD	WLI	CR	JR

---

#### Attachments:





## AGENDA ITEM

### Consent Agenda

**REPORT TO:** Work Session (10/07/24)  
**REPORT TO:** Voting Meeting (10/10/24)  
**ITEM NO:** 567/2024  
**SUBJECT:** Approve the September 24, 2024 Meeting minutes.

**Meetings:**

**Work Session Date:** 10/07/24                      **Voting Meeting Date:** 10/10/24

**Executive Summary:**

**Presenter:** CA  
**Recommendation:**  
 Approve.

**Purpose of Request:** Approve the September 24, 2024 Meeting minutes.  
**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:**

Approve	Attorney	Administration	Clerk
AD	AD	CR	JR

**Attachments:**

September 24, 2024 Meeting Minutes





**HALL COUNTY BOARD OF COMMISSIONERS  
MEETING MINUTES**

**Hall County Government Center 2nd Floor  
2875 Browns Bridge Road  
Gainesville, GA 30504**

**Streamed Live on Hall County Government's Website - [www.hallcounty.org](http://www.hallcounty.org)  
Tuesday, September 24, 2024 - 05:00 PM**

**Call to Order**

*Chairman Higgins at 5:00 p.m.*

*Present:*

*Chairman Richard Higgins, Commissioners Kathy Cooper, Billy Powell and Jeff Stowe*

*Also present were County Administrator Zach Propes, Assistant County Administrator Casey Ramsey, Commission Clerk Jennifer Rivera, Deputy Commission Clerk Ana Dominguez and County Attorney William Linkous III*

*Commissioner Stowe/Commissioner Powell — to go into Executive Session at 5:00 p.m. — unanimous*

**Executive Session**

- 1 Discussion regarding land acquisition, land disposition, personnel matters, potential litigation and/or litigation. Executive Session is not open to the public. Executive Session is a lawfully closed meeting [§ 50-14-1 (a)(2)].

*Commissioner Powell/Commissioner Stowe — to adjourn the Executive Session at 5:50 p.m. — unanimous*

**Adjourn**

*Commissioner Powell/Commissioner Stowe — adjourn the Meeting at 5:50 p.m. — unanimous*



## AGENDA ITEM

### Consent Agenda

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**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 517/2024

**SUBJECT:** Approval and authorization for the Chairman to execute a lease amendment between Hall County and the United States Department of Agriculture for lease of the facility located at 734 E. Crescent Drive in Gainesville, and authorization for the Chairman to execute any and all documents necessary to effectuate the lease, subject to review and approval by the County Attorney.

---

#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** KC  
**Recommendation:** Approval

#### Purpose of Request:

Approval and authorization for the Chairman to execute a lease amendment between Hall County and the United States Department of Agriculture for lease of the facility located at 734 E. Crescent Drive in Gainesville, and authorization for the Chairman to execute any and all documents necessary to effectuate the lease, subject to review and approval by the County Attorney.

#### History:

This is a renewal of a current lease with the United States Department of Agriculture for the space it currently shares with the University of Georgia's Extension Agency, located behind the Farmer's Market near Hall County Fire Station 7. The most recent version of this lease on file was signed in 2013.

#### Facts and Issues:

The previous lease agreement outlined a lease fee of \$2,566.00/month for an annual total of \$30,792. The current lease agreement includes a lease fee of \$3,690.00/month for an annual total of \$44,280.00. This amount is calculated by applying the inflation rate to the amount charged in 2013. The extension is effective Dec. 1, 2024.

#### Options:

**Funding Requested** \$ 0.00

**Are funds within current budget?** No

**Source of Funds**

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

Yes

**Has it been reviewed by the County Attorney?**

Yes

**Is there a deadline for this item?**

2024-11-29

**Approvals:**

<b>Approve</b>	<b>Budget</b>	<b>Finance</b>	<b>Attorney</b>
KC	JM	TS	WLI
<b>Administration</b>		<b>Clerk</b>	
CR		JR	

**Attachments:**

734 E Crescent Drive Lease with USDA





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

**AGENDA ITEM 517/2024**

**Funds Requested:** \$ 0.00

**Request Budgeted:** No

**Proposed Source of Funding:**

**Budget Transfer Requested:**

No

**Funding Source Items:**

<b>Fiscal Year</b>	<b>Fund</b>	<b>Division</b>	<b>Account</b>	<b>Amount</b>
2025	100-GENERAL FUND	1565-BUILDINGS AND MAINTENANCE	381100-RENTAL INCOME	\$-44,280.00

**Budget Transfer Items:**

**Additional Information/Comments:**

This is a revenue item for the general fund.

**Contact for Questions:** KC

**Phone:**

770-297-5504

<b>UNITED STATES DEPARTMENT OF AGRICULTURE</b>  <b>LEASE AMENDMENT</b>	LEASE AMENDMENT No. 1
	TO LEASE NO. Hall Co (2014)
ADDRESS OF PREMISES 734 E Crescent Drive, Gainesville, GA 30501	GREX Delegation Number: DGA02967-002 RPUID: FA.111179 UEID: USZBJ4CMC7B6

**THIS AMENDMENT** is made and entered into between **Hall County Georgia**

whose address is: **2875 Browns Bridge Road, Gainesville, GA 30504**

hereinafter called the Lessor, and the **UNITED STATES OF AMERICA**, hereinafter called the Government:

**WHEREAS**, the parties hereto desire to amend the above Lease to extend lease term.

NOW THEREFORE, these parties for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree that the said Lease is amended, effective upon execution by the Government as follows:

1. Effective upon execution by the Government, the lease period of the above-described premises will be extended from **December 1, 2024**, through **November 30, 2029**.
2. Effective **December 1, 2024**, the Government will pay the Lessor annual rent of **\$44,280.00** payable at the rate of **\$3,690.00\*** per month (representing **\$11.50\*** per square foot for **3,849** rentable square feet of office space) in arrears. (\*Rates may be rounded.)
3. The clauses contained in the attachment "Additional FAR and GSAR Clauses for Lease Extensions and Renewals" are hereby attached to and incorporated into the Lease.
4. The Lessor must have an active/updated registration in the System for Award Management (SAM) System (<https://www.sam.gov>) upon receipt of this Lease Amendment. Registration needs to indicate Purpose as "All Awards" and NAICS Code of "531120". The Government will not process rent payments to Lessors without an active/updated SAM registration.

This Lease Amendment contains 4 page.

All other terms and conditions of the lease shall remain in force and effect.

IN WITNESS WHEREOF, the parties subscribed their names as of the below date.

**FOR THE LESSOR:**


**FOR THE GOVERNMENT:**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Entity Name: \_\_\_\_\_  
Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Lease Contracting Officer, USDA  
Date: \_\_\_\_\_

**WITNESSED FOR THE LESSOR BY:**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**APPROVED AS TO FORM**  
  
**William J. Linkous III, County Attorney**

## ADDITIONAL FAR AND GSAR CLAUSES FOR LEASE EXTENSIONS

The following clauses are hereby incorporated into the Lease and replace any prior versions of these clauses contained in the Lease or its attachments:

**1) 52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Nov 2021)**

*This clause is incorporated by reference.*

**2) 52.204-27 Prohibition on a ByteDance Covered Application (Jun 2023)**

*This clause is incorporated by reference.*

**3) 52.204-30 Federal Acquisition Supply Chain Security Act Orders - Prohibition (Dec 2023)**

(a) *Definitions.* As used in this clause—

*Covered article*, as defined in [41 U.S.C. 4713\(k\)](#), means—

- (1) Information technology, as defined in [40 U.S.C. 11101](#), including cloud computing services of all types;
- (2) Telecommunications equipment or telecommunications service, as those terms are defined in section 3 of the Communications Act of 1934 ([47 U.S.C. 153](#));
- (3) The processing of information on a Federal or non-Federal information system, subject to the requirements of the Controlled Unclassified Information program (see [32 CFR part 2002](#)); or
- (4) Hardware, systems, devices, software, or services that include embedded or incidental information technology.

*FASCSA order* means any of the following orders issued under the Federal Acquisition Supply Chain Security Act (FASCSA) requiring the removal of covered articles from executive agency information systems or the exclusion of one or more named sources or named covered articles from executive agency procurement actions, as described in [41 CFR 201-1.303\(d\)](#) and [\(e\)](#):

- (1) The Secretary of Homeland Security may issue FASCSA orders applicable to civilian agencies, to the extent not covered by paragraph (2) or (3) of this definition. This type of FASCSA order may be referred to as a Department of Homeland Security (DHS) FASCSA order.
- (2) The Secretary of Defense may issue FASCSA orders applicable to the Department of Defense (DoD) and national security systems other than sensitive compartmented information systems. This type of FASCSA order may be referred to as a DoD FASCSA order.
- (3) The Director of National Intelligence (DNI) may issue FASCSA orders applicable to the intelligence community and sensitive compartmented information systems, to the extent not covered by paragraph (2) of this definition. This type of FASCSA order may be referred to as a DNI FASCSA order.

*Intelligence community*, as defined by [50 U.S.C. 3003\(4\)](#), means the following—

- (1) The Office of the Director of National Intelligence;

LESSOR: \_\_\_\_\_ GOVERNMENT: \_\_\_\_\_

- (2) The Central Intelligence Agency;
- (3) The National Security Agency;
- (4) The Defense Intelligence Agency;
- (5) The National Geospatial-Intelligence Agency;
- (6) The National Reconnaissance Office;
- (7) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;
- (8) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Department of Energy;
- (9) The Bureau of Intelligence and Research of the Department of State;
- (10) The Office of Intelligence and Analysis of the Department of the Treasury;
- (11) The Office of Intelligence and Analysis of the Department of Homeland Security; or
- (12) Such other elements of any department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and the head of the department or agency concerned, as an element of the intelligence community.

*National security system*, as defined in [44 U.S.C. 3552](#), means any information system (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

- (1) The function, operation, or use of which involves intelligence activities; involves cryptologic activities related to national security; involves command and control of military forces; involves equipment that is an integral part of a weapon or weapons system; or is critical to the direct fulfillment of military or intelligence missions, but does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications); or
- (2) Is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

*Reasonable inquiry* means an inquiry designed to uncover any information in the entity's possession about the identity of any covered articles, or any products or services produced or provided by a source. This applies when the covered article or the source is subject to an applicable FASCSA order. A reasonable inquiry excludes the need to include an internal or third-party audit.

*Sensitive compartmented information* means classified information concerning or derived from intelligence sources, methods, or analytical processes, which is required to be handled within formal access control systems established by the Director of National Intelligence.

*Sensitive compartmented information system* means a national security system authorized to process or store sensitive compartmented information.

*Source* means a non-Federal supplier, or potential supplier, of products or services, at any tier.

(b) *Prohibition.*

- (1) Unless an applicable waiver has been issued by the issuing official, Contractors shall not provide or use as

LESSOR: \_\_\_\_\_ GOVERNMENT: \_\_\_\_\_

part of the performance of the contract any covered article, or any products or services produced or provided by a source, if the covered article or the source is prohibited by an applicable FASCSA orders as follows:

- (i) For solicitations and contracts awarded by a Department of Defense contracting office, DoD FASCSA orders apply.
  - (ii) For all other solicitations and contracts DHS FASCSA orders apply.
- (2) The Contractor shall search for the phrase "FASCSA order" in the System for Award Management (SAM) at <https://www.sam.gov> to locate applicable FASCSA orders identified in paragraph (b)(1).
  - (3) The Government may identify in the solicitation additional FASCSA orders that are not in SAM, which are effective and apply to the solicitation and resultant contract.
  - (4) A FASCSA order issued after the date of solicitation applies to this contract only if added by an amendment to the solicitation or modification to the contract (see FAR [4.2304\(c\)](#)). However, see paragraph (c) of this clause.
  - (5)
    - (i) If the contractor wishes to ask for a waiver of the requirements of a new FASCSA order being applied through modification, then the Contractor shall disclose the following:
      - (A) Name of the product or service provided to the Government;
      - (B) Name of the covered article or source subject to a FASCSA order;
      - (C) If applicable, name of the vendor, including the Commercial and Government Entity code and unique entity identifier (if known), that supplied or supplies the covered article or the product or service to the Offeror;
      - (D) Brand;
      - (E) Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);
      - (F) Item description;
      - (G) Reason why the applicable covered article or the product or service is being provided or used;
    - (ii) *Executive agency review of disclosures.* The contracting officer will review disclosures provided in paragraph (b)(5)(i) to determine if any waiver is warranted. A contracting officer may choose not to pursue a waiver for covered articles or sources otherwise covered by a FASCSA order and to instead pursue other appropriate action.

(c) *Notice and reporting requirement.*

- (1) During contract performance, the Contractor shall review *SAM.gov* at least once every three months, or as advised by the Contracting Officer, to check for covered articles subject to FASCSA order(s), or for products or services produced by a source subject to FASCSA order(s) not currently identified under paragraph (b) of this clause.
- (2) If the Contractor identifies a new FASCSA order(s) that could impact their supply chain, then the Contractor shall conduct a reasonable inquiry to identify whether a covered article or product or service produced or provided by a source subject to the FASCSA order(s) was provided to the Government or used during contract performance.
- (3)
  - (i) The Contractor shall submit a report to the contracting office as identified in paragraph (c)(3)(ii) of this clause, if the Contractor identifies, including through any notification by a subcontractor at any tier,

LESSOR: \_\_\_\_\_ GOVERNMENT: \_\_\_\_\_

that a covered article or product or service produced or provided by a source was provided to the Government or used during contract performance and is subject to a FASCSA order(s) identified in paragraph (b) of this clause, or a new FASCSA order identified in paragraph (c)(2) of this clause. For indefinite delivery contracts, the Contractor shall report to both the contracting office for the indefinite delivery contract and the contracting office for any affected order.

(ii) If a report is required to be submitted to a contracting office under (c)(3)(i) of this clause, the Contractor shall submit the report as follows:

(A) If a Department of Defense contracting office, the Contractor shall report to the website at <https://dibnet.dod.mil>.

(B) For all other contracting offices, the Contractor shall report to the Contracting Officer.

(4) The Contractor shall report the following information for each covered article or each product or service produced or provided by a source, where the covered article or source is subject to a FASCSA order, pursuant to paragraph (c)(3)(i) of this clause:

(i) Within 3 business days from the date of such identification or notification:

(A) Contract number;

(B) Order number(s), if applicable;

(C) Name of the product or service provided to the Government or used during performance of the contract;

(D) Name of the covered article or source subject to a FASCSA order;

(E) If applicable, name of the vendor, including the Commercial and Government Entity code and unique entity identifier (if known), that supplied the covered article or the product or service to the Contractor;

(F) Brand;

(G) Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);

(H) Item description; and

(I) Any readily available information about mitigation actions undertaken or recommended.

(ii) Within 10 business days of submitting the information in paragraph (c)(4)(i) of this clause:

(A) Any further available information about mitigation actions undertaken or recommended.

(B) In addition, the Contractor shall describe the efforts it undertook to prevent submission or use of the covered article or the product or service produced or provided by a source subject to an applicable FASCSA order, and any additional efforts that will be incorporated to prevent future submission or use of the covered article or the product or service produced or provided by a source that is subject to an applicable FASCSA order.

(d) *Removal.* For Federal Supply Schedules, Governmentwide acquisition contracts, multi-agency contracts or any other procurement instrument intended for use by multiple agencies, upon notification from the Contracting Officer, during the performance of the contract, the Contractor shall promptly make any necessary changes or modifications to remove any product or service produced or provided by a source that is subject to an applicable FASCSA order.

(e) *Subcontracts.*

- (1) The Contractor shall insert the substance of this clause, including this paragraph (e) and excluding paragraph (c)(1) of this clause, in all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial products and commercial services.
- (2) The Government may identify in the solicitation additional FASCSA orders that are not in SAM, which are effective and apply to the contract and any subcontracts and other contractual instruments under the contract. The Contractor or higher-tier subcontractor shall notify their subcontractors, and suppliers under other contractual instruments, that the FASCSA orders in the solicitation that are not in SAM apply to the contract and all subcontracts.

4) **552.270-33 Foreign Ownership and Financing Representation for High-Security Leased Space (Jun 2021)**

The attached representation is hereby attached to and incorporated into this Lease Amendment.

5) **552.270-34 Access Limitations for High-Security Leased Space (Jun 2021)**

a) The Lessor, including representatives of the Lessor's property management company responsible for operation and maintenance of the leased space, shall not—

- (1) Maintain access to the leased space; or
- (2) Have access to the leased space without prior approval of the authorized Government representative.

(b) Access to the leased space or any property or information located within that Space will only be granted by the Government upon determining that such access is consistent with the Government's mission and responsibilities.

(c) Written procedures governing access to the leased space in the event of emergencies shall be documented as part of the Government's Occupant Emergency Plan, to be signed by both the Government and the Lessor.

6) **52.222-55 Minimum Wages for Contractor Workers Under Executive Order 14026 (Jan 2022)**

*This clause is incorporated by reference.*

7) **52.222-62 Paid Sick Leave Under Executive Order 13706 (Jan 2022)**

*This clause is incorporated by reference.*



## AGENDA ITEM

### Consent Agenda

---

**REPORT TO:** Work Session (10/07/24)  
**REPORT TO:** Voting Meeting (10/10/24)  
**ITEM NO:** 521/2024  
**SUBJECT:** Approve the award of Task Order #2025-019 Replace Rooftop Air Conditioning Units at North Hall Community Center for Parks & Leisure Services to J.R. Hobbs Co - Atlanta of Lawrenceville, GA, in the amount of \$157,936.25.

---

#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** KI  
**Recommendation:** Approve.

**Purpose of Request:**  
Approve the award of Task Order #2025-019 Replace Rooftop Air Conditioning Units at North Hall Community Center for Parks & Leisure Services to J.R. Hobbs Co - Atlanta of Lawrenceville, GA, in the amount of \$157,936.25.

**History:**  
This task order was the result of the competitively bid RFQ/P #44-034 Demand Services for On-Call HVAC Unit Installation, Repair, & Maintenance.

**Facts and Issues:**  
This task order was the result of the competitively bid RFQ/P #44-034 Demand Services for On-Call HVAC Unit Installation, Repair, & Maintenance.

#### Options:

Replacing all 3 units is within budget, including extended warranties for each unit.

Freedom Mechanical LLC did not attend the pre-bid meeting, nor did it reply to the task order.

<b>Funding Requested</b>	\$ 157,936.25
<b>Are funds within current budget?</b>	Yes
<b>Source of Funds</b>	SPLOST VIII



**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:**

<b>Buyer</b>	<b>Submit</b>	<b>Approve</b>	<b>Purchasing</b>
AY	BH	BH	AP
<b>Budget</b>	<b>Finance</b>	<b>Attorney</b>	<b>Administration</b>
JM	TS	WLI	CR
<b>Clerk</b>			
JR			

**Attachments:**

Financial Supplement

Bid Tab

Signature Request and Task Order #2025-019



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

**AGENDA ITEM 521/2024**

**Funds Requested:** \$ 157,936.25

**Request Budgeted:** Yes

**Proposed Source of Funding:**

**Budget Transfer Requested:**

SPLOST VIII

No

**Funding Source Items:**

<b>Fiscal Year</b>	<b>Fund</b>	<b>Division</b>	<b>Account</b>	<b>Amount</b>
2025	324-SPLOST VIII	6220-PARKS	541400- INFRASTRUCTURE	\$157,936.25

**Budget Transfer Items:**

**Additional Information/Comments:**

**Contact for Questions:** LJ

**Phone:** 678-617-4518

<b>TO #:</b>	<b>2025-019 Replace Rooftop AC Units at North Hall Community Center</b>	<b>J.R. Hobbs Co-Atlanta</b>	<b>Conditioned Air Systems, Inc</b>	<b>Freedom Mechanical</b>
		<b>Lawrenceville, GA</b>	<b>Gainesville, GA</b>	<b>Lula, GA</b>
<b>ITEM NO.</b>	<b>ITEM DESCRIPTION</b>	<b>PRICE</b>	<b>PRICE</b>	<b>PRICE</b>
1	Lump Sum for Unit 1A	\$51,372.85	\$65,818.00	No Response
	Additional 5-Year P&L Warranty	\$5,764.80	N/A	No Response
	Lead Time	14-18 weeks	6/8 weeks	No Response
	Refrigerant Type	454B	R454B	No Response
	<b>Option 1</b>			
	Lump Sum for Unit 2A	\$44,634.50	\$54,593.00	No Response
	Additional 5-Year P&L Warranty	\$5,764.80	N/A	No Response
	Lead Time	14-18 weeks	6-8 weeks	No Response
	<b>Option 2</b>			
	Lump Sum for Unit 3	\$44,634.50	\$54,593.00	No Response
	Additional 5-Year P&L Warranty	\$5,764.80	N/A	No Response
	Lead Time	14-18 weeks	6-8 weeks	No Response
	Total	\$157,936.25	\$175,004.00	

**Total number of bids sent: 3**  
**Number of bids sent to Hall County contractors: 2**  
**Number of bids received: 2**  
**Number of Hall County bids received: 1**  
**Number of "No Bids": 0**



# Hall County Government

FINANCIAL SERVICES

## CONTRACT EXECUTION SIGNATURE REQUEST

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.535.8270

DIRECTOR  
Taylor Samples, CPA

Date: 09/16/2024

To: Richard Higgins, Chairman, BOC

From: Andrew Youngblood, Purchasing Supervisor

Your signature is requested to execute the attached Contract:

Bid/Contract No: TO #2025-019

Bid/Contract Name: Replace Rooftop Air Conditioning Units at North Hall Community Center

Department(s) Requesting Contract: Parks & Leisure Services

Award Recipient Name: J.R. Hobbs Co. - Atlanta

Annual Contract       New       Renewal

Prior Year's Spend: [Click here to enter text.](#)

Price Increase Requested      Increase Percentage: 0%

Project/Service Contract      Estimated Amount: \$157,936.25

Product Contract      Awarded Amount:

Comments:

This task order was the result of the competitively bid RFQ/P #44-034 Demand Services for On-Call HVAC Unit Installation, Repair, & Maintenance.



Hall County Government  
FINANCIAL SERVICES

# Task Order #2025-019

## Replace Rooftop Air Conditioning Units at North Hall Community Center

Demand Services for On-Call HVAC Contractors Contract #44-034

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

DIRECTOR  
Taylor Samples, CPA

### PROJECT DESCRIPTION

Hall County, Georgia's Parks & Leisure Department is requesting Task Order bids for the replacement of air conditioning equipment for the North Hall Community Center.

Task Order bids must be received or emailed by Thursday, September 5, 2024, on the 4<sup>th</sup> floor of the Hall County Government Center, located at 2875 Browns Bridge, Gainesville, GA 30504 by 2:00pm. Email bids to [andrew.youngblood@hallcounty.org](mailto:andrew.youngblood@hallcounty.org).

### SCHEDULE OF EVENTS

**Release Date:** Tuesday, August 6, 2024

**Site Visit:** Contact Lamar Jones (678-617-4518) for an appointment to meet at North Hall Community Center & Park located at 4175 Nopone Rd, Gainesville, GA 30506.

**Bidder Questions Due Date:** Tuesday, August 27, 2024

**Response to Bidder Questions Due Date:** Friday, August 30, 2024

**Bid Due Date:** Thursday, September 5, 2024, by 2:00pm

### SCOPE OF WORK

This is a turnkey project. Contractors shall provide all equipment, labor, materials, and supervision necessary to satisfactorily complete each project. It is advised that contractors include crane service in their bids as these are rooftop units.

- Remove and dispose of existing air conditioning unit 1A on gymnasium rooftop.
- Furnish and install new air conditioning unit that services the gymnasium.
  - Acceptable manufacturers/brands: Carrier, or other brand equal in fit, form, and function.
  - Specify the following below:
    - Proposed Manufacturer/Brand
    - Energy rating of proposed new air conditioning units
  - New unit must be installed per the manufacturer's instructions and must meet all local, state, and national requirements.
  - New air conditioning unit must match tonnage of the current cooling system and provide proper CFM for that respective area.

- New unit must have two (2) separate refrigerant circuits.
- It is preferred that the new unit be able to drop right onto the existing curb.
  - Alternate proposals that fit without a curb adapter, or a short adapter, will be considered.
- Furnish and install new thermostat
  - Acceptable manufacturers/brands: Honeywell 8000 WiFi
  - Remove existing thermostat and return to Hall County Building Maintenance. **Do not** dispose of existing thermostat.
- Include new duct detector(s).
- Include cut sheets or other manufacturer's documentation with your bid.

**Options**

- Additional five (5) year warranty on parts & labor for each of the three units.
- Replace unit 2A
- Replace unit 3 on workout room
- Follow specifications for Unit 1A when quoting Unit 2A and Unit 3

**Contractor should coordinate any utility interruptions with North Hall Community Center and Building Maintenance at least 48 hours prior to interrupting utility service.**

Lump Sum for Unit 1A: 51,372.85

Additional 5-year parts & labor warranty: 5,764.80

Approximate lead time for Unit 1A: 14-18 weeks

Refrigerant Type: 454B

**Option 1** \*  
Lump Sum for Unit 2A: 44,634.50

Additional 5-year parts & labor warranty: 5,764.80

Approximate lead time for Unit 2A: 14-18 weeks

**Option 2** \*  
Lump Sum for Unit 3: 44,634.50

Additional 5-year parts & labor warranty: 5,764.80

Approximate lead time for Unit 3: 14-18 weeks

Sign below and return to [andrew.youngblood@hallcounty.org](mailto:andrew.youngblood@hallcounty.org)

If you purchase two or three units at the same time, the second and third unit are reduced in price since I am paying only one crane setup

IN WITNESS WHEREOF, said Parties have hereunto affixed their signature and seal on the day, month, and year first above written, Bidder must print the full legal company name and d/b/a as it appears on the W-9 form below:

Print Company's Full Legal Name Below:

J.R. Hobbs Co-Atlanta

HALL COUNTY, GEORGIA

D/B/A JR Hobbs

By: *Travis Riley*

By: \_\_\_\_\_

Print Name: Travis Riley

Richard Higgins, Chairman

Title: Director of Commercial Service

Hall County Board of Commissioners

Date: \_\_\_\_\_

Sworn to and subscribed before me this

5<sup>th</sup> Day of September, 2024.

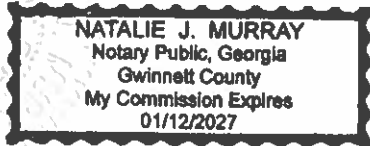
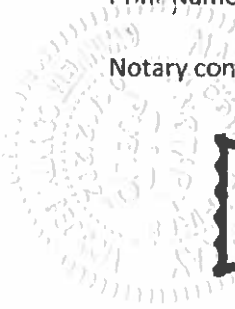
Attestation: \_\_\_\_\_

Board of Commissioners Clerk

Notary Public: *Natalie J. Murray*

Print Name: Natalie J. Murray

Notary commission expires: 1/12/27





## AGENDA ITEM

### Consent Agenda

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**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 539/2024

**SUBJECT:** Approve the resolution declaring 0.401 +/- acres of County right of way on Chestnut Mountain Circle to be unserviceable, and approving the transfer of said Right of Way to Lanier Christian Academy, subject to certain requirements, and authorizing the Chairman to execute any and all documents necessary to effectuate the transfer, subject to the review and approval of the County Attorney.

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#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** WJLICA

**Recommendation:**  
Approval.

#### Purpose of Request:

To approve the Resolution declaring 0.401 +/- acres of County right of way on Chestnut Mountain Circle to be unserviceable, and approving the transfer of said right of way to Lanier Christian Academy, subject to certain requirements, and authorizing the Chairman to execute any and all documents necessary to effectuate the transfer, subject to the review and approval of the County Attorney.

#### History:

Lanier Christian Academy has requested that the County transfer to it existing right of way on Chestnut Mountain Circle that the County is not using, and which is beneficial to LCA's activities.

#### Facts and Issues:

The right of way to be transferred is not currently utilized by the County and it abuts right of way property that was recently transferred from the State of Georgia, through the County, to LCA.

#### Options:

Approve or deny the Resolution.

**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.?**

Yes

**Has it been reviewed by the County Attorney?**

Yes

**Is there a deadline for this item?**

2024-10-11

**Approvals:**

<b>Submit</b>	<b>Budget</b>	<b>Finance</b>	<b>Attorney</b>
WLI	JM	TS	WLI
<b>Administration</b>		<b>Clerk</b>	
CR		JR	

**Attachments:**

Resolution and Exhibit A



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

**AGENDA ITEM 539/2024**

**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:** WJLICA

**Phone:** (770) 297-2686

STATE OF GEORGIA

COUNTY OF HALL

**RESOLUTION DECLARING CERTAIN RIGHT OF WAY ON AND NEAR CHESTNUT MOUNTAIN CIRCLE TO BE UNSERVICEABLE, AND APPROVING THE TRANSFER OF SAID UNSERVICEABLE RIGHT OF WAY WITH CUL-DE-SAC REQUIRMENT**

**WHEREAS**, Hall County, Georgia currently possesses as part of the official County Road System certain real property consisting of right of way on and at the end of Chestnut Mountain Circle, Hall County, Georgia (hereinafter referred to as “the ROW property”), and more specifically described as approximately 0.401 acres of right of way at the end of Chestnut Mountain Circle which borders on property owned by the Lanier Christian Academy, Inc. and which right of way is more particularly described in the survey documents and plats attached hereto as Exhibit “A”; and

**WHEREAS**, the Hall County Board of Commissioners has determined that the ROW property is unserviceable as contemplated by Section 3.10.180 of the Hall County Code of Ordinances; and

**WHEREAS**, the Board of Commissioners desires to dispose of the ROW property pursuant to the requirements of Section 3.10.180 of the Hall County Code of Ordinances and State law; and

**WHEREAS**, the Board of Commissioners has determined that declaring the ROW property to be unserviceable pursuant to Section 3.10.180 of the Hall County Code of Ordinances would support the general welfare of the citizens of Hall County; and

**WHEREAS**, after declaring the said ROW property to be unserviceable, the Board of Commissioners believes that the sole party who can make use of the ROW property is Lanier Christian Academy, Inc. because it owns the surrounding land; and

**WHEREAS**, the Board of Commissioners has determined that a transfer of the ROW property to Lanier Christian Academy, Inc. would support the general welfare of the citizens of Hall County, provided that Lanier Christian Academy, Inc. agrees to keep and maintain a cul-de-sac at the end of Chestnut Mountain Circle and outside the gates of the school as required by County ordinances and as needed for turning around of emergency vehicles; and

**WHEREAS**, the Board of Commissioners of Hall County, Georgia intends to approve the transfer of the said ROW property to Lanier Christian Academy, Inc. with the above cul-de-sac maintenance requirement so as to allow it to be put to productive community use by said organization and intends to authorize the Chairman or the Vice Chairman to execute any documents necessary to effectuate the transfer of the ROW property, subject to the review and approval of the County Attorney.

**NOW THEREFORE**, the Hall County Board of Commissioners determines and declares that the said Chestnut Mountain Circle right of way and cul-de-sac property (being more particularly described in Exhibit "A" hereto) is unserviceable pursuant to Hall County Code Section 3.10.180, cannot be used advantageously by the County, and is incapable of being used independently under applicable County land use regulations and ordinances, and the Board approves the transfer of the said Chestnut Mountain Circle ROW property to Lanier Christian Academy, Inc. provided that Lanier Christian Academy, Inc. agrees to keep and maintain a cul-de-sac at the end of Chestnut Mountain Circle and outside of the school's gates sufficient to comply with County requirements for necessary turning around of emergency vehicles, and provided that

said cul-de sac requirement shall be memorialized by deed. The Board further authorizes the Chairman to sign any and all documents necessary to effectuate the ROW property transfer described herein, subject to the review and approval of the County Attorney.

**SO RESOLVED** this the 10th day of October, 2024.

**HALL COUNTY BOARD OF  
COMMISSIONERS**

\_\_\_\_\_  
**Chairman, Richard Higgins**

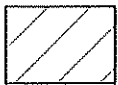
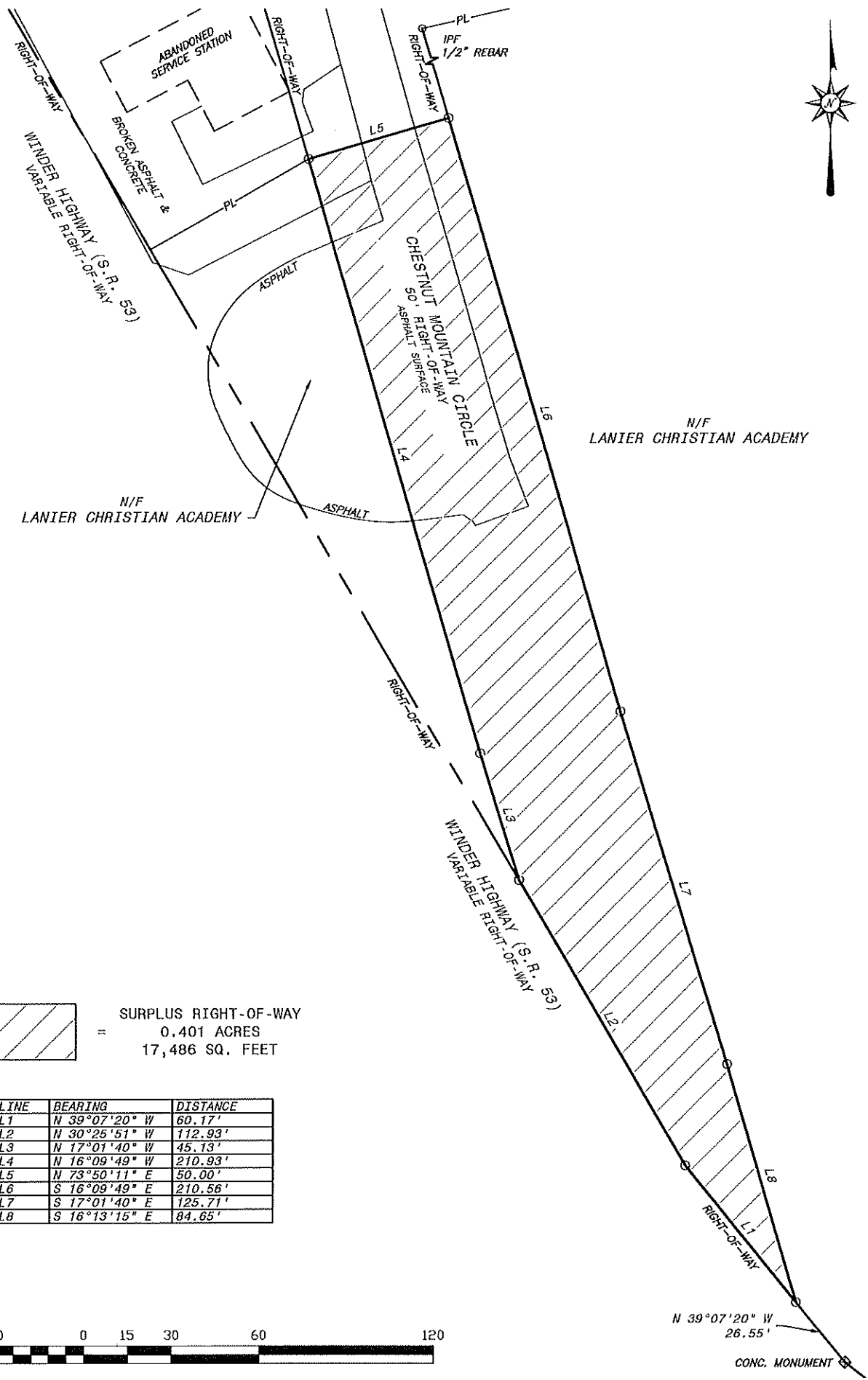
ATTEST:

\_\_\_\_\_  
Jennifer Rivera, County Clerk (SEAL)

APPROVED AS TO FORM:

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

# Exhibit “A”



= SURPLUS RIGHT-OF-WAY  
 = 0.401 ACRES  
 = 17,486 SQ. FEET

LINE	BEARING	DISTANCE
L1	N 39°07'20" W	60.17'
L2	N 30°25'51" W	112.93'
L3	N 17°01'40" W	45.13'
L4	N 16°09'49" W	210.93'
L5	N 73°50'11" E	50.00'
L6	S 16°09'49" E	210.56'
L7	S 17°01'40" E	125.71'
L8	S 16°13'15" E	84.65'



N 39°07'20" W  
 26.55'  
 CONC. MONUMENT



## AGENDA ITEM

### Consent Agenda

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**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 519/2024

**SUBJECT:** Approval of the standing order from the Superior Courts of Hall County to set the salary of any full-time Juvenile Court Judge at 85 percent of the base salary received by a Superior Court Judge in the circuit and to adjust Juvenile Court Judges' salaries on the same date of any adjustment made to Superior Court Judges' salaries unless an alternate date is set by separate order at that time by the Chief Superior Court Judge.

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#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** JS

**Recommendation:**  
Approval

#### Purpose of Request:

The purpose of the request is to ensure there is documented instruction as to how Juvenile Court Judges are paid and when any cost of living increases given to Superior Court Judges by the state are then given to Juvenile Court Judges.

#### History:

Unlike state court judges, the solicitor general and magistrate judges, local legislation and state law do not outline with certainty how juvenile court judges salaries are set other than to say they "shall be set by the superior court of the circuit in which the judges serve with approval of local governing authorities." The state law which speaks to juvenile court judges' salaries also is unclear regarding when any cost of living increase given to superior court judges would go into effect for juvenile court judges. Creating a standing order which speaks to these issues is the recommendation of both legal counsel and Administration in order to clear up any confusion going forward.

#### Facts and Issues:

#### Options:



The increase for Juvenile Court Judges was originally scheduled to begin Jan. 1, 2025 given that there is some discrepancy in both previous standing orders and the ACCG Guidebook as to when a COLA is to begin for Juvenile Court Judges. Vacancy allowance will provide for the increases to be retroactive to July 1, 2024 and that is the request from Courts.

**Funding Requested** \$ 8,235.19  
**Are funds within current budget?** Yes  
**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?** 2024-10-10

**Approvals:**

Approve	Budget	Finance	Attorney
KC	JM	TS	WLI
<b>Administration</b>		<b>Clerk</b>	
CR		JR	

**Attachments:**

Financial Supplement  
 Standing Order - Juvenile Court Judges Salaries



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

**AGENDA ITEM 519/2024**

**Funds Requested:** \$ 8,235.19

**Request Budgeted:** Yes

**Proposed Source of Funding:**

**Budget Transfer Requested:**

General Fund

No

**Funding Source Items:**

<b>Fiscal Year</b>	<b>Fund</b>	<b>Division</b>	<b>Account</b>	<b>Amount</b>
2025	100-GENERAL FUND	2600-JUVENILE COURT	511100-SALARIES	\$7,649.97
2025	100-GENERAL FUND	2600-JUVENILE COURT	512200-FICA	\$585.22

**Budget Transfer Items:**

**Additional Information/Comments:**

There is enough savings within the General Fund to cover the increase for Juvenile Court Judge's salaries. If any further budget adjustment maybe warranted, we can analyze that at mid-year.

**Contact for Questions:** KC

**Phone:** 770-297-5504

**IN THE SUPERIOR COURTS OF HALL AND DAWSON COUNTIES  
NORTHEASTERN JUDICIAL CIRCUIT  
STATE OF GEORGIA**

FILED  
HALL CO. GA.

24 SEP 12 AM 10:30

CHARLES BAKER, CLERK  
SUPERIOR STATE COURT

\*  
\*  
\*

**In the Matter of Juvenile Court Judge Salaries**

BY \_\_\_\_\_ 

Pursuant to the authority of O.C.G.A. § 15-11-52(b), the compensation of the Juvenile Court Judge is set by the Judges of the Superior Court with approval of the governing authority of the counties for which said Judge is appointed.

After consideration of Juvenile Court Judge salaries throughout the State of Georgia, and pursuant to a longstanding county judicial salary agreement that provides for a Juvenile Court Judge salary to be set at a percentage of the compensation set for a Superior Court judge, the undersigned deem it appropriate to modify the salary orders for the circuit's four existing Juvenile Court Judges, along with any future Juvenile Court Judge, until such time as a superseding order may be entered.

IT IS HEREBY ORDERED, subject to the approval of the County Governing Authority, that the salary of any full-time Juvenile Court Judge duly appointed pursuant to O.C.G.A. § 15-11-50(b) shall receive an annual salary equal to 85 percent of the base salary received by a Superior Court judge in this circuit. The Superior Court base salary shall include the annual salary provided by the State of Georgia as well as any annual supplements provided by Hall County and Dawson County; the base salary shall *not* include the Accountability Court supplement provided by the State of Georgia pursuant to O.C.G.A. § 15-6-29.1. Any future adjustments made to the base salary of a Superior Court judge shall be made effective for the Juvenile Court Judge on the same date, unless an alternate date is set by separate order at that time by the Chief Superior Court judge.<sup>1</sup>

In addition, the counties shall contribute 7.5% of the above annual salary to the Georgia Judicial Retirement Plan of the State of Georgia as required by law.

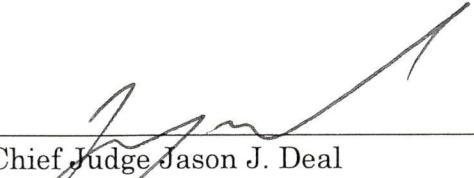
The annual salary and benefits shall be paid out of the General Fund of Hall and Dawson Counties in the ratio established by the previous Intergovernmental Agreement

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<sup>1</sup> The most recent adjustment to the base salary of a Superior Court judge was made effective by the State of Georgia on July 1, 2024. In accordance with the provisions of this Order, the salaries of the Juvenile Court judges shall therefore also be made retroactively effective to July 1, 2024.

(IGA) between the counties. For the purposes of efficient administration, Hall County shall administer the entire salary and benefits and bill Dawson County for any share pursuant to the IGA.<sup>2</sup>

**SO ORDERED** this 12<sup>th</sup> day of September, 2024.

  
\_\_\_\_\_  
Chief Judge Jason J. Deal

  
\_\_\_\_\_  
Judge Kathlene F. Gosselin

  
\_\_\_\_\_  
Judge Bonnie Chessher Oliver

  
\_\_\_\_\_  
Judge Clint G. Bearden

  
\_\_\_\_\_  
Judge Lindsay H. Burton

<sup>2</sup> By current agreement, Dawson County will pay 16.67% of the annual gross salary and benefits of two Juvenile Court judges.



## AGENDA ITEM

### Consent Agenda

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**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 533/2024

**SUBJECT:** Approve the continuation award and any supplemental funding of the FY 2025 Victims of Crime Act (VOCA) Grant for the District Attorney's Office to provide direct support to crime victims in the amount of \$87,310.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. No match is required.

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#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** LD  
**Recommendation:** Approval

**Purpose of Request:** Approve the continuation award and any supplemental funding of the FY 2025 Victims of Crime Act (VOCA) Grant for the District Attorney's Office to provide direct support to crime victims in the amount of \$87,310.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. No match is required.

**History:** The DA's Office has received the VOCA grant since 2002.

**Facts and Issues:** The VOCA program, created in 1984, provides federal funding to support victims' assistance and compensation programs, provide training for diverse professionals who work with victims to develop projects to enhance victims' rights and services, and to undertake public education and awareness activities on behalf of crime victims.

**Options:**

**Funding Requested** \$ 0.00  
**Are funds within current budget?** Yes  
**Source of Funds** Multiple Grant 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:**

<b>Grants</b>	<b>Submit</b>	<b>Approve</b>	<b>Grants</b>
PS	KM	KM	SG
<b>Budget</b>	<b>Finance</b>	<b>Attorney</b>	<b>Administration</b>
JM	TS	WLI	CR
<b>Clerk</b>			
JR			

**Attachments:**

FY25 VOCA Draft Budget DA



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

**AGENDA ITEM 533/2024**

**Funds Requested:** \$ 0.00

**Request Budgeted:** Yes

**Proposed Source of Funding:**

**Budget Transfer Requested:**

Multiple Grant Fund

No

**Funding Source Items:**

<b>Fiscal Year</b>	<b>Fund</b>	<b>Division</b>	<b>Account</b>	<b>Amount</b>
2025	250-MULTIPLE GRANT FUND	2200-DISTRICT ATTORNEY	351411-VICTIM WITNESS ASSISTANCE	\$-87,310.00
2025	250-MULTIPLE GRANT FUND	2200-DISTRICT ATTORNEY	511100-SALARIES	\$87,310.00

**Budget Transfer Items:**

**Additional Information/Comments:**

Budget guidelines are still under review with CJCC/PAC and line items are subject to change. However, the amount will not exceed the \$87,310. FFY24 is October 1, 2024-September 30, 2025.

**Contact for Questions:** KS

**Phone:** 770 538-5322

# CJCC Budget Detail Worksheet

<b>Agency Name:</b>	PAC
<b>Subgrant Number:</b>	
<b>Project Name:</b>	Hall County DA VWAP
<b>Select grant type:</b>	VOCA

**Purpose:** This Budget Detail Worksheet is used to verify all Subgrant Expenditure Requests (SERs) and to determine whether costs are allowable, reasonable and justified. Please fill it out completely with the Subgrant Adjustment Request (SAR) #1 in your award packet and for each subsequent SAR that requires a budget change. All required information must be present in the budget narrative, regardless of format.

**NOTE** - If you need extra lines in the spreadsheet under one of the categories: 1) Highlight an entire row or block of lines within the same category 2) Keeping your mouse over the highlighted row or block, right click and select the copy option by left clicking 3) Next, right click with your mouse again on the highlighted row or block and chose the option "insert copied cells" by left clicking If you selected only a block and not the entire row, a new tile will open up and select the option "Shift cells down" and click OK. Use of this technique will ensure that you don't change the formulas inserted in the spreadsheet.

**A (1). Personnel**-- List each position by title and name of employee, if available. In order to calculate the budget enter the annual salary and the percentage of time to be devoted to the program. Compensation of employees engaged in program activities must be consistent with that for similar work within the applicant agency.

Title	First and Last name	Salary Rate	% Time to Project	Select Pay Period Frequency	Cost	Match?
Victim Advocate	Andrea Shoemaker	\$59,819.24	97%	Biweekly	\$57,848.00	
Victim Advocate	Arlette Gomez	\$53,040.00	97%	Biweekly	\$51,289.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	

Title	First and Last name	Hourly wage	Hours per week on project	Weeks worked annually	Select Pay Period Frequency	Cost	Match?
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
<b>PERSONNEL TOTAL</b>						<b>\$109,137</b>	

**A (2). Volunteers** -- If applicable, simply enter the number of hours of service volunteers will perform. Volunteers must be valued at \$15/hour unless approved by CJCC staff for a higher rate. Do not change the drop-down selection box from "In-kind" or your match will not calculate correctly.

	Hours	Rate	Total value	Match
<b>Volunteers</b>			\$ -	In-Kind
<b>VOLUNTEERS TOTAL</b>			<b>\$0.00</b>	

**A (3). Fringe**-- Amounts should be based on actual costs or a formula for personnel listed above, utilizing the percentage of time devoted to the program. Fringe benefits on overtime hours are limited to FICA, Worker's Compensation and State Unemployment Compensation. Costs included within this category are: FICA (employer's portion of Social Security and Medicare taxes), employer's portion of retirement, employer's portion of insurance (health, life, dental, etc.), employer's portion of Worker's Compensation and State Unemployment Compensation.

Title	First and Last name	Total annual salary or wages	Select fringe type	Enter rate of each fringe benefit as a percentage of salary or wages	% Time to Project	Cost	Match?
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
<b>FRINGE TOTAL</b>						<b>\$0.00</b>	

**PERSONNEL GRAND TOTAL** **\$109,137**

**B. Travel**-- Funds must be budgeted in compliance with State of Georgia Statewide Travel Regulations. Itemize travel expenses of program personnel by category (e.g. mileage, meals, lodging, incidentals, and airfare) and purpose (e.g. training, field interviews, and advisory group meetings) and identify the location, if known. For training programs, list travel and meals for participants separately. Show the budget calculation (e.g. six people attending three-day training at \$X airfare, \$X lodging, \$X meals/ incidentals). **If selecting "airfare" enter 1 in the nights/days field and use the round-trip costs.** Please note that the maximum reimbursement rate is \$0.565 per mile, but if your agency's reimbursement rate is lower you must use that.

Trainings and Conferences		**All trainings and conferences must be pre-approved by submitting an agenda to your Specialist or Auditor.						
Purpose of Travel	Staff member	Item	Cost	# Individuals	# Nights/Days	# Trips	Cost	Match?
							\$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

Mileage						
Purpose of Travel	Staff member	Location or Coverage Area	Cost per mile	Miles per grant year	Total Cost	Match?
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
<b>TRAVEL TOTAL</b>					<b>\$0.00</b>	

**C. Equipment--** List non-expendable items to be purchased. Applicants should analyze the benefit of purchased versus leased equipment, especially high cost and electronic or digital items. Explain how the equipment is necessary for the success of the program. Show the budget calculation. Attach a narrative describing the procurement method to be used. Please note that all items must be at least \$5,000 per unit to be considered equipment. Otherwise please list items in "Supplies."

Equipment Item	Cost per Unit	# Items	Vendor	Cost	Match?
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
<b>EQUIPMENT TOTAL</b>				<b>\$0.00</b>	

**D. Supplies--** List items by type (e.g. office supplies, postage, copier usage, training supplies, publications, audio/video (batteries, film, CD/DVD's, etc.), office furniture, computer software, educational/therapeutic supplies, uniforms, weapons (law enforcement and prosecution units only). Show budget calculation. For example, where an item is office supplies, enter \$100 for cost per unit; "month" for define unit; 12 for # units, and Office Palooza for Vendor. Leave "define unit" blank if not applicable.

Item	Cost per unit	# Units	Vendor	Cost	Match?
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
<b>SUPPLY TOTAL</b>				<b>\$0.00</b>	

**E. Printing--** List items by type (e.g. letterhead/envelopes, business cards, training materials). Show budget calculation. For example, where an item is business cards, enter \$15 for cost per unit; "box" for define unit; 2 for # units, and Print Mania for Vendor. Leave "define unit" blank if it is not applicable.

Item	Cost per unit	# Units	Vendor	Cost	Match?
				\$0.00	
				\$0.00	
				\$0.00	
<b>PRINTING TOTAL</b>				<b>\$0.00</b>	

**F. (1) Other Costs--** List items by type (e.g. real property lease, repairs/maintenance, utilities, copier rental/lease, postage meter, insurance & bonding, dues & subscriptions, advertising, registration fees, film processing, notary services, public relations, communication services - indicate if DOAS is provider). Show budget calculation. For example, provide the office space square footage and the lease rate or provide the monthly lease amount and the number of months leased. For unit enter time period as applicable (i.e., "month" for utility costs) or leave blank for items such as registration that require a one-time fee.

Item	Cost per unit	# of Units	% Charged to Grant	Vendor	Cost	Match?
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
<b>F. (1) Subtotal</b>					<b>\$0.00</b>	

**F. (2) Consultant Fee:** Enter the name, if known, and service to be provided. Show the budget calculation; for example, the hourly or daily rate (8 hours) multiplied by the estimated number of units (eg., 1 hour of therapy).

Name of Consultant	Service Provided	Cost per unit	Define Unit of Service	# Units	Cost	Match?
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
<b>F. (2)Subtotal</b>					<b>\$0.00</b>	

**F. (3) Contracts:** Provide a description of the product or service to be procured by contract and a cost estimate. Applicants are strongly encouraged to use a competitive procurement process in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Name of Consultant	Service Provided	Cost per unit	Define Unit of Service	# Units	Cost	Match?
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
<b>F. (2)Subtotal</b>					<b>\$0.00</b>	

**F. (4) Indirect Cost:** If your agency has a negotiated rate, a copy of the Indirect Cost Rate Agreement must be submitted with your contract budget. Applicants may elect to use an amount up to the ten percent (10%) de Minimis rate of their Modified Total Direct Costs (MTDC) base. MTDC includes the cost of salaries, wages and fringe benefits of personnel that work directly on the project, and other operational costs such as supplies, printing, and travel that are directly related to the project. To use the de Minimus indirect cost rate complete the MTDC Calculator in the next tab. When you have completed this calculator, the total indirect cost will transfer to the space below.

**Indirect Cost** **\$0**

**F. OTHER TOTAL** **\$0**

**G. Match Waiver:** If your agency would like to request a match waiver, you should submit a letter, on your agency's letterhead, to the Georgia Criminal Justice Coordinating Council (CJCC). The letter should outline the reasons why your agency will have trouble meeting the full match requirement and should indicate the amount of match you are able to provide for the

**G. Match Waiver Amount:**

**Budget Summary--**When you have completed this budget worksheet, the totals for each category will transfer to the spaces below. The total costs and total project costs will be computed via Excel formula. Indicate the amount of grant funds requested and the amount of non-grant funds that will support the project.

Budget Category	Amount		
A. Personnel and Fringe	\$109,137		
B. Travel	\$0		
C. Equipment	\$0		
D. Supplies	\$0		
E. Printing	\$0		
F. Other	\$0		
<b>TOTAL PROJECT COSTS</b>	<b>\$109,137</b>		
Award	\$87,310		
Match Amount	\$21,827		
<b>Match Breakdown</b>	Cash	\$21,827	100%
	In-Kind	\$0	0%

**Budget Narrative**

Full 2025 VOCA SG Award amount of \$87,310 will be applied directly to the salaries of (2) Victim Advocate positions. Hall County will cover the full fringe benefit amount at an estimated rate of \$40,380 of these (2) positions as part of 2025 VOCA DA cost match amount totaling \$21,827.

**NOTE:** If a Non-Grant expense amount is entered, make sure those items for which they will be used must be incorporated into your overall budget. Indicate clearly throughout you budget narrative and detail worksheet for which items these funds will be used.



## AGENDA ITEM

### Consent Agenda

---

**REPORT TO:** Work Session (10/07/24)  
**REPORT TO:** Voting Meeting (10/10/24)  
**ITEM NO:** 528/2024  
**SUBJECT:** Approve the purchase of a new 2024 Ford F-550 for Public Works & Utilities to Wade Ford, Inc., of Smyrna, GA, in the amount of \$73,963.00.

---

#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** BN  
**Recommendation:**  
Approve

**Purpose of Request:**  
Approve the purchase of a new 2024 Ford F-550 for Public Works & Utilities to Wade Ford, Inc., of Smyrna, GA, in the amount of \$73,963.00.

#### History:

**Facts and Issues:**  
This request is for a chassis only and will replace an existing 24 year old sign truck that currently has an excess of 250,000 miles and is in poor mechanical condition. The work body of the existing truck will be removed and installed on the new chassis.

#### Options:

<b>Funding Requested</b>	\$ 73,963.00
<b>Are funds within current budget?</b>	Yes
<b>Source of Funds</b>	Capital Projects Fund
<b>Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?</b>	No
<b>Has it been reviewed by the County Attorney?</b>	Yes
<b>Is there a deadline for this item?</b>	

Approvals:

<b>Submit</b>	<b>Approve</b>	<b>Purchasing</b>	<b>Budget</b>
WS	BN	AP	JM
<b>Finance</b>	<b>Attorney</b>	<b>Administration</b>	<b>Clerk</b>
TS	WLI	CR	JR

---

**Attachments:**

Financial Supplement  
Wade Chassis Information  
Price Sheet



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

**AGENDA ITEM 528/2024**

**Funds Requested:** \$ 73,963.00

**Request Budgeted:** Yes

**Proposed Source of Funding:**

**Budget Transfer Requested:**

Capital Projects Fund

No

**Funding Source Items:**

<b>Fiscal Year</b>	<b>Fund</b>	<b>Division</b>	<b>Account</b>	<b>Amount</b>
2025	350-CAPITAL PROJECTS FUND	4971-ENGINEERING	542200-MOTOR VEHICLES	\$73,963.00

**Budget Transfer Items:**

**Additional Information/Comments:**

Georgia Statewide Contract

**Contact for Questions:** BR

**Phone:**

770-531-6800



## Supplier Information Sheet

<b>Statewide Contract Number</b>		<b>99999-001-SPD00000155</b>	
<b>Name of Contract</b>	<b>Truck Chassis and Truck Bodies</b>		
<b>Effective Date</b>	08/08/2018	<b>Effective Date</b>	08/31/2025
<b>Contract Table of Contents</b>			
<b>Active Suppliers</b>	6	<b>Contract Information:</b>	<b>Mandatory Contract</b>
<b>Contract Information for Vendor</b>			<b>Page Number</b>
Smyrna-F LLC dba Wade Ford			2
<b>Additional Contract Information</b>			
General Contract Information			3
Specifications			3
Pricing			3
Changes/Renewals/Extension			4
DOAS Contact Information			5

# Vendor Information Sheet

<b>Contract Information</b>	
<b>Statewide Contract Number</b>	<b>99999-SPD-SPD0000155-0006</b>
<b>PeopleSoft Vendor Number</b>	<b>0000011786</b>
<b>Vendor Name &amp; Address</b>	
Wade Ford Inc 38600 South Cobb Drive Smyrna, GA 30080	
<b>Contract Administrator</b>	
Ron Morgan	
<b>Contact Details</b>	
<b>Ordering Information</b>	Wade Ford Inc 38600 South Cobb Drive Smyrna, GA 30080
<b>Remitting Information</b>	Fleet and Government Sales 3680 South Cobb Drive Smyrna, Georgia 30080
<b>Delivery Days</b>	Orders will be shipped within 120 days after receipt of Purchase Order
<b>Discounts</b>	Determined at time of order
<b>Payment Terms</b>	Net 30 Days
<b>Bid Offer includes</b>	State and Local Government
<b>Acceptable payment method</b>	Purchase Order

## **General Contract Information:**

This contract provides a variety of Truck Chassis and Truck Bodies in the following Gross Vehicle Weight Rating (GVWR) categories: 12,500 GVWR, 15,000 GVWR, 19,500 GVWR, 19,500 GVWR DOT HERO, 26,000 GVWR, 36,000 GVWR, 52,000 GVWR, and 56,000 GVWR.

Each awarded supplier provided Truck Bodies with their pricing sheets. For a description and price of the available bodies per GVWR on each awarded pricing sheet for that weight category. To find the bodies available, review the suppliers pricing sheet that are linked to the pricing pages.

## **Specifications**

See Specifications in Team Georgia Marketplace (TGM)

## **Pricing:**

See Pricing Sheets in Team Georgia Marketplace (TGM)



## **Contract Renewals/ Extensions/ Amendments:**

Base Term:	8/8/2018 – 8/31/2019
Renewal 1	9/1/2019-8/31/2020
Renewal 2	9/1/2020-8/31/2021
Renewal 3	9/1/2021-8/31/2022
Renewal 4	9/1/2022-8/31/2023
Extension 1	9/1/2023-8/31/2024
Extension 2	9/1/2024-8/31/2025
Amendment 7	Pricing

## **DOAS CONTACT INFORMATION**

### **DOAS Contract Manager**

**Name:** Emily Harris

**Phone:** 470-668-2663

**Email:** emily.harris@doas.ga.gov

### **Procurement Help Desk**

**Telephone:** 404-657-6000

**Email:** procurementhelp@doas.ga.gov



# GA Statewide Contract 99999-001-SPD0000155

## 19,500 GVWR Cab & Chassis Ford F-550

Regular Cab, Dual Rear Tires, Spore, PTO, 6.7L Diesel, Automatic, Cab Step, Block Heater, 60 CA, AC, AM/FM, Rear Camera, Tow mirrors, Bluetooth Compatible

WADE FORD Government Sales 3860 South Cobb Dr Smyrna, GA 30080

Roger Moore 770-874-1890 Office rmoore@wade.com

Order	Code	Chassis Options	Price	Total	Order	Code	Chassis / Body Options	Price	Total
1	X**	Super Cab (All)	2,290.00	2,290.00		663A	XLT Upgrade	2,675.00	0.00
	W**	Crew Cab (All)	3,345.00	0.00		166	Carpet Delete	(46.00)	0.00
	F6K	22,000 GVWR (RC only) F600	3,660.00	0.00		17V	XLT Value Package	2,155.00	0.00
1	68U	18,000 GVWR downgrade F550	(1,051.00)	(1,051.00)		54F	Power Telescoping Mirrors	280.00	0.00
	F4G	16,500 GVWR downgrade F450	(1,100.00)	0.00		668A	Lariat Pkg (SC/CC Only)	9,280.00	0.00
	F3G	14,000 GVWR Downgrade F350	(1,875.00)	0.00		76Z	Anti-Theft Security System	98.00	0.00
	F3E	11,100 GVWR Downgrd F350 SRW	(1,205.00)	0.00		TW	Tint Windows Dealer Installed	425.00	0.00
1	84	84" CA (All Cabs) (RC only 350)	175.00	175.00		47A	Ambulance Prep (D only)	1,205.00	0.00
	108	108" CA (F450/550 RC Only)	350.00	0.00		47J	Fire Rescue Prep (D Only)	1,205.00	0.00
	120	120" CA (F450/550 RC Only)	520.00	0.00					
1	**H	4x4 Drive System (All)	3,495.00	3,495.00					0.00
1	41P	Skid Plates (req 4x4)	100.00	100.00					0.00
1	TGK	LT225/70Rx19.5G AT Tires (6)	215.00	215.00					0.00
	TGM	LT225/70Rx19.5G AT Tires (4)	190.00	0.00					0.00
	65C	Dual Diesel Tanks	625.00	0.00			Added body components		0.00
	65M	28 Gal Mid Ship Fuel Tank	125.00	0.00					0.00
	99Y	7.3L V8 Gasoline Engine (19k)	(7,254.00)	0.00					0.00
	98F	Gaseous Prep for All Fuel	315.00	0.00					0.00
1	X*L	Limited Slip Rear Axle	395.00	395.00					0.00
	TGM	LT225/70Rx19.5G AT Tires	190.00	0.00					0.00
	945	Stainless Steel Wheel Cover	410.00	0.00					0.00
	67P	HD Fri Susp Pkg 7500 GAWR	285.00	0.00					0.00
	63C	All Axle Frame Extension	115.00	0.00					0.00
1	67*	Heavy Duty Alternator(s) A,B,E	115.00	115.00					0.00
	473	Snow Plow Prep(req 67*)	250.00	0.00					0.00
1	43C	110V/400W Inverter (req 67*)	175.00	175.00					0.00
1	86M	Dual Batteries (68AH/65AGM)	210.00	210.00					0.00
	535	HD Trailer Tow (450/550 D only)	580.00	0.00					0.00
	96V	XL Chrome Pkg	225.00	0.00					0.00
	1S	Cloth 40-20-40 Seats (RC only)	100.00	0.00					0.00
1	1S	Cloth 40-20-40 Seats (SC/CC)	355.00	355.00					0.00
1	52S	Interior Work Surface	140.00	140.00					0.00
1	76C	Backup Alarm	150.00	150.00					0.00
	59H	Hign Mount Stoplight	58.00	0.00					0.00
	91S	LED Amber Warning Strobes	650.00	0.00					0.00
	91G	LED White Warning Strobes	650.00	0.00					0.00
1	18B	Running Boards	445.00	445.00					0.00
	872	Factory Installed Camera	415.00	0.00					0.00
	86S	Low Deflection Package	110.00	0.00					0.00
	43K	2kW Pro Power (Req 86M)	985.00	0.00					0.00
	61L	Front Wheel Well Liner	180.00	0.00					0.00
				0.00					0.00
				0.00					0.00
				0.00		TT	Tag & Title ( Hard Plate)	85.00	0.00

### PAINT COLORS

1	Z1	Oxford White
	UM	Agate Black Metallic
	PQ	Race Red
	JS	Iconic Silver Metallic
	M7	Carbonized Gray Metallic
	D1	Stone Gray Metallic
	HX	Anti Matter Blue Metallic
	D4	Rapid Red Metallic
	BY	Fleet School Bus Yellow
	GR	Fleet Green
	MB	Fleet Orange
	E4	Fleet Vermillion Red
	AT	Fleet Yellow

### Delivery Region

140.00	1	
115.00	2	115
180.00	3	
120.00	4	
110.00	5	
150.00	6	
220.00	7	
200.00	8	
250.00	9	
220.00	10	
280.00	11	
320.00	12	

Base Vehicle	66,639.00
Total Chassis options	7,209.00
Total Body options	0.00
Delivery Charge	115.00
Metallic/Fleet Paint	
Total Each	73,963.00
# Units for order	
Total for Order / PO	73,963.00

Agency Hall County  
 Agency Contact \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Address \_\_\_\_\_



## AGENDA ITEM

### Consent Agenda

---

**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 524/2024

**SUBJECT:** Approve the resurfacing list for the Georgia Department of Transportation (GDOT) FY 2025 Local Maintenance Improvement Grant (LMIG) application for 7.5 miles of road resurfacing on fourteen (14) various County Roads, in the amount of \$3,616,612.00.

---

#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** BN  
**Recommendation:**  
Approve

**Purpose of Request:**  
Approve the resurfacing list for the Georgia Department of Transportation (GDOT) FY 2025 Local Maintenance Improvement Grant (LMIG) application for 7.5 miles of road resurfacing on fourteen (14) various County Roads, in the amount of \$3,616,612.00.

#### History:

**Facts and Issues:**  
The resurfacing list is to be submitted as part of the GDOT LMIG application. Based on the expected funding from LMIG the County is submitting a condensed list that still maximizes the benefit of LMIG funds but will allow Hall County to utilize the most recent road ratings for the Hall County FY 2026 Resurfacing List - This is GDOT FY 2025.

#### Options:

<b>Funding Requested</b>	\$ 3,616,612.00
<b>Are funds within current budget?</b>	Yes
<b>Source of Funds</b>	State Road and SPLOST VIII
<b>Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?</b>	No

**Has it been reviewed by the County Attorney?**

Yes

**Is there a deadline for this item?**

**Approvals:**

<b>Submit</b>	<b>Approve</b>	<b>Budget</b>	<b>Finance</b>
WK	BN	JM	TS
<b>Attorney</b>	<b>Administration</b>	<b>Clerk</b>	
WLI	CR	JR	

**Attachments:**

- Financial Supplement
- FY 2025 LMIG Project Report (Road List)
- LMIG Transmittal Letter
- LMIG Application Signature Page



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

**AGENDA ITEM 524/2024**

**Funds Requested:** \$ 3,616,612.00

**Request Budgeted:** Yes

**Proposed Source of Funding:**

**Budget Transfer Requested:**

State Road and SPLOST VIII

Yes

**Funding Source Items:**

<b>Fiscal Year</b>	<b>Fund</b>	<b>Division</b>	<b>Account</b>	<b>Amount</b>
2026	324-SPLOST VIII	4971-ENGINEERING	541400- INFRASTRUCTURE	\$1,393,018.91
2026	221-STATE ROAD GRANT FUND	4971-ENGINEERING	541400- INFRASTRUCTURE	\$2,223,593.09

**Budget Transfer Items:**

**Additional Information/Comments:**

**Contact for Questions:** BR

**Phone:**

Ext 7856

**FY 2025  
LMIG SUBMITTAL  
HALL COUNTY, GEORGIA**

RATING RANK	PROJECT	COMM. DIST.	MILEAGE	BEGIN	END	2024 TOTAL RATING	PROJECT COST
<b>FY25 LMIG Submittal- Approved</b>							
1	Creekstone Drive	3	0.294	US 129 North	Terminus	76	\$141,960
2	Pebble Creek Point	3	0.105	Brookview Landing	Terminus	73	\$50,700
3	East Hall Road (Sec. 2)	3	1.930	Joe Chandler Road	Old Cornelia Highway	72	\$931,917
4	Hidden Harbour Landing	2	0.313	Flat Creek Road	Terminus	71	\$151,135
5	Mount Salem Circle (Sec. 2)	1	0.229	Atlanta Highway	Section 1	71	\$110,575
6	Allen Road	2	0.968	McEver Road	J. White Road	71	\$467,407
7	Conner Street	4	0.190	Atlanta Highway	Mincey Avenue	71	\$91,743
8	Creek Wood Drive	1	0.313	Creek Wood Place	Terminus	71	\$151,135
9	Evian Way	1	0.431	Riviere Point	Terminus	71	\$208,112
10	Mincey Avenue	4	0.128	Conner Street	Pittman Street	71	\$61,806
11	Pittman Street	4	0.072	Conner Street	Highland Terrace	71	\$34,766
12	Shoreline Drive	3	0.935	Harold Welchel Road	Harold Welchel Road	71	\$451,473
13	Tapawingo Drive	4	0.537	US 129 North	Terminus	71	\$259,295
14	Nancy Creek Road	2	1.045	Cochran Road	Gainesville City Limits	71	\$504,587
			7.49				\$3,616,612

**\*\*Cost is an estimate only\*\***

Proposed FY26 SPLOST VIII Funding:  
FY25 GaDOT LMIG Funding:

\$1,393,018.95  
\$2,223,593.09

\*\*\*Cost estimates based off of \$482,858.75/Mile\*\*\*



# Hall County Government

BOARD OF COMMISSIONERS

September 16, 2024

Mr. Charles R. Arnhart  
Local Government Coordinator  
District 1 Office of Traffic Operations  
1475 Jesse Jewell Parkway  
Suite 100  
Gainesville, GA 30501

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.535.8288

CHAIRMAN  
**Richard P. Higgins**

**Kathy L. Cooper**, District 1  
**Billy Powell**, District 2  
**Gregg Poole**, District 3  
**Jeff Stowe**, District 4

COUNTY ADMINISTRATOR  
**Zachary T. Propes**

ASSISTANT  
COUNTY ADMINISTRATOR  
**Katie Crumley**

ASSISTANT  
COUNTY ADMINISTRATOR  
**Casey Ramsey**

COUNTY CLERK  
**Jennifer Rivera**

RE: 2025 LMIG PI# S016068

Dear Mr. Arnhart,

Please find enclosed a copy of Hall County's proposed 2025 Local Maintenance and Improvement Grant submittal. Hall County is requesting \$2,223,593.09 of FY 2025 funds be allotted for the resurfacing of various county roads. The FY 2025 LMIG project report is included for your convenience.

The FY 2024 LMIG project shall be completed by June 30, 2025 and the FY 2023 LMIG project is awaiting the final invoice for payment. The Associated Statement of Final Expenditures for both projects shall be submitted upon completion. All required final documentation for previous LMIG funding years has been submitted and validated.

Hall County is extremely appreciative of your assistance and cooperation in making these projects possible in aiding in the improvement of our community.

Sincerely,

Richard Higgins  
Commission Chairman  
Hall County Board of Commissioners

Enclosures

CC: Mr. Charles R. Arnhart, District State Aid Coordinator



## **SIGNATURE PAGE INSTRUCTIONS**

1. For a Fiscal Year 2025 LMIG Application, please sign and attach the Signature Page on Page 2 below, that has Fiscal Year 2025 in the title. Also sign and attach page 3, titled “Certification of Compliance with Annual Immigration Reporting Requirements/No Sanctuary Policy/Federal Law Enforcement Cooperation”.
2. For a Fiscal Year 2024 LRA Application, please sign and attach the Signature Page on Page 4 below, that has Fiscal Year 2024 LRA Supplemental in the title. Also sign and attach page 5, titled “Certification of Compliance with Annual Immigration Reporting Requirements/No Sanctuary Policy/Federal Law Enforcement Cooperation”.
3. For a Fiscal Year 2024 LMIG Application, please sign and attach the Signature Page on Page 6 below, that has Fiscal Year 2024 in the title. Also sign and attach page 7, titled “Certification of Compliance with Annual Immigration Reporting Requirements/No Sanctuary Policy/Federal Law Enforcement Cooperation”.

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE & IMPROVEMENT  
GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2025  
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.**

**LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION**

I, \_\_\_\_\_ (Name), the \_\_\_\_\_ (Title), on behalf of \_\_\_\_\_ (Local Government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), Immigration Sanctuary Policies; prohibition; penalties (O.C.G.A. § 36-80-23), and the Local Government Budgets and Audits Act (O.C.G.A. § 36-81-7 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government’s Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment Act (TIA) (O.C.G.A. § 48-8-240).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application (“Loss”). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a project shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made. All projects identified on the Project list shall be constructed in accordance with the Department’s Standard Specifications of Transportation Systems (Current Edition), Supplemental Specifications (Current Edition), and Special Provisions.

Local Government:

\_\_\_\_\_  
(Signature)  
  
\_\_\_\_\_  
(Print)  
Mayor / Commission Chairperson  
  
\_\_\_\_\_  
(Date)

\_\_\_\_\_  
E-Verify Number  
Sworn to and subscribed before me,  
This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
In the presence of:

NOTARY PUBLIC

**LOCAL GOVERNMENT SEAL (required):**

\_\_\_\_\_  
My Commission Expires:

**NOTARY PUBLIC SEAL (required):**

**CERTIFICATION OF COMPLIANCE WITH  
ANNUAL IMMIGRATION REPORTING REQUIREMENTS/  
NO SANCTUARY POLICY/FEDERAL LAW ENFORCEMENT COOPERATION**

By executing this document, the undersigned duly authorized representative of the Local Governing Body, certifies that the Local Governing Authority:

- 1) has filed a compliant Annual Immigration Compliance Report with the Georgia Department of Audits & Accounts (“GDA&A”) for the preceding calendar year required by O.C.G.A. § 50-36-4(b), or has been issued a written exemption from GDA&A from doing so;
- 2) has not enacted a “Sanctuary Policy” in violation of O.C.G.A. § 36-80-23(b); and,
- 3) is in compliance with O.C.G.A. §§ 35-1-17 et seq. regarding its obligation to cooperate with federal immigration enforcement authorities to deter the presence of criminal illegal aliens.

As an ongoing condition to receiving funding from the Georgia Department of Transportation, the Local Governing Body shall continue to remain fully compliant with O.C.G.A. §§ 50-36-4, 36-80-23 and 35-1-17 et seq. for the duration of time the subject agreement is in effect.

\_\_\_\_\_  
Signature of Authorized Officer or Agent

\_\_\_\_\_  
Printed Name of Authorized Officer or Agent

\_\_\_\_\_  
Title of Authorized Officer or Agent

\_\_\_\_\_  
Date

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE & IMPROVEMENT  
GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2024 LRA SUPPLEMENTAL**  
*TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.*

**LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION**

I, \_\_\_\_\_ (Name), the \_\_\_\_\_ (Title), on behalf of \_\_\_\_\_ (Local Government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), Immigration Sanctuary Policies; prohibition; penalties (O.C.G.A. § 36-80-23), and the Local Government Budgets and Audits Act (O.C.G.A. § 36-81-7 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government’s Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment Act (TIA) (O.C.G.A. § 48-8-240).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application (“Loss”). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a project shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made. All projects identified on the Project list shall be constructed in accordance with the Department’s Standard Specifications of Transportation Systems (Current Edition), Supplemental Specifications (Current Edition), and Special Provisions.

Local Government:

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Print)

Mayor / Commission Chairperson

\_\_\_\_\_ (Date)

**LOCAL GOVERNMENT SEAL:**

\_\_\_\_\_  
E-Verify Number

Sworn to and subscribed before me,

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

In the presence of:

NOTARY PUBLIC

\_\_\_\_\_  
My Commission Expires:

**NOTARY PUBLIC SEAL:**

**CERTIFICATION OF COMPLIANCE WITH  
ANNUAL IMMIGRATION REPORTING REQUIREMENTS/  
NO SANCTUARY POLICY/FEDERAL LAW ENFORCEMENT COOPERATION**

By executing this document, the undersigned duly authorized representative of the Local Governing Body, certifies that the Local Governing Authority:

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- 2) has not enacted a “Sanctuary Policy” in violation of O.C.G.A. § 36-80-23(b); and,
- 3) is in compliance with O.C.G.A. §§ 35-1-17 et seq. regarding its obligation to cooperate with federal immigration enforcement authorities to deter the presence of criminal illegal aliens.

As an ongoing condition to receiving funding from the Georgia Department of Transportation, the Local Governing Body shall continue to remain fully compliant with O.C.G.A. §§ 50-36-4, 36-80-23 and 35-1-17 et seq. for the duration of time the subject agreement is in effect.

\_\_\_\_\_  
Signature of Authorized Officer or Agent

\_\_\_\_\_  
Printed Name of Authorized Officer or Agent

\_\_\_\_\_  
Title of Authorized Officer or Agent

\_\_\_\_\_  
Date

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE & IMPROVEMENT  
GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2024  
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.**

**LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION**

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Local Government:

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Print)

Mayor / Commission Chairperson

\_\_\_\_\_ (Date)

**LOCAL GOVERNMENT SEAL:**

\_\_\_\_\_  
E-Verify Number

Sworn to and subscribed before me,

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

In the presence of:

NOTARY PUBLIC

\_\_\_\_\_  
My Commission Expires:

**NOTARY PUBLIC SEAL:**

**CERTIFICATION OF COMPLIANCE WITH  
ANNUAL IMMIGRATION REPORTING REQUIREMENTS/  
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\_\_\_\_\_  
Signature of Authorized Officer or Agent

\_\_\_\_\_  
Printed Name of Authorized Officer or Agent

\_\_\_\_\_  
Title of Authorized Officer or Agent

\_\_\_\_\_  
Date



## AGENDA ITEM

### Consent Agenda

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**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 497/2024

**SUBJECT:** Approve the award of IFB #026-45 Spout Springs Water Reclamation Facility Expansion to 1.6 Million Gallons Per Day for Public Works & Utilities to Lakeshore Engineering, LLC of Atlanta, GA, in the amount of \$20,972,000.00.

---

#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** BN

**Recommendation:** Approve.

#### Purpose of Request:

Approve the award of IFB #026-45 Spout Springs Water Reclamation Facility Expansion to 1.6 Million Gallons Per Day for Public Works & Utilities to Lakeshore Engineering, LLC of Atlanta, GA, in the amount of \$20,972,000.00.

#### History:

Civil Engineering Consultants of Marietta, GA, has served as our consultant on this project. They are recommending an award to Lakeshore Engineering per the attached Bid Tab. Lakeshore Engineering would be a new vendor for Hall County.

#### Facts and Issues:

Civil Engineering Consultants has previously worked with Lakeshore Engineering over the past several years on various water and sewer projects including a new \$21,000,000 water reclamation facility in the City of Jefferson that is nearly complete with no change orders thus far.

#### Options:

<b>Funding Requested</b>	\$ 20,972,000.00
<b>Are funds within current budget?</b>	Yes
<b>Source of Funds</b>	Sewer Fund and SPLOST VIII
<b>Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?</b>	Yes
<b>Has it been reviewed by the County Attorney?</b>	No
<b>Is there a deadline for this item?</b>	



**Approvals:**

<b>Buyer</b>	<b>Submit</b>	<b>Approve</b>	<b>Purchasing</b>
CW	BN	BN	AP
<b>Budget</b>	<b>Finance</b>	<b>Attorney</b>	<b>Administration</b>
JM	TS	WLI	CR
<b>Clerk</b>			
JR			

---

**Attachments:**

Financial Supplement  
Contract  
Civil Engineering Consultants Letter of Recommendation  
026-45 Spout Springs WRF Bid Tab  
026-45 Lakeshore Engineering Bid Schedule



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

**AGENDA ITEM 497/2024**

**Funds Requested:** \$ 20,972,000.00

**Request Budgeted:** Yes

**Proposed Source of Funding:**

**Budget Transfer Requested:**

Sewer Fund and SPLOST VIII

No

**Funding Source Items:**

<b>Fiscal Year</b>	<b>Fund</b>	<b>Division</b>	<b>Account</b>	<b>Amount</b>
2025	505-WATER AND SEWER FUND	4430-SPOUT SPRINGS RECLAMATIONPLANT	541400-INFRASTRUCTURE	\$4,000,000.00
2026	505-WATER AND SEWER FUND	4430-SPOUT SPRINGS RECLAMATIONPLANT	541400-INFRASTRUCTURE	\$13,000,000.00
2027	505-WATER AND SEWER FUND	4430-SPOUT SPRINGS RECLAMATIONPLANT	541400-INFRASTRUCTURE	\$1,000,000.00
2027	324-SPLOST VIII	4330-SEWER	541400-INFRASTRUCTURE	\$2,972,000.00

**Budget Transfer Items:**

**Additional Information/Comments:**

**Contact for Questions:** BK

**Phone:**

770-329-0863



Hall County Government  
FINANCIAL SERVICES

**CONTRACT EXECUTION SIGNATURE REQUEST**

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.535.8270

DIRECTOR  
Taylor Samples, CPA, MBA

Date: 08/26/2024

To: Richard Higgins, Chairman, BOC

From: Andy Penick, Purchasing Manager

Your signature is requested to execute the attached Contract:

Bid/Contract No: IFB #026-45

Bid/Contract Name: Spout Springs Water Reclamation Facility Expansion to 1.6 Million-Gallon-Per-Day (MGD)

Department(s) Requesting Contract: Public Works & Utilities

Award Recipient Name: Lakeshore Engineering, LLC

Contract Description: This project is for the construction of the Spout Springs Water Reclamation Facility, Expansion from 0.75 MGD to 1.6 MGD.

Annual Contract       New       Renewal

Prior Year's Spend: N/A

Price Increase Requested      Increase Percentage: N/A

Project/Service Contract      Estimated Amount: \$20,972,000.00

Product Contract      Awarded Amount:

Comments:

Civil Engineering Consultants of Marietta, GA, has served as our consultant on this project. They are recommending to award to Lakeshore Engineering per the attached Bid Tab. Lakeshore Engineering would be a new vendor for Hall County.

Civil Engineering Consultants has previously worked with Lakeshore Engineering over the past several years on various water and sewer projects including a new \$21,000,000 water reclamation facility in the City of Jefferson that is nearly complete with no change orders thus far.



Hall County Government  
FINANCIAL SERVICES

STATE OF GEORGIA  
COUNTY OF HALL

CONTRACT # 026-45

For the provision of  
**SPOUT SPRINGS WATER RECLAMATION FACILITY  
EXPANSION TO 1.6 MGD**

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

1 770 535 8270

DIRECTOR  
Taylor Samples, CPA

**ARTICLE #101 – INTRODUCTION**

This Contract for Spout Springs Water Reclamation Facility Expansion To 1.6 Million Gallons per Day (MGD) (hereinafter “Services” or “Project”) is made and as entered into as of \_\_\_\_\_ (execution date) and \_\_\_\_\_ (effective date) is by and between Hall County, Georgia, (hereinafter “County” or “Owner”) located at 2875 Browns Bridge Rd, Gainesville, Georgia 30504, and Lakeshore Engineering, LLC, located at 1259 Ellsworth Drive, Atlanta, Georgia 30318 (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”.

Nothing contained in this Contract shall be construed to convert the Contractor or any of its employees, agents, subcontractors, or sub-subcontractors into a partner, employee, or agent of the County, nor shall either Party to this Contract have any authority to bind the other in any respect.

Terms used in this Agreement have the meanings stated in the General Conditions and the Supplementary Conditions.

**WHEREAS** the Contractor represents that it complies with the State of Georgia requirements for corporations and has signified a willingness to provide Services to the County and the County has relied on such representation; and,

**WHEREAS** the Parties mutually desire to enter into this Contract to document the provision of Services by the Contractor to the County in exchange for payment as compensation; and,

**WHEREAS** this contract will become legally binding upon signature by both Parties; and,

**WHEREAS** any attached documents, plans, exhibits, attachments, or references are all incorporated herein by reference, and

**NOW, THEREFORE** and in consideration of the mutual promises, terms, conditions, covenants, and agreements made as expressed and contained herein, or attached, incorporated, and made a part hereof, and other good and valuable consideration expressed by a valid offer and acceptance, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties hereto agree as follows:

**HALL COUNTY – SPOUT SPRINGS WRF  
EXPANSION TO 1.6 MGD**

**SECTION 00 52 13  
STANDARD FORM OF AGREEMENT  
BETWEEN OWNER AND CONTRACTOR  
ON THE BASIS OF STIPULATED PRICE**

**ARTICLE 1 – WORK**

- 1.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: **Hall County - Spout Springs Water Reclamation Facility Expansion to 1.6 MGD**
- 1.02 The Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

**The project shall include furnishing all materials, labor, equipment, and any appurtenances as necessary for completion of the work described within the plans and specifications.**

**ARTICLE 1A – NOTICES**

**To the extent that either Party to this Contract is 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 COUNTY ISSUING OFFICER**

**William King, PE  
Assistant County Engineer  
Hall County Community Development  
and Infrastructure  
2875 Browns Bridge Rd  
Gainesville, GA 30504  
[wking@hallcounty.org](mailto:wking@hallcounty.org)  
Ph: (770) 531-6800 ext. 6799  
Cell: (770) 329-0863**

**Cheryl Wright  
Buyer  
Hall County Purchasing Division  
2875 Browns Bridge Rd  
Gainesville, GA 30504  
[cwright@hallcounty.org](mailto:cwright@hallcounty.org)  
Ph: (770) 535-8263**

**CONTRACTOR'S CONTACT INFORMATION**

**Garland Long  
President  
Lakeshore Engineering, LLC  
1259 Ellsworth Drive  
Atlanta, GA 30318  
[glong@lakeshoreengineering.com](mailto:glong@lakeshoreengineering.com)  
Ph: (404) 355-3976**

**REMIT TO ADDRESS (if different): \_\_\_\_\_**

**HALL COUNTY – SPOUT SPRINGS WRF  
EXPANSION TO 1.6 MGD**

**ARTICLE 2 - ENGINEER**

- 2.01 The Owner has retained **CIVIL ENGINEERING CONSULTANTS, INC.** (“Engineer”) to act as Owner’s representative, assume all duties and responsibilities of Engineer, and have the rights and authority assigned to Engineer in the Contract.
- 2.02 The part of the Project that pertains to the Work has been designed by Engineer, and that same entity prepared the design.

**ARTICLE 3 - CONTRACT TIMES**

- 3.01 *Time is of the Essence*  
A. All time limits for Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.
- 3.02 *Contract Times:*  
A. Notice to Proceed Date shall be 12-2-2024.  
B. The Work will be substantially completed on or before 4-26-2026.
- 3.03 *Contract Times: Days*  
A. The Work will be substantially completed within **510 consecutive calendar days** from the date when the Contract Time commences to run as provided in paragraph 4.01 of the General Conditions or 30 days after delivery of all materials and major equipment. Work will be finally completed within 60 consecutive calendar days after substantial completion.
- 3.04 *Liquidated Damages*  
A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 3.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the Contract Times, as duly modified. The parties also recognize the delays, expense, and difficulties involved in proving, in a legal or arbitration proceeding, the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):  
  
1. *Substantial Completion:* Contractor shall pay Owner Five Hundred Dollars \$500 for each day that expires after the time (as duly adjusted pursuant to the Contract) specified above for Substantial Completion, until the Work is substantially complete.

**HALL COUNTY – SPOUT SPRINGS WRF  
EXPANSION TO 1.6 MGD**

2. *Completion of Remaining Work:* After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Times (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Owner \$500 for each day that expires after such time until the Work is completed and ready for final payment.
  3. Liquidated damages for failing to timely attain Substantial Completion, and final completion are not additive, and will not be imposed concurrently.
- B. If Owner recovers liquidated damages for a delay in completion by Contractor, then such liquidated damages are Owner's sole and exclusive remedy for such delay, and Owner is precluded from recovering any other damages, whether actual, direct, excess, or consequential, for such delay, except for special damages (if any) specified in this Agreement.

**ARTICLE 4 - CONTRACT PRICE**

4.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents, the amounts that follow, subject to adjustment under the Contract:

- A. For all Unit Price Work, an amount equal to the sum of the extended prices (established for each separately identified item of Unit Price Work by multiplying the unit price times the actual quantity of that item).

The extended prices for Unit Price Work set forth as of the Effective Date of the Contract are based on estimated quantities. As provided in Paragraph 13.03 of the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by Engineer.

- B. Total of Unit Price Work (subject to final Unit Price adjustment) is \$20,972,000.00.

**HALL COUNTY – SPOUT SPRINGS WRF  
EXPANSION TO 1.6 MGD**

**SPOUT SPRINGS WATER RECLAMATION FACILITY  
EXPANSION TO 1.6 MGD**

**PART 1 – BASE BID**

<u>Item</u>	<u>Description</u>	<u>Unit</u>	<u>Approx. Qty.</u>	<u>Unit Price</u>	<u>Total Price</u>
1a.	General Construction of the Spouts Springs WRF Expansion to 1.6 MGD per Contract Documents including all work shown on the Drawings and as specified, exclusive of those items listed below in 1b and 1c, and Allowances	LS	1	<u>\$17,000,000.00</u>	<u>\$17,000,000.00</u>
1b.	For furnishing the SBR, filter, controls and equipment identified in Appendix A equipment. Installation included in item 1a.	LS	1	<u>\$ 2,560,000.00</u>	<u>\$ 2,560,000.00</u>
1c.	For furnishing the UV disinfection equipment identified in Appendix B. Installation included in 1a.	LS	1	<u>\$ 348,000.00</u>	<u>\$ 348,000.00</u>
<b>Total Price Part 1 (Items 1a +1b + 1c)</b>					<b><u>\$19,908,000.00</u></b>

**PART 2 – ALLOWANCE COSTS**

<u>Item</u>	<u>Description</u>	<u>Unit</u>	<u>Approx. Qty.</u>	<u>Unit Price</u>	<u>Total Price</u>
1.	Allowance for correction of unforeseen utility conflicts and utility relocation	LS	1	<u>\$ 50,000.00</u>	<u>\$ 50,000.00</u>
2.	Owner Contingency	LS	1	<u>\$ 300,000.00</u>	<u>\$ 300,000.00</u>
3.	Landscape Allowance	LS	1	<u>\$ 40,000.00</u>	<u>\$ 40,000.00</u>
4.	Pista Grit Equipment Inspection	LS	1	<u>\$ 15,000.00</u>	<u>\$ 15,000.00</u>
5.	Electrical Service	LS	1	<u>\$ 100,000.00</u>	<u>\$ 100,000.00</u>



**HALL COUNTY – SPOUT SPRINGS WRF  
EXPANSION TO 1.6 MGD**

6.	Spare Parts	LS	1	\$ <u>20,000.00</u>	\$ <u>20,000.00</u>
7.	Metal Canopy Allowance	LS	1	\$ <u>400,000.00</u>	\$ <u>400,000.00</u>
8.	Plant Reuse System Upgrade	LS	1	\$ <u>75,000.00</u>	\$ <u>75,000.00</u>
<b>Total Price Part 2 (Items 1 through 8)</b>					<b>\$ <u>1,000,000.00</u></b>

**PART 3 – UNIT PRICE BIDS**

<u>Item</u>	<u>Description</u>	<u>Unit</u>	<u>Approx. Qty.</u>	<u>Unit Price</u>	<u>Total Price</u>
1.	DIP Pipe	TN	1	\$ <u>6,000.00</u>	\$ <u>6,000.00</u>
2.	DIP Fittings	TN	1	\$ <u>6,000.00</u>	\$ <u>6,000.00</u>
3.	Stone Stabilization	TN	10	\$ <u>100.00</u>	\$ <u>100.00</u>
4.	Silt Fence Type Sd-1	LF	500	\$ <u>5.00</u>	\$ <u>2,500.00</u>
5.	Silt Fence Type Sd-1 Removal	LS	500	\$ <u>3.00</u>	\$ <u>1,500.00</u>
6.	Construction Exit	EA	1	\$ <u>2,500.00</u>	\$ <u>2,500.00</u>
7.	Permanent Grassing	AC	1	\$ <u>4,000.00</u>	\$ <u>4,000.00</u>
8.	Riprap	SY	500	\$ <u>60.00</u>	\$ <u>30,000.00</u>
9.	Erosion Control Monitoring	LS	1	\$ <u>9,000.00</u>	\$ <u>9,000.00</u>
10.	Concrete Wash Out	LS	1	\$ <u>1,500.00</u>	\$ <u>1,500.00</u>
<b>Total Price Part 3 (Items 1 through 10)</b>					<b>\$ <u>64,000.00</u></b>

**HALL COUNTY – SPOUT SPRINGS WRF  
EXPANSION TO 1.6 MGD**

- C. According to paragraph 13.02 of the General Conditions, all allowances are included in the abovementioned Lump Sum price.
1. Contractor's costs for unloading and handling on the site, labor, installation costs, overhead, profit and other expenses contemplated for stated allowance amounts shall be included in the Contract Sum and not in the allowances.
  2. The Contractor shall cause work covered by these allowances to be performed for such amounts and by such persons as the Owner/Engineer may direct, but he will not be required to employ persons against whom he makes a reasonable objection. If the cost, when determined and approved by the Owner/Engineer, exceeds, or falls below the allowance, the Contract Sum shall be adjusted accordingly through a Change Order. The contractor is not entitled to overhead, profit, or mark-up on unutilized allowance funds. The amount of the Change Order shall reflect the difference between actual costs and the allowances.

**ARTICLE 5—PAYMENT PROCEDURES**

**5.01 *Submittal and Processing of Payments***

- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

**5.02 *Progress Payments; Retainage***

- A. Owner shall make progress payments on the basis of Contractor's Applications for Payment on or about the 1st day of each month during performance of the Work as provided in Paragraph 5.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.
1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract.
    - a. 95% of the value of the Work completed (with the balance being retainage); and
    - b. 100% of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

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- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 98% of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions, and less such amounts as Engineer shall determine as the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

**5.03 Final Payment**

Upon final completion and acceptance of the Work, Owner shall pay the remainder of the Contract Price in accordance with Paragraph 15.06 of the General Conditions.

**ARTICLE 6—CONTRACT DOCUMENTS**

**6.01 Contents**

A. The Contract Documents consist of all of the following:

1. This Agreement.
2. Bonds:
  - a. Performance bond (together with power of attorney).
  - b. Payment bond (together with power of attorney).
3. General Conditions.
4. Supplementary Conditions.
5. Specifications (not attached but incorporated by reference) consisting of 130 sections with each sheet bearing the following general title: HALL COUNTY-SPOUT SPRINGS WATER RECLAMATION FACILITY EXPANSION TO 1.6 MGD.
6. Drawings (not attached but incorporated by reference) consisting of 210 sheets with each sheet bearing the following general title: HALL COUNTY-SPOUT SPRINGS WATER RECLAMATION FACILITY EXPANSION TO 1.6 MGD.
7. Addenda: Addendum No. 1 dated August 13, 2024  
Addendum No. 2 dated August 26, 2024
8. Appendices to this Agreement (enumerated as follows): Appendix A, Appendix B, Appendix C.
9. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
  - a. Notice to Proceed
  - b. Work Change Directives

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- c. Change Orders
  - d. Field Orders
- B. The Contract Documents listed in Paragraph 6.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 6.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the Contract.

**ARTICLE 7—REPRESENTATIONS, CERTIFICATIONS, AND STIPULATIONS**

**7.01 Contractor's Representations**

- A. In order to induce Owner to enter into this Contract, Contractor makes the following representations:
1. Contractor has examined and carefully studied the Contract Documents, including Addenda.
  2. Contractor has visited the Site, conducted a thorough visual examination of the Site and adjacent areas, and become familiar with the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
  3. Contractor is familiar with all Laws and Regulations that may affect cost, progress, and performance of the Work.
  4. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Technical Data identified in the Supplementary Conditions or by definition, with respect to the effect of such information, observations, and Technical Data on (a) the cost, progress, and performance of the Work; (b) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (c) Contractor's safety precautions and programs.
  5. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
  6. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.

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7. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and of discrepancies between Site conditions and the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
8. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
9. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

**7.02 Contractor's Certifications**

A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 7.02:

1. "Corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the Proposal process or in the Contract execution.
2. "Fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the Proposal process or the execution of the Contract to the detriment of Owner, (b) to establish Proposal or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition.
3. "Collusive practice" means a scheme or arrangement between two or more Proposers, with or without the knowledge of Owner, a purpose of which is to establish Proposal prices at artificial, non-competitive levels.
4. "Coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the Proposal process or affect the execution of the Contract.

**ARTICLE 8 – CONTRACT AMENDMENTS AND MODIFICATION**

This Contract may only be modified, amended, or changed in writing and fully executed by both Parties hereto. This Contract 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 9 – REMEDIES AND CONTRACT PERFORMANCE**

In the event that either Party to this Contract breaches this Contract, including failure to meet the timetables set forth herein, the non-breaching Party shall provide a written Notice-to-Cure to the

**HALL COUNTY – SPOUT SPRINGS WRF  
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breaching Party which describes the breach of this Contract. The breaching Party 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-to-Cure by thirty (30) days after receipt of the 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 relief as to any bonds issued hereon. Additional provisions are:

- A. **Delay or Impossibility of Performance.** Any failure or delay must be beyond the reasonable 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.

Neither Party shall be held liable or responsible to the other Party nor be deemed to have defaulted under or breached this Contract for failure or delay in fulfilling or performing any obligation under this Contract 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, acts of war, civil unrest, 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 *ARTICLE #108 – TERMINATION PROVISIONS*.

- 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

**STANDARD FORM OF AGREEMENT  
SECTION 00 52 13**

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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, if the County has entered into or enters into contracts with other Contractors related to the Services, Contractor agrees to cooperate fully with other such Contractors. Contractor shall not engage in any act that will interfere with the performance of work by any other Contractor(s).

**ARTICLE 10 – TERMINATION PROVISIONS**

The County may terminate this Contract by providing sixty (60) days written notice to the Contractor at any time. Should the County terminate this Contract prior to the date of automatic termination, 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 this Contract up to the date of termination.

- A. **Termination for Convenience.** Following sixty (60) days' written notice, the County 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 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 expressed warranties made by the Contractor.
  2. The County determines that Contractor's unsatisfactory performance substantially endangers completion or that 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.

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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 any of the default events set out in *ARTICLE #108 – TERMINATION PROVISIONS*, then either Party shall issue a written Notice of Default to the Party that causes one (1) or more of the default events requesting that the breach or noncompliance be remedied within the period of time specified in the Notice of Default. 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; and/or,
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 of the following reasons effective immediately without advance notice:

1. If the Contractor must be certified or licensed as a condition precedent to providing the Services, the revocation, suspension, or other 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 subcontractors have caused, or reasonably could cause, life, health, or safety to be jeopardized.



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3. The Contractor furnished any statement, representation, or certification in connection with the Contract or the bidding process, which is materially false, deceptive, criminal, or maliciously incorrect.
4. Failure of the Contractor to obtain, provide, maintain, and deliver the performance and payment bonds 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 BONDS.

**F. Payment Limitation in Event of Termination.** In the event of termination of the Contract for any reason by County, 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. Contractor's Termination Duties.** Upon receipt of a 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 use 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.
5. Contractor is to immediately return any payments made by the County for goods and services that were not delivered by the Contractor.

**ARTICLE 11 – 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.

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**ARTICLE 12 – 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 expressed written consent of the County.

**ARTICLE 13 – USE OF THIRD PARTIES (SUBCONTRACTORS)**

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 subcontractors, if allowed in writing by the County. Any Contract with a subcontractor must also preserve the rights of the County.

**ARTICLE 14 – 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 15 – 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 16 – 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.

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**ARTICLE 17 – ADDITIONAL TERMS**

The County shall not be bound by any terms and conditions included in any Contractor's sales-orders, 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.

**ARTICLE 18– 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 19 – CONTRACTOR AND COUNTY RIGHTS AND OBLIGATIONS**

- A. The County has the right at any time to require the Contractor to put an immediate stop to any procedure, or the use of any equipment, chemical, material, personnel, etc. considered by the County to be hazardous or toxic to persons, buildings, or surfaces. The Contractor will utilize acceptable substitutes approved by the County as quickly as possible. In the event of such replacement, Contractor shall (i) notify County of any resulting replacement, (ii) introduce the individual serving as the replacement to County, and/or (iii) provide County with a résumé and any other information regarding the individual that may be reasonably requested by County.
- B. The County has the right to require the Contractor to reassign or remove any employee or subcontractor's employee from the premises temporarily or permanently when, in the County's sole opinion, the employee is not suitable. The County's decision shall be final, and Contractor will remove the 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 approval.
- C. Contractor agrees to obtain prior written approval from the County for the use of subcontractors to provide the Services described in Scope of Work prior to subcontractor's performance of work.

**ARTICLE 20– INSURANCE REQUIREMENTS**

The Contractor must procure and maintain insurance policies at the Contractor's own expense and must furnish the County with a certificate of insurance (COI) providing evidence of proof of coverage at least in the amounts indicated in this subsection. The COI must list "Hall County, Georgia" as the certificate holder and as an additional insured under the commercial general, automobile, and umbrella liability policies as follows: "County of Hall, its Board of Commissioners, officers, employees, servants, and agents, 2875 Browns Bridge Rd, Gainesville, GA, 30504". The policy must protect the Contractor and the County (as an additional insured) from any claims for bodily injury, property damage, or personal injury covered by the

**HALL COUNTY – SPOUT SPRINGS WRF  
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indemnification obligations set forth herein throughout the duration of the Contract. The Contractor must maintain the following insurance coverage during the term of the Contract, in at least the minimum amounts set forth below, to cover all loss and liability for damages or destruction of property caused by or arising from any and all services carried on and any and all work performed by the Contractor pursuant to this Contract:

**Workers Compensation Insurance:** Required for all contracts.

- \$500,000 Bodily Injury by Accident – Each Accident
- \$500,000 Bodily Injury by Disease – Each Disease
- \$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. 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.

- \$2,000,000 General Aggregate
- \$2,000,000 Products & Completed Operations Aggregate
- \$1,000,000 Each Occurrence
- \$1,000,000 Personal & Advertising Injury
- \$500,000 Damages to Premises/Fire/Legal
- \$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:

- \$1,000,000 Combined Single Limit Or \$500,000 per Person/\$1,000,000 per Occurrence
- \$100,000 Property Damage
- \$1,000 for Medical Payments (no fault coverage)

**Additional Provisions:**

- Uninsured motorist's coverage should be equal to the per occurrence limit except for contracts with other governmental entities.
- Coverage shall be included for any owned, leased, hired, or non-owned autos.
- 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.

\$1,000,000 per Occurrence

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Additional Provisions: Required for all contracts.

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

Pollution Liability. Required for all road construction projects, work near wastewater, solid waste lines, or any work that involves handling, transporting, disposing, or working with hazardous materials, pollutants, water reclamation facilities, waste management, or other potentially toxic chemicals.

- \$1,000,000 per Occurrence
- \$1,000,000 Aggregate

Additional Provisions:

- Minimum limit of \$5,000,000 per occurrence for all contracts over \$50,000,000 or involving any special risks or high hazard activities

Professional Liability Insurance (Errors & Omissions): Required for all professional service contracts. This shall include any consultants, medical, legal, technical, insurance agents, or other professions that require proper licenses.

- \$1,000,000 Each Claim/Wrongful Act
- \$2,000,000 General Aggregate
- If written on a claim's made policy, the policy must be maintained for at least two (2) years after the completion of the work and/or contract.

**ARTICLE 21– PERFORMANCE AND PAYMENT BONDS**

(Required for construction, renovation, and repair projects)

The Contractor must furnish to the County both a performance and payment bond, both equal to one hundred percent (100%) of the Contract's total award dollar amount. The County will only issue a Notice to Proceed after the bonds are received. 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 the 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.

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**ARTICLE 22 – RETAINAGE** (Required for construction, renovation, and repair projects)

The County will retain and withhold funds from compensation in compliance with Georgia law. The County shall hold five percent (5%) retainage, in accordance to Article 5.02. Progress Payments; Retainage, throughout the entire project and will release said retainage at the point of completion and final acceptance by the County.

**ARTICLE 23 – 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. Should either party 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 24– 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 (30) days written notice to the County of the claim and the intent to initiate a civil action.

**ARTICLE 25 – 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 (herein known as Exhibit E – E-Verify Affidavit), notarized by an Official Notary Public and incorporated herein by reference, and obtaining the same affidavit(s) from any subcontractor providing services pursuant to this Contract.

**ARTICLE 26 – 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:

1. Any amendments to the Contract, including all exhibits thereto.
2. The Contract itself, including all exhibits thereto.
3. Attachments appended to the Contract.
4. All other Contract attachments appended to the Contract.

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**ARTICLE 27 – CONTRACT EXHIBITS AND ATTACHMENTS**

The Parties mutually acknowledge that all exhibits and attachments listed below made a part of this Contract, as though expressly written in the solicitation documents and the Bidder's response, are herein incorporated into this Contract by reference.

**ARTICLE 28 – 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 29 – 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, elected officials, or any other person(s) against any loss or expense to the maximum extent allowable by law. 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 Contract.

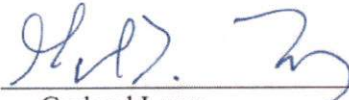
**ARTICLE 30 – NOT A JOINT VENTURE**

The County shall not be bound by any terms and conditions included in any Contractor 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 the addition to the terms and conditions contained herein.

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IN WITNESS WHEREOF, said Parties have hereunto affixed their signatures and seals on the day, month, and year below. Bidder must print their company's full legal company name as it appears on their W-9 form below:

**LAKESHORE ENGINEERING, LLC**

By:   
Garland Long  
President


**HALL COUNTY, GEORGIA**

By: \_\_\_\_\_  
Richard Higgins, Chairman  
Hall County Board of Commissioners

Date: \_\_\_\_\_

Sworn to and subscribed before me this

25<sup>TH</sup> Day of SEPTEMBER, 2024.

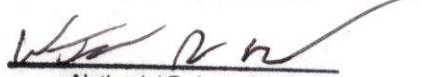
Notary Public: 

Notary commission expires:  
2/8/27

Jeffrey A Laurion  
Notary Public  
State of Georgia  
Cherokee County

Attestation: \_\_\_\_\_  
Board of Commissioners Clerk

APPROVED AS TO FORM

  
Nathaniel R. Anderson,  
Senior Assistant County Attorney



**CEC**  
**CIVIL ENGINEERING CONSULTANTS, INC.**  
Civil & Environmental Engineering

August 30, 2024

Mr. Andrew Penick  
Purchasing Manager  
Hall County  
2875 Browns Bridge Road, 4th Floor  
Gainesville, GA 30504

RE: IFB #026-45 Hall County – Spout Springs Water Reclamation Facility Expansion to 1.6 MGD  
Letter of Recommendation

Dear Mr. Penick:

Hall County received and opened two Bids at 2:00 PM on Thursday, August 29, 2024 for the Spout Springs Water Reclamation Facility Expansion to 1.6 MGD project (IFB #026-45). The bids received were as follows:

- |                                     |                 |
|-------------------------------------|-----------------|
| 1. Lakeshore Engineering, LLC.      | \$20,972,000.00 |
| 2. IHC Construction Companies, LLC. | \$22,012,531.00 |

A copy of the Bid Tabulation is attached for your use. The low bidder, Lakeshore Engineering, submitted a proper 5% Bid Bond, prepared by Berkley Insurance Company, which is listed as an approved surety on the U.S. Treasury Circular 570.

CEC and the County followed protocol during the bidding phase from advertisement through the bid opening. CEC has worked with Lakeshore Engineering over the past several years on various water and sewer projects including a \$21 million new water reclamation facility in the City of Jefferson that is almost complete (approximately 80%) plus \$5 million in owner purchased equipment. There have been no change orders. We are recommending Lakeshore Engineering be awarded the contract for the Spout Springs Water Reclamation Facility Expansion to 1.6 MGD Project in the amount of \$20,972,000.00.

Very truly yours,  
CIVIL ENGINEERING CONSULTANTS, Inc.



Andrew E. Lovejoy, P.E.  
President

Cc: Bill Nash, Public Works & Utility Director, Hall County  
Bill King, Assistant Public Works & Utility Director, Hall County

Attachment: Bid Tabulation and Summary

S:\22075 - Spout Springs 1.6 MGD Expansion\Correspondence\Letter of Recommendation - Spout Springs WRF - 08-30-24.docx

**IFB #026-45 SPOUT SPRINGS WATER RECLAMATION FACILITY,  
EXPANSION TO 1.6 MGD**

**8/29/2024**

	<b>Bidders</b>			<b>Lakeshore Engineering</b>		<b>IHC Construction Companies, LLC</b>	
	Location			Atlanta, GA		Marietta, GA	
<b>Bid Item</b>	<b>Description</b>	<b>Unit</b>	<b>Qty.</b>	<b>Unit Price</b>	<b>Extension</b>	<b>Unit Price</b>	<b>Extension</b>
1a	General Construction	LS	1	\$17,000,000.00	\$17,000,000.00	\$18,000,000.50	\$18,000,000.50
1b	SBR, filter, controls and equipment	LS	1	\$2,560,000.00	\$2,560,000.00	\$2,558,584.00	\$2,558,584.00
1c	UV disinfection equipment	LS	1	\$348,000.00	\$348,000.00	\$347,696.50	\$347,696.50
	<b>Part 1 Total</b>				<b>\$19,908,000.00</b>		<b>\$20,906,281.00</b>
1	Allowance for correction of unforeseen utility conflicts and utility relocation	LS	1	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
2	Owner Contingency	LS	1	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00
3	Landscape Allowance	LS	1	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00
4	Pista Grit Equipment Inspection	LS	1	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
5	Electrical Service	LS	1	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00
6	Spare Parts	LS	1	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
7	Metal Canopy Allowance	LS	1	\$400,000.00	\$400,000.00	\$400,000.00	\$400,000.00
8	Plant Reuse System Upgrade	LS	1	\$75,000.00	\$75,000.00	\$75,000.00	\$75,000.00
	<b>Part 2 Total</b>				<b>\$1,000,000.00</b>		<b>\$1,000,000.00</b>
1	DIP Pipe	Ton	1	\$6,000.00	\$6,000.00	\$20,500.00	\$20,500.00
2	DIP Fittings	Ton	1	\$6,000.00	\$6,000.00	\$13,500.00	\$13,500.00
3	Stone Stabilization	Ton	10	\$100.00	\$1,000.00	\$300.00	\$3,000.00
4	Silt Fence Type Sd-1	LF	500	\$5.00	\$2,500.00	\$3.50	\$1,750.00
5	Silt Fence Type Sd-1 Removal	LF	500	\$3.00	\$1,500.00	\$5.00	\$2,500.00
6	Construction Exits	EA	1	\$2,500.00	\$2,500.00	\$10,000.00	\$10,000.00
7	Permanent Grassing	AC	1	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00
8	Riprap	SY	500	\$60.00	\$30,000.00	\$75.00	\$37,500.00
9	Erosion Control Monitoring	LS	1	\$9,000.00	\$9,000.00	\$2,500.00	\$2,500.00
10	Concrete Wash Out	LS	1	\$1,500.00	\$1,500.00	\$10,000.00	\$10,000.00
	<b>Part 3 Total</b>				<b>\$64,000.00</b>		<b>\$106,250.00</b>
	<b>Total Bid Price</b>				<b>\$20,972,000.00</b>		<b>\$22,012,531.00</b>

**SPOUT SPRINGS WATER RECLAMATION FACILITY, EXPANSION TO 1.6 MGD**

**IFB # 026-45 Bid Tabulation Summary**

<b>Bidders</b>	<b>Lakeshore Engineering</b>	<b>IHC Construction Companies, LLC</b>
Location	Atlanta, GA	Marietta, GA
<b>Description</b>	<b>Extension</b>	<b>Extension</b>
<b>Part 1 Total</b>	<b>\$19,908,000.00</b>	<b>\$20,906,281.00</b>
<b>Part 2 Total</b>	<b>\$1,000,000.00</b>	<b>\$1,000,000.00</b>
<b>Part 3 Total</b>	<b>\$64,000.00</b>	<b>\$106,250.00</b>
<b>Total Bid Price</b>	<b>\$20,972,000.00</b>	<b>\$22,012,531.00</b>

**Recommended: Lakeshore Engineering, LLC**

Bids Mailed: 12      Hall: 0  
 Bids Received: 2      Hall: 0  
 No Bids: 1      Hall: 0

**SPOUT SPRINGS WATER RECLAMATION FACILITY,  
EXPANSION TO 1.6 MGD**

**BID SCHEDULE**

All bid items shall include all costs for furnishing all labor, materials, equipment, supplies, allowances, and all other costs, including permit fees, taxes, insurance, miscellaneous costs, overhead, and profit incurred for the Work complete in place and ready for continuous service.

The Bids shall be shown in both words and figures. In case of a discrepancy, the amount shown in words shall govern. In the event of a discrepancy between the unit price bid and the extension, the unit price will be deemed intended by the bidder and the extensions adjusted. In the event of a discrepancy between the sum of the extended amounts and the bid total, the sum of the extended amounts shall govern.

**Total Bid Amount:** Bidder will complete the Work in accordance with the Contract Documents for the following lump sum prices, together with Allowances and Unit Prices.

<b>PART 1 - BASE BID: SPOUT SPRINGS EXPANSION TO 1.60 MGD</b>					
<u>Item</u>	<u>Description</u>	<u>Unit</u>	<u>Qty.</u>	<u>Unit Price(figures)</u>	<u>Total Unit Price (figures)</u>
1a.	General Construction of the Spouts Springs WRF Expansion to 1.6 MGD per Contract Documents including all work shown on the Drawings and as specified, exclusive of those items listed below in 1b and 1c, and Allowances	LS	1	\$17,000,000.00	\$17,000,000.00
1b.	For furnishing the SBR, filter, controls and equipment identified in Appendix A equipment. Installation included in item 1a.	LS	1	\$2,560,000.00	\$2,560,000.00

1c.	For furnishing the UV disinfection equipment identified in Appendix B. Installation included in item 1a.	LS	1	\$ <u>348,000.00</u>	\$ <u>348,000.00</u>
<p><b>Total Price Part 1 – Items (1a +1b + 1c):</b>                  \$ <u>19,908,000.00</u> (figures)</p>					
<p><b>Total Price Part 1 – Cost in Words:</b>                  \$ <u>Nineteen million nine hundred eight thousand and 00/100 Dollars</u> (words)</p>					

**PART 2 - ALLOWANCE COSTS**

The Bidder shall include in the Total Bid price the lump sum allowances identified below. Payment will be in accordance with the General Conditions. Any unused balance of the allowances shall revert to the Owner upon completion of the project. Contractor is entitled to overhead and profit on any unused balance.

<u>Item</u>	<u>Description</u>	<u>Unit</u>	<u>Approx. Qty.</u>	<u>Unit Price</u>	<u>Total Price</u>
1.	Allowance for correction of unforeseen utility conflicts and utility relocation	LS	1	\$ <u>50,000.00</u>	\$ <u>50,000.00</u>
2.	Owner Contingency	LS	1	\$ <u>300,000.00</u>	\$ <u>300,000.00</u>
3.	Landscape Allowance	LS	1	\$ <u>40,000.00</u>	\$ <u>40,000.00</u>
4.	Pista Grit Equipment Inspection	LS	1	\$ <u>15,000.00</u>	\$ <u>15,000.00</u>
5.	Electrical Service	LS	1	\$ <u>100,000.00</u>	\$ <u>100,000.00</u>
6.	Spare Parts	LS	1	\$ <u>20,000.00</u>	\$ <u>20,000.00</u>

**HALL COUNTY – SPOUT SPRINGS WRF  
EXPANSION TO 1.6 MGD**

07/17/2024

7. Metal Canopy Allowance	LS	1	\$ <u>400,000.00</u>	\$ <u>400,000.00</u>
8. Plant Reuse System Upgrade	LS	1	\$ <u>75,000.00</u>	\$ <u>75,000.00</u>

**Total Price Part 2 – Items (1-8):** **\$ 1,000,000.00**

**Total Price Part 2 – Cost in Words:** **One Million dollars**

**PART 3- UNIT PRICE BIDS**

Bidder will provide the following Work at the indicated installed unit prices.

<u>Item</u>	<u>Description</u>	<u>Unit</u>	<u>Approx. Qty.</u>	<u>Unit Price</u>	<u>Total Price</u>
1.	DIP Pipe	Ton	1	\$ <u>6,000.00</u>	\$ <u>6,000.00</u>
2.	DIP Fittings	Ton	1	\$ <u>6,000.00</u>	\$ <u>6,000.00</u>
3.	*Stone Stabilization	Tons	10	\$ <u>100.00</u>	\$ <u>1,000.00</u>
4.	Silt Fence Type Sd-1	LF	500	\$ <u>5.00</u>	\$ <u>2,500.00</u>
5.	Silt Fence Type Sd-1 Removal	LF	500	\$ <u>3.00</u>	\$ <u>1,500.00</u>
6.	Construction Exits	EA	1	\$ <u>2,500.00</u>	\$ <u>2,500.00</u>
7.	Permanent Grassing	AC	1	\$ <u>4,000.00</u>	\$ <u>4,000.00</u>
8.	Riprap	SY	500	\$ <u>60.00</u>	\$ <u>30,000.00</u>
9.	Erosion Control Monitoring	LS	1	\$ <u>9,000.00</u>	\$ <u>9,000.00</u>
10.	Concrete Wash Out	LS	1	\$ <u>1,500.00</u>	\$ <u>1,500.00</u>

**Total Price Part 3 – Items (1 - 10, inclusive):** **\$ 64,000.00**

**Total Price Part 3 – Cost in Words:** **Sixty four thousand and  $\frac{00}{100}$  dollars**

The amount of Total Price for Part 3 shall be shown in both figures and words. In case of a discrepancy, the amount shown in words shall govern. In the event of a discrepancy between the Unit Price bid and the extension, the Unit Price will be deemed intended by the Bidder and the extension adjusted. In the event of a discrepancy between the sum of the extended amounts and the Bid total, the sum of the extended amounts shall govern.

**PART 4- BID SUMMARY**

All work shown and specified in the Contract Documents

Description	Amount in Figures
Part 1 - Base Bid	\$ <u>19,908,000.00</u>
Part 2 - Allowance Items	\$ <u>1,000,000.00</u>
Part 3 – Unit Pricing	\$ <u>64,000.00</u>
<b>Total Bid Amount</b>	\$ <u>20,972,000.00</u>

Total Bid Amount in Words: (Parts 1+2+3) Twenty million nine hundred  
seventy two thousand and 00/100 dollars.

*In case of a discrepancy, the amount shown in words shall govern. In the event of a discrepancy between the sum of the extended amounts and the bid total, the sum of the extended amounts shall govern.*

1. **BIDDER agrees that the WORK will be Substantially Completed within 600 consecutive calendar days, from the date when the Contract Time commences to run as provided in the General Conditions or 30 days after delivery of all materials and major equipment and will be completed and ready for final payment in accordance with the General Conditions.**

BIDDER accepts the provisions of the Agreement as to Liquidated Damages in the event of failure to complete the WORK within the time(s) specified in the Agreement.

2. The following documents are attached and made a condition of this BID:
  - a. Required Bid Security in the form of Bid Bond.
  - b. The address of BIDDER is indicated below.

1259 Ellsworth Dr, Atlanta, GA 30318

BIDDER'S NAME: Lakeshore Engineering, LLC

Primary Contact Person: Garland Long

Secondary Contact Person: Jeff Laurion

Bidder's Street Address: 1259 Ellsworth Dr, Atlanta, GA 30318

10.000,00

10.000,00

10.000,00

10.000,00

10.000,00



Bidder's Mailing Address (if different from above): \_\_\_\_\_

Bidder's Telephone Number: 404 355-3976

Bidder's Fax Number: 404 355-2429

- 3. Terms used in this BID which are defined in the General Conditions will have the meanings indicated in the General Conditions.

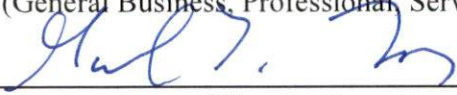
THIS BID SUBMITTED on August 29, 2024.

A Corporation

Corporation Name: Lakeshore Engineering, LLC (SEAL)

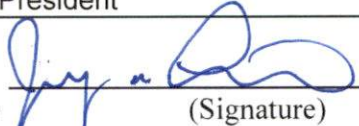
State of Incorporation: GA

Type (General Business, Professional Service, Limited Liability): LLC

By:   
(Signature)

Title: President

Jeffrey A Laurion  
Notary Public  
State of Georgia  
Cherokee County  
Exp: 2/8/27

  
(Signature)

(CORPORATE SEAL)

Business Address: 1259 Ellsworth Dr, Atlanta, GA 30318

Telephone Number: 404 355-3976

Fax Number: 404 355-2429

Date of Qualification to do business is: 09/14/2009

**PART 5–BASE BID MAJOR EQUIPMENT SCHEDULE**

The Base Bid shall include the costs for the circled Manufacturers/Suppliers listed in this Major Equipment Schedule, exclusive of any additive or deductive Alternate Bid Items. Should a Bidder fail to indicate which manufacturer or supplier its Bid is based on, or circle more than one listed manufacturer/supplier per equipment item, the Bidder shall provide the first listed manufacturer/supplier

**HALL COUNTY – SPOUT SPRINGS WRF  
EXPANSION TO 1.6 MGD**

**07/17/2024**

(A) for its Bid for the amount included in the Total Bid at no increase in the Contract amount. The Contractor shall submit working drawings in accordance with the General Conditions for any modifications to the Contract Drawings required due to the submittal of the base bid manufacturers/suppliers. The Bidder is aware that the Owner will award the Contract without consideration of Alternate manufacturers/suppliers.

The Major Equipment Schedule lists the base bid equipment manufacturer/supplier as applicable for major equipment items and key suppliers for the Project. The Bidder must indicate which named manufacturer/supplier it intends to provide by circling one of the manufacturers/suppliers listed.

Specification Section	Equipment Description	Manufacturer/Supplier
43 11 33	Rotary Positive Displacement Blowers	A. Aerzen
43 23 13	Self-Priming Centrifugal Pump	A. Gorman-Rupp B. Pentair Water
43 23 15	Duplex Skid Mounted Self-Priming Centrifugal Pump	A. Gorman-Rupp
43 24 00	Centrifugal Chopper Pump	A. Hayward Gordon B. Trillium Flow Technologies
43 25 00	Submersible Wastewater Pumps	A. Flygt B. Homa C. Grundfos
43 26 00	Vertical Mult-Stage Water Pumps	A. Gould B. Grundfos
46 21 12	Vac Truck Receiving Station	A. JWC
46 21 13	Chain and Rake Bar Screen	A. JWC B. Vulcan C. Headworks D. Aqualitec
46 23 23	Grit Removal Equipment	A. Smith and Loveless

Specification Section	Equipment Description	Manufacturer/Supplier
46 51 21	Coarse Bubble Diffused Aeration System	A. Sanitaire B. Aquarius Technologies C. EDI
46 53 53	Sequential Batch Reactor System	A. Aqua Aerobics
46 61 41	Disk Filters	A. Aqua Aerobics
46 66 56	Ultraviolet Disinfection Equipment	A. Trojan
46 73 19	Floating Supernate Decanter	A. Parkson

**PART 6– MAJOR EQUIPMENT MANUFACTURERS SUBSTITUTION AS AN ADDITIVE OR DEDUCTIVE ALTERNATE**

Any Manufacturer, including those not listed as an acceptable manufacturer, may be listed as an additive or deductive alternate substitution. However, the base bid will be evaluated on the major equipment listed in Part 5.

The Bidder understands that **after a Contract is awarded**, the Owner may, at its sole discretion, select items of any Manufacturer listed in the following additive or deductive substitute tabulation. The Bidder agrees to furnish and install any additive or deductive alternative substitutions for the price indicated. The BID will be adjusted accordingly.

The Engineer may require detailed information to be submitted for preliminary evaluation of a substitute Manufacturer. This information could include technical and performance details of the equipment and other information deemed necessary by the Engineer and/or described in the Contract Documents.

If an offered substitution included items of equipment of any Manufacturer that may require any modification to or deviation from the Drawings, the undersigned agrees to prepare and submit detailed Drawings to the Engineer showing all modifications to structures, piping, electrical, mechanical, and instrumentation work, required to adapt the plans to the equipment selected. The Bidder further understands that the Engineer will review said detailed drawings of modifications and either approve them or indicate changes necessary to comply with the project requirements. Detailed drawings that are not approved will be revised and resubmitted to the Engineer for approval. If the Engineer determines that the substitute equipment cannot be approved, the original Base Bid equipment shall be provided. The prices listed in the following additive or deductive substitute tabulation are “installed” prices and take into consideration any changes that may be required to the original design.

<b>Specification Section</b>	<b>List Equipment Vendor</b>	<b>Circle to Indicate Additive or Deductive Substitution</b>	<b>Add (Deduct) Price From Base Bid (in words)</b>
<b>43 25 00 Submersible Wastewater Pumps</b>		<b>Add</b>  <b>Deduct</b>	<b>\$</b>
<b>46 21 12 Vac Truck Receiving Station</b>		<b>Add</b>  <b>Deduct</b>	<b>\$</b>
<b>43 24 00 Centrifugal Chopper Pump</b>		<b>Add</b>  <b>Deduct</b>	<b>\$</b>
<b>43 26 00 Vertical Multi-Stage Water Pumps</b>		<b>Add</b>  <b>Deduct</b>	<b>\$</b>
<b>*</b>		<b>Add</b>  <b>Deduct</b>	<b>\$</b>
<b>*</b>		<b>Add</b>  <b>Deduct</b>	<b>\$</b>

\*Contractor write in

All BID Items shall include all costs for furnishing all labor, materials, equipment, supplies, allowances, and all other costs including permit fees, taxes, insurance, miscellaneous costs, overhead and profit incurred for the WORK, complete in place and ready for continuous service.

END



## AGENDA ITEM

### Consent Agenda

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**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 552/2024

**SUBJECT:** Approve the FY 2025 School Security Program annual agreement between Hall County and the Hall County Board of Education.

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#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** SGC

**Recommendation:**

Approve.

#### Purpose of Request:

Approve the FY 2025 School Security Program annual agreement between Hall County and the Hall County Board of Education.

#### History:

Beginning with the 1999 – 2000 academic year the Hall County Sheriff's Office, the Hall County Board of Commissioners, and the Hall County School System instituted and established a School Resource Officer Program, which placed a Deputy Sheriff in each of the middle and high schools within the Hall County School System for the purpose of providing Law Enforcement Services for the School System. The School Resource Officer Program has received overwhelming acceptance and support from the participating entities and the community in general. The School Resource Officer Program has been extremely successful in creating a safe environment in the Hall County School System as well as providing the students with outstanding role models. Funded 70% by the School Board and 30% by the Hall County Sheriff's Office.

#### Facts and Issues:

#### Options:

The purpose of this Memorandum of Agreement (MOA) between the Hall County Sheriff's Office, the Hall County Board of Commissioners, and the Hall County School System is to institute and establish and maintain a School Security Program, which places a Deputy Sheriff in each of the Middle and High Schools within the Hall County School System for the purpose of providing Law Enforcement Services for the School System. This also allow for the addition of 5 extra duty deputies to roam between elementary schools.

**Funding Requested** \$ 1,007,040.00  
**Are funds within current budget?** Yes  
**Source of Funds** General Fund (70% reimbursed by School Board)  
**Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?** Yes  
**Has it been reviewed by the County Attorney?** No  
**Is there a deadline for this item?**

**Approvals:**

<b>Submit</b>	<b>Approve</b>	<b>Budget</b>	<b>Finance</b>
SC	SC	JM	EW
<b>Attorney</b>	<b>Administration</b>		<b>Clerk</b>
JL	CR		AD

**Attachments:**

Financial Supplement  
 FY25 Memorandum of Agreement



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

**AGENDA ITEM 552/2024**

**Funds Requested:** \$ 1,007,040.00                      **Request Budgeted:** Yes

**Proposed Source of Funding:**                                      **Budget Transfer Requested:**

General Fund (70% reimbursed by School Board)                      Yes

**Funding Source Items:**

Fiscal Year	Fund	Division	Account	Amount
2025	100-GENERAL FUND	3323-SHERIFF PATROL	611000-OPERATING TRANSFERS OUT	\$1,007,040.00

**Budget Transfer Items:**

Fiscal Year	Fund	Division	Account	Amount
2025	100-GENERAL FUND	1500-GENERAL SERVICES		\$-117,600.00
2025	100-GENERAL FUND	3323-SHERIFF PATROL	611000-OPERATING TRANSFERS OUT	\$117,600.00
2025	100-GENERAL FUND	3323-SHERIFF PATROL	511100-SALARIES	\$-100,000.00
2025	100-GENERAL FUND	3323-SHERIFF PATROL	611000-OPERATING TRANSFERS OUT	\$100,000.00

**Additional Information/Comments:**

The total SRO budget for FY2025 is \$ 3,356,800 of which 30% is funded within the Sheriff's operating budget (\$ 1,007,040), and 70% by the Hall County Board of Education (\$ 2,349,760). Transfer from \$117,600 General Fund Contingency and \$100,000 from Patrol Salaries into Patrol's Operating Transfers Out, for the increase of additional security personnel and operating expense for the remaining ~140 days of the school year.

**Contact for Questions:** MM/CM

**Phone:** 770-531-6900



# Hall County Sheriff's Office School Security Program

FY 2025 - 2024/2025 Academic Year Budget

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## **MEMORANDUM OF AGREEMENT**

1. **PURPOSE:** The purpose of this Memorandum of Agreement (MOA) between the Hall County Sheriff's Office (hereinafter referred to as "Sheriff's Office"), the Hall County Board of Commissioners (hereinafter referred to as "Commission"), and the Hall County School System (hereinafter referred to as "School System") is to institute and establish and maintain a School Security Program by providing Law Enforcement Services. This program consists of School Resource Officers in Middle and High Schools, School Resource Officers roving in areas as needed, School Security Officers roving in Elementary Schools and Security Officers at requested school events and functions.
2. **BACKGROUND:** Beginning with the 1999 – 2000 academic year the Sheriff's Office, the Commission, and the School System instituted and established a School Resource Officer / Security Program, which placed a Deputy Sheriff in each of the middle and high schools within the School System for the purpose of providing Law Enforcement Services for the School System. During the 2018 - 2019 academic year a K9 Officer was added. During the 2022 – 2023 academic year an additional School Resource Officer was added at the Lanier Career Academy. The School Resource Officer / Security Program has received overwhelming acceptance and support from the participating entities and the community in general. The School Resource Officer / Security Program has been extremely successful in creating a safe environment in the School System as well as providing the students with outstanding role models. It is the desire of the Sheriff's Office, the Commission, and the School System to fund and continue the School Resource Officer / Security Program and to understand the financial responsibility of each entity as to those expenditures of the School Resource Officer / Security Program not covered by grant monies.
3. **BY AND THROUGH AGREEMENT HEREIN,** the Sheriff's Office, the Commission, and the School System hereby agree to the following as it relates to the School System Security Program:



#### 4. **SERVICES PROVIDED:**

- A. School Resource Officers:** The Sheriff's Office will provide Law Enforcement Services to the School System by providing a School Resource Officer at each of the School Systems Middle Schools and High Schools, and four additional Officers to roam between Elementary Schools for a total of 20 School Resource Officers in the program, three of which have a K9 partner. The School System is responsible for all K9 expenses. The Sheriff's Office and School System together will continue to split salaries and benefits 70/30 for 18 positions (2 roving position's salaries/benefits will be the sole responsibility of the Sheriff's Office for FY2025).
- B. Crossing Guards:** The Sheriff's Office will provide a part-time crossing guard at mutually agreed upon schools throughout the county at the same 70/30 split.
- C. School Security:** Five (5) rotating extra duty Deputy's will be added this year (FY2025) to roam between Elementary Schools. These Five (5) Deputy's will be funded through an extra duty arrangement with the Sheriff's Office and School System at \$70/hour using the same 70/30 split for the complete 180-day school year.
- D. Event/Function Security:** Extra duty job slots needed for Security at sporting events, dances, school system functions, etc. will be filled by Sheriff's Office Deputy's on an as needed basis as requested by the School System. These Deputy's will be funded through an extra duty arrangement with the Sheriff's Office and School System at \$50/hour using the same 70/30 split. Scheduling for these events will be handled by the Sheriff's Office and monthly reporting will be provided to the School System with worked details for these events.

- 5. **FUNDING:** For **FY2025**, which encompasses the **2024 – 2025** academic years, the total budget for the School Security Program will be projected at **\$3,356,800**. This will fund School Resource Officer's salaries, overtime, operating supplies, fuel, training costs, Crossing Guards, School Security, and Event/Function Security as requested. These funds shall be provided by the Commission and the School System based on the previously agreed upon 70% (School System) 30% (Commission) split. Thus, the School System will be responsible for **\$2,349,760** and the Commission will be responsible for **\$1,007,040**. There is no Grant Funding for **FY2025**. If the total expenditures were to go over or are under the above projected budget for

whatever reason, this account will be reconciled at year end at the agreed upon 70/30 split. Monthly review of actual expenditures can be presented as requested.

6. **RECORDS:** All records pertaining to the School Security Program will be collected and maintained by the Sheriff's Office. These records shall include employee personnel files, monthly reports, and statistical data. All criminal reports will be maintained by the Sheriff's Office Records Division and will be subject to the Georgia Open Records Laws.
7. **DURATION, MODIFICATION, AND TERMINATION:** The Sheriff's Office, the Commission, and the School System desire to continue the School Security Program for **FY2025**, the **2024 – 2025** academic year. The Program may not be terminated during the fiscal year; however, the program may be terminated at the end of a fiscal year by either party. The party desiring to terminate the program shall notify the other parties of their intentions in writing 60 days prior to terminating the program and only at the conclusion of the fiscal year.
8. **AUTHORITY:** All Sheriff's Office personnel assigned to the School Security Program shall always remain under the chain of command and control of the Sheriff's Office.
9. **FACILITIES AND EQUIPMENT:** The School System will provide office space for each School Resource Officer at the respective school. All equipment and vehicles shall remain the property of the Sheriff's Office and shall be used and maintained in accordance with Sheriff's Office policy.
10. **EMPLOYMENT RIGHTS:** Sheriff's Office employees assigned to the School Security Program remain employees of the Sheriff's Office and shall not be penalized in any way for participating in the School Security Program. This includes all employment rights, promotional opportunities, training opportunities, or fringe benefits.
11. **REVIEW AND REVISION:** The School Security Program shall be reviewed annually by all parties. Any modifications to this agreement must be in writing and agreed upon by all parties. This Memorandum of Agreement shall remain in effect for the entire fiscal year of **2025**.
12. **FORCE AND EFFECT:** This MOA, which consist of 13 sections on 4 pages, will enter into effect upon the signature of all parties and will remain in effect until **June 30, 2025**.

13. **THEREFORE**, in affirming this Memorandum of Agreement, the entities hereto, by and through their respective representatives, have executed this document this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Gerald Couch, Sheriff

\_\_\_\_\_  
Will Schofield, Superintendent of Schools

\_\_\_\_\_  
Richard Higgins, Commission Chairman

\_\_\_\_\_  
Attest: Jennifer Rivera, County Clerk



## AGENDA ITEM

### Consent Agenda

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**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 531/2024

**SUBJECT:** Approve the continuation award and any supplemental funding of the FY 2025 Victims of Crime Act (VOCA) Grant for the Solicitor's Office to provide direct support to crime victims in the amount of \$125,741.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. No match is required.

---

#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** ST  
**Recommendation:** Approval

**Purpose of Request:** Approve the continuation award and any supplemental funding of the FY 2025 Victims of Crime Act (VOCA) Grant for the Solicitor's Office to provide direct support to crime victims in the amount of \$125,741.00, and if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. No match is required.

**History:** The Solicitor's Office has received this funding since 2001.

**Facts and Issues:** The VOCA program, created in 1984, provides federal funding to support victims assistance and compensation programs, to provide training for diverse professionals who work with victims to develop projects to enhance victims' rights and services and to undertake public education and awareness activities on behalf of crime victims.

**Options:**

**Funding Requested** \$ 0.00  
**Are funds within current budget?** Yes  
**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?**

**Approvals:**

<b>Grants</b>	<b>Submit</b>	<b>Approve</b>	<b>Grants</b>
PS	ST	ST	SG
<b>Budget</b>	<b>Finance</b>	<b>Attorney</b>	<b>Administration</b>
JM	TS	WLI	CR
<b>Clerk</b>			
JR			

**Attachments:**

FY25 VOCA Draft Budget SG



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

**AGENDA ITEM 531/2024**

**Funds Requested:** \$ 0.00

**Request Budgeted:** Yes

**Proposed Source of Funding:**

**Budget Transfer Requested:**

N/A

No

**Funding Source Items:**

<b>Fiscal Year</b>	<b>Fund</b>	<b>Division</b>	<b>Account</b>	<b>Amount</b>
2025	250-MULTIPLE GRANT FUND	2301-SOLICITOR	351411-VICTIM WITNESS ASSISTANCE	\$-125,741.00
2025	250-MULTIPLE GRANT FUND	2301-SOLICITOR	511100-SALARIES	\$125,741.00

**Budget Transfer Items:**

**Additional Information/Comments:**

Budget guidelines are still under review with CJCC/PAC and line items are subject to change. The award period for this grant is Oct. 1, 2024 — Sept. 30, 2025.

**Contact for Questions:** ST

**Phone:**

770-531-7012

# CJCC Budget Detail Worksheet

<b>Agency Name:</b>	PAC
<b>Subgrant Number:</b>	
<b>Project Name:</b>	Hall County SG VWAP
<b>Select grant type:</b>	VOCA

**Purpose:** This Budget Detail Worksheet is used to verify all Subgrant Expenditure Requests (SERs) and to determine whether costs are allowable, reasonable and justified. Please fill it out completely with the Subgrant Adjustment Request (SAR) #1 in your award packet and for each subsequent SAR that requires a budget change. All required information must be present in the budget narrative, regardless of format.

**NOTE** - If you need extra lines in the spreadsheet under one of the categories: 1) Highlight an entire row or block of lines within the same category 2) Keeping your mouse over the highlighted row or block, right click and select the copy option by left clicking 3) Next, right click with your mouse again on the highlighted row or block and chose the option "insert copied cells" by left clicking If you selected only a block and not the entire row, a new tile will open up and select the option "Shift cells down" and click OK. Use of this technique will ensure that you don't change the formulas inserted in the spreadsheet.

**A (1). Personnel--** List each position by title and name of employee, if available. In order to calculate the budget enter the annual salary and the percentage of time to be devoted to the program. Compensation of employees engaged in program activities must be consistent with that for similar work within the applicant agency.

Title	First and Last name	Salary Rate	% Time to Project	Select Pay Period Frequency	Cost	Match?
Victim Services Coordinator	Timmy Michelle Myers	\$65,803.92	90%	Biweekly	\$59,223.00	
Victim Advocate	Maria Ibarra	\$52,276.64	91%	Biweekly	\$47,698.00	
Victim Advocate	Daniel Vice	\$55,080.22	91%	Biweekly	\$50,255.00	
					\$0.00	
					\$0.00	
					\$0.00	

Title	First and Last name	Hourly wage	Hours per week on project	Weeks worked annually	Select Pay Period Frequency	Cost	Match?
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
<b>PERSONNEL TOTAL</b>						<b>\$157,176</b>	

**A (2). Volunteers --** If applicable, simply enter the number of hours of service volunteers will perform. Volunteers must be valued at \$15/hour unless approved by CJCC staff for a higher rate. Do not change the drop-down selection box from "In-kind" or your match will not calculate correctly.

	Hours	Rate	Total value	Match
<b>Volunteers</b>			\$ -	In-Kind
<b>VOLUNTEERS TOTAL</b>			<b>\$0.00</b>	

**A (3). Fringe--** Amounts should be based on actual costs or a formula for personnel listed above, utilizing the percentage of time devoted to the program. Fringe benefits on overtime hours are limited to FICA, Worker's Compensation and State Unemployment Compensation. Costs included within this category are: FICA (employer's portion of Social Security and Medicare taxes), employer's portion of retirement, employer's portion of insurance (health, life, dental, etc.), employer's portion of Worker's Compensation and State Unemployment Compensation.

Title	First and Last name	Total annual salary or wages	Select fringe type	Enter rate of each fringe benefit as a percentage of salary or wages	% Time to Project	Cost	Match?
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
						\$0.00	
<b>FRINGE TOTAL</b>						<b>\$0.00</b>	

**PERSONNEL GRAND TOTAL** **\$157,176**

**B. Travel--** Funds must be budgeted in compliance with State of Georgia Statewide Travel Regulations. Itemize travel expenses of program personnel by category (e.g. mileage, meals, lodging, incidentals, and airfare) and purpose (e.g. training, field interviews, and advisory group meetings) and identify the location, if known. For training programs, list travel and meals for participants separately. Show the budget calculation (e.g. six people attending three-day training at \$X airfare, \$X lodging, \$X meals/ incidentals). **If selecting "airfare" enter 1 in the nights/days field and use the round-trip costs.** Please note that the maximum reimbursement rate is \$0.565 per mile, but if your agency's reimbursement rate is lower you must use that.

Trainings and Conferences		**All trainings and conferences must be pre-approved by submitting an agenda to your Specialist or Auditor.						
Purpose of Travel	Staff member	Item	Cost	# Individuals	# Nights/Days	# Trips	Cost	Match?
							\$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

Mileage						
Purpose of Travel	Staff member	Location or Coverage Area	Cost per mile	Miles per grant year	Total Cost	Match?
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
<b>TRAVEL TOTAL</b>					<b>\$0.00</b>	

**C. Equipment--** List non-expendable items to be purchased. Applicants should analyze the benefit of purchased versus leased equipment, especially high cost and electronic or digital items. Explain how the equipment is necessary for the success of the program. Show the budget calculation. Attach a narrative describing the procurement method to be used. Please note that all items must be at least \$5,000 per unit to be considered equipment. Otherwise please list items in "Supplies."

Equipment Item	Cost per Unit	# Items	Vendor	Cost	Match?
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
<b>EQUIPMENT TOTAL</b>				<b>\$0.00</b>	

**D. Supplies--** List items by type (e.g. office supplies, postage, copier usage, training supplies, publications, audio/video (batteries, film, CD/DVD's, etc.), office furniture, computer software, educational/therapeutic supplies, uniforms, weapons (law enforcement and prosecution units only). Show budget calculation. For example, where an item is office supplies, enter \$100 for cost per unit; "month" for define unit; 12 for # units, and Office Palooza for Vendor. Leave "define unit" blank if not applicable.

Item	Cost per unit	# Units	Vendor	Cost	Match?
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
<b>SUPPLY TOTAL</b>				<b>\$0.00</b>	

**E. Printing--** List items by type (e.g. letterhead/envelopes, business cards, training materials). Show budget calculation. For example, where an item is business cards, enter \$15 for cost per unit; "box" for define unit; 2 for # units, and Print Mania for Vendor. Leave "define unit" blank if it is not applicable.

Item	Cost per unit	# Units	Vendor	Cost	Match?
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
<b>PRINTING TOTAL</b>				<b>\$0.00</b>	

**F. (1) Other Costs--** List items by type (e.g. real property lease, repairs/maintenance, utilities, copier rental/lease, postage meter, insurance & bonding, dues & subscriptions, advertising, registration fees, film processing, notary services, public relations, communication services - indicate if DOAS is provider). Show budget calculation. For example, provide the office space square footage and the lease rate or provide the monthly lease amount and the number of months leased. For unit enter time period as applicable (i.e., "month" for utility costs) or leave blank for items such as registration that require a one-time fee.

Item	Cost per unit	# of Units	% Charged to Grant	Vendor	Cost	Match?
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
<b>F. (1) Subtotal</b>					<b>\$0.00</b>	



**F. (2) Consultant Fee:** Enter the name, if known, and service to be provided. Show the budget calculation; for example, the hourly or daily rate (8 hours) multiplied by the estimated number of units (eg., 1 hour of therapy).

Name of Consultant	Service Provided	Cost per unit	Define Unit of Service	# Units	Cost	Match?
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
<b>F. (2)Subtotal</b>					<b>\$0.00</b>	

**F. (3) Contracts:** Provide a description of the product or service to be procured by contract and a cost estimate. Applicants are strongly encouraged to use a competitive procurement process in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Name of Consultant	Service Provided	Cost per unit	Define Unit of Service	# Units	Cost	Match?
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
<b>F. (2)Subtotal</b>					<b>\$0.00</b>	

**F. (4) Indirect Cost:** If your agency has a negotiated rate, a copy of the Indirect Cost Rate Agreement must be submitted with your contract budget. Applicants may elect to use an amount up to the ten percent (10%) de Minimis rate of their Modified Total Direct Costs (MTDC) base. MTDC includes the cost of salaries, wages and fringe benefits of personnel that work directly on the project, and other operational costs such as supplies, printing, and travel that are directly related to the project. To use the de Minimis indirect cost rate complete the MTDC Calculator in the next tab. When you have completed this calculator, the total indirect cost will transfer to the space below.

**Indirect Cost** **\$0**

**F. OTHER TOTAL** **\$0**

**G. Match Waiver:** If your agency would like to request a match waiver, you should submit a letter, on your agency's letterhead, to the Georgia Criminal Justice Coordinating Council (CJCC). The letter should outline the reasons why your agency will have trouble meeting the full match requirement and should indicate the amount of match you are able to provide for the

**G. Match Waiver Amount:**

**Budget Summary--**When you have completed this budget worksheet, the totals for each category will transfer to the spaces below. The total costs and total project costs will be computed via Excel formula. Indicate the amount of grant funds requested and the amount of non-grant funds that will support the project.

Budget Category	Amount		
A. Personnel and Fringe	\$157,176		
B. Travel	\$0		
C. Equipment	\$0		
D. Supplies	\$0		
E. Printing	\$0		
F. Other	\$0		
<b>TOTAL PROJECT COSTS</b>	<b>\$157,176</b>		
Award	\$125,741		
Match Amount	\$31,435		
<b>Match Breakdown</b>	Cash	\$31,435	100%
	In-Kind	\$0	0%

**Budget Narrative**

Full 2025 VOCA SG Award amount of \$125,741 will be applied directly to the salaries of (1) Victim Services position, and (2) Victim Advocate positions. Hall County will cover the full fringe benefit amount at an estimated rate of \$58,155 of these (3) positions as part of 2025 VOCA SG cost match amount totaling \$31,435.

**NOTE:** If a Non-Grant expense amount is entered, make sure those items for which they will be used must be incorporated into your overall budget. Indicate clearly throughout you budget narrative and detail worksheet for which items these funds will be used.



## **AGENDA ITEM**

### **Consent Agenda**

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**REPORT TO:** **Work Session (10/07/24)**

**REPORT TO:** **Voting Meeting (10/10/24)**

**ITEM NO:** 522/2024

**SUBJECT:** Approve the 2023 personal property refund in the amount of \$128,552.92 for overpayment of taxes regarding property located at 2125 Candler Road, Gainesville, GA to Cottrell Properties, LP.

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#### **Meetings:**

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### **Executive Summary:**

**Presenter:** SW

**Recommendation:**  
Approve

**Purpose of Request:**

**History:**

Previously the refund request of \$128,552.92 was approved by the BOC on 6/27/2024 and is correct.

However, when the BTA staff submitted the account correction order (ACO) to the Office of the Tax Commissioner (OTC), the OTC calculated the refund to be a different amount, \$115,693.57.

The BTA staff reviewed the OTC re-calculation and confirmed the OTC calculation of \$115,693.57 to be correct based on the ACO submitted. NOTE: BTA staff, while correctly reviewing the re-calculation of the refund based on the ACO submitted, did not review the actual ACO submitted as a part of reconciliation (key point). Review of the account correction order was not a part of the BTA staff review.

Approve the 2023 personal property refund in the amount of \$128,552.92 for overpayment of taxes regarding property located at 2125 Candler Road, Gainesville, GA to Cottrell Properties, LP.

Therefore, a revised refund amount was brought back to the BOC for approval 8/8/2024. The amount of \$115,693.57 was approved by the BOC.

Why we are back: When calculating the second ACO (Account Correction Order) back to the OTC office for re-processing of the re-calculated refund, BTA staff discovers that the original refund amount of \$128,552.92 is in fact correct as originally approved. It was determined and reconciled between 1.) Personal Property Manager, 2.) Deputy Chief Appraiser, 3.) Chief Appraiser & 4.) Cottrell representative that supplied the paperwork submitted to process the original refund was wrong. Staff simply mis-calculated the account correction order for the \$128,552.92 refund thus causing a calculation of \$115,693.59 instead of \$128,552.92. Therefore, after BTA staff (3) and Cottrell representative (1) reconciled the correct calculations it was determined that the original refund amount of \$128,552.92 is correct.

**Facts and Issues:**

Original refund amount of \$128,552.92 is based on a comparison of Cottrell's 2023 Business Personal Property report to the amended 2023 Business Personal Property report.

The incorrect refund amount of \$115,693.57 was calculated based on a comparison of the original 2023 Business Personal Property report to the 2024 Business Personal Property report rather than the 2023 amended report.

**Options:**

**Funding Requested**

\$ 128,552.92

**Are funds within current budget?**

No

**Source of Funds**

General Fund

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

No

**Has it been reviewed by the County Attorney?**

Yes

**Is there a deadline for this item?**

2024-09-24

**Approvals:**

<b>Submit</b>	<b>Approve</b>	<b>Budget</b>	<b>Finance</b>
RW	RW	JM	TS
<b>Attorney</b>	<b>Administration</b>		<b>Clerk</b>
WLI	CR		JR

**Attachments:**

Financial Supplement  
Timeline of Events



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

**AGENDA ITEM 522/2024**

**Funds Requested:** \$ 128,552.92

**Request Budgeted:** No

**Proposed Source of Funding:**

**Budget Transfer Requested:**

General Fund

No

**Funding Source Items:**

Fiscal Year	Fund	Division	Account	Amount
2025	100-GENERAL FUND		311100-REAL PROPERTYâ€CURRENT	\$128,552.92

**Budget Transfer Items:**

**Additional Information/Comments:**

**Contact for Questions:**

**Phone:**

## Cottrell Account 104782

Intangible items (deposits on equipment) were improperly returned by the company and taxes paid on those items. Cottrell discovered this during an in-house company reconciliation and contacted our office regarding their error causing the erroneous assessment.

### Short Summary

- 1) The erroneous assessment produces a refund of \$128,553 which was approved by the BTA & BOC.
- 2) An ACO was prepared & sent to TC office (*\*ACO was incorrectly calculated but unknown at this time*).
- 3) TC notifies BTA office that they (TC) calculate a different refund, \$115,693.59.
- 4) S. Watson asks R. Rainey & J. Smith to confirm TC calculations. R. Rainey & J. Smith confirm that recalculation of refund, \$115,693.59 is correct based on ACO submitted. (*\*It is still unknown that the ACO was incorrectly calculated at this time*)
- 5) Refund is then re-processed through BTA and BOC for re-approval of lower amount; \$115,693.59.
- 6) Original ACO is sent back to TC office for processing of refund of \$115,693.59.
- 7) S. Watson communicates with Cottrell concerning revised refund.
- 8) Cottrell objects to revised refund and sends S. Watson supporting documentation for refund of \$128,553.

ITEM	AMOUNT	COMMENTS
	938,928	Deposit - Not on premises
	4,684,800.00	Deposit - Not on premises
	11,745,941	Deposit - Not on premises
ERRONEOUSLY REPORTED	<b>17,369,669</b>	Fair Market Value
CIP FACTOR	0.75	Market Adjustment by Law
ERRONEOUS 100% VALUE	13,027,252	Adjusted Fair Market Value
ERRONEOUS 40% VALUE	5,210,901	Net Assessment
2023 MILLAGE RATE	24.67	
<b>REFUND</b>	<b>\$128,553</b>	

- 9) S. Watson asks R. Rainey to reconcile how original refund determination, \$128,553 was determined.
  - \* Previous reconciliation by R. Rainey and J. Smith was to verify that TC refund recalculation was correct.

10) R. Rainey determines that the ACO submitted is in error and that original refund calculation of \$128,553 is actually correct

- \* This reconciliation lines up with Cottrell’s aforementioned supporting documentation and S. Watson’s reconciliation of same.
- \* *This could have and should have been discovered at above step 4).*

**CORRECT REFUND CALCULATION**

2023 ORIGINAL RETURN	2023 AMENDED RETURN	FMV DIFFERENCE	40% FMV MILLAGE RATE	BOC APPROVED REFUND
35,905,716	22,878,464	13,027,252	5,210,901	0.02467
				<b>128,553</b>

**INCORRECT REFUND CALCULATION**

2023 ORIGINAL RETURN	2024 RETURN	FMV DIFFERENCE	40% FMV MILLAGE RATE	BOC APPROVED REFUND
35,905,716	24,181,599	11,724,117	4,689,647	0.02467
				<b>115,693.59</b>

\* The 2024 return was used instead of the 2023 Amended Return to calculate the value difference on the ACO. The return included new equipment not present for 2023 And no CIP (Construction in Process).

**Recommended Action Items**

1. **Inform Administration** – Explain in detail with supporting documentation series of events and corrective measures to be taken.
  - \* *Recommend* sending corrected ACO back through to Tax Commissioner reflecting original refund amount of \$128,553 which was previously approved by the BTA & BOC.
2. **ACO** - Send correct ACO to Tax Commissioners office for the correct refund of \$128,553 previously approved by BTA & BOC.
  - \* Include supporting documentation of calculated refund.
  - \* Include BOC approval of refund of \$128,553 including all HCAM documents including voting meeting agenda item.
3. **Corrective Actions**
  - \* Revise Refund Policy to include adequate layers of review for determination of erroneous valuation and calculated refund. *This has already been completed by staff and approved by the BTA.*
  - \* Take necessary action and train, coach and test.

**Take-Aways**

- **Start From the Beginning** - Never assume - Anyone is fallible
- **Keep Customers Informed** - Touch Base
- **Do Not Rush** - Regardless, execute carefully
- **Finish the Drill** - Complete the process, review, review, review



## AGENDA ITEM

### Other Business - Public Works and Utilities

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**REPORT TO:** Work Session (10/07/24)  
**REPORT TO:** Voting Meeting (10/10/24)  
**ITEM NO:** 464/2024  
**SUBJECT:** Approve the award of RFQ/P #45-015 Roll-Off Solid Waste Hauling Services for Public Works & Utilities to North GA Excavating Group, LLC of Lula, GA. The estimated annual cost is \$750,000.00.

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#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** BN  
**Recommendation:** Approve

#### Purpose of Request:

Approve the award of RFQ/P #45-015 Roll-Off Solid Waste Hauling Services for Public Works & Utilities to North GA Excavating Group, LLC of Lula, GA. The estimated annual cost is \$750,000.00.

#### History:

Previously, IFB #016-45 Roll-Off Solid Waste and Recycling Hauling Services was awarded to the lowest cost bidder, Blue Level Services, LLC of Clarkesville, GA, in the amount of \$812,323.72, for both Solid-Waste and Recycling services on Agenda Item #196/2024.

#### Facts and Issues:

Blue Level Services, LLC of Clarkesville, GA failed to deliver the required amount of CDL drivers as contracted since beginning the service July 1, 2024. A thirty (30) day Notice-to-Cure was issued to Blue Level to give them the opportunity to correct the issue, which they failed to do, causing the County to then issue a Notice-of-Default to them. The decision was made to separate Solid-Waste and Recycling Hauling into two (2) separate contracts. The RFQ/P #45-015 is just for Solid-Waste Hauling and the recommendation is based on the overall highest scoring bidder, North GA Excavators of Lula, GA, by combining both Technical Qualifications and Cost scores.

#### Options:

**Funding Requested** \$ 750,000.00  
**Are funds within current budget?** Yes  
**Source of Funds** Solid Waste 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?**

2024-08-26

**Approvals:**

<b>Submit</b>	<b>Approve</b>	<b>Purchasing</b>	<b>Budget</b>
WK	WK	AP	JM
<b>Finance</b>	<b>Attorney</b>	<b>Administration</b>	<b>Clerk</b>
TS	WLI	CR	AD

---

**Attachments:**

Financial Supplement

Bid Tab Summary

Contract

Revised Cost Proposal Summary



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

**AGENDA ITEM 464/2024**

**Funds Requested:** \$ 750,000.00

**Request Budgeted:** Yes

**Proposed Source of Funding:**

**Budget Transfer Requested:**

Solid Waste Fund

No

**Funding Source Items:**

<b>Fiscal Year</b>	<b>Fund</b>	<b>Division</b>	<b>Account</b>	<b>Amount</b>
2025	540-SOLID WASTE FUND	4520-SOLID WASTE/DISPOSAL	521000-PROFESSIONAL SERVICES	\$593,750.00
2026	540-SOLID WASTE FUND	4520-SOLID WASTE/DISPOSAL	521000-PROFESSIONAL SERVICES	\$156,250.00

**Budget Transfer Items:**

**Additional Information/Comments:**

**Contact for Questions:** BN

**Phone:** (678) 780-6843

RFQ/P #45-015 ROLL-OFF SOLID WASTE HAULING SERVICES					REVISED 10/01/2024	
SOLID WASTE HAULING SEVEN (7) DAYS A WEEK						
Bidders	North GA Excavating Group, LLC*	Waste Pro of GA, Inc.	Red Oak Sanitation	Republic Services	Waste Eliminators	Nix Construction Services, Inc.
Location	Lula, GA	Athens, GA	Cumming, GA	Winder, GA	Gainesville, GA	Gainesville, GA
COST	\$ 836,472.00	\$ 742,352.00	\$ 737,880.00	\$ 1,079,678.00		
Average Technical Scores	733	658	525	517		
Average Cost Scores	117	167	183	17		
Total Scores	<b>850</b>	<b>825</b>	<b>708</b>	<b>534</b>		
Percentage (of 100%)	<b>85%</b>	<b>83%</b>	<b>71%</b>	<b>53%</b>	Non-Responsive	No Bid

\* Due to budget constraints, a formal Invitation-to-Negotiate was offered to the highest scoring bidder (North GA Excavation Group, LLC). The negotiation resulted in an updated cost proposal of \$750,000.00, which is below the approved budget.

**Bids mailed out:** 6  
**Hall County Invitations:** 2  
**Bids Received:** 5  
**No Bids:** 1  
**Non-Responsive Bids:** 1



Hall County Government  
FINANCIAL SERVICES

**CONTRACT EXECUTION SIGNATURE REQUEST**

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.535.8270

DIRECTOR  
Taylor Samples, CPA, MBA

Date: 09/30/2024

To: Richard Higgins, Chairman, BOC

From: Andy Penick, Purchasing Manager

Your signature is requested to execute the attached Contract:

Bid/Contract No: RFQ/P #45-015

Bid/Contract Name: Roll-Off Solid Waste Hauling Services - Rebid

Department(s) Requesting Contract: Public Works & Utilities

Award Recipient Name: North GA Excavation Group, LLC

Contract Description: Waste hauling from the trash compactor sites

Annual Contract       New       Renewal

Prior Year's Spend: \$812,323.72

Price Increase Requested      Increase Percentage: N/A

Project/Service Contract      Estimated Amount: \$750,000.00

Product Contract      Estimated Amount:

Comments:

This is a new contract with a new contractor. Upon Board approve, the initial year will begin followed by up to four (4) one-year renewal options.



Hall County Government
FINANCIAL SERVICES

EXHIBIT A
MANDATORY BID RESPONSE FORM

Bidders must complete and return this form with their bid.

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

DIRECTOR
Taylor Samples, CPA

By submitting a proposal, the Bidder certifies that they have fully read and understand the solicitation's Scope of Work and requirements needed to complete the project. The services offered and the cost proposal must be valid for at least one hundred twenty (120) days from the date of signature.

Bid No: RFQ/P#45-015

Bid Name: Roll-Off Solid Waste Hauling Services-

Date of Bid Submittal: 08/15/2024 Rebid

Affirmation: Bidder affirms the following by affixing a wet signature in blue ink below:

"I, the undersigned, agree to abide by all terms and conditions of this solicitation and certify that I am authorized to sign this bid proposal".

Company Name: North GA Excavation Group LLC

Bidder Signature: [Handwritten Signature]

Print Name: Dillon Clay

Title: Managing Member

Phone Number: 770 561-7422

Email Address: northgaexcavationgroup@gmail.com

Physical Address: 6946 County Line Rd

City, State, ZIP: Lula, GA 30554

Unsigned bids may be declared as "non-responsive" and may not be evaluated.

If you desire to submit a "No Bid", please indicate by checking one or more of the reasons below and explain.

\_\_\_\_\_ Bidder does not offer this service

\_\_\_\_\_ Unable to meet specifications

\_\_\_\_\_ Unable to meet scheduled timeline



# Hall County Government

FINANCIAL SERVICES

## EXHIBIT B – CONTRACT FOR SERVICES

STATE OF GEORGIA  
COUNTY OF HALL

CONTRACT # 45-016

For the provision of

## Roll-Off Solid Waste Hauling Services – Rebid

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

### ARTICLE #101 – INTRODUCTION

t: 770.535.8270 | f: 770.531.6711

DIRECTOR  
Taylor Samples, CPA

This Contract for Roll-Off Solid Waste Hauling Services (herein “Services”) is made and as entered into as of August 15, 2024 (execution date) and August 15, 2024 (effective date) is by and between Hall County, Georgia, Board of Commissioners, (hereinafter “County”) located at 2875 Browns Bridge Rd, Gainesville, Georgia 30504, and North GA Excavation Group LLC, located at 6946 County Line Rd Lula, GA 30554 (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”.

Nothing contained in this Contract shall be construed to convert the Contractor or any of its employees, agents, subcontractors, or sub-subcontractors into a partner, employee, or agent of the County, nor shall either Party to this Contract have any authority to bind the other in any respect.

**WHEREAS** the Contractor represents that it complies with the State of Georgia requirements for corporations and has signified a willingness to provide Services to the County and the County has relied on such representation; and,

**WHEREAS** the Parties mutually desire to enter into this Contract to document the provision of Services by the Contractor to the County in exchange for payment as compensation; and,

**WHEREAS** this contract will become legally binding upon signature by both Parties; and,

**WHEREAS** any attached documents, plans, exhibits, attachments, or references are all incorporated herein by reference, and

**NOW, THEREFORE** and in consideration of the mutual promises, terms, conditions, covenants, and agreements made as expressed and contained herein, or attached, incorporated, and made a part hereof, and other good and valuable consideration expressed by a valid offer and

acceptance, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties hereto agree as follows:

**ARTICLE #102 – CONTRACT**

- A. Contractor agrees to provide supervision, labor, equipment, and materials necessary to perform the Services to the County as detailed as the Scope of Work, Attachments, and for locations as specified on the Compactor Site Map, and all other documents related to the solicitation which are all incorporated herein by reference.
- B. Contractor will be compensated in arrears and for those amounts as listed on the attached Bidder's Response on Exhibit C – Mandatory Cost Worksheet.

**ARTICLE #103 – NOTICES**

To the extent that either Party to this Contract is 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**

Bobby Purdum  
Assistant Solid Waste Superintendent  
Hall County Recycling Center  
1008 Chestnut St SE  
Gainesville, GA 30501  
rpurdum@hallcounty.org  
Ph: (770) 535-8284

**COUNTY ISSUING OFFICER**

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

**CONTRACTOR'S CONTACT INFORMATION**

Name: Dillon Clay  
Title: Managing Member  
Company Name: North GA Excavation Group LLC  
Physical Address: 6946 County Line Rd  
City, State, ZIP: Lula, GA 30554  
Email: northgaexcavationgroup@gmail.com  
Phone: 770-561-7422

REMIT TO ADDRESS (if different): \_\_\_\_\_  
\_\_\_\_\_

#### **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**

For multi-year contracts, the term will be for five (5) years, with one (1) initial year followed by four (4) one-year renewal options. Renewals are not automatically renewed nor guaranteed.

#### **ARTICLE #106 – CONTRACT AMENDMENTS AND MODIFICATION**

This Contract may only be modified, amended, or changed in writing and fully executed by both Parties hereto. This Contract 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 failure to meet the timetables set forth herein, the non-breaching Party shall provide a written Notice-to-Cure to the breaching Party which describes the breach of this Contract. The breaching Party 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-to-Cure by thirty (30) days after receipt of the 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 relief as to any bonds issued hereon. Additional provisions are:

- A. **Delay or Impossibility of Performance.** Any failure or delay must be beyond the reasonable 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.

Neither Party shall be held liable or responsible to the other Party nor be deemed to have defaulted under or breached this Contract for failure or delay in fulfilling or performing any obligation under this Contract 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, acts of war, civil unrest, 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 *ARTICLE #108 – TERMINATION PROVISIONS*.
- 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, if the County has entered into or enters into contracts with other Contractors related to the Services, Contractor agrees to cooperate fully with other such Contractors. Contractor shall not engage in any act that will interfere with the performance of work by any other Contractor(s).

### **ARTICLE #108 – TERMINATION PROVISIONS**

The County may terminate this Contract by providing sixty (60) days written notice to the Contractor at any time. Should the County terminate this Contract prior to the date of automatic termination, 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 this Contract up to the date of termination.

- A. **Termination for Convenience.** Following sixty (60) days' written notice, the County 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 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 expressed warranties made by the Contractor.
  - 2. The County determines that Contractor's unsatisfactory performance substantially endangers completion or that 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 any of the default events set out in *ARTICLE #108 – TERMINATION PROVISIONS*, then either Party shall issue a written Notice of Default to the Party that causes one (1) or more of the default events requesting that the breach or

noncompliance be remedied within the period of time specified in the Notice of Default. 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; and/or,
  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 of the following reasons effective immediately without advance notice:
1. If the Contractor must be certified or licensed as a condition precedent to providing the Services, the revocation, suspension, or other 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 subcontractors 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, or maliciously incorrect.
  4. Failure of the Contractor to obtain, provide, maintain, and deliver the performance and payment bonds (if required) 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 BONDS.
- F. **Payment Limitation in Event of Termination.** In the event of termination of the Contract for any reason by County, 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. **Contractor's Termination Duties.** Upon receipt of a 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 use 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.
  5. Contractor is to immediately return any payments made by the County for goods and services that were not delivered by the Contractor.

H. **Liquidated Damages.** In the event that the Contractor unreasonably delays completion of the services as per the term in Article 105, or who abandons the services before completion, or fails to haul as per the contracted hauling schedule as outlined in Attachment 1, then the Contractor shall pay the County liquidated damages equal to the contracted cost per haul, per location, per day for each non-completed but scheduled haul as outlined in the Exhibit C – Mandatory Cost Proposal Worksheet.

**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 expressed written consent of the County.

**ARTICLE #111 – USE OF THIRD PARTIES (SUBCONTRACTORS)**

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 subcontractors, if allowed in writing by the County. Any Contract with a subcontractor must also preserve the rights of the County.

**ARTICLE #112 – 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 #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**

The County shall not be bound by any terms and conditions included in any Contractor's sales-orders, 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.

#### **ARTICLE #116 – WAIVER**

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

#### **ARTICLE #117 – CONTRACTOR AND COUNTY RIGHTS AND OBLIGATIONS**

- A. The County has the right at any time to require the Contractor to put an immediate stop to any procedure, or the use of any equipment, chemical, material, personnel, etc. considered by the County to be hazardous or toxic to persons, buildings, or surfaces. The Contractor will utilize acceptable substitutes approved by the County as quickly as possible. In the event of such replacement, Contractor shall (i) notify County of any resulting replacement, (ii) introduce the individual serving as the replacement to County, and/or (iii) provide County with a résumé and any other information regarding the individual that may be reasonably requested by County.
- B. The County has the right to require the Contractor to reassign or remove any employee or subcontractor's employee from the premises temporarily or permanently when, in the County's sole opinion, the employee is not suitable. The County's decision shall be final, and Contractor will remove the 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 approval.
- C. Contractor agrees to obtain prior written approval from the County for the use of subcontractors to provide the Services described in Scope of Work prior to subcontractor's performance of work.

#### **ARTICLE #118 – INSURANCE REQUIREMENTS**

The Contractor must procure and maintain insurance policies at the Contractor's own expense and must furnish the County with a certificate of insurance (COI) providing evidence of proof of coverage at least in the amounts indicated in this subsection. The COI must list "Hall County, Georgia" as the certificate holder and as an additional insured under the commercial general, automobile, and umbrella liability policies as follows: "County of Hall, its Board of Commissioners, officers, employees, servants, and agents, 2875 Browns Bridge Rd, Gainesville, GA, 30504". The policy must protect the Contractor and the County (as an additional insured) from any claims for bodily injury, property damage, or personal injury covered by the indemnification obligations set forth herein throughout the duration of the Contract. The Contractor must maintain the following insurance coverage during the term of the Contract, in at least the minimum amounts set forth below, to cover all loss and liability for damages or destruction of property caused by or arising from any and all services carried on and any and all work performed by the Contractor pursuant to this Contract:

**Workers Compensation Insurance: Required for all contracts.**

- \$500,000 Bodily Injury by Accident – Each Accident
- \$500,000 Bodily Injury by Disease – Each Disease
- \$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. 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.**

- \$2,000,000 General Aggregate
- \$2,000,000 Products & Completed Operations Aggregate
- \$1,000,000 Each Occurrence
- \$1,000,000 Personal & Advertising Injury
- \$500,000 Damages to Premises/Fire/Legal
- \$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.

- \$1,000,000 Combined Single Limit Or \$500,000 per Person/\$1,000,000 per Occurrence
- \$100,000 Property Damage
- \$1,000 for Medical Payments (no fault coverage)

**Additional Provisions:**

- Uninsured motorist's coverage should be equal to the per occurrence limit except for contracts with other governmental entities.
- Coverage shall be included for any owned, leased, hired, or non-owned autos.
- 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.**

\$1,000,000 per Occurrence

**Additional Provisions: Required for all contracts.**

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

**Pollution Liability.** Required for all road construction projects, work near wastewater, solid waste lines, or any work that involves handling, transporting, disposing, or working with hazardous materials, pollutants, water reclamation facilities, waste management, or other potentially toxic chemicals.

- \$1,000,000 per Occurrence
- \$1,000,000 Aggregate

**Additional Provisions:**

- Minimum limit of \$5,000,000 per occurrence for all contracts over \$50,000,000 or involving any special risks or high hazard activities

**Professional Liability Insurance (Errors & Omissions):** Required for all professional service contracts. This shall include any consultants, medical, legal, technical, insurance agents, or other professions that require proper licenses.

- \$1,000,000 Each Claim/Wrongful Act
- \$2,000,000 General Aggregate
- If written on a claim's made policy, the policy must be maintained for at least two (2) years after the completion of the work and/or contract.

**ARTICLE #122 – COUNTY PAYMENT TO CONTRACTOR**

A. The County will issue a Notice to Proceed (“NTP”) and a Purchase Order(s) (“PO”) to the Contractor. The terms of this Contract shall be incorporated by reference into any PO(s) issued prior to the expiration or termination of this Contract. The County will issue the NTP and PO(s) 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 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 a PO will not be considered for payment. Contractors are not to begin work or ship any product on any verbal communication from the County. The County will not be liable for payment for any work or product with the issuance of a verbal communication.

The Scope of Services shall remain in effect from the NTP date 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 pursuant to *ARTICLE #106 – CONTRACT AMENDMENTS AND MODIFICATION*, a time extension letter, or as otherwise authorized by the County.

**B. Invoice/Payment**

1. Contractor shall invoice the County via email each month solely to [accountspayable@hallcounty.org](mailto: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 *Exhibit C – Cost Proposal*.
2. Each properly prepared invoice must be sent in accordance with the instructions listed on the PO. Each invoice shall include the Contractor’s current “Remit to” address, a description of the Services provided, the invoice amount, the Contract number, and the associated PO number issued. Standard payment terms are net 30 days (N30) in arrears from the date the invoice is accepted, following delivery of the Services. The County does not pay for services not yet received but only in arrears.
3. The Contractor shall be solely responsible for paying all costs, expenses, and charges it incurs in connection with its performance under the Contract.

**C. Unsatisfactory Performance/Delay of Payment**

1. If the County determines that the quality of the Services provided are deficient, unacceptable, or unsatisfactory the County's Project Manager identified in *ARTICLE #103 – NOTICES* shall issue a written Notice to Cure to Contractor. Contractor agrees that upon receipt of the written Notice to Cure it shall make every effort to correct the deficiency(ies) within the timeframe prescribed therein. If the Contractor fails to timely correct the deficiency(ies), the County reserves the right to delay or deny payment pursuant to this *ARTICLE* or terminate the Contract pursuant to *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 as liquidated damages 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.** If the Contractor owes the County any sum under the terms of this 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 entity or a financial institution. The County will only pay the Party with whom it is contracted. The County will not under any circumstances pay a third party.

**ARTICLE #123 – PERFORMANCE AND PAYMENT BONDS**

(Required for construction, renovation, and repair projects)

The Contractor must furnish to the County both a performance and payment bond, both equal to one hundred percent (100%) of the Contract's total award dollar amount. The County will only issue a Notice to Proceed after the bonds are received. 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 the 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** (Required for construction, renovation, and repair projects)

The County will retain and withhold funds from compensation in compliance with Georgia law. The 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.

**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. Should either party 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 (30) days written notice to the County of the claim and the intent to initiate a civil action.

**ARTICLE #127 – GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT (E-Verify)**

- 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 (herein known as *Exhibit E – E-Verify Affidavit*), notarized by an Official Notary Public and incorporated herein by reference, and obtaining the same affidavit(s) from any subcontractor 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:

- 1. Any amendments to the Contract, including all exhibits thereto.
- 2. The Contract itself, including all exhibits thereto.
- 3. Attachments appended to the Contract.
- 4. All other Contract attachments appended to the Contract.

**ARTICLE #129 – CONTRACT EXHIBITS AND ATTACHMENTS**

The Parties mutually acknowledge that all exhibits and attachments listed below made a part of this Contract, as though expressly written in the solicitation documents and the Bidder's response, are herein incorporated into this Contract by reference.

**ARTICLE #130 – SALES TAX EXEMPTION STATUS**

The County is exempt from State of Georgia and Local Sales and Use Tax. The Bidder understands and acknowledges that they are responsible for any sales and use tax they may incur. The Bidder will not charge the County any sales and use tax as a separate line item. The Contractor may request a copy of the County's Georgia Sales and Use Tax Exemption Certificate.



### **ARTICLE #131 – 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, 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 Contract.

### **ARTICLE #132 – NOT A JOINT VENTURE**

The County shall not be bound by any terms and conditions included in any Contractor 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 the addition to the terms and conditions contained herein.

### **ARTICLE #133 – 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. The County retains the right to "red line" sections of the Contractor'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", "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. The terms "goods", "materials", "commodities", "components", "drawings", "drafts", "renderings", "plans" (physical or digital), software, SaaS, 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 Supplier shall transfer and deliver all goods or services described on the respective PO for the consideration set forth herein.
10. The Supplier shall only deliver goods and services as described on the respective PO and within the Scope of Work and the Supplier's bid response.
11. The County holds no obligation to pay for goods delivered or services rendered unless specified on a written PO or a Change Order of such.
12. The Supplier shall not construe any verbal consent to purchase goods or services as valid.
13. 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 PO, Contract, or Agreement; unless mutually agreed in writing by both Parties.
14. The County does not accept automatic contract renewals except for monthly subscription services.

15. The County does not pay deposits towards goods ordered. Exceptions exist for custom made items such as window treatments, floor coverings, pre-mixed paints and stains, fabrication, decoration, or otherwise custom designed products specifically for the County.
16. The County will accept backorders only if goods are out of stock and with prior written notice. Suppliers shall ship all quantities that it has in stock and hold orders for backorders.
17. The County participates in cooperative purchasing agreements, State of Georgia Statewide Contracts, and other state and local intergovernmental agreements, memoranda of understanding and other such agreements.
18. In all cases, the jurisdiction shall be the State of Georgia, County of Hall, for arbitration or other legalities.
19. 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 addresses exist on the PO.
20. The County shall have the right to inspect all goods or services at the time and place of delivery. The risk of loss of goods shall pass to the County upon completion and final acceptance of the project delivery.
21. Title to the goods shall remain with the Supplier until acceptance by the County. Receipt of goods or services does not constitute acceptance.
22. The Supplier warrants that goods are merchantable, and the Supplier has a legal right to deliver the goods and services and as described herein.
23. Contractor agrees not to assign, in full or in part, this Contract to another party without the County's expressed written consent. Any attempted assignment or delegation shall void and make ineffectual this Contract for all intents and purposes.
24. The County is exempt from Federal Excise Tax and Georgia Sales and Use Tax.
25. This issuance of a 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.
26. All goods and services supplied pursuant to a PO shall, unless otherwise stated, conform exactly to all 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.
27. All media production, recordings, videos, photography, artwork, plates, engravings, and other printed or digital media materials paid for in full by the County are considered County property and shall be delivered to the County upon request.
28. If 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.
29. 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. Thus, the Supplier certifies that it and its subcontractors have not been debarred, suspended, or declared ineligible by any agency of the County, State of Georgia, or as defined in the Federal Acquisition Regulation (FAR) 48 C.F.R. Ch. 1 Subpart 9.4.
30. The Supplier certifies that it is not currently engaged in an active or pending lawsuit or other grievance, injunction, or levy against the County.
31. 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. The Supplier shall charge the County the exact amount of freight, delivery, handling, and insurance charges the Supplier incurs.
32. The County does not pay late fees nor interest charges.
33. The County is not bound to any minimum or maximum quantity or dollar amount set by the Supplier.
34. In the event there is a discrepancy between the unit price and extended price, the unit price shall govern.

IN WITNESS WHEREOF, said Parties have hereunto affixed their signatures and seals on the day, month, and year below. Bidder must print their company's full legal company name as it appears on their W-9 form below:

Print Company's Full Legal Name Below:

North GA Excavation Group LLC

HALL COUNTY, GEORGIA

By: [Signature]

By: \_\_\_\_\_  
Richard Higgins, Chairman  
Hall County Board of Commissioners

Print Name: Dillon Clay

Title: Managing Member

Date: \_\_\_\_\_

Sworn to and subscribed before me this

Attestation: \_\_\_\_\_  
Board of Commissioners Clerk

14 Day of August, 2024.

Notary Public: [Signature]

Notary commission expires: 1/24/2028



APPROVED AS TO FORM

[Signature]  
Nathaniel R. Anderson,  
Senior Assistant County Attorney

# EXHIBIT C Mandatory Cost Proposal Worksheet

RFQ/P #45-015 Roll-Off Solid-Waste Hauling Services

SEVEN (7) DAYS A WEEK SCHEDULE

Company Name: North GA Excavation Group LLC

Bidder's Name: Dillon Clay

Signature: 

Date: 10/1/2024

For Weekly Total Evaluation Purposes, Weekly Totals will be multiplied times 52 for an estimated annual cost. Enter Cost per Haul for Solid Waste and Recycling in Column "F" entitled "Cost Per Haul" for each line item below. Return with your bid response.

Please return this cost worksheet in Excel for evaluation computations

## SOLID-WASTE WEEKLY HAULING SCHEDULE

MONDAY	EQUIPMENT DESCRIPTION	HAUL FROM	HAUL TO	ACTION	COST PER HAUL
Gould Lane	40 Yard Compactor Receiver	1277 Hillside Gardens Ln, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Wauka Mt	40 Yard Compactor Receiver	5800 Brookton Lula Rd, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Sardis 1	35 Yard Self Contained Compactor	3166 Brackett Dr, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Self Contained Can for Full	\$ 165.00
Sardis 2	35 Yard Self Contained Compactor	3166 Brackett Dr, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Self Contained Can for Full	\$ 165.00
East Crescent	40 Yard Compactor Receiver	738 East Crescent Dr, Gainesville, GA 30507	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Flowers Branch	40 Yard Compactor Receiver	4395 Falcon Parkway, Flowery Branch, GA 30542	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Murrayville	40 Yard Compactor Receiver	5113 Thompson Bridge Rd, Murrayville, GA 30564	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Ballus Creek	40 Yard Compactor Receiver	3845 Old Flowery Branch Rd, Oakwood, GA 30566	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Blackshear (Right Side)	40 Yard Compactor Receiver	2921 Atlanta Hwy, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Gaines Ferry	40 Yard Compactor Receiver	6173 Gaines Ferry Road, Flowery Branch, GA 30542	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Tadmore	40 Yard Compactor Receiver	3320 Holly Springs Rd, Gainesville, GA 30543	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Candler	40 Yard Compactor Receiver	5084 Poplar Springs Rd, Gainesville, GA 30507	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Tadmore	40 Yard Compactor Receiver	3320 Holly Springs Rd, Gainesville, GA 30543	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Lula	40 Yard Compactor Receiver	6174 Lula Road, Lula, GA 30554	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
TUESDAY	EQUIPMENT DESCRIPTION	HAUL FROM	HAUL TO	ACTION	COST PER HAUL
Sardis 2	35 Yard Self Contained Compactor	3166 Brackett Dr, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Self Contained Can for Full	\$ 165.00
East Crescent	40 Yard Compactor Receiver	738 East Crescent Dr, Gainesville, GA 30507	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Blackshear (Left Side)	40 Yard Compactor Receiver	2921 Atlanta Hwy, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Blackshear (Right Side)	40 Yard Compactor Receiver	2921 Atlanta Hwy, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Flowers Branch	40 Yard Compactor Receiver	4395 Falcon Parkway, Flowery Branch, GA 30542	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Gaines Ferry	40 Yard Compactor Receiver	6173 Gaines Ferry Road, Flowery Branch, GA 30542	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Ballus	40 Yard Compactor Receiver	3845 Old Flowery Branch Rd, Oakwood, GA 30566	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Murrayville	40 Yard Compactor Receiver	5113 Thompson Bridge Rd, Murrayville, GA 30564	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Tadmore	40 Yard Compactor Receiver	3320 Holly Springs Rd, Gainesville, GA 30543	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Wauka Mt	40 Yard Compactor Receiver	5800 Brookton Lula Rd, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Gould Ln	40 Yard Compactor Receiver	1277 Hillside Gardens Ln, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Candler	40 Yard Compactor Receiver	5084 Poplar Springs Rd, Gainesville, GA 30507	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
WEDNESDAY	EQUIPMENT DESCRIPTION	HAUL FROM	HAUL TO	ACTION	COST PER HAUL
Sardis 1	35 Yard Self Contained Compactor	3166 Brackett Dr, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Self Contained Can for Full	\$ 165.00
Flowers Branch	40 Yard Compactor Receiver	4395 Falcon Parkway, Flowery Branch, GA 30542	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Gaines Ferry	40 Yard Compactor Receiver	6173 Gaines Ferry Road, Flowery Branch, GA 30542	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Gould Ln	40 Yard Compactor Receiver	1277 Hillside Gardens Ln, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Murrayville	40 Yard Compactor Receiver	5113 Thompson Bridge Rd, Murrayville, GA 30564	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
East Crescent	40 Yard Compactor Receiver	738 East Crescent Dr, Gainesville, GA 30507	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Lula	40 Yard Compactor Receiver	6174 Lula Road, Lula, GA 30554	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Ballus	40 Yard Compactor Receiver	3845 Old Flowery Branch Rd, Oakwood, GA 30566	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Blackshear (Left Side)	40 Yard Compactor Receiver	2921 Atlanta Hwy, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Tadmore	40 Yard Compactor Receiver	3320 Holly Springs Rd, Gainesville, GA 30543	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Candler	40 Yard Compactor Receiver	5084 Poplar Springs Rd, Gainesville, GA 30507	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Wauka Mt	40 Yard Compactor Receiver	5800 Brookton Lula Rd, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
THURSDAY	EQUIPMENT DESCRIPTION	HAUL FROM	HAUL TO	ACTION	COST PER HAUL
Sardis 2	35 Yard Self Contained Compactor	3166 Brackett Dr, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Self Contained Can for Full	\$ 165.00
Gould	40 Yard Compactor Receiver	1277 Hillside Gardens Ln, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
East Crescent	40 Yard Compactor Receiver	738 East Crescent Dr, Gainesville, GA 30507	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Tadmore (Self Contained Compactor)	35 Yard Self Contained Compactor	3320 Holly Springs Rd, Gainesville, GA 30543	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Self Contained Can for Full	\$ 165.00
Gaines Ferry	40 Yard Compactor Receiver	6173 Gaines Ferry Road, Flowery Branch, GA 30542	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Murrayville	40 Yard Compactor Receiver	5113 Thompson Bridge Rd, Murrayville, GA 30564	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Wauka Mt	40 Yard Compactor Receiver	5800 Brookton Lula Rd, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Blackshear (Right Side)	40 Yard Compactor Receiver	2921 Atlanta Hwy, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Ballus	40 Yard Compactor Receiver	3845 Old Flowery Branch Rd, Oakwood, GA 30566	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Flowers Branch	40 Yard Compactor Receiver	4395 Falcon Parkway, Flowery Branch, GA 30542	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Candler	40 Yard Compactor Receiver	5084 Poplar Springs Rd, Gainesville, GA 30507	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Tadmore	40 Yard Compactor Receiver	3320 Holly Springs Rd, Gainesville, GA 30543	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
FRIDAY	EQUIPMENT DESCRIPTION	HAUL FROM	HAUL TO	ACTION	COST PER HAUL
Sardis 1	35 Yard Self Contained Compactor	3166 Brackett Dr, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Self Contained Can for Full	\$ 165.00
Gould Ln	40 Yard Compactor Receiver	1277 Hillside Gardens Ln, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
East Crescent	40 Yard Compactor Receiver	738 East Crescent Dr, Gainesville, GA 30507	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00

Flowers Branch	40 Yard Compactor Receiver	4395 Falcon Parkway, Flowery Branch, GA 30542	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Lula	40 Yard Compactor Receiver	6174 Lula Road, Lula, GA 30554	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Murrayville	40 Yard Compactor Receiver	5113 Thompson Bridge Rd, Murrayville, GA 30564	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Wauka Mt	40 Yard Compactor Receiver	5800 Brookton Lula Rd, Gainesville, GA 30506	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Candler	40 Yard Compactor Receiver	5064 Poplar Springs Rd, Gainesville, GA 30507	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Balus Creek	40 Yard Compactor Receiver	3845 Old Flowery Branch Rd, Oakwood, GA 30566	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Backshear (Left Side)	40 Yard Compactor Receiver	2921 Atlanta Hwy, Gainesville, GA 30504	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Gaines Ferry	40 Yard Compactor Receiver	6173 Gaines Ferry Road, Flowery Branch, GA 30542	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00
Tadmire	40 Yard Compactor Receiver	3320 Holly Springs Rd, Gainesville, GA 30543	1700 Oakbrook Dr, Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00

SATURDAY		EQUIPMENT DESCRIPTION	HAUL FROM	HAUL TO	ACTION	COST PER HAUL
Sardis 1	35 Yard Self Contained Compactor	3166 Brackett Dr. Gainesville, GA 30506	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Self Contained Can for Full	\$ 165.00	
Sardis 2	40 Yard Compactor Receiver	738 East Crescent Dr. Gainesville, GA 30507	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00	
Murrayville	40 Yard Compactor Receiver	5113 Thompson Bridge Rd. Murrayville, GA 30564	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00	
Wauka Mt.	40 Yard Compactor Receiver	5800 Brookton Lila Rd. Gainesville, GA 30506	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00	
Gould Ln	40 Yard Compactor Receiver	1277 Hillside Gardens Ln. Gainesville, GA 30504	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00	
Tadmere	40 Yard Compactor Receiver	3320 Holly Springs Rd. Gainesville, GA 30543	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00	
Flowers Branch	40 Yard Compactor Receiver	4395 Falcon Parkway, Flowery Branch, GA 30542	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00	
Balus	40 Yard Compactor Receiver	3845 Old Flowery Branch Rd, Oakwood, GA 30566	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00	
Candler	40 Yard Compactor Receiver	5064 Poplar Springs Rd, Gainesville, GA 30507	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00	
Blackshear (Right Side)	40 Yard Compactor Receiver	2921 Atlanta Hwy, Gainesville, GA 30504	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00	
Gaines Ferry	40 Yard Compactor Receiver	6173 Gaines Ferry Road, Flowery Branch, GA 30542	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full	\$ 165.00	
<b>SUNDAY</b>						
Sardis 1	35 Yard Self Contained Compactor	3166 Brackett Dr. Gainesville, GA 30506	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Self Contained Can for Full Record Weights	\$ 185.00	
Sardis 2	40 Yard Compactor Receiver	5113 Thompson Bridge Rd. Murrayville, GA 30564	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full Record Weights	\$ 185.00	
East Crescent	40 Yard Compactor Receiver	738 East Crescent Dr. Gainesville, GA 30507	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full Record Weights	\$ 185.00	
Blackshear (Right Side)	40 Yard Compactor Receiver	2821 Atlanta Hwy, Gainesville, GA 30504	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full Record Weights	\$ 185.00	
Wauka Mt.	40 Yard Compactor Receiver	5800 Brookton Lila Rd. Gainesville, GA 30506	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full Record Weights	\$ 185.00	
Tadmere	40 Yard Compactor Receiver	3320 Holly Springs Rd. Gainesville, GA 30543	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full Record Weights	\$ 185.00	
Flowers Branch	40 Yard Compactor Receiver	4395 Falcon Parkway, Flowery Branch, GA 30542	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full Record Weights	\$ 185.00	
Candler	40 Yard Compactor Receiver	5064 Poplar Springs Rd, Gainesville, GA 30507	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full Record Weights	\$ 185.00	
Gaines Ferry	40 Yard Compactor Receiver	6173 Gaines Ferry Road, Flowery Branch, GA 30542	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full Record Weights	\$ 185.00	
Gould Ln	40 Yard Compactor Receiver	1277 Hillside Gardens Ln, Gainesville, GA 30504	1700 Oakbrook Dr. Gainesville, GA 30507	Swap Empty Break Away Can for Full Record Weights	\$ 185.00	
50 Extra Pick up's Contingency						\$ 190.00
<b>Grand Weekly Total</b>						<b>\$ 14,423.08</b>



## AGENDA ITEM

**Public Hearing to amend Hall County's Zoning Map as follows:**

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**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 514/2024

**SUBJECT:** **5820 McEver Road | Amend Conditions of Zoning** | on a 3.57± acre tract located on the west side of McEver Road at its intersection with Lights Ferry Road | Zoned H-B, Tax Parcel 08119 000003 | **Proposed Use: Gas station and convenience store** | Commission District 2 | **Nabeel Group of Companies, Inc, applicant** NOTE: Tabled at the September 10, 2024 Voting Meeting until the October 10, 2024 Voting Meeting.

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### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

### Executive Summary:

**Presenter:** BG

**Recommendation:**

Approval, with conditions:

1. The property shall be developed in accordance with the site plan received June 14, 2024, and as described in the project narrative dated June 14, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be served by sewer provided by the City of Flowery Branch.
3. A fence, a minimum of 8 feet in height with barbed wire on top, shall be constructed on a berm, a minimum of 3 feet in height, along the entirety of the rear property line adjacent to Silverthorn Subdivision. The property buffer shall be 50 feet. Landscaping shall be a minimum of 8 foot tall evergreens staggered in two rows on four foot centers and shall not be disturbed during construction.
4. The fence shall not be constructed of wood. It shall be opaque and constructed out of PVC, vinyl chain link, or a similar material.
5. The applicant shall continue the screening behind the proposed convenience store with fast-growing evergreens from the northeastern corner and following the proposed driveway to the western boundary line.
6. All development shall adhere to the Gateway Corridor standards and all building materials and color shall be submitted to and approved by the Hall County Director of Planning and Zoning.
7. The convenience store shall close at 10:00 p.m. and no deliveries shall take place after 10:00 p.m.
8. The developer shall coordinate with the Hall County Engineering Department to provide a sidewalk adjacent to both McEver Road and Lights Ferry Road rights-of-way. Sidewalk width and design shall align with future road improvement plans.
9. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met.
10. The access along McEver Road shall be located such that it allows tax parcel 08119 000003A clear ingress and egress from that parcel's residential driveway.
11. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.
12. All conditions of zoning shall be made a part of any plats or construction plans created for the project.

**Purpose of Request:**

**5820 McEver Road | Amend Conditions of Zoning** | on a 3.57± acre tract located on the west side of McEver Road at its intersection with Lights Ferry Road | Zoned H-B, Tax Parcel 08119 000003 | **Proposed Use: Gas station and convenience store** | Commission District 2 | **Nabeel Group of Companies, Inc, applicant**

**History:**

**Facts and Issues:**

**Options:**

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

**Approvals:**

Submit	Approve	Attorney	Administration
KE	BG	WLI	CR
<b>Clerk</b>			
JR			

**Attachments:**



Request to Table  
Board Memo  
Recommendation Report  
Application  
Updated Narrative  
Original Narrative

Updated Site Plan  
Original Site Plan  
Maps  
Environmental Health Comments  
GDOT Comments  
Public Works Comments  
Fire Comments  
Public Comments  
Notice Sign Photos  
Updated Notice Sign Photos 10.10.2024  
Public Comment - Opposition - Joe Vinson

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Monday, August 26, 2024 3:35 PM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: Request to Table Request for Change in Conditions of Zoning, Record Number HZCU24-0022, 5820 McEver Road

Good afternoon, Jennifer.

Could you please add this email to the file for Nabeel Group, 3820 McEver Road, which is scheduled for BOC on Tuesday, September 10<sup>th</sup>?

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

All **ZONING, PLAT**, and **BUILDING PERMIT** submittals may be submitted online through [Accela](#). Plat inquiries may be submitted to [plats@hallcounty.org](mailto:plats@hallcounty.org). Zoning and general inquiries may be submitted to [planning@hallcounty.org](mailto:planning@hallcounty.org).



---

**From:** Chuck Ross <[cross@powelledwards.com](mailto:cross@powelledwards.com)>  
**Sent:** Monday, August 26, 2024 3:12 PM  
**To:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Subject:** Request to Table Request for Change in Conditions of Zoning, Record Number HZCU24-0022, 5820 McEver Road

You don't often get email from [cross@powelledwards.com](mailto:cross@powelledwards.com). [Learn why this is important](#)

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.

Ms. Garmon,

Thank you for the return call. I represent Nabeel Group of Companies in the above matter pending before the Hall County Board of Commissioners. I have a conflict for the September 10, 2024, Board of Commissioners' Meeting

that I cannot resolve. I am respectfully requesting that the Public Hearing be tabled to the October 10, 2024, Commission Meeting. Thank you for your kind consideration.

Chuck Ross

---

**W. Charles “Chuck” Ross, Partner**

Phone: (770) 962-0100 | Fax: (770) 963-3424

Post Office Box 1390, Lawrenceville, GA 30046

[www.PowellEdwards.com](http://www.PowellEdwards.com)



*Voted Best of Gwinnett, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023*

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# Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE  
PLANNING AND ZONING

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING  
DIRECTOR  
**Beth Garmon**

**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:** Beth Garmon, Director of Planning & Zoning

**Date:** August 26, 2024

**Subject:** **5820 McEver Road | Amend Conditions of Zoning | on a 3.57± acre tract | Proposed Use: Gas station and convenience store | Nabeel Group of Companies, Inc, applicant**

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The request before you is the request of Nabeel Group of Companies, Inc to amend conditions of zoning to allow a full access drive off McEver Road for a proposed gas station and convenience store. This item is located within Commission District 2.

At their August 5, 2024 meeting, the Hall County Planning Commission voted to recommend approval with twelve (12) conditions **(4-0, Varner absent)**.

Staff recommendation: **Approval, with conditions**, as the proposed use is consistent with the previous approval.

There were **four (4) comments submitted** in advance of the Planning Commission meeting and **seven (7) people spoke in opposition during the public hearing**.

**Planning Commission Conditions:**

1. The property shall be developed in accordance with the site plan received June 14, 2024, and as described in the project narrative dated June 14, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be served by sewer provided by the City of Flowery Branch.
3. A fence, a minimum of 8 feet in height with barbed wire on top, shall be constructed on a berm, a minimum of 3 feet in height, along the entirety of the rear property line adjacent to Silverthorn Subdivision. The property buffer shall be 50 feet. Landscaping shall be a minimum of

8-foot-tall evergreens staggered in two rows on four-foot centers and shall not be disturbed during construction.

4. The fence shall not be constructed of wood. It shall be opaque and constructed out of PVC, vinyl chain link, or a similar material.
5. The applicant shall continue the screening behind the proposed convenience store with fast-growing evergreens from the northeastern corner and following the proposed driveway to the western boundary line.
6. All development shall adhere to the Gateway Corridor standards and all building materials and color shall be submitted to and approved by the Hall County Director of Planning and Zoning.
7. The convenience store shall close at 10:00 p.m. and no deliveries shall take place after 10:00 p.m.
8. The developer shall coordinate with the Hall County Engineering Department to provide a sidewalk adjacent to both McEver Road and Lights Ferry Road rights-of-way. Sidewalk width and design shall align with future road improvement plans.
9. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met.
10. The access along McEver Road shall be located such that it allows tax parcel 08119 000003A clear ingress and egress from that parcel's residential driveway.
11. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.
12. All conditions of zoning shall be made a part of any plats or construction plans created for the project.

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Nabeel Group of Companies, Inc

**Request** ..... Use Subject to County Commission Approval |  
Amend Conditions of Zoning for a Gas station  
and convenience store

**Proposed Use** ..... Gas station and convenience store

**Size** ..... 3.57± acres

**Zoning** ..... Highway Business (H-B, 17.150)

**Location** ..... **5820 McEver Road** | Tax Parcels 08119 000003

**Commission District** ..... Two

**Planning Commission Date** ..... August 5, 2024

**Staff Recommendation** ..... **Approval, with conditions**, as the proposed use  
is consistent with the previous approval.

**Record Number**.....HZCU24-0022

**Planning Commission Recommendation**.....**Approval, with conditions**

**Vote: 4-0 (Varner absent)**

**Planning Commission Conditions:**

1. The property shall be developed in accordance with the site plan received June 14, 2024, and as described in the project narrative dated June 14, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be served by sewer provided by the City of Flowery Branch.
3. A fence, a minimum of 8 feet in height with barbed wire on top, shall be constructed on a berm, a minimum of 3 feet in height, along the entirety of the rear property line adjacent to Silverthorn Subdivision. The property buffer shall be 50 feet. Landscaping shall be a minimum of 8-foot-tall evergreens staggered in two rows on four-foot centers and shall not be disturbed during construction.
4. The fence shall not be constructed of wood. It shall be opaque and constructed out of PVC, vinyl chain link, or a similar material.

5. The applicant shall continue the screening behind the proposed convenience store with fast-growing evergreens from the northeastern corner and following the proposed driveway to the western boundary line.
6. All development shall adhere to the Gateway Corridor standards and all building materials and color shall be submitted to and approved by the Hall County Director of Planning and Zoning.
7. The convenience store shall close at 10:00 p.m. and no deliveries shall take place after 10:00 p.m.
8. The developer shall coordinate with the Hall County Engineering Department to provide a sidewalk adjacent to both McEver Road and Lights Ferry Road rights-of-way. Sidewalk width and design shall align with future road improvement plans.
9. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met.
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11. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.
12. All conditions of zoning shall be made a part of any plats or construction plans created for the project.

**Excerpts from the minutes of the August 5, 2024 meeting**

**Applicant's Presentation:**

**Katie Greenway, Planning and Zoning Administrator**, presented a summary of the request.

**Chuck Ross, 10 Lumpkin Street, Lawrenceville**, presented the request.

**Public Forum:**

**Cliff McGlamry, 6353 Lights Ferry Road, Flowery Branch**, spoke in opposition. He stated that there are plenty of existing gas stations for this community and that he has concerns regarding the hours of operations, and the fast traveling traffic.

**Win Fletcher, 5913 Thornhill Place, Flowery Branch**, spoke in opposition. Concerns include the proposed turn lane on McEver Road, the line of sight from the Silverthorn subdivision, the roundabout that will keep traffic flowing past their subdivision entrance, and traffic safety.

**Timothy Gail, 5918 Terrace Lakee Point, Flowery Branch**, spoke in opposition. Concerns are pedestrian safety, the future land use designation not supporting this use, hours of operation, and noises.

**Lila Weaver, 5806 Silverthorn Drive, Flowery Branch**, spoke in opposition. Concerns are the continued growth on McEver Road, safety due to the sun blinding drivers in the morning coming out of the Silverthorn subdivision, increased traffic, and the speed limit on McEver Road.

**Shelly Andrews, 5913 Thornhills Place, Flowery Branch**, spoke in opposition. Concerns are inconsistency in the submitted site plan and changes in the conditions of zoning, the safety of the intersection at McEver and Lightsferry, general traffic safety, and the proposed diesel station shown on the site plan.

**Jay Kelley, 6023 Terrace Lake Pointe, Flowery Branch**, spoke in opposition. Concerns are changing the conditions that were previously approved for this property such as the berm, trees, fence and barbed wire.

**Sally Marks, 5810 Silverthorn Drive, Flowery Branch**, spoke in opposition. Concerns are the US EPA recommending 1,000 feet prior to being in close proximity of a sensitive area such as the pool for safety. She also spoke about her concern of bringing in human trafficking with the proposed gas station and convenience store.

*Rebuttal*

The applicant stated that the roundabout construction is to begin around July of next year, that the conditions require that the hours of operation end at 10pm every day, and that all EPA regulations will be followed. The applicant also stated that he was under the impression that the speed limit will decrease to 45 mph once the roundabout is prepared and that removing the requested condition will let them proceed with permitting, but it is subject to the board's approval.

**Planning Commission Comments:**

Mr. Braswell stated that there were comments in opposition submitted by Shawn Fields, Ron Cholaj, Alic Cholaj, and Donna Cash prior to the meeting. Ms. Garmon stated that the request was initiated by the applicants, not the county. Mr. Braswell stated that it is the right of the applicant to make the request and the applicant will cover the cost of this change. Mr. Hunt stated that approval of this amended condition will send them to the County Engineering Department for approval. Mr. Braswell stated that the site plan needs to have a revised date and conditions need to be added to the plan before going in front of the Board of Commissioners.

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

*Conditions:*

1. The property shall be developed in accordance with the site plan received June 14, 2024, and as described in the project narrative dated June 14, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be served by sewer provided by the City of Flowery Branch.
3. A fence, a minimum of 8 feet in height with barbed wire on top, shall be constructed on a berm, a minimum of 3 feet in height, along the entirety of the rear property line adjacent to Silverthorn Subdivision. The property buffer shall be 50 feet. Landscaping shall be a minimum of



8 foot tall evergreens staggered in two rows on four foot centers and shall not be disturbed during construction.

4. The fence shall not be constructed of wood. It shall be opaque and constructed out of PVC, vinyl chain link, or a similar material.
5. The applicant shall continue the screening behind the proposed convenience store with fast-growing evergreens from the northeastern corner and following the proposed driveway to the western boundary line.
6. All development shall adhere to the Gateway Corridor standards and all building materials and color shall be submitted to and approved by the Hall County Director of Planning and Zoning.
7. The convenience store shall close at 10:00 p.m. and no deliveries shall take place after 10:00 p.m.
8. The developer shall coordinate with the Hall County Engineering Department to provide a sidewalk adjacent to both McEver Road and Lights Ferry Road rights-of-way. Sidewalk width and design shall align with future road improvement plans.
9. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met.
10. The access along McEver Road shall be located such that it allows tax parcel 08119 000003A clear ingress and egress from that parcel's residential driveway.
11. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.
12. All conditions of zoning shall be made a part of any plats or construction plans created for the project.

---

**Staff Recommended Conditions:**

1. The property shall be developed in accordance with the site plan dated June 24, 2022 and as described in the project narrative dated June 14, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be served by sewer provided by the City of Flowery Branch.
3. A fence, a minimum of 8 feet in height with barbed wire on top, shall be constructed on a berm, a minimum of 3 feet in height, along the entirety of the rear property line adjacent to Silverthorn Subdivision. The property buffer shall be 50 feet. Landscaping shall be a minimum of 8-foot-tall evergreens staggered in two rows on four foot centers and shall not be disturbed during construction.
4. The fence shall not be constructed of wood. It shall be opaque and constructed out of PVC, vinyl chain link, or a similar material.
5. The applicant shall continue the screening behind the proposed convenience store with fast-growing evergreens from the northeastern corner and following the proposed driveway to the western boundary line.

6. All development shall adhere to the Gateway Corridor standards and all building materials and color shall be submitted to and approved by the Hall County Director of Planning and Zoning.
7. The convenience store shall close at 10:00 p.m. and no deliveries shall take place after 10:00 p.m.
8. The Developer shall coordinate with the Hall County Engineering Department to provide a sidewalk adjacent to both McEver Road and Lights Ferry Road rights-of-way. Sidewalk width and design shall align with future road improvement plans.
9. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met.
10. The access along McEver Road shall be located such that it allows tax parcel 08119 000003A clear ingress and egress from that parcel's residential driveway.
11. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.
12. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.

---

### **Summary Analysis**

The applicant is requesting to amend zoning conditions on a 3.57± acre tract, currently zoned Highway-Business (H-B, 17.150), to allow for the implementation of one full access drive with a deceleration lane and left turn lane off McEver Road, and for one full access drive that does not include a deceleration lane or a left turn lane off Lights Ferry Road. The property is currently undeveloped.

The subject property was originally rezoned from Agricultural Residential-III (AR-III, 17.110) to Highway-Business (H-B, 17.150) on November 30, 2021, for the development of a gas station and convenience store with the following 9 conditions (ZON2021-0007):

1. The development shall be served by sewer provided by the City of Flowery Branch.
2. A fence, a minimum of 8 feet in height with barbed wire on top, shall be constructed on a berm, a minimum of 3 feet in height, along the entirety of the rear property line adjacent to Silverthorn Subdivision. The property buffer shall be 50 feet. Landscaping shall be a minimum of 8 foot tall evergreens staggered in two rows on four foot centers and shall not be disturbed during construction.
3. The fence shall not be constructed of wood. It shall be opaque and constructed out of PVC, vinyl chain link, or a similar material.

4. The applicant shall continue the screening behind the proposed convenience store with fast-growing evergreens from the northeastern corner following the proposed driveway to the western boundary line.
5. McEver Road shall be a right turn exit only and with the location determined by Hall County Traffic Engineering. The entrance shall be placed in a location that will allow Ms. Cash to access her own driveway.
6. All development shall adhere to the Gateway Corridor standards and all building materials and color shall be submitted to and approved by the Hall County Planning Director.
7. Applicant shall provide a topographic map and an updated site plan to the Board of Commissioners in advance of their meeting on October 28, 2021, so that staff may have time to review and comment.
8. The convenience store shall close at 10:00 p.m. and no deliveries shall take place after 10:00 p.m.
9. Sidewalks shall be required.

The applicant is requesting to amend the conditions of the Highway Business (H-B) zoning to allow for a full access drive and deceleration lane off McEver Road as well as a full access drive with no deceleration lane and no left turn lane off of Lights Ferry Road. Per the narrative, the applicant states that these modifications will optimize traffic flow and improve accessibility for the site.

The submitted site plan appears to be consistent with the previous application, with the distinction that the new site plan reflects the addition of a second fuel canopy with 3 diesel gas pumps. The narrative states that an 8 foot high fence constructed on a minimum 3 foot high berm will be installed; however, the narrative does not include the barbed wire on top as per Condition #2, nor is the fence or berm reflected on the site plan. Also, the site plan does not reflect the location of sidewalks as required by Condition #9.

Water services will be provided by the City of Gainesville Department of Water Resources with service confirmed in an email dated June 13, 2024. As the property falls within the Flowery Branch sewer district, a letter from the City of Flowery Branch dated June 13, 2024 states that the project could be served by sewer dependent on the following: "...expected sewer plant modifications and new plant are completed, [and] approval from city council and supporting departments [is granted]." If public sewer is not available, the Environmental Health Department will require the development to meet all commercial septic system permitting requirements.

### **Zoning Analysis**

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

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The requested use is consistent with the previous approval for the rezoning of the property on November 30, 2021.**
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 development will adversely affect adjacent properties. Coordination with and approval from Hall County Traffic Engineering is required to ensure all regulations are met.**

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned Highway Business (H-B, 17.150).**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **It is not anticipated that the proposed zoning use will result in an excessive or burdensome use of existing infrastructure. The proposal has received availability letters for both water and sewer to serve this development.**
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 zoning designation has been established by previous board action with the original approval of the development. The requested modification does not significantly impact the designated future land use of the area.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
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 undeveloped, and satellite imagery indicates that no development has existed on the property since 1999. Additionally, there are no records of building permits or land disturbance permits for the property.**
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; **Hall County Engineering currently has a planned project for the intersection of McEver Road and Lights Ferry Road which will incorporate a roundabout and realignment of Lights Ferry Road. These changes may or may not affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The current request to amend zoning conditions of the Highway Business (H-B, 17.150) zoning will not create an isolated district.**

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 request is not out of scale with the needs of the immediate neighborhood or 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 existing zoning of the subject site supports the proposed use; however, the proposal of a full access drive to the development from McEver Road requires the amendment of the existing zoning conditions.**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **The request could not be handled alternatively as a variance.**
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 are no anticipated ecological or pollution impacts resulting from any modification to the land if the request is granted.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

The **Highway Business (H-B, 17.150) zoning district** allows for a variety of commercial uses to meet residents' needs. Development should conform to the existing character and development pattern of the surrounding area. The proposed use of a gas station and convenience store is consistent with the surrounding development pattern.

**17.380.050. - Submission requirements**

- 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. **The proposal meets the requirement. The 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 amendment of conditions**

**requested; 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. **The proposal does meet the requirement. The applicant has provided a site plan and included much of the necessary information to properly assess the development. However, information about adjacent parcels is limited.**
  
- C. For any application for a slow rate land treatment system (see chapter 17.20), the following additional requirements apply. **The proposed development intends to utilize public sewer and water; as such, this is not applicable. If public sewer is not available, the Environmental Health Department will require the development to meet all commercial septic system permitting requirements.**
  
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **The proposed development does not contain any residential dwelling units, and as such is exempt from this requirement**

### **Development Support and Constraints**

#### **Hall County Environmental Health**

In an email dated June 28, 2024, Emily McGahee stated “If public sewer not available, development must meet all Environmental Health commercial septic system permitting requirements if able to be permitted by Environmental Health. Wastewater treatment and disposal may be required to be permitted through EPD. 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. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.”

#### **Hall County Fire Marshal**

In an email dated July 2, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, stated the following: “The Hall County Fire Marshal’s Office has no comments as proposed.”

#### **Hall County Public Works and Utilities**

In a memorandum from Public Works and Utilities dated July 05, 2024, Bill Nash, Director of Public Works, stated the following:

**Engineering:**

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

**Traffic:**

Driveway to be reviewed during plan review.

**Utilities:**

No Hall County sewer in area.

**Georgia Department of Transportation**

In an email dated July 03, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is not required.

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)**

NABEEL GROUP OF COMPANIES, INC.

4850 Sugarloaf Pkwy 209-313 Lawrenceville, GA 30044

Phone 770-855-5149

Email Address NABEEL@NGC.US

Proposed Use GASOLINE STATION AND CONVENIENCE STORE

**Property Owner (Name & Mailing Address)**

PHILLIP W WILLIAMS

6054 LIGHTS FERRY ROAD

FLOWERY BRANCH 30542

Phone 770-540-1379

Email Address \_\_\_\_\_

**Contact Person (Name & Mailing Address)**

SANIYA VIRANI

4850 SUGARLOAF PARKWAY SUITE 209-313

LAWRENCEVILLE GA 30044

Phone 770-855-6356

Email Address SANIYA@NGC.US

Tax Parcel Number 08119 000003

Location Address 5820 MCEVER ROAD FLOWERY BRANCH, GA 30542

**Status of Applicant**

- Owner
- Option to Purchase
- Area Resident
- Other

**Requested Action**

Permissive Use:  
 HCPC     HCC  
 Fee: \$ \_\_\_\_\_  
 Receipt #: \_\_\_\_\_  
 Check #: \_\_\_\_\_

Zoning: \_\_\_\_\_

Acreage ~3.63 acres

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

Sign [Signature] Date: 05/24/2024

**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



**AUTHORIZATION OF PROPERTY OWNERS**

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

Name of owner(s) PHILLIP W WILLIAMS *P W*

Address 6054 LIGHTS FERRY ROAD *Flowery Branch,* ~~MARIETTA~~ GA 30542

Phone Number 770-540-1379

Name of applicant(s) NABEEL GROUP OF COMPANIES, INC

Address 4850 SUGARLOAF PARKWAY SUITE 209-313  
LAWRENCEVILLE, GA 30044

Phone Number 770-855-6356

**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) *Phillip W Williams*

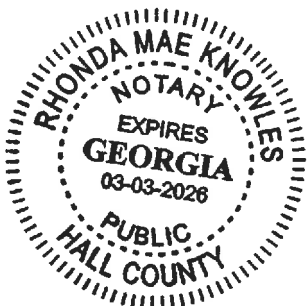
Personally appeared before me

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

*Rhonda Mae Knowles*  
Notary Public

05/24/2024

Date



PLANNING AND DEVELOPMENT DEPARTMENT  
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA. 30504  
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30502  
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: \_\_\_\_\_ Date: 06/07/2024

Applicant's/Owner's Name (Printed): NABEEL MEMON

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:

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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: Phillip Williams

Date: Jan 24 2024

Applicant's/Owner's Name (Printed): Phillip Williams For Estate of Eleanor Williams



Friday, June 14, 2024

To Hall County Planning and Development:

***Re: Narrative for Parcel 08119000003***

Dear Sir/Madam:

This letter serves as a written report describing the existing and proposed use of the property. We, Nabeel Group of Companies, INC., are applying for a Change in Condition/Conditional Use for the proposed site located at **5820 McEver Road Flowery Branch GA 30542, Hall County.**

The proposal presents a comprehensive site plan for the establishment of a 4500 square foot convenience store and a gasoline station, within the Hall County limits. **This property is zoned H-B (Highway Business)** and within the Gateway Corridor overlay district. Notably, the plan advocates for the implementation of one full access drive with deceleration lane and left turn lane off McEver Road and one full access drive with NO deceleration and left turn lane off Lights Ferry Road to optimize traffic flow and enhance accessibility.

**Key Components:**

**1. Convenience Store Layout:** The 4500 square foot convenience store and tenant spaces are meticulously designed to provide ample retail space for merchandise display, cashier stations, restroom facilities, and storage areas. Emphasis is placed on customer convenience and efficient circulation within the stores. Site will contain under the canopy lighting as well as wall pack lighting on the building and parking lot lighting poles, all designed in accordance with the Hall County Planning and Development.

**2. Gasoline Station:** Integrated into the site plan is a gasoline station equipped with multiple fuel dispensers, compliant with safety regulations, and featuring designated areas for fueling, parking, and maneuvering. Environmental safeguards, such as spill containment measures, are incorporated to mitigate potential risks.

**3. Access:** A central feature of this proposal is the inclusion of one full access drive with deceleration lane and left turn lane off McEver Road and one full access drive with NO deceleration and left turn lane off Lights Ferry Road to optimize traffic flow and enhance accessibility.



Friday, June 14, 2024

**4. Parking and Circulation:** The site plan includes a designated parking area with adequate spaces for customers and staff, facilitating seamless vehicular circulation within the premises. Barrier-free access and designated parking spaces for individuals with disabilities are integrated to ensure inclusivity and compliance with accessibility standards.

**5. Landscaping and Aesthetics:** A landscape design is incorporated to enhance the visual appeal of the site and mitigate environmental impacts. Green spaces, trees, and shrubbery are strategically positioned to provide shade, improve air quality, and create a welcoming atmosphere for customers. Adjacent Silverton Subdivision properties will be protected by a minimum 8-foot-high fence constructed on a minimum 3-foot-high berm. A 50-foot buffer will exist between this proposed development and adjacent Silverton Subdivision properties. Landscape plantings will be minimum 8 feet tall evergreens staggered in two rows on 4-foot centers. The remaining adjacent properties will contain a 30-foot undisturbed buffer.

**6. Operating Hours:** The operational hours for the Gasoline Station will be from 6 AM to 10 PM adhering to regulations stated in clause 8.

**7. Water:** Water will be provided by the City of Gainesville and Sewer provided by City of Flowery Branch.

**8. Compliance and Regulation:**

The proposed site plan adheres to all relevant zoning ordinances, building codes, and regulatory requirements stipulated by the Hall County development department. Environmental impact assessments, traffic studies, and safety analyses have been conducted to ensure full compliance and mitigate potential concerns.

Thank you,

Sincerely,

Nabeel Memon  
Chief Executive Officer  
NGC Holdings, LLC



## Narrative

RE: Parcel 08119000003

To Hall County Planning and Development:

This letter serves as a written report describing the existing and proposed use of the property. We, Nabeel Group of Companies, INC., are applying for a Change in Condition/Conditional Use for the proposed site located at **5820 McEver Road Flowery Branch GA 30542, Hall County.**

The proposal presents a comprehensive site plan for the establishment of a 4500 square foot convenience store and two 1500 square tenant spaces, incorporating a gasoline station, within the Hall County limits. **This property is zoned H-B (Highway Business)** and within the Gateway Corridor overlay district. Notably, the plan advocates for the implementation of dual right-in/right-out access points to optimize traffic flow and enhance accessibility.

### Key Components:

**1. Convenience Store Layout:** The 4500 square foot convenience store and tenant spaces are meticulously designed to provide ample retail space for merchandise display, cashier stations, restroom facilities, and storage areas. Emphasis is placed on customer convenience and efficient circulation within the stores. Site will contain under the canopy lighting as well as wall pack lighting on the building and parking lot lighting poles, all designed in accordance with the Hall County Planning and Development.

**2. Gasoline Station:** Integrated into the site plan is a gasoline station equipped with multiple fuel dispensers, compliant with safety regulations, and featuring designated areas for fueling, parking, and maneuvering. Environmental safeguards, such as spill containment measures, are incorporated to mitigate potential risks.

**3. Dual Right-In/Right-Out Access:** A central feature of this proposal is the inclusion of two dedicated right-in/right-out access points, strategically positioned to optimize traffic flow and minimize congestion. The 2 right in right outs would mark a change in clause 5 stating, "McEver Road shall be a right turn exit only with the location determined by Hall County Traffic



Engineering. The entrance shall be placed in a location that will allow Ms. Cash to access her own driveway.” The new access points proposed will allow for easy traffic flow and access to the said C-Store.

**4. Parking and Circulation:** The site plan includes a designated parking area with adequate spaces for customers and staff, facilitating seamless vehicular circulation within the premises. Barrier-free access and designated parking spaces for individuals with disabilities are integrated to ensure inclusivity and compliance with accessibility standards.

**5. Landscaping and Aesthetics:** A landscape design is incorporated to enhance the visual appeal of the site and mitigate environmental impacts. Green spaces, trees, and shrubbery are strategically positioned to provide shade, improve air quality, and create a welcoming atmosphere for customers. Adjacent Siverton Subdivision properties will be protected by a minimum 8-foot-high fence constructed on a minimum 3-foot-high berm. A 50-foot buffer will exist between this proposed development and adjacent Silvertown Subdivision properties. Landscape plantings will be minimum 8 feet tall evergreens staggered in two rows on 4-foot centers. The remaining adjacent properties will contain a 30-foot undisturbed buffer.

**6. Operating Hours:** The operational hours for the Gasoline Station will be from 6 AM to 10 PM adhering to regulations stated in clause 8.

**7. Water:** Water will be provided by the City of Gainesville and Sewer provided by City of Flowery Branch. Site Plan Proposal for a 4500 Square Foot Convenience Store (Gasoline Station) with Dual Right-In/Right-Out Access

### **Compliance and Regulation:**

The proposed site plan adheres to all relevant zoning ordinances, building codes, and regulatory requirements stipulated by the Hall County development department. Environmental impact assessments, traffic studies, and safety analyses have been conducted to ensure full compliance and mitigate potential concerns.

### **Conclusion:**

In summary, this site plan proposal outlines a comprehensive framework for the establishment of a 4500 square foot convenience store with a gasoline station and two 1500 square foot tenant spaces in Hall County. We respectfully submit this proposal for your review and consideration, with the hope of obtaining approval from the Hall County development department for our Change in Condition/Conditional Use request.

June 5, 2024



Thank you,

*Nabeel Memon*

---

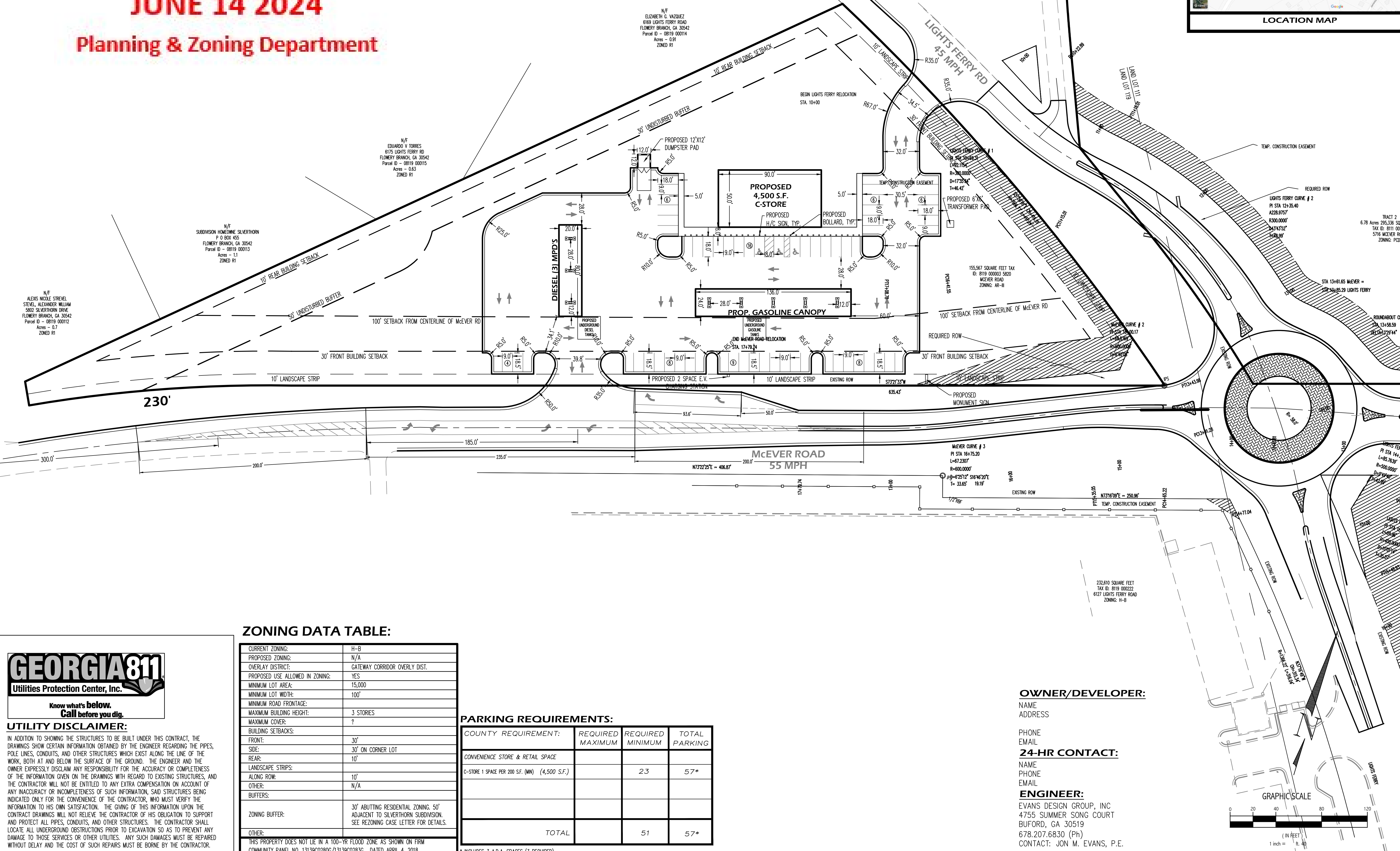
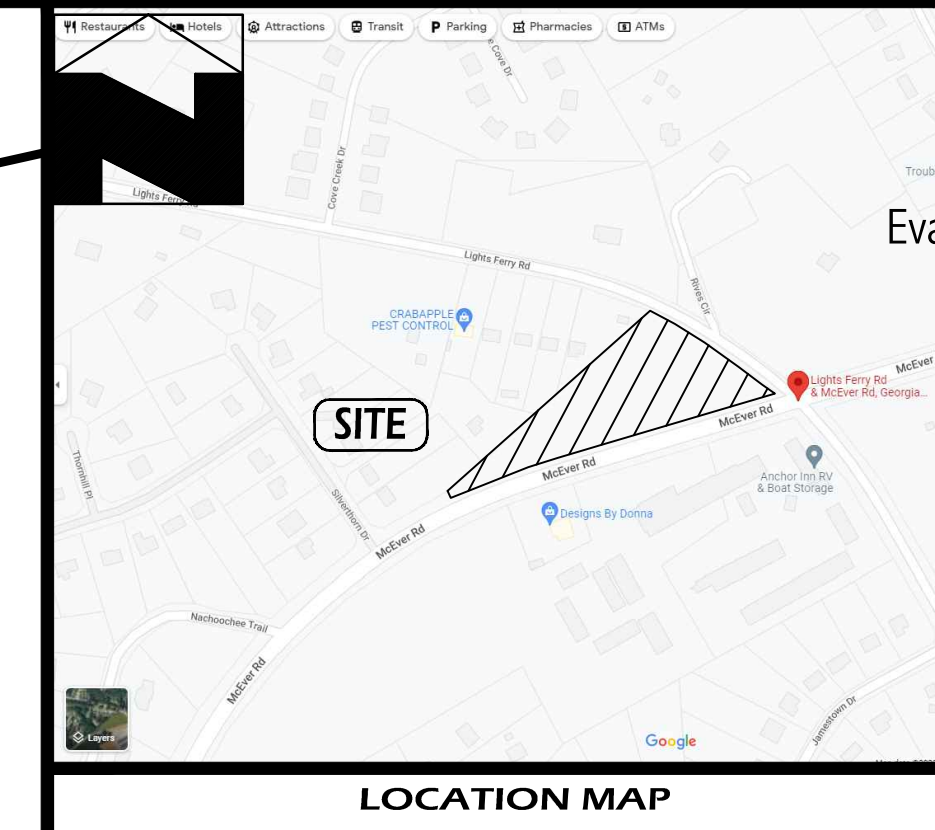
Nabeel Group of Companies, INC.



# RECEIVED

## JUNE 14 2024

### Planning & Zoning Department



**Evans Design Group, Inc.**  
 Civil Engineering /  
 Site Planning /  
 Land Development Services  
 4755 Summer Song Court  
 Buford, GA 30519  
 (Ph) 678.207.6830  
 jevans@evansdg.com



**PROJECT NAME**  
**McEVER C-STORE**

**5820 McEVER RD.**  
**L.I. 119, 8th DIST.**  
**HALL COUNTY GA**

**DATE:**  
**6/24/22**

**DESIGN BY** JME  
**DRAWN BY** JME  
**CHECKED BY** JME

Not Released For Construction  
 Released For Construction



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 EVANS DESIGN GROUP, INC.  
 ALL RIGHTS RESERVED.  
 THESE CONSTRUCTION DOCUMENTS AND PERMITTED REPRODUCTIONS, IN WHOLE OR IN PART, ARE INSTRUMENTS OF SERVICE AND ARE THE SOLE PROPERTY OF EVANS DESIGN GROUP, INC. UNLESS OTHERWISE AGREED TO. THEY SHALL NOT BE REPRODUCED OR CONVEYED IN ANY MANNER NOR ARE THEY TO BE USED FOR ANY OTHER PROJECTS OTHER THAN THAT SPECIFICALLY INDICATED HEREIN WITHOUT WRITTEN PERMISSION FROM AND DUE COMPENSATION TO EVANS DESIGN GROUP, INC.

**REVISIONS**

NO.	DATE	DESCRIPTION

**JOB NUMBER:**  
**22-031**

**SHEET TITLE**  
**SITE PLAN**  
**C-4**



**UTILITY DISCLAIMER:**  
 IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

**ZONING DATA TABLE:**

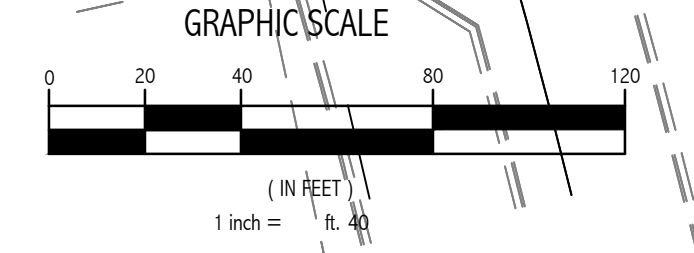
CURRENT ZONING:	H-B
PROPOSED ZONING:	N/A
OVERLAY DISTRICT:	GATEWAY CORRIDOR OVERLY DIST.
PROPOSED USE ALLOWED IN ZONING:	YES
MINIMUM LOT AREA:	15,000
MINIMUM LOT WIDTH:	100'
MINIMUM ROAD FRONTAGE:	
MAXIMUM BUILDING HEIGHT:	3 STORES
MAXIMUM COVER:	?
BUILDING SETBACKS:	
FRONT:	30'
SIDE:	30' ON CORNER LOT
REAR:	10'
LANDSCAPE STRIPS:	
ALONG ROW:	10'
OTHER:	N/A
BUFFERS:	
ZONING BUFFER:	30' ABUTTING RESIDENTIAL ZONING, 50' ADJACENT TO SILVERTHORN SUBDIVISION. SEE REZONING CASE LETTER FOR DETAILS.
OTHER:	
THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13139C0280G/13139C0283G, DATED APRIL 4, 2018.	

**PARKING REQUIREMENTS:**

COUNTY REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	TOTAL PARKING
CONVENIENCE STORE & RETAIL SPACE			
C-STORE 1 SPACE PER 200 SF. (MIN) (4,500 S.F.)		23	57*
<b>TOTAL</b>		<b>51</b>	<b>57*</b>

\* INCLUDES 3 A.D.A. SPACES (3 REQUIRED)

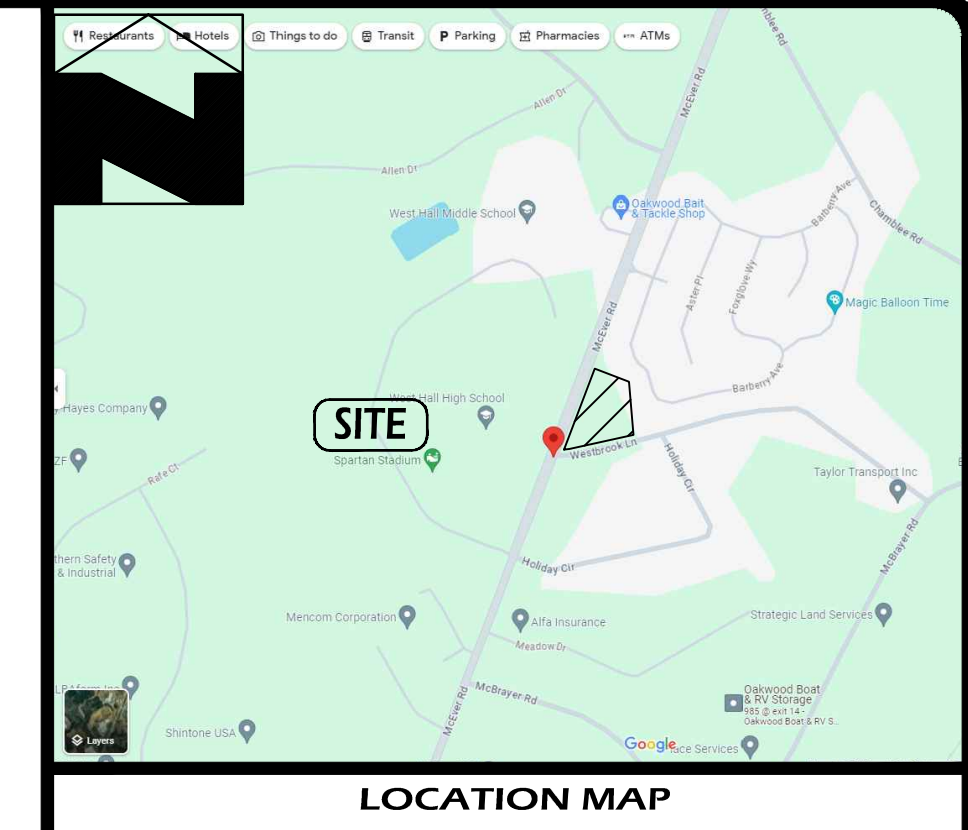
**OWNER/DEVELOPER:**  
 NAME  
 ADDRESS  
 PHONE  
 EMAIL  
**24-HR CONTACT:**  
 NAME  
 PHONE  
 EMAIL  
**ENGINEER:**  
 EVANS DESIGN GROUP, INC  
 4755 SUMMER SONG COURT  
 BUFORD, GA 30519  
 678.207.6830 (Ph)  
 CONTACT: JON M. EVANS, P.E.



**PARKING REQUIREMENTS:**

CITY REQUIREMENT:	MINIMUM PARKING	PROVIDED PARKING
C-STORE @ 4,500 S.F.		
1 SPACES PER 200 SF.	23	27
RETAIL @ 3,750 S.F.		
1 SPACES PER 200 SF.	19	20
RESTAURANT @ 1,250 S.F.		
1 SPACES PER 100 SF.	13	14
<b>TOTAL</b>	<b>55</b>	<b>61*</b>

\* INCLUDES 3 A.D.A. SPACES (3 REQUIRED)



**ZONING DATA TABLE:**

CURRENT ZONING:	C-2
PROPOSED ZONING:	OAKWOOD CORRIDOR OVERLAY
OVERLAY DISTRICT:	YES
PROPOSED USE ALLOWED IN ZONING:	YES
MINIMUM LOT AREA:	40,000 S.F.
MINIMUM LOT WIDTH:	50'
MINIMUM ROAD FRONTAGE:	N/A
MAXIMUM BUILDING HEIGHT:	80'
MAXIMUM COVER:	60%
BUILDING SETBACKS:	
FRONT:	60' ARTERIAL/COLLECTOR (40' ALL OTHER)
SIDE:	5'
REAR:	10'
LANDSCAPE STRIPS:	
ALONG ROW:	
OTHER:	75' ABUTTING RESIDENTIAL
ZONING BUFFER:	
OTHER:	

THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13139C0283G DATED APRIL 04, 2018.

Evans Design Group, Inc.  
Civil Engineering /  
Site Planning /  
Land Development Services  
4755 Summer Song Court  
Buford, GA 30519  
(Ph) 678.207.6830  
jevans@evansdg.com

REGISTERED PROFESSIONAL ENGINEER  
JON M. EVANS  
GSWCC LEVEL II CERT. # 10877

**PROJECT NAME**  
**MCEVER RD C-STORE & RETAIL**

---

**MCEVER RD**  
**L.I. 075, 8th DIST.**  
**HALL COUNTY**  
**GEORGIA**

**DATE:**  
**01-16-24**

DESIGN BY: **JME** DRAWN BY: **JME** CHECKED BY: **JME**

Not Released For Construction  
 Released For Construction

**OWNER/DEVELOPER**

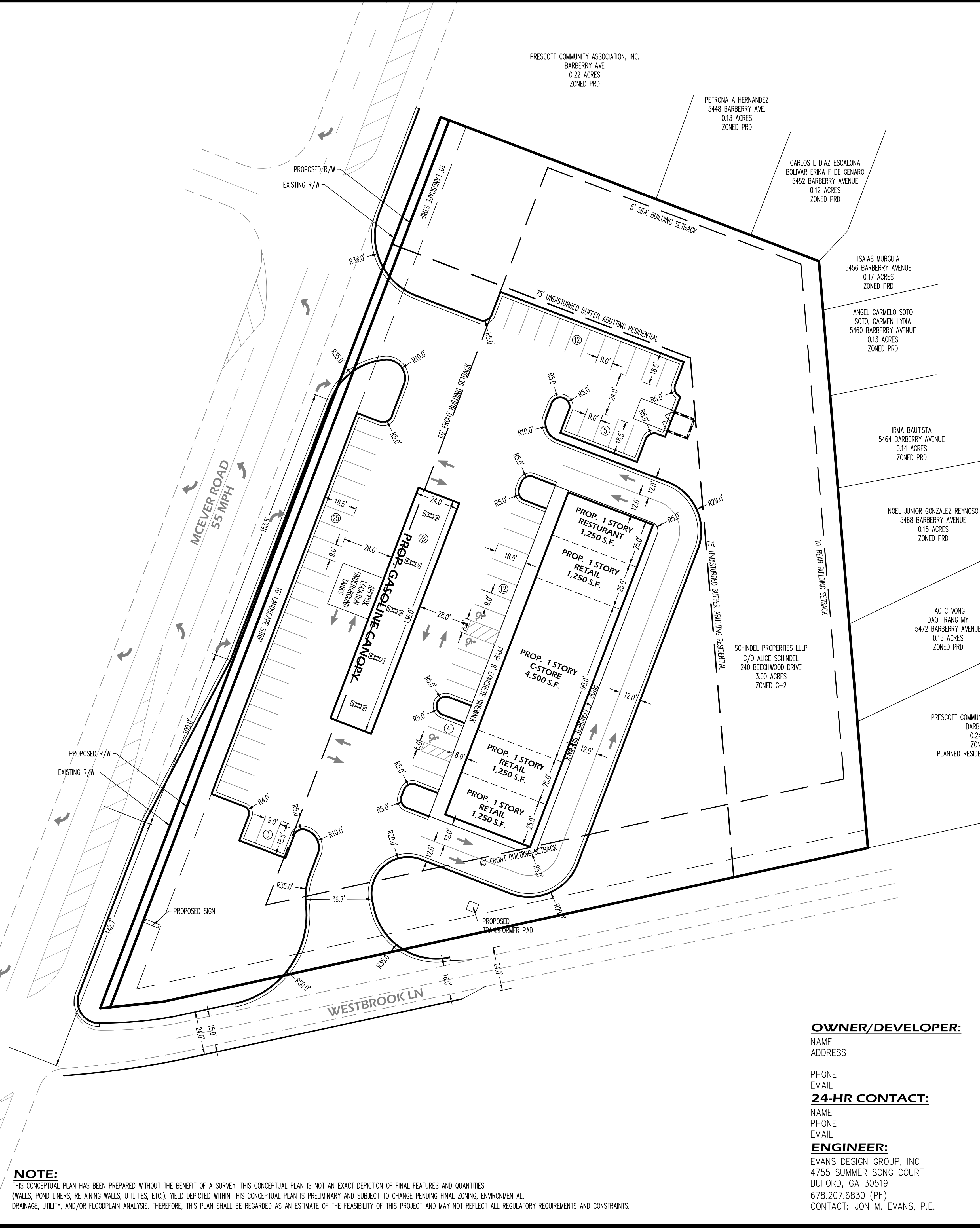
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**REVISIONS**

NO.	DESCRIPTION

**JOB NUMBER:**  
**24-004**

**SHEET TITLE**  
**SITE PLAN**  
**C-4**

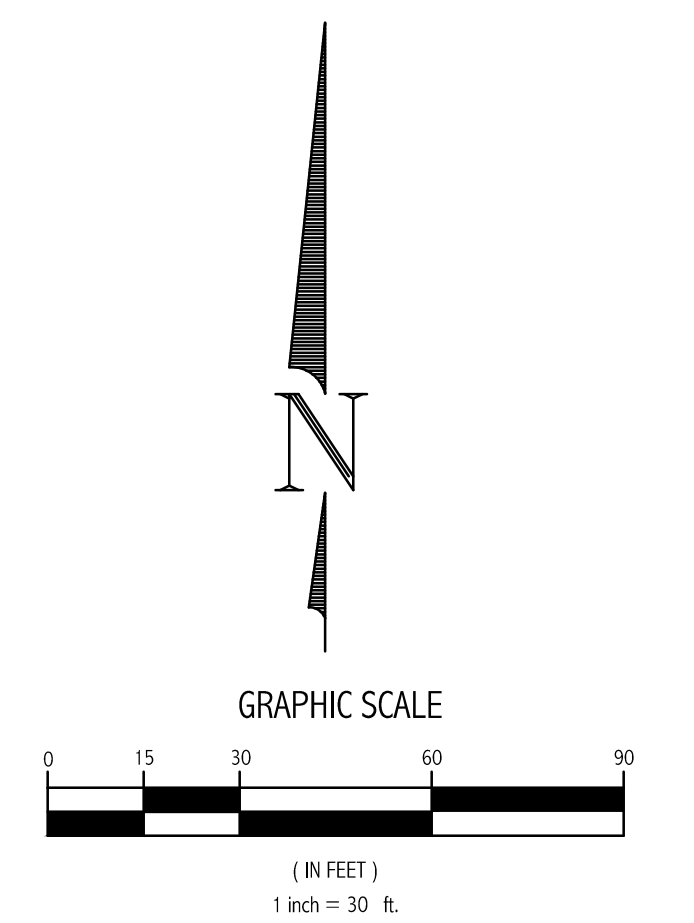


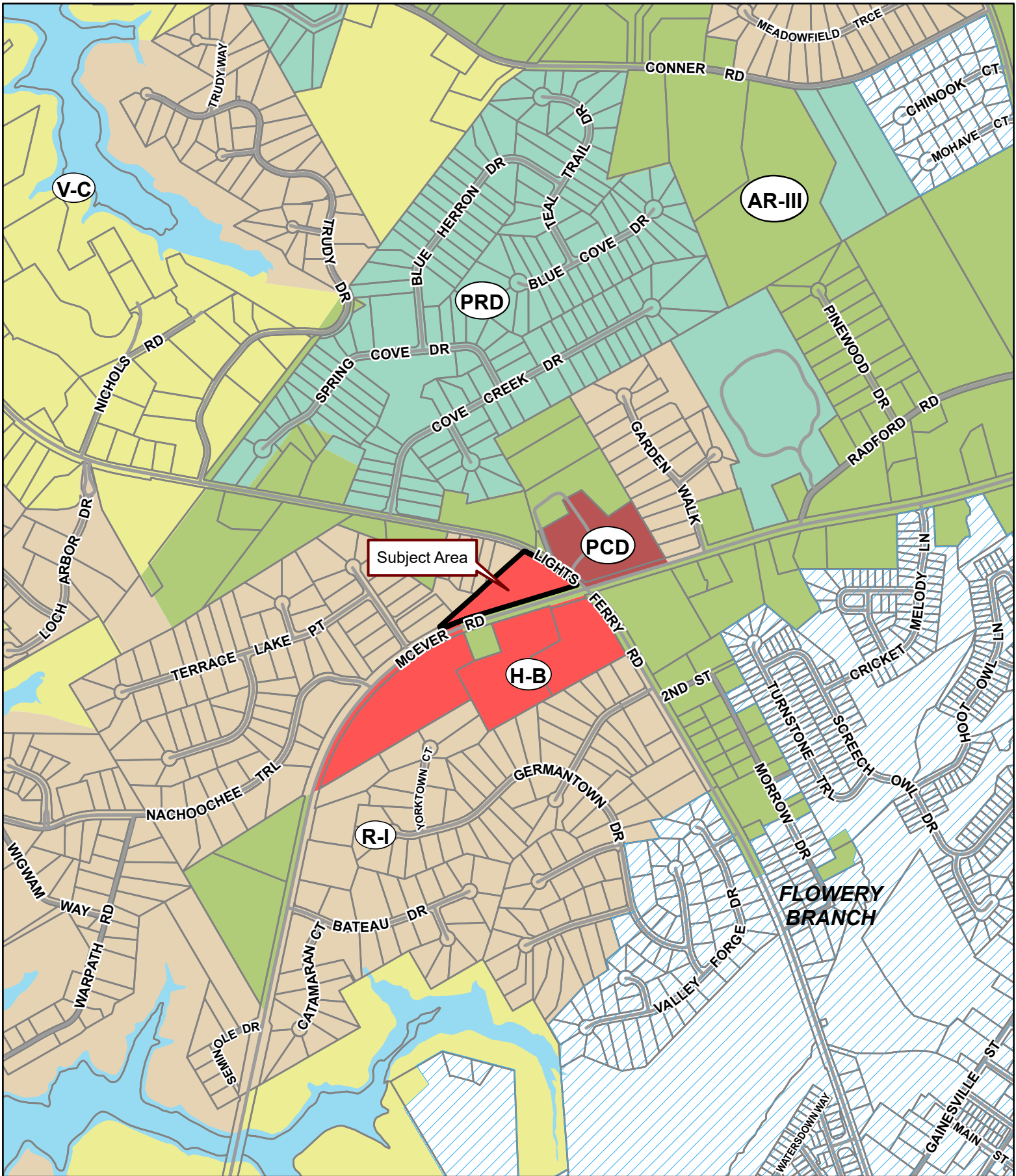
**GEORGIA811**  
Utilities Protection Center, Inc.  
Know what's below.  
Call before you dig.

**UTILITY DISCLAIMER:**  
IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

**NOTE:**  
THIS CONCEPTUAL PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A SURVEY. THIS CONCEPTUAL PLAN IS NOT AN EXACT DEPICTION OF FINAL FEATURES AND QUANTITIES (WALLS, POND LINERS, RETAINING WALLS, UTILITIES, ETC.). YIELD DEPICTED WITHIN THIS CONCEPTUAL PLAN IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FINAL ZONING, ENVIRONMENTAL, DRAINAGE, UTILITY, AND/OR FLOODPLAIN ANALYSIS. THEREFORE, THIS PLAN SHALL BE REGARDED AS AN ESTIMATE OF THE FEASIBILITY OF THIS PROJECT AND MAY NOT REFLECT ALL REGULATORY REQUIREMENTS AND CONSTRAINTS.

**OWNER/DEVELOPER:**  
NAME  
ADDRESS  
  
PHONE  
EMAIL  
**24-HR CONTACT:**  
NAME  
PHONE  
EMAIL  
**ENGINEER:**  
EVANS DESIGN GROUP, INC  
4755 SUMMER SONG COURT  
BUFORD, GA 30519  
678.207.6830 (Ph)  
CONTACT: JON M. EVANS, P.E.





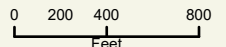
**Applicant:** NABEEL GROUP OF COMPANIES, INC.

**Tax Parcel #:** 08119 000003

**Location:** 5820 MCEVER ROAD, FLOWERY BRANCH, GA 30542

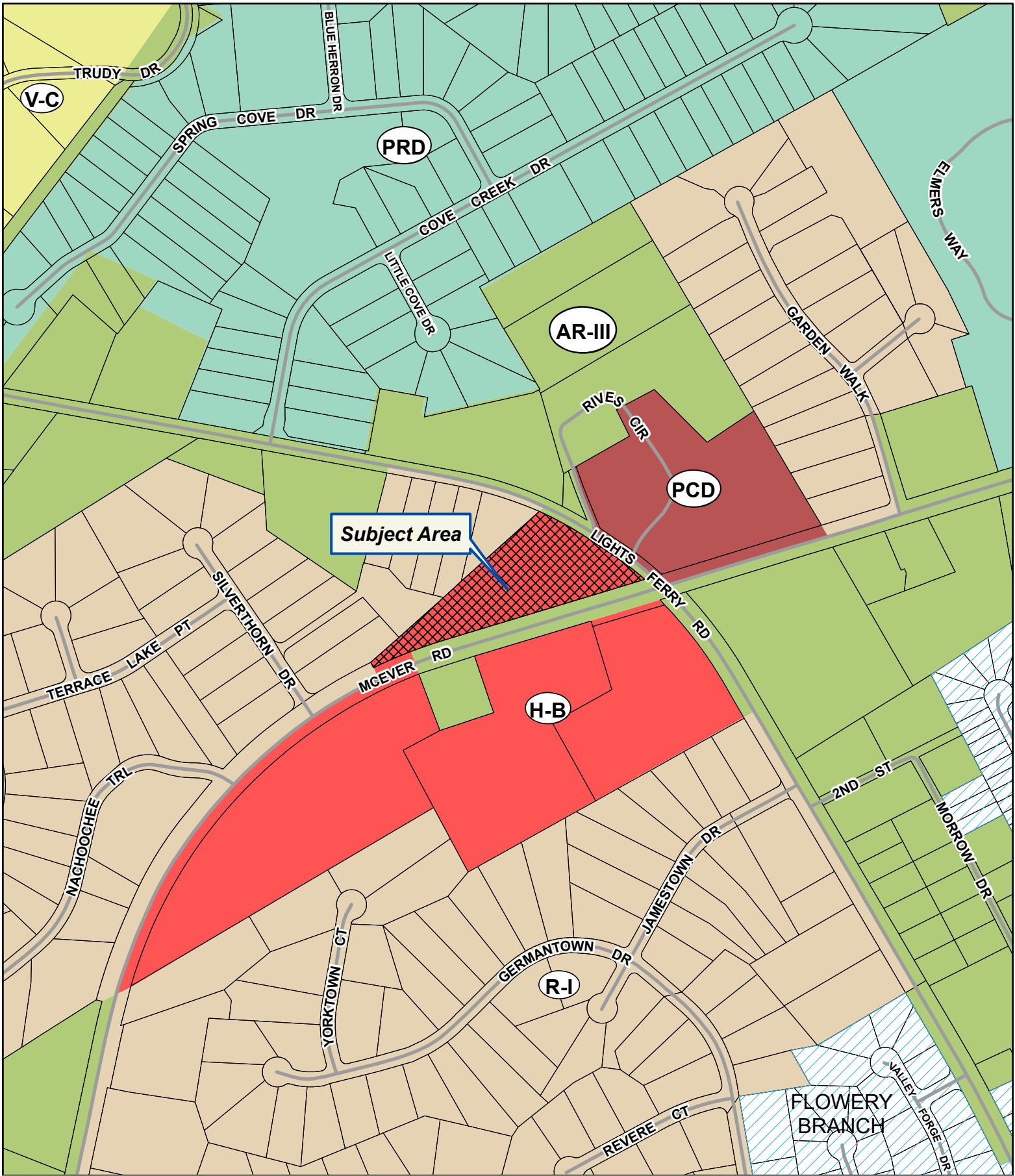
**Commission District 2**

**PC Mtg. Date: 08/05/2024**



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





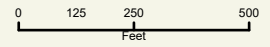
**Applicant:** NABEEL GROUP OF COMPANIES, INC.

**Tax Parcel #:** 08119 000003

**Location:** 5820 MCEVER ROAD, FLOWERY BRANCH, GA 30542

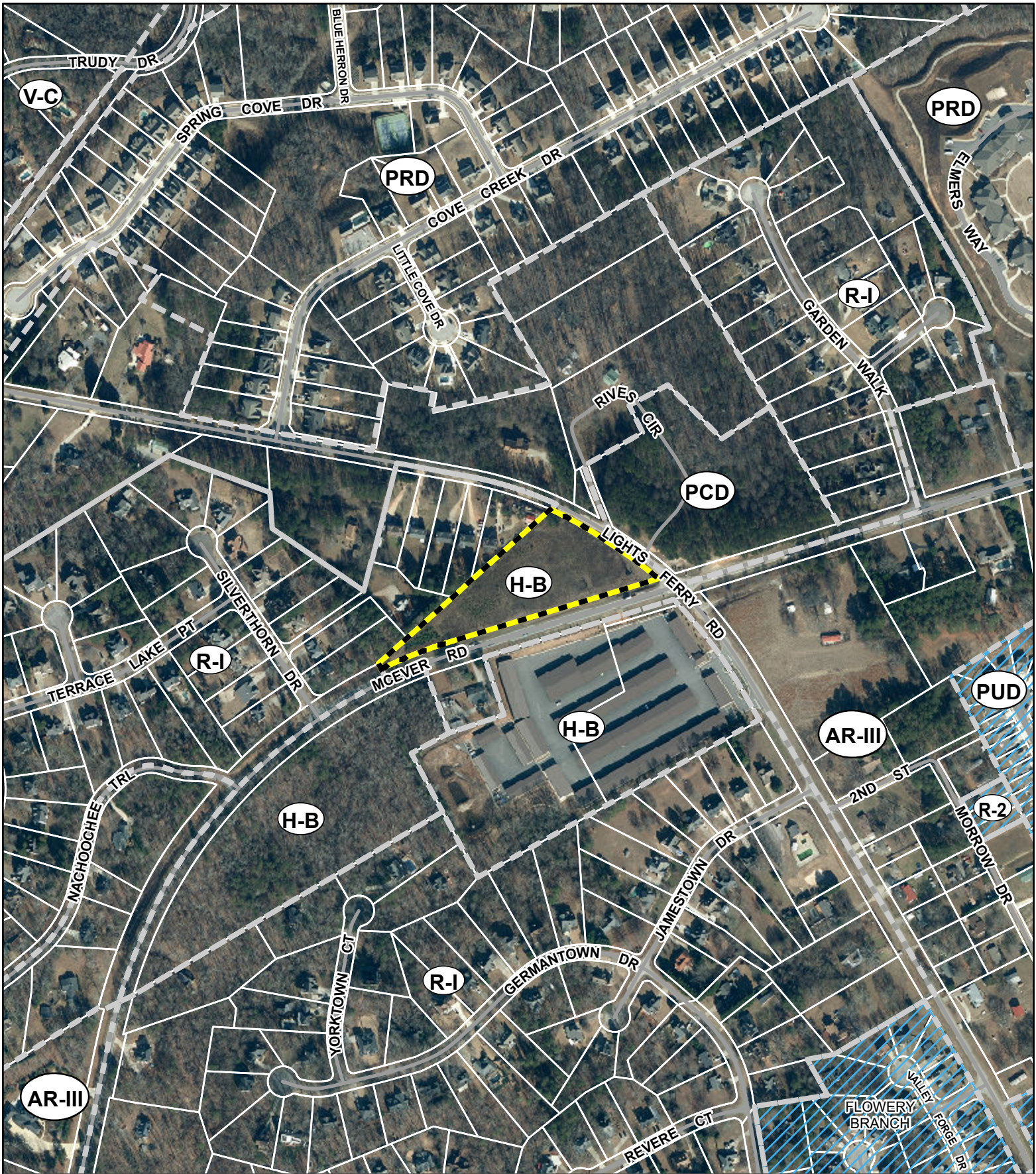
**Commission District 2**

**PC Mtg. Date: 08/05/2024**



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





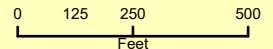
**Applicant:** NABEEL GROUP OF COMPANIES, INC.




**Tax Parcel #:** 08119 000003

**Location:** 5820 MCEVER ROAD, FLOWERY BRANCH, GA 30542

**Commission District 2**

**PC Mtg. Date: 08/05/2024**



-  Zoning Boundary
-  City Limits
-  Subject Area



## **Anael Dominguez (CDI: Planning)**

---

**From:** Emily McGahee (Environmental Health)  
**Sent:** Friday, June 28, 2024 10:26 AM  
**To:** Anael Dominguez (CDI: Planning); Beth Garmon (CDI: Planning); Katie L. Greenway (CDI: Planning)  
**Cc:** Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)  
**Subject:** HCPC Tentative Agenda 8.5.24

Please find Environmental Health comments below:

Item 1, 0/3454 Gillsville Hwy, Chowdhury: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process.

Item 2A,B,C, 1954 Mountain View Road, Matheny: Must meet all residential permitting requirements.

Item 3A,B, 3193 Wallace Road, Del Toro: Must meet all residential permitting requirements.

Item 4A,B,C, 5248 Byers Road, Villeda: All proposed structures must meet all residential permitting requirements and/or required setbacks to existing septic system.

Item 5, 3117 Athens Hwy, Agile Cold Storage: No comment.

Item 6, 5820 McEver Road, Nabeel: If public sewer not available, development must meet all Environmental Health commercial septic system permitting requirements if able to be permitted by Environmental Health. Wastewater treatment and disposal may be required to be permitted through EPD. 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. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.

Item 7, 2052 Spring Road, Ruelas: No comment. Public sewer.

Item 8A,B, 5181 Dudley Hill Road, Campbell: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process.

Item 9, 4518/4520 Cagle Road, Rochester: If public sewer not available, development must meet all Environmental Health commercial septic system permitting requirements if able to be permitted by Environmental Health. 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.

Item 10, 5991 Swansey Road, Abernathy: 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 (phone)  
[emcgahee@hallcounty.org](mailto:emcgahee@hallcounty.org)

<http://dph.georgia.gov/environmental-health> (State Website)  
<http://www.phdistrict2.org/HallCounty.htm> (District Website)  
<https://www.hallcounty.org/192/Environmental-Health> (County Website & Forms)

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## Anael Dominguez (CDI: Planning)

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**From:** Chavers, Veronica E <VChavers@dot.ga.gov>  
**Sent:** Wednesday, July 3, 2024 1:56 PM  
**To:** Anael Dominguez (CDI: Planning); Beth Garmon (CDI: Planning)  
**Subject:** RE: Tentative Planning Agenda for August 5, 2024

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.

See responses in red, below.

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**From:** Anael Dominguez (CDI: Planning) <adominguez@hallcounty.org>  
**Sent:** Thursday, June 27, 2024 10:48 AM  
**Subject:** Tentative Planning Agenda for August 5, 2024

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

Good morning –

Here is the Tentative Agenda and Maps for the **Monday, August 5, 2024** Hall County Planning Commission Meeting.

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

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

Comments are due by **Friday, July 5<sup>th</sup>**. Email comments to Beth ([bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)) and Ana ([adominguez@hallcounty.org](mailto:adominguez@hallcounty.org)).

### **CALL TO ORDER**

### **AGENDA REVIEW**

### **APPROVAL OF MINUTES – July 15, 2024**

### **OLD BUSINESS**

1. [0 & 3454 Gillsville Highway | Rezone | from Agricultural Residential IV \(AR-IV\) to Planned Residential Development \(PRD\) | on a combined 30.78± acre tract located on the south side of Gillsville Highway \(GA-323\), approximately 370 feet from its intersection with East Hall Road | Zoned AR-IV; Tax Parcels 15016 000158A & 000028C | Proposed Use: 20-lot residential subdivision | \\*\\* Commission District 3 | Sabina Chowdhury, applicant](#) Access on SR 323 will require GDOT coordination.

### **NEW BUSINESS**

2. [\(A\) 1954 Mountain View Road | Variance | 17.240.010. to reduce the front yard setback along Memorial Park Place | on a 0.37± acre tract located on the east side of Mountain View Road at its intersection with Memorial Park Place | Zoned R-II; Tax Parcel 08009 007001 | Proposed Use: Single-family residence | \\* Commission District 4 | Randy L. Matheny, applicant](#) No GDOT coordination required



- (B) 1954 Mountain View Road | Variance | 17.240.010.** to reduce the front yard setback along Mountain View Road | on a 0.37± acre tract located on the east side of Mountain View Road at its intersection with Memorial Park Place | Zoned R-II; Tax Parcel 08009 007001 | **Proposed Use: Single-family residence** | \* Commission District 4 | **Randy L. Matheny, applicant** **No GDOT coordination required**
- (C) 1954 Mountain View Road | Variance | 17.240.010.** to reduce the rear yard setback | on a 0.37± acre tract located on the east side of Mountain View Road at its intersection with Memorial Park Place | Zoned R-II; Tax Parcel 08009 007001 | **Proposed Use: Single-family residence** | \* Commission District 4 | **Randy L. Matheny, applicant** **No GDOT coordination required**
3. **(A) 3193 Wallace Road | Variance | 17.240.010.** to reduce the front yard setback | on a 0.49± acre tract located on the east side of Wallace Road at its intersection with Baker Road | Zoned AR-IV; Tax Parcel 15024 000058 | **Proposed Use: Single-family residence** | \* Commission District 3 | **Julia Del Toro, applicant**
- (B) 3193 Wallace Road | Variance | 17.240.010.** to reduce the rear yard setback | on a 0.49± acre tract located on the east side of Wallace Road at its intersection with Baker Road | Zoned AR-IV; Tax Parcel 15024 000058 | **Proposed Use: Single-family residence** | \* Commission District 3 | **Julia Del Toro, applicant** **No GDOT coordination required**
4. **(A) 5248 Byers Road | Variance | 17.240.010.** to reduce the right side yard setback | on a 0.61± acre tract located west side of Byers Road, approximately 941 feet from its intersection with Flat Creek Road | Zoned AR-III; Tax Parcel 08077 001017 | **Proposed Use: Detached garage** | \* Commission District 2 | **Hector J & Teresa Villeda, applicant** **No GDOT coordination required**
- (B) 5248 Byers Road | Variance | 17.240.010.** to reduce the rear yard setback | on a 0.61± acre tract located west side of Byers Road, approximately 941 feet from its intersection with Flat Creek Road | Zoned AR-III; Tax Parcel 08077 001017 | **Proposed Use: Detached garage** | \* Commission District 2 | **Hector J & Teresa Villeda, applicant** **No GDOT coordination required**
- (C) 5248 Byers Road | Variance | 17.240.010.** to reduce the rear yard setback | on a 0.61± acre tract located west side of Byers Road, approximately 941 feet from its intersection with Flat Creek Road | Zoned AR-III; Tax Parcel 08077 001017 | **Proposed Use: Single-family residence** | \* Commission District 2 | **Hector J & Teresa Villeda, applicant** **No GDOT coordination required**
5. **3117 Athens Highway | Variance | 17.420.060.** to allow for additional wall signs | on a 34.52± acre tract located on the north side of Athens Highway (GA-129) at its intersection with Roy Parks Road | Zoned I-I (GCOD); Tax Parcel 15024 000036 | **Purpose: Wall sign** | \* Commission District 3 | **Agile Cold Storage c/o John Blan, applicant** **No GDOT coordination required**
6. **5820 McEver Road | Amend Conditions of Zoning** | on a 3.57± acre tract located on the west side of McEver Road at its intersection with Lights Ferry Road | Zoned H-B, Tax Parcel 08119 000003 | **Proposed Use: Gas station and convenience store** | \*\* Commission District 2 | **Nabeel Group of Companies, Inc, applicant** **No GDOT coordination required**
7. **2052 Spring Road | Reestablishment of a Nonconforming Use** | on a 0.19± acre tract located on the north side of Spring Road, approximately 237 feet from its intersection with Skelton Road | Zoned H-B, Tax Parcel 00122 002010 | **Proposed Use: Single-family residence** | \*\* Commission District 4 | **Ashley Xitlaly Ruelas, applicant** **No GDOT coordination required**
8. **(A) 5181 Dudley Hill Road | Rezone** | from Agricultural Residential III (AR-III) to Residential-I-Low-Density (R-I-L) | on a 47.61± acre tract located on the west side of Dudley Hill Road at its intersection with Waterwood Drive | Zoned AR-III; Tax Parcel 11131 000001A | **Proposed Use: 20-lot single-family development** | \*\* Commission District 2 | **Blum & Campbell, LLC c/o Jody Campbell, applicant** **No GDOT coordination required**
- (B) 5181 Dudley Hill Road | Use Subject to County Commission Approval** | 17.70.040 for a subdivision | on a 47.61± acre tract located on the west side of Dudley Hill Road at its intersection with Waterwood Drive | Zoned AR-III; Tax Parcel 11131 000001A | **Proposed Use: 20-lot single-family development** | \*\* Commission District 2 | **Blum & Campbell, LLC c/o Jody Campbell, applicant** **No GDOT coordination required**
- (C) 5181 Dudley Hill Road | Variance** | 12.40.180. to allow for a common access drive to serve more than five lots | on a 47.61± acre tract located on the west side of Dudley Hill Road at its intersection with Waterwood Drive | Zoned AR-III; Tax Parcel 11131 000001A | **Proposed Use: 20-lot single-family development** | \*\* Commission District 2 | **Blum & Campbell, LLC c/o Jody Campbell, applicant** **No GDOT coordination required**

9. [\(A\) 4518 & 4520 Cagle Road | Rezone | from Agricultural Residential III \(AR-III\) to Light Industrial \(I-I\) & Gateway Corridors Overlay District \(GCOD\) | on a 16.61± combined tract located on the west side of Cornelia Highway, approximately 870 feet from its intersection with Cagle Road | Zoned AR-IV, Tax Parcel 15007 000030 & 15007 000031 | Proposed Use: Permitted uses in light industrial zoning district | \\*\\* Commission District 3 | Rochester|DCCM, applicant](#) Access on SR 365 will require GDOT coordination.
10. [\(B\) 4518 & 4520 Cagle Road | Use Subject to County Commission | 17.420.050 for outdoor storage within GCOD | on a 16.61± combined tract located on the west side of Cornelia Highway, approximately 870 feet from its intersection with Cagle Road | Zoned AR-IV, Tax Parcel 15007 000030 & 15007 000031 | Proposed Use: Outdoor storage | \\*\\* Commission District 3 | Rochester|DCCM, applicant](#) Access on SR 365 will require GDOT coordination.

[5991 Swansey Road | Amend Conditions of Zoning | on a 38.45 ± acre tract located on the south side of Swansey Road approximately 476 feet from its intersection with Circle Four Ranch | Zoned PRD, Tax Parcel 15048 000034 | Proposed Use: 100-lot subdivision | \\*\\* Commission District 1 | Abernathy Engineering Group, applicant](#) No GDOT coordination required

\*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within 30 days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing **Thursday, September 12, 2024**, at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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, September 12, 2024**. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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](http://www.hallcounty.org)




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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/trafficking-in-georgia>. 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

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

**From:** Bill Nash, Director of Public Works and Utilities

**Date:** July 5, 2024

t: 770.531.6800 | f: 770.531.3945

**Subject:** August 5, 2024 - Hall County Planning Commission Agenda

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 August 5, 2024 meeting. Upon review, we provide the following comments.

**OLD BUSINESS**

1. [0 & 3454 Gillsville Highway | Rezone | from Agricultural Residential IV \(AR-IV\) to Planned Residential Development \(PRD\) | on a combined 30.78± acre tract located on the south side of Gillsville Highway \(GA-323\), approximately 370 feet from its intersection with East Hall Road | Zoned AR-IV; Tax Parcels 15016 000158A & 000028C | Proposed Use: 20-lot residential subdivision | \\*\\* Commission District 3 | Sabina Chowdhury, applicant](#)
  - a. **Engineering:** This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show stream buffer and impervious setback from wrested vegetation not centerline of stream  
Show FEMA and Hall County studied Flood plains that are present on site.
  - b. **Traffic:** GA DOT driveway permit required
  - c. **Utilities:** NO sanitary sewer in area.

**NEW BUSINESS**

2. [\(A\) 1954 Mountain View Road | Variance | 17.240.010. to reduce the front yard setback along Memorial Park Place | on a 0.37± acre tract located on the east side of Mountain View Road at its intersection with Memorial Park Place | Zoned R-II; Tax Parcel 08009 007001 | Proposed Use: Single-family residence | \\* Commission District 4 | Randy L. Matheny, applicant](#)  
[\(B\) 1954 Mountain View Road | Variance | 17.240.010. to reduce the front yard setback along Mountain View Road | on a 0.37± acre tract located on the east side of Mountain View Road at its intersection with Memorial Park Place | Zoned R-II; Tax Parcel 08009 007001 | Proposed Use: Single-family residence | \\* Commission District 4 | Randy L. Matheny, applicant](#)  
[\(C\) 1954 Mountain View Road | Variance | 17.240.010. to reduce the rear yard setback | on a 0.37± acre tract located on the east side of Mountain View Road at its intersection with Memorial Park Place | Zoned R-II; Tax Parcel 08009 007001 | Proposed Use: Single-family residence | \\* Commission District 4 | Randy L. Matheny, applicant](#)

- a. **Engineering:** No comment
  - b. **Traffic:** No comment.
  - c. **Utilities:** No comment.
3. [\(A\) 3193 Wallace Road | Variance | 17.240.010. to reduce the front yard setback | on a 0.49± acre tract located on the east side of Wallace Road at its intersection with Baker Road | Zoned AR-IV; Tax Parcel 15024 000058 | Proposed Use: Single-family residence | \\* Commission District 3 | Julia Del Toro, applicant](#)  
[\(B\) 3193 Wallace Road | Variance | 17.240.010. to reduce the rear yard setback | on a 0.49± acre tract located on the east side of Wallace Road at its intersection with Baker Road | Zoned AR-IV; Tax Parcel 15024 000058 | Proposed Use: Single-family residence | \\* Commission District 3 | Julia Del Toro, applicant](#)
- a. **Engineering:** No comment
  - b. **Traffic:** No comment.
  - c. **Utilities:** No comment.
4. [\(A\) 5248 Byers Road | Variance | 17.240.010. to reduce the right side yard setback | on a 0.61± acre tract located west side of Byers Road, approximately 941 feet from its intersection with Flat Creek Road | Zoned AR-III; Tax Parcel 08077 001017 | Proposed Use: Detached garage | \\* Commission District 2 | Hector J & Teresa Villeda, applicant](#)  
[\(B\) 5248 Byers Road | Variance | 17.240.010. to reduce the rear yard setback | on a 0.61± acre tract located west side of Byers Road, approximately 941 feet from its intersection with Flat Creek Road | Zoned AR-III; Tax Parcel 08077 001017 | Proposed Use: Detached garage | \\* Commission District 2 | Hector J & Teresa Villeda, applicant](#)  
[\(C\) 5248 Byers Road | Variance | 17.240.010. to reduce the rear yard setback | on a 0.61± acre tract located west side of Byers Road, approximately 941 feet from its intersection with Flat Creek Road | Zoned AR-III; Tax Parcel 08077 001017 | Proposed Use: Single-family residence | \\* Commission District 2 | Hector J & Teresa Villeda, applicant](#)
- a. **Engineering:** Drainage easement may be changed, but must enter and exit in the place as the final plat PB:40 PG:242.
  - b. **Traffic:** No comment.
  - c. **Utilities:** No comment.
5. [3117 Athens Highway | Variance | 17.420.060. to allow for additional wall signs | on a 34.52± acre tract located on the north side of Athens Highway \(GA-129\) at its intersection with Roy Parks Road | Zoned I-I \(GCOD\); Tax Parcel 15024 000036 | Purpose: Wall sign | \\* Commission District 3 | Agile Cold Storage c/o John Blan, applicant](#)
- a. **Engineering:** No comment
  - b. **Traffic:** No comment.
  - c. **Utilities:** No comment.

6. [5820 McEver Road | Amend Conditions of Zoning | on a 3.57± acre tract located on the west side of McEver Road at its intersection with Lights Ferry Road | Zoned H-B, Tax Parcel 08119 000003 | Proposed Use: Gas station and convenience store | \\*\\* Commission District 2 | Nabeel Group of Companies, Inc, applicant](#)
  - a. **Engineering:** This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
  - b. **Traffic:** Driveway to be reviewed during plan review
  - c. **Utilities:** No Hall County sewer in area.
  
7. [2052 Spring Road | Reestablishment of a Nonconforming Use | on a 0.19± acre tract located on the north side of Spring Road, approximately 237 feet from its intersection with Skelton Road | Zoned H-B, Tax Parcel 00122 002010 | Proposed Use: Single-family residence | \\*\\* Commission District 4 | Ashley Xitlaly Ruelas, applicant](#)
  - a. **Engineering:** No comment
  - b. **Traffic:** No comment.
  - c. **Utilities:** No comment.
  
8. [\(A\) 5181 Dudley Hill Road | Rezone | from Agricultural Residential III \(AR-III\) to Residential-I-Low-Density \(R-I-L\) | on a 47.61± acre tract located on the west side of Dudley Hill Road at its intersection with Waterwood Drive | Zoned AR-III; Tax Parcel 11131 000001A | Proposed Use: 20-lot single-family development | \\*\\* Commission District 2 | Blum & Campbell, LLC c/o Jody Campbell, applicant](#)
  - a. **Engineering:** Show stream buffer and impervious setback from wooded vegetation not centerline of stream.  
As this subdivision is greater than 6 lots on an existing road a stormwater management report prepared by a professional engineer will be required. Show FEMA and Hall County studied Flood plains that are present on site.
  - b. **Traffic:** Provide sight distance for each drive  
Common access drive will need to meet County standards and go through the development review process.
  - c. **Utilities:** No comment.
  
9. [\(A\) 4518 & 4520 Cagle Road | Rezone | from Agricultural Residential III \(AR-III\) to Light Industrial \(I-I\) & Gateway Corridors Overlay District \(GCOD\) | on a 16.61± combined tract located on the west side of Cornelia Highway, approximately 870 feet from its intersection with Cagle Road | Zoned AR-IV, Tax Parcel 15007 000030 & 15007 000031 | Proposed Use: Permitted uses in light industrial zoning district | \\*\\* Commission District 3 | Rochester|DCCM, applicant](#)  
[\(B\) 4518 & 4520 Cagle Road | Use Subject to County Commission 17.420.050 for outdoor storage within GCOD | on a 16.61± combined tract located on the west side of Cornelia Highway, approximately 870 feet from its intersection with Cagle Road | Zoned AR-IV, Tax Parcel 15007 000030 & 15007 000031 | Proposed Use: Outdoor storage | \\*\\* Commission District 3 | Rochester|DCCM, applicant](#)

- a. **Engineering:** Show stream buffer and impervious setback from wretched vegetation not centerline of stream  
This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage
- b. **Traffic:** GA DOT permit required
- c. **Utilities:** Sanitary sewer on SR 365

10. [5991 Swansey Road | Amend Conditions of Zoning | on a 38.45 ± acre tract located on the south side of Swansey Road approximately 476 feet from its intersection with Circle Four Ranch | Zoned PRD, Tax Parcel 15048 000034 | Proposed Use: 100-lot subdivision | \\*\\* Commission District 1 | Abernathy Engineering Group, applicant](#)

- a. **Engineering:** This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage  
Show stream buffer and impervious setback from wretched vegetation not centerline of stream  
Show FEMA and Hall County studied Flood plains that are present on site.
- b. **Traffic:** Needs to be reviewed by legal
- c. **Utilities:** No comment.

## Anael Dominguez (CDI: Planning)

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**From:** John Hornick (Fire Services)  
**Sent:** Tuesday, July 2, 2024 4:13 PM  
**To:** Anael Dominguez (CDI: Planning)  
**Cc:** Beth Garmon (CDI: Planning)  
**Subject:** Fire Comment

**Monday, August 5, 2024** Hall County Planning Commission Meeting.

1. [5820 McEver Road | Amend Conditions of Zoning | on a 3.57± acre tract located on the west side of McEver Road at its intersection with Lights Ferry Road | Zoned H-B, Tax Parcel 08119 000003 | Proposed Use: Gas station and convenience store | \\*\\* Commission District 2 | Nabeel Group of Companies, Inc, 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](http://www.Hallcounty.org)



**Print**

**Board of Commissioners Work Session Comments - August 5, 2024 - Submission #99137**

**Date Submitted: 8/4/2024**

Comments completed in the form below will be submitted into the record for the April 8, 2024 Work Session of the Hall County Board of Commissioners.

**First Name\***

**Last Name\***

**Address1\***

**Address2**

**City\***

**State\***

**Zip\***



**Your Comments\***

Dear Members of the Planning Commission,

I am writing to express my strong opposition to the proposed amendment to the zoning conditions for 5820 McEver Road, allowing the construction of a gas station and convenience store by the Nabeel Group of Companies Inc. As homeowners in the adjacent Silverthorn subdivision, we have several concerns based on local county and state zoning and environmental ordinances, which I believe support the rejection of this proposal.

Firstly, the proposed left turn in (middle lane) going northeast poses a significant traffic hazard. According to local traffic regulations, any development must not compromise the safety of existing road users. The curve on McEver Road, combined with the speed of traffic and the sun's position during winter, creates a dangerous situation for residents entering and exiting our neighborhood. This change is in direct conflict with the Hall County Zoning Ordinance's emphasis on maintaining safe and efficient transportation systems (Hall County Zoning Ordinance, Article 10).

Furthermore, the proximity of the gas station to our neighborhood pool raises serious concerns about environmental pollution and safety. The Comprehensive Zoning Ordinance for Hall County mandates that commercial developments must not negatively impact adjacent residential areas. The potential for fuel spills, water runoff, and increased noise and air pollution from late-night fueling and garbage truck activities directly contravenes these regulations. This development would also pose a risk of unauthorized access to our pool property, leading to safety and security issues.

Additionally, the proposal does not sufficiently address the required buffering and landscaping between the commercial site and our residential area. According to the Hall County Environmental Ordinances, adequate fencing, tree planting, and landscaping are mandatory to minimize visual and noise impacts. The proposed site plan lacks these essential features, further exacerbating the potential negative impact on our community.

The diesel pumping station proposed to be located near our pool is particularly concerning. Diesel exhaust contains harmful pollutants that can severely affect air quality and public health. The Environmental Protection Agency (EPA) has guidelines that emphasize minimizing public exposure to diesel emissions, especially in residential areas. Allowing this diesel station would be a clear violation of these health guidelines and environmental standards.

Lastly, the proposed operating hours of the gas station will lead to increased noise and disturbances during late night and early morning hours, affecting the quality of life in our neighborhood. The Hall County Noise Ordinance sets strict limits on permissible noise levels, particularly during night-time hours. The expected increase in traffic and activity at the gas station would undoubtedly lead to frequent breaches of these noise limits.

In conclusion, the proposed gas station and convenience store at 5820 McEver Road present numerous risks and conflicts with existing zoning and environmental regulations. I urge the Planning Commission to consider these points carefully and reject the amendment to the zoning conditions. Protecting the safety, health, and quality of life for residents in our community should be the priority.

Thank you for your attention to this matter.

Sincerely,

Shawn & Tara Fields  
6002 Terrace Lake Point  
Flowery Branch, GA 30542  
shawn\_fields@bellsouth.net, tara\_fields@bellsouth.net

404-578-7898, 404-271-5450

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.

**Follow-up Communication**

Shawn\_fields@bellsouth.net

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

**Print**

**Planning Commission Comments - Aug. 5, 2024 - Submission #99058**

**Date Submitted: 7/31/2024**

Comments completed in the form below will be submitted into the record for the April 1, 2024 meeting of the Hall County Planning Commission.

**First Name\***

**Last Name\***

**Address1\***

**Address2**

**City\***

**State\***

**Zip\***

**Zoning Item for Comment\***

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 have concerns about the proposed gas station and convenience store at 5820 McEver Road at Lights Ferry Road. I own the property across McEver Road from the proposed gas station and convenience store.

Currently, it is difficult to turn out of my driveway directly due to the amount of traffic and motorists' high speeds. Adding a gas station and store will negatively affect this even more. If I am having trouble turning while there are two lanes of traffic, how will I turn out of the driveway? If you add another lane, it will be dangerous as I try to exit my driveway.

The infrastructure at the nearby traffic light at McEver and Lights Ferry is poor when turning left off of Lights Ferry in either direction due to the skew of the streets.

Lastly, I am concerned about my safety due to the crime problems at gas stations. My house is secluded and surrounded by a Boat and RV storage facility. While this facility is well built and maintained, my house is secluded, and no neighbors may see strangers approaching my property.

Please write your comments in the box above.

**File Upload**

IMG.jpeg

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

**Would you like follow-up communication?**

donna@designsbydonnaatlanta.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 - Aug. 5, 2024 - Submission #99132**

**Date Submitted: 8/4/2024**

Comments completed in the form below will be submitted into the record for the April 1, 2024 meeting of the Hall County Planning Commission.

**First Name\***

Ron

**Last Name\***

Cholaj

**Address1\***

6040 Mill Rose Trace

**Address2**

**City\***

Flowery Branch

**State\***

Georgia

**Zip\***

30542

**Zoning Item for Comment\***

5820 McEver Road | Amend Conditions of Zoning

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'll try to keep this short as I'm sure you're getting a lot of comments. In a nutshell, I'm against any change in zoning for this property for the same reasons as before. The matter has already been settled previously. Residents of the area shouldn't have to keep filing objections.

If the site is built upon, then a single entrance on Lights Ferry is adequate for safety and other reasons. This arrangement works fine for the Anchor property across the road. If the owner doesn't like it, then he shouldn't have purchased the property. Also, he has the option to sell it based on the zoning restrictions.

Thank you in advance for looking after the best interests of the residents in the immediate area.

Best regards,

Ron Cholaj

Please write your comments in the box above.

**Print**

**Planning Commission Comments - Aug. 5, 2024 - Submission #99133**

**Date Submitted: 8/4/2024**

Comments completed in the form below will be submitted into the record for the April 1, 2024 meeting of the Hall County Planning Commission.

**First Name\***

Alice

**Last Name\***

Cholaj

**Address1\***

6040 Mill Rose Trace

**Address2**

**City\***

Flowery Branch

**State\***

Georgia

**Zip\***

30542

**Zoning Item for Comment\***

5820 McEver Road | Amend Conditions of Zoning

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\***

Zoning for this location has already been debated and settled previously. The same reasons as before still apply. As a resident of this neighborhood, I should not have to keep repeating the same process because the conditions have not changed. If anything, the conditions have gotten worse. The speeds on McEver Road have gotten even faster, never mind how dangerous the curve already is. And that's not even taking into consideration the detrimental environmental effects having a gas station practically on residential property will entail. The owner of this property should have been well aware of the limitations of this lot, and therefore, was not forced to buy it. If he doesn't want to comply to what has already been settled, he is free to sell the property.

Please write your comments in the box above.

# ZONING NOTICE

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

APPLICANT: **NABEEL GROUP OF COMPANIES, INC**

REQUEST: **AMEND CONDITIONS OF ZONING FOR A GAS  
STATION AND CONVENIENCE STORE**

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION  
Date: **AUG 05, 2024**

Time: **5:15 PM**

&

COUNTY COMMISSION  
Date: **SEPT 10 2024**

Time: **6:00 PM**

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

FOR MORE INFORMATION CALL: (770) 531-6809

Jul 12, 2024 11:34:26  
6162 Lights Ferry Road  
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: **NABEEL GROUP OF COMPANIES, INC**

REQUEST: **AMEND CONDITIONS OF ZONING FOR A GAS STATION AND CONVENIENCE STORE**

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION	&	COUNTY COMMISSION
Date: <b>AUG 05, 2024</b>		Date: <b>SEPT 10, 2024</b>
Time: <b>5:15 PM</b>		Time: <b>6:00 PM</b>

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

FOR MORE INFORMATION CALL: (770) 531-6809

Jul 12, 2024 11:35:59  
5716 McEver Road  
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: **NABEEL GROUP OF COMPANIES, INC**

REQUEST: **AMEND CONDITIONS OF ZONING FOR A GAS STATION AND CONVENIENCE STORE**

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION	&	COUNTY COMMISSION
Date: <b>AUG 05, 2024</b>		Date: <b>OCT 10, 2024</b>
Time: <b>5:15 PM</b>		Time: <b>6:00 PM</b>

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA  
FOR MORE INFORMATION CALL: (770) 541-6809

Sep 11, 2024 11:14:35  
5177 Sidney Square 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: **NABEEL GROUP OF COMPANIES, INC**

REQUEST: **AMEND CONDITIONS OF ZONING FOR A GAS STATION AND CONVENIENCE STORE**

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION  
Date: **AUG 05, 2024**

Time: **5:15 PM**

&

COUNTY COMMISSION  
Date: **OCT 10, 2024**

Time: **6:00 PM**

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

FOR MORE INFORMATION CALL: (770) 531-6809

Sep 11, 2024 11:16:24

5837 McEver Road

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: **NAHEEL GROUP OF COMPANIES, INC**

REQUEST: **AMEND CONDITIONS OF ZONING FOR A GAS STATION AND CONVENIENCE STORE**

HEARINGS WILL BE HELD ON:

Date: **AUG 2024** (PLANNING COMMISSION)  
Date: **OCT 2024** (COUNTY COMMISSION)  
Time: **6:00 PM**

PLANNING COMMISSION: 5:15 PM  
COUNTY COMMISSION: 6:00 PM

PLANNING COMMISSION: 531-6809  
COUNTY COMMISSION: 531-6809

PLANNING COMMISSION: 1000 CROWNS BRIDGE ROAD, GAINESVILLE, GA 30606  
COUNTY COMMISSION: 1000 CROWNS BRIDGE ROAD, GAINESVILLE, GA 30606

Sep 11, 2024 11:12:20  
6181 Lights Ferry Road  
Flowery Branch  
Hall County  
Georgia

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Wednesday, October 2, 2024 2:01 PM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: New request received

Hi Jennifer,

Could you please add the comment below to the file for 5820 McEver Road?

Thank you,  
Beth

**Beth Garmon**

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

All **ZONING, PLAT**, and **BUILDING PERMIT** submittals may be submitted online through [Accela](#). Plat inquiries may be submitted to [plats@hallcounty.org](mailto:plats@hallcounty.org). Zoning and general inquiries may be submitted to [planning@hallcounty.org](mailto:planning@hallcounty.org).



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**From:** Jordan Hood (Administration) <jordan.hood@hallcounty.org>  
**Sent:** Wednesday, October 2, 2024 1:40 PM  
**To:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>  
**Subject:** Fw: New request received

Good afternoon,

This ticket came in earlier. Please let me know if we can assist or if I need to make anyone else aware.

Best regards,

**Jordan Hood**

Digital Media Specialist  
Hall County Government

O: 770-297-2642  
[jordan.hood@hallcounty.org](mailto:jordan.hood@hallcounty.org)

---

**From:** Hall County Government <[do\\_not\\_reply@civicplus.com](mailto:do_not_reply@civicplus.com)>  
**Sent:** Wednesday, October 2, 2024 11:53 AM  
**To:** PIO <[PIO@hallcounty.org](mailto:PIO@hallcounty.org)>  
**Subject:** New request received

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

## Category Planning & Zoning has received a new request.

*Here is what we have on file:*

All

#1887

Category: Planning & Zoning  
Priority: 3  
Assigned To: Crowe Sarah  
Submitted: 10/2/2024 11:53 AM  
Source: Website 172.70.135.162

### SUBMITTER

**Joe Vinson**  
6032 Mill Rose Trace  
Flowery Branch, GA 30542

[View Request](#)

### CONTACT

[joevinson2327@gmail.com](mailto:joevinson2327@gmail.com)  
7705197677

5820 McEver Road  
Flowery Branch, Georgia 30542

### REQUEST DETAILS

#### Description

Traffic concerns caused by the proposed gas station and convenience store on the corner of Lightsferry and McEver roads. This intersection is overwhelmed as it is and until the road is widened or a roundabout is put in no future businesses should be approved for this corner.

#### Your Information

Name  
Joe Vinson  
Fax Number  
Email Address  
[joevinson2327@gmail.com](mailto:joevinson2327@gmail.com)  
Preferred Contact Method  
email



## AGENDA ITEM

**Public Hearing to amend Hall County's Zoning Map as follows:**

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**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 525/2024

**SUBJECT:** **2466 Old Fork Road | Rezone** | from Agricultural Residential III (AR-III) and Vacation Cottage (V-C) to Vacation Cottage (V-C) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061| **Proposed Use: 5-lot single-family development** | Commission District 2 | **Rashmiranjan Jyotiprakash, applicant**

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### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

### Executive Summary:

**Presenter:** BG

**Recommendation:**

Approval with conditions:

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Driveway access to the proposed lots shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall be made part of any plats created for the property.
7. If improvements within the right-of-way are required, the developer shall be responsible for all associated costs and repair of any damage caused by the developer of existing utilities within the right-of-way.
8. Homes shall be restricted to site built only.
9. Vinyl siding shall be prohibited.
10. All Family Daycare Homes and Community Residences shall be prohibited.

**Purpose of Request:**

**2466 Old Fork Road | Rezone** | from Agricultural Residential III (AR-III) and Vacation Cottage (V-C) to Vacation Cottage (V-C) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | **Proposed Use: 5-lot single-family development** | Commission District 2 | **Rashmiranjan Jyotiprakash, applicant**

**History:**

**Facts and Issues:**

**Options:**

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

**Approvals:**

Submit	Approve	Attorney	Administration
KE	BG	WLI	CR
<b>Clerk</b>			
JR			

**Attachments:**

Board Memo  
Recommendation Report  
Application  
Narrative  
Site Plan  
Maps  
Deed

Legal Description  
Gainesville Water Availability  
Environmental Health Comments  
GDOT Comments  
Public Works Comments - Supplemental  
Public Works Comments  
Fire Comments  
Public Comments  
Notice Signs



# Hall County Government

## COMMUNITY DEVELOPMENT & INFRASTRUCTURE PLANNING AND ZONING

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING  
DIRECTOR  
**Beth Garmon**

**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:** Beth Garmon, Director of Planning & Zoning

**Date:** September 23, 2024

**Subject:** **2466 Old Fork Road | Rezone | on a 4.80± acre tract | Proposed Use: 5-lot single-family development | Rashmيرانjan Jyotiprakash, applicant**

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The request before you is the request of Rashmيرانjan Jyotiprakash to rezone from Agricultural Residential III (AR-III) and Vacation Cottage (V-C) to Vacation Cottage (V-C) for a 5-lot single-family development. This item is located within Commission District 2.

At their September 3, 2024 meeting, the Hall County Planning Commission voted to recommend **approval, with ten (10) conditions (3-1, Pilcher opposed and Sosebee absent).**

Staff recommendation: **Approval, with conditions**, as the proposed rezoning is consistent with the Lake Area Residential future land use classification within the Comprehensive Plan.

There were **four (4) comments submitted** in advance of the Planning Commission meeting and **three (3) people spoke in opposition during the public hearing.**

### Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Driveway access to the proposed lots shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.



4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”

5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.

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

7. If improvements within the right-of-way are required, the developer shall be responsible for all associated costs and repair of any damage caused by the developer of existing utilities within the right-of-way.

8. Homes shall be restricted to site built only.

9. Vinyl siding shall be prohibited.

10. All Family Daycare Homes and Community Residences shall be prohibited.

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Rashmiranjan Jyotiprakash

**Request** ..... **Rezone** |from Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) to Vacation Cottage (V-C, 17.50)

**Proposed Use** ..... 5-lot single-family development

**Size** ..... 4.80± acres

**Zoning** ..... Current: Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50)  
Proposed: Vacation Cottage (V-C, 17.50)

**Location** ..... **2466 Old Fork Road** | Tax Parcel 10085 000061

**Commission District** ..... Two

**Planning Commission Date** ..... September 3, 2024

**Staff Recommendation** ..... **Approval, with conditions**, as the proposed rezoning is consistent with the “Lake Area Residential” future land use classification within the Comprehensive Plan

**Record Number(s)** ..... HZON24-0021 & HZCU24-0028

**Planning Commission Recommendations** ..... **Approval, with conditions**

**Vote: 3-1 (Pilcher opposed and Sosebee absent)**

**Planning Commission Conditions:**

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. The property shall be subdivided into a maximum of 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Driveway access to the proposed lots shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:  
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5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall be made part of any plats created for the property.
7. If improvements within the right-of-way are required, the developer shall be responsible for all associated costs and repair of any damage caused by the developer of existing utilities within the right-of-way.
8. Homes shall be restricted to site built only.
9. Vinyl siding shall be prohibited.
10. All Family Daycare Homes and Community Residences shall be prohibited.

#### **Excerpts from the minutes of the September 3, 2024 meeting**

##### **Applicant's Presentation:**

**Katie Greenway, Planning and Zoning Administrator**, presented a summary of the request.

**Naveen Kommineni, 1760 Marcia Overlook Drive** presented the request. The applicant stated that there is an existing home on the property so they will only be adding four more homes. The applicant stated that two homes would be built off of Old Fork Road and two off of Brand Drive.

##### **Public Forum:**

**Scott Jacobs, 2488 Old Fork Road**, spoke in opposition. His concerns were that privately installed waterlines may be damaged during development, that there may be fire access issues due to road conditions, the use of homes as AirBNBs will create more trash and attract animals, and that the elevation change in this area is steep which will cause stormwater issues for neighboring properties.

**Roger Rochat, 2485 Old Fork Road**, spoke in opposition. His concerns included water runoff, inadequate infrastructure, and traffic and pedestrian safety.

**Donovan Williams, 2485 Brand Drive**, spoke in opposition. His concerns included property values, water runoff, road and environmental safety, possible damage to waterlines, and fire access issues.

**Rebuttal**

The applicant stated that the homes will be single-family site-built homes with no manufactured homes. Additionally, the applicant stated that engineering plans will be submitted showing proper silt fencing and that grading will be as minimal as possible for the development of the homes. Furthermore, he states that they intend to work with Gainesville Water to ensure no damage is done to existing waterlines.

**Planning Commission Comments:**

Mr. Braswell questioned if the water line would be extended on Old Fork Road. The applicant stated that the City of Gainesville Water Department will provide two new water meters but he is not sure if they will tap into the existing line. Mr. Varner questioned if the applicant would be willing to add a condition in regards to working with the City of Gainesville for water lines. Mr. Hunt questioned if the homes would have brick or stone. The applicant stated they would be 3-sided brick with stone on the front façade. Mr. Hunt questioned if the applicant is going to build and sell the homes. The applicant stated that was correct. Ms. Pilcher questioned the 24-inch pipe that runs under the road that appears to be the only drainage of the area into the cove. Ms. Pilcher questioned if the applicant will be responsible for maintaining the drainpipe. Ms. Garmon stated that the site will not require an LDP so additional drainage improvements may not be required. Mr. Hunt questioned if the applicant could build this request within the existing zone. Ms. Garmon stated that it would still have to go in front of the Board of Commissioners for approval of the subdivision.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner.  
Vote: 3-1 (Sosebee absent)**

**Braswell – aye**

**Hunt – aye**

**Varner – aye**

**Pilcher – nay**

**Sosebee – absent**

**Conditions:**

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Driveway access to the proposed lots shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”

5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall be made part of any plats created for the property.
7. If improvements within the right-of-way are required, the developer shall be responsible for all associated costs and repair of any damage caused by the developer of existing utilities within the right-of-way.
8. Homes shall be restricted to site built only.
9. Vinyl siding shall be prohibited.
10. Family Daycare Homes and Community Residences shall be prohibited.

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**Staff Recommended Conditions:**

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:  
“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”
5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official

Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.

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

**Summary Analysis**

The applicant is requesting to rezone 4.80± acres of property zoned Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) to Vacation Cottage (V-C, 17.50) (HZON24-0021). Concurrently, the applicant is requesting a conditional use subject to County Commission approval to subdivide the subject property into five (5) single-family residential lots (HZCU24-0028). The development is proposed at a density of 1.04 units per acre.

The subject property is zoned both Agricultural Residential III (AR-III) and Vacation Cottage (V-C). The property is currently developed with a single-family residence that was built in 1977, a storage building built in 1977, and a detached garage built in 1978. The residence and storage building are included on the proposed Tract 2 and the existing garage will be either removed or relocated within Tract 2 to comply with setbacks. Current access to the existing residence is off of Brand Road. This access will be removed and replaced by a new driveway off of Old Fork Road. The remainder of the property is undeveloped.

All proposed lots meet the minimum lot area and frontage requirements for Vacation Cottage (V-C, 17.50) as established in Table 17.240.010.

Per the submitted narrative, water service will be provided by the City of Gainesville Department of Water Resources with service confirmed by email on June 18, 2024. The development will also be serviced by individual, onsite septic systems.

No variances have been requested or identified as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the respective zoning districts of the parcels.

The proposed site plan and narrative submitted reflects the desired layout of Lots 1 through 5 as follows:

Residential-I-Low-Density (R-I-L, 17.70) Standards	Required	Proposed
<b>Minimum Lot Area</b>	35,000 square feet	Lot 1: 35,000 sf Lot 2: 35,000 sf Lot 3: 35,000 sf Lot 4: 49,707 sf Lot 5: 55,179 sf
<b>Minimum Lot Frontage</b>	Local Road: 50 feet	Lot 1: 155.2 ft

		Lot 2: 118.3 ft Lot 3: 121.4 ft Lot 4: 132.32 ft Lot 5: 132.32 ft
<b>Minimum Lot Width at Building Line</b>	75 feet	None Listed
<b>Front Yard Setback</b>	55 feet from centerline of road or 30 feet from property line, whichever is greater	55 feet from centerline of road or 30 feet from property line, whichever is greater
<b>Side Yard Setback</b>	10 feet	10 feet
<b>Rear Yard Setback</b>	20 feet	20 feet

Based on the future land use plan, staff finds the request *is consistent* with the Hall County Comprehensive Plan future land use designation of “Lake Area Residential” which supports low density residential development of up to one unit per acre. The intent of this land use category is to support the preservation of established neighborhoods and to support the creation of opportunities for permanent and vacation residences similar in land use patterns to Residential Areas but at lower residential densities. The Lake Area Residential designation envisions a maximum density of 1 dwelling unit per acre. The development has an overall proposed density of 1.04 units per acre.

**Zoning Analysis – Rezone and Conditional Use**

Per Planning Commission and Hall County Commission consideration and decision (17.380.060), the board 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:

**(A) Rezone | from Agricultural-Residential-III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) to Vacation Cottage (V-C, 17.50)**

**(B) Use Subject to County Commission Approval | 5-lot single-family development**

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed rezoning and conditional use for a 5-lot single-family subdivision is consistent with the use, development and zoning of adjacent and nearby properties as neighboring parcels are similarly zoned Vacation Cottage (V-C, 17.50) and/or Agricultural Residential III (AR-III, 17.110).**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the proposed rezoning or subdivision will adversely affect adjacent properties.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, Vacation**

**Cottage (V-C, 17.50) and Agricultural Residential III (AR-III, 17.110); however, the applicant cannot subdivide the property without approval by the Board of Commissioners.**

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **It is not anticipated that the proposed rezoning or subdivision will result in an excessive or burdensome use of existing infrastructure. The proposal has received an availability letter for public water and will utilize private on-site septic systems.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed use is consistent with the Comprehensive Plan and the "Lake Area Residential" land use designation. This land use designation envisions a maximum density of 1 dwelling unit per acre. The proposed development has an overall density of 1.04 units per acre. In addition, all proposed lots meet the minimum lot size required in the underlying zoning district.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently developed with a single-family residence and accessory structures.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any 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 surrounding parcels consist of Agricultural Residential-III (AR-III) and Vacation Cottage (V-C) zoning. No isolated zoning district would be created if approved.**
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 Vacation Cottage (V-C, 17.50) zoning district requires Board of Commissioner approval.**
15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; **The request is for rezoning and a conditional use to subdivide the property into 5 single-family residential lots which 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**

- 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. **The proposal meets the requirement, and the applicant 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 proposal does provide a narrative outlining the intent of the request; 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. **The proposal meets this requirement.**
  
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The proposed development will utilize public water and private on-site septic systems, 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. **This standard is not applicable to the applicant's request**

### **Development Support and Constraints / Departmental Comments**

#### **Hall County Environmental Health**

In an email dated July 31, 2024, Emily McGahee stated, "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process. All proposed plats must be submitted to the Hall County Plat Review Team for review and approval prior to submittal to Clerk of Courts for recordation."

#### **Hall County Fire Marshal**

In an email dated July 30, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, Lieutenant provided the following comments:

- 1) Old Fork and Brand Roads do not meet the 20-foot road width requirements in several locations as required by Fire Code.
- 2) Old Fork and Brand Roads end abruptly and have no approved turnaround as required by Fire Code.
- 3) The closest fire hydrant is located at 2406 Old Fork Road.

### **Hall County Public Works and Utilities**

In a memo dated August 1, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

**Engineering:**

Further subdivisions of these lots will result in the necessity of a storm water management plan if the total number of lots reaches more than 6.

**Traffic:**

No comment (revised comment provided August 15, 2024)

**Utilities**

Septic tank lots Gainesville sewer area.

### **Georgia Department of Transportation**

In an email dated July 30, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is not required.

**ZONING APPLICATION**

**Applicant (Name & Mailing Address)**

RASHMIRANTAN JYOTIPRANATH  
8540 SPYGLASS DR  
DULUTH, GA - 30097

Phone 847 800 7725

Email Address RASHMISHITA@GMAIL.COM

Proposed Use RESIDENTIAL

**Property Owner (Name & Mailing Address)**

SAALEE MOSS OVERLOOK LLC  
(RASHMIRANTAN JYOTIPRANATH & SHITA JYOTIPRANATH)  
8540 SPYGLASS DR, DULUTH.

Phone 847 530 5573

Email Address \_\_\_\_\_

**Contact Person (Name & Mailing Address)**

NAVEEN KOMMINENI

1760 MASSIA OVERLOOK DR

CUMMING GA 30041

Phone 770-298-1014

Email Address NAVEEN@jnjhomes.com

Tax Parcel Number 10085 000061

Acreage 4.83

Location Address 2466 OldFork Rd, Gainesville GA 30506

**Status of Applicant**

Owner

Option to Purchase

Area Resident

Other

**Requested Action**

Existing Zoning: \_\_\_\_\_

Rezone to: \_\_\_\_\_

Fee: \$ \_\_\_\_\_

Receipt #: \_\_\_\_\_

Check #: \_\_\_\_\_

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

Sign [Signature]

Date: 06/02/2024

**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: \_\_\_\_\_

**CONDITIONAL USE APPLICATION**

**Applicant (Name & Mailing Address)**

RASHMIRASTH JYOTIPRAKASH  
8540 SPYGLASS DR  
DULUTH, GA - 30097

Phone 847 800 7725  
 Email Address RASHMIISMITA@GMAIL.COM

Proposed Use RESIDENTIAL

**Property Owner (Name & Mailing Address)**

SAALEE MOSS OVERLOOK LLC  
(RASHMIRASTH JYOTIPRAKASH & SHITA JYOTIPRAKASH)  
8540 SPYGLASS DR, DULUTH, GA - 30097

Phone 847 530 5573  
 Email Address \_\_\_\_\_

**Contact Person (Name & Mailing Address)**

NAVEEN KOMMINENI  
1760 MARCIA OVERLOOK DR,  
CUMMING GA 30041

Phone 770-298-1014  
 Email Address NAVEEN@YNTHOMES.COM

Tax Parcel Number 10085 000061  
 Location Address 2466 OldFork Rd, Gainesville GA 30506

**Status of Applicant**

- Owner
- Option to Purchase
- Area Resident
- Other

**Requested Action**

Permissive Use:  
 HCPC     HCC  
 Fee: \$ \_\_\_\_\_  
 Receipt #: \_\_\_\_\_  
 Check #: \_\_\_\_\_

Zoning: \_\_\_\_\_  
 Acreage 4.83

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

Sign \_\_\_\_\_ Date: 06/02/2024

**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: \_\_\_\_\_

**AUTHORIZATION OF PROPERTY OWNERS**

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

Name of owner(s) RASHMIRAJAN JYOTIPRAKASH & SMITA JYOTIPRAKASH

Address 8540 SPYGLASS DR, DULUTH, GA - 30097.

Phone Number (847) 800 - 7725.

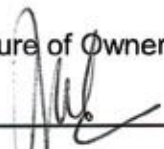
Name of applicant(s) NAVEEN KOMMINENI

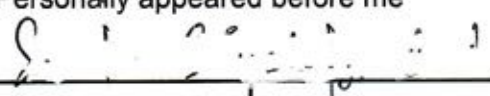
Address 1760 MARCIA OVERLOOK DR,  
CUMMING GA 30041

Phone Number 770 - 298 - 1014

**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)  
 Smita Jyoti Prakash.

Personally appeared before me  
 Shailesh Barot

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

Shailesh Barot  
Notary Public



06/04/2024  
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): \_\_\_\_\_ Office: \_\_\_\_\_

Dollar Amount: \_\_\_\_\_ Date of Contribution: \_\_\_\_\_

Applicant's/Owner's Signature:  Smita Sijapati Date: 06/14/2024

Applicant's/Owner's Name (Printed): RASHMIRANJAN JYOTIPRAKASH & SMITA JYOTIPRAKASH

### 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.

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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: *R. Naveen*

Date: 06/14/2024

Applicant's/Owner's Name (Printed): NAVEEN KOMMANENI



# Zoning Amendment Request

**Property Address:** 2466 Old Fork Road, Gainesville GA

**Parcel Number:** 10085 000061

**Acreage:** 4.83

**District:** 2

**Current Zoning District:** Majority parcel is Residential home V-C, part of it AR-III

**Applicable Overlay District:** Residential home V-C

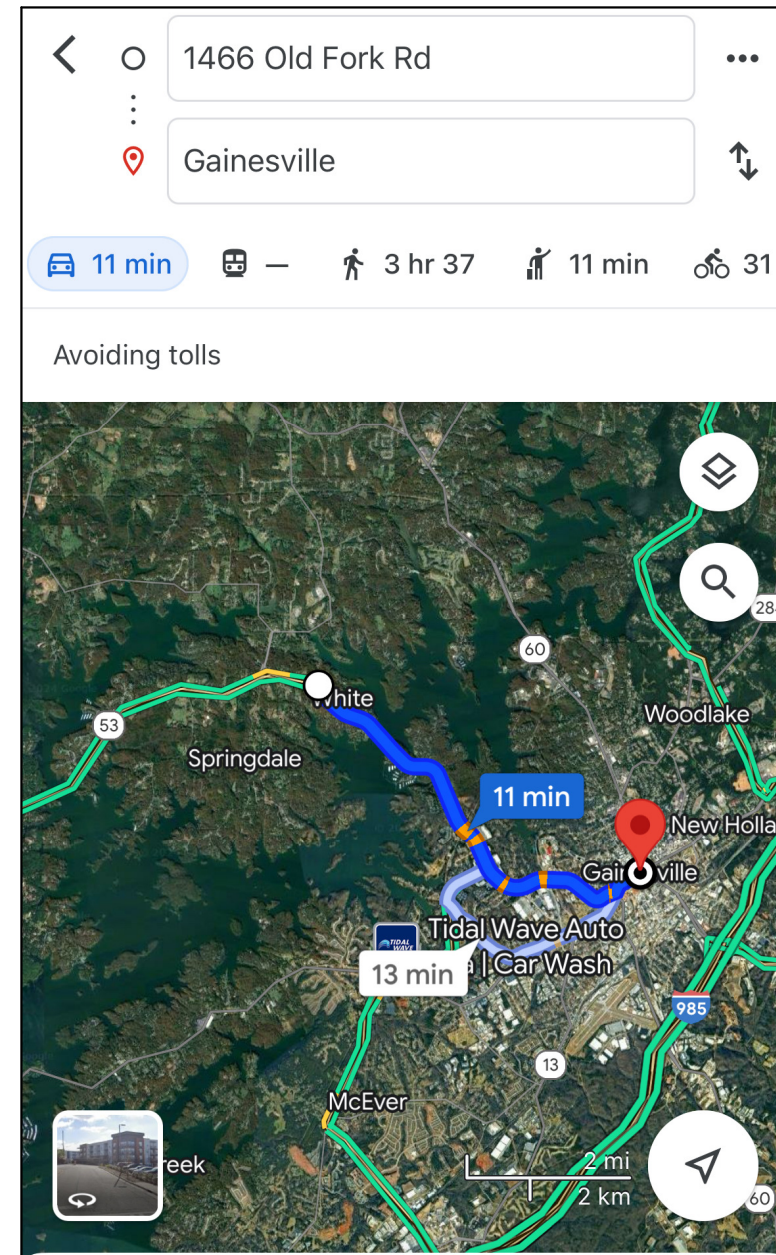
**Current Zoning District:** Vacation-Cottage(V-C)

**Proposed use of the property:** Zoning for 5 lot subdivision

Existing residential home with 4.83 acreage. Requesting for zoning amendment for proposed Parcel # 10085 000061. Currently this lot is partially zoned AR-III and majority area in Vacation-Cottage(V-C). Requesting to be zoned as Vacation-Cottage(V-C).

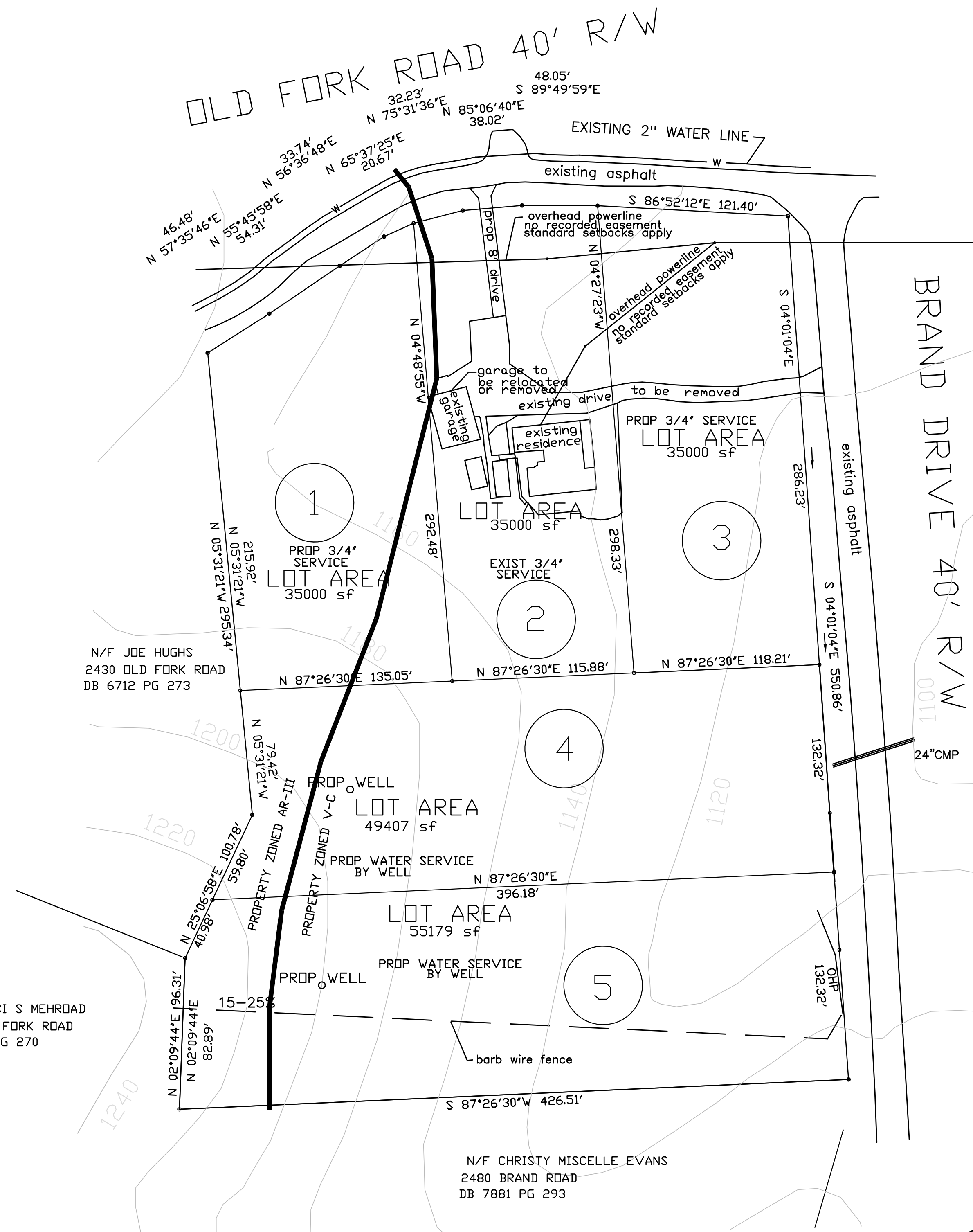
**V-C zoning requirements:**

<u>Condition</u>	<u>Requirement</u>	<u>Proposed Development</u>
<u>Minimum lot area</u>	35,000 Sqft	35,000 sqft-
<u>Minimum Lot Frontage</u>	50 ft	> 50 sqft
<u>Front Yard</u>	55 ft from road center or 30 ft property line	> 55 sqft
<u>Side Yard</u>	10 ft.	> 10 sqft
<u>Rear Yard</u>	20 ft.	> 20 sqft



MAGNETIC NORTH

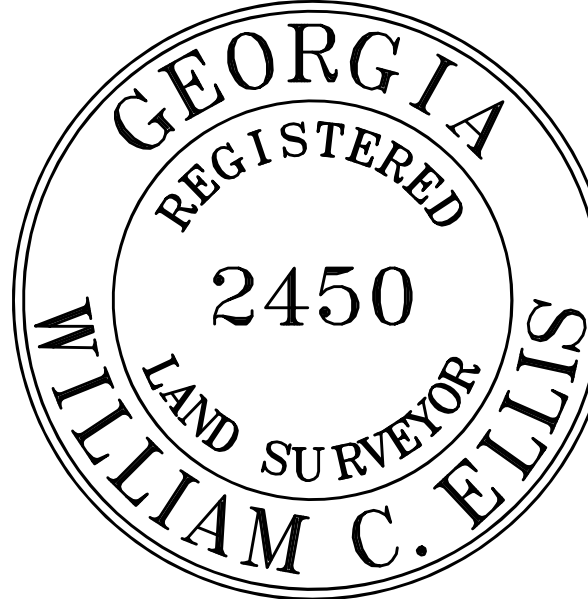
N/F TOOSI S MEHRDAD  
2360 OLD FORK ROAD  
DB 8042 PG 270



- GENERAL NOTES
- 1) REFERENCE TO SURVEY FOR SASLEE MOSS, OVERLOOK, LLC. ETAL. BY MERIDIAN GEOMATICS, LLC, BRYAN C. LONG RLS 3107 DATED 6/28/2022, DRAWING #2022-164, PB 356 PG 158B
  - 2) THIS PROPERTY IS IN AN AREA HAVING SPECIAL FLOOD HAZARDS PER FIRM PANEL 13139C0715G DATED 4/04/2018.
  - 3) TOTAL PROPERTY AREA 4.80 ACRES
  - 4) TAX PARCEL NUMBER 10085 000061 ZONED RESIDENTIAL
  - 5) OWNER/SUBDIVIDER NAME, ADDRESS AND PHONE NUMBER:  
SAALEE MOSS OVERLOOK LLC.  
8540 SPYGLASS DRIVE, DULUTH GA. 30097  
CONTACT:  
NAVEEN KOMMINENI  
MOBILE/TEXT 1(770)298-1014
  - 6) SURVEYORS NAME, ADDRESS AND PHONE NUMBER:  
W C ELLIS PE RLS  
2772 ANSCOT CT. SNELLVILLE 30278  
MOBILE/TEXT 1(404)556-6459
  - 7) V-C VACATION-COTTAGE 3.8 ACRES  
MINIMUM LOT AREA 35,000 SF  
MINIMUM LOT FRONTAGE 50'  
MINIMUM FRONT YARD 55' FROM CL ROAD, OR 30' FROM PROPERTY  
MINIMUM SIDE YARD 10'  
MINIMUM REAR YARD 20'  
AR-III PORTION OF PROPERTY TO BE REZONED 1.0 ACRES
  - 8) PROPOSED WATER SERVICE: LOTS 1 AND 2 PUBLIC WATER SERVICE LOTS 3, 4 AND 5 BY SEPTIC TANK
  - 9) PROPOSED SEWER BY ONSITE WASTE MANAGEMENT SYSTEM. BY SEPTIC TANK DESIGN BASED ON A LEVEL 3 SOILS ANALYSIS PROVIDED BY MILL CREEK ENVIRONMENTSL LLC SYSTEM DESIGN BASED ON 3/4 BEDROOM RESIDENTIAL USE 3 FOOT WIDE STANDARD TRENCH AND SEPTIC TANK HAVING BOTH PRIMARY AND RESERVE DRAIN FIELDS

PROPOSED LOT LAYOUT FOR  
2466 OLD FORK ROAD, GAINESVILLE GA., 30506

SAALEE MOSS OVERLOOK, LLC  
LOCATED IN



LAND LOT 85  
10th LAND DISTRICT  
HALL COUNTY, GEORGIA  
SCALE 1"=50'  
DATE 3/23/2024

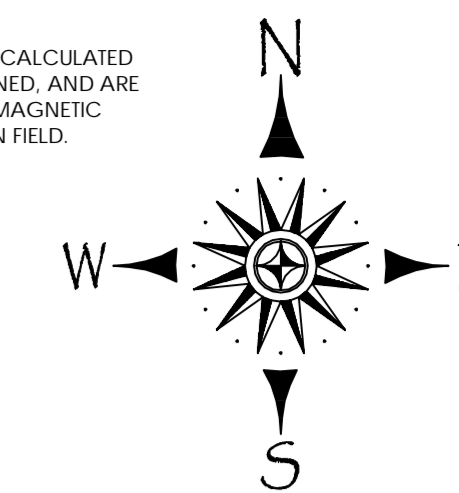


- REV 8-5-24 change ohp label to barb wire fence label
- REV 7-16-24 removed soils setbacks well setbacks added lot sf
- REV 6-28-24 add easement note to lot 5
- REV 5-5-24 6 LOTS TO 5 ADD WELLS
- REV 6-16-24 add garage notes, add drive removal note

TOTAL SITE AREA

209,173 SQ. FT.  
4.802 ACRES

ALL BEARINGS ARE CALCULATED FROM ANGLES TURNED, AND ARE BASED ON SINGLE MAGNETIC READINGS TAKING IN FIELD.



THIS BLOCK RESERVED FOR COURT CLERK

ZONING: AR-III

SETBACKS

FRONT = 40' FT  
SIDE = 15' FT  
REAR = 25' FT  
MIN. LOT SIZE = 43,560 SQ.FT.  
MIN. FRONTAGE = 50' FT.

BOUNDARY REFERENCES:

- 1. SUBJECT DEED BOOK 6099, PAGE 308
- 2. PLAT BOOK 181, PAGE 151B
- 3. SEE ADJOINERS

ADDRESS(S)

2446 OLD FORK ROAD  
GAINESVILLE, GEORGIA, 30506

FLOOD NOTE

AS PER THE F.I.R.M. FLOOD INSURANCE RATE MAP HALL COUNTY COMMUNITY PANEL NO. 13139 C 0715 G DATED APRIL 04, 2018. THIS PROPERTY IS IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

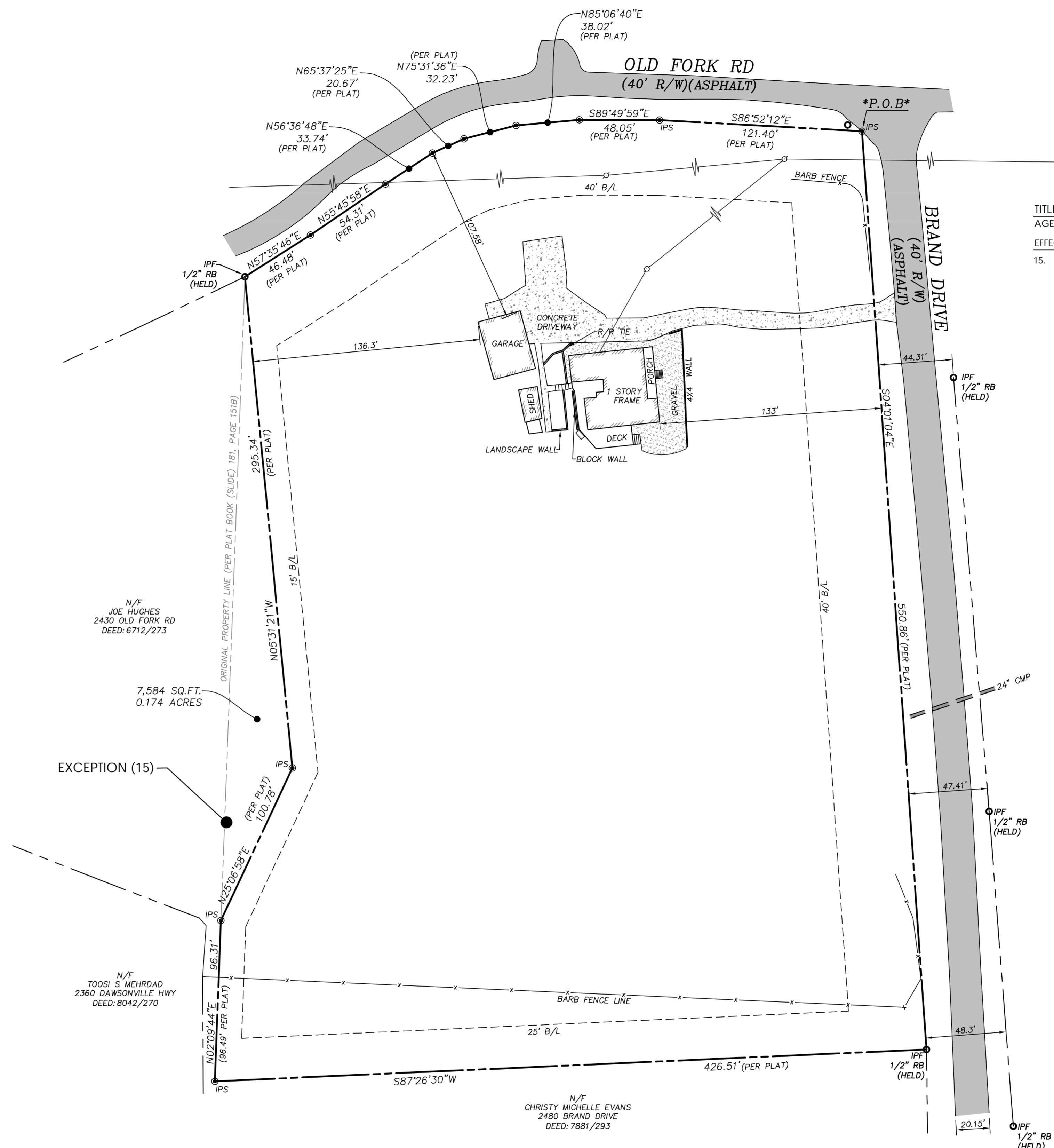
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 85 of the 10th District, Hall County, Georgia, and more particularly described; this property is also more particularly described as follows:

Beginning at the mitered intersection of the southerly right of way of Old Fork Road and westerly right of way of Brand Drive, said point being the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING, as thus established, proceed, along right of way of Brand Drive, South 14°01'04" East a distance of 550.86 feet to an iron pin found (1/2" rebar); thence, leaving said right of way of Brand Drive, South 87°26'30" West a distance of 426.51 feet to a point; thence, North 02°09'44" East a distance of 96.31 feet to a point; thence, North 25°06'58" East a distance of 100.78 feet to a point; thence, North 05°31'21" West a distance of 295.34 feet to an iron pin found (1/2" rebar) on the southerly right of way of Old Fork Road, thence, along said right of way of Old Fork Road, North 57°35'46" East a distance of 46.48 feet to a point; thence, North 55°45'58" East a distance of 54.31 feet to a point; thence, North 56°36'48" East a distance of 33.74 feet to a point; thence, North 65°37'25" East a distance of 20.67 feet to a point; thence, North 75°31'36" East a distance of 32.23 feet; thence, North 85°06'40" East a distance of 38.02 feet to a point; thence, South 89°49'59" East a distance of 48.05 feet to a point; thence, South 86°52'12" East a distance of 121.40 feet to a point and the TRUE POINT OF BEGINNING;

Said tract or parcel contains 209,173 square feet or 4.802 acres.



TITLE COMMITMENT

AGENT FILE NO. A22087

EFFECTIVE DATE: 05/26/2022 at 8:00 am

SCHEDULE B - SECTION II

15. All matters and exceptions appearing at Plat Book 181 Page 151B aforesaid records.

(AS SHOWN)

N/F JOE HUGHES  
2430 OLD FORK RD  
DEED: 6712/273

N/F TOOSI S MEHRDAD  
2360 DAWSONVILLE HWY  
DEED: 8042/270

N/F CHRISTY MICHELLE EVANS  
2480 BRAND DRIVE  
DEED: 7881/293

EXCEPTION (15)

7,584 SQ.FT.  
0.174 ACRES

FIELD DATA STATEMENT :  
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION EXCEEDING ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 5 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.  
A TRIMBLE S5 SERIES INSTRUMENT WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS FOR THE PREPARATION OF THIS PLAT.  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO EXCEED 1 IN 537,771

SURVEYOR'S CERTIFICATE  
To: SAALEE MOSS OVERLOOK, LLC., JOYTI PRAKASH INTERNATIONAL, INC., RASHMIRANJAN JOYTI PRAKASH, SMITA JOYTI PRAKASH, JUNG H. KIM, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY :  
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and include items 1 thru 4, 6(b), 7(a) and (b)(1), 8 thru 10, 11(a), 13, 16, 18 thru 20(a) of Table A of said requirements.  
The field work was completed on JUNE 27, 2022.

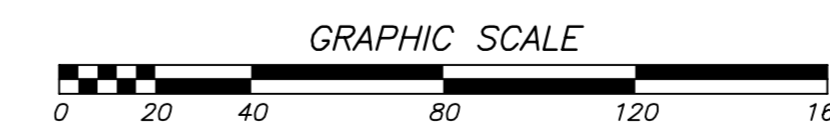
This 28th day of JUNE, 2022.

*[Signature]*



SURVEYOR'S CERTIFICATION

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 herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OR 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 THE O.C.G.A. SECTION 15-6-67.



LEGEND table with symbols for IRON PIN FOUND, 1/2" REBAR SET, CORRUGATED METAL PIPE, RIGHT OF WAY, CENTER LINE, PROPERTY LINE, FLARED END SECTION, LAND LOT LINE, TEMPORARY BENCHMARK, INVERT ELEVATION, SANITARY SEWER MANHOLE, POWER POLE, FIRE HYDRANT, LIGHT POLE, IRRIGATION CONTROL VALVE, GEORGIA POWER MANHOLE LID, TELE COMM. MANHOLE LID, GAS VALVE, BENCHMARK, IRON PIN FOUND, PROPERTY LINE, FENCE, TELEPHONE LINE, GAS LINE, WATER LINE, SANITARY SEWER LINE, POWER LINE, FIRE DEPT. LINE, CRIMP TOP PIPE, REBAR, SIDEWALK LIGHTS, DRAIN INLET, SAN. SEWER MANHOLE, CLEANOUT, WATER METER, WATER VALVE, GUY WIRE, AIR CONDITIONER, NOW OR FORMERLY, PERC. TEST (BOREHOLE), 4x4 TRANSFORMER, RAIL ROAD TIE WALL.

ALTA/NSPS LAND TITLE SURVEY for  
SAALEE MOSS OVERLOOK, LLC., JOYTI PRAKASH INTERNATIONAL, INC., RASHMIRANJAN JOYTI PRAKASH, SMITA JOYTI PRAKASH, JUNG H. KIM, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

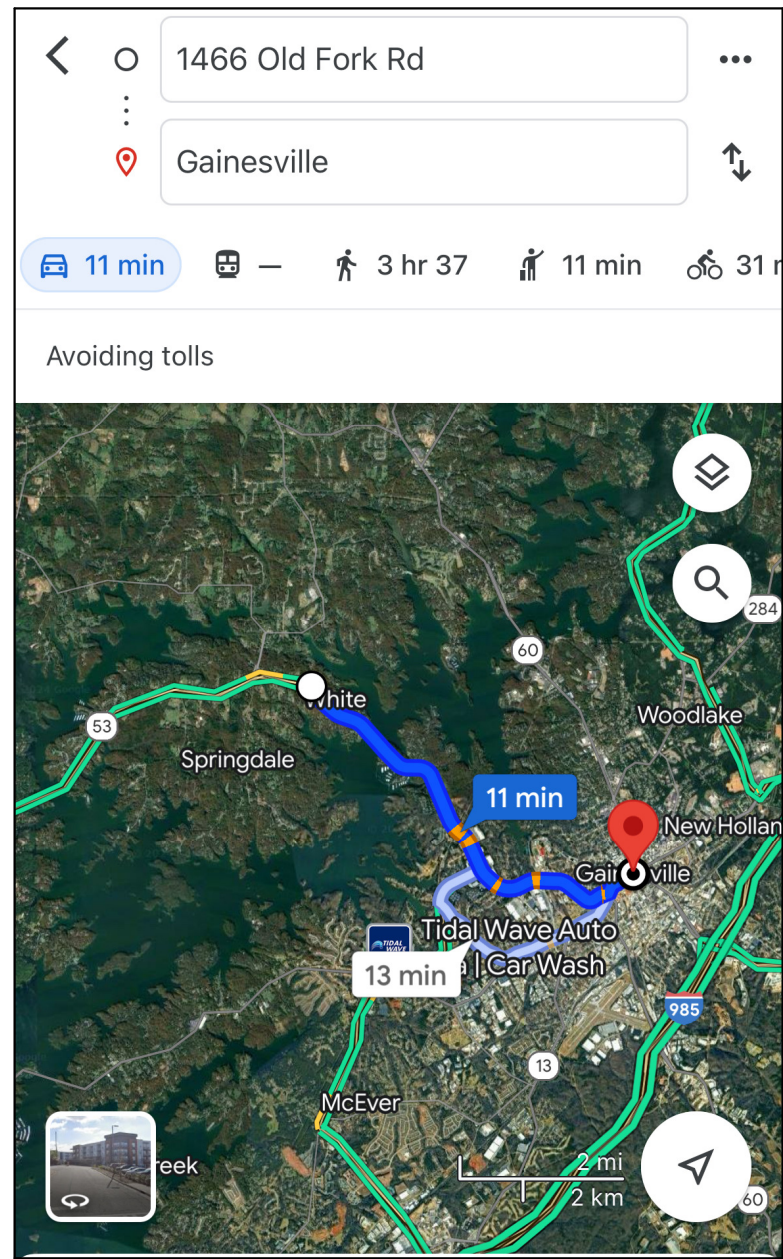
REVISIONS:  
PLAT BOOK (SLIDE) 356, PAGE 158B  
LAND LOT 85 of the 10th DISTRICT  
HALL COUNTY, GEORGIA  
DATE: 06/28/2022 SCALE: 1"= 40'

DATE: 06/28/2022 SCALE: 1"= 40'

MERIDIAN GEOMATICS, LLC  
Land Surveying - Residential, Commercial & Municipal

2551 ROSWELL ROAD  
Marietta, Georgia 30067  
phone: (770) 675-6197  
surveyingatlanta@gmail.com

DRWN BY  
D.C.D.  
JOB NO.  
2022-164



**LEVEL 3 SOIL REPORT**  
 COUNTY: HALL DATE: December 18, 2021  
 CLIENT: Naveen YNJ  
 SITE LOCATION ADDRESS: 2466 Old Fork Road, Gainesville, Georgia 30506  
 PHONE NUMBER: 770-528-1114  
 SCALE: 1"=10'

Soil Profile	Soil Type	Depth (ft)	Moisture (%)	Temperature (°F)	Color	Texture	Structure	Rooting	Permeability	Notes
1	PACOLET	0-10"	10.2%	68	10R	SS	20-50	A		
2	PACOLET	10-15"	14	154	22	20-50	A			
3	PACOLET	15-20"	42-48	142	61	10-20	20-50	A		
4	PACOLET	20-25"	14-17	147	51	20-50	A			
5	PACOLET	25-30"	14-17	154	22	20-50	A			
6	PACOLET	30-35"	14-17	154	22	20-50	A			
7	PACOLET	35-40"	14-17	154	22	20-50	A			
8	PACOLET	40-45"	14-17	154	22	20-50	A			
9	PACOLET	45-50"	14-17	154	22	20-50	A			
10	PACOLET	50-55"	14-17	154	22	20-50	A			
11	PACOLET	55-60"	14-17	154	22	20-50	A			
12	PACOLET	60-65"	14-17	154	22	20-50	A			
13	PACOLET	65-70"	14-17	154	22	20-50	A			
14	PACOLET	70-75"	14-17	154	22	20-50	A			
15	PACOLET	75-80"	14-17	154	22	20-50	A			
16	PACOLET	80-85"	14-17	154	22	20-50	A			
17	PACOLET	85-90"	14-17	154	22	20-50	A			
18	PACOLET	90-95"	14-17	154	22	20-50	A			
19	PACOLET	95-100"	14-17	154	22	20-50	A			

**SEPTIC TANK DESIGN & GENERAL NOTES**  
 COUNTY: HALL DATE: December 18, 2021  
 CLIENT: Naveen YNJ  
 SITE LOCATION ADDRESS: 2466 Old Fork Road, Gainesville, Georgia 30506  
 PHONE NUMBER: 770-528-1114  
 SCALE: 1"=10'

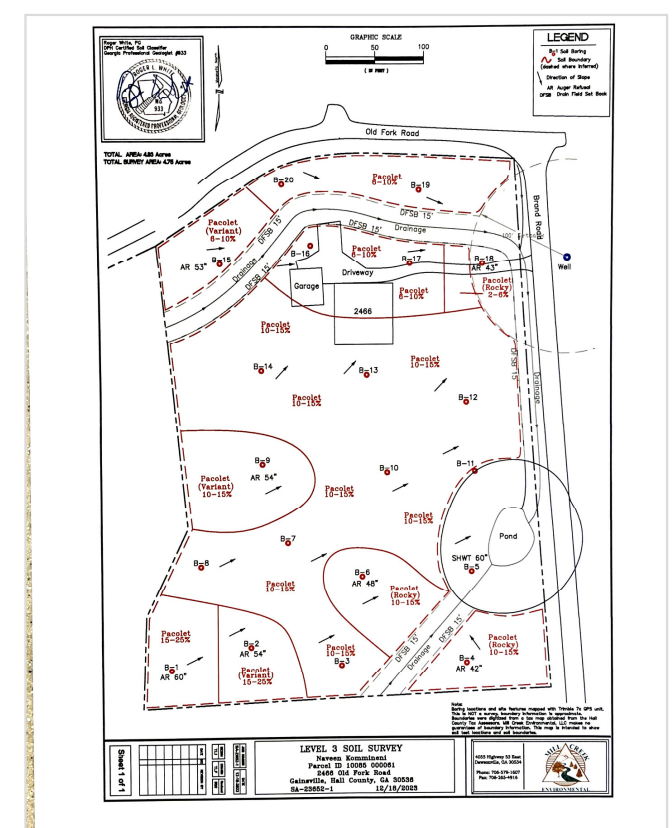
**SEPTIC TANK DESIGN & GENERAL NOTES:**

THESE SOILS ARE SUITABLE FOR INSTALLATION OF ON-SITE SEWER TREATMENT SYSTEMS WITH PROPER SYSTEM DESIGN, INSTALLATION, AND MAINTENANCE. PROVISIONS FOR THE USE OF OTHER SOILS AND LANDSCAPE CONSIDERATIONS MUST BE MADE BY THE OWNER. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE SEWER SYSTEM AND THE SEWER TREATMENT SYSTEM. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE SEWER SYSTEM AND THE SEWER TREATMENT SYSTEM.

THESE SOILS ARE GENERALLY SUITABLE FOR INSTALLATION OF AN ON-SITE SEWER TREATMENT SYSTEM WITH PROPER SYSTEM DESIGN, INSTALLATION, AND MAINTENANCE. PROVISIONS FOR THE USE OF OTHER SOILS AND LANDSCAPE CONSIDERATIONS MUST BE MADE BY THE OWNER. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE SEWER SYSTEM AND THE SEWER TREATMENT SYSTEM.

ALL TRENCHES SHALL BE 36" DEEP AND 18" WIDE.

THIS REPORT WAS PREPARED BY WILLIAM C. ELLIS, REGISTERED PROFESSIONAL ENGINEER, GEORGIA LICENSE NO. 19324.



**Table 10.1 Prevention Coefficient Calculations for Non-Residential Facilities**

Population	Peak	Flow	Rate	Flow	Rate	Flow	Rate	Flow	Rate
(persons)	(gpd)	(in³/d)	(in³/d)	(in³/d)	(in³/d)	(in³/d)	(in³/d)	(in³/d)	(in³/d)
1	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
2	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
3	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
4	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
5	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
6	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0
7	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0	7.0
8	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0
9	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0	9.0
10	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0	10.0
15	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0	15.0
20	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0	20.0
25	25.0	25.0	25.0	25.0	25.0	25.0	25.0	25.0	25.0
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70	70.0	70.0	70.0	70.0	70.0	70.0	70.0	70.0	70.0
75	75.0	75.0	75.0	75.0	75.0	75.0	75.0	75.0	75.0
80	80.0	80.0	80.0	80.0	80.0	80.0	80.0	80.0	80.0
85	85.0	85.0	85.0	85.0	85.0	85.0	85.0	85.0	85.0
90	90.0	90.0	90.0	90.0	90.0	90.0	90.0	90.0	90.0
95	95.0	95.0	95.0	95.0	95.0	95.0	95.0	95.0	95.0
100	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0



- GENERAL NOTES
- 1) REFERENCE TO SURVEY FOR SASLEE MOSS, OVERLOOK, LLC. ETAL. BY MERIDIAN GEOMATICS, LLC, BRYAN C. LONG RLS 3107 DATED 6/28/2022, DRAWING #2022-164, PB 356 PG 158B
  - 2) THIS PROPERTY IS IN AN AREA HAVING SPECIAL FLOOD HAZARDS PER FIRM PANEL 13139C0715G DATED 4/04/2018.
  - 3) TOTAL PROPERTY AREA 209,173 SF 4.802 ACRES
  - 4) TAX PARCEL NUMBER 10085 000061 ZONED RESIDENTIAL
  - 5) OWNER/SUBDIVIDER NAME, ADDRESS AND PHONE NUMBER: SAALEE MOSS OVERLOOK LLC. 8540 SPYGLASS DRIVE, DULUTH GA. 30097 CONTACT: NAVEEN KOMMINENI MOBILE/TEXT 1(770)855-2254
  - 6) SURVEYORS NAME, ADDRESS AND PHONE NUMBER: W C ELLIS PE RLS 2772 ANSCOT CT. SNELLVILLE 30278 MOBILE/TEXT 1(404)556-6459
  - 7) V-C VACATION-COTTAGE MINIMUM LOT AREA 43,560 SF NON-PUBLIC(INDIVIDUAL WELL)MOSMS TABLE 16.M MINIMUM LOT AREA 35,000 SF W/CO. WATER MINIMUM LOT FRONTAGE 50' MINIMUM FRONT YARD 55' FROM CL ROAD, OR 30' FROM PROPERTY MINIMUM SIDE YARD 10' MINIMUM REAR YARD 20'
  - 8) PROPOSED WATER SERVICE: LOTS 1 AND 2 PUBLIC WATER SERVICE LOTS 3, 4 AND 5 BY SEPTIC TANK
  - 9) PROPOSED SEWER BY ONSITE WASTE MANAGEMENT SYSTEM. BY SEPTIC TANK DESIGN BASED ON A LEVEL 3 SOILS ANALYSIS PROVIDED BY MILL CREEK ENVIRONMENTSL LLC SYSTEM DESIGN BASED ON 3/4 BEDROOM RESIDENTIAL USE 3 FOOT WIDE STANDARD TRENCH AND SEPTIC TANK HAVING BOTH PRIMARY AND RESERVE DRAIN FIELDS
  - 10) PACOLET SOILS 45 MIN/INCH ABSORPTION RATE

PER APPENDIX F 325 SF PER BEDROOM /3' TRENCH 108.33 EA X 3 = 325 LF  
 PROPOSED 1000 GAL SEPTIC TANK  
 PROPOSED 325' PRIMARY  
 PROPOSED 325' SECONDARY (RESERVE)  
 ALTERNATE SYSTEM (HIGH CAPACITY CHAMBER SYSTEM)  
 108 33 LF PER BEDROOM X 0.666 = 73 LF PER BEDROOM X 3 = 219 LF CHAMBER

PROPOSED SEPTIC TANK LAYOUT PLAN FOR  
 2466 OLD FORK ROAD, GAINESVILLE GA., 30506  
 SAALEE MOSS OVERLOOK, LLC  
 LOCATED IN



LAND LOT 85  
 10th LAND DISTRICT  
 HALL COUNTY, GEORGIA  
 SCALE 1"=50'  
 DATE 3/23/2024



REV 6-28-24 add hatching to drives and houses add easement note to lot 5 2 OF 2  
 REV 6-16-24 re-issue with primary field lines prominent  
 REV 5-5-24 6 LOTS TO 5 ADD WELLS



I HAVE CONSULTED THE FIRM FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NO. 130466 0075 B DATED NOVEMBER 2, 1983 AND IN MY OPINION THIS PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA.

*H.P. Farley*

FIELD SURVEY ERROR OF CLOSURE 1.8466  
ANGULAR ERROR PER ANGLE POINT 20.00.00"  
INSTRUMENT USED TOPCON GTC 2  
ADJUSTED BY CRAWFORD'S RULE  
PLAT ERROR OF CLOSURE 1.88428

TIE: N 78° 05' 07" E. 905.98 FEET TO  
E INTERSECTION OF OLD FORK  
ROAD AND BRAND DRIVE.

REFERENCES:

- 1) PLAT BY MICHAEL C. SCUPIN, G.R.L.S. FOR GEARL SHELBY STEPHENS, 140 ACRES, 11-11-81.
- 2) PLAT BY HENRY STACY JARRARD, G.R.L.S. FOR DONALD L. & REBECCA J. STEPHENS, 498 AC. 10-16-92.
- 3) PLAT BY FARLEY-COLLINS ASSOCIATES G.R.L.S. FOR DONALD L. & REBECCA STEPHENS, 801 AC., 5-08-1977.

NOTES:

- 1) PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE REF. PLAT FOR D.L. & R.J. STEPHENS, WHICH BEARS N 05° 24' 00" E. (SEE REF. NO. 1.)

RECORDING PERMIT

By *[Signature]* Approved to show and accept, Linc.  
10/20/2004 6/23/04  
HALL COUNTY PLANNING COMMISSION

Georgia, Hall County, Clerk Superior Court

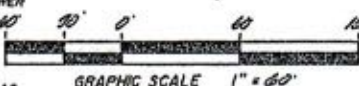
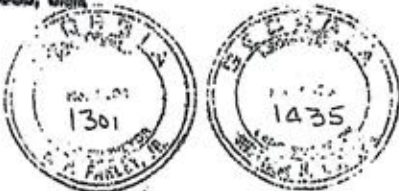
Filed in office this 23 day of June 10 24, at \_\_\_\_\_ Recorded in Slide 356

Page 1586

*Dwight O. Wood*  
DWIGHT O. WOOD, Clerk

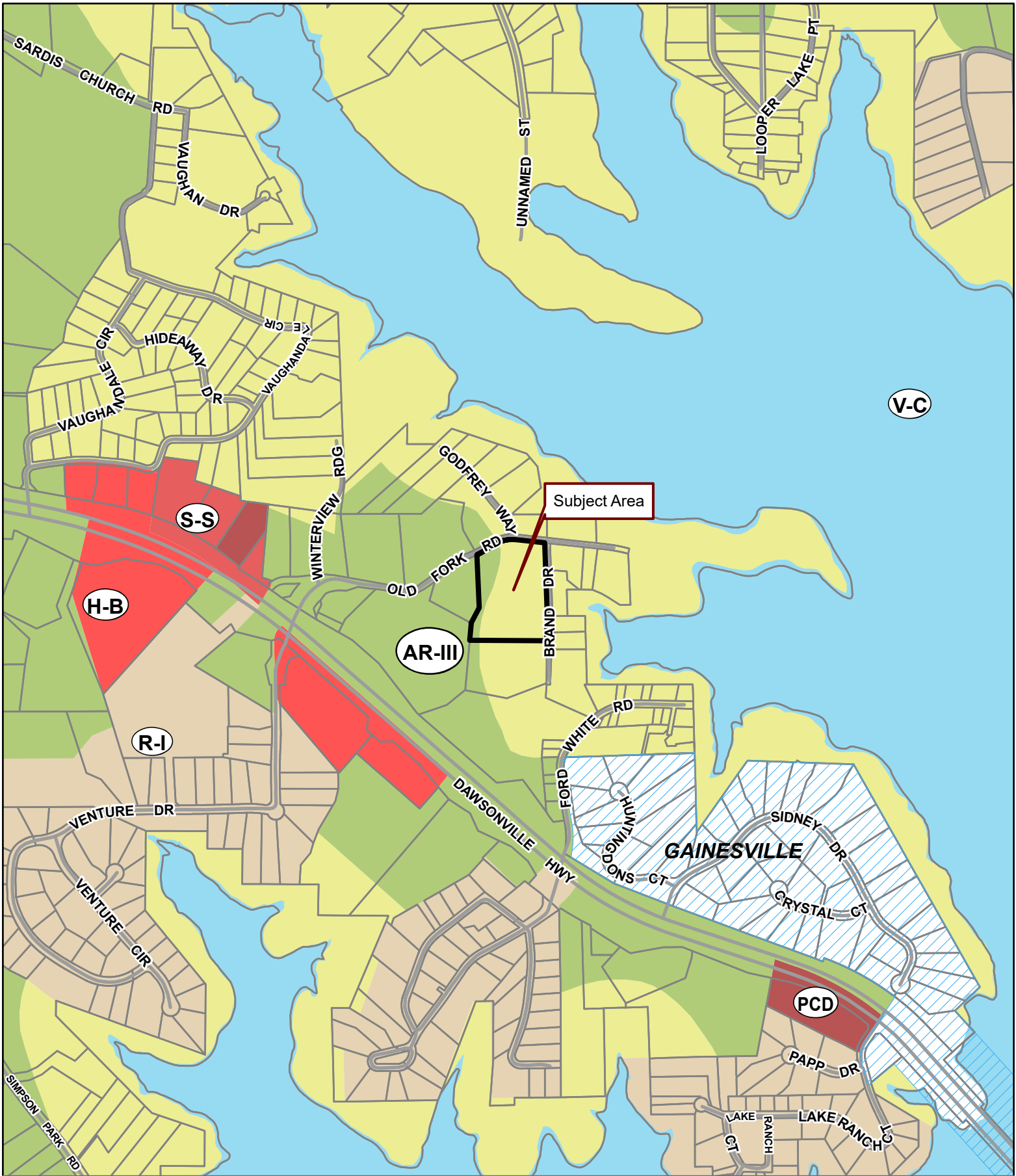
LINE SURVEY ONLY

- C = CENTERLINE
- CM = CONCRETE MONUMENT
- CT = CRIMP TOP IRON PIN
- DE = DRAINAGE EASEMENT
- IPF = IRON PIPE FOUND
- IPS = IRON PIPE SET
- LLL = LAND LOT LINE
- N/F = NOW OR FORMERLY
- R = PROPERTY LINE
- R/W = RIGHT-OF-WAY
- SS = SANITARY SEWER
- X- = FENCE
- G- = GAS
- P- = POWER
- T- = TELEPHONE
- W- = WATER
- AKA = ALSO KNOWN AS
- 1/8 = SETBACK LINE



DATE: 10-29-1997  
SURVEY FOR:  
FARLEY-COLLINS ASSOCIATES  
P.O. BOX 731 404-532-1001  
1201 THOMPSON BRIDGE ROAD  
GAINESVILLE, GEORGIA  
30603

JOB NO. 5579  
DONALD L. STEPHENS, REBECCA J. STEPHENS  
CANDY COT 85 ~ 10th DISTRICT  
HALL COUNTY, GEORGIA



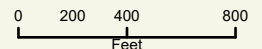
**Applicant:** RASHMIRANJAN JYOTIPRAKASH

**Tax Parcel #:** 10085 000061

**Location:** 2466 OLD FORK ROAD, GAINESVILLE, GA 30506

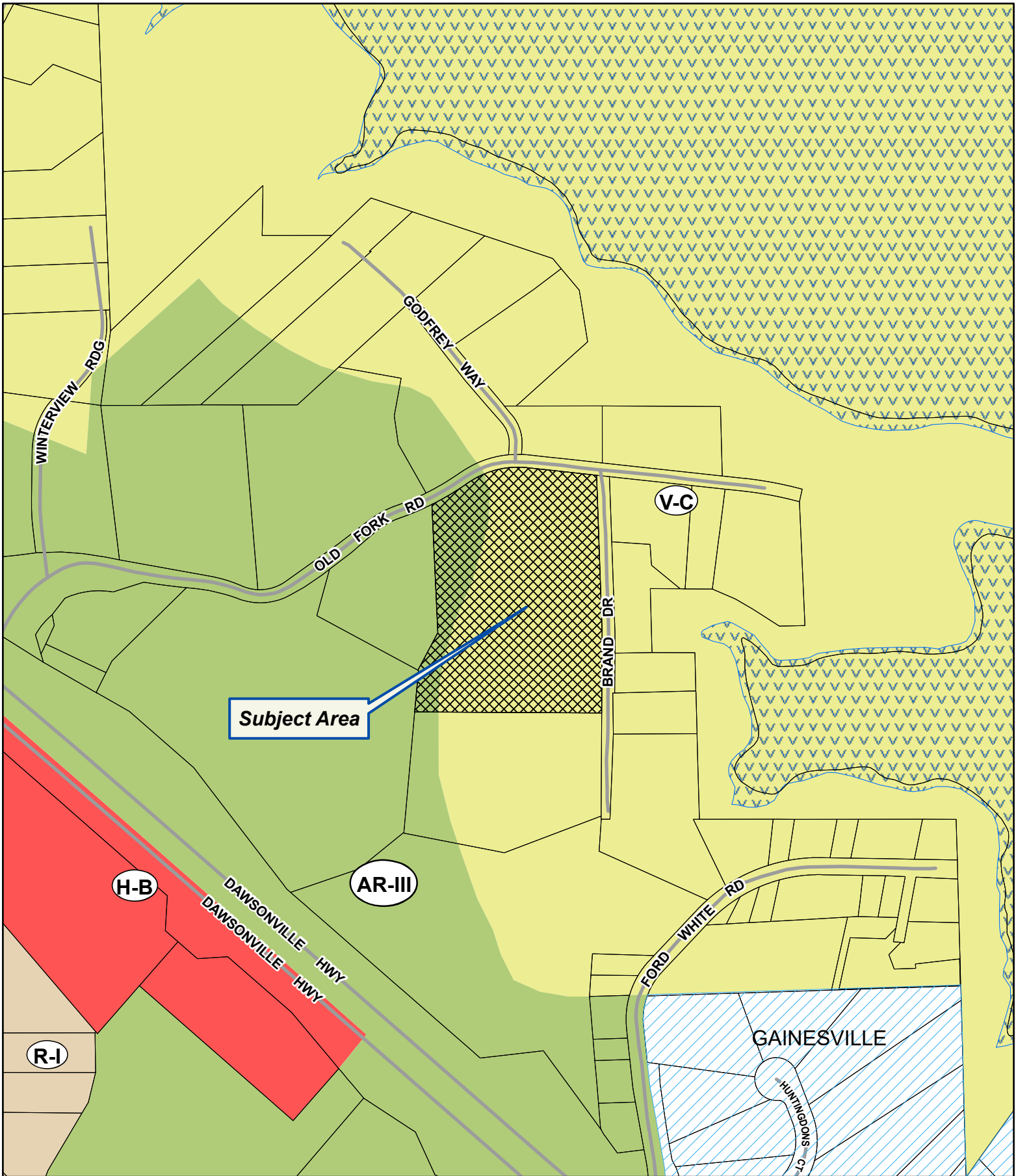
**Commission District 2**

**PC Mtg. Date: 09/03/2024**



- Zoning Boundary
- ▭ City Limits
- ◻ Subject Area
- Structure





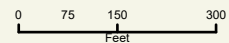
**Applicant:** RASHMIRANJAN JYOTIPRAKASH

**Tax Parcel #:** 10085 000061

**Location:** 2466 OLD FORK ROAD, GAINESVILLE, GA 30506

**Commission District 2**

**PC Mtg. Date: 09/03/2024**



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







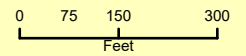
**Applicant:** RASHMIRANJAN JYOTIPRAKASH




**Tax Parcel #:** 10085 000061

**Location:** 2466 OLD FORK ROAD, GAINESVILLE, GA 30506

**Commission District 2**

**PC Mtg. Date:** 09/03/2024



-  Zoning Boundary
-  City Limits
-  Subject Area



02210  
0303

# WARRANTY DEED

303

From: Donald L. Stephens & Rebecca J. Stephens May 11, 1994  
 Grantor Date

To: Charles A. Hughes & Jo Ellen Hughes \$ 2,000.00  
 Grantee Consideration

GEORGIA, Hall COUNTY.

This WARRANTY DEED made on the above date between the above grantor and the above grantee.

WITNESSETH: That the grantor for and in consideration of the above sum in hand paid at and before the sealing and delivering of these presents, the receipt of which is hereby acknowledged, and other good and valuable considerations, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey unto the grantee the tract of land hereinafter described.

TO HAVE AND TO HOLD the tract 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 grantee, his heirs and assigns, forever, in Fee Simple.

AND THE grantor for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the grantee, his heirs and assigns, against the claims of all persons whomsoever.

Where same is more appropriate herein, the singular denotes the plural in number and the masculine denotes the feminine and neuter in gender.

IN WITNESS WHEREOF, the grantor has hereunto set his hand and seal, the day and year above written.

Signed, Sealed and Delivered in the presence of:

Raymond T. Suffington Donald J. Stephens (Seal)  
Rebecca J. Stephens (Seal)

Notary Public, HALL COUNTY, GEORGIA  
 MY COMMISSION EXPIRES, MARCH 28, 1997

THE TRACT OF LAND HEREBY CONVEYED IS DESCRIBED AS FOLLOWS:

that 7,572 square foot tract of land lying and being in Land Lot 85 of the 10th Land District of Hall County, Georgia, and being fully shown on a plat of "Survey for Donald L. Stephens and Rebecca J. Stephens" prepared by Farley-Collins Associates, surveyors, on October 29, 1993, a copy of which plat is recorded in Plat Book 356, page 158B, of the Hall County, Georgia Deed Records to which plat and the recording of same reference is hereby made for purposes of description.

HALL COUNTY, Georgia  
 Real Estate Transfer Tax  
 Paid \$ 2.00  
 Date June 23, 1994  
 DWIGHT S. WOOD  
 Clerk of Superior Court  
 By Kathy Bondman

Clerk's Office, Hall Superior Court.  
 Filed for record at 2:05 o'clock P M., June 23, 1994  
 Recorded in Deed Book 2215, Page 303, June 24, 1994  
John S. Wood, Clerk

Copyright 1978 by Douglas B. Smith, Attorney at Law, 300 First National Bank Building, Columbus, Georgia. Copies may be obtained from copyright holder and may not be reproduced without his permission.

GEORGIA PRINTING CO., GAINESVILLE, GA.  
 Hall: Marshall Stephens  
 16 236  
 Harrisonville Hwy  
 Way 20506

eFiled and eRecorded  
DATE: 06/30/2022  
TIME: 12:31 PM  
DEED BOOK: 9154  
PAGE: 353 - 356  
FILING FEES: \$25.00  
TRANSFER TAX: \$365.00  
PARTICIPANT ID: 2179167993  
PT61: 069-2022-005896  
RECORDED BY: NB  
CLERK: Charles Baker, C.S.C  
Hall County, GA

Parcel ID No.: 10085 000061

After Recording Return To:  
Hipes & Belle Isle, LLC  
178 South Main Street, Ste 250  
Alpharetta GA 30009  
File No. A220087

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

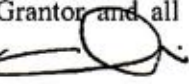
THIS INDENTURE, made the 29th day of June, 2022 between Jung H. Kim, as party or parties of the first part, hereinafter referred to as Grantor, and SAALEE Moss Overlook LLC, a Georgia limited liability company, as party or parties of the second part, hereinafter referred to as Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

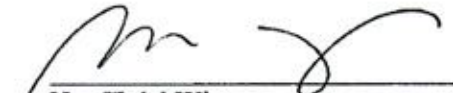
FOR AND IN CONSIDRATION of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS in hand paid to Grantor by Grantee at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land described on Exhibit "A", attached hereto and by reference made a part hereof.

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


AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of Grantor and all others claiming by, through or under Grantor.

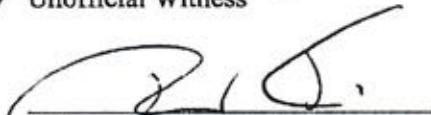
Jung H. Kim by  AIF

IN WITNESS WHEREOF, Grantor has either individually, or through its duly authorized officer(s), member(s), manager(s), or agent(s), signed, sealed and delivered this deed on the day, month and year first written above.

  
Unofficial Witness

GRANTOR:

Jung H. Kim by  AIF (Seal)  
Jung H. Kim  
By Inae Kim, Attorney-in-Fact

  
Notary Public

(NOTARIAL SEAL)



EXHIBIT "A"  
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 85, 19th District, Land District, Hall County, Georgia, shown on survey of Donald L. and Rebecca S. Stephens and Home Trust Bank of Georgia, by Henry Grady Jarrard, R.S., dated October 12, 1992, recorded in Plat Slide 181, Page 151B, records of Hall County, Georgia, which plat is hereby referred to and made a part of this description.

LESS AND EXCEPT,

That portion of the above described property conveyed in a Warranty Deed from Donald L. Stephens and Rebecca S. Stephens to Charles A. Hughes and Jo Ellen Hughes, dated May 11, 1994, recorded in Deed Book 2210, Page 303, aforesaid records; AND

LESS AND EXCEPT,

That portion of the above described property conveyed in right-of-way deed to Hall County for the widening of Brand Drive, recorded in Deed Book 2665, Page 273, Hall County records.

Tax ID#: 10085-000061

Subject to any Easements or Restrictions of Record

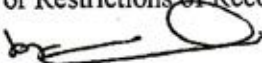

Jung Hcin  AIF

EXHIBIT "B"

1. All taxes and special assessments, including water, sanitary and other utility bills, for the year 2022 and subsequent years, which are not yet due and payable, together with any and all taxes and special assessments which may become due and payable for the current or previous years, due to, but not limited to, reassessments, rebillings, or errors by tax officials or their agents.
2. All matters and exceptions appearing at Plat Book 181 Page 151B aforesaid records.

Jung H. Kim by  AIF



Naveen Kommineni &lt;nkommineni123@gmail.com&gt;

---

**2466 Old Fork Water Availability**

3 messages

---

**Nick Swafford** <NSwafford@gainesvillega.gov>  
To: "Kristie Turner (Planning)" <kturner@hallcounty.org>  
Cc: Naveen Kommineni <nkommineni123@gmail.com>

Tue, Jun 18, 2024 at 4:16 PM

Good afternoon Kristie,

Please allow this email to serve as confirmation of water availability for two additional water meters to be installed at the termination of the existing water main and the service lines installed in the R/W of Old Fork Road by way of a Utility encroachment permit issued by Hall County Engineering. Please let me know if you require anything further.

Thanks,

**Nick Swafford**

Permitting Services &amp; GIS Manager

Department of Water Resources



O | 770.538.2452

[www.gainesville.org](http://www.gainesville.org)

300 Henry Ward Way, Ste. 305  
Gainesville, GA 30501

---

**Kristie Turner (Planning)** <kturner@hallcounty.org>  
To: Nick Swafford <NSwafford@gainesvillega.gov>  
Cc: Naveen Kommineni <nkommineni123@gmail.com>

Tue, Jun 18, 2024 at 4:27 PM

Thank you.

Regards,

Kristie Turner

Principal Planner

Hall County Community Development and Infrastructure

(direct office) 770-297-6853

[kturner@hallcounty.org](mailto:kturner@hallcounty.org)



---

**From:** Nick Swafford <[NSwafford@gainesvillega.gov](mailto:NSwafford@gainesvillega.gov)>  
**Sent:** Tuesday, June 18, 2024 4:16 PM  
**To:** Kristie Turner (Planning) <[kturner@hallcounty.org](mailto:kturner@hallcounty.org)>  
**Cc:** Naveen Kommineni <[nkommineni123@gmail.com](mailto:nkommineni123@gmail.com)>  
**Subject:** 2466 Old Fork Water Availability

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.

[Quoted text hidden]

---

**Naveen Kommineni** <[nkommineni123@gmail.com](mailto:nkommineni123@gmail.com)>  
To: [naveen@ynjhomes.com](mailto:naveen@ynjhomes.com)

Tue, Jun 18, 2024 at 4:38 PM

----- Forwarded message -----  
**From:** Nick Swafford <[NSwafford@gainesvillega.gov](mailto:NSwafford@gainesvillega.gov)>  
**Date:** Tue, Jun 18, 2024 at 4:16 PM  
**Subject:** 2466 Old Fork Water Availability  
**To:** Kristie Turner (Planning) <[kturner@hallcounty.org](mailto:kturner@hallcounty.org)>  
**Cc:** Naveen Kommineni <[nkommineni123@gmail.com](mailto:nkommineni123@gmail.com)>

[Quoted text hidden]



## Anael Dominguez (CDI: Planning)

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**From:** Emily McGahee (Environmental Health)  
**Sent:** Wednesday, July 31, 2024 1:25 PM  
**To:** Anael Dominguez (Administration); Beth Garmon (CDI: Planning); Katie L. Greenway (CDI: Planning); Kristie Turner (Planning)  
**Cc:** Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)  
**Subject:** HCPC Tentative Agenda 9.3.24

Please find Environmental Health comments below:

Items 1A/B, 2466 Old Fork Road, Rashmiranjan: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process. All proposed plats must be submitted to the Hall County Plat Review Team for review and approval prior to submittal to Clerk of Courts for recordation.

Item 2, 0,4611,4627 Guth Road, 0,4561,4612 J M Turk Road, Gilliam: Public sewer. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.

Item 3, Updated Comprehensive Plan: No comment.

Item 4, UDC: No comment.

Emily McGahee  
Hall County Environmental Health  
Hall County Government Center  
2875 Browns Bridge Road  
Mailing: PO Box 5901  
Gainesville, GA 30504  
(770) 531-3973 (phone)  
[emcgahee@hallcounty.org](mailto:emcgahee@hallcounty.org)

<http://dph.georgia.gov/environmental-health> (State Website)  
<http://www.phdistrict2.org/HallCounty.htm> (District Website)  
<https://www.hallcounty.org/192/Environmental-Health> (County Website & Forms)

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## Anael Dominguez (Administration)

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**From:** Chavers, Veronica E <VChavers@dot.ga.gov>  
**Sent:** Tuesday, July 30, 2024 10:49 AM  
**To:** Anael Dominguez (Administration); Beth Garmon (CDI: Planning)  
**Subject:** RE: Tentative Planning Agenda for September 3, 2024

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See responses below.

---

**From:** Anael Dominguez (CDI: Planning) <adominguez@hallcounty.org>  
**Sent:** Thursday, July 25, 2024 1:05 PM  
**Subject:** Tentative Planning Agenda for September 3, 2024

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

Good afternoon –

Here is the Tentative Agenda and Maps for the **Tuesday, September 3, 2024** 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, August 1<sup>st</sup>**. Email comments to Beth ([bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)) and Ana ([adominguez@hallcounty.org](mailto:adominguez@hallcounty.org)).

### **CALL TO ORDER**

### **AGENDA REVIEW**

### **APPROVAL OF MINUTES – August 19, 2024**

### **NEW BUSINESS**

1. [\(A\) 2466 Old Fork Road | Rezone | from Agricultural Residential III \(AR-III\) and Vacation Cottage \(V-C\) to Vacation Cottage \(V-C\) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmiranjan Jyotiprakash, applicant](#)  
[\(B\) 2466 Old Fork Road | Use Subject to County Commission Approval | on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmiranjan Jyotiprakash, applicant](#)  
**No GDOT coordination required**
2. [0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III \(AR-III\) to Planned Residential Development \(PRD\) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027,](#)

**No GDOT coordination required**

**OTHER BUSINESS**

3. **Public Hearing to transmit Hall County's updated Comprehensive Plan** to the Georgia Mountains Regional Commission and the Georgia Department of Community Affairs for review. \*\*\* | **Hall County Planning Staff, applicant.**
4. **Public Hearing to transmit Hall County's Unified Development Code** to the Georgia Mountains Regional Commission and the Georgia Department of Community Affairs for review. \*\*\* | **Hall County Planning Staff, 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, October 10, 2024**, at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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, October 10, 2024**. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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 **Tuesday, September 10, 2024**. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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](http://www.hallcounty.org)



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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/trafficking-in-georgia>. 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.

## Katie L. Greenway (CDI: Planning)

---

**From:** Kristie Turner (Planning)  
**Sent:** Thursday, August 15, 2024 12:05 PM  
**To:** Beth Garmon (CDI: Planning); Katie L. Greenway (CDI: Planning)  
**Subject:** FW: 9-3-24 Planning case comments

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Please see Scott's comments below.

Regards,

Kristie Turner  
Principal Planner  
Hall County Community Development and Infrastructure  
(direct office) 770-297-6853  
[kturner@hallcounty.org](mailto:kturner@hallcounty.org)



---

**From:** Scott Puckett (CDI: Engineering) <spuckett@hallcounty.org>  
**Sent:** Thursday, August 15, 2024 11:47 AM  
**To:** Kristie Turner (Planning) <kturner@hallcounty.org>  
**Subject:** RE: 9-3-24 Planning case comments

Hi Kristie,

Upon further review by staff, item #1 for the September 3, 2024 Planning Commission Agenda regarding Old Fork Road and Brand road rezoning, the existing traffic comments included in the memo from Bill Nash to Beth Garmon should be changed to "no comments". Please let me know if you have any questions.

Thanks!

Scott

Scott G. Puckett  
County Traffic Engineer  
Hall County Community Development and Infrastructure  
770-531-6800 | [www.hallcounty.org](http://www.hallcounty.org)



Hall County Government  
COMMUNITY DEVELOPMENT AND INFRASTRUCTURE  
PUBLIC WORKS AND UTILITIES

MEMORANDUM

**To:** Beth Garmon, Director of Planning and Zoning  
**From:** Bill Nash, Director of Public Works and Utilities  
**Date:** August 1, 2024  
**Subject:** September 3, 2024 - Hall County Planning Commission Agenda

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

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 September 3, 2024 meeting. Upon review, we provide the following comments.

**NEW BUSINESS**

1. [\(A\) 2466 Old Fork Road | Rezone | from Agricultural Residential III \(AR-III\) and Vacation Cottage \(V-C\) to Vacation Cottage \(V-C\) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmيرانjan Jyotiprakash, applicant](#)  
[\(B\) 2466 Old Fork Road | Use Subject to County Commission Approval | on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmيرانjan Jyotiprakash, applicant](#)

- a. **Engineering:** Further subdivisions of these lots will result in the necessity of a stormwater management plan if the total number of lots reaches more than 6.
- b. **Traffic:** Existing Old Fork Rd and Brand Drive Right of way is 30' Dedicate additional right of way to be 30' from the centerline and widen existing pavement at least 20'
- c. **Utilities:** Septic tank lots Gainesville sewer area

2. [0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III \(AR-III\) to Planned Residential Development \(PRD\) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 | Proposed Use: 256-unit residential development | \\*\\* Commission District 1 | Steven P. Gilliam, applicant](#)



## Anael Dominguez (CDI: Planning)

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**From:** John Hornick (Fire Services)  
**Sent:** Tuesday, July 30, 2024 4:15 PM  
**To:** Anael Dominguez (Administration)  
**Cc:** Beth Garmon (CDI: Planning)  
**Subject:** Fire Comments

**Tuesday, September 3, 2024** Hall County Planning Commission Meeting.

1. [\(A\) 2466 Old Fork Road | Rezone | from Agricultural Residential III \(AR-III\) and Vacation Cottage \(V-C\) to Vacation Cottage \(V-C\) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmiranjan Jyotiprakash, applicant](#)

[\(B\) 2466 Old Fork Road | Use Subject to County Commission Approval | on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmiranjan Jyotiprakash, applicant](#)

### Hall County Fire Marshal Comments:

- 1) [Old Fork and Brand road do not meet the 20 foot road width requirements in several locations as required by fire code.](#)
- 2) [Old Fork and Brand roads end abruptly and have no approved turnaround as required by fire code.](#)
- 3) [The closest fire hydrant is located at 2406 Old Fork road](#)

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](http://www.Hallcounty.org)



## Kaitlyn Elliott (Planning)

---

**From:** Brian Gillespie <Brian.Gillespie@hhglobal.com>  
**Sent:** Friday, August 30, 2024 10:43 AM  
**To:** Planning  
**Cc:** bgillespie2@me.com  
**Subject:** Opposition Letter to Record number(s) HZON24-0021 & HZCU24-0028  
**Attachments:** Old Fork Rd - Rezoning.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Please see attached opposition letter.

Also, we're unable to attend the meeting on 9/3 due to medical reasons. Is it possible to attend via conference call i.e. Zoom, Teams or whatever platform used by Hall County? Please let me know.

Thanks for your help.

**Brian Gillespie**

*VP Non-Profit / Consumer Services Sectors*

**hh global**<sup>®</sup>

m: 678-779-2471

e: brian.gillespie@hhglobal.com

w: [hhglobal.com](http://hhglobal.com)



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**Big Impact for Big Ideas**



# BRIAN & STEPHANIE GILLESPIE

2512 Godfrey Way, Gainesville, GA 30506 | 678-779-2471 | bgillespie2@me.com

**August 30<sup>th</sup>, 2024**

Hall County Planning Commission

**Opposition Letter to the rezoning & conditional use of tax parcel 10085-000061 on Old Fork Rd, Gainesville, GA 30506**

**Record number(s) – HZON24-0021 & HZCU24-0028**

**Dear Hall County Planning Commission:**

Thank you for your careful consideration of this request. I think it's important to note some key concerns we have for this rezoning and conditional use request.

In stark contrast to Hall County's Future Development Guide for Lake Area Residential neighborhoods, the addition of 4 properties would increase the total SFDU's (single family dwelling units) by 26.6% on one parcel. As noted in the staff report by the Hall County Fire Chief, the road is already dangerous and inadequate for emergency vehicles and certainly dangerous for residents walking which is a specific draw to a "Lake Area Residential" neighborhood.

Additionally, it's stated in the staff report that the parcel subdivided as requested by the developer is 1.04 acres per dwelling which doesn't seem to be accurate with a 4.8-acre parcel being divided into 5 lots. It should be noted the request for VC allows for a smaller lot size and reduced setbacks. The property has a significant amount of topographic challenges which should require an environmental impact study given the run-off will directly impact the current water management and waste into Lake Lanier.

The neighborhood also has 2 additional lake front properties that are not developed in addition to another estate size lot that has exceptional lake views. Can we get clarification from utilities that additional taps beyond the two noted in the request from the developer

can be added? This would be an important consideration since we know the value of the "lake front" lots will have a significantly higher value and tax base potential.

With the addition of some short-term rentals in the neighborhood, including the property in question, we have experienced a sharp increase in criminal activity. It could be a direct impact with the transitory nature of non-residents introduced to the location. While VC zoning permits such usage, that is not representative of the current neighborhood. The "Future Development Guide" specifically calls out the need to PRESERVE established neighborhoods.

The most recent 4 lots developed in the neighborhood all have 2024 tax assessments of \$600K - \$1.4mm in value. I respectfully ask the commission to consider the substantial impact to the values of the current properties. The developer is a non-resident of both the neighborhood and Hall County. It appears the intent is to maximize the number of units that can be placed on the parcel for the purpose of short and maybe long-term rentals. Again, it's well documented the impact to property values if the developer is allowed maximum density with properties not similar in quality or value of the surrounding properties.

Understanding the parcel in question is already zoned VC for a large portion, at a minimum, the current zoning would reduce the number of additional lots to 4 instead of 5 and would ask that the commission get clarity on the usage intent and quality of the development in question.

Thank you for protecting our property values and our families by closely evaluating this request.

Sincerely,

**Brian & Stephanie Gillespie**

**Print**

**Planning Commission Comments - Sept. 3, 2024 - Submission #99643**

**Date Submitted: 8/30/2024**

Comments completed in the form below will be submitted into the record for the Sept. 3, 2024 meeting of the Hall County Planning Commission.

**First Name\***

Mary

**Last Name\***

Nichols

**Address1\***

2455 Old Fork Rd

**Address2**

**City\***

Gainesville

**State\***

GA

**Zip\***

30506

**Zoning Item for Comment\***

(B) 2466 Old Fork 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\***

Thanks for the opportunity to comment~  
Concerns:  
1. Old Fork Rd is a short, narrow road with signs of deteriorating cracks and broken side edges in places. The ongoing usage by construction vehicles and delivery trucks for four newly constructed homes would further deteriorate the narrow road, requiring the road to be resurfaced and widened for the parade of heavy equipment for this construction plan.  
2. Depending on the price point for these new homes, there is expected concern over their impact to the existing home values on Old Fork, Godfrey Way, and Brand Dr.  
3. The possible addition of four more vacation rental homes on our short street and small neighborhood presents a reasonable concern to the amount of increased traffic traveling in and out on Old Fork Rd., impacting both safety and increase in road maintenance.

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 - Sept. 3, 2024 - Submission #99650**

**Date Submitted: 8/30/2024**

Comments completed in the form below will be submitted into the record for the Sept. 3, 2024 meeting of the Hall County Planning Commission.

**First Name\***

Robert

**Last Name\***

Nichols

**Address1\***

2455

**Address2**

Old fork Road

**City\***

Gainesville

**State\***

Georgia

**Zip\***

30506

**Zoning Item for Comment\***

(B) 2466 Old Fork 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\***

Thank you In advance for reading my comments.  
 Major concerns about Old Fork Road project.

1. Density. Current residents are considered Lake Residential and low density. The proposal has five homes on less than 5 acres. Will the proposed property be consistent with existing homes?
2. Property values. What is the scope of buildings?(Size, with or without garages, ranch or multi story, basement, price range, etc.
3. Road condition. Old Fork Rd is steep, curvy and narrow. The existing road and shoulders would be considered in poor condition. The road would need to be widened plus a 3 inch overlay of asphalt. The traffic count would increase significantly with addition of two cars per household or 10 more cars twice daily accounting for 20 trips per day just for this project once completed. Construction traffic would deteriorate existing road.
- 4 Noise. There is potential noise related problems stemming from daily construction in close proximity to other homes.
5. Water and sewer. City water and drilled wells accessibility. Adequate septic system lines plus additional backup plan for possible failure of system..
6. Safety. With the current and proposed traffic and the quick growth of delivery truck frequency, any and all pedestrian traffic would be at risk. (UPS, Prime, FedEx, grocery delivery Etc.)

Overall, I feel five homes on the property would cause undue stress on all county systems and services.  
 Possible solutions: Limit to four homes total and approval from board in keeping with a finished project that will enhance our community.

Respectfully submitted,  
 Robert Nichols

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.

## Kaitlyn Elliott (Planning)

---

**From:** Rochat, Roger William <rrochat@emory.edu>  
**Sent:** Friday, August 30, 2024 8:53 AM  
**To:** Planning  
**Subject:** objection to proposed re-zoning 2466 Old Fork Road, Gainesville 30506

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Ms. Garmon  
Director of Planning and Zoning

Dear Ms Garmon

We write to oppose re-zoning of 2466 Old Fork Road. Our family has lived across the street for 42 years. Over the years, three family members have died...and a portion of their ashes have been sprinkled in family ceremonies around the property. Our youngest child grew up on the lake and got married by the lake. We love the place! We are now in our eighties. We enjoy morning walks on Old Fork Road. We enjoy the wildlife, deer, groundhogs, birds, trees and flowers. I have identified over 100 species of trees on or near our property. We greatly enjoy our privacy and quiet. We also enjoy our neighbors; some have direct access to the lake.

The proposed property for rezoning does not have direct access to the lake—and the proposed lots would have limited view of water. We are not eager to have neighbors trespassing our property to access the lake.

Construction activity of the order proposed by this re-zoning endangers all that we enjoy. Construction often damages neighbors' property. Recently, workers building a nearby house knocked down our mailbox. The trucks damage the narrow road and endanger our walking. Workers often throw cans and other trash onto neighbors' property.

The road definitely requires widening so passenger vehicles can safely pass each other or construction trucks. Moreover, city water and fire engine protection need to be more readily available before considering expanding the community. We have dead end streets without turn around capacity for trucks, fire engines, or cars.

We knew the Donnie and Becky Stephens family who built and lived in the house. They too sought privacy and nature; sadly, he died of cancer. His widow and widowed mother still live. They lack any right to the property, but the proposed rezoning would be a loss of their and our mutual vision for the community that lives peacefully close to nature.

Respectfully,  
Roger and Susan Rochat  
2485 Old Fork Road

## Kaitlyn Elliott (Planning)

---

**From:** Van Williams <terrivan85@gmail.com>  
**Sent:** Wednesday, August 28, 2024 12:40 PM  
**To:** Planning  
**Subject:** Objections to 2466 Old Fork rezoning  
**Attachments:** Terri's opposition letter.docx

Some people who received this message don't often get email from terrivan85@gmail.com. [Learn why this is important](#)

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To whom it may concern,

Please accept this letter has a response to the proposed rezoning and development of 2466 Old Fork Rd. Thank you for the time and attention to this matter.

Terri Williams  
2485 Brand Dr.  
Gainesville GA 30505



Dear Planning Commission Members,

I would like to express my serious concerns regarding the planned rezoning/development of 2466 Old Fork Road.

Many of us only have a well to service our homes with water. Is there a 100% guarantee that adding wells uphill will not impact the water table downhill and therefore our wells? Additionally, will there be septic tanks needed as well? What are the implications of those drain fields on the water in our wells. I believe running city water to any dwellings should be required.

As is a matter of public record, all of the homes built in the last 5 years (and a few that already existed) are all valued at \$1,000,000 plus. Many of us have built/bought these properties as a legacy to leave for our children. I am concerned about these small properties being used as comparisons for valuation in the future. These properties should be required to conform to the surrounding properties.

What types of use are planned for this property? Single family homes, short term rentals, long term rentals? Vacation rentals make no sense at all as there is no lake access or view of the lake. Also, there is next to zero law enforcement presence here. Yes, if you call 911 someone will come, but not as a matter of a regular visible presence to deter negative activities.

Old Fork road is not wide enough to accommodate a pick up truck (which everyone around here owns) and a car. I drive a small, low car, pulling off the side isn't a possibility as in many places, it drops off. Widening of Old Fork would be a necessity and my understanding is there are water lines running very close to the road. What would be the plans for that?

Are there any thoughts to putting a turn around at the end of Brand Drive? I am vehemently opposed to that idea. We chose this property 20 years ago for the privacy it afforded. Making it easy for people to drive down here would deeply, negatively effect our quality of life.

Have all of you come and driven around this area to see what the local neighborhood is and the look and feel of this community? If not, I would suggest you take the time to make the effort so you can appreciate how the

people living in the immediate area would see what is being proposed at 2466 Old Ford Rd.

Thank you for taking the time to consider these thoughts and objections.

Terri Williams  
2485 Brand Drive  
Gainesville, GA 30506

## Kaitlyn Elliott (Planning)

---

**From:** Van Williams <d.van.williams@gmail.com>  
**Sent:** Tuesday, August 27, 2024 4:45 PM  
**To:** Planning  
**Cc:** terrivan85@gmail.com  
**Subject:** Opposition to 2466 Old Fork Rd rezoning application  
**Attachments:** Planning Commision Letter.docx

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Attached is a letter detailing my concerns over the rezoning and development of the property at 2466 Old Fork Rd. Thank you for the attention to this matter and I do plan on being present for the Sept. 3 community hearing.

Van Williams  
(678)296-6108

Dear Planning Commission Members,

I'm writing to express my concern and opposition to the proposed rezoning request and development in our neighborhood. This is in reference to the rezoning request for 2466 Old Fork Road to rezone from AR-III & V-C to V-C only.

My opposition centers around 5 key areas:

- Safety
- Property Values
- Environmental Concerns
- Rezoning not required
- Not in keeping with the spirit of the Hall County land use master plan

**Safety:** The proposed changes would dramatically increase the traffic along Old Fork Rd. The road is already in disrepair and too narrow for traffic to pass without one or both vehicles needing to pull off. There's no shoulder or worse, a drop off, for most of the length of the road. Increased construction traffic will only make this worse and I'm concerned about the general safety of all vehicles on the road with the increased traffic during construction and after occupancy. At a minimum the road should be widened and the shoulder improved for safety.

**Property Values:** It is our current understanding from the developer that they will be placing small pre-manufactured buildings on this proposed rezoning site as opposed to homes that match the style and size of the other homes recently constructed in this area. There have been many studies that show the dramatic decrease in property value for surrounding homes when these types of homes are introduced. The area in question has seen a significant increase in property values because of the investment in larger homes. This is both good for the Hall County tax base and good for the neighborhood. Putting in a neighborhood of small cottages will reverse those gains and sabotage the investment and progress that we have been making. They will all be used as comps for new construction making it more difficult to acquire mortgages for the types of homes that have been going up.

**Environmental Concerns:** The proposed property has a very significant grade sloping towards the lake and to the creek running into the lake between Brand Dr and Ford White. Previous lawsuits have already been brought against developers for the clear cutting and construction that resulted in significant amounts of silt into the Sardis Creek area. This resulted in a very expensive de-silting operation in the lake in the cove directly adjacent to the proposed development. Septic runoff, additional well usage, clear cutting and other construction will only serve to make existing issues worse.

**Rezoning Unnecessary:** It is unclear as to exactly why this rezoning is even required other than the greed of the developers to squeeze in one more small lot to increase profits and density. They can ALREADY build “vacation cottage” sized homes with the current zoning restrictions. This entire rezoning request is unnecessary and a waste of the planning commission’s and community time.

**Not Part of the Master Plan:** The current master plan states “PRESERVE established neighborhoods and CREATE opportunities for permanent and vacation residences similar in land use pattern...” Clearly a manufactured home community, with small lots and no lake access in an existing neighborhood is not preserving the neighborhood nor is it creating permanent or vacation residences in a similar manner. There is zero access or view of Lake Lanier for any of these homes and unlikely that they will be viewed as “vacation cottages” instead this will become a burden on the neighborhood and it is not in keeping with the spirit OR the letter of the Lake Area Residential master plan.

I appreciate your thoughtful consideration of the above points and look forward to the discussion on Sept. 3

Van Williams  
2485 Brand Dr.  
Gainesville GA 30506

# ZONING NOTICE

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

APPLICANT: RASHMIRANJAN JYOTIPRAKASH

REQUEST: REZONE FROM AR-III & V-C TO V-C FOR A 5-LOT SINGLE FAMILY DEVELOPMENT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION  
Date: SEPT 03, 2024

COUNTY COMMISSION  
Date: OCT 10, 2024

Time: 5:15 PM

&

Time: 6:00 PM

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

FOR MORE INFORMATION CALL: (770) 531-6809

# ZONING NOTICE

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

APPLICANT: RASHMIRANJAN JYOTIPRAKASH

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR A 5-LOT SINGLE FAMILY DEVELOPMENT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION  
Date: SEPT 03, 2024

COUNTY COMMISSION  
Date: OCT 10, 2024

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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: RASHMIRANJAN JYOTIPRAKASH

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR A 5-LOT SINGLE FAMILY DEVELOPMENT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION	COUNTY COMMISSION
Date: <u>SEPT 03, 2024</u>	Date: <u>OCT 10, 2024</u>
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# ZONING NOTICE

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

FOR MORE INFORMATION CALL: (770) 531-6809



## AGENDA ITEM

### Public Hearing to amend Hall County's Zoning Map as follows:

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**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 526/2024

**SUBJECT:** 2466 Old Fork Road | Use Subject to County Commission Approval | on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | **Proposed Use: 5-lot single-family development** | Commission District 2 | **Rashmiranjan Jyotiprakash, applicant**

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#### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

#### Executive Summary:

**Presenter:** BG

**Recommendation:**

Approval with conditions:

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Driveway access to the proposed lots shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall be made part of any plats created for the property.
7. If improvements within the right-of-way are required, the developer shall be responsible for all associated costs and repair of any damage caused by the developer of existing utilities within the right-of-way.
8. Homes shall be restricted to site built only.
9. Vinyl siding shall be prohibited.
10. All Family Daycare Homes and Community Residences shall be prohibited.



**Purpose of Request:**

**2466 Old Fork Road | Use Subject to County Commission Approval** | on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | **Proposed Use: 5-lot single-family development** | Commission District 2 | **Rashmiranjan Jyotiprakash, applicant**

**History:**

**Facts and Issues:**

**Options:**

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

**Approvals:**

Submit	Approve	Attorney	Administration
KE	BG	WLI	CR
<b>Clerk</b>			
JR			

**Attachments:**

- Board Memo
- Recommendation Report
- Application
- Narrative
- Site Plan
- Maps
- Legal Description
- Deed
- Gainesville Water Availability
- Environmental Health Comments
- GDOT Comments
- Public Works Comments - Supplemental
- Public Works Comments
- Fire Comments
- Public Comments
- Notice Signs



# Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE  
PLANNING AND ZONING

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING  
DIRECTOR  
Beth Garmon

**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:** Beth Garmon, Director of Planning & Zoning

**Date:** September 23, 2024

**Subject:** **2466 Old Fork Road | Use Subject to County Commission Approval | on a 4.80± acre tract | Proposed Use: 5-lot single-family development | Rashmيرانjan Jyotiprakash, applicant**

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The request before you is the request of Rashmيرانjan Jyotiprakash for a use subject to county commission approval for a subdivision to establish a 5-lot single-family development. This item is located within Commission District 2.

At their September 3, 2024 meeting, the Hall County Planning Commission voted to recommend **approval, with ten (10) conditions (3-1, Pilcher opposed and Sosebee absent).**

Staff recommendation: **Approval, with conditions**, as the proposed rezoning is consistent with the Lake Area Residential future land use classification within the Comprehensive Plan.

There were **four (4) comments submitted** in advance of the Planning Commission meeting and **three (3) people spoke in opposition during the public hearing.**

#### Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Driveway access to the proposed lots shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.

4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

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5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.

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

7. If improvements within the right-of-way are required, the developer shall be responsible for all associated costs and repair of any damage caused by the developer of existing utilities within the right-of-way.

8. Homes shall be restricted to site built only.

9. Vinyl siding shall be prohibited.

10. All Family Daycare Homes and Community Residences shall be prohibited.

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Rashmiranjan Jyotiprakash

**Request** ..... **Use Subject to County Commission Approval**  
|5-lot single-family development (17.50.040.K)

**Proposed Use** ..... 5-lot single-family development

**Size** ..... 4.80± acres

**Zoning** ..... Current: Agricultural Residential III (AR-III,  
17.110) and Vacation Cottage (V-C, 17.50)  
Proposed: Vacation Cottage (V-C, 17.50)

**Location** ..... **2466 Old Fork Road** | Tax Parcel 10085 000061

**Commission District** ..... Two

**Planning Commission Date** ..... September 3, 2024

**Staff Recommendation** ..... **Approval, with conditions**, as the proposed use  
is consistent the “Lake Area Residential” future  
land use classification within the  
Comprehensive Plan.

**Record Number(s)** ..... HZON24-0021 & HZCU24-0028

**Planning Commission Recommendations** ..... **Approval, with conditions**

**Vote: 3-1 (Pilcher opposed and Sosebee absent)**

**Planning Commission Conditions:**

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).

3. Driveway access to the proposed lots shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
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8. Homes shall be restricted to site built only.
9. Vinyl siding shall be prohibited.
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### **Excerpts from the minutes of the September 3, 2024 meeting**

#### **Applicant's Presentation:**

**Katie Greenway, Planning and Zoning Administrator**, presented a summary of the request.

**Naveen Kommineni, 1760 Marcia Overlook Drive** presented the request. The applicant stated that there is an existing home on the property so they will only be adding four more homes. The applicant stated that two homes would be built off of Old Fork Road and two off of Brand Drive.

#### **Public Forum:**

**Scott Jacobs, 2488 Old Fork Road**, spoke in opposition. His concerns were that privately installed waterlines may be damaged during development, that there may be fire access issues due to road conditions, the use of homes as AirBNBs will create more trash and attract animals, and that the elevation change in this area is steep which will cause stormwater issues for neighboring properties.

**Roger Rochat, 2485 Old Fork Road**, spoke in opposition. His concerns included water runoff, inadequate infrastructure, and traffic and pedestrian safety.

**Donovan Williams, 2485 Brand Drive**, spoke in opposition. His concerns included property values, water runoff, road and environmental safety, possible damage to waterlines, and fire access issues.

*Rebuttal*

The applicant stated that the homes will be single-family site-built homes with no manufactured homes. Additionally, the applicant stated that engineering plans will be submitted showing proper silt fencing and that grading will be as minimal as possible for the development of the homes. Furthermore, he states that they intend to work with Gainesville Water to ensure no damage is done to existing waterlines.

**Planning Commission Comments:**

Mr. Braswell questioned if the water line would be extended on Old Fork Road. The applicant stated that the City of Gainesville Water Department will provide two new water meters but he is not sure if they will tap into the existing line. Mr. Varner questioned if the applicant would be willing to add a condition in regards to working with the City of Gainesville for water lines. Mr. Hunt questioned if the homes would have brick or stone. The applicant stated they would be 3-sided brick with stone on the front façade. Mr. Hunt questioned if the applicant is going to build and sell the homes. The applicant stated that was correct. Ms. Pilcher questioned the 24-inch pipe that runs under the road that appears to be the only drainage of the area into the cove. Ms. Pilcher questioned if the applicant will be responsible for maintaining the drainpipe. Ms. Garmon stated that the site will not require an LDP so additional drainage improvements may not be required. Mr. Hunt questioned if the applicant could build this request within the existing zone. Ms. Garmon stated that it would still have to go in front of the Board of Commissioners for approval of the subdivision.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner.  
Vote: 3-1 (Sosebee absent)**

**Braswell – aye**

**Hunt – aye**

**Varner – aye**

**Pilcher – nay**

**Sosebee – absent**

*Conditions:*

1. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
3. Driveway access to the proposed lots shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:  
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machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall be made part of any plats created for the property.
7. If improvements within the right-of-way are required, the developer shall be responsible for all associated costs and repair of any damage caused by the developer of existing utilities within the right-of-way.
8. Homes shall be restricted to site built only.
9. Vinyl siding shall be prohibited.
10. All Family Daycare Homes and Community Residences shall be prohibited.

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**Staff Recommended Conditions:**

11. The property shall be developed in accordance with the site plan dated August 5, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
12. The property shall be subdivided into a maximum of 5 single-family lots in accordance with the requirements of the Vacation Cottage (V-C, 17.50) zoning district as detailed in Area and Setback Requirements (17.240).
13. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
14. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:  
"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
15. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official

Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.

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

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**Summary Analysis**

The applicant is requesting to rezone 4.80± acres of property zoned Agricultural Residential III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) to Vacation Cottage (V-C, 17.50) (HZON24-0021). Concurrently, the applicant is requesting a conditional use subject to County Commission approval to subdivide the subject property into five (5) single-family residential lots (HZCU24-0028). The development is proposed at a density of 1.04 units per acre.

The subject property is zoned both Agricultural Residential III (AR-III) and Vacation Cottage (V-C). The property is currently developed with a single-family residence that was built in 1977, a storage building built in 1977, and a detached garage built in 1978. The residence and storage building are included on the proposed Tract 2 and the existing garage will be either removed or relocated within Tract 2 to comply with setbacks. Current access to the existing residence is off of Brand Road. This access will be removed and replaced by a new driveway off of Old Fork Road. The remainder of the property is undeveloped.

All proposed lots meet the minimum lot area and frontage requirements for Vacation Cottage (V-C, 17.50) as established in Table 17.240.010.

Per the submitted narrative, water service will be provided by the City of Gainesville Department of Water Resources with service confirmed by email on June 18, 2024. The development will also be serviced by individual, onsite septic systems.

No variances have been requested or identified as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the respective zoning districts of the parcels.

The proposed site plan and narrative submitted reflects the desired layout of Lots 1 through 5 as follows:

<b>Residential-I-Low-Density (R-I-L, 17.70) Standards</b>	<b>Required</b>	<b>Proposed</b>
<b>Minimum Lot Area</b>	35,000 square feet	Lot 1: 35,000 sf Lot 2: 35,000 sf Lot 3: 35,000 sf Lot 4: 49,707 sf Lot 5: 55,179 sf
<b>Minimum Lot Frontage</b>	Local Road: 50 feet	Lot 1: 155.2 ft



		Lot 2: 118.3 ft Lot 3: 121.4 ft Lot 4: 132.32 ft Lot 5: 132.32 ft
<b>Minimum Lot Width at Building Line</b>	75 feet	None Listed
<b>Front Yard Setback</b>	55 feet from centerline of road or 30 feet from property line, whichever is greater	55 feet from centerline of road or 30 feet from property line, whichever is greater
<b>Side Yard Setback</b>	10 feet	10 feet
<b>Rear Yard Setback</b>	20 feet	20 feet

Based on the future land use plan, staff finds the request *is consistent* with the Hall County Comprehensive Plan future land use designation of “Lake Area Residential” which supports low density residential development of up to one unit per acre. The intent of this land use category is to support the preservation of established neighborhoods and to support the creation of opportunities for permanent and vacation residences similar in land use patterns to Residential Areas but at lower residential densities. The Lake Area Residential designation envisions a maximum density of 1 dwelling unit per acre. The development has an overall proposed density of 1.04 units per acre.

**Zoning Analysis – Rezone and Conditional Use**

Per Planning Commission and Hall County Commission consideration and decision (17.380.060), the board 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:

**(A) Rezone | from Agricultural-Residential-III (AR-III, 17.110) and Vacation Cottage (V-C, 17.50) to Vacation Cottage (V-C, 17.50)**

**(B) Use Subject to County Commission Approval | 5-lot single-family development**

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed rezoning and conditional use for a 5-lot single-family subdivision is consistent with the use, development and zoning of adjacent and nearby properties as neighboring parcels are similarly zoned Vacation Cottage (V-C, 17.50) and/or Agricultural Residential III (AR-III, 17.110).**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the proposed rezoning or subdivision will adversely affect adjacent properties.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, Vacation**

**Cottage (V-C, 17.50) and Agricultural Residential III (AR-III, 17.110); however, the applicant cannot subdivide the property without approval by the Board of Commissioners.**

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **It is not anticipated that the proposed rezoning or subdivision will result in an excessive or burdensome use of existing infrastructure. The proposal has received an availability letter for public water and will utilize private on-site septic systems.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed use is consistent with the Comprehensive Plan and the "Lake Area Residential" land use designation. This land use designation envisions a maximum density of 1 dwelling unit per acre. The proposed development has an overall density of 1.04 units per acre. In addition, all proposed lots meet the minimum lot size required in the underlying zoning district.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently developed with a single-family residence and accessory structures.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any 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 surrounding parcels consist of Agricultural Residential-III (AR-III) and Vacation Cottage (V-C) zoning. No isolated zoning district would be created if approved.**
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 Vacation Cottage (V-C, 17.50) zoning district requires Board of Commissioner approval.**
15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; **The request is for rezoning and a conditional use to subdivide the property into 5 single-family residential lots which 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**

- 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. **The proposal meets the requirement, and the applicant 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 proposal does provide a narrative outlining the intent of the request; 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. **The proposal meets this requirement.**
  
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The proposed development will utilize public water and private on-site septic systems, 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. **This standard is not applicable to the applicant's request**

### **Development Support and Constraints / Departmental Comments**

#### **Hall County Environmental Health**

In an email dated July 31, 2024, Emily McGahee stated, "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process. All proposed plats must be submitted to the Hall County Plat Review Team for review and approval prior to submittal to Clerk of Courts for recordation."

#### **Hall County Fire Marshal**

In an email dated July 30, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, Lieutenant provided the following comments:

- 1) Old Fork and Brand Roads do not meet the 20-foot road width requirements in several locations as required by Fire Code.
- 2) Old Fork and Brand Roads end abruptly and have no approved turnaround as required by Fire Code.
- 3) The closest fire hydrant is located at 2406 Old Fork Road.

### **Hall County Public Works and Utilities**

In a memo dated August 1, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

**Engineering:**

Further subdivisions of these lots will result in the necessity of a storm water management plan if the total number of lots reaches more than 6.

**Traffic:**

No comment (revised comment provided August 15, 2024)

**Utilities**

Septic tank lots Gainesville sewer area.

### **Georgia Department of Transportation**

In an email dated July 30, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is not required.

**ZONING APPLICATION**

**Applicant (Name & Mailing Address)**

RASHMIRANTAN JYOTIPRANATH  
8540 SPYGLASS DR  
DULUTH, GA - 30097

Phone 847 800 7725

Email Address RASHMISHITA@GMAIL.COM

Proposed Use RESIDENTIAL

**Property Owner (Name & Mailing Address)**

SAALEE MOSS OVERLOOK LLC  
(RASHMIRANTAN JYOTIPRANATH & SHITA JYOTIPRANATH)  
8540 SPYGLASS DR, DULUTH.

Phone 847 530 5573

Email Address \_\_\_\_\_

**Contact Person (Name & Mailing Address)**

NAVEEN KOMMINENI

1760 MASSIA OVERLOOK DR

CUMMING GA 30041

Phone 770-298-1014

Email Address NAVEEN@jnjhomes.com

Tax Parcel Number 10085 000061

Acreage 4.83

Location Address 2466 OldFork Rd, Gainesville GA 30506

**Status of Applicant**

Owner

Option to Purchase

Area Resident

Other

**Requested Action**

Existing Zoning: \_\_\_\_\_

Rezone to: \_\_\_\_\_

Fee: \$ \_\_\_\_\_

Receipt #: \_\_\_\_\_

Check #: \_\_\_\_\_

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

Sign [Signature]

Date: 06/02/2024

**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: \_\_\_\_\_

**CONDITIONAL USE APPLICATION**

**Applicant (Name & Mailing Address)**

RASHMIRANJAN JYOTIPRAKASH  
8540 SPYGLASS DR  
DULUTH, GA - 30097

Phone 847 800 7725  
 Email Address RASHMIISMITA@GMAIL.COM

Proposed Use RESIDENTIAL

**Property Owner (Name & Mailing Address)**

SAALEE MOSS OVERLOOK LLC  
(RASHMIRANJAN JYOTIPRAKASH & SHITA JYOTIPRAKASH)  
8540 SPYGLASS DR, DULUTH, GA - 30097

Phone 847 530 5573  
 Email Address \_\_\_\_\_

**Contact Person (Name & Mailing Address)**

NAVEEN KOMMINENI  
1760 MARCIA OVERLOOK DR,  
CUMMING GA 30041

Phone 770-298-1014  
 Email Address NAVEEN@YNTHOMES.COM

Tax Parcel Number 10085 000061  
 Location Address 2466 OldFork Rd, Gainesville GA 30506

**Status of Applicant**

- Owner
- Option to Purchase
- Area Resident
- Other

**Requested Action**

Permissive Use:  
 HCPC     HCC  
 Fee: \$ \_\_\_\_\_  
 Receipt #: \_\_\_\_\_  
 Check #: \_\_\_\_\_

Zoning: \_\_\_\_\_  
 Acreage 4.83

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

Sign \_\_\_\_\_ Date: 06/02/2024

**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: \_\_\_\_\_

**AUTHORIZATION OF PROPERTY OWNERS**

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

Name of owner(s) RASHMIRAJAN JYOTIPRAKASH & SMITA JYOTIPRAKASH

Address 8540 SPYGLASS DR, DULUTH, GA - 30097.

Phone Number (847) 800 - 7725.

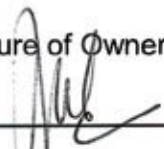
Name of applicant(s) NAVEEN KOMMINENI

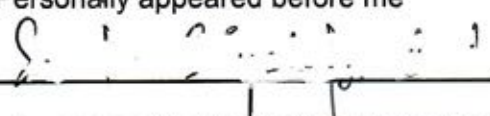
Address 1760 MARCIA OVERLOOK DR,  
CUMMING GA 30041

Phone Number 770 - 298 - 1014

**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)  
 Smita Jyoti Prakash.

Personally appeared before me  
 Shailesh Barot

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

Shailesh Barot  
Notary Public



06/04/2024  
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): \_\_\_\_\_ Office: \_\_\_\_\_

Dollar Amount: \_\_\_\_\_ Date of Contribution: \_\_\_\_\_

Applicant's/Owner's Signature:  Smita Sijapati Date: 06/14/2024

Applicant's/Owner's Name (Printed): RASHMIRANJAN JYOTIPRAKASH & SMITA JYOTIPRAKASH

### 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:

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

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

I hereby certify that I have read the 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: *R. Naveen*

Date: 06/14/2024

Applicant's/Owner's Name (Printed): NAVEEN KOMMANENI

RECEIVED

JUL 10 2024

Planning & Zoning Department

## Conditional use Request

**Property Address:** 2466 Old Fork Road, Gainesville GA

**Parcel Number:** 10085 000061

**Acreage:** 4.83

**District:** 2

**Current Zoning District:** Majority parcel is Residential home V-C, part of it AR-III

**Applicable Overlay District:** Residential home V-C

**Current Zoning District:** Vacation-Cottage(V-C)

**Proposed use of the property:** Residential home V-C

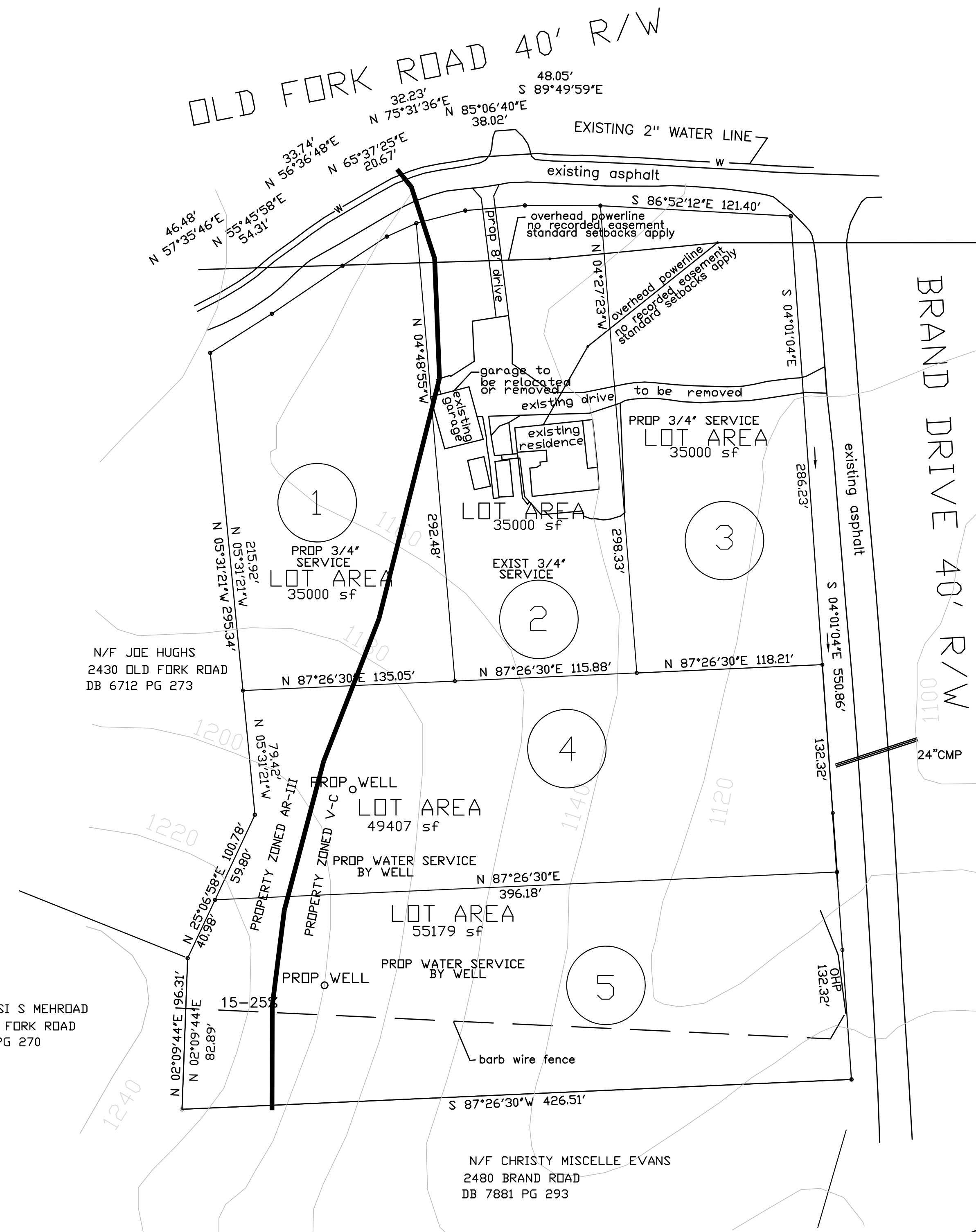
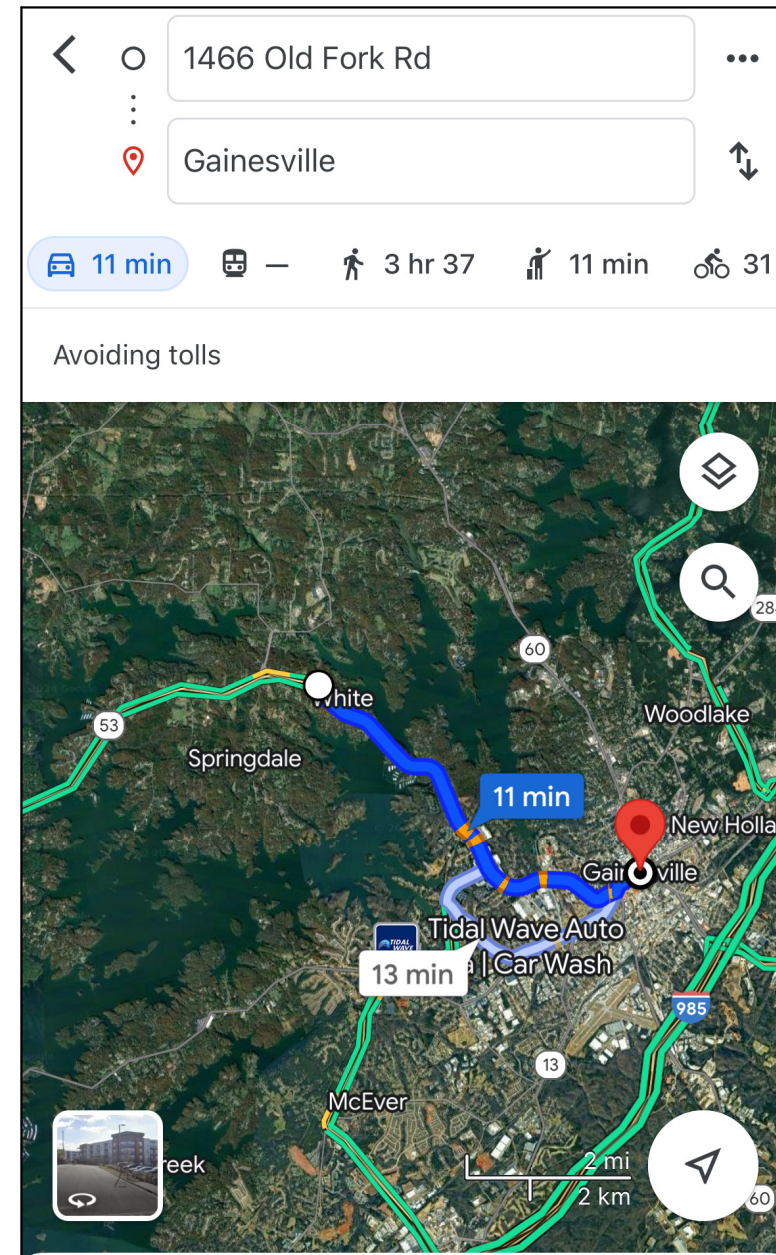
Existing residential home with 4.83 acreage. Requesting for minor plat subdivision with 3 lots greater than 0.8 acres and 2 lots over 1.1 acres. We are planning for total of 5 Residential lots including the lot with the existing home. Requesting for conditional use for the subdividing of these plats.

**Water Source:** City of Gainesville for 3 lots. Well water for 2 lots

**Sewer:** On site Septic tank – Each lot will have on-site own septic system (5 lots).

### **V-C zoning requirements:**

Condition	Requirement	Proposed Development
<u>Minimum lot area</u>	35,000 Sqft	Lot 1, 2 , 3 : 35,000 sqft Lot 4: 49,397 sqft Lot 5: 55,190 sqft
<u>Minimum Lot Frontage</u>	50 ft	All lots : > 50 sqft
<u>Front Yard</u>	55 ft from road center or 30 ft property line	All lots : > 55 sqft
<u>Side Yard</u>	10 ft.	All lots : > 10 sqft
<u>Rear Yard</u>	20 ft.	All lots : > 20 sqft

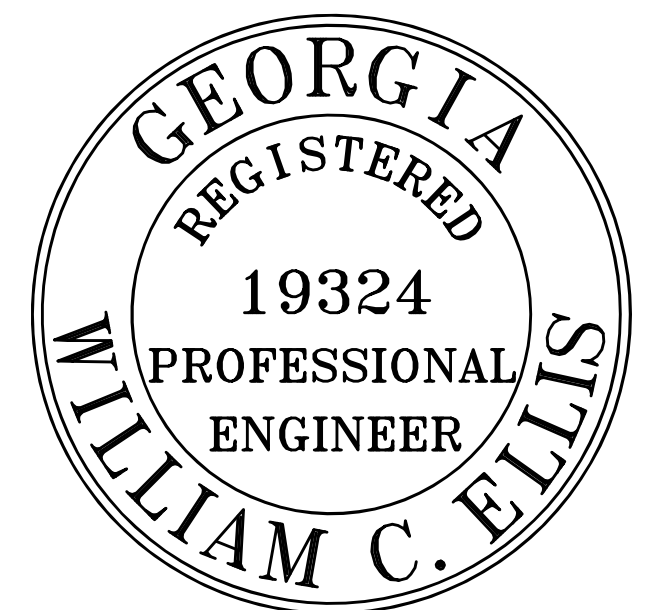
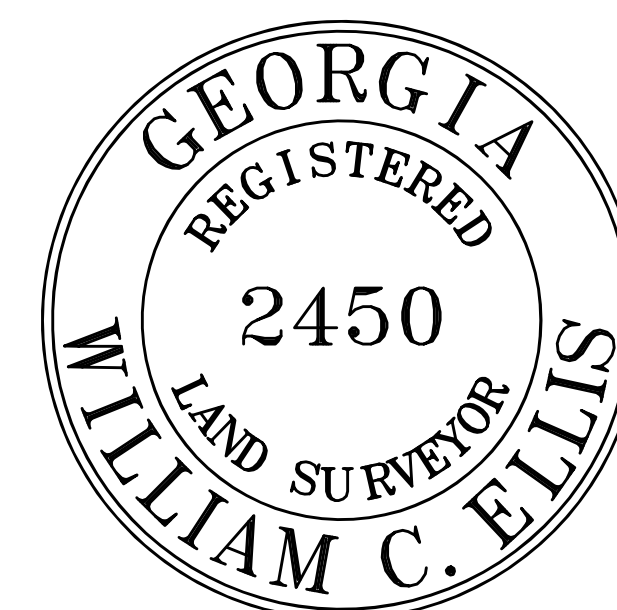


- GENERAL NOTES
- 1) REFERENCE TO SURVEY FOR SASLEE MOSS, OVERLOOK, LLC. ETAL. BY MERIDIAN GEOMATICS, LLC, BRYAN C. LONG RLS 3107 DATED 6/28/2022, DRAWING #2022-164, PB 356 PG 158B
  - 2) THIS PROPERTY IS IN AN AREA HAVING SPECIAL FLOOD HAZARDS PER FIRM PANEL 13139C0715G DATED 4/04/2018.
  - 3) TOTAL PROPERTY AREA 4.80 ACRES
  - 4) TAX PARCEL NUMBER 10085 000061 ZONED RESIDENTIAL
  - 5) OWNER/SUBDIVIDER NAME, ADDRESS AND PHONE NUMBER:  
SAALEE MOSS OVERLOOK LLC.  
8540 SPYGLASS DRIVE, DULUTH GA. 30097  
CONTACT:  
NAVEEN KOMMINENI  
MOBILE/TEXT 1(770)298-1014
  - 6) SURVEYORS NAME, ADDRESS AND PHONE NUMBER:  
W C ELLIS PE RLS  
2772 ANSCOT CT. SNELLVILLE 30278  
MOBILE/TEXT 1(404)556-6459
  - 7) V-C VACATION-COTTAGE 3.8 ACRES  
MINIMUM LOT AREA 35,000 SF  
MINIMUM LOT FRONTAGE 50'  
MINIMUM FRONT YARD 55' FROM CL ROAD, OR 30' FROM PROPERTY  
MINIMUM SIDE YARD 10'  
MINIMUM REAR YARD 20'  
AR-III PORTION OF PROPERTY TO BE REZONED 1.0 ACRES
  - 8) PROPOSED WATER SERVICE: LOTS 1 AND 2 PUBLIC WATER SERVICE LOTS 3, 4 AND 5 BY SEPTIC TANK
  - 9) PROPOSED SEWER BY ONSITE WASTE MANAGEMENT SYSTEM. BY SEPTIC TANK DESIGN BASED ON A LEVEL 3 SOILS ANALYSIS PROVIDED BY MILL CREEK ENVIRONMENTSL LLC SYSTEM DESIGN BASED ON 3/4 BEDROOM RESIDENTIAL USE 3 FOOT WIDE STANDARD TRENCH AND SEPTIC TANK HAVING BOTH PRIMARY AND RESERVE DRAIN FIELDS

PROPOSED LOT LAYOUT FOR  
2466 OLD FORK ROAD, GAINESVILLE GA., 30506

SAALEE MOSS OVERLOOK, LLC  
LOCATED IN

LAND LOT 85  
10th LAND DISTRICT  
HALL COUNTY, GEORGIA  
SCALE 1"=50'  
DATE 3/23/2024

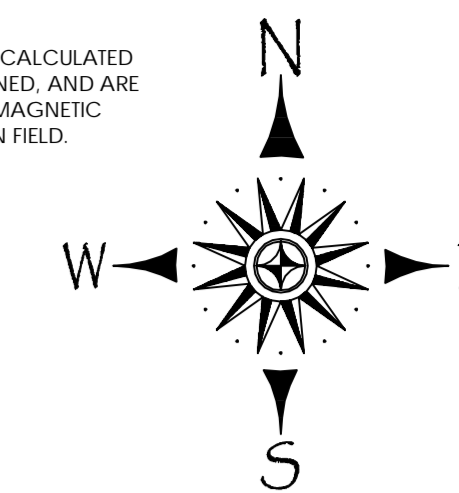


- REV 8-5-24 change ohp label to barb wire fence label
- REV 7-16-24 removed soils setbacks well setbacks added lot sf
- REV 6-28-24 add easement note to lot 5
- REV 5-5-24 6 LOTS TO 5 ADD WELLS
- REV 6-16-24 add garage notes, add drive removal note

TOTAL SITE AREA

209,173 SQ. FT.  
4.802 ACRES

ALL BEARINGS ARE CALCULATED FROM ANGLES TURNED, AND ARE BASED ON SINGLE MAGNETIC READINGS TAKEN IN FIELD.



THIS BLOCK RESERVED FOR COURT CLERK

ZONING: AR-III

SETBACKS

FRONT = 40' FT  
SIDE = 15' FT  
REAR = 25' FT  
MIN. LOT SIZE = 43,560 SQ.FT.  
MIN. FRONTAGE = 50' FT.

BOUNDARY REFERENCES:

1. SUBJECT DEED BOOK 6099, PAGE 308
2. PLAT BOOK 181, PAGE 151B
3. SEE ADJOINERS

ADDRESS(S)

2444 OLD FORK ROAD  
GAINESVILLE, GEORGIA, 30506

FLOOD NOTE

AS PER THE F.I.R.M. FLOOD INSURANCE RATE MAP HALL COUNTY COMMUNITY PANEL NO. 13139 C 0715 G DATED APRIL 04, 2018. THIS PROPERTY IS IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

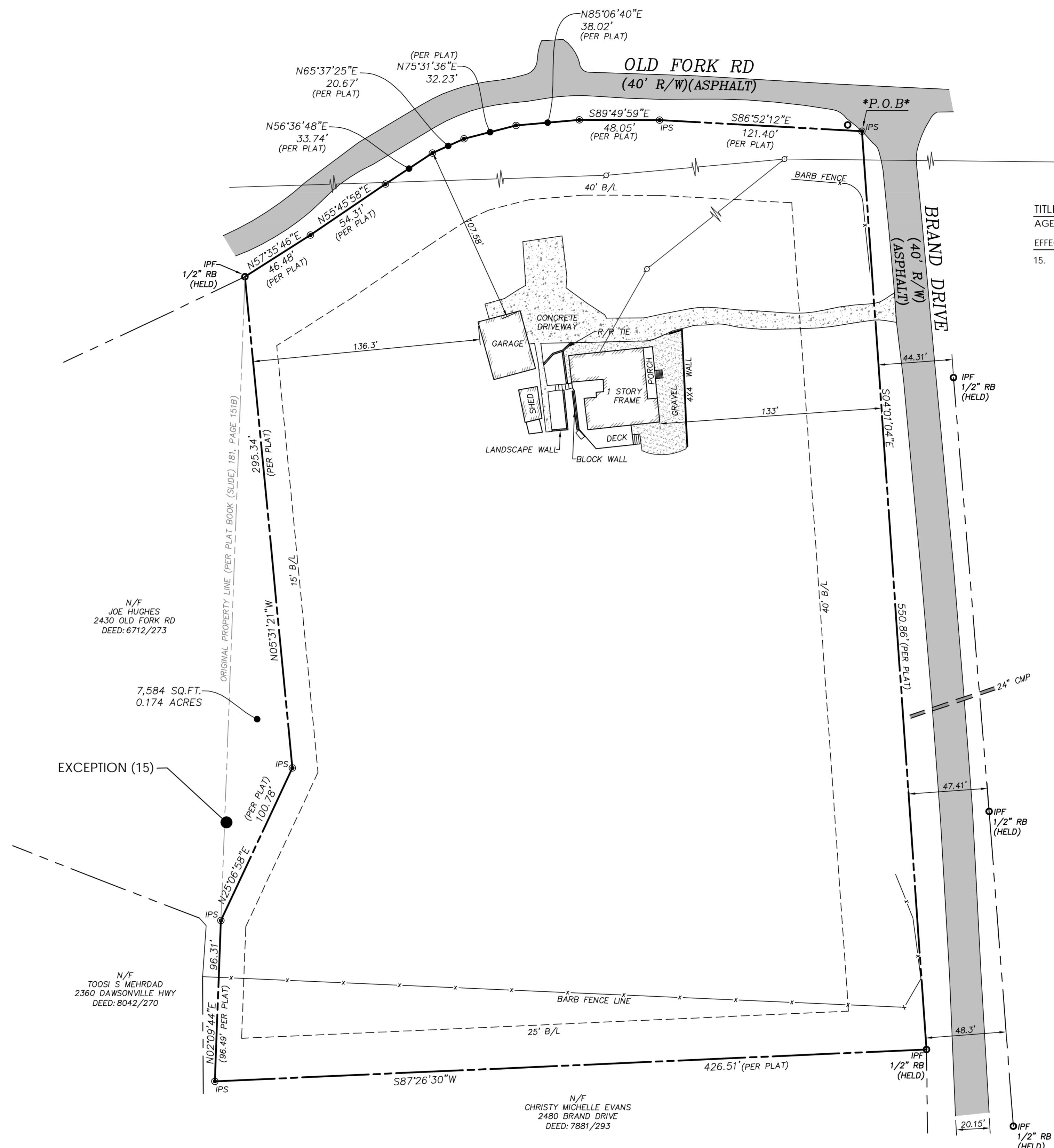
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 85 of the 10th District, Hall County, Georgia, and more particularly described; this property is also more particularly described as follows:

Beginning at the mitered intersection of the southerly right of way of Old Fork Road and westerly right of way of Brand Drive, said point being the TRUE POINT OF BEGINNING;

From the TRUE POINT OF BEGINNING, as thus established, proceed, along right of way of Brand Drive, South 14°01'04" East a distance of 550.86 feet to an iron pin found (1/2" rebar); thence, leaving said right of way of Brand Drive, South 87°26'30" West a distance of 426.51 feet to a point; thence, North 02°09'44" East a distance of 96.31 feet to a point; thence, North 25°06'58" East a distance of 100.78 feet to a point; thence, North 05°31'21" West a distance of 295.34 feet to an iron pin found (1/2" rebar) on the southerly right of way of Old Fork Road, thence, along said right of way of Old Fork Road, North 57°35'46" East a distance of 46.48 feet to a point; thence, North 55°45'58" East a distance of 54.31 feet to a point; thence, North 56°36'48" East a distance of 33.74 feet to a point; thence, North 65°37'25" East a distance of 20.67 feet to a point; thence, North 75°31'36" East a distance of 32.23 feet; thence, North 85°06'40" East a distance of 38.02 feet to a point; thence, South 89°49'59" East a distance of 48.05 feet to a point; thence, South 86°52'12" East a distance of 121.40 feet to a point and the TRUE POINT OF BEGINNING;

Said tract or parcel contains 209,173 square feet or 4.802 acres.



TITLE COMMITMENT

AGENT FILE NO. A22087

EFFECTIVE DATE: 05/26/2022 at 8:00 am

SCHEDULE B - SECTION II

15. All matters and exceptions appearing at Plat Book 181 Page 151B aforesaid records.

(AS SHOWN)

LEGEND			
IPF	IRON PIN FOUND	—X—X—	PROPERTY LINE
IPS	1/2" REBAR SET	—T—T—	FENCE
CMP	CORRUGATED METAL PIPE	—G—G—	TELEPHONE LINE
R/W	RIGHT OF WAY	—C—C—	GAS LINE
Q	CENTER LINE	—W—W—	WATER LINE
PL	PROPERTY LINE	—S—S—	SANITARY SEWER LINE
FL	FLARED END SECTION	—P—P—	POWER LINE
L.L.L.	LAND LOT LINE	—F—F—	FIRE DEPT. LINE
T.B.M.	TEMPORARY BENCHMARK	CTP	CRIMP TOP PIPE
INV.	INVERT ELEVATION	RB	REBAR
SMH	SANITARY SEWER MANHOLE	SL	SIDEWALK LIGHTS
PO	POWER POLE	D.I.	DRAIN INLET
HY	FIRE HYDRANT	SMH	SAN. SEWER MANHOLE
LP	LIGHT POLE	CO	CLEANOUT
ICV	IRRIGATION CONTROL VALVE	WM	WATER METER
GP	GEORGIA POWER MANHOLE LID	WV	WATER VALVE
TL	TELE COMM. MANHOLE LID	GW	GUY WIRE
GV	GAS VALVE	AC	AIR CONDITIONER
BM	BENCHMARK	N/F	NOW OR FORMERLY
IPF	IRON PIN FOUND	PT	PERC. TEST (BOREHOLE)
		TR	4x4 TRANSFORMER
		RRT	RAIL ROAD TIE WALL

**FIELD DATA STATEMENT :**  
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION EXCEEDING ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 5 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.  
 A TRIMBLE S5 SERIES INSTRUMENT WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS FOR THE PREPARATION OF THIS PLAT.  
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO EXCEED 1 IN 537,771.

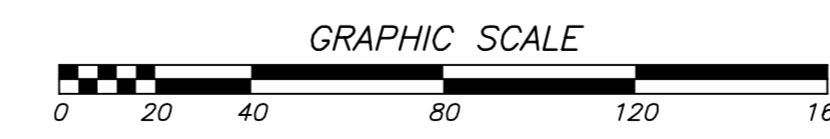
**SURVEYOR'S CERTIFICATE**  
 To: SAALEE MOSS OVERLOOK, LLC., JOYTI PRAKASH INTERNATIONAL, INC., RASHMIRANJAN JOYTI PRAKASH, SMITA JOYTI PRAKASH, JUNG H. KIM, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY :  
 This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and include items 1 thru 4, 6(b), 7(a) and (b)(1), 8 thru 10, 11(a), 13, 16, 18 thru 20(a) of Table A of said requirements.  
 The field work was completed on JUNE 27, 2022.

This 28th day of JUNE, 2022.

*[Signature]*

SURVEYOR'S CERTIFICATION

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 herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OR 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 THE O.C.G.A. SECTION 15-6-67.



ALTANSPS LAND TITLE SURVEY for  
SAALEE MOSS OVERLOOK, LLC., JOYTI PRAKASH INTERNATIONAL, INC., RASHMIRANJAN JOYTI PRAKASH, SMITA JOYTI PRAKASH, JUNG H. KIM, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

REVISIONS:  
PLAT BOOK (SLIDE) 356, PAGE 158B  
LAND LOT 85 of the 10th DISTRICT  
HALL COUNTY, GEORGIA  
DATE: 06/28/2022 SCALE: 1"= 40'

**MERIDIAN GEOMATICS, LLC**  
Land Surveying - Residential, Commercial & Municipal

2551 ROSWELL ROAD  
Marietta, Georgia 30067  
phone: (770) 675-6197  
surveyingatlanta@gmail.com

DRWN BY  
D.C.D.  
JOB NO.  
2022-164





I HAVE CONSULTED THE F.I.R.M. FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NO. 130466 0075 B DATED NOVEMBER 2, 1983 AND IN MY OPINION THIS PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA.

*H.P. Farley*

FIELD SURVEY ERROR OF CLOSURE 1.8666  
ANGULAR ERROR PER ANGLE POINT 00'00.00"  
INSTRUMENT USED TOPCON GTC 2  
ADJUSTED BY CRAWFORD'S RULE  
PLAT ERROR OF CLOSURE 1.88428

TIE: N 78° 05' 07" E. 905.98 FEET TO  
E INTERSECTION OF OLD FORK  
ROAD AND BRAND DRIVE.

REFERENCES:

- 1) PLAT BY MICHAEL C. SCUPIN, G.R.L.S. FOR GEARL SHELBY STEPHENS, 140 ACRES, 11-11-81.
- 2) PLAT BY HENRY STACY JARRARD, G.R.L.S. FOR DONALD L. & REBECCA J. STEPHENS, 498 AC. 10-16-92.
- 3) PLAT BY FARLEY-COLLINS ASSOCIATES G.R.L.S. FOR DONALD L. & REBECCA STEPHENS, 801 AC., 5-08-1977.

NOTES:

- 1) PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE REF. PLAT FOR D.L. & R.J. STEPHENS, WHICH BEARS N 05° 24' 00" E. (SEE REF. NO. 1.)

RECORDING PERMIT

By *[Signature]* Approved to show and accept, Linc.  
10/20/2004 6/23/04  
HALL COUNTY PLANNING COMMISSION

Georgia, Hall County, Clerk Superior Court

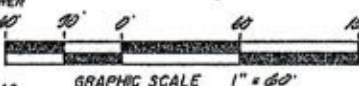
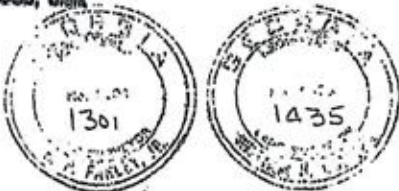
Filed in office this 23 day of June  
10 24 at            Recorded in Slide 356

Page 158b

*Dwight O. Wood*  
DWIGHT O. WOOD, Clerk

LINE SURVEY ONLY

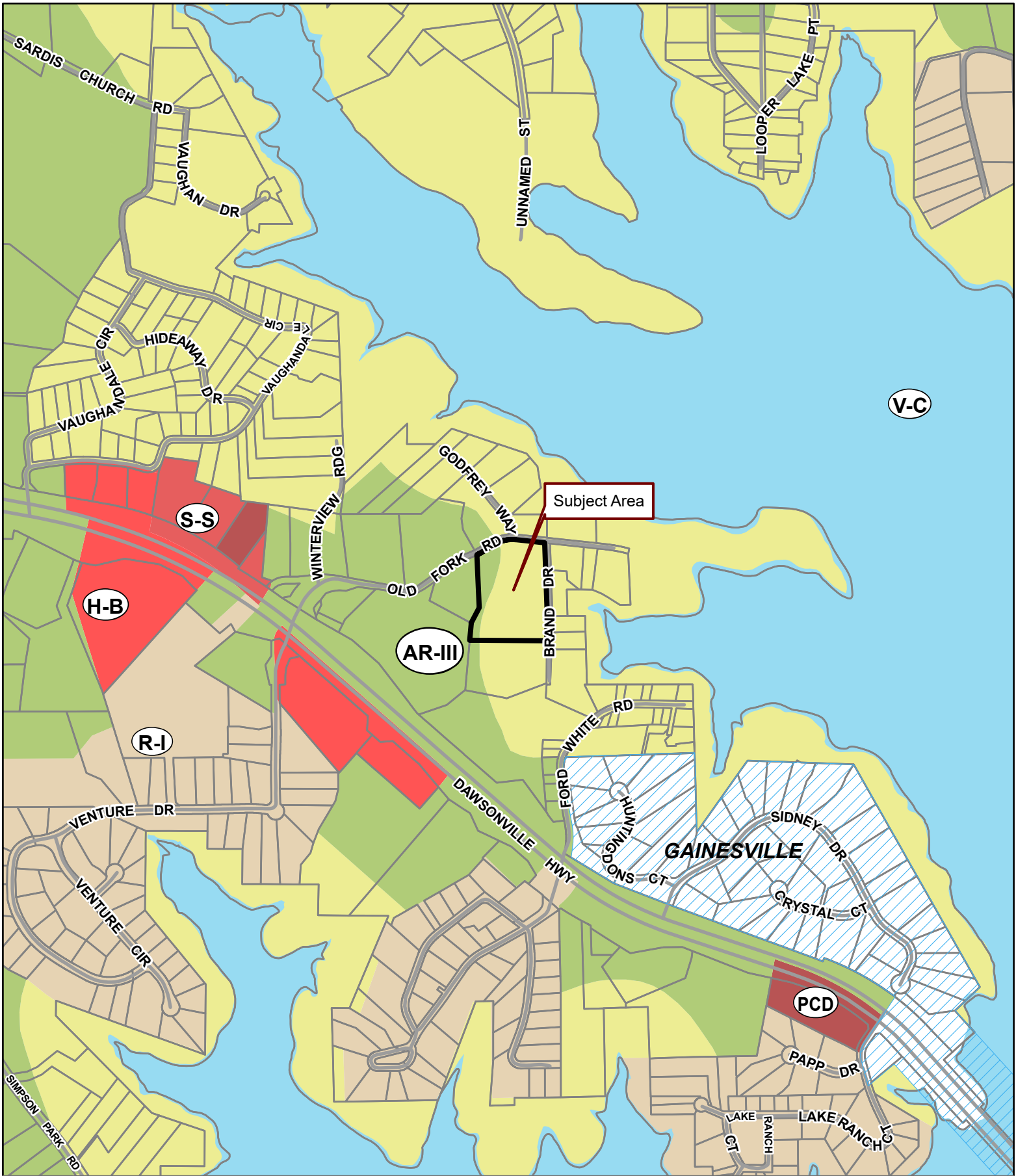
- C = CENTERLINE
- CM = CONCRETE MONUMENT
- CT = CRIMP TOP IRON PIN
- DE = DRAINAGE EASEMENT
- IPF = IRON PIPE FOUND
- IPS = IRON PIPE SET
- LLL = LAND LOT LINE
- N/F = NOW OR FORMERLY
- R = PROPERTY LINE
- R/W = RIGHT-OF-WAY
- SS = SANITARY SEWER
- X- = FENCE
- G- = GAS
- P- = POWER
- T- = TELEPHONE
- W- = WATER
- AKA = ALSO KNOWN AS
- 1/8 = SETBACK LINE



DATE: 10-29-1997  
SURVEY FOR:  
**FARLEY-COLLINS ASSOCIATES**  
P.O. BOX 731 404-532-1001  
1201 THOMPSON BRIDGE ROAD  
GAINESVILLE, GEORGIA  
30603

JOB NO. 5579  
DONALD L. STEPHENS, REBECCA J. STEPHENS  
CANDY COT 85 ~ 10th DISTRICT  
HALL COUNTY, GEORGIA





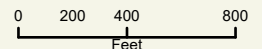
**Applicant:** RASHMIRANJAN JYOTIPRAKASH

**Tax Parcel #:** 10085 000061

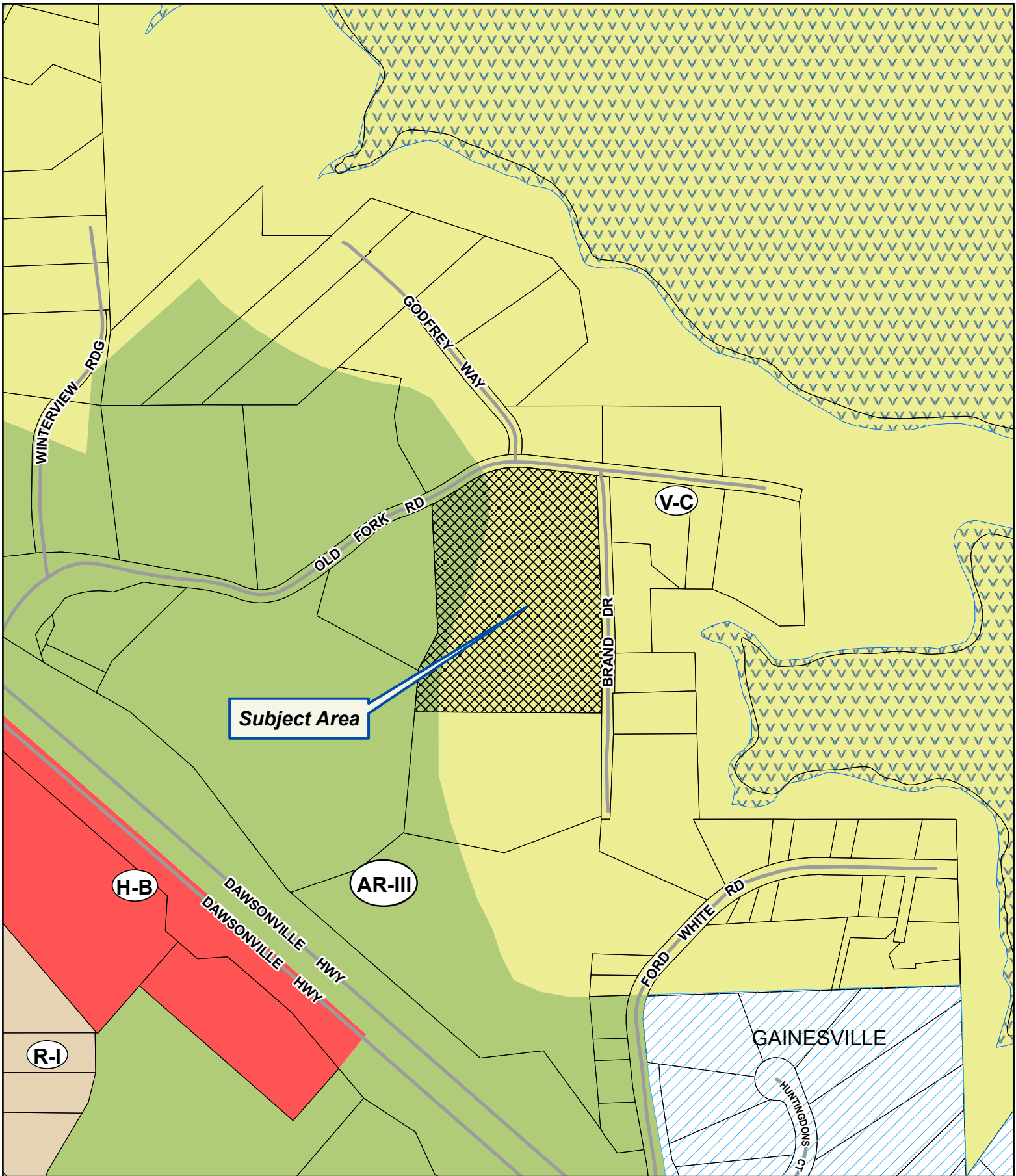
**Location:** 2466 OLD FORK ROAD, GAINESVILLE, GA 30506

**Commission District 2**

**PC Mtg. Date: 09/03/2024**



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



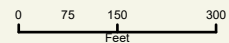
**Applicant:** RASHMIRANJAN JYOTIPRAKASH

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**Commission District 2**

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





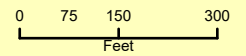
**Applicant:** RASHMIRANJAN JYOTIPRAKASH

**Tax Parcel #:** 10085 000061

**Location:** 2466 OLD FORK ROAD, GAINESVILLE, GA 30506

**Commission District 2**

**PC Mtg. Date: 09/03/2024**






-  Zoning Boundary
-  City Limits
-  Subject Area



EXHIBIT "A"  
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 85, 19th District, Land District, Hall County, Georgia, shown on survey of Donald L. and Rebecca S. Stephens and Home Trust Bank of Georgia, by Henry Grady Jarrard, R.S., dated October 12, 1992, recorded in Plat Slide 181, Page 151B, records of Hall County, Georgia, which plat is hereby referred to and made a part of this description.

LESS AND EXCEPT,

That portion of the above described property conveyed in a Warranty Deed from Donald L. Stephens and Rebecca S. Stephens to Charles A. Hughes and Jo Ellen Hughes, dated May 11, 1994, recorded in Deed Book 2210, Page 303, aforesaid records; AND

LESS AND EXCEPT,

That portion of the above described property conveyed in right-of-way deed to Hall County for the widening of Brand Drive, recorded in Deed Book 2665, Page 273, Hall County records.

Tax ID#: 10085-000061

Subject to any Easements or Restrictions of Record

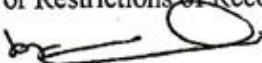

Jung Hcin  AIF

EXHIBIT "B"

1. All taxes and special assessments, including water, sanitary and other utility bills, for the year 2022 and subsequent years, which are not yet due and payable, together with any and all taxes and special assessments which may become due and payable for the current or previous years, due to, but not limited to, reassessments, rebillings, or errors by tax officials or their agents.
2. All matters and exceptions appearing at Plat Book 181 Page 151B aforesaid records.

Jung H. Kim by  AIF

02210  
0303

# WARRANTY DEED

303

From:

Donald L. Stephens & Rebecca J. Stephens  
Grantor

May 11, 1994  
Date

To:  
Charles A. Hughes & Jo Ellen Hughes  
Grantee

\$ 2,000.00  
Consideration

GEORGIA, Hall COUNTY.

This WARRANTY DEED made on the above date between the above grantor and the above grantee. WITNESSETH: That the grantor for and in consideration of the above sum in hand paid at and before the sealing and delivering of these presents, the receipt of which is hereby acknowledged, and other good and valuable considerations, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey unto the grantee the tract of land hereinafter described.

TO HAVE AND TO HOLD the tract 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 grantee, his heirs and assigns, forever, in Fee Simple.

AND THE grantor for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the grantee, his heirs and assigns, against the claims of all persons whomsoever.

Where same is more appropriate herein, the singular denotes the plural in number and the masculine denotes the feminine and neuter in gender.

IN WITNESS WHEREOF, the grantor has hereunto set his hand and seal, the day and year above written.

Signed, Sealed and Delivered in the presence of:

Raymond T. Suffington

Donald J. Stephens (Seal)

Rebecca J. Stephens (Seal)



Notary Public, HALL COUNTY, GEORGIA  
MY COMMISSION EXPIRES, MARCH 28, 1997

THE TRACT OF LAND HEREBY CONVEYED IS DESCRIBED AS FOLLOWS:

That 7,572 square foot tract of land lying and being in Land Lot 85 of the 10th Land District of Hall County, Georgia, and being fully shown on a plat of "Survey for Donald L. Stephens and Rebecca J. Stephens" prepared by Farley-Collins Associates, surveyors, on October 29, 1993, a copy of which plat is recorded in Plat Book 356, page 158B, of the Hall County, Georgia Deed Records to which plat and the recording of same reference is hereby made for purposes of description.

HALL COUNTY, Georgia  
Real Estate Transfer Tax

Paid \$ 2.00

Date June 23, 1994

DWIGHT S. WOOD  
Clerk of Superior Court

By Kathy Bondman

Clerk's Office, Hall Superior Court.

Filed for record at 2:05 o'clock P M., June 23, 1994

Recorded in Deed Book 2215, Page 303, June 24, 1994

Walt S. Wood, Clerk

Copyright 1978 by Douglas B. Smith, Attorney at Law, 300 First National Bank Building, Columbus, Georgia. Copies may be obtained from copyright holder and may not be reproduced without his permission.

GEORGIA PRINTING CO., GAINESVILLE, GA.

not. Marshall Rogers  
16 236  
Way 20506  
Lawsonville Hwy

eFiled and eRecorded  
DATE: 06/30/2022  
TIME: 12:31 PM  
DEED BOOK: 9154  
PAGE: 353 - 356  
FILING FEES: \$25.00  
TRANSFER TAX: \$365.00  
PARTICIPANT ID: 2179167993  
PT61: 069-2022-005896  
RECORDED BY: NB  
CLERK: Charles Baker, C.S.C  
Hall County, GA

Parcel ID No.: 10085 000061

After Recording Return To:  
Hipes & Belle Isle, LLC  
178 South Main Street, Ste 250  
Alpharetta GA 30009  
File No. A220087

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

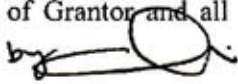
THIS INDENTURE, made the 29th day of June, 2022 between Jung H. Kim, as party or parties of the first part, hereinafter referred to as Grantor, and SAALEE Moss Overlook LLC, a Georgia limited liability company, as party or parties of the second part, hereinafter referred to as Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

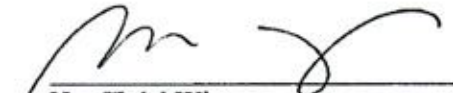
FOR AND IN CONSIDRATION of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS in hand paid to Grantor by Grantee at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land described on Exhibit "A", attached hereto and by reference made a part hereof.

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


AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of Grantor and all others claiming by, through or under Grantor.

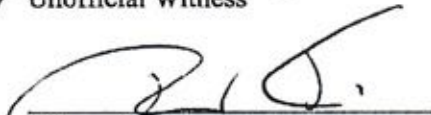
Jung H. Kim by  AIF

IN WITNESS WHEREOF, Grantor has either individually, or through its duly authorized officer(s), member(s), manager(s), or agent(s), signed, sealed and delivered this deed on the day, month and year first written above.

  
Unofficial Witness

GRANTOR:

Jung H. Kim by  AIF (Seal)  
Jung H. Kim  
By Inae Kim, Attorney-in-Fact

  
Notary Public

(NOTARIAL SEAL)







Naveen Kommineni &lt;nkommineni123@gmail.com&gt;

---

**2466 Old Fork Water Availability**

3 messages

---

**Nick Swafford** <NSwafford@gainesvillega.gov>  
To: "Kristie Turner (Planning)" <kturner@hallcounty.org>  
Cc: Naveen Kommineni <nkommineni123@gmail.com>

Tue, Jun 18, 2024 at 4:16 PM

Good afternoon Kristie,

Please allow this email to serve as confirmation of water availability for two additional water meters to be installed at the termination of the existing water main and the service lines installed in the R/W of Old Fork Road by way of a Utility encroachment permit issued by Hall County Engineering. Please let me know if you require anything further.

Thanks,

**Nick Swafford**

Permitting Services &amp; GIS Manager

Department of Water Resources



O | 770.538.2452

[www.gainesville.org](http://www.gainesville.org)

300 Henry Ward Way, Ste. 305  
Gainesville, GA 30501

---

**Kristie Turner (Planning)** <kturner@hallcounty.org>  
To: Nick Swafford <NSwafford@gainesvillega.gov>  
Cc: Naveen Kommineni <nkommineni123@gmail.com>

Tue, Jun 18, 2024 at 4:27 PM

Thank you.

Regards,

Kristie Turner

Principal Planner

Hall County Community Development and Infrastructure

(direct office) 770-297-6853

[kturner@hallcounty.org](mailto:kturner@hallcounty.org)



---

**From:** Nick Swafford <[NSwafford@gainesvillega.gov](mailto:NSwafford@gainesvillega.gov)>  
**Sent:** Tuesday, June 18, 2024 4:16 PM  
**To:** Kristie Turner (Planning) <[kturner@hallcounty.org](mailto:kturner@hallcounty.org)>  
**Cc:** Naveen Kommineni <[nkommineni123@gmail.com](mailto:nkommineni123@gmail.com)>  
**Subject:** 2466 Old Fork Water Availability

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.

[Quoted text hidden]

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**Naveen Kommineni** <[nkommineni123@gmail.com](mailto:nkommineni123@gmail.com)>  
To: [naveen@ynjhomes.com](mailto:naveen@ynjhomes.com)

Tue, Jun 18, 2024 at 4:38 PM

----- Forwarded message -----  
**From:** Nick Swafford <[NSwafford@gainesvillega.gov](mailto:NSwafford@gainesvillega.gov)>  
**Date:** Tue, Jun 18, 2024 at 4:16 PM  
**Subject:** 2466 Old Fork Water Availability  
**To:** Kristie Turner (Planning) <[kturner@hallcounty.org](mailto:kturner@hallcounty.org)>  
**Cc:** Naveen Kommineni <[nkommineni123@gmail.com](mailto:nkommineni123@gmail.com)>

[Quoted text hidden]

## Anael Dominguez (CDI: Planning)

---

**From:** Emily McGahee (Environmental Health)  
**Sent:** Wednesday, July 31, 2024 1:25 PM  
**To:** Anael Dominguez (Administration); Beth Garmon (CDI: Planning); Katie L. Greenway (CDI: Planning); Kristie Turner (Planning)  
**Cc:** Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)  
**Subject:** HCPC Tentative Agenda 9.3.24

Please find Environmental Health comments below:

Items 1A/B, 2466 Old Fork Road, Rashmiranjan: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process. All proposed plats must be submitted to the Hall County Plat Review Team for review and approval prior to submittal to Clerk of Courts for recordation.

Item 2, 0,4611,4627 Guth Road, 0,4561,4612 J M Turk Road, Gilliam: Public sewer. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.

Item 3, Updated Comprehensive Plan: No comment.

Item 4, UDC: No comment.

Emily McGahee  
Hall County Environmental Health  
Hall County Government Center  
2875 Browns Bridge Road  
Mailing: PO Box 5901  
Gainesville, GA 30504  
(770) 531-3973 (phone)  
[emcgahee@hallcounty.org](mailto:emcgahee@hallcounty.org)

<http://dph.georgia.gov/environmental-health> (State Website)  
<http://www.phdistrict2.org/HallCounty.htm> (District Website)  
<https://www.hallcounty.org/192/Environmental-Health> (County Website & Forms)

EMAIL Reader Advisory Notice: Email to and from a Georgia state agency is generally public record, except for content that is confidential under specific laws. Security by encryption is applied to all confidential information sent by email from the Georgia Department of Public Health (DPH). This message is only intended for specific recipient(s) and may contain privileged, private, or sensitive information. If you received this message in error, please delete it, and contact me.

## Anael Dominguez (Administration)

---

**From:** Chavers, Veronica E <VChavers@dot.ga.gov>  
**Sent:** Tuesday, July 30, 2024 10:49 AM  
**To:** Anael Dominguez (Administration); Beth Garmon (CDI: Planning)  
**Subject:** RE: Tentative Planning Agenda for September 3, 2024

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.

See responses below.

---

**From:** Anael Dominguez (CDI: Planning) <adominguez@hallcounty.org>  
**Sent:** Thursday, July 25, 2024 1:05 PM  
**Subject:** Tentative Planning Agenda for September 3, 2024

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

Good afternoon –

Here is the Tentative Agenda and Maps for the **Tuesday, September 3, 2024** 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, August 1<sup>st</sup>**. Email comments to Beth ([bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)) and Ana ([adominguez@hallcounty.org](mailto:adominguez@hallcounty.org)).

### **CALL TO ORDER**

### **AGENDA REVIEW**

### **APPROVAL OF MINUTES – August 19, 2024**

### **NEW BUSINESS**

1. [\(A\) 2466 Old Fork Road | Rezone | from Agricultural Residential III \(AR-III\) and Vacation Cottage \(V-C\) to Vacation Cottage \(V-C\) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmiranjan Jyotiprakash, applicant](#)  
[\(B\) 2466 Old Fork Road | Use Subject to County Commission Approval | on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmiranjan Jyotiprakash, applicant](#)  
**No GDOT coordination required**
2. [0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III \(AR-III\) to Planned Residential Development \(PRD\) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027,](#)

**No GDOT coordination required**

**OTHER BUSINESS**

3. **Public Hearing to transmit Hall County's updated Comprehensive Plan** to the Georgia Mountains Regional Commission and the Georgia Department of Community Affairs for review. \*\*\* | **Hall County Planning Staff, applicant.**
4. **Public Hearing to transmit Hall County's Unified Development Code** to the Georgia Mountains Regional Commission and the Georgia Department of Community Affairs for review. \*\*\* | **Hall County Planning Staff, 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, October 10, 2024**, at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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, October 10, 2024**. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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 **Tuesday, September 10, 2024**. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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](http://www.hallcounty.org)



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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/trafficking-in-georgia>. 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.

## Katie L. Greenway (CDI: Planning)

---

**From:** Kristie Turner (Planning)  
**Sent:** Thursday, August 15, 2024 12:05 PM  
**To:** Beth Garmon (CDI: Planning); Katie L. Greenway (CDI: Planning)  
**Subject:** FW: 9-3-24 Planning case comments

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Please see Scott's comments below.

Regards,

Kristie Turner  
Principal Planner  
Hall County Community Development and Infrastructure  
(direct office) 770-297-6853  
[kturner@hallcounty.org](mailto:kturner@hallcounty.org)



---

**From:** Scott Puckett (CDI: Engineering) <spuckett@hallcounty.org>  
**Sent:** Thursday, August 15, 2024 11:47 AM  
**To:** Kristie Turner (Planning) <kturner@hallcounty.org>  
**Subject:** RE: 9-3-24 Planning case comments

Hi Kristie,

Upon further review by staff, item #1 for the September 3, 2024 Planning Commission Agenda regarding Old Fork Road and Brand road rezoning, the existing traffic comments included in the memo from Bill Nash to Beth Garmon should be changed to "no comments". Please let me know if you have any questions.

Thanks!

Scott

Scott G. Puckett  
County Traffic Engineer  
Hall County Community Development and Infrastructure  
770-531-6800 | [www.hallcounty.org](http://www.hallcounty.org)



Hall County Government  
COMMUNITY DEVELOPMENT AND INFRASTRUCTURE  
PUBLIC WORKS AND UTILITIES

MEMORANDUM

**To:** Beth Garmon, Director of Planning and Zoning  
**From:** Bill Nash, Director of Public Works and Utilities  
**Date:** August 1, 2024  
**Subject:** September 3, 2024 - Hall County Planning Commission Agenda

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

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 September 3, 2024 meeting. Upon review, we provide the following comments.

**NEW BUSINESS**

1. [\(A\) 2466 Old Fork Road | Rezone | from Agricultural Residential III \(AR-III\) and Vacation Cottage \(V-C\) to Vacation Cottage \(V-C\) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmيرانjan Jyotiprakash, applicant](#)  
[\(B\) 2466 Old Fork Road | Use Subject to County Commission Approval | on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmيرانjan Jyotiprakash, applicant](#)

- a. **Engineering:** Further subdivisions of these lots will result in the necessity of a stormwater management plan if the total number of lots reaches more than 6.
- b. **Traffic:** Existing Old Fork Rd and Brand Drive Right of way is 30' Dedicate additional right of way to be 30' from the centerline and widen existing pavement at least 20'
- c. **Utilities:** Septic tank lots Gainesville sewer area

2. [0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III \(AR-III\) to Planned Residential Development \(PRD\) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 | Proposed Use: 256-unit residential development | \\*\\* Commission District 1 | Steven P. Gilliam, applicant](#)





## Anael Dominguez (CDI: Planning)

---

**From:** John Hornick (Fire Services)  
**Sent:** Tuesday, July 30, 2024 4:15 PM  
**To:** Anael Dominguez (Administration)  
**Cc:** Beth Garmon (CDI: Planning)  
**Subject:** Fire Comments

**Tuesday, September 3, 2024** Hall County Planning Commission Meeting.

1. [\(A\) 2466 Old Fork Road | Rezone | from Agricultural Residential III \(AR-III\) and Vacation Cottage \(V-C\) to Vacation Cottage \(V-C\) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmيرانjan Jyotiprakash, applicant](#)

[\(B\) 2466 Old Fork Road | Use Subject to County Commission Approval | on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmيرانjan Jyotiprakash, applicant](#)

### Hall County Fire Marshal Comments:

- 1) [Old Fork and Brand road do not meet the 20 foot road width requirements in several locations as required by fire code.](#)
- 2) [Old Fork and Brand roads end abruptly and have no approved turnaround as required by fire code.](#)
- 3) [The closest fire hydrant is located at 2406 Old Fork road](#)

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](http://www.Hallcounty.org)



## Kaitlyn Elliott (Planning)

---

**From:** Brian Gillespie <Brian.Gillespie@hhglobal.com>  
**Sent:** Friday, August 30, 2024 10:43 AM  
**To:** Planning  
**Cc:** bgillespie2@me.com  
**Subject:** Opposition Letter to Record number(s) HZON24-0021 & HZCU24-0028  
**Attachments:** Old Fork Rd - Rezoning.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from brian.gillespie@hhglobal.com. [Learn why this is important](#)

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

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

Please see attached opposition letter.

Also, we're unable to attend the meeting on 9/3 due to medical reasons. Is it possible to attend via conference call i.e. Zoom, Teams or whatever platform used by Hall County? Please let me know.

Thanks for your help.

### Brian Gillespie

*VP Non-Profit / Consumer Services Sectors*

**hh global**<sup>®</sup>

m: 678-779-2471

e: brian.gillespie@hhglobal.com

w: [hhglobal.com](http://hhglobal.com)



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**Big Impact for Big Ideas**

# BRIAN & STEPHANIE GILLESPIE

2512 Godfrey Way, Gainesville, GA 30506 | 678-779-2471 | bgillespie2@me.com

**August 30<sup>th</sup>, 2024**

Hall County Planning Commission

**Opposition Letter to the rezoning & conditional use of tax parcel 10085-000061 on Old Fork Rd, Gainesville, GA 30506**

**Record number(s) – HZON24-0021 & HZCU24-0028**

**Dear Hall County Planning Commission:**

Thank you for your careful consideration of this request. I think it's important to note some key concerns we have for this rezoning and conditional use request.

In stark contrast to Hall County's Future Development Guide for Lake Area Residential neighborhoods, the addition of 4 properties would increase the total SFDU's (single family dwelling units) by 26.6% on one parcel. As noted in the staff report by the Hall County Fire Chief, the road is already dangerous and inadequate for emergency vehicles and certainly dangerous for residents walking which is a specific draw to a "Lake Area Residential" neighborhood.

Additionally, it's stated in the staff report that the parcel subdivided as requested by the developer is 1.04 acres per dwelling which doesn't seem to be accurate with a 4.8-acre parcel being divided into 5 lots. It should be noted the request for VC allows for a smaller lot size and reduced setbacks. The property has a significant amount of topographic challenges which should require an environmental impact study given the run-off will directly impact the current water management and waste into Lake Lanier.

The neighborhood also has 2 additional lake front properties that are not developed in addition to another estate size lot that has exceptional lake views. Can we get clarification from utilities that additional taps beyond the two noted in the request from the developer

can be added? This would be an important consideration since we know the value of the "lake front" lots will have a significantly higher value and tax base potential.

With the addition of some short-term rentals in the neighborhood, including the property in question, we have experienced a sharp increase in criminal activity. It could be a direct impact with the transitory nature of non-residents introduced to the location. While VC zoning permits such usage, that is not representative of the current neighborhood. The "Future Development Guide" specifically calls out the need to PRESERVE established neighborhoods.

The most recent 4 lots developed in the neighborhood all have 2024 tax assessments of \$600K - \$1.4mm in value. I respectfully ask the commission to consider the substantial impact to the values of the current properties. The developer is a non-resident of both the neighborhood and Hall County. It appears the intent is to maximize the number of units that can be placed on the parcel for the purpose of short and maybe long-term rentals. Again, it's well documented the impact to property values if the developer is allowed maximum density with properties not similar in quality or value of the surrounding properties.

Understanding the parcel in question is already zoned VC for a large portion, at a minimum, the current zoning would reduce the number of additional lots to 4 instead of 5 and would ask that the commission get clarity on the usage intent and quality of the development in question.

Thank you for protecting our property values and our families by closely evaluating this request.

Sincerely,

**Brian & Stephanie Gillespie**

**Print**

**Planning Commission Comments - Sept. 3, 2024 - Submission #99643**

**Date Submitted: 8/30/2024**

Comments completed in the form below will be submitted into the record for the Sept. 3, 2024 meeting of the Hall County Planning Commission.

**First Name\***

Mary

**Last Name\***

Nichols

**Address1\***

2455 Old Fork Rd

**Address2**

**City\***

Gainesville

**State\***

GA

**Zip\***

30506

**Zoning Item for Comment\***

(B) 2466 Old Fork 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\***

Thanks for the opportunity to comment~  
Concerns:  
1. Old Fork Rd is a short, narrow road with signs of deteriorating cracks and broken side edges in places. The ongoing usage by construction vehicles and delivery trucks for four newly constructed homes would further deteriorate the narrow road, requiring the road to be resurfaced and widened for the parade of heavy equipment for this construction plan.  
2. Depending on the price point for these new homes, there is expected concern over their impact to the existing home values on Old Fork, Godfrey Way, and Brand Dr.  
3. The possible addition of four more vacation rental homes on our short street and small neighborhood presents a reasonable concern to the amount of increased traffic traveling in and out on Old Fork Rd., impacting both safety and increase in road maintenance.

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 - Sept. 3, 2024 - Submission #99650**

**Date Submitted: 8/30/2024**

Comments completed in the form below will be submitted into the record for the Sept. 3, 2024 meeting of the Hall County Planning Commission.

**First Name\***

Robert

**Last Name\***

Nichols

**Address1\***

2455

**Address2**

Old fork Road

**City\***

Gainesville

**State\***

Georgia

**Zip\***

30506

**Zoning Item for Comment\***

(B) 2466 Old Fork 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\***

Thank you In advance for reading my comments.  
 Major concerns about Old Fork Road project.

1. Density. Current residents are considered Lake Residential and low density. The proposal has five homes on less than 5 acres. Will the proposed property be consistent with existing homes?
2. Property values. What is the scope of buildings?(Size, with or without garages, ranch or multi story, basement, price range, etc.
3. Road condition. Old Fork Rd is steep, curvy and narrow. The existing road and shoulders would be considered in poor condition. The road would need to be widened plus a 3 inch overlay of asphalt. The traffic count would increase significantly with addition of two cars per household or 10 more cars twice daily accounting for 20 trips per day just for this project once completed. Construction traffic would deteriorate existing road.
- 4 Noise. There is potential noise related problems stemming from daily construction in close proximity to other homes.
5. Water and sewer. City water and drilled wells accessibility. Adequate septic system lines plus additional backup plan for possible failure of system..
6. Safety. With the current and proposed traffic and the quick growth of delivery truck frequency, any and all pedestrian traffic would be at risk. (UPS, Prime, FedEx, grocery delivery Etc.)

Overall, I feel five homes on the property would cause undue stress on all county systems and services.  
 Possible solutions: Limit to four homes total and approval from board in keeping with a finished project that will enhance our community.

Respectfully submitted,  
 Robert Nichols

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.



## Kaitlyn Elliott (Planning)

---

**From:** Rochat, Roger William <rrochat@emory.edu>  
**Sent:** Friday, August 30, 2024 8:53 AM  
**To:** Planning  
**Subject:** objection to proposed re-zoning 2466 Old Fork Road, Gainesville 30506

Some people who received this message don't often get email from rrochat@emory.edu. [Learn why this is important](#)

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.

Ms. Garmon  
Director of Planning and Zoning

Dear Ms Garmon

We write to oppose re-zoning of 2466 Old Fork Road. Our family has lived across the street for 42 years. Over the years, three family members have died...and a portion of their ashes have been sprinkled in family ceremonies around the property. Our youngest child grew up on the lake and got married by the lake. We love the place! We are now in our eighties. We enjoy morning walks on Old Fork Road. We enjoy the wildlife, deer, groundhogs, birds, trees and flowers. I have identified over 100 species of trees on or near our property. We greatly enjoy our privacy and quiet. We also enjoy our neighbors; some have direct access to the lake.

The proposed property for rezoning does not have direct access to the lake—and the proposed lots would have limited view of water. We are not eager to have neighbors trespassing our property to access the lake.

Construction activity of the order proposed by this re-zoning endangers all that we enjoy. Construction often damages neighbors' property. Recently, workers building a nearby house knocked down our mailbox. The trucks damage the narrow road and endanger our walking. Workers often throw cans and other trash onto neighbors' property.

The road definitely requires widening so passenger vehicles can safely pass each other or construction trucks. Moreover, city water and fire engine protection need to be more readily available before considering expanding the community. We have dead end streets without turn around capacity for trucks, fire engines, or cars.

We knew the Donnie and Becky Stephens family who built and lived in the house. They too sought privacy and nature; sadly, he died of cancer. His widow and widowed mother still live. They lack any right to the property, but the proposed rezoning would be a loss of their and our mutual vision for the community that lives peacefully close to nature.

Respectfully,  
Roger and Susan Rochat  
2485 Old Fork Road

## Kaitlyn Elliott (Planning)

---

**From:** Van Williams <terrivan85@gmail.com>  
**Sent:** Wednesday, August 28, 2024 12:40 PM  
**To:** Planning  
**Subject:** Objections to 2466 Old Fork rezoning  
**Attachments:** Terri's opposition letter.docx

Some people who received this message don't often get email from terrivan85@gmail.com. [Learn why this is important](#)

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

To whom it may concern,

Please accept this letter has a response to the proposed rezoning and development of 2466 Old Fork Rd. Thank you for the time and attention to this matter.

Terri Williams  
2485 Brand Dr.  
Gainesville GA 30505

Dear Planning Commission Members,

I would like to express my serious concerns regarding the planned rezoning/development of 2466 Old Fork Road.

Many of us only have a well to service our homes with water. Is there a 100% guarantee that adding wells uphill will not impact the water table downhill and therefore our wells? Additionally, will there be septic tanks needed as well? What are the implications of those drain fields on the water in our wells. I believe running city water to any dwellings should be required.

As is a matter of public record, all of the homes built in the last 5 years (and a few that already existed) are all valued at \$1,000,000 plus. Many of us have built/bought these properties as a legacy to leave for our children. I am concerned about these small properties being used as comparisons for valuation in the future. These properties should be required to conform to the surrounding properties.

What types of use are planned for this property? Single family homes, short term rentals, long term rentals? Vacation rentals make no sense at all as there is no lake access or view of the lake. Also, there is next to zero law enforcement presence here. Yes, if you call 911 someone will come, but not as a matter of a regular visible presence to deter negative activities.

Old Fork road is not wide enough to accommodate a pick up truck (which everyone around here owns) and a car. I drive a small, low car, pulling off the side isn't a possibility as in many places, it drops off. Widening of Old Fork would be a necessity and my understanding is there are water lines running very close to the road. What would be the plans for that?

Are there any thoughts to putting a turn around at the end of Brand Drive? I am vehemently opposed to that idea. We chose this property 20 years ago for the privacy it afforded. Making it easy for people to drive down here would deeply, negatively effect our quality of life.

Have all of you come and driven around this area to see what the local neighborhood is and the look and feel of this community? If not, I would suggest you take the time to make the effort so you can appreciate how the

people living in the immediate area would see what is being proposed at 2466 Old Ford Rd.

Thank you for taking the time to consider these thoughts and objections.

Terri Williams  
2485 Brand Drive  
Gainesville, GA 30506

## Kaitlyn Elliott (Planning)

---

**From:** Van Williams <d.van.williams@gmail.com>  
**Sent:** Tuesday, August 27, 2024 4:45 PM  
**To:** Planning  
**Cc:** terrivan85@gmail.com  
**Subject:** Opposition to 2466 Old Fork Rd rezoning application  
**Attachments:** Planning Commision Letter.docx

Some people who received this message don't often get email from d.van.williams@gmail.com. [Learn why this is important](#)

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

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

Attached is a letter detailing my concerns over the rezoning and development of the property at 2466 Old Fork Rd. Thank you for the attention to this matter and I do plan on being present for the Sept. 3 community hearing.

Van Williams  
(678)296-6108

Dear Planning Commission Members,

I'm writing to express my concern and opposition to the proposed rezoning request and development in our neighborhood. This is in reference to the rezoning request for 2466 Old Fork Road to rezone from AR-III & V-C to V-C only.

My opposition centers around 5 key areas:

- Safety
- Property Values
- Environmental Concerns
- Rezoning not required
- Not in keeping with the spirit of the Hall County land use master plan

**Safety:** The proposed changes would dramatically increase the traffic along Old Fork Rd. The road is already in disrepair and too narrow for traffic to pass without one or both vehicles needing to pull off. There's no shoulder or worse, a drop off, for most of the length of the road. Increased construction traffic will only make this worse and I'm concerned about the general safety of all vehicles on the road with the increased traffic during construction and after occupancy. At a minimum the road should be widened and the shoulder improved for safety.

**Property Values:** It is our current understanding from the developer that they will be placing small pre-manufactured buildings on this proposed rezoning site as opposed to homes that match the style and size of the other homes recently constructed in this area. There have been many studies that show the dramatic decrease in property value for surrounding homes when these types of homes are introduced. The area in question has seen a significant increase in property values because of the investment in larger homes. This is both good for the Hall County tax base and good for the neighborhood. Putting in a neighborhood of small cottages will reverse those gains and sabotage the investment and progress that we have been making. They will all be used as comps for new construction making it more difficult to acquire mortgages for the types of homes that have been going up.

**Environmental Concerns:** The proposed property has a very significant grade sloping towards the lake and to the creek running into the lake between Brand Dr and Ford White. Previous lawsuits have already been brought against developers for the clear cutting and construction that resulted in significant amounts of silt into the Sardis Creek area. This resulted in a very expensive de-silting operation in the lake in the cove directly adjacent to the proposed development. Septic runoff, additional well usage, clear cutting and other construction will only serve to make existing issues worse.

**Rezoning Unnecessary:** It is unclear as to exactly why this rezoning is even required other than the greed of the developers to squeeze in one more small lot to increase profits and density. They can ALREADY build “vacation cottage” sized homes with the current zoning restrictions. This entire rezoning request is unnecessary and a waste of the planning commission’s and community time.

**Not Part of the Master Plan:** The current master plan states “PRESERVE established neighborhoods and CREATE opportunities for permanent and vacation residences similar in land use pattern...” Clearly a manufactured home community, with small lots and no lake access in an existing neighborhood is not preserving the neighborhood nor is it creating permanent or vacation residences in a similar manner. There is zero access or view of Lake Lanier for any of these homes and unlikely that they will be viewed as “vacation cottages” instead this will become a burden on the neighborhood and it is not in keeping with the spirit OR the letter of the Lake Area Residential master plan.

I appreciate your thoughtful consideration of the above points and look forward to the discussion on Sept. 3

Van Williams  
2485 Brand Dr.  
Gainesville GA 30506

# ZONING NOTICE

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

APPLICANT: RASHMIRANJAN JYOTIPRAKASH

REQUEST: REZONE FROM AR-III & V-C TO V-C FOR A 5-LOT SINGLE FAMILY DEVELOPMENT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION  
Date: SEPT 03, 2024

COUNTY COMMISSION  
Date: OCT 10, 2024

Time: 5:15 PM

&

Time: 6:00 PM

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

FOR MORE INFORMATION CALL: (770) 531-6809

# ZONING NOTICE

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

APPLICANT: RASHMIRANJAN JYOTIPRAKASH

REQUEST: USE SUBJECT TO COUNTY COMMISSION APPROVAL FOR A 5-LOT SINGLE FAMILY DEVELOPMENT

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION  
Date: SEPT 03, 2024

COUNTY COMMISSION  
Date: OCT 10, 2024

Time: 5:15 PM

&

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

FOR MORE INFORMATION CALL: (770) 531-6809



## AGENDA ITEM

**Public Hearing to amend Hall County's Zoning Map as follows:**

**REPORT TO:** Work Session (10/07/24)

**REPORT TO:** Voting Meeting (10/10/24)

**ITEM NO:** 527/2024

**SUBJECT:** 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 | **Proposed Use: 256-unit residential development** | Commission District 1 | **Steven P. Gilliam, applicant**

### Meetings:

**Work Session Date:** 10/07/24

**Voting Meeting Date:** 10/10/24

### Executive Summary:

**Presenter:** BG  
**Recommendation:** Denial

**Purpose of Request:** 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 | **Proposed Use: 256-unit residential development** | Commission District 1 | **Steven P. Gilliam, 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:**

<b>Submit</b>	<b>Approve</b>	<b>Attorney</b>	<b>Administration</b>
KE	BG	WLI	CR
<b>Clerk</b>			
JR			

**Attachments:**

Board Memo  
Recommendation Report  
Application  
Revision Summary - Staff Memo to PC  
Updated Narrative  
Narrative  
Updated Site Plan  
Site Plan  
Updated Trip Generation Study  
Traffic Impact Study  
Maps  
Renderings  
Front Sign Rendering  
Legal Description  
Death Certificate  
Utility Availability  
Environmental Health  
GDOT Comments  
Public Works Comments  
Fire Comments  
Tax Assessors Comments  
Public Comments  
Notice Sign Photos  
Public Comment - Opposition - Mark Dunn  
Public Comment - Opposition - Doug Horsley  
Public Comment - Opposition - Shyam Vaidhyanathan  
Public Comment - Opposition - Milton Turk  
Public Comment - Opposition - Milton Turk 2  
Public Comment - Opposition - Judy Boorman  
Public Comment - Opposition - Mark Faul  
Public Comment - Opposition - Mark Faul 2  
Public Comment - Opposition - Tommy Channell  
Public Comment - Opposition - Erik Conley  
Public Comment - Opposition - Joy and Ted Ross  
Public Comment - Opposition - Mike Morton  
Public Comment - Opposition - Dale Casto  
Public Comment - Opposition - Rachael Faul  
Public Comment - Opposition - Jared Campbell  
Public Comment - Opposition - Angi Shields  
Public Comment - Opposition - Lisa Morton  
Public Comment - Opposition - Bill Doucher and Elah Valley HOA  
Preservation of Constitutional Rights - Milton Turk  
Preservation of Constitutional Rights - Ronald and Heather Terrell  
Preservation of Constitutional Rights - Megan Lifsey  
  
Preservation of Constitutional Rights - Ben and Trish Tule  
Preservation of Constitutional Rights - Albert Guth  
Preservation of Constitutional Rights - Jamie Phillips



# Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE  
PLANNING AND ZONING

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING  
DIRECTOR  
Beth Garmon

**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:** Beth Garmon, Director of Planning & Zoning

**Date:** September 23, 2024

**Subject:** **0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | on a 114.147± acre tract | Proposed Use: 256-unit residential development | Steven P. Gilliam, applicant**

---

The request before you is the request of Steven P. Gilliam to rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) for a 256-lot residential development. This item is located within Commission District 1.

At their September 16, 2024 meeting, the Hall County Planning Commission voted to recommend **denial (4-1) Braswell opposed.**

Staff recommendation: **Denial** as the proposed use exceeds the maximum density of 2 dwelling units per acre for the Residential future land use classification in the Comprehensive Plan.

There were **twenty-two (22) comments submitted** in advance of the Planning Commission meeting and **seven (7) people spoke in opposition during the public hearing.**

**HALL COUNTY PLANNING  
COMMISSION RECOMMENDATION  
REPORT**

**Applicant** ..... Steven P. Gilliam

**Request**..... **Rezone** | from Agricultural Residential III (AR-III, 17.110) to Planned Residential Development (PRD, 17.180.060)

**Proposed Use** ..... 256-lot residential development

**Size** ..... 114.147± acres

**Zoning**..... Current: Agricultural Residential III (AR-III, 17.110)  
| Proposed: Planned Residential Development (PRD, 17.180.060)

**Location** ..... **0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road** | Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100

**Commission District** ..... One

**Planning Commission Date**..... September 3, 2024

**Staff Recommendation** ..... **Denial** as the proposed use exceeds the maximum density of 2 dwelling units per acre for the Residential future land use classification in the Comprehensive Plan.

**Record** ..... **HZON24-0020**

**Planning Commission Recommendation**..... **Denial**  
**Vote: 4-1 (Braswell opposed)**

**Excerpts from the minutes of the September 16, 2024 meeting**

**Applicant's Presentation:**

**Katie Greenway, Planning and Zoning Administrator**, presented a summary of the request.

**Tyler Smith 340 Jesse Jewell Parkway, Gainesville**, presented the request. The applicant is requesting to rezone a combined 114.147± acre tract zoned Agricultural Residential (AR-III, 17.110) to Planned Residential Development (PRD, 17.180.060) for the purpose of constructing a 256-unit residential development. The total density of the development will be 2.24 units per acre, containing a total of 198 detached single-family homes and 58 attached

townhomes. An existing residence (4621 Stanley Road, tax parcel 15044 000035D) located on Stanley Road will remain, and will be provided with access through the proposed development. This parcel is not included as part of the rezoning request.

**Public Forum:**

**Mark Faul, 4567 Stanley Road, Flowery Branch** spoke in opposition. Concerns raised were a missing hydrology report, density, traffic, negative impact on property values, and the entrances proximity to each other.

**Albert Guth, 4589 Guth Road, Flowery Branch,** spoke in opposition. Concerns were the construction entrance being located on the road where he lives and the possible impact on his well.

**Tommy Channell, 4737 JM Turk Road, Flowery Branch,** spoke in opposition. Concerns were stormwater runoff and the impact to nearby bridges, garage façade percentages, density being too high, and the possibility of new septic systems contaminating water.

**Penni Ganyard, 2175 Silver Circle, Gainesville,** spoke in opposition. She expressed the need for smart growth for the county. Concerns were overcrowding in schools, and the importance of following current rules.

**Robert Payton, 5184 Stately Oaks Drive, Flowery Branch,** spoke in opposition. Concerns were the amount of traffic for winding roads, the growth versus road capacity, and overcrowding in schools.

**Janet Myers, 4859 Wildlife Way, Flowery Branch,** spoke in opposition. Concerns were high density, decreased property values of surrounding areas due to incompatibility with the development, decreased quality of life, the incompatibility with the County's comprehensive plan, increased stormwater runoff, and overcrowding in schools.

**William Doucher, 4789 JM Turk Road, Flowery Branch,** spoke in opposition. Concerns were the application not matching the comprehensive plan, high density, and stormwater runoff. Mr. Doucher brought up how this applicant was denied last time they applied and despite the changes to their application, they should be denied again.

*Rebuttal*

The applicant clarified that the total density of the development is 2.25 units per acre as calculated by the engineers but the townhome density is 4.64 units per acre and 1.95 units per acre for the detached single-family homes. The applicant cited the traffic study which proposed northbound and southbound turn lanes on JM Turk Road. The applicant stated, if approved, they would go through the process of receiving a land development permit which ensures following all state and federal regulations.

**Planning Commission Comments:**

Mr. Hunt clarified that the garage would be 55% of the townhome front coverage. The applicant stated that was correct. Mr. Sosebee asked for the applicant to show where the construction and emergency access points would be. The applicant showed the main entrance would be off of JM Turk Road, the emergency access would be through Guth Road, and the construction entrance would be through an easement depicted on the site plan off of JM Turk Road. Ms. Pilcher wanted clarification that the 22 foot setback was from the back of the sidewalk and not the curb as mentioned in previous paperwork. The applicant acknowledge the

error and confirmed it would be from the back of the sidewalk. Mr. Braswell asked about the sewer location. The applicant indicated the planned location of the lift station.

**Bret Clark, 129 Woodlake Drive, Gainesville**, showed on the map that the lift station would be at the rear of the development. Mr. Hunt asked if the construction entrances would be through Guth Road and off of JM Turk Road. The applicant explained that the proposed turnaround at the end of Guth Road would be used as a staging area for workers to park vehicles and the entrance would be through an easement off of JM Turk Road. Mr. Hunt asked if the easement off JM Turk Road was recorded for the applicant's use. The applicant was unsure. Mr. Braswell asked about the construction phases. The applicant stated two phases of site work and three to four phases of vertical construction with the stormwater ponds being built first. Mr. Hunt asked the applicant to explain the improvements they intend to do on Guth Road to meet fire and county codes. The applicant stated they would follow the necessary requirements to gain the land development permit. Mr. Hunt asked if the applicant intended to keep Guth Road gravel which the applicant confirmed they would. Mr. Braswell asked if the emergency access entrance would only allow emergency personnel which the applicant confirmed it would be gated and stated that is why the cul-de-sac would be created on Guth Road. Ms. Pilcher expressed concern about the hammerheads on the townhome plans which the applicant stated were normal for townhome developments. Mr. Hunt asked the length of the hammerheads and the applicant stated that they are roughly 120 feet long. Mr. Braswell asked when the construction of the amenities would begin in relation to the whole development construction. The applicant stated that they would be constructed first, starting with the pool, cabana, and pickleball courts. Mr. Braswell asked for an explanation of the community garden. The applicant stated in other areas these were popular and it would be managed by the HOA but the homeowners would be planting and caring for the garden.

***Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 4-1 (Braswell opposed)***

---

**Staff recommends DENIAL of the applicant's request. However, if the Planning Commission sees fit to approve this application, staff recommends the following conditions:**

1. Development is approved as generally depicted on the site plan dated August 20, 2024, and as detailed in the project narrative dated August 20, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The minimum heated floor area (HFA) shall be 1,800 square feet for single-family detached homes and 1,300 square feet for townhomes.



3. A 50-foot transitional buffer (planted or undisturbed) shall be maintained along all external property lines.
4. All single-family homes and townhomes shall provide two car garages and driveways to accommodate two cars for parking. Garage door width shall not exceed 55% of the width of the front façade of the single-family residences and a maximum garage door width of 55% of the front façade of the townhomes.
5. Residential driveways shall measure no less than 22 feet in length from the right-of-way to the front of the garage door. All other parking must meet the standards listed in 17.250 of the Official Code of Hall County.
6. The amenity area shall include a swimming pool, a dog park, and four (4) mail kiosks with adjacent parking as depicted on the proposed site plan date August 20, 2024, and shall be completed before 50% of the final buildout of the development.
7. The Declaration of Covenants, Conditions, and Restrictions for the subdivision and the documents establishing the home owner's association shall be submitted for review. These documents shall include a provision that would assure maintenance of the amenity package through adequate assessment of the subdivision property and would provide for establishing a lien against any property failing to pay said assessment. These documents shall be recorded simultaneously with the final plat and/or prior to the sale of any lots within the subdivision.
8. All designated open space within the development shall be commonly held and maintained and shall not be the responsibility of any individual homeowner(s). This common open space ownership shall be included in the deeds created for each lot.
9. Access to the development shall be approved by the Hall County Engineering Department. Access to the property from Guth Road shall be limited to emergency vehicles only. The developer shall implement all recommendations of the traffic study, subject to final review and approval by both Hall County Engineering. The developer shall be responsible for any costs associated with these improvements.
10. The development shall be limited to a maximum of four (4) model homes prior to approval and recording of the final plat. Model home permits may be issued prior to Final Plat recording provided that hard surface (crusher run) access is provided, and fire protection (functioning hydrant) is located within 500 feet of any structure under construction. No certificate of occupancy permits shall be issued prior to Final Plat recording.
11. The proposed lift station shall be located on its own lot.
12. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.

13. The following statement regarding the potential impacts of agricultural operation in the area shall be made a part of any plat recorded on the property:

“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”

14. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision

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**The following should be considered as exceptions to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:**

- Townhome Garage Doors
  - Garage doors shall constitute no more than 50 percent of the width of the individual townhouse unit.
    - The applicant is proposing that garage doors shall not exceed 55% of the width of the individual townhouse façade.
- Single Family Garage Doors
  - Garage doors shall constitute no more than 40 percent of the width of the individual townhouse unit.
    - The applicant is proposing that garage doors shall not exceed 55% of the width of the individual townhouse façade.
- 16.60.160. Width of right-of-way.
  - C. Standard cul-de-sac. The right-of-way shall extend to a minimum 60-foot radius measured from the center of the cul-de-sac, and the total width shall be evenly divisible by ten feet.
    - The applicant is proposing three eyebrow cul-de-sacs in Pods A & B.
    - The applicant is proposing four hammerhead cul-de-sacs in Pod C.

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### **Summary Analysis**

The applicant is requesting to rezone a combined 114.147± acre tract zoned Agricultural Residential (AR-III, 17.110) to Planned Residential Development (PRD, 17.180.060) for the purpose of constructing a 256-unit residential development. The total density of the development will be 2.24 units per acre, containing a total of 198 detached single-family homes and 58 attached townhomes. An existing residence (4621 Stanley Road, tax parcel 15044 000035D) located on Stanley Road will remain, and will be provided with access through the proposed development. This parcel is not included as part of the rezoning request.

Per the letter of intent and concept plan, the development will be composed of three pods. Pods A and B will be developed with detached single-family residences and Pod C will be developed with townhomes. It should be noted, the narrative refers to the townhomes as “cottages” as well; for the purpose of this report, the term “townhome” shall be used for Pod C. Per the narrative, the facades of all the residences will be finished with a combination of masonry, fiber cement and/or shake siding materials.

Pods A and B will consist of a total 198 detached single-family homes, with a proposed minimum lot size of 8,000 square feet and a minimum heated floor area of 1,800 square feet. Pod C will consist of 58 townhomes with a minimum heated floor area of 1,300 square feet. The overall density for the development is 2.25 dwelling units per acre.

The development will include a minimum of 32.3% of open space, which will include streams and associated buffers, planted buffers, a dog park, and a swimming pool. The site includes four mail kiosks located throughout, and an amenity site located within Pod B which will serve both the single-family residences and townhomes. It should be noted that any impervious area is not to be counted towards open space, including the pool as shown as open space on the submitted concept pool. The development will include 5-foot-wide sidewalks on both sides of the street, ensuring pedestrian connectivity within the development.

Access to the subdivision will be provided by reconfiguring where Stanley Road intersects with JM Turk Road. Stanley Road will also continue to provide access to outparcels 15044 00034 and 15044 000035D. Guth Road will be improved and utilized as a gated emergency-only entrance with a cul-de-sac.

A traffic impact study was conducted by SEI Engineering, Inc and Acampora Traffic LLC on May 23, 2023, and revised January 24, 2024. The study was based on 196 proposed detached single-family homes and 128 attached townhomes for a total of 324 homes. The study found the proposed subdivision will generate 188 trips in the morning peak hour, 260 trips in the evening peak hour, and 2,800 daily trips. The report found that the three studied intersections are expected to continue to operate acceptably after the proposed development is complete. As a result, no off-site mitigation is identified for the future build condition as a result of the proposed subdivision. The study confirms the need for a northbound right turn lane and a southbound left turn lane onto JM Turk Road at the proposed project entrance.

Per the narrative, water service will be provided by the City of Gainesville Department of Water Resources, and sanitary sewer services will be provided by Hall County Sewer. The developer intends to connect to utilities in the area via an onsite lift station. The availability of the water service was confirmed in a letter dated July 3, 2024. The availability of the sanitary sewer services was confirmed in a letter dated June 27, 2024.

The development standards for the project are described in the table below and are compared with the PRD requirements, (17.180.060):

<b>Standard</b>	<b>PRD Requirement (17.180.060)</b>	<b>Proposed Development</b>
Site Area	5 acre minimum	114.147± acres
Number of Units	–	256 single-family residences and townhomes
Density	2 units per acre maximum	2.24 units per acre*
Minimum Lot Area (single-family residences)	8,000 sq. ft.	8,000 sq. ft.
Maximum Building Height	–	40 feet
Minimum Open Space	30%	32.3%
Exterior Buffer	50 feet	50-foot planted buffer along the perimeter 50-foot undisturbed buffer along the stream buffers
Front Setback (Internal) - Detached	25 feet	25 feet – detached SFR
Side Setback (Internal) – Detached	5 feet	5 feet 10 feet - Side Corner*
Rear Setback (Internal) - Detached	20 feet	20 feet - detached SFR
Front Setback (Internal) – Attached	25 feet	22' feet from back of sidewalk*
Side Setback (Internal) - Attached	5 feet	20 feet between buildings
Rear Setback (Internal) Attached	20 feet	20 feet
Parking	2 spaces for each dwelling unit single family (17.250.020)	2 spaces for each dwelling unit
Min. Heated Floor Space - Detached	–	1,800 square feet
Min. Heated Floor Space – Attached	–	1,300 square feet
Garage – % of front façade - Detached	40% when recessed a minimum of 5 to 20 feet behind front wall plan of residence	Maximum of 55% *
Garage – % of front façade – Attached	50% of the width of the townhome unit	Maximum of 55% *
Minimum Sidewalk Width	5 feet	5 feet

Cluster Mailbox Unit (CBU)	CBU with 14 short-term parking spaces	4 CBU with 94 short-term parking spaces
Note: Items marked with an asterisk (*) do not conform to 17.180.060.		

Several variances have been identified as part of this request. Any deficiencies identified as part of the plan will be required to comply with the requirements of the PRD unless specially granted by the board in the conditions of approval.

**Based on the future land-use plan, staff finds the requested zoning designation is not consistent with the Hall County Comprehensive Plan future land use designation of “Residential”.** The intent of this land use category is to preserve established neighborhoods and create new residential developments consistent with surrounding suburban densities. This land use designation envisions moderate density at 2 dwelling units per acre. The proposed development has an overall density of 2.24 units per acre.

### Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered by the 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 for residential development is suitable given the established residential uses of the surrounding area. The proposed development has an overall density of 2.24 dwelling units per acre which exceeds the typical density of surrounding development.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal for residential development is compatible with the established residential uses of the surrounding area, although the proposed zoning classification of Planned Residential Development (PRD, 17.180.060) permits a higher density than that of nearby residential development.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. The properties appear to have reasonable economic use as currently zoned. **The property appears to have 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; **A traffic impact study found that the three study intersections are expected to continue to operate acceptably when the proposed development is complete. The study does confirm the need for a northbound right turn lane and a southbound left turn lane onto JM Turk Road at the proposed project entrance.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **Although consistent with the “Residential” land use designation, the proposed use is not consistent with the Comprehensive Plan recommended maximum density of two dwelling units per acre. The proposed development is proposing a density of 2.24 dwelling units per acre.**

6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
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 show the properties are a mixture of vacant and developed parcels, which include a number of residential structures and accessory buildings that will be removed during the development of the project. The historic 1880's barn adjacent to JM Turk Road will remain on the property.**
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 Districts (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 immediately surrounding properties; however, 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 varied housing types.**
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, though the development as proposed cannot be developed in any of the existing residential or multi-family districts without Board of Commissioner approval.**

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.

**17.380.50. - 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 provides a narrative outlining the intent of the development 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 meets the requirement. The applicant has provided a site plan and included the necessary information to properly assess the development.**

- 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 the three study intersections are expected to continue to operate acceptably when the proposed development is complete. The study does confirm the requirement for a northbound right turn lane and a southbound left turn lane onto JM Turk Road at the proposed project entrance.**

### **Development Support and Constraints – Departmental / Agency Comments**

#### **Hall County Environmental Health**

In an email dated July 31, 2024, Emily McGahee stated “Public sewer. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.”

#### **Hall County Fire Marshal**

In an email dated August 2, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, Lieutenant stated, “The Hall County Fire Marshal’s Office considers the plan conceptual in nature, and if approved may require modifications during the development review process.”

#### **Hall County Public Works and Utilities**

In a memorandum from Public Works and Utilities dated August 1, 2024, Bill Nash, Director, stated the following:

**Engineering:** This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show stream buffer and impervious setback from wrested vegetation not centerline of stream. Show FEMA and Hall County studied Flood plains that are present on site.

**Traffic:** A left turn lane and decel lane will be required for the entrance. Any required roadway improvements will be the financial responsibility of the developer. A cul-de-sac should be provided for Guth Road at the proposed end of county maintenance.

**Utilities:** No sanitary sewer in area. 76,800 gallons per day residential this is in the Hall County service area.

#### **Hall County Tax Assessor**



In an email dated July 25, 2024, Cher Melendez, Specialized Assessment Manager stated, "Parcels 15043 000027 are in conservation use. Sending intent to breach letter on 08-9-24."

**Georgia Department of Transportation**

In an email dated July 30, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is not required.

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**

July 02, 2024

**Applicant (Name & Mailing Address)**

Steven P. Gilliam  
P.O. Box 1098  
Gainesville, Ga 30503

Phone 770-536-3381

Email Address sgilliam@sgwmfirm.com

Proposed Use 198 detached residential units + 58 attached residential cottages

**Property Owner (Name & Mailing Address)**

See attached "property owners list".

Phone \_\_\_\_\_

Email Address \_\_\_\_\_

**Contact Person (Name & Mailing Address)**

Steven P. Gilliam, attorney  
P.O. Box 1098  
Gainesville, Ga 30503

Phone 770-536-3381

Email Address sgilliam@sgwmfirm.com

Tax Parcel Number 15043 000027, 000109, 128, 201  
15044 000035, 353, 43, 000100, 127

Location Address 0,4611, 4627 Guth Road + 0,4561, 4613 JM Turk Rd + 4590, 4601, 4610 Stanley Rd.

**Status of Applicant**

Owner

Option to Purchase

Area Resident

Other

**Requested Action**

Existing Zoning: AR-III

Rezone to: PRD

Fee: \$ 1,500.00

Receipt #: \_\_\_\_\_

Check #: \_\_\_\_\_

Acreage 114

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

Sign

Date: 7/1/2024

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: \_\_\_\_\_

**AUTHORIZATION OF PROPERTY OWNERS**

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

Name of owner(s) Buddy A. Stanley

Address 4561 J M Turk Rd  
Flowery Branch, Ga 30542

Phone Number 678-878-6596

Name of applicant(s) Steven P. Gilliam

Address P.O. Box 1098  
Gainesville, Ga 30503

Phone Number 770-536-3381


**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)  
*Buddy A. Stanley*

Personally appeared before me  
Buddy A. Stanley

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

*Lynn P. Pas*  
Notary Public  


07/03/2024  
Date

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



### AUTHORIZATION OF PROPERTY OWNERS

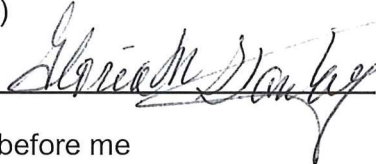
*Note: If the applicant is the property owner, please disregard this form.*

Name of owner(s) Gloria M. Stanley  
Address 4590 Stanley Rd  
Flowery Branch, Ga 30542  
Phone Number 678-316-5338

Name of applicant(s) Steven P. Gilliam  
Address P.O. Box 1098  
Gainesville, Ga 30503  
Phone Number 770-536-3381

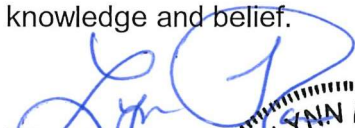
**I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.**

**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  
Gloria M. Stanley

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

  
Notary Public



07/03/2024  
Date

PLANNING AND DEVELOPMENT DEPARTMENT  
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504  
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503  
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**AUTHORIZATION OF PROPERTY OWNERS**

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

Name of owner(s) Randy Jones

Address 204 Beechnut Ave  
South Mills N.C 27976

Phone Number 252 619 1627

Name of applicant(s) Steven P. Gilliam, attorney

Address P.O. Box 1098  
Gainesville, Ga 30503

Phone Number 770 - 536 - 3381

**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)

Randy Jones

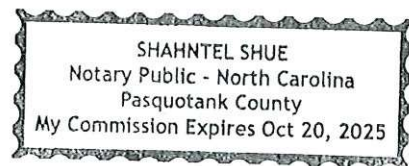
Personally appeared before me

Shahntel Shue

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

Shahntel Shue  
Notary Public

07/02/24  
Date



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



### AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Travis Lee Little

Address 4611 Guth Road  
Flowery Branch, Ga 30542

Phone Number 678-865-6181


Name of applicant(s) Steven P. Gilliam

Address P.O. Box 1098  
Gainesville, Ga 30503

Phone Number 770-536-3381


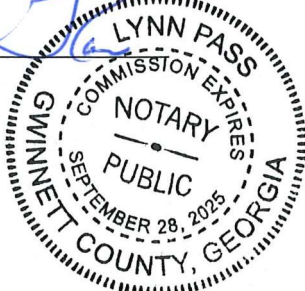
I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

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  
Travis Lee Little

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

  
Notary Public  


07/03/2024  
Date

PLANNING AND DEVELOPMENT DEPARTMENT  
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504  
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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) Roger Little  
Address 4627 Guth Road  
Flowery Branch, Ga 30542  
Phone Number 770-654-9307

Name of applicant(s) Steven P. Gilliam  
Address P.O. Box 1098  
Gainesville, Ga 30503  
Phone Number 770-534-3381

**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)  
Roger L. Little

Personally appeared before me  
Roger L. Little

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

Lynn Pass  
Notary Public

07/03/2024  
Date

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



**AUTHORIZATION OF PROPERTY OWNERS**

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

Name of owner(s) Cathy Little  
Address 4627 Guth Road  
Flowery Branch, Ga 30542  
Phone Number 770-654-9307

Name of applicant(s) Steven P. Gilliam  
Address P.O. Box 1098  
Gainesville, Ga 30503  
Phone Number 770-536-3381

**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)  
Cathy Little

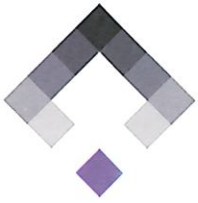
Personally appeared before me  
Cathy Little

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

Lynn Pass  
Notary Public

07/03/2024  
Date





# SMITH GILLIAM WILLIAMS & MILES

Website: [sgwmfirm.com](http://sgwmfirm.com)  
Phone: 770.536.3381  
Fax: 770.531.1481  
Mailing Address: P.O. Box 1098  
Gainesville, GA 30503

## Property Owners List

### **1. Roger R. Little**

- a. 15043 000027
- b. 4613 J M Turk Road

### **2. Roger and Cathy Little**

- a. 15043 000128
- b. 4627 Guth Road

### **3. Travis Lee Little**

- a. 15043 000201
- b. 4611 Guth Road

### **4. Randy Jones and Tammy Jones**

- a. 15044 000043
- b. 4601 Stanley Road

### **5. Gloria Stanley**

- a. 15044 000100 and 15044 000035
- b. 4610 Stanley Road

### **6. Buddy A. Stanley**

- a. 15044 000127
- b. 4561 J M Turk Road

Street Address:

Smith Gilliam Williams & Miles, P.A.  
340 Jesse Jewell Parkway, Suite 300  
Gainesville, GA 30501

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



### 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

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

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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: Buddy Stanley

Date: 05-18-2021

Applicant's/Owner's Name (Printed): Buddy Stanley

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Name of Official(s): \_\_\_\_\_ Office: \_\_\_\_\_

Dollar Amount: \_\_\_\_\_ Date of Contribution: \_\_\_\_\_

Applicant's/Owner's Signature: Cathy Little Date: 6.17.2024

Applicant's/Owner's Name (Printed): CATHY LITTLE

PLANNING AND DEVELOPMENT DEPARTMENT  
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Name of Official(s): \_\_\_\_\_ Office: \_\_\_\_\_

Dollar Amount: \_\_\_\_\_ Date of Contribution: \_\_\_\_\_

Applicant's/Owner's Signature: Glacia M. Donley Date: 5-18-2024

Applicant's/Owner's Name (Printed): Glacia M. Donley

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Name of Official(s): \_\_\_\_\_

Office: \_\_\_\_\_

Dollar Amount: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_

Applicant's/Owner's Signature:   *Randy Jones*  

Date:   *6-24-24*  

Applicant's/Owner's Name (Printed):   *RANDY JONES*

PLANNING AND DEVELOPMENT DEPARTMENT  
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Name of Official(s): \_\_\_\_\_ Office: \_\_\_\_\_

Dollar Amount: \_\_\_\_\_ Date of Contribution: \_\_\_\_\_

Applicant's/Owner's Signature: Roger Little Date: 6.17.2024

Applicant's/Owner's Name (Printed): Roger Little

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Name of Official(s): \_\_\_\_\_

Office: \_\_\_\_\_

Dollar Amount: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_

Applicant's/Owner's Signature: \_\_\_\_\_

Date: 6/21/2024

Applicant's/Owner's Name (Printed): Steven P. Gilliam, Attorney

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Name of Official(s): \_\_\_\_\_

Office: \_\_\_\_\_

Dollar Amount: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_

Applicant's/Owner's Signature: [Signature]

Date: 6-17-2024

Applicant's/Owner's Name (Printed): Travis Litton





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

PLANNING AND ZONING  
DIRECTOR  
Beth Garmon

To: Hall County Planning Commission

From: Beth Garmon, Director of Planning and Zoning

Date: September 3, 2024

Subject: 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 | Proposed Use: 256-unit residential development | Commission District 1 | Steven P. Gilliam, applicant

---

Dear Planning Commission,

The applicant for **0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road** to rezone from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) for a 256-unit residential development has provided several updated and supplemental items to the application as detailed below:

1. An **updated narrative** providing the following information:
  - a. Construction entrance location
  - b. Townhome density
  - c. Maximum garage door coverage (single-family & townhomes)
  - d. Entrance monument sign location and rendering
  - e. Amenities to include: Swimming pool, pool house, pickle ball courts, HOA-maintained community garden.
  - f. Constitutional and Ante Litem Notice
2. An **updated site plan** depicting the following information:
  - a. Note to reflect the construction entrance and staging area in the proposed Guth Road emergency access turnaround.
  - b. Note to reflect the inclusion of an HOA community garden
  - c. Staggered layout of townhomes with no more than 6 attached units
3. An **updated Trip Generation Study** providing the following information:

- a. 153 morning peak hour trips (reduction of 35 trips)
  - b. 220 evening peak hour trips (reduction of 40 trips)
  - c. 2,284 total trips (reduction of 516 total trips)
4. A **comparison chart** of the new proposed details (HZON24-0020) to the previously submitted application (HZON23-0041) as well as comparing the project to a recent rezoning request that came before the Planning Commission and has not yet been heard by the Board of Commissioners
5. A **rendering** of the proposed monument sign

Sincerely,

*Elizabeth Garmon*

Beth Garmon  
Director of Planning and Zoning



# SMITH GILLIAM WILLIAMS & MILES

Website: sgwmfirm.com

Phone: 770.536.3381

Fax: 770.531.1481

Mailing Address: P.O. Box 1098  
Gainesville, GA 30503

## Project Narrative for JM Turk Road Assemblage

**Updated August 30, 2024**

**LOCATION** – JM Turk Road, Flowery Branch, GA

**ACRERAGE** – 114.147 +/- Acres

**APPLICANT** – Steven P. Gilliam, Attorney

### SUMMARY

The accompanying application seeks a rezoning from an existing zoning AR-III to PRD on Parcels 15043 000027, 000109, 000128, 15043 000201, 000127, 000035, 000043, 000035B, and 000100, for a total of 114.147 acres of undeveloped property located on Guth Road, J M Turk Road, and Stanley Road, in west Hall County. The intent is to develop a 256-unit residential development. The proposed rezoning will allow a feasible product to be supplied to the area that is consistent with the Hall County Comprehensive Land Use Plan for residential use, and appropriate for Hall County's Planned Residential Development (PRD) district for this location. There will be a mandatory Homeowners Association with a Declaration of Restrictive Covenants.

### SITE DESCRIPTION & ACCESS

Primary access to the property is 50 ft of road right-of-way at the intersection of Stanley Road and J M Turk Road, with secondary emergency access from Guth Road. Domestic water will be provided by the city of Gainesville. Sanitary Sewer Service will be provided by Hall County, with an on-site pump station and outfall force main. There will be sidewalks on both sides of the road throughout the entire development (POD A, POD B, and POD C). The construction entrance for the development shall be located at the future access points and shall be clearly marked. The entrance shall be regularly maintained to ensure the construction vehicles are not tracking mud from the development onto J M Turk Road.

### ADJACENCIES

The property abuts R-I to the northwest, AR-III to the south and east, and PRD to the north and northeast.

### ARCHITECTURAL MATERIALS & SITE IMPROVEMENTS

All facades of all residences shall be finished with a combination of masonry, fiber cement siding materials, and shake siding. The front facia shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential buildings shall be prohibited.

Garages shall meet the architectural standards for planned residential developments set forth in

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section 17.180.060.B.9 by not exceeding 55% of front building width. Architectural elevations and renderings are attached to this application.

**General**

Parcel Size	114.147 +/- acres
Proposed Number of Lots	256
Total Proposed Density	2.25 U/A
Townhome Density	4.64 U/A
Single-Family Density	1.95U/A
Proposed Open Space	36.90 acres (32.3%)
Streets	Public (Hall County) To be Dedicated
Water and Sewer	Gainesville City Water; Hall County Sewer
Minimum Lot Size for Cottage Residences	5,000 SF
Minimum Lot Size for Single-Family	8,000 SF
Stormwater Management Areas	3
Minimum Lot Width for Single-Family	50 ft
CBU with off-street parking	4; 94 parking spaces
Amenities	Swimming pool and dog park
Existing Zoning	AR-III
Proposed Zoning	PRD
Planted Buffers (Exterior)	50'

**POD A and B Single-Family Residences**

Proposed Density	1.95 U/A
Minimum Lot Size	8,000 SF
Minimum Lot Width	50'
Building Setback	
Front	25'
Rear	20'
Side	5'
Side Corner	10'
Minimum Building Separation	10'
Maximum Building Height	40'
Maximum Building Garage Door Coverage	55%
Minimum Heated Floor Area	1,800 SF
Guest Parking Calculations	64
<b>POD A TOTAL UNITS</b>	<b>73</b>
<b>POD B TOTAL UNITS</b>	<b>125</b>

**POD C Townhome Residences**

Number of Units	58
Proposed Density	4.64 U/A
Minimum Lot Size	5,000 SF
Square Feet Per Unit	1,300 SF
Minimum Lot Dimensions	40' x 125'
Building Setbacks	
Front	22'
Rear	20'
Side	0 (20' Between Buildings)
Side Corner	10'
Driveway	22' from Garage Door to Back of Curb
Maximum Building Height	40'
Maximum Building Garage Door Coverage	55%
Minimum Heated Floor Area	1,300 SF
Garage (2 Per Unit)	116
Guest Parking Calculations	
Off Street	30
Total (Per Unit)	30
<b>POD C TOTAL UNITS</b>	<b>58</b>

**ENTRY MONUMENT SIGNAGE**

Applicant is requesting permission for an entry monument sign located on the southwest portion of the open space as shown on the Site Plan. The entrance may also include the following structural items: masonry walls, wood or PVC fencing, and illuminated signage in accordance with the Hall County sign ordinance, ornamental sculpture, landscaping, and irrigation. **A rendering of the entry monument is attached.**

**CLUSTER MAILBOX UNIT (CBU)**

The developer shall be responsible for providing 4 CBUs for regular mail service delivery. A CBU is a structure housing multiple mailbox units to serve each residential unit of the development for the express purpose of regular mail delivery provided by the USPS. Development, maintenance, location, and parking shall be governed by section 17.180.060.B.11 of the Hall County Code. A total of 94 parking spaces are to be constructed.

**OPEN SPACE**

The 30% open space requirement for the PRD standards is satisfied with 36.9 acres of open space as shown on the Site Plan (32.3%). Additionally, in the Open Space adjacent to J M Turk Road is a historic 1880's barn that will remain on the property.

**BUFFERS AND SETBACKS**

Along the perimeter of the lots, a 50 ft Planted Buffer can be seen on the Site Plan.

## **AMENITIES**

Applicant is proposing an amenities area that will include a swimming pool, pool house, and pickle ball courts. The open space area in the east will serve as a dog park for the residents. The open space area to the northeast will serve as an HOA-maintained Community Garden for the residents of the development. Construction of the amenities will begin within twelve months of the final approved plat. During construction, there will be one construction trailer placed at the amenities area. Applicant is requesting to allow four model homes.

## **VARIANCE REQUESTED**

Applicant is requesting to reduce full vehicular access to one entrance, with the second entrance to be provided for emergency access only. Applicant is also requesting to increase the width of the garage door of front-loaded cottage residences to 55% to the width of the individual unit. Applicant is requesting to allow eyebrow cul-de-sacs to be utilized. Applicant requests that hammerhead cul-de-sacs be utilized in the Residential Cottage Pod.

## **CONCEPTUAL MASTER PLAN**

The development of the property shall be controlled by the Conceptual Master Site Plan (the "Site Plan") attached as Exhibit A. The Plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications to the locations and arrangement of lots, roads, amenities, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by applicant, so long as its modifications do not change the land use, increase the overall density of the project, or reduce any established exterior buffers or setbacks.

## **REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE**

Georgia law and the procedures of Hall County requires the Applicant to raise Federal and State constitutional objections during the PRD master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Hall County Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

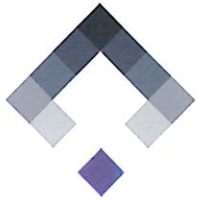
The application of the Hall County Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the

Applicant an economically viable use 7 of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Hall County Board of Commissioners to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Hall County Board of Commissioners without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the PRD zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Hall County Board of Commissioners to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth 8 hereinabove.



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Gainesville, GA 30503

## Project Narrative for JM Turk Road Assemblage

**Update Dated August 20, 2024**

**LOCATION** – JM Turk Road, Flowery Branch, GA

**ACRERAGE** – 114.147 +/- Acres

**APPLICANT** – Steven P. Gilliam, Attorney

### SUMMARY

The accompanying application seeks a rezoning from an existing zoning AR-III to PRD on Parcels 15043 000027, 000109, 000128, 15043 000201, 000127, 000035, 000043, 000035B, and 000100, for a total of 114.147 acres of undeveloped property located on Guth Road, J M Turk Road, and Stanley Road, in west Hall County. The intent is to develop a 256-unit residential development. The proposed rezoning will allow a feasible product to be supplied to the area that is consistent with the Hall County Comprehensive Land Use Plan for residential use, and appropriate for Hall County's Planned Residential Development (PRD) district for this location. There will be a mandatory Homeowners Association with a Declaration of Restrictive Covenants.

### SITE DESCRIPTION & ACCESS

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### ADJACENCIES

The property abuts R-I to the northwest, AR-III to the south and east, and PRD to the north and northeast.

### ARCHITECTURAL MATERIALS & SITE IMPROVEMENTS

All facades of all residences shall be finished with a combination of masonry, fiber cement siding materials, and shake siding. The front facia shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential buildings shall be prohibited.

Garages shall meet the architectural standards for planned residential developments set forth in section 17.180.060.B.9 by not exceeding 55% of front building width. Architectural elevations and renderings are attached to this application.

Street Address:

Smith Gilliam Williams & Miles, P.A.  
340 Jesse Jewell Parkway, Suite 300  
Gainesville, GA 30501

In Your Community. In Your Corner.



### General

Parcel Size	114,147 +/- acres
Proposed Number of Lots	256
Total Proposed Density	2.25 U/A
Cottage Residences Density	4.64 U/A
Single-Family Density	1.95U/A
Proposed Open Space	36.90 acres (32.3%)
Streets	Public (Hall County) To be Dedicated
Water and Sewer	Gainesville City Water; Hall County Sewer
Minimum Lot Size for Cottage Residences	5,000 SF
Minimum Lot Size for Single-Family	8,000 SF
Stormwater Management Areas	3
Minimum Lot Width for Single-Family	50 ft
CBU with off-street parking	4; 94 parking spaces
Amenities	Swimming pool and dog park
Existing Zoning	AR-III
Proposed Zoning	PRD
Planted Buffers (Exterior)	50'

### POD A and B Single-Family Residences

Proposed Density	1.95 U/A
Minimum Lot Size	8,000 SF
Minimum Lot Width	50'
Building Setback	
Front	25'
Rear	20'
Side	5'
Side Corner	10'
Minimum Building Separation	10'
Maximum Building Height	40'
Maximum Building Coverage	80%
Minimum Heated Floor Area	1,800 SF
Guest Parking Calculations	64
<b>POD A TOTAL UNITS</b>	<b>73</b>
<b>POD B TOTAL UNITS</b>	<b>125</b>

Number of Units	58
Proposed Density	4.64 U/A
Minimum Lot Size	5,000 SF
Square Feet Per Unit	1,300 SF
Minimum Lot Dimensions	40' x 125'
Building Setbacks	
Front	22'
Rear	20'
Side	0 (20' Between Buildings)
Side Corner	10'
Driveway	22' from Garage Door to Back of Curb
Maximum Building Height	40'
Maximum Building Coverage	70%
Minimum Heated Floor Area	1,300 SF
Garage (2 Per Unit)	116
Guest Parking Calculations	
Off Street	30
Total (Per Unit)	30
<b>POD C TOTAL UNITS</b>	<b>58</b>

**ENTRY MONUMENT SIGNAGE**

Applicant is requesting permission for an entry monument sign located on the southwest portion of the open space as shown on the Site Plan. The entrance may also include the following structural items: masonry walls, wood or PVC fencing, and illuminated signage in accordance with the Hall County sign ordinance, ornamental sculpture, landscaping, and irrigation.

**CLUSTER MAILBOX UNIT (CBU)**

The developer shall be responsible for providing 4 CBUs for regular mail service delivery. A CBU is a structure housing multiple mailbox units to serve each residential unit of the development for the express purpose of regular mail delivery provided by the USPS. Development, maintenance, location, and parking shall be governed by section 17.180.060.B.11 of the Hall County Code. A total of 94 parking spaces are to be constructed.

**OPEN SPACE**

The 30% open space requirement for the PRD standards is satisfied with 36.9 acres of open space as shown on the Site Plan (32.3%). Additionally, in the Open Space adjacent to J M Turk Road is a historic 1880's barn that will remain on the property.

**BUFFERS AND SETBACKS**

Along the perimeter of the lots, a 50 ft Planted Buffer can be seen on the Site Plan.

**AMENITIES**

Applicant is proposing an amenities area that will include a swimming pool. The open space area in the east will serve as a dog park for the residents. Construction of the amenities will begin

Along the perimeter of the lots, a 50 ft Planted Buffer can be seen on the Site Plan.

### **AMENITIES**

Applicant is proposing an amenities area that will include a swimming pool. The open space area in the east will serve as a dog park for the residents. Construction of the amenities will begin within twelve months of the final approved plat. During construction, there will be one construction trailer placed at the amenities area. Applicant is requesting to allow four model homes.

### **VARIANCE REQUESTED**

Applicant is requesting to reduce full vehicular access to one entrance, with the second entrance to be provided for emergency access only. Applicant is also requesting to increase the width of the garage door of front-loaded cottage residences to 55% to the width of the individual unit. Applicant is requesting to allow eyebrow cul-de-sacs to be utilized. Applicant requests that hammerhead cul-de-sacs be utilized in the Residential Cottage Pod. .

### **CONCEPTUAL MASTER PLAN**

The development of the property shall be controlled by the Conceptual Master Site Plan (the "Site Plan") attached as Exhibit A. The Plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications to the locations and arrangement of lots, roads, amenities, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by applicant, so long as its modifications do not change the land use, increase the overall density of the project, or reduce any established exterior buffers or setbacks.

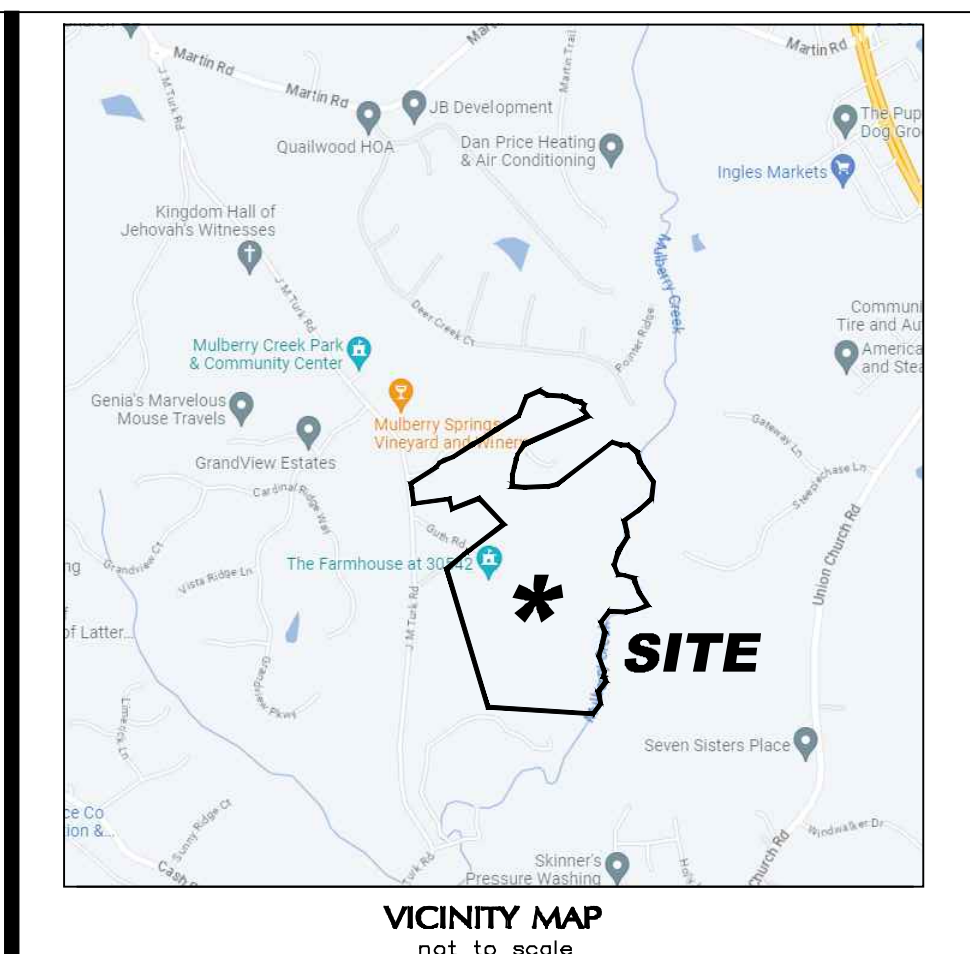
DEVELOPMENT STANDARDS - POD C COTTAGE RESIDENCES	
NUMBER OF UNITS	58
MINIMUM LOT SIZE	320,000 SF (7.35 AC)
35,000 + (5,000 SF/ UNIT X 57)	
MINIMUM LOT DIMENSIONS	40' WIDE X 125' DEEP
BUILDING SETBACKS	
FRONT	22' FROM BACK OF SIDEWALK
REAR	20'
SIDE	0' (20' BETWEEN BUILDINGS)
SIDE CORNER	10'
MAXIMUM BUILDING HEIGHT	40'
MAXIMUM BLDG COVERAGE	70%
MIN HEATED FLOOR AREA	1,300 SF
OWNER PARKING CALCULATIONS	
GARAGE (2 PER UNIT)	116
GUEST PARKING CALCULATIONS	
DRIVEWAY	116
OFF STREET	29
TOTAL (2.5 PER UNIT)	145

DEVELOPMENT STANDARDS - PODS A AND B SINGLE-FAMILY RESIDENCES	
MAX DENSITY	2 UNITS/ AC
PROPOSED DENSITY	1.95 UNITS/ AC
MINIMUM LOT SIZE	8,000 SF
MINIMUM LOT WIDTH	50'
BUILDING SETBACKS	
FRONT	25'
REAR	20'
SIDE	5'
SIDE CORNER	10'
MINIMUM BLDG SEPARATION	10'
MAXIMUM BUILDING HEIGHT	40'
MAXIMUM BLDG COVERAGE	80%
MIN HEATED FLOOR AREA	1,800 SF

POD ANALYSIS			
	POD A	POD B	POD C
SITE AREA	45,812 AC	55,821 AC	12,514 AC
TOTAL NUMBER OF LOTS/ UNITS	73	125	58
DENSITY	50' FRONT-ENTRY DETACHED LOTS	50' FRONT-ENTRY DETACHED LOTS	40' FRONT-ENTRY TOWNHOME LOTS
	1.95 UNITS/ AC (TOTAL SINGLE-FAMILY RESIDENCES IN PODS A AND B)		4.64 UNITS/ AC

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N07°06'09"W	14.21'	L32	S86°17'55"E	67.97'
L2	N07°39'01"W	162.65'	L33	S72°05'37"E	115.60'
L3	S15°39'07"W	95.86'	L34	S07°29'46"E	43.95'
L4	S09°44'20"W	86.43'	L35	S23°56'45"E	118.65'
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L9	S69°00'55"E	101.39'	L40	S19°14'23"W	115.53'
L10	N84°55'16"E	75.84'	L41	S18°27'03"W	57.52'
L11	S51°28'21"E	129.38'	L42	S83°24'39"E	26.78'
L12	S16°51'26"E	115.49'	L43	S14°12'27"E	98.92'
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L15	S06°17'21"E	62.40'	L46	N14°10'51"W	113.07'
L16	S30°56'05"W	48.63'	L47	S89°28'59"W	106.91'
L17	S22°49'42"E	117.09'			

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C6	129.24'	104.67'	S48°36'39"W	101.83'



**SURVEY NOTES:**

- Site Area: Total Area of Assemblage - 114.147 Acres
- All survey data taken from the Retracement Survey by Earth Pro Land Surveying dated 08/19/2022. This map or plat has been calculated for closure and is found to be accurate within 1 foot in 297,158 feet. This plat has been prepared using a TRIMBLE S6 Total Station for angle and distance measurements. The field data upon which this map or plat is based has a closure precision of one (1) foot in 11,408 feet and an average angular error of 04 seconds per angle point, and was adjusted using Compass Rule.

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**REFERENCE DOCUMENTS:**

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**Property Assemblage**

RANDY JONES  
TAMMY JONES  
CATHY LITTLE  
ROGER LITTLE  
TRAVIS LITTLE

BUDDY STANLEY  
GLORIA STANLEY

4317 Park Drive, Suite 400  
Norcross, Georgia 30093  
Phone: (770)416-7511  
Fax: (770)416-6759  
www.travispruitt.com

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**SITE DATA:**

TOTAL SITE AREA	114.147± ACRES
FLOODPLAIN, CREEK BUFFERS	15.2± ACRES
ZONING	
EXISTING ZONING	AR-III
PROPOSED ZONING	PRD
ZONING JURISDICTION	HALL COUNTY
DEVELOPMENT TYPE	
TOTAL DETACHED RESIDENTIAL UNITS	198
TOTAL ATTACHED RESIDENTIAL COTTAGES	58
TOTAL DENSITY	2.25 U/A
OPEN SPACE CALCULATIONS	
TOTAL OPEN SPACE REQUIRED	34.68 ACRES (30%)
TOTAL OPEN SPACE PROVIDED	36.9 ACRES (32.3%)
BUFFERS	
PLANTED BUFFER (EXTERIOR)	50'

- NOTES**
- CONCEPTUAL MASTER PLAN
  - THE DEVELOPMENT OF THE PROPERTY SHALL BE CONTROLLED BY THE CONCEPTUAL MASTER SITE PLAN "SITE PLAN" ATTACHED AS EXHIBIT A. THE PLAN IS CONSIDERED CONCEPTUAL IN NATURE, AND AS SUCH MAY REQUIRE MINOR MODIFICATIONS DURING THE ENGINEERING AND DEVELOPMENT PROCESS. MODIFICATION TO THE LOCATIONS AND ARRANGEMENT OF LOTS, ROADS, AMENITIES, AND OTHER IMPROVEMENT THAT DO NOT CONFLICT WITH SPECIFIC STANDARDS AND REQUIREMENTS OF THESE CONDITIONS MAY BE MADE BY APPLICANT, SO LONG AS ITS MODIFICATIONS DO NOT CHANGE THE LAND USE, INCREASE THE OVERALL DENSITY OF THE PROJECT OR REDUCE ANY ESTABLISHED EXTERIOR BUFFERS OR SETBACKS.
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**ZONING PLAN**

**JM Turk Road Assemblage**

Tax Parcels: 15043 000027, 15043 000109, 15043 000128, 15043 000201, 15044 000035, 15044 000038, 15044 000043, 15044 000100, and 15044 000127

G.M.D 1270

HALL COUNTY, GEORGIA

DATE: 8-30-2024  
SCALE: 1" = 150'  
GN: 230151CP31  
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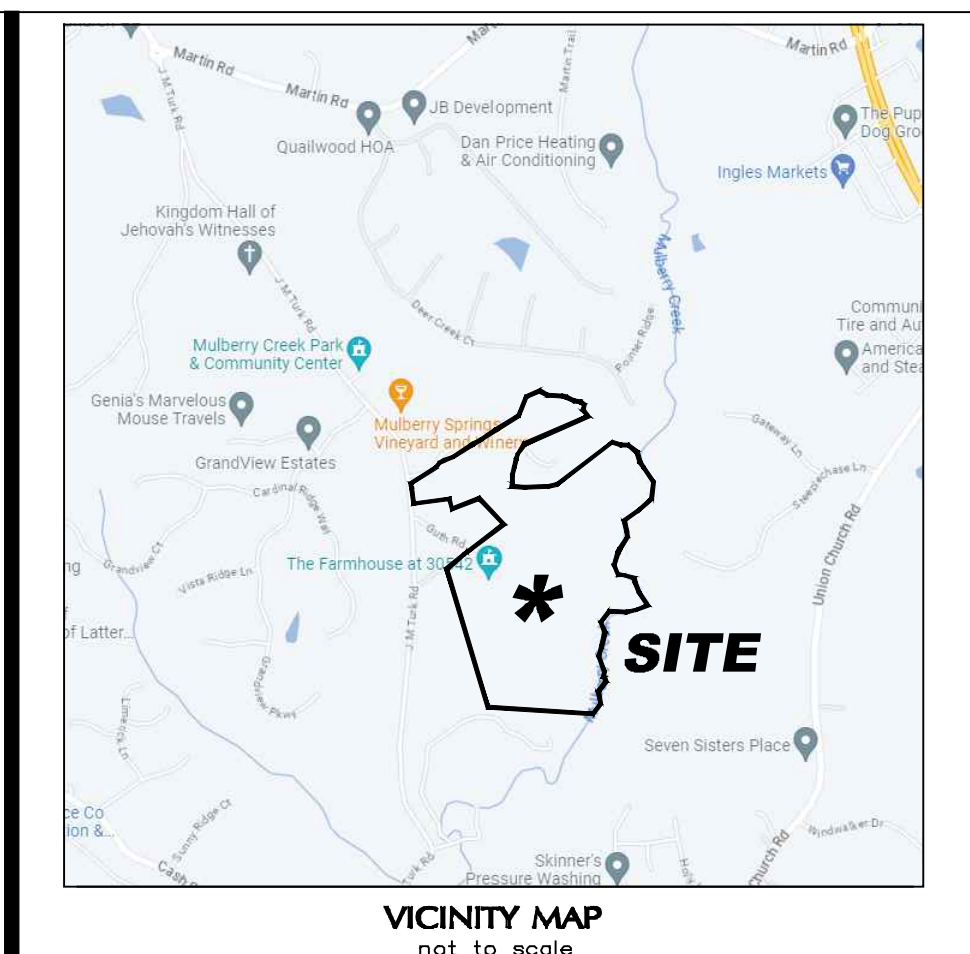
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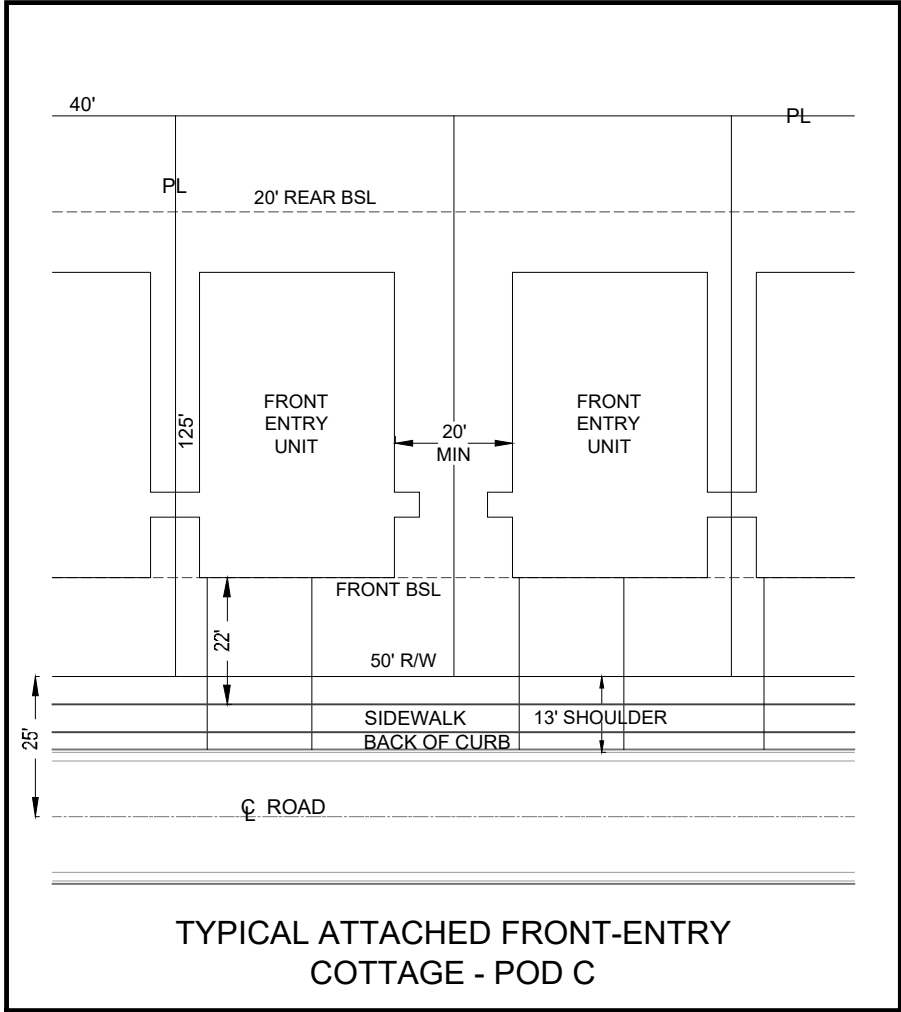
Tax Parcels: 15043 000027, 15043 000109, 15043 000128, 15043 0003201,  
15044 000035, 15044 000035B, 15044 000043, 15044 000100, and 15044 000127

G.M.D 1270

HALL COUNTY, GEORGIA

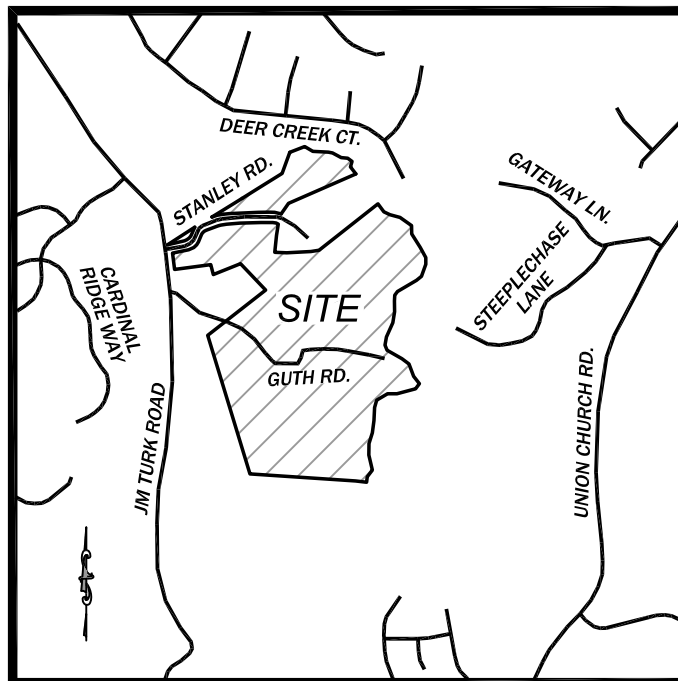
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LSV:  
JUN:  
FN:  
1 of 1

GEORGIA REGISTERED SURVEYOR  
EDWARD J. ANDERSON  
For The Firm  
Travis Pruitt & Associates, Inc.



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

LINE	BEARING	DISTANCE
L49	S 23°51'45" W	72.56'
L50	S 76°35'46" W	178.33'
L51	S 69°28'59" W	106.91'
L52	S 78°27'51" E	42.97'
L53	N 66°11'57" W	24.80'
L54	N 80°55'02" W	36.76'
L55	N 80°55'02" W	8.23'
L56	N 87°48'25" W	78.64'
L57	S 87°09'56" W	57.39'
L58	S 87°32'55" W	99.78'
L59	S 89°23'47" W	38.29'
L60	S 35°26'05" W	154.18'
L61	S 81°33'41" E	150.17'
L62	S 89°23'47" W	50.45'
L63	S 86°54'34" W	134.63'
L64	S 83°58'24" W	67.48'



LOCATION MAP NOT TO SCALE

**NOTES:**

- REFERENCES FOR THE BOUNDARY INFORMATION SHOWN HEREON WERE MADE TO: DEED BOOK 8837, PAGE 589; DEED BOOK 7296, PAGE 380; DEED BOOK 3807, PAGE 270; DEED BOOK 5458, PAGE 158; DEED BOOK 8168, PAGE 174; DEED BOOK 3686, PAGE 136; AND DEED BOOK 816, PAGE 288. ALL RECORDS ON FILE WITH THE CLERK OF SUPERIOR COURT IN HALL COUNTY, GEORGIA.
- HORIZONTAL DATUM SHOWN HEREON IS ORIENTED TO GRID NORTH GEORGIA WEST ZONE, NAD 83 DATUM. THEREFORE BOUNDARY CALLS AS SHOWN HEREON MAY VARY FROM RECORD BOUNDARY INFORMATION.
- THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
- ALL PROPERTY CORNERS SHOWN WITH IPS (IRON PIN SET) ARE 1/2" REBAR WITH PLASTIC CAP MARKED WITH COA LSF #000994.
- THERE WERE NO WETLANDS DELINEATED AT THE TIME OF THIS FIELD SURVEY.
- A PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD ZONE AS IDENTIFIED ON FIRM COMMUNITY PANEL No. 13139C0311F, EFFECTIVE DATE 9/29/2006 AND IS SHOWN HEREON.
- NO ABSTRACT OF TITLE, TITLE COMMITMENT, OR RESULTS OF TITLE SEARCHES WERE SUPPLIED TO THE SURVEYOR. THERE MAY BE OTHER MATTERS OF RECORD THAT AFFECT THIS PROPERTY.
- FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A TRIMBLE S6 TOTAL STATION. THIS PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 297,158 FEET. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 11,408 FEET AND AN ANGULAR ERROR OF 04 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
- THE LAST DAY OF FIELD WORK WAS AUGUST 09, 2022.
- ALL DISTANCES AND CORRESPONDING AREA CALCULATIONS, AS SHOWN ARE HORIZONTAL. GROUND DISTANCES IN U.S. SURVEY FEET.
- THE ROAD RIGHT-OF-WAY SHOWN HEREON IS BASED ON PLATS AND DEEDS.
- THIS PROPERTY MAY CONTAIN IMPROVEMENTS NOT SHOWN HEREON.

**SURVEYOR'S CERTIFICATE**

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 SUBDIVISION BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATE A NEW PARCEL OR PARCELS ARE SHOWN 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.

GARY S. HARVIN, JR., REGISTERED GEORGIA LAND SURVEYOR #3105 DATE  
7973 HIGHWAY 172, COMER, GA. 30629  
PHONE: (678) 640-5500

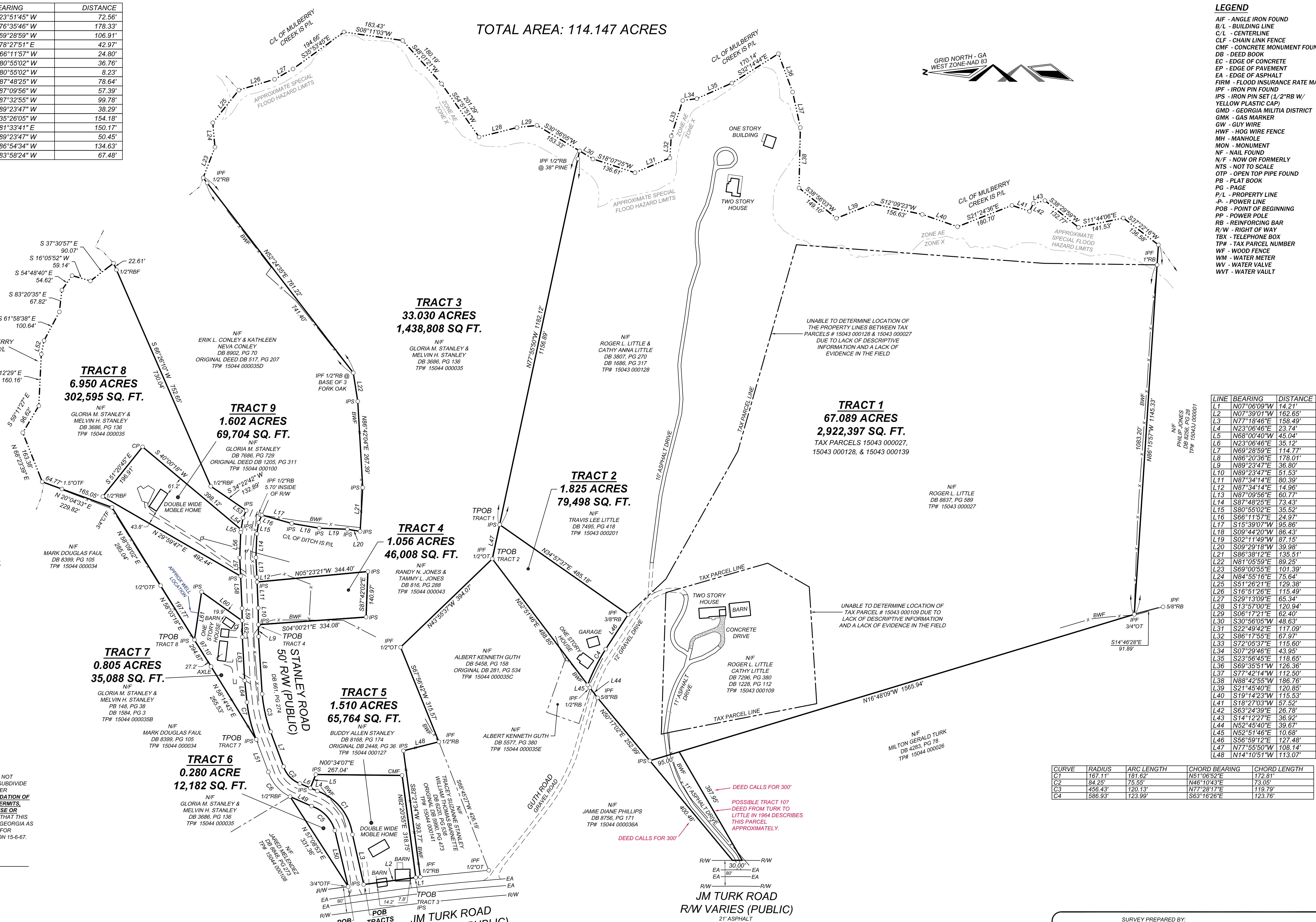
DATE	REVISION NO.	DESCRIPTION	DATE
8/19/2022	1	ADD TRACTS 6-9	9/23/22
	2	RECEIVED TITLE COMMITMENTS	10/31/22

SURVEYED: DW	DRAWN: JRW
CHECKED: GSH	APPROVED: GSH
PROJECT # 22141	

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C5	113.49'	108.49'	104.41'	S 46°21'13" W
C6	129.24'	104.67'	101.83'	S 48°38'39" W
C7	460.55'	119.16'	118.83'	S 76°04'50" W

TOTAL AREA: 114.147 ACRES



- LEGEND**
- AIF - ANGLE IRON FOUND
  - B/L - BUILDING LINE
  - C/L - CENTERLINE
  - CLF - CHAIN LINK FENCE
  - CMF - CONCRETE MONUMENT FOUND
  - DB - DEED BOOK
  - EC - EDGE OF CONCRETE
  - EP - EDGE OF PAVEMENT
  - EA - EDGE OF ASPHALT
  - FIRM - FLOOD INSURANCE RATE MAP
  - IPF - IRON PIN FOUND
  - IPS - IRON PIN SET (1/2" RB W/ YELLOW PLASTIC CAP)
  - GMD - GEORGIA MILITIA DISTRICT
  - GNK - GAS MARKER
  - GW - GUY WIRE
  - HWF - HOG WIRE FENCE
  - MH - MANHOLE
  - MON - MONUMENT
  - NF - NAIL FOUND
  - N/F - NOW OR FORMERLY
  - NTS - NOT TO SCALE
  - OTP - OPEN TOP PIPE FOUND
  - PB - PLAT BOOK
  - PG - PAGE
  - P/L - PROPERTY LINE
  - PL - POWER LINE
  - POB - POINT OF BEGINNING
  - PP - POWER POLE
  - RB - REINFORCING BAR
  - R/W - RIGHT OF WAY
  - TBX - TELEPHONE BOX
  - TP# - TAX PARCEL NUMBER
  - WF - WOOD FENCE
  - WM - WATER METER
  - WW - WATER VALVE
  - WWT - WATER WALT

LINE	BEARING	DISTANCE
L1	N07°06'09"W	14.21'
L2	N07°39'01"W	162.65'
L3	N77°18'46"E	158.49'
L4	N23°06'46"E	23.74'
L5	N68°00'40"W	45.04'
L6	N23°06'46"E	35.12'
L7	N69°28'59"E	114.77'
L8	N86°20'36"E	178.01'
L9	N89°23'47"E	36.80'
L10	N89°23'47"E	51.53'
L11	N87°34'14"E	80.39'
L12	N87°34'14"E	14.96'
L13	N87°09'56"E	60.77'
L14	S87°48'25"W	73.43'
L15	S80°55'02"E	35.52'
L16	S66°11'57"E	24.97'
L17	S15°39'07"W	95.86'
L18	S09°44'20"W	86.43'
L19	S02°11'49"W	87.15'
L20	S09°29'18"W	39.98'
L21	S86°38'12"E	135.51'
L22	N81°05'59"E	89.25'
L23	S69°00'55"E	101.39'
L24	N84°55'16"E	75.64'
L25	S51°26'21"E	129.38'
L26	S16°51'26"E	115.49'
L27	S29°13'09"E	65.34'
L28	S13°57'00"E	120.94'
L29	S06°17'21"E	62.40'
L30	S30°56'05"W	48.63'
L31	S22°49'42"E	117.09'
L32	S86°17'55"E	67.97'
L33	S72°05'37"E	115.60'
L34	S07°29'46"E	43.95'
L35	S23°56'45"E	118.65'
L36	S69°35'51"W	126.36'
L37	S77°42'14"W	112.30'
L38	N88°42'55"W	186.76'
L39	S21°45'40"E	120.85'
L40	S19°14'23"W	115.53'
L41	S18°27'03"W	57.52'
L42	S63°24'39"E	25.78'
L43	S14°12'27"E	36.92'
L44	N52°45'40"E	39.67'
L45	N52°51'46"E	10.68'
L46	S56°59'12"E	127.48'
L47	N77°55'50"W	108.14'
L48	N14°10'51"W	113.07'

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	167.11'	181.62'	N51°06'52"E	172.81'
C2	84.25'	78.55'	N48°10'43"E	73.65'
C3	456.43'	120.13'	N77°28'17"E	119.79'
C4	586.93'	123.99'	S63°16'26"E	123.76'



RETRACEMENT SURVEY FOR  
**BRET CLARK**  
G.M.D. 1270  
HALL COUNTY, GEORGIA  
TAX PARCELS # 15043 000027, 5043 000109, 15043 000128, 15044 000035C, 15044 000127, 15044 000035, 15044 000043, 15044 000035B, 15044 000100

SURVEY PREPARED BY:  
**EarthPro**  
LAND SURVEYING  
7973 HIGHWAY 172  
COMER, GA. 30629  
OFFICE: 678-640-5500  
FAX: 706-610-2620  
EMAIL: gsh@earthprolandsurvey.com  
GEORGIA RLS #3105  
GEORGIA COA LSF #000994  
NOTE: SURVEY NOT VALID UNLESS SIGNED ACROSS SEAL.  
SHEET 1 OF 1



## Memorandum

**Date:** September 3, 2024

**Subject:** Trip Generation Study and Traffic Count Data for Proposed Residential Subdivision  
JM Turk Road at Stanley Road, Hall County, Georgia

---

The vehicular trips that will be generated by a proposed residential subdivision in Hall County, Georgia, were calculated. The site is located along the east side of JM Turk Road at Stanley Road, as shown in Figure 1. The development will consist of a 198 detached single family homes and 58 attached townhomes, for a total of 256 homes. The project will be served by one vehicular access on JM Turk Road at the current location of its intersection with Stanley Road. A second access will be provided at the end of Guth Road, which will be gated for emergency use only. The site plan is presented in Figure 2.

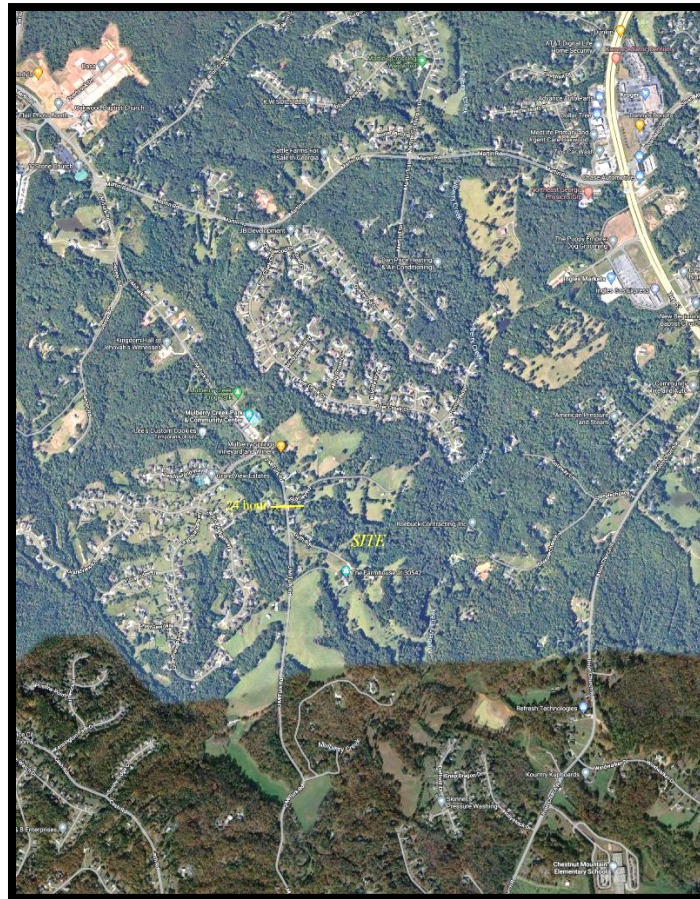


Figure 1 – Site Location Map



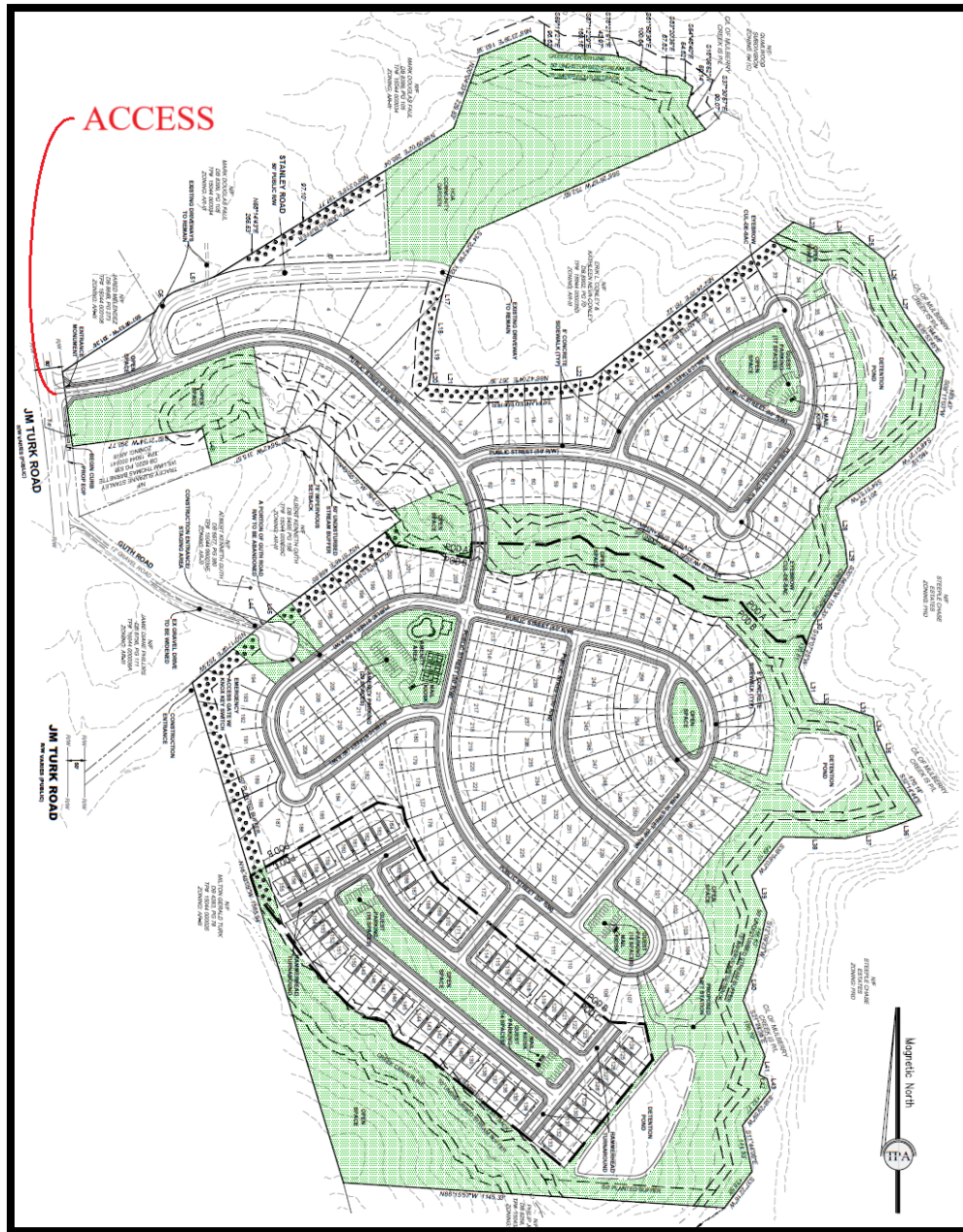


Figure 2 – Proposed Site Plan

Trip generation is an estimate of the number of entering and exiting vehicular trips that will be generated by the proposed development. The volume of traffic that will be generated by the subdivision was calculated using the equations in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11<sup>th</sup> Edition* (the current edition). ITE Land Use 210 – Single Family Detached Housing was chosen as representative of the detached houses and ITE Land Use 215 – Single Family Attached Housing was chosen for the townhomes. The trip generation is summarized in Table 1. A traffic impact study was prepared for a previous level of development on this site, which consisted of 196 detached homes and 128 townhomes, for a total of 324 homes. The trip generation for that previous level of development is also summarized in Table 1 to provide a comparison with the current proposal.

**Table 1 – Proposed Subdivision Trip Generation**

Land Use	ITE Code	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour		
			In	Out	2-Way	In	Out	2-Way	In	Out	2-Way
<i>Current Proposal</i>											
Detached Houses	210	198 homes	35	104	129	119	70	189	946	946	1,892
Townhomes	215	<u>58 homes</u>	<u>6</u>	<u>18</u>	<u>24</u>	<u>18</u>	<u>13</u>	<u>31</u>	<u>196</u>	<u>196</u>	<u>392</u>
<i>Total</i>		<i>256 homes</i>	<i>41</i>	<i>122</i>	<i>153</i>	<i>137</i>	<i>83</i>	<i>220</i>	<i>1,142</i>	<i>1,142</i>	<i>2,284</i>
<i>Previous Proposal</i>											
Previous Proposal		324 homes	49	149	188	161	99	260	1,400	1,400	2,800
Difference Between Previous and Current		-68 homes	-8	-27	-35	-24	-16	-40	-258	-258	-516

The currently-proposed subdivision will generate 153 trips in the morning peak hour, 220 trips in the evening peak hour, and 2,284 daily trips. This represents a decrease in volumes from the level of development evaluated in the traffic impact study of 35 less trips in the morning peak hour, 40 less trips in the evening peak hour, and 516 less daily trips.

Twenty-four hour traffic volume counts were collected on JM Turk Road at the proposed project access location for the original traffic impact study, in May 2023, then again for an updated traffic impact study for the project in January 2024. For this memorandum, another count was collected at the end of August 2024. These counts are summarized in Table 2.

**Table 2 – 24-Hour Counted Traffic Volume on JM Turk Road at Stanley Road (Project Access Location)**

Count Date	Northbound	Southbound	Two-Way
Tuesday, May 16, 2023	692	724	1,416
Thursday, January 18, 2024	685	700	1,385
Wednesday, August 28, 2024	729	769	1,498

The analysis in the traffic impact study was based on the May 2023 traffic counts. When the study was updated in January 2024, there was a small decrease in volumes. The decrease was minimal, so that no downward adjustment was made in the volumes in the analysis in the traffic impact study from the May 2023 volumes. The current, August 2024 count reflects a small increase of 5.8% from the volumes used in the analysis in the traffic impact study. The analysis in the traffic impact study revealed excellent existing operations, with all locations operating at Level of Service (LOS) A or B and no improvements recommended. The future analysis in the traffic impact study, with the 324 home development, revealed continued excellent operations, with all locations operating at LOS A or B and no improvements recommended. With the small increase in traffic counts plus the decreased trips from the smaller proposed development, future traffic operations with the currently-proposed development are expected to be comparable to the results in the traffic impact study, with excellent operations at all study intersections.

# Traffic Impact Study

JM Turk Road Residential Subdivision  
Hall County, Georgia

May 23, 2023  
revised January 24, 2024



in collaboration with

ACAMPORA TRAFFIC, LLC



Traffic Impact Study

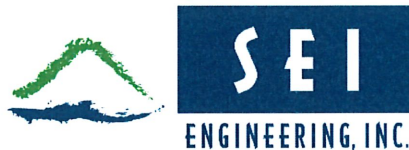
JM Turk Road Residential Subdivision  
Hall County, Georgia

study prepared for:

Mr. William Diehl

May 23, 2023

revised January 24, 2024



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in collaboration with



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## Introduction

This study assesses the traffic impact of a proposed residential subdivision in Hall County, Georgia. The site is located along the east side of JM Turk Road at Stanley Road, as shown in Figure 1. The development will consist of 196 detached single family homes and 128 attached townhomes for a total of 324 homes. The project will be served by one vehicular access on JM Turk Road at the current location of its intersection with Stanley Road. A second access will be provided which will be gated for emergency use only.

The purpose of this traffic impact study is to determine existing traffic operating conditions in the vicinity of the proposed subdivision, project future traffic volumes, assess the impact of the subject development, then develop conclusions and recommendations to mitigate the project traffic impact and ensure safe and efficient existing and future traffic conditions in the vicinity of the project.

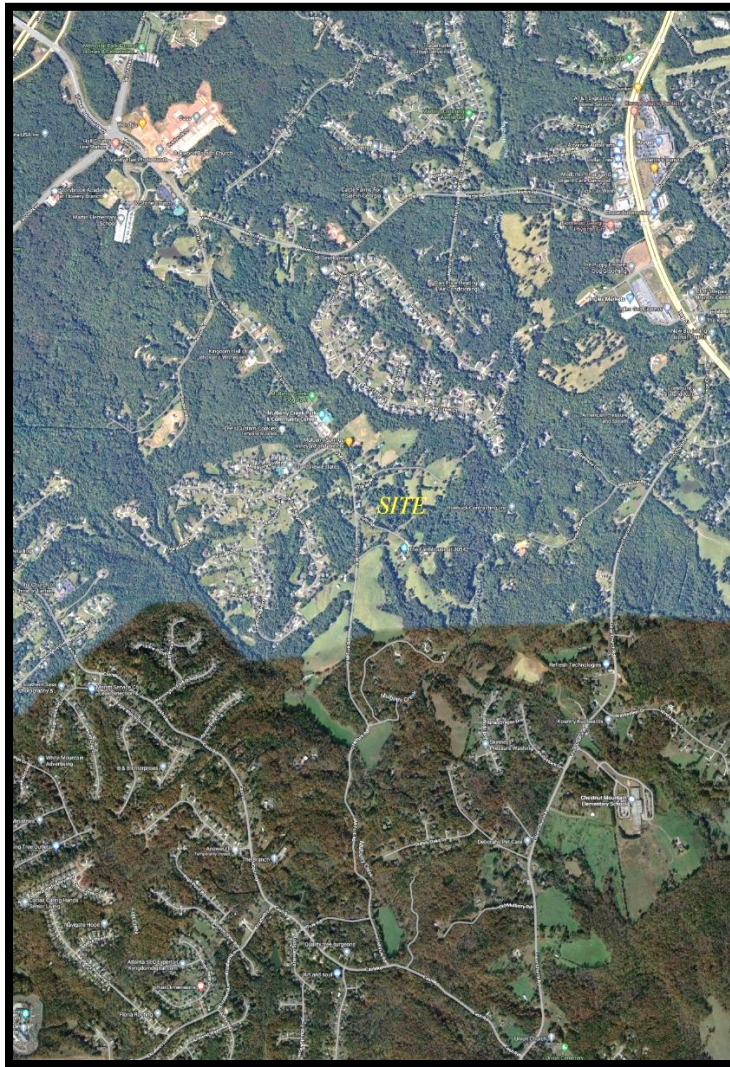


Figure 1 – Site Location Map

## Existing Traffic Conditions

Existing traffic operating conditions in the vicinity of the proposed subdivision were assessed. The following is a description of existing transportation facilities, traffic volumes, and intersection operations.

### Description of Existing Roadways

JM Turk Road is a two lane north-south road classified by the Georgia DOT as an urban major collector. The road begins at a roundabout at Martin Road, passes the subject site, and terminates at a side street stop sign controlled T-intersection at Cash Road. The road is winding, the terrain is gently rolling, and the posted speed limit is 45 mph. The cross section is rural with no shoulders, curb-and-gutter, or sidewalks. The road primarily serves accesses to homes and undeveloped land, with a community center and a winery a short distance north of the subject development site. A 24-hour bi-directional traffic volume count collected for this study in May 2023 on JM Turk Road at the project frontage revealed a northbound volume of 692 vehicles, a southbound volume of 724 vehicles, for a two-way volume of 1,416 vehicles. This study was subsequently updated in January 2024. As part of the update, a new 24-hour count was collected on JM Turk Road at the same location as the May 2023 count. The new count revealed a northbound volume of 685 vehicles, a southbound volume of 700 vehicles, for a two-way volume of 1,385 vehicles. The new count reveals a 2.2% decrease in volumes on JM Turk Road.

### Pedestrian, Bicycle, and Transit Accessibility

There are no sidewalks or dedicated bicycle lanes along the adjacent roadway and there is no regularly scheduled mass transit in the area.

### Existing Traffic Volumes

Existing full turning movement peak hour traffic volume counts were collected at the following intersections in the vicinity of the site:

1. Martin Road at JM Turk Road
2. JM Turk Road at Grandview Parkway
3. Cash Road at JM Turk Road

In addition to the intersection counts, 24-hour bi-directional counts were collected on JM Turk Road adjacent to the site, as described above.

The counts were collected on Tuesday, May 16, 2023, from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. Area schools were in session on the day on which the counts were recorded. The locations of the traffic counts are presented in Figure 2. It was noted above that the volume on JM Turk Road decreased from the May 2023 count collected for this study and an updated count collected on Thursday, January 18, 2024. Because the decrease in volume was small (-2.2%), it was decided to not adjust the May 2023 intersection volumes downward. This produces existing volumes, used in this analysis, which are slightly conservatively high.



Figure 2 – Traffic Volume Count Locations

From the intersection turning movement count data, the highest four consecutive 15-minute interval volumes at each intersection, during each time period, were determined. These volumes make up the existing weekday a.m. and p.m. peak hour traffic volumes at each intersection and are shown in Figure 3. The raw count data is found in Appendix A.



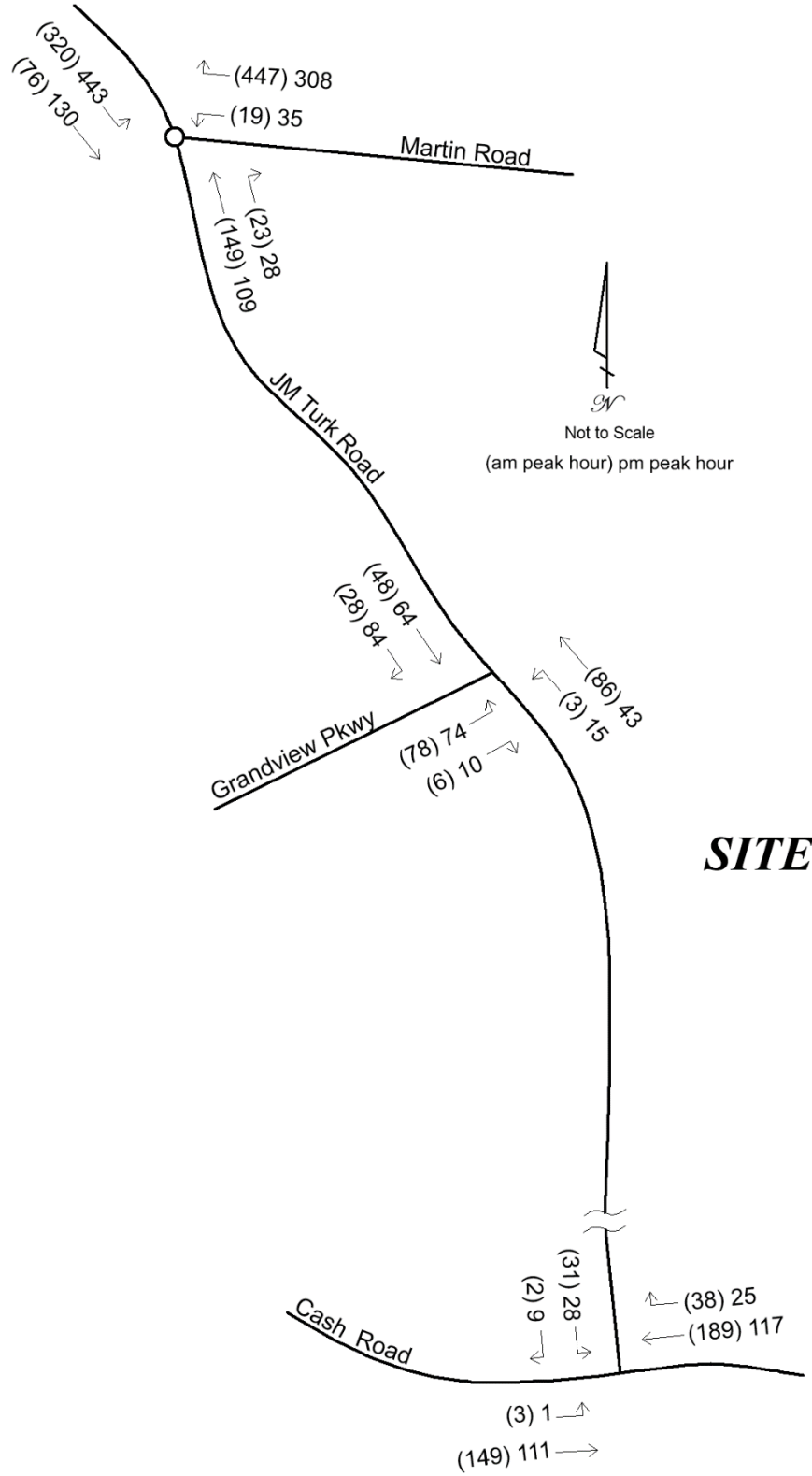


Figure 3 – Existing Weekday A.M. and P.M. Peak Hour Traffic Volumes

## Existing Intersection Operations

Existing traffic operations were analyzed at the counted intersections using Synchro software, version 12, in accordance with the methodology presented in the Transportation Research Board's 2022 *Highway Capacity Manual 7<sup>th</sup> Edition (HCM 7)*. This methodology is presented in Appendix B. The analysis was based on the existing volumes, lanes, and control. The results of the analysis are shown in Table 1. Computer printouts containing detailed results of the existing analysis are located in Appendix C. Levels of service and delays are provided for each overall intersection and for each controlled approach or movement. Locations that operate unacceptably (LOS E or LOS F) are presented in bold type.

**Table 1 – Existing Intersection Operations**

Intersection / Approach	A.M. Peak Hour		P.M. Peak Hour	
	LOS	Delay (s/veh)	LOS	Delay (s/veh)
1. Martin Road at JM Turk Road (roundabout)	A	7.3	A	6.8
northbound approach	A	6.7	A	6.5
southbound approach	A	6.7	A	7.4
westbound approach	A	8.1	A	6.1
2. JM Turk Road at Grandview Parkway (side street stop sign)	A	3.5	A	3.6
northbound left turn	A	7.4	A	7.6
eastbound approach	A	10.0	A	10.0
3. Cash Road at JM Turk Road (side street stop sign)	A	1.4	A	1.3
southbound approach	B	12.1	B	10.4
eastbound left turn	A	7.8	A	7.6

The existing analysis reveals acceptable operating conditions at the three study intersections. No mitigation is identified for the existing condition.

## No-Build Traffic Conditions

A 2029 no-build condition was developed. This represents the traffic conditions that will exist in the future at the anticipated date of the build-out of the subdivision, but not including the subdivision's trips. The purpose of the analysis of this condition is to isolate the traffic impacts of the proposed development from background growth in volumes that are expected to occur in the area while the subdivision is under construction.

In order to develop no-build volumes, background growth factors were developed using historic Georgia DOT 24-hour traffic counts that were collected in this area for the years 2018 through 2022 (the latest year for which data was available at the time of this study), as shown in Table 2.

**Table 2 – Historic Georgia DOT Traffic Volume Counts and Annual Growth Rates**

Year	Cash W of JM Turk	Annual Growth	Union Church S of Winder Hwy	Annual Growth	Winder Hwy S of Martin	Annual Growth
Station ID	139-0779		139-7386		139-0287	
2018	2,810		3,470		25,000	
2019	2,870	2.1%	4,410	27.1%	31,600	26.4%
2020	2,660	-7.3%	4,100	-7.0%	28,600	-9.5%
2021	2,830	6.4%	4,360	6.3%	30,100	5.2%
2022	3,110	9.9%	4,460	2.3%	30,700	2.0%
<i>avg growth</i>		2.0%		5.1%		4.2%

Growth in the area has been moderate and positive. Each intersection experienced a decrease in volumes from 2019 to 2020. This is attributable to the COVID-19 pandemic and is considered an anomaly, and the growth the subsequent year is considered mostly a return to pre-pandemic conditions. The latest year saw modest-to-solid positive growth. Based on the growth trends identified in Table 2, and taking the pandemic into consideration, a 3.0% annual growth factor was applied to the existing volumes when projecting the future no-build volumes. The growth factor was applied for five years, for a total of 15.9% growth that will occur while the proposed subdivision is under construction. The existing traffic volumes were increased by the 15.9% growth factor. The results are the 2029 no-build traffic volumes that will be on the roadway network in the future when the proposed subdivision is completely developed, but excluding the subdivision's trips.

## Programmed Transportation Infrastructure Improvements

The Gainesville-Hall Regional Transportation Plan 2020 and the Georgia DOT projects website were reviewed for programmed (scheduled and funded) and planned (anticipated) transportation infrastructure projects in the vicinity of the proposed development. No projects were identified.

## No-Build Intersection Operations

The no-build condition includes the no-build traffic volumes, as described above. These were entered into the Synchro model and the 2029 no-build traffic operations were analyzed at the study intersections using Synchro 12 software in accordance with the HCM 7 methodology. The results of the no-build analysis are shown in Table 3. Computer printouts containing detailed results of the no-build analysis are located in Appendix D. Levels of service and delays are provided for each overall intersection and for each controlled approach or movement. Locations that operate unacceptably (LOS E or LOS F) are presented in bold type.

**Table 3 – No-Build Intersection Operations**

Intersection / Approach	A.M. Peak Hour		P.M. Peak Hour	
	LOS	Delay (s/veh)	LOS	Delay (s/veh)
1. Martin Road at JM Turk Road (roundabout)	A	8.6	A	7.9
northbound approach	A	7.9	A	7.6
southbound approach	A	7.7	A	8.6
westbound approach	A	9.8	A	6.9
2. JM Turk Road at Grandview Parkway (side street stop sign)	A	3.6	A	3.7
northbound left turn	A	7.5	A	7.6
eastbound approach	B	10.4	B	10.3
3. Cash Road at JM Turk Road (side street stop sign)	A	1.5	A	1.3
southbound approach	B	13.0	B	10.8
eastbound left turn	A	7.9	A	7.7

The no-build analysis shows a slight deterioration in operations due to anticipated growth in this area. However, operations and delays will continue to be acceptable and no mitigation is necessary for the no-build condition.

## Project Traffic Characteristics

This section describes the anticipated traffic characteristics of the proposed subdivision, including a site description, how much traffic the project will generate, and where that traffic will travel.

### Project Description

The proposed development will consist of 196 detached single family homes and 128 attached townhomes for a total of 324 homes. The project will be served by one vehicular access on JM Turk Road at the current location of its intersection with Stanley Road. A second access will be provided which will be gated for emergency use only. The site plan is presented in Figure 4.

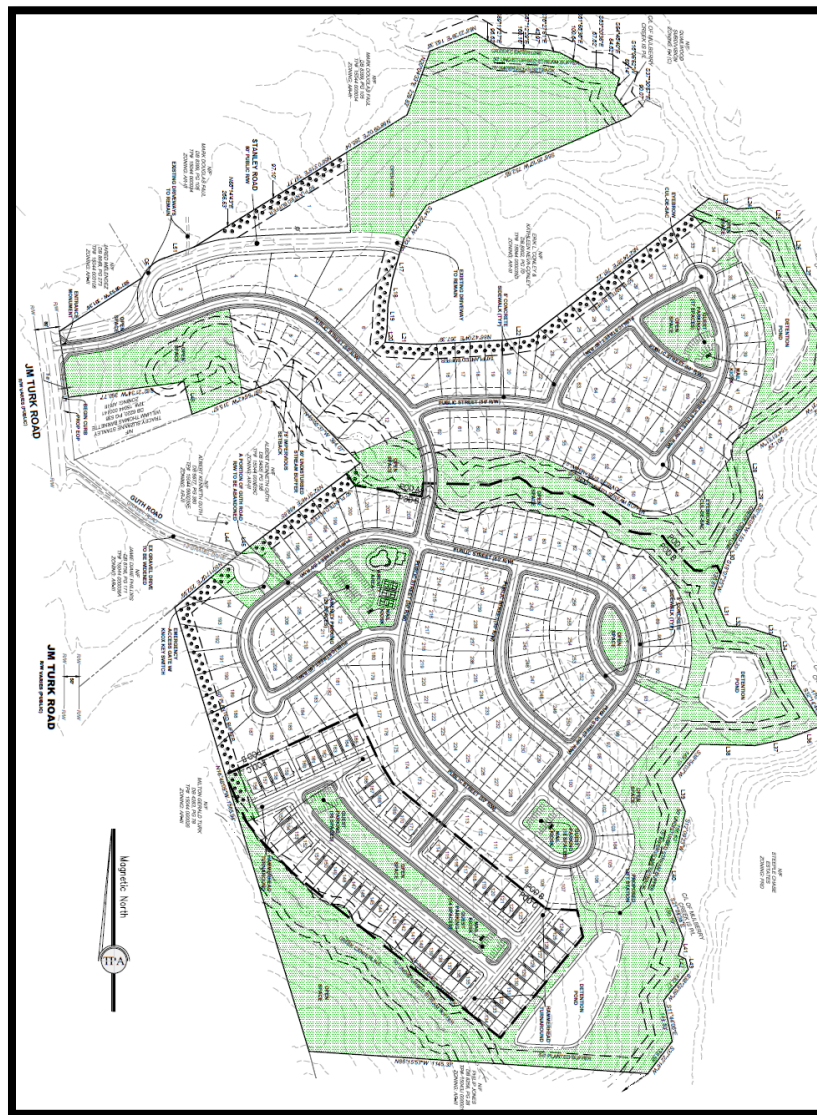


Figure 4 – Site Plan for Proposed Subdivision

## Trip Generation

Trip generation is an estimate of the number of entering and exiting vehicular trips that will be generated by the proposed development. The volume of traffic that will be generated by the subdivision was calculated using the equations in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11<sup>th</sup> Edition* (the current edition). ITE Land Use 210 – Single Family Detached Housing was chosen as representative of the detached houses and ITE Land Use 215 – Single Family Attached Housing was chosen for the townhomes. The trip generation is summarized in Table 4.

**Table 4 – Proposed Subdivision Trip Generation**

Land Use	ITE Code	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour		
			In	Out	2-Way	In	Out	2-Way	In	Out	2-Way
Detached Houses	210	196 homes	34	103	127	118	69	187	937	937	1,874
Townhomes	215	<u>128 homes</u>	<u>15</u>	<u>46</u>	<u>61</u>	<u>43</u>	<u>30</u>	<u>73</u>	<u>463</u>	<u>463</u>	<u>926</u>
<i>Total</i>		<i>324 homes</i>	<i>49</i>	<i>149</i>	<i>188</i>	<i>161</i>	<i>99</i>	<i>260</i>	<i>1,400</i>	<i>1,400</i>	<i>2,800</i>

The proposed subdivision will generate 188 trips in the morning peak hour, 260 trips in the evening peak hour, and 2,800 daily trips.

## Trip Distribution and Assignment

The trip distribution percentages indicate what proportion of the project's trips will travel to and from various directions. The trip distribution percentages for the subdivision were developed based on the locations and proximity of likely trip origins and destinations including regional employment centers, retail and offices in the area, nearby schools, other regional trip attractors, and the major routes of travel in the area, notably Interstate 985, Spout Springs Road, and SR 53. The new project trips, shown in Table 4, were assigned to the roadway network based on the distribution percentages. The trip distribution percentages and the a.m. and p.m. peak hour trips expected to be generated by the proposed subdivision are shown in Figure 5.

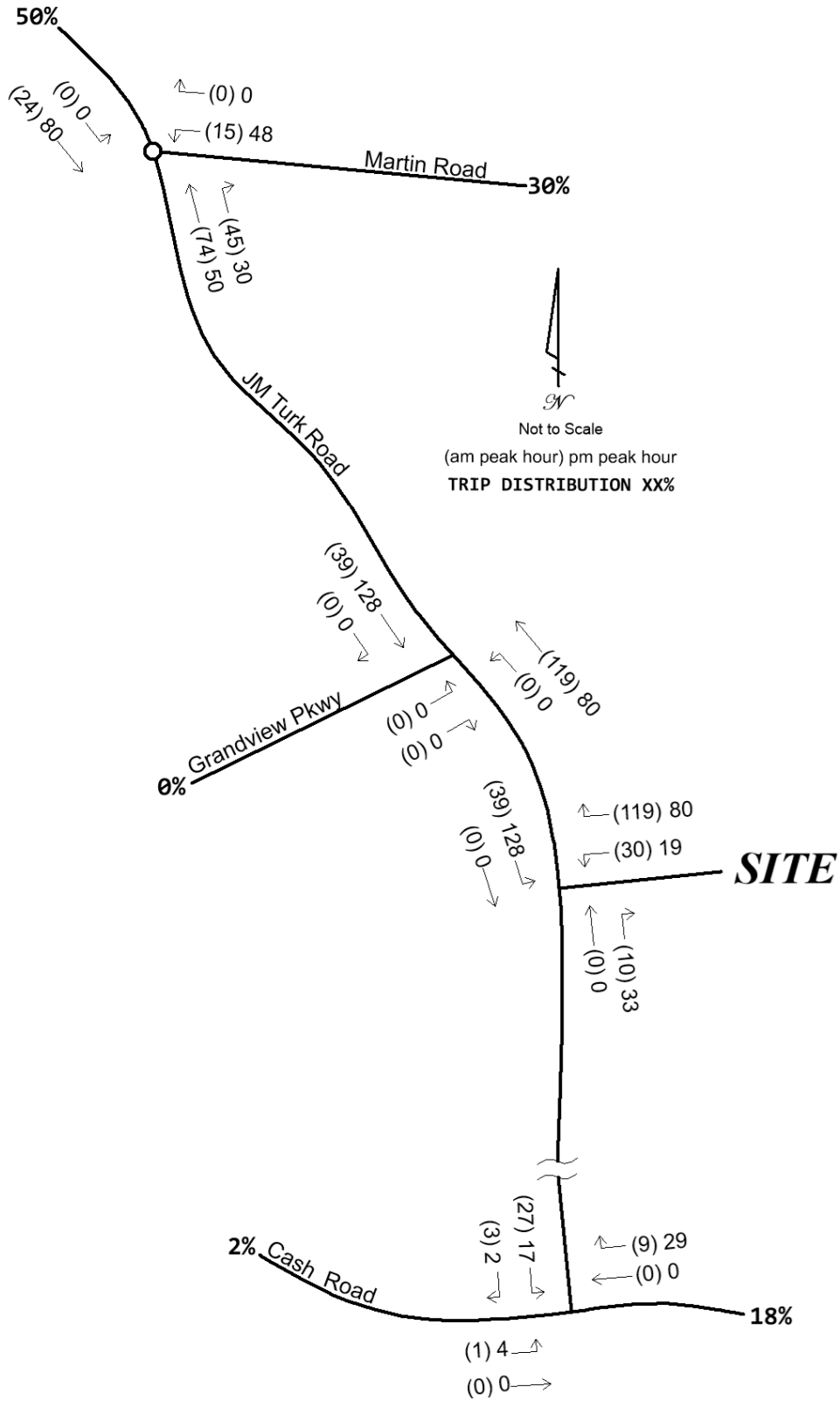


Figure 5 – Weekday A.M. and P.M. Peak Hour Project Trips and Distribution Percentages

### Future Traffic Conditions

The future volumes consist of the no-build volumes plus the trips that will be generated by the proposed subdivision. The future volumes are shown in Figure 6.

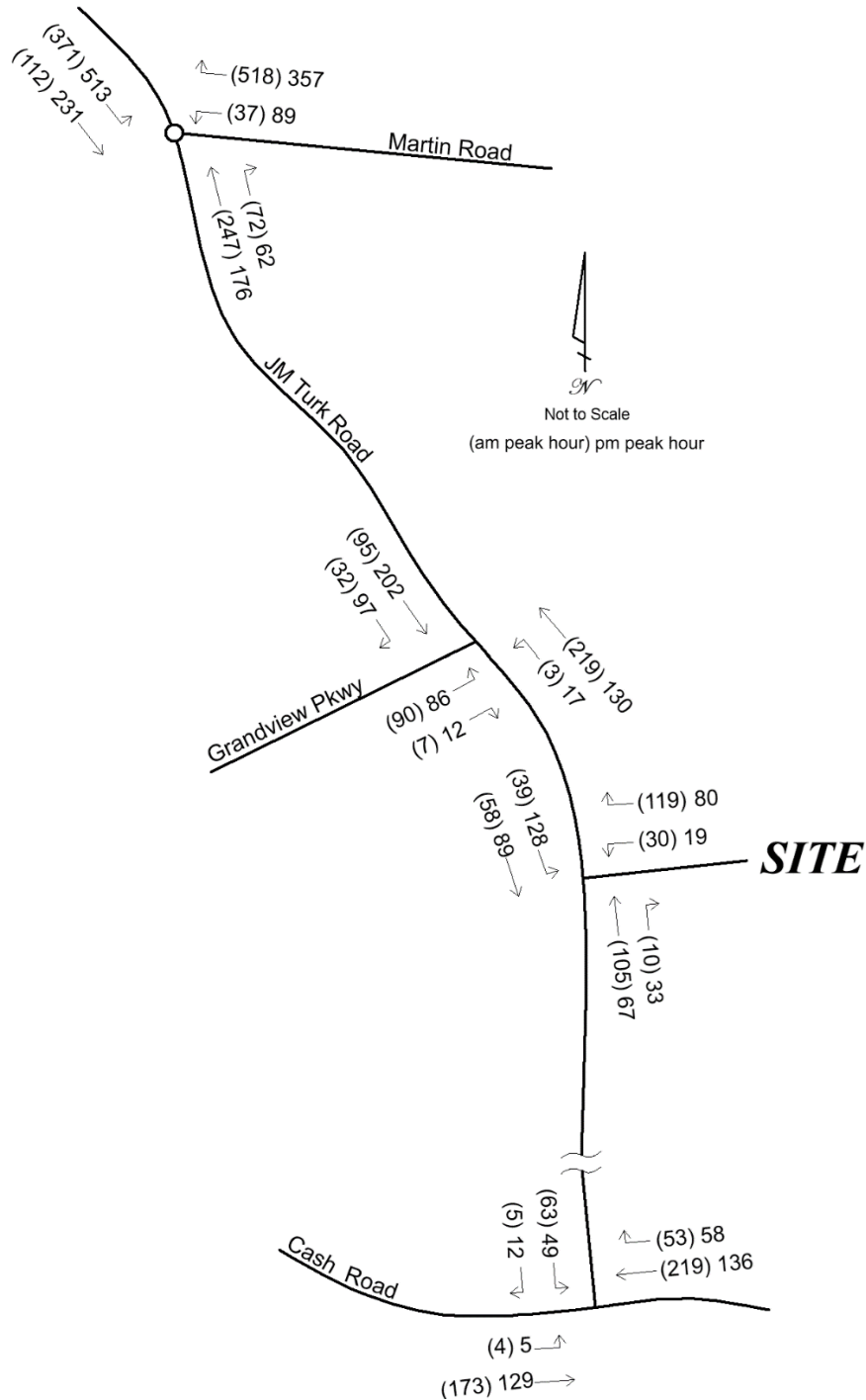


Figure 6 – Future Weekday A.M. and P.M. Peak Hour Volumes



Auxiliary Lane Requirements at Project Access

The Hall County Code was reviewed to determine auxiliary turn lane requirements at the project access on JM Turk Road. Code Section 16.60.290. – Deceleration lanes and left-turn lanes states:

- A. Subdivisions with greater than 24 lots will be required to have a deceleration lane constructed in accordance with current Hall County Engineering and Traffic Engineering specifications. The Hall County Traffic Engineer may waive or require the installation of a deceleration lane for subdivisions regardless of lot number based upon traffic and safety considerations.
- B. Left-turn lanes will be constructed in accordance with current Hall County Engineering and Traffic Engineering when warranted by the following table:

**Table 5 – Hall County Turn Lane Thresholds**

Average Daily Traffic (ADT)	Number of Lots (equal to or greater than the following)
>6,000	100
4,001—6,000	125
2,001—4,000	150
1,000—2,000	175
<1,000	200

- C. The Hall County Traffic Engineer may waive or require the installation of a left-turn lane, regardless of average daily traffic (ADT) or number of lots, based upon traffic and safety considerations.
- D. For those developments that a turn lane is required and the development is proposed in phases, construction of the turn lane is required prior to platting 100 lots or more.
- E. Additional right-of-way and/or easements necessary for the installation of decel and/or left-turn lanes will be acquired by and will be the financial responsibility of the developer.
- F. A signed and recorded frontage and/or radius encroachment agreement with applicable property owners will be required if any portion of the access extends beyond the development's road frontage.

Based on 324 proposed homes, a northbound right turn lane is required on JM Turk Road at the project access and this study agrees with that requirement.

The counted 24-hour volume on JM Turk Road is 1,385 vehicles, so the number of lots above which a left turn lane is required is 175 lots. The proposed subdivision will include 324 homes with one access. Therefore, a southbound left turn lane will be required at the project access and this study agrees with that requirement.

One entering lane and one exiting lane should be provided in the project access. The exiting approach should be controlled by side street stop sign and accompanying stop bar.

## Future Intersection Operations

An operational analysis was performed for the anticipated future project build-out at the study intersections and the project access using Synchro 12 software in accordance with the HCM 7 methodology. Table 6 presents the results of the future analysis. Computer printouts containing detailed results of the future analysis are located in Appendix E. Levels of service and delays are provided for each overall intersection and for each controlled approach or movement. Locations that operate unacceptably (LOS E or LOS F) are presented in bold type.

**Table 6 – Future Intersection Operations**

Intersection / Approach	A.M. Peak Hour		P.M. Peak Hour	
	LOS	Delay (s/veh)	LOS	Delay (s/veh)
1. Martin Road at JM Turk Road (roundabout)	B	10.2	A	9.9
northbound approach	B	10.7	A	9.6
southbound approach	A	8.3	B	10.9
westbound approach	B	12.0	A	8.4
2. JM Turk Road at Grandview Parkway (side street stop sign)	A	2.7	A	2.8
northbound left turn	A	7.6	A	8.0
eastbound approach	B	12.3	B	12.7
3. Cash Road at JM Turk Road (side street stop sign)	A	2.6	A	1.8
southbound approach	B	14.2	B	11.3
eastbound left turn	A	8.0	A	7.8
4. JM Turk Road at Project Access (side street stop sign)	A	5.5	A	5.1
southbound left turn (entering project)	A	7.6	A	7.7
westbound approach (exiting project)	B	10.6	B	10.2

The future analysis with the addition of the proposed subdivision's trips reveals continued acceptable traffic operations and delays at the three study intersections, as well as the project access.

The project civil/site engineer should comply with all applicable design standards including sight distances, driveway spacing, turn lane storage and taper lengths, turn radii, driveway widths, islands, angles with the adjacent roadways, and grades.

## Conclusions and Recommendations

This study assesses the traffic impact of a proposed residential subdivision in Hall County. The site is located along the east side of JM Turk Road at Stanley Road and the development will consist of 196 detached single family homes and 128 attached townhomes for a total of 324 homes. The project will be served by one vehicular access on JM Turk Road at the current location of its intersection with Stanley Road. A second access will be provided which will be gated for emergency use only. The following are the findings and recommendations of this study:

1. Existing traffic operations and delays are acceptable at the three study intersections. No mitigation is identified for the existing condition.
2. Traffic volume growth in this area has been positive and modest and this is expected to continue into the future. It is noted that JM Turk Road experienced a decrease in the counted 24-hour volumes for this study, from 2023 to 2024, of -2.2%
3. No programmed or planned roadway improvement projects were identified in this vicinity.
4. With the growth in background traffic volumes, delays will increase moderately in the no-build condition. However, all delays will continue to be acceptable and no mitigation is identified for the no-build condition.
5. The proposed subdivision will generate 188 trips in the morning peak hour, 260 trips in the evening peak hour, and 2,800 daily trips.
6. The future analysis with the addition of the proposed subdivision's trips reveals modest increases in delays at the study intersections. The three study intersections will continue to operate acceptably. Therefore, no off-site mitigation is identified for the future build condition as a result of the proposed subdivision.
7. A northbound right turn lane and a southbound left turn lane are required on JM Turk Road at the project access and this study agrees with those requirements.
8. One entering lane and one exiting lane should be provided in the project access. The exiting approach should be controlled by side street stop sign and accompanying stop bar.
9. The project civil/site engineer should comply with all applicable design standards including sight distances, driveway spacing, turn lane storage and taper lengths, turn radii, driveway widths, islands, angles with the adjacent roadways, and grades.

Appendix A

Traffic Count Data and Volume Worksheets

**JM Turk Road Subdivision Traffic Impact Study**  
Hall County, Georgia

May 2023, revised January 2024

**Intersection: 1. Martin Road at JM Turk Road**

Weekday A.M. Peak Hour	Northbound JM Turk Road			Southbound Martin Road			Westbound Martin Road		
	T	R	Tot	L	T	Tot	L	R	Tot
Counted Volumes (Tuesday, May 16, 2023 7:15-8:15)	149	23	172	320	76	396	19	447	466
Total Annual Background Growth	15.9%	15.9%		15.9%	15.9%		15.9%	15.9%	
2029 No-Build Volumes	173	27	199	371	88	459	22	518	540
Proposed JM Turk Road Subdivision Trips	74	45	119	0	24	24	15	0	15
Build Volumes	247	72	318	371	112	483	37	518	555

Weekday P.M. Peak Hour	Northbound JM Turk Road			Southbound Martin Road			Westbound Martin Road		
	T	R	Tot	L	T	Tot	L	R	Tot
Counted Volumes (Tuesday, May 16, 2023 4:45-5:45)	109	28	137	443	130	573	35	308	343
Total Annual Background Growth	15.9%	15.9%		15.9%	15.9%		15.9%	15.9%	
2029 No-Build Volumes	126	32	159	513	151	664	41	357	398
Proposed JM Turk Road Subdivision Trips	50	30	80	0	80	80	48	0	48
Build Volumes	176	62	239	513	231	744	89	357	446

**JM Turk Road Subdivision Traffic Impact Study**  
Hall County, Georgia

May 2023, revised January 2024

**Intersection: 2. JM Turk Road at Grandview Parkway**

Weekday A.M. Peak Hour	Northbound JM Turk Road			Southbound JM Turk Road			Eastbound Grandview Parkway		
	L	T	Tot	T	R	Tot	L	R	Tot
Counted Volumes (Tuesday, May 16, 2023 7:15-8:15)	3	86	89	48	28	76	78	6	84
Total Annual Background Growth	15.9%	15.9%		15.9%	15.9%		15.9%	15.9%	
<b>2029 No-Build Volumes</b>	<b>3</b>	<b>100</b>	<b>103</b>	<b>56</b>	<b>32</b>	<b>88</b>	<b>90</b>	<b>7</b>	<b>97</b>
Proposed JM Turk Road Subdivision Trips	0	119	119	39	0	39	0	0	0
Build Volumes	3	219	222	95	32	127	90	7	97

Weekday P.M. Peak Hour	Northbound JM Turk Road			Southbound JM Turk Road			Eastbound Grandview Parkway		
	L	T	Tot	T	R	Tot	L	R	Tot
Counted Volumes (Tuesday, May 16, 2023 4:45-5:45)	15	43	58	64	84	148	74	10	84
Total Annual Background Growth	15.9%	15.9%		15.9%	15.9%		15.9%	15.9%	
<b>2029 No-Build Volumes</b>	<b>17</b>	<b>50</b>	<b>67</b>	<b>74</b>	<b>97</b>	<b>172</b>	<b>86</b>	<b>12</b>	<b>97</b>
Proposed JM Turk Road Subdivision Trips	0	80	80	128	0	128	0	0	0
Build Volumes	17	130	147	202	97	300	86	12	97

**JM Turk Road Subdivision Traffic Impact Study**  
Hall County, Georgia

May 2023, revised January 2024

**Intersection: 3. Cash Road at JM Turk Road**

Weekday A.M. Peak Hour	Southbound JM Turk Road			Eastbound Cash Road			Westbound Cash Road		
	L	R	Tot	L	T	Tot	L	T	Tot
Counted Volumes (Tuesday, May 16, 2023 7:15-8:15)	31	2	33	3	149	152	189	38	227
Total Annual Background Growth	15.9%	15.9%		15.9%	15.9%		15.9%	15.9%	
2029 No-Build Volumes	36	2	38	3	173	176	219	44	263
Proposed JM Turk Road Subdivision Trips	27	3	30	1	0	1	0	9	9
Build Volumes	63	5	68	4	173	177	219	53	272

Weekday P.M. Peak Hour	Southbound JM Turk Road			Eastbound Cash Road			Westbound Cash Road		
	L	R	Tot	L	T	Tot	L	T	Tot
Counted Volumes (Tuesday, May 16, 2023 5:00-6:00)	28	9	37	1	111	112	117	25	142
Total Annual Background Growth	15.9%	15.9%		15.9%	15.9%		15.9%	15.9%	
2029 No-Build Volumes	32	10	43	1	129	130	136	29	165
Proposed JM Turk Road Subdivision Trips	17	2	19	4	0	4	0	29	29
Build Volumes	49	12	62	5	129	134	136	58	194

**JM Turk Road Subdivision Traffic Impact Study**  
Hall County, Georgia

May 2023, revised January 2024

**Intersection: 4. JM Turk Road at Project Access**

Weekday A.M. Peak Hour	Northbound JM Turk Road			Southbound JM Turk Road			Westbound Project Access		
	T	R	Tot	L	T	Tot	L	R	Tot
<b>Counted Volumes (Tuesday, May 16, 2023 7:00-8:00)</b>	91		91		50	50			
Total Annual Background Growth	15.9%				15.9%				
<b>2029 No-Build Volumes</b>	105		105		58	58			
<b>Proposed JM Turk Road Subdivision Trips</b>	0	10	10	39	0	39	30	119	149
<b>Build Volumes</b>	105	10	115	39	58	97	30	119	149

Weekday P.M. Peak Hour	Northbound JM Turk Road			Southbound JM Turk Road			Westbound Project Access		
	T	R	Tot	L	T	Tot	L	R	Tot
<b>Counted Volumes (Tuesday, May 16, 2023 4:45-5:45)</b>	58		58		77	77			
Total Annual Background Growth	15.9%				15.9%				
<b>2029 No-Build Volumes</b>	67		67		89	89			
<b>Proposed JM Turk Road Subdivision Trips</b>	0	33	33	128	0	128	19	80	99
<b>Build Volumes</b>	67	33	100	128	89	217	19	80	99

**Tuesday, May 16, 2023**

JM Turk Road at project access location  
Peak Hour Calculation

Begin Time	NB		SB		2-Way	
	15 min	Hourly	15 min	Hourly	15 min	Hourly
7:00 AM	21		10		31	
7:15 AM	21		13		34	
7:30 AM	20		16		36	
<b>7:45 AM</b>	<b>29</b>	<b>91</b>	<b>11</b>	<b>50</b>	<b>40</b>	<b>141</b>
8:00 AM	14	84	15	55	29	139
8:15 AM	24	87	5	47	29	134
8:30 AM	8	75	6	37	14	112
8:45 AM	13	59	8	34	21	93
4:00 PM	13		25		38	
4:15 PM	12		22		34	
4:30 PM	14		13		27	
4:45 PM	11	50	19	79	30	129
5:00 PM	9	46	20	74	29	120
5:15 PM	18	52	19	71	37	123
<b>5:30 PM</b>	<b>20</b>	<b>58</b>	<b>19</b>	<b>77</b>	<b>39</b>	<b>135</b>
5:45 PM	8	55	16	74	24	129
6:00 PM	7	53	22	76	29	129
6:15 PM	14	49	17	74	31	123
<b>24-Hour</b>	<b>692</b>		<b>724</b>		<b>1416</b>	



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TMC Data  
 Martin Rd @ J M Turk Rd (Roundabout)  
 Flowery Branch, GA  
 7-9 AM | 4-6 PM

File Name : 47830001  
 Site Code : 47830001  
 Start Date : 5/16/2023  
 Page No : 1

### Groups Printed- Cars, Buses and Trucks

Start Time	J M Turk Rd Northbound					Martin Rd Southbound					Eastbound					Martin Rd Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
07:00 AM	0	33	2	0	35	58	7	0	0	65	0	0	0	0	0	5	0	94	0	99	199
07:15 AM	0	38	5	0	43	95	17	0	0	112	0	0	0	0	0	6	0	93	0	99	254
07:30 AM	0	37	2	0	39	110	25	0	0	135	0	0	0	0	0	4	0	109	0	113	287
07:45 AM	0	40	9	0	49	59	17	0	0	76	0	0	0	0	0	7	0	120	0	127	252
<b>Total</b>	0	148	18	0	166	322	66	0	0	388	0	0	0	0	0	22	0	416	0	438	992
08:00 AM	0	34	7	0	41	56	17	0	0	73	0	0	0	0	0	2	0	125	0	127	241
08:15 AM	0	28	6	0	34	54	15	0	0	69	0	0	0	0	0	3	0	75	0	78	181
08:30 AM	0	15	7	0	22	61	17	0	0	78	0	0	0	0	0	6	0	77	0	83	183
08:45 AM	0	18	2	0	20	35	27	0	0	62	0	0	0	0	0	7	0	72	0	79	161
<b>Total</b>	0	95	22	0	117	206	76	0	0	282	0	0	0	0	0	18	0	349	0	367	766
*** BREAK ***																					
04:00 PM	0	16	5	0	21	116	33	0	0	149	0	0	0	0	0	6	0	55	0	61	231
04:15 PM	0	13	5	0	18	125	35	0	0	160	0	0	0	0	0	3	0	82	0	85	263
04:30 PM	0	16	2	0	18	114	29	0	0	143	0	0	0	0	0	13	0	72	0	85	246
04:45 PM	0	20	8	0	28	115	28	0	0	143	0	0	0	0	0	10	0	77	0	87	258
<b>Total</b>	0	65	20	0	85	470	125	0	0	595	0	0	0	0	0	32	0	286	0	318	998
05:00 PM	0	27	6	0	33	112	34	0	0	146	0	0	0	0	0	9	0	75	0	84	263
05:15 PM	0	36	8	0	44	101	37	0	0	138	0	0	0	0	0	8	0	73	0	81	263
05:30 PM	0	26	6	0	32	115	31	0	0	146	0	0	0	0	0	8	0	83	0	91	269
05:45 PM	0	16	2	0	18	107	34	0	0	141	0	0	0	0	0	6	0	75	0	81	240
<b>Total</b>	0	105	22	0	127	435	136	0	0	571	0	0	0	0	0	31	0	306	0	337	1035
Grand Total	0	413	82	0	495	1433	403	0	0	1836	0	0	0	0	0	103	0	1357	0	1460	3791
Apprch %	0	83.4	16.6	0		78.1	21.9	0	0		0	0	0	0		7.1	0	92.9	0		
Total %	0	10.9	2.2	0	13.1	37.8	10.6	0	0	48.4	0	0	0	0	0	2.7	0	35.8	0	38.5	

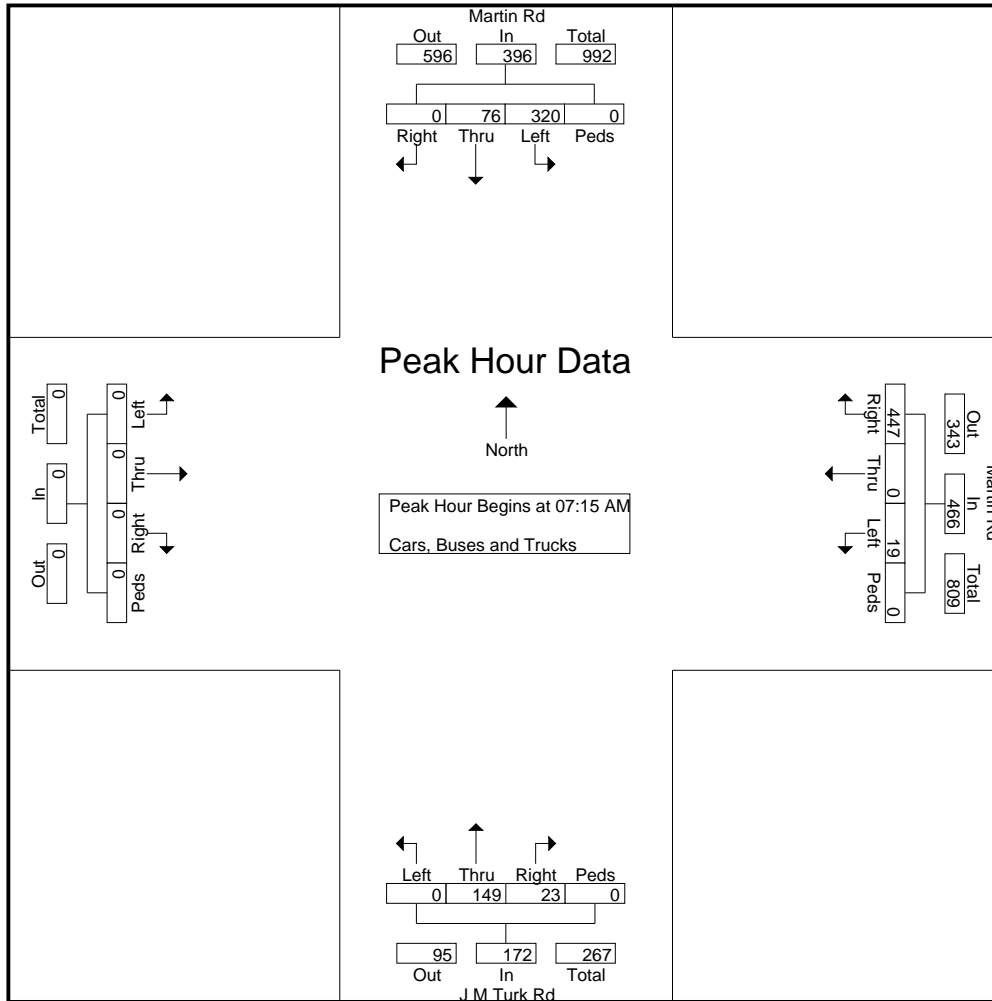
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 7-9 AM | 4-6 PM

File Name : 47830001  
 Site Code : 47830001  
 Start Date : 5/16/2023  
 Page No : 2

Start Time	J M Turk Rd Northbound					Martin Rd Southbound					Eastbound					Martin Rd Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:15 AM																					
07:15 AM	0	38	5	0	43	95	17	0	0	112	0	0	0	0	0	6	0	93	0	99	254
07:30 AM	0	37	2	0	39	110	25	0	0	135	0	0	0	0	0	4	0	109	0	113	287
07:45 AM	0	40	9	0	49	59	17	0	0	76	0	0	0	0	0	7	0	120	0	127	252
08:00 AM	0	34	7	0	41	56	17	0	0	73	0	0	0	0	0	2	0	125	0	127	241
Total Volume	0	149	23	0	172	320	76	0	0	396	0	0	0	0	0	19	0	447	0	466	1034
% App. Total		86.6	13.4			80.8	19.2											95.9			
PHF	.000	.931	.639	.000	.878	.727	.760	.000	.000	.733	.000	.000	.000	.000	.000	.679	.000	.894	.000	.917	.901



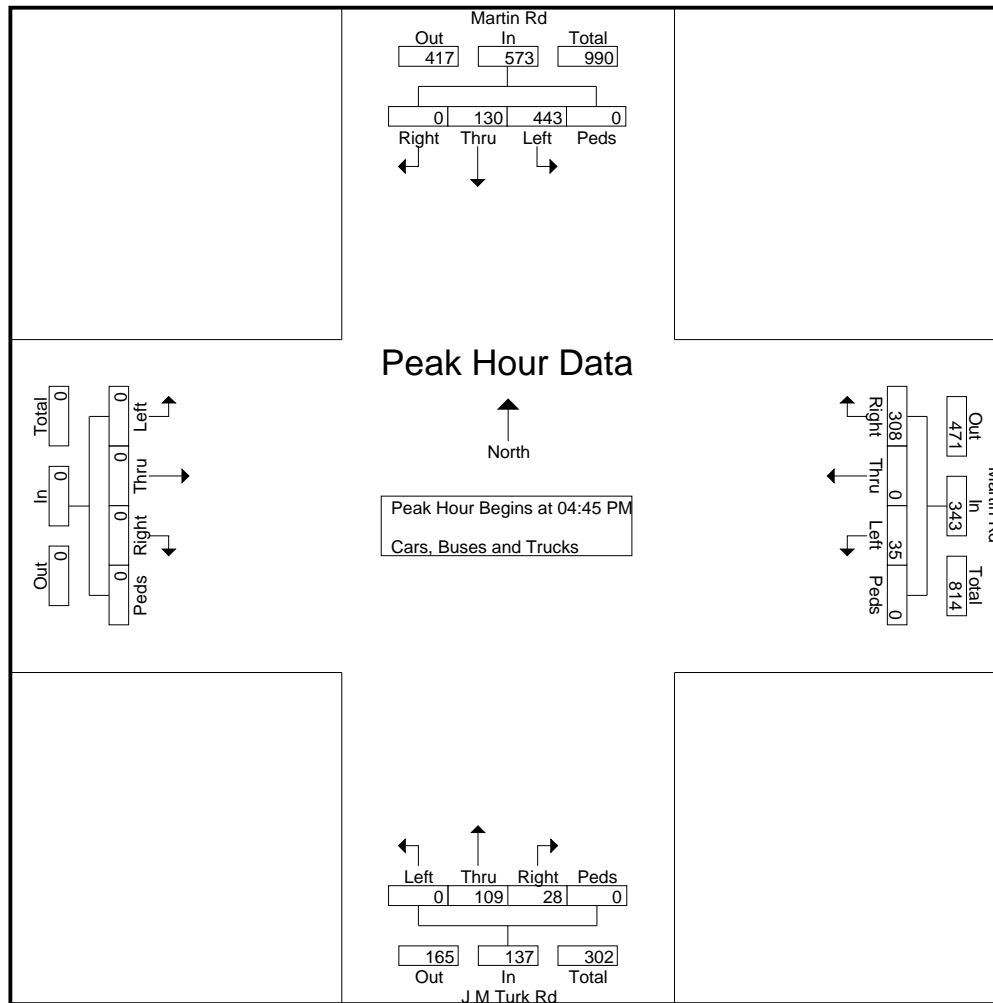
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File Name : 47830001  
 Site Code : 47830001  
 Start Date : 5/16/2023  
 Page No : 3

Start Time	J M Turk Rd Northbound					Martin Rd Southbound					Eastbound					Martin Rd Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:45 PM																					
04:45 PM	0	20	8	0	28	115	28	0	0	143	0	0	0	0	0	10	0	77	0	87	258
05:00 PM	0	27	6	0	33	112	34	0	0	146	0	0	0	0	0	9	0	75	0	84	263
05:15 PM	0	36	8	0	44	101	37	0	0	138	0	0	0	0	0	8	0	73	0	81	263
05:30 PM	0	26	6	0	32	115	31	0	0	146	0	0	0	0	0	8	0	83	0	91	269
Total Volume	0	109	28	0	137	443	130	0	0	573	0	0	0	0	0	35	0	308	0	343	1053
% App. Total		79.6	20.4			77.3	22.7									10.2		89.8			
PHF	.000	.757	.875	.000	.778	.963	.878	.000	.000	.981	.000	.000	.000	.000	.000	.875	.000	.928	.000	.942	.979



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TMC Data  
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 Flowery Branch, GA  
 7-9 AM | 4-6 PM

File Name : 47830002  
 Site Code : 47830002  
 Start Date : 5/16/2023  
 Page No : 1

## Groups Printed- Cars, Buses and Trucks

Start Time	J M Turk Rd Northbound					J M Turk Rd Southbound					Grandview Pkwy Eastbound					Private Drwy Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
07:00 AM	0	18	0	0	18	0	6	3	0	9	17	0	5	0	22	0	0	0	0	0	49
07:15 AM	2	21	0	0	23	0	11	4	0	15	16	0	0	0	16	0	0	0	0	0	54
07:30 AM	1	21	0	0	22	0	15	10	0	25	23	0	4	0	27	0	0	0	0	0	74
07:45 AM	0	28	0	0	28	0	8	8	0	16	19	0	1	0	20	0	0	0	0	0	64
Total	3	88	0	0	91	0	40	25	0	65	75	0	10	0	85	0	0	0	0	0	241
08:00 AM	0	16	0	0	16	0	14	6	0	20	20	0	1	0	21	0	0	0	0	0	57
08:15 AM	4	21	0	0	25	0	3	7	0	10	11	0	2	0	13	0	0	0	0	0	48
08:30 AM	0	8	0	0	8	0	5	9	0	14	8	0	2	0	10	0	0	0	0	0	32
08:45 AM	1	13	0	0	14	0	6	5	0	11	7	0	1	0	8	0	0	1	0	1	34
Total	5	58	0	0	63	0	28	27	0	55	46	0	6	0	52	0	0	1	0	1	171
*** BREAK ***																					
04:00 PM	2	12	0	0	14	0	22	17	0	39	9	0	2	0	11	0	0	0	0	0	64
04:15 PM	2	7	0	0	9	0	18	17	0	35	8	0	4	0	12	1	0	0	0	1	57
04:30 PM	6	9	0	0	15	0	14	18	0	32	9	0	1	0	10	0	0	0	0	0	57
04:45 PM	1	10	0	0	11	0	13	27	0	40	14	0	2	0	16	0	0	0	0	0	67
Total	11	38	0	0	49	0	67	79	0	146	40	0	9	0	49	1	0	0	0	1	245
05:00 PM	5	8	0	0	13	0	21	21	0	42	19	0	2	0	21	0	0	0	0	0	76
05:15 PM	3	14	0	0	17	0	17	20	0	37	26	0	2	0	28	0	0	0	0	0	82
05:30 PM	6	11	0	0	17	1	13	16	0	30	15	0	4	0	19	0	0	0	0	0	66
05:45 PM	0	6	0	0	6	0	12	15	0	27	14	0	4	0	18	0	0	0	0	0	51
Total	14	39	0	0	53	1	63	72	0	136	74	0	12	0	86	0	0	0	0	0	275
Grand Total	33	223	0	0	256	1	198	203	0	402	235	0	37	0	272	1	0	1	0	2	932
Apprch %	12.9	87.1	0	0		0.2	49.3	50.5	0		86.4	0	13.6	0		50	0	50	0		
Total %	3.5	23.9	0	0	27.5	0.1	21.2	21.8	0	43.1	25.2	0	4	0	29.2	0.1	0	0.1	0	0.2	

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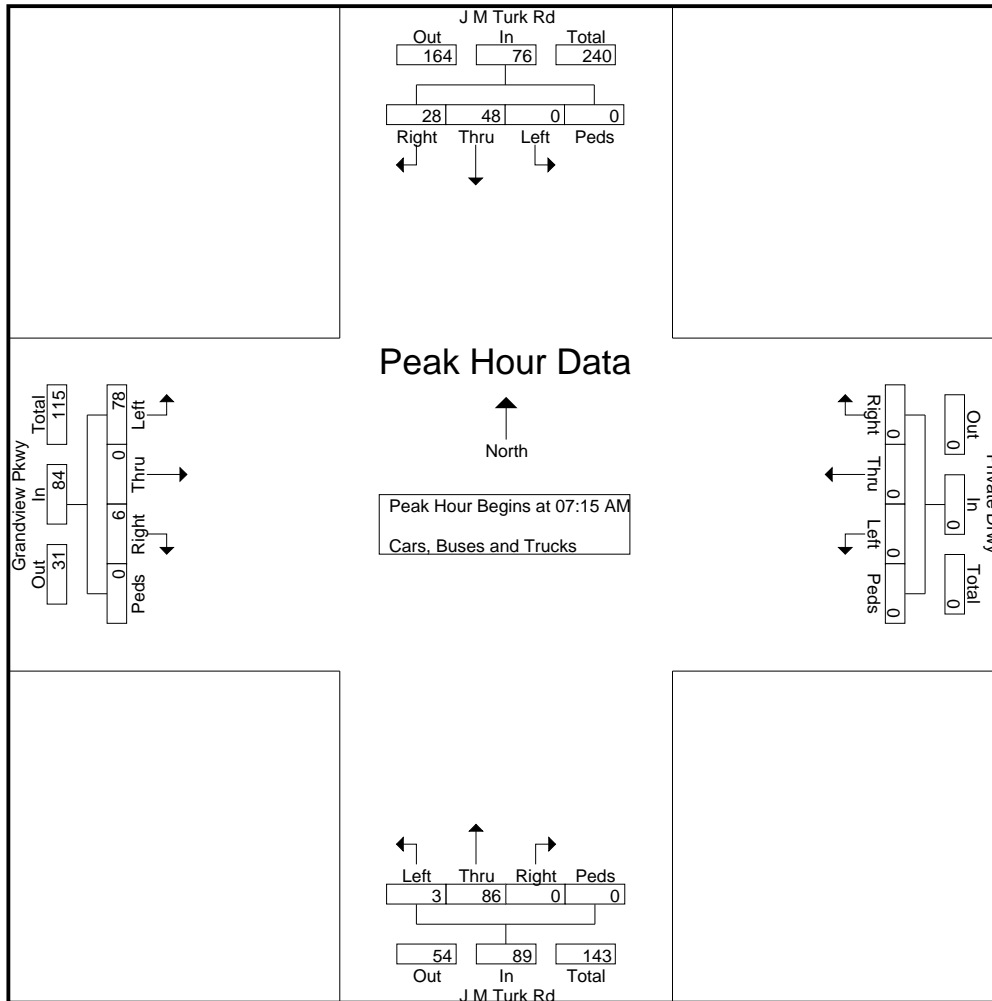
TMC Data  
 J M Turk Rd @ Grandview Pkwy  
 Flowery Branch, GA  
 7-9 AM | 4-6 PM

File Name : 47830002  
 Site Code : 47830002  
 Start Date : 5/16/2023  
 Page No : 2

Start Time	J M Turk Rd Northbound					J M Turk Rd Southbound					Grandview Pkwy Eastbound					Private Drwy Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
07:15 AM	2	21	0	0	23	0	11	4	0	15	16	0	0	0	16	0	0	0	0	0	54
07:30 AM	1	21	0	0	22	0	15	10	0	25	23	0	4	0	27	0	0	0	0	0	74
07:45 AM	0	28	0	0	28	0	8	8	0	16	19	0	1	0	20	0	0	0	0	0	64
08:00 AM	0	16	0	0	16	0	14	6	0	20	20	0	1	0	21	0	0	0	0	0	57
Total Volume	3	86	0	0	89	0	48	28	0	76	78	0	6	0	84	0	0	0	0	0	249
% App. Total	96.6					63.2					36.8					92.9					
PHF	.375	.768	.000	.000	.795	.000	.800	.700	.000	.760	.848	.000	.375	.000	.778	.000	.000	.000	.000	.000	.841

Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1

Peak Hour for Entire Intersection Begins at 07:15 AM



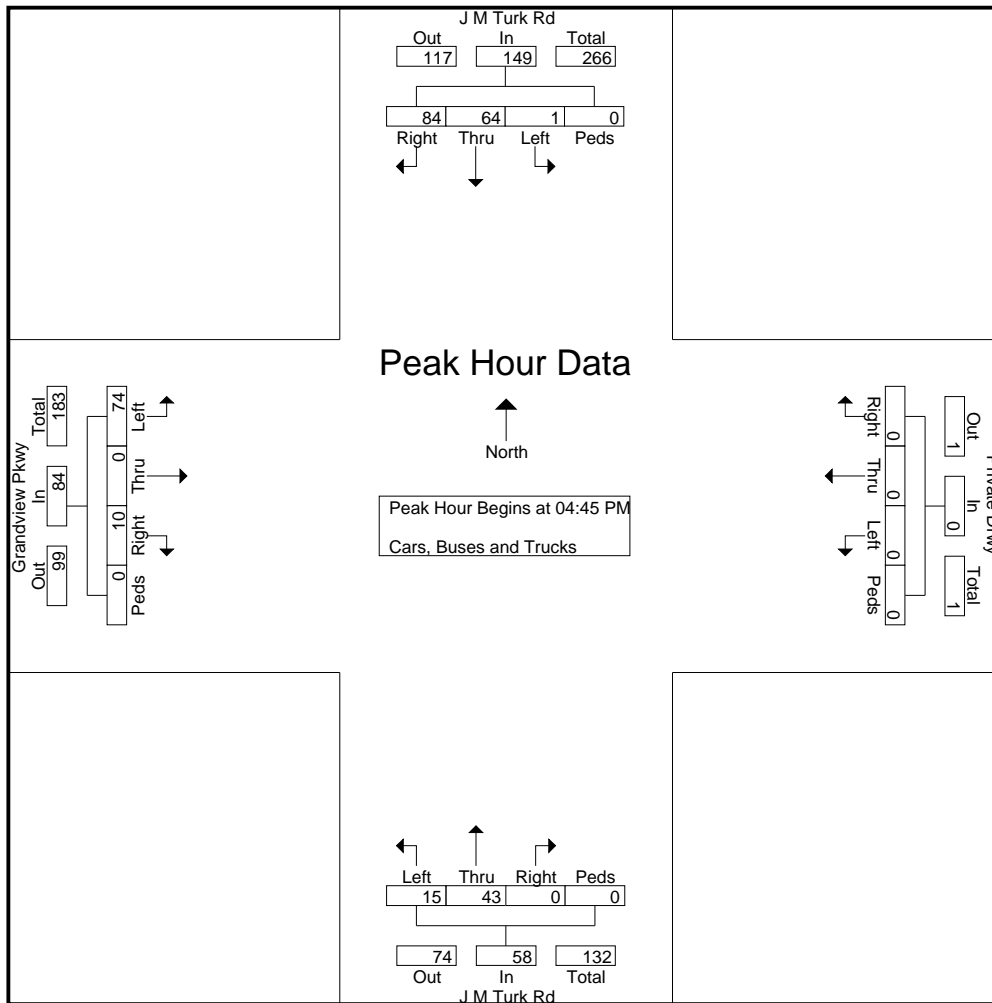
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TMC Data  
 J M Turk Rd @ Grandview Pkwy  
 Flowery Branch, GA  
 7-9 AM | 4-6 PM

File Name : 47830002  
 Site Code : 47830002  
 Start Date : 5/16/2023  
 Page No : 3

Start Time	J M Turk Rd Northbound					J M Turk Rd Southbound					Grandview Pkwy Eastbound					Private Drwy Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:45 PM																					
04:45 PM	1	10	0	0	11	0	13	27	0	40	14	0	2	0	16	0	0	0	0	0	67
05:00 PM	5	8	0	0	13	0	21	21	0	42	19	0	2	0	21	0	0	0	0	0	76
05:15 PM	3	14	0	0	17	0	17	20	0	37	26	0	2	0	28	0	0	0	0	0	82
05:30 PM	6	11	0	0	17	1	13	16	0	30	15	0	4	0	19	0	0	0	0	0	66
Total Volume	15	43	0	0	58	1	64	84	0	149	74	0	10	0	84	0	0	0	0	0	291
% App. Total	25.9	74.1					56.4					88.1					11.9				
PHF	.625	.768	.000	.000	.853	.250	.762	.778	.000	.887	.712	.000	.625	.000	.750	.000	.000	.000	.000	.000	.887



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TMC Data  
 J M Turk Rd @ Cash Rd  
 Flowery Branch, GA  
 7-9 AM | 4-6 PM

File Name : 47830003  
 Site Code : 47830003  
 Start Date : 5/16/2023  
 Page No : 1

## Groups Printed- Cars, Buses and Trucks

Start Time	Northbound					J M Turk Rd Southbound					Cash Rd Eastbound					Cash Rd Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
07:00 AM	0	0	0	0	0	4	0	0	0	4	1	22	0	0	23	0	15	9	0	24	51
07:15 AM	0	0	0	0	0	5	0	1	0	6	1	46	0	0	47	0	34	13	0	47	100
07:30 AM	0	0	0	0	0	14	0	1	0	15	1	48	0	0	49	0	56	14	0	70	134
07:45 AM	0	0	0	0	0	8	0	0	0	8	1	28	0	0	29	0	45	7	0	52	89
Total	0	0	0	0	0	31	0	2	0	33	4	144	0	0	148	0	150	43	0	193	374
08:00 AM	0	0	0	0	0	4	0	0	0	4	0	27	0	0	27	0	54	4	0	58	89
08:15 AM	0	0	0	0	0	5	0	0	0	5	1	34	0	0	35	0	32	11	0	43	83
08:30 AM	0	0	0	0	0	1	0	0	0	1	0	15	0	0	15	0	12	0	0	12	28
08:45 AM	0	0	0	0	0	5	0	1	0	6	4	14	0	0	18	0	17	6	0	23	47
Total	0	0	0	0	0	15	0	1	0	16	5	90	0	0	95	0	115	21	0	136	247
*** BREAK ***																					
04:00 PM	0	0	0	0	0	15	0	0	0	15	2	27	0	0	29	0	34	5	0	39	83
04:15 PM	0	0	0	0	0	9	0	1	0	10	0	23	0	0	23	0	25	5	0	30	63
04:30 PM	0	0	0	0	0	5	0	1	0	6	2	24	0	0	26	0	16	7	0	23	55
04:45 PM	0	0	0	0	0	7	0	4	0	11	0	17	0	0	17	0	26	9	0	35	63
Total	0	0	0	0	0	36	0	6	0	42	4	91	0	0	95	0	101	26	0	127	264
05:00 PM	0	0	0	0	0	5	0	2	0	7	0	31	0	0	31	0	25	5	0	30	68
05:15 PM	0	0	0	0	0	8	0	3	0	11	0	36	0	0	36	0	28	5	0	33	80
05:30 PM	0	0	0	0	0	8	0	2	0	10	0	22	0	0	22	0	37	9	0	46	78
05:45 PM	0	0	0	0	0	7	0	2	0	9	1	22	0	0	23	0	27	6	0	33	65
Total	0	0	0	0	0	28	0	9	0	37	1	111	0	0	112	0	117	25	0	142	291
Grand Total	0	0	0	0	0	110	0	18	0	128	14	436	0	0	450	0	483	115	0	598	1176
Apprch %	0	0	0	0	0	85.9	0	14.1	0	10.9	3.1	96.9	0	0	38.3	0	80.8	19.2	0	50.9	
Total %	0	0	0	0	0	9.4	0	1.5	0	10.9	1.2	37.1	0	0	38.3	0	41.1	9.8	0	50.9	

# Reliable Traffic Data Services

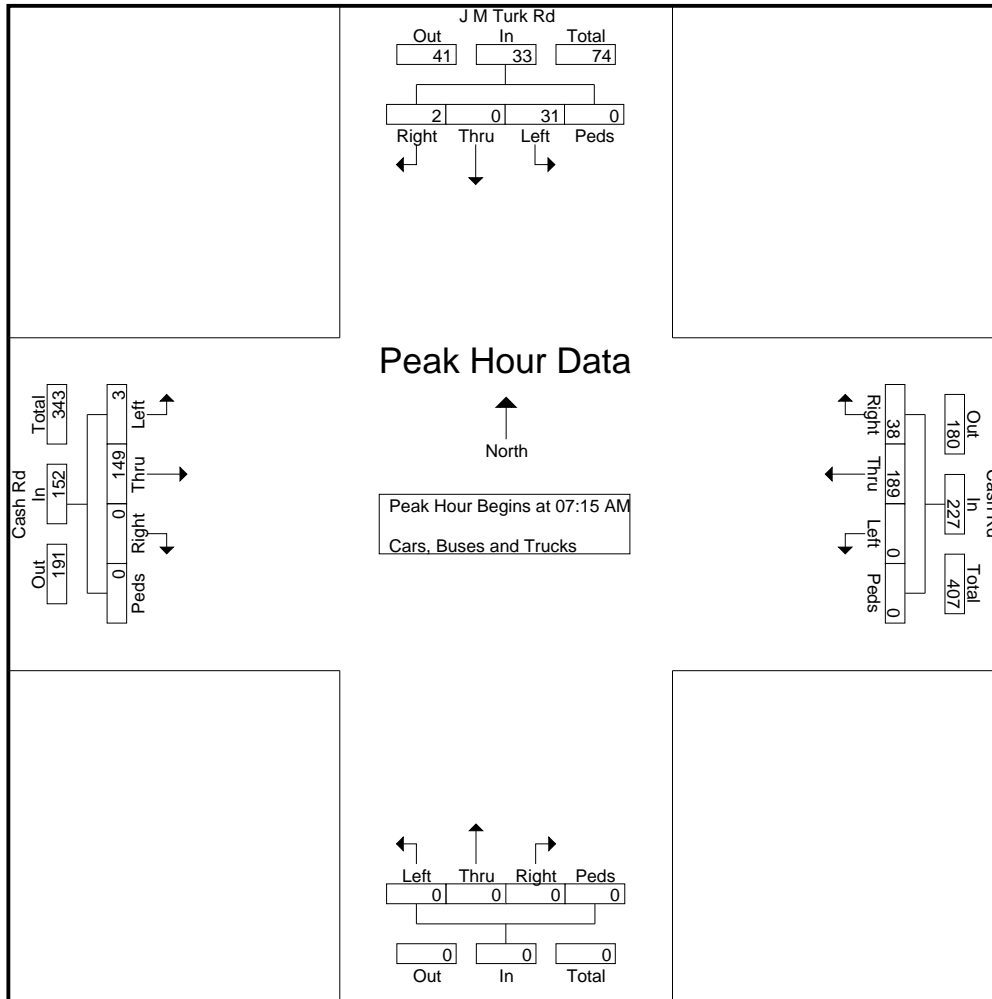
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TMC Data  
 J M Turk Rd @ Cash Rd  
 Flowery Branch, GA  
 7-9 AM | 4-6 PM

File Name : 47830003  
 Site Code : 47830003  
 Start Date : 5/16/2023  
 Page No : 2

Start Time	Northbound					J M Turk Rd Southbound					Cash Rd Eastbound					Cash Rd Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
07:15 AM	0	0	0	0	0	5	0	1	0	6	1	46	0	0	47	0	34	13	0	47	100
07:30 AM	0	0	0	0	0	14	0	1	0	15	1	48	0	0	49	0	56	14	0	70	134
07:45 AM	0	0	0	0	0	8	0	0	0	8	1	28	0	0	29	0	45	7	0	52	89
08:00 AM	0	0	0	0	0	4	0	0	0	4	0	27	0	0	27	0	54	4	0	58	89
Total Volume	0	0	0	0	0	31	0	2	0	33	3	149	0	0	152	0	189	38	0	227	412
% App. Total						93.9										83.3	16.7				
PHF	.000	.000	.000	.000	.000	.554	.000	.500	.000	.550	.750	.776	.000	.000	.776	.000	.844	.679	.000	.811	.769

Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1  
 Peak Hour for Entire Intersection Begins at 07:15 AM





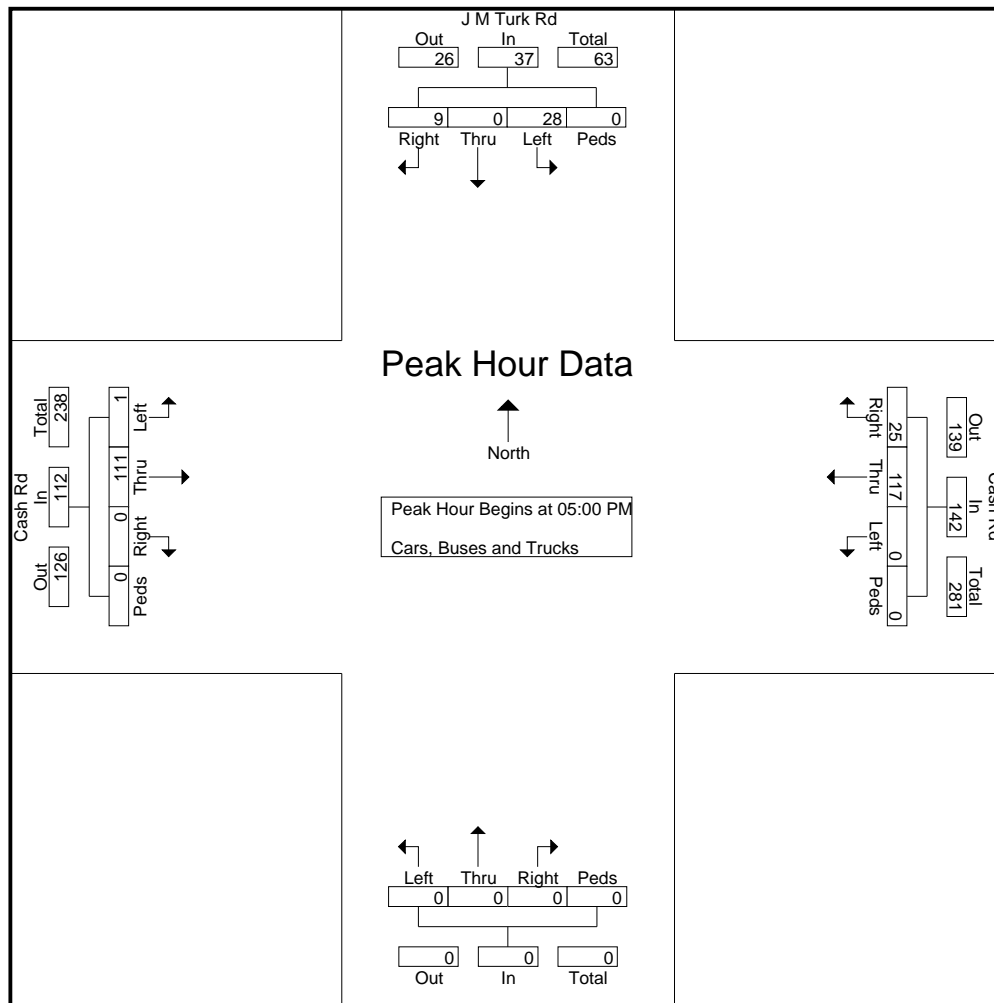
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TMC Data  
 J M Turk Rd @ Cash Rd  
 Flowery Branch, GA  
 7-9 AM | 4-6 PM

File Name : 47830003  
 Site Code : 47830003  
 Start Date : 5/16/2023  
 Page No : 3

Start Time	Northbound					J M Turk Rd Southbound					Cash Rd Eastbound					Cash Rd Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 05:00 PM																					
05:00 PM	0	0	0	0	0	5	0	2	0	7	0	31	0	0	31	0	25	5	0	30	68
05:15 PM	0	0	0	0	0	8	0	3	0	11	0	36	0	0	36	0	28	5	0	33	80
05:30 PM	0	0	0	0	0	8	0	2	0	10	0	22	0	0	22	0	37	9	0	46	78
05:45 PM	0	0	0	0	0	7	0	2	0	9	1	22	0	0	23	0	27	6	0	33	65
Total Volume	0	0	0	0	0	28	0	9	0	37	1	111	0	0	112	0	117	25	0	142	291
% App. Total						75.7		24.3			99.1					82.4	17.6				
PHF	.000	.000	.000	.000	.000	.875	.000	.750	.000	.841	.250	.771	.000	.000	.778	.000	.791	.694	.000	.772	.909



ADT Data

Site Code: 47830101  
 J M Turk Rd south of Grandview Pkwy  
 Flowery Branch, GA

Start Time	16-May-23 Tue	Northbound		Hour Totals		Southbound		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		0	6			0	11				
12:15		1	9			0	14				
12:30		0	10			0	6				
12:45		0	10	1	35	0	7	0	38	1	73
01:00		0	14			2	16				
01:15		0	12			0	6				
01:30		0	7			0	5				
01:45		0	9	0	42	0	8	2	35	2	77
02:00		0	7			0	16				
02:15		0	10			0	16				
02:30		0	17			2	16				
02:45		1	14	1	48	1	12	3	60	4	108
03:00		0	6			0	17				
03:15		0	10			0	14				
03:30		0	19			0	18				
03:45		2	16	2	51	0	26	0	75	2	126
04:00		0	13			0	25				
04:15		1	12			0	22				
04:30		2	14			1	13				
04:45		1	11	4	50	2	19	3	79	7	129
05:00		3	9			1	20				
05:15		2	18			0	19				
05:30		2	20			2	19				
05:45		8	8	15	55	1	16	4	74	19	129
06:00		2	7			3	22				
06:15		4	14			1	17				
06:30		10	6			2	14				
06:45		22	7	38	34	1	8	7	61	45	95
07:00		21	11			10	16				
07:15		21	11			13	8				
07:30		20	10			16	4				
07:45		29	6	91	38	11	7	50	35	141	73
08:00		14	3			15	7				
08:15		24	2			5	10				
08:30		8	4			6	5				
08:45		13	5	59	14	8	7	34	29	93	43
09:00		9	5			10	7				
09:15		15	2			6	5				
09:30		11	3			9	4				
09:45		13	2	48	12	9	3	34	19	82	31
10:00		4	1			6	4				
10:15		8	1			11	2				
10:30		9	2			11	1				
10:45		5	0	26	4	10	2	38	9	64	13
11:00		2	1			8	0				
11:15		8	1			10	4				
11:30		3	0			9	0				
11:45		7	2	20	4	3	1	30	5	50	9
<b>Total</b>		<b>305</b>	<b>387</b>			<b>205</b>	<b>519</b>			<b>510</b>	<b>906</b>
<b>Percent</b>		<b>44.1%</b>	<b>55.9%</b>			<b>28.3%</b>	<b>71.7%</b>			<b>36.0%</b>	<b>64.0%</b>
<b>Grand Total</b>		<b>305</b>	<b>387</b>			<b>205</b>	<b>519</b>			<b>510</b>	<b>906</b>
<b>Percent</b>		<b>44.1%</b>	<b>55.9%</b>			<b>28.3%</b>	<b>71.7%</b>			<b>36.0%</b>	<b>64.0%</b>

ADT                      ADT 1,416                      AADT 1,416

# Reliable Traffic Data Services

Tel: (770) 578-8158 | Fax: (770) 578-8159

ADT Data

Site Code: 48570101  
 J M Turk Rd south of Stanley Rd  
 Flowery Branch, GA

Start Time	18-Jan-24 Thu	Northbound		Hour Totals		Southbound		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		0	2			0	9				
12:15		0	13			0	9				
12:30		0	4			1	15				
12:45		1	11	1	30	0	2	1	35	2	65
01:00		0	13			2	5				
01:15		0	6			0	8				
01:30		0	11			0	7				
01:45		0	8	0	38	0	10	2	30	2	68
02:00		0	11			0	18				
02:15		0	10			0	11				
02:30		0	8			0	20				
02:45		0	20	0	49	1	18	1	67	1	116
03:00		0	10			1	14				
03:15		0	8			0	27				
03:30		1	15			0	17				
03:45		0	15	1	48	0	18	1	76	2	124
04:00		1	12			0	21				
04:15		0	13			0	11				
04:30		3	10			0	23				
04:45		1	6	5	41	1	17	1	72	6	113
05:00		3	9			1	14				
05:15		3	14			3	23				
05:30		5	16			2	18				
05:45		4	9	15	48	0	12	6	67	21	115
06:00		4	17			3	19				
06:15		4	6			1	8				
06:30		22	9			3	8				
06:45		20	9	50	41	4	10	11	45	61	86
07:00		14	7			4	11				
07:15		16	12			11	8				
07:30		25	12			20	8				
07:45		34	6	89	37	15	11	50	38	139	75
08:00		17	6			13	12				
08:15		14	3			15	14				
08:30		13	4			6	6				
08:45		12	5	56	18	3	1	37	33	93	51
09:00		11	4			4	2				
09:15		14	2			3	18				
09:30		9	1			8	5				
09:45		13	1	47	8	11	3	26	28	73	36
10:00		11	0			6	0				
10:15		5	2			2	1				
10:30		8	0			12	0				
10:45		2	4	26	6	7	3	27	4	53	10
11:00		5	0			12	2				
11:15		8	1			7	0				
11:30		6	0			8	1				
11:45		10	1	29	2	12	0	39	3	68	5
Total		319	366			202	498			521	864
Percent		46.6%	53.4%			28.9%	71.1%			37.6%	62.4%
Grand Total		319	366			202	498			521	864
Percent		46.6%	53.4%			28.9%	71.1%			37.6%	62.4%

ADT

ADT 1,385

AADT 1,385

## Appendix B

### Intersection Analysis Methodology

## Intersection Analysis Methodology

The methodology used for evaluating traffic operations at intersections is presented in the Transportation Research Board’s 2022 *Highway Capacity Manual*, 7th Edition (HCM 7). Synchro 12 software, which emulates the HCM 7 methodology, was used for all analyses. The following is an overview of the methodology employed for the analysis of signalized intersections and roundabouts and stop-sign controlled (unsignalized) intersections. Levels of service (LOS) are assigned letters A through F. LOS A indicates operations with very low control delay while LOS F describes operations with high control delay. LOS F is considered to be unacceptable by most drivers, while LOS E is typically considered to be the limit of acceptable delay.

**Signalized Intersections and Roundabouts** – Level of service for a signalized intersection and a roundabout is defined in terms of control delay per vehicle. For signalized intersections and roundabouts, a composite intersection level of service is determined. The thresholds for each level of service are higher for signalized intersections and roundabouts than for unsignalized intersections. This is attributable to a variety of factors including expectation and acceptance of higher delays at signals/roundabouts, and the fact that drivers can relax when waiting at a signal as opposed to having to remain attentive as they proceed through the unsignalized intersection. The level of service criteria for signalized intersections and roundabouts are shown in Table A.

**Table A – Level of Service Criteria for Signalized Intersections and Roundabouts**

Control Delay (s/veh)	LOS
≤ 10	A
> 10 and ≤ 20	B
> 20 and ≤ 35	C
> 35 and ≤ 55	D
> 55 and ≤ 80	E
> 80	F

*Source: Highway Capacity Manual 7*

**Unsignalized Intersections** – Level of service for an unsignalized intersection is defined in terms of control delay per vehicle. Control delay is that portion of delay attributable to the control device and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The delays at unsignalized intersections are based on gap acceptance theory, factoring in availability of gaps, usefulness of the gaps, and the priority of right-of-way given to each traffic stream. The level of service criteria for unsignalized intersections are presented in Table B.

**Table B – Level of Service Criteria for Unsignalized Intersections**

Control Delay (s/veh)	LOS
0 – 10	A
> 10 and ≤ 15	B
> 15 and ≤ 25	C
> 25 and ≤ 35	D
> 35 and ≤ 50	E
> 50	F

*Source: Highway Capacity Manual 7*

## Appendix C

### Existing Intersection Operational Analysis

Intersection			
Intersection Delay, s/veh	7.3		
Intersection LOS	A		
Approach	WB	NB	SB
Entry Lanes	1	1	1
Conflicting Circle Lanes	1	1	1
Adj Approach Flow, veh/h	507	195	542
Demand Flow Rate, veh/h	523	201	558
Vehicles Circulating, veh/h	174	451	22
Vehicles Exiting, veh/h	478	129	675
Ped Vol Crossing Leg, #/h	0	0	0
Ped Cap Adj	1.000	1.000	1.000
Approach Delay, s/veh	8.1	6.7	6.7
Approach LOS	A	A	A
Lane	Left	Left	Left
Designated Moves	LR	TR	LT
Assumed Moves	LR	TR	LT
RT Channelized			
Lane Util	1.000	1.000	1.000
Follow-Up Headway, s	2.609	2.609	2.609
Critical Headway, s	4.976	4.976	4.976
A (Intercept)	1380	1380	1380
B (Slope)	1.02e-3	1.02e-3	1.02e-3
Entry Flow, veh/h	523	201	558
Cap Entry Lane, veh/h	1155	871	1349
Entry HV Adj Factor	0.969	0.970	0.971
Flow Entry, veh/h	507	195	542
Cap Entry, veh/h	1120	845	1310
V/C Ratio	0.453	0.231	0.414
Control Delay, s/veh	8.1	6.7	6.7
LOS	A	A	A
95th %tile Queue, veh	2	1	2

Intersection						
Int Delay, s/veh	3.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	78	6	3	86	48	28
Future Vol, veh/h	78	6	3	86	48	28
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	-	-	-	-	180
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	78	78	80	80	76	76
Heavy Vehicles, %	2	2	2	3	3	2
Mvmt Flow	100	8	4	108	63	37

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	178	63	100	0	0
Stage 1	63	-	-	-	-
Stage 2	115	-	-	-	-
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	811	1001	1493	-	-
Stage 1	959	-	-	-	-
Stage 2	910	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	809	1001	1493	-	-
Mov Cap-2 Maneuver	809	-	-	-	-
Stage 1	957	-	-	-	-
Stage 2	910	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s/v10.05		0.25	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	61	-	821	-	-
HCM Lane V/C Ratio	0.003	-	0.131	-	-
HCM Control Delay (s/veh)	7.4	0	10	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.5	-	-



Intersection						
Int Delay, s/veh	1.4					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	
Traffic Vol, veh/h	3	149	189	38	31	2
Future Vol, veh/h	3	149	189	38	31	2
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	78	78	81	81	55	55
Heavy Vehicles, %	3	3	3	3	3	3
Mvmt Flow	4	191	233	47	56	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	280	0	-	0	456 257
Stage 1	-	-	-	-	257 -
Stage 2	-	-	-	-	199 -
Critical Hdwy	4.13	-	-	-	6.43 6.23
Critical Hdwy Stg 1	-	-	-	-	5.43 -
Critical Hdwy Stg 2	-	-	-	-	5.43 -
Follow-up Hdwy	2.227	-	-	-	3.527 3.327
Pot Cap-1 Maneuver	1277	-	-	-	561 779
Stage 1	-	-	-	-	784 -
Stage 2	-	-	-	-	832 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1277	-	-	-	559 779
Mov Cap-2 Maneuver	-	-	-	-	559 -
Stage 1	-	-	-	-	781 -
Stage 2	-	-	-	-	832 -

Approach	EB	WB	SB
HCM Control Delay, s/v	0.15	0	12.07
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	36	-	-	-	569
HCM Lane V/C Ratio	0.003	-	-	-	0.105
HCM Control Delay (s/veh)	7.8	0	-	-	12.1
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.4

Intersection			
Intersection Delay, s/veh	6.8		
Intersection LOS	A		
Approach	WB	NB	SB
Entry Lanes	1	1	1
Conflicting Circle Lanes	1	1	1
Adj Approach Flow, veh/h	365	176	585
Demand Flow Rate, veh/h	376	181	603
Vehicles Circulating, veh/h	144	466	38
Vehicles Exiting, veh/h	503	175	482
Ped Vol Crossing Leg, #/h	0	0	0
Ped Cap Adj	1.000	1.000	1.000
Approach Delay, s/veh	6.1	6.5	7.4
Approach LOS	A	A	A
Lane	Left	Left	Left
Designated Moves	LR	TR	LT
Assumed Moves	LR	TR	LT
RT Channelized			
Lane Util	1.000	1.000	1.000
Follow-Up Headway, s	2.609	2.609	2.609
Critical Headway, s	4.976	4.976	4.976
A (Intercept)	1380	1380	1380
B (Slope)	1.02e-3	1.02e-3	1.02e-3
Entry Flow, veh/h	376	181	603
Cap Entry Lane, veh/h	1191	858	1327
Entry HV Adj Factor	0.971	0.971	0.970
Flow Entry, veh/h	365	176	585
Cap Entry, veh/h	1157	833	1288
V/C Ratio	0.316	0.211	0.454
Control Delay, s/veh	6.1	6.5	7.4
LOS	A	A	A
95th %tile Queue, veh	1	1	2

2: JM Turk Road & Grandview Parkway

Intersection						
Int Delay, s/veh	3.6					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	74	10	15	43	65	84
Future Vol, veh/h	74	10	15	43	65	84
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	-	-	-	-	180
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	85	85	89	89
Heavy Vehicles, %	2	2	2	3	3	2
Mvmt Flow	99	13	18	51	73	94

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	159	73	167	0	-	0
Stage 1	73	-	-	-	-	-
Stage 2	86	-	-	-	-	-
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	832	989	1410	-	-	-
Stage 1	950	-	-	-	-	-
Stage 2	937	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	821	989	1410	-	-	-
Mov Cap-2 Maneuver	821	-	-	-	-	-
Stage 1	938	-	-	-	-	-
Stage 2	937	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s/v	9.96	1.96	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	466	-	838	-	-
HCM Lane V/C Ratio	0.013	-	0.134	-	-
HCM Control Delay (s/veh)	7.6	0	10	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.5	-	-

Intersection						
Int Delay, s/veh	1.3					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↶	↷		↶	↷
Traffic Vol, veh/h	1	111	117	25	28	9
Future Vol, veh/h	1	111	117	25	28	9
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	78	78	77	77	84	84
Heavy Vehicles, %	3	3	3	3	3	3
Mvmt Flow	1	142	152	32	33	11

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	184	0	-	0	313
Stage 1	-	-	-	-	168
Stage 2	-	-	-	-	145
Critical Hdwy	4.13	-	-	-	6.43
Critical Hdwy Stg 1	-	-	-	-	5.43
Critical Hdwy Stg 2	-	-	-	-	5.43
Follow-up Hdwy	2.227	-	-	-	3.527
Pot Cap-1 Maneuver	1384	-	-	-	678
Stage 1	-	-	-	-	859
Stage 2	-	-	-	-	880
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1384	-	-	-	677
Mov Cap-2 Maneuver	-	-	-	-	677
Stage 1	-	-	-	-	858
Stage 2	-	-	-	-	880

Approach	EB	WB	SB
HCM Control Delay, s/v	0.07	0	10.36
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	16	-	-	-	716
HCM Lane V/C Ratio	0.001	-	-	-	0.062
HCM Control Delay (s/veh)	7.6	0	-	-	10.4
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.2

## Appendix D

### No-Build Intersection Operational Analysis

Intersection			
Intersection Delay, s/veh	8.6		
Intersection LOS	A		
Approach	WB	NB	SB
Entry Lanes	1	1	1
Conflicting Circle Lanes	1	1	1
Adj Approach Flow, veh/h	587	228	629
Demand Flow Rate, veh/h	605	235	648
Vehicles Circulating, veh/h	203	523	25
Vehicles Exiting, veh/h	555	150	783
Ped Vol Crossing Leg, #/h	0	0	0
Ped Cap Adj	1.000	1.000	1.000
Approach Delay, s/veh	9.8	7.9	7.7
Approach LOS	A	A	A
Lane	Left	Left	Left
Designated Moves	LR	TR	LT
Assumed Moves	LR	TR	LT
RT Channelized			
Lane Util	1.000	1.000	1.000
Follow-Up Headway, s	2.609	2.609	2.609
Critical Headway, s	4.976	4.976	4.976
A (Intercept)	1380	1380	1380
B (Slope)	1.02e-3	1.02e-3	1.02e-3
Entry Flow, veh/h	605	235	648
Cap Entry Lane, veh/h	1122	809	1345
Entry HV Adj Factor	0.970	0.971	0.971
Flow Entry, veh/h	587	228	629
Cap Entry, veh/h	1088	786	1306
V/C Ratio	0.539	0.290	0.482
Control Delay, s/veh	9.8	7.9	7.7
LOS	A	A	A
95th %tile Queue, veh	3	1	3

Intersection						
Int Delay, s/veh	3.6					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	90	7	3	100	56	32
Future Vol, veh/h	90	7	3	100	56	32
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	-	-	-	-	180
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	78	78	80	80	76	76
Heavy Vehicles, %	2	2	2	3	3	2
Mvmt Flow	115	9	4	125	74	42

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	206	74	116	0	0
Stage 1	74	-	-	-	-
Stage 2	133	-	-	-	-
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	782	988	1473	-	-
Stage 1	949	-	-	-	-
Stage 2	894	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	780	988	1473	-	-
Mov Cap-2 Maneuver	780	-	-	-	-
Stage 1	947	-	-	-	-
Stage 2	894	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s/v10.39		0.22	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	52	-	792	-	-
HCM Lane V/C Ratio	0.003	-	0.157	-	-
HCM Control Delay (s/veh)	7.5	0	10.4	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.6	-	-

Intersection						
Int Delay, s/veh	1.5					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↶	↷		↶	↷
Traffic Vol, veh/h	3	173	219	44	36	2
Future Vol, veh/h	3	173	219	44	36	2
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	78	78	81	81	55	55
Heavy Vehicles, %	3	3	3	3	3	3
Mvmt Flow	4	222	270	54	65	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	325	0	-	0	527 298
Stage 1	-	-	-	-	298 -
Stage 2	-	-	-	-	229 -
Critical Hdwy	4.13	-	-	-	6.43 6.23
Critical Hdwy Stg 1	-	-	-	-	5.43 -
Critical Hdwy Stg 2	-	-	-	-	5.43 -
Follow-up Hdwy	2.227	-	-	-	3.527 3.327
Pot Cap-1 Maneuver	1229	-	-	-	510 740
Stage 1	-	-	-	-	751 -
Stage 2	-	-	-	-	806 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1229	-	-	-	508 740
Mov Cap-2 Maneuver	-	-	-	-	508 -
Stage 1	-	-	-	-	749 -
Stage 2	-	-	-	-	806 -

Approach	EB	WB	SB
HCM Control Delay, s/v	0.14	0	13.04
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	31	-	-	-	516
HCM Lane V/C Ratio	0.003	-	-	-	0.134
HCM Control Delay (s/veh)	7.9	0	-	-	13
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.5



Intersection			
Intersection Delay, s/veh	7.9		
Intersection LOS	A		
Approach	WB	NB	SB
Entry Lanes	1	1	1
Conflicting Circle Lanes	1	1	1
Adj Approach Flow, veh/h	424	203	677
Demand Flow Rate, veh/h	436	209	698
Vehicles Circulating, veh/h	167	539	45
Vehicles Exiting, veh/h	581	204	558
Ped Vol Crossing Leg, #/h	0	0	0
Ped Cap Adj	1.000	1.000	1.000
Approach Delay, s/veh	6.9	7.6	8.6
Approach LOS	A	A	A
Lane	Left	Left	Left
Designated Moves	LR	TR	LT
Assumed Moves	LR	TR	LT
RT Channelized			
Lane Util	1.000	1.000	1.000
Follow-Up Headway, s	2.609	2.609	2.609
Critical Headway, s	4.976	4.976	4.976
A (Intercept)	1380	1380	1380
B (Slope)	1.02e-3	1.02e-3	1.02e-3
Entry Flow, veh/h	436	209	698
Cap Entry Lane, veh/h	1164	796	1318
Entry HV Adj Factor	0.972	0.972	0.970
Flow Entry, veh/h	424	203	677
Cap Entry, veh/h	1132	774	1279
V/C Ratio	0.375	0.262	0.530
Control Delay, s/veh	6.9	7.6	8.6
LOS	A	A	A
95th %tile Queue, veh	2	1	3

Intersection						
Int Delay, s/veh	3.7					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	86	12	17	50	74	97
Future Vol, veh/h	86	12	17	50	74	97
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	-	-	-	-	180
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	85	85	89	89
Heavy Vehicles, %	2	2	2	3	3	2
Mvmt Flow	115	16	20	59	83	109

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	182	83	192	0	-
Stage 1	83	-	-	-	-
Stage 2	99	-	-	-	-
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	807	976	1381	-	-
Stage 1	940	-	-	-	-
Stage 2	925	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	795	976	1381	-	-
Mov Cap-2 Maneuver	795	-	-	-	-
Stage 1	926	-	-	-	-
Stage 2	925	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s/v10.27		1.94	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	457	-	814	-	-
HCM Lane V/C Ratio	0.014	-	0.161	-	-
HCM Control Delay (s/veh)	7.6	0	10.3	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.6	-	-

Intersection						
Int Delay, s/veh	1.3					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	
Traffic Vol, veh/h	1	129	136	29	32	10
Future Vol, veh/h	1	129	136	29	32	10
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	78	78	77	77	84	84
Heavy Vehicles, %	3	3	3	3	3	3
Mvmt Flow	1	165	177	38	38	12

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	214	0	-	0	363 195
Stage 1	-	-	-	-	195 -
Stage 2	-	-	-	-	168 -
Critical Hdwy	4.13	-	-	-	6.43 6.23
Critical Hdwy Stg 1	-	-	-	-	5.43 -
Critical Hdwy Stg 2	-	-	-	-	5.43 -
Follow-up Hdwy	2.227	-	-	-	3.527 3.327
Pot Cap-1 Maneuver	1350	-	-	-	634 843
Stage 1	-	-	-	-	835 -
Stage 2	-	-	-	-	859 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1350	-	-	-	633 843
Mov Cap-2 Maneuver	-	-	-	-	633 -
Stage 1	-	-	-	-	834 -
Stage 2	-	-	-	-	859 -

Approach	EB	WB	SB
HCM Control Delay, s/v	0.06	0	10.78
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	14	-	-	-	673
HCM Lane V/C Ratio	0.001	-	-	-	0.074
HCM Control Delay (s/veh)	7.7	0	-	-	10.8
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.2

Appendix E

Future Intersection Operational Analysis

Intersection			
Intersection Delay, s/veh	10.2		
Intersection LOS	B		
Approach	WB	NB	SB
Entry Lanes	1	1	1
Conflicting Circle Lanes	1	1	1
Adj Approach Flow, veh/h	603	363	661
Demand Flow Rate, veh/h	621	373	681
Vehicles Circulating, veh/h	289	523	41
Vehicles Exiting, veh/h	607	199	869
Ped Vol Crossing Leg, #/h	0	0	0
Ped Cap Adj	1.000	1.000	1.000
Approach Delay, s/veh	12.0	10.7	8.3
Approach LOS	B	B	A
Lane	Left	Left	Left
Designated Moves	LR	TR	LT
Assumed Moves	LR	TR	LT
RT Channelized			
Lane Util	1.000	1.000	1.000
Follow-Up Headway, s	2.609	2.609	2.609
Critical Headway, s	4.976	4.976	4.976
A (Intercept)	1380	1380	1380
B (Slope)	1.02e-3	1.02e-3	1.02e-3
Entry Flow, veh/h	621	373	681
Cap Entry Lane, veh/h	1028	809	1323
Entry HV Adj Factor	0.971	0.972	0.971
Flow Entry, veh/h	603	363	661
Cap Entry, veh/h	998	787	1285
V/C Ratio	0.604	0.461	0.515
Control Delay, s/veh	12.0	10.7	8.3
LOS	B	B	A
95th %tile Queue, veh	4	2	3

Intersection						
Int Delay, s/veh	2.7					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	90	7	3	219	95	32
Future Vol, veh/h	90	7	3	219	95	32
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	-	-	-	-	180
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	78	78	80	80	76	76
Heavy Vehicles, %	2	2	2	3	3	2
Mvmt Flow	115	9	4	274	125	42

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	406	125	167	0	0
Stage 1	125	-	-	-	-
Stage 2	281	-	-	-	-
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	601	926	1411	-	-
Stage 1	901	-	-	-	-
Stage 2	766	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	599	926	1411	-	-
Mov Cap-2 Maneuver	599	-	-	-	-
Stage 1	898	-	-	-	-
Stage 2	766	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s/v12.34		0.1	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	24	-	615	-	-
HCM Lane V/C Ratio	0.003	-	0.202	-	-
HCM Control Delay (s/veh)	7.6	0	12.3	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.8	-	-

Intersection						
Int Delay, s/veh	2.6					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	
Traffic Vol, veh/h	4	173	219	53	63	5
Future Vol, veh/h	4	173	219	53	63	5
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	78	78	81	81	55	55
Heavy Vehicles, %	3	3	3	3	3	3
Mvmt Flow	5	222	270	65	115	9

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	336	0	-	0	535 303
Stage 1	-	-	-	-	303 -
Stage 2	-	-	-	-	232 -
Critical Hdwy	4.13	-	-	-	6.43 6.23
Critical Hdwy Stg 1	-	-	-	-	5.43 -
Critical Hdwy Stg 2	-	-	-	-	5.43 -
Follow-up Hdwy	2.227	-	-	-	3.527 3.327
Pot Cap-1 Maneuver	1218	-	-	-	504 734
Stage 1	-	-	-	-	747 -
Stage 2	-	-	-	-	804 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1218	-	-	-	502 734
Mov Cap-2 Maneuver	-	-	-	-	502 -
Stage 1	-	-	-	-	743 -
Stage 2	-	-	-	-	804 -

Approach	EB	WB	SB
HCM Control Delay, s/v	0.18	0	14.21
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	41	-	-	-	514
HCM Lane V/C Ratio	0.004	-	-	-	0.241
HCM Control Delay (s/veh)	8	0	-	-	14.2
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.9

Intersection						
Int Delay, s/veh	5.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↘		↑	↗	↘	↑
Traffic Vol, veh/h	30	119	105	10	39	58
Future Vol, veh/h	30	119	105	10	39	58
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	-	-	150	150	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	70	70	80	80	76	76
Heavy Vehicles, %	2	2	3	2	2	3
Mvmt Flow	43	170	131	13	51	76

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	310	131	0	0	144
Stage 1	131	-	-	-	-
Stage 2	179	-	-	-	-
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	682	918	-	-	1439
Stage 1	895	-	-	-	-
Stage 2	852	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	658	918	-	-	1439
Mov Cap-2 Maneuver	658	-	-	-	-
Stage 1	895	-	-	-	-
Stage 2	822	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s/v10.64		0	3.05
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	850	1439
HCM Lane V/C Ratio	-	-	0.25	0.036
HCM Control Delay (s/veh)	-	-	10.6	7.6
HCM Lane LOS	-	-	B	A
HCM 95th %tile Q(veh)	-	-	1	0.1



Intersection			
Intersection Delay, s/veh	9.9		
Intersection LOS	A		
Approach	WB	NB	SB
Entry Lanes	1	1	1
Conflicting Circle Lanes	1	1	1
Adj Approach Flow, veh/h	475	305	759
Demand Flow Rate, veh/h	489	314	782
Vehicles Circulating, veh/h	233	539	98
Vehicles Exiting, veh/h	620	341	624
Ped Vol Crossing Leg, #/h	0	0	0
Ped Cap Adj	1.000	1.000	1.000
Approach Delay, s/veh	8.4	9.6	10.9
Approach LOS	A	A	B
Lane	Left	Left	Left
Designated Moves	LR	TR	LT
Assumed Moves	LR	TR	LT
RT Channelized			
Lane Util	1.000	1.000	1.000
Follow-Up Headway, s	2.609	2.609	2.609
Critical Headway, s	4.976	4.976	4.976
A (Intercept)	1380	1380	1380
B (Slope)	1.02e-3	1.02e-3	1.02e-3
Entry Flow, veh/h	489	314	782
Cap Entry Lane, veh/h	1088	796	1249
Entry HV Adj Factor	0.971	0.972	0.970
Flow Entry, veh/h	475	305	759
Cap Entry, veh/h	1057	774	1212
V/C Ratio	0.449	0.394	0.626
Control Delay, s/veh	8.4	9.6	10.9
LOS	A	A	B
95th %tile Queue, veh	2	2	5

Intersection						
Int Delay, s/veh	2.8					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	86	12	17	130	202	97
Future Vol, veh/h	86	12	17	130	202	97
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	-	-	-	-	180
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	85	85	89	89
Heavy Vehicles, %	2	2	2	3	3	2
Mvmt Flow	115	16	20	153	227	109

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	420	227	336	0	-	0
Stage 1	227	-	-	-	-	-
Stage 2	193	-	-	-	-	-
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	590	812	1223	-	-	-
Stage 1	811	-	-	-	-	-
Stage 2	840	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	579	812	1223	-	-	-
Mov Cap-2 Maneuver	579	-	-	-	-	-
Stage 1	796	-	-	-	-	-
Stage 2	840	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s/v	12.65	0.92	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	208	-	601	-	-
HCM Lane V/C Ratio	0.016	-	0.218	-	-
HCM Control Delay (s/veh)	8	0	12.7	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.8	-	-

Intersection						
Int Delay, s/veh	1.8					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↶	↷		↶	↷
Traffic Vol, veh/h	5	129	136	58	49	12
Future Vol, veh/h	5	129	136	58	49	12
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	78	78	77	77	84	84
Heavy Vehicles, %	3	3	3	3	3	3
Mvmt Flow	6	165	177	75	58	14

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	252	0	-	0	392 214
Stage 1	-	-	-	-	214 -
Stage 2	-	-	-	-	178 -
Critical Hdwy	4.13	-	-	-	6.43 6.23
Critical Hdwy Stg 1	-	-	-	-	5.43 -
Critical Hdwy Stg 2	-	-	-	-	5.43 -
Follow-up Hdwy	2.227	-	-	-	3.527 3.327
Pot Cap-1 Maneuver	1308	-	-	-	610 823
Stage 1	-	-	-	-	819 -
Stage 2	-	-	-	-	850 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1308	-	-	-	607 823
Mov Cap-2 Maneuver	-	-	-	-	607 -
Stage 1	-	-	-	-	815 -
Stage 2	-	-	-	-	850 -

Approach	EB	WB	SB
HCM Control Delay, s/v	0.29	0	11.35
HCM LOS			B

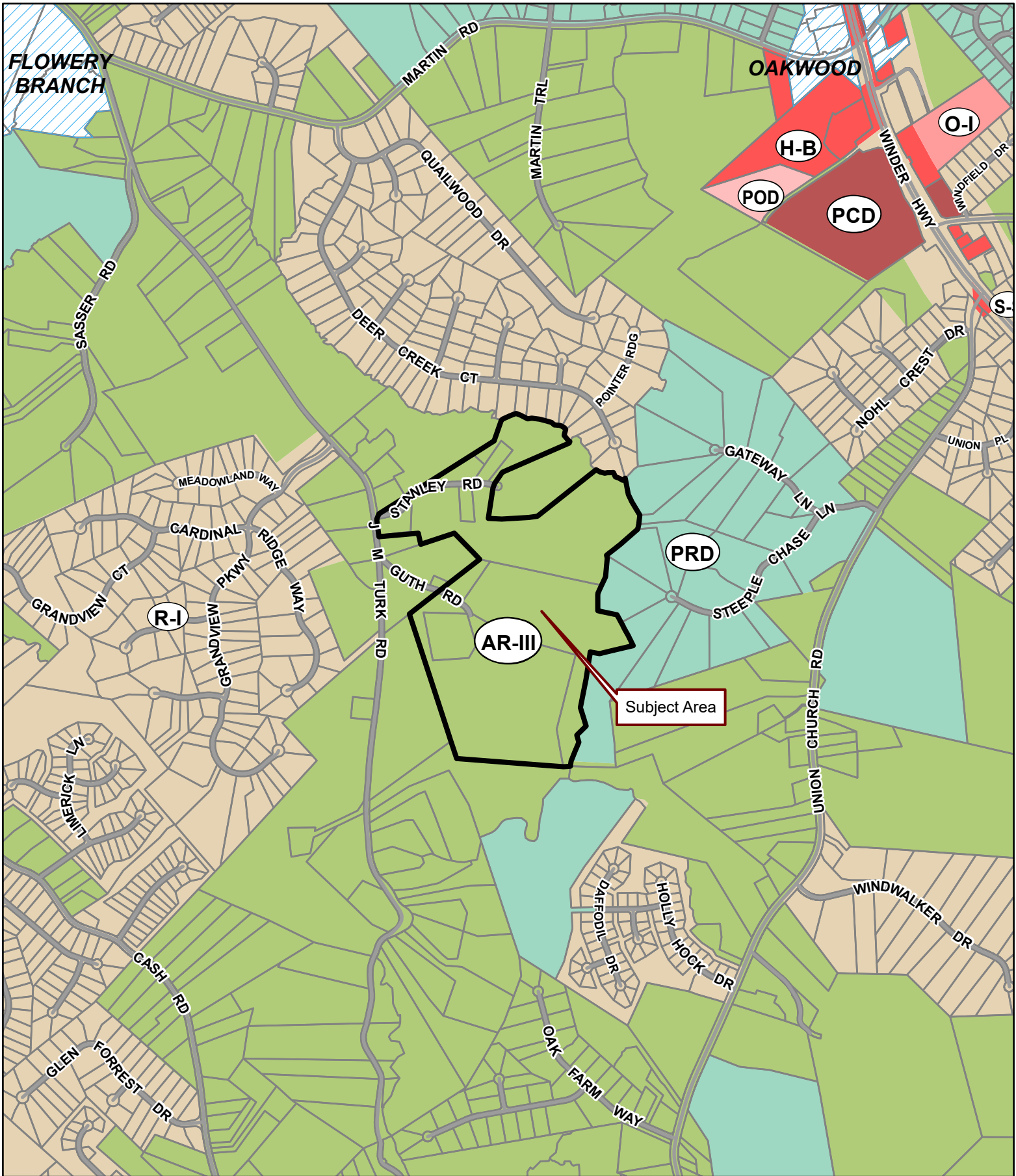
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	67	-	-	-	640
HCM Lane V/C Ratio	0.005	-	-	-	0.114
HCM Control Delay (s/veh)	7.8	0	-	-	11.3
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.4

Intersection						
Int Delay, s/veh	5.1					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	19	80	67	33	128	89
Future Vol, veh/h	19	80	67	33	128	89
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	-	-	150	150	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	70	70	85	85	89	89
Heavy Vehicles, %	2	2	3	2	2	3
Mvmt Flow	27	114	79	39	144	100

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	466	79	0	0	118
Stage 1	79	-	-	-	-
Stage 2	388	-	-	-	-
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	555	982	-	-	1471
Stage 1	944	-	-	-	-
Stage 2	686	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	500	982	-	-	1471
Mov Cap-2 Maneuver	500	-	-	-	-
Stage 1	944	-	-	-	-
Stage 2	619	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s/v10.24		0	4.55
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	829	1471
HCM Lane V/C Ratio	-	-	0.171	0.098
HCM Control Delay (s/veh)	-	-	10.2	7.7
HCM Lane LOS	-	-	B	A
HCM 95th %tile Q(veh)	-	-	0.6	0.3

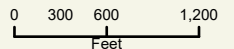


**Applicant:** STEVEN P. GILLIAM

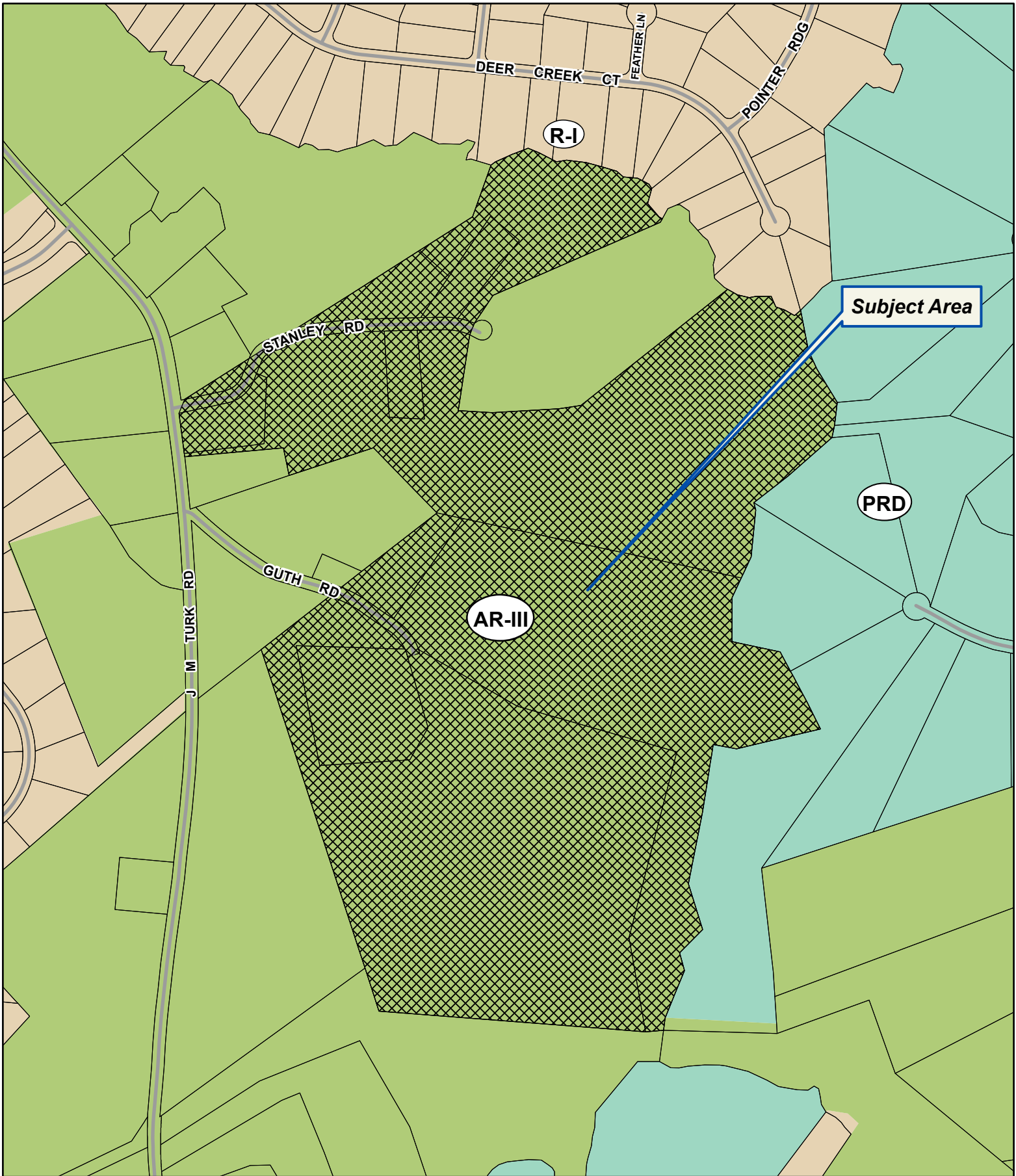
**Tax Parcel #:** 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100

**Location:** 0, 4611, 4627 GUTH ROAD & 0, 4561, 4613 J M TURK ROAD & 4590, 4601, 4610 STANLEY ROAD, FLOWERY BRANCH, GA 30542

**Commission District 1**      **PC Mtg. Date: 09/03/2024**



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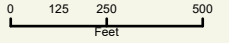


**Applicant:** STEVEN P. GILLIAM

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**Commission District 1      PC Mtg. Date: 09/03/2024**



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



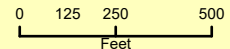





**Applicant:** STEVEN P. GILLIAM

**Tax Parcel #:** 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100

**Location:** 0, 4611, 4627 GUTH ROAD & 0, 4561, 4613 J M TURK ROAD & 4590, 4601, 4610 STANLEY ROAD, FLOWERY BRANCH, GA 30542

**Commission District 1      PC Mtg. Date: 09/03/2024**



-  Zoning Boundary
-  City Limits
-  Subject Area





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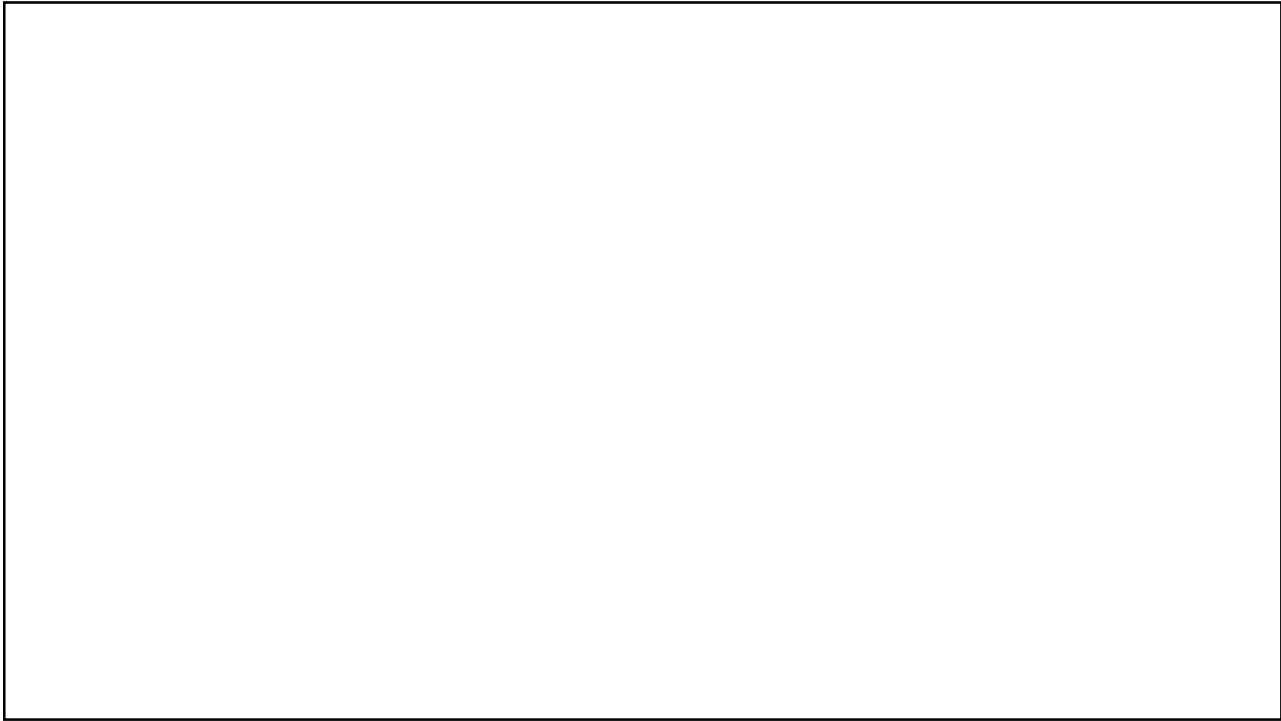
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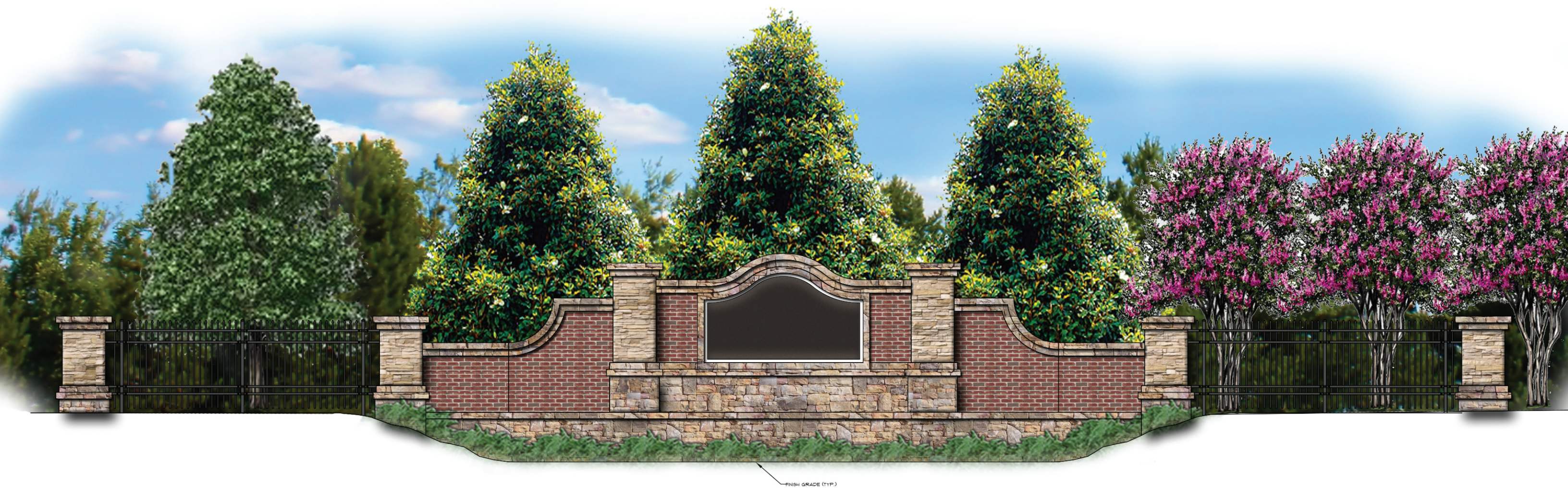


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## ENTRANCE MONUMENT CONCEPT

**RIDGELINE**  
**LAND PLANNING, INC.**  
196 BELAIRE COURT WINDER, GA 30680  
PH: 678-618-2037  
HOLT@RIDGELINEPLANNING.COM

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING IN GEORGIA MILITIA DISTRICT 1270, HALL COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON PIN SET AT THE INTERSECTION OF THE EAST R/W LINE OF JM TURK ROAD (R/W VARIES) WITH THE SOUTH R/W LINE OF STANLEY ROAD (50'R/W); THENCE FROM SAID POINT OF BEGINNING AND ALONG THE EAST R/W LINE OF JM TURK ROAD THE FOLLOWING TWO COURSES AND DISTANCES: S 07°39'01" E A DISTANCE OF 162.65' TO AN IRON PIN SET; THENCE S 07°06'09" E A DISTANCE OF 14.21' TO A ½" REBAR FOUND; THENCE DEPARTING THE EAST R/W LINE OF JM TURK ROAD N 82°21'34" E A DISTANCE OF 393.77' TO AN IRON PIN SET; THENCE S 14°10'51" E A DISTANCE OF 113.07' TO A ½" REBAR FOUND; THENCE N 67°56'42" E A DISTANCE OF 315.57' TO A ½" PIPE FOUND; THENCE S 43°55'37" E A DISTANCE OF 394.07' TO A ½" PIPE FOUND; THENCE S 77°55'50" E A DISTANCE OF 108.14' TO AN IRON PIN SET AT THE TRUE POINT OF BEGINNING.

THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED S 77°55'50" E A DISTANCE OF 1182.12' TO A POINT IN THE CENTERLINE OF MULBERRY CREEK (PASSING OVER A ½" REBAR FOUND ON LINE AT 1156.89'); THENCE ALONG THE CENTERLINE OF MULBERRY CREEK THE FOLLOWING 22 COURSES AND DISTANCES: S 30°56'05" W A DISTANCE OF 48.63'; THENCE S 18°07'25" W A DISTANCE OF 136.61'; THENCE S 22°49'42" E A DISTANCE OF 117.09'; THENCE S 86°17'55" E A DISTANCE OF 67.97'; THENCE S 72°05'37" E A DISTANCE OF 115.60'; THENCE S 07°29'46" E A DISTANCE OF 43.95'; THENCE S 23°56'45" E A DISTANCE OF 118.65'; THENCE S 32°14'44" E A DISTANCE OF 170.14'; THENCE S 69°35'51" W A DISTANCE OF 126.36'; THENCE S 77°42'14" W A DISTANCE OF 112.50'; THENCE N 88°42'55" W A DISTANCE OF 186.76'; THENCE S 38°56'03" W A DISTANCE OF 149.10'; THENCE S 21°45'40" E A DISTANCE OF 120.85'; THENCE S 12°09'23" W A DISTANCE OF 156.63'; THENCE S 19°14'23" W A DISTANCE OF 115.53'; THENCE S 21°24'36" E A DISTANCE OF 180.70'; THENCE S 18°27'03" W A DISTANCE OF 57.52'; THENCE S 63°24'39" E A DISTANCE OF 26.78'; THENCE S 14°12'27" E A DISTANCE OF 36.92'; THENCE S 38°29'59" W A DISTANCE OF 132.77'; THENCE S 11°44'06" E A DISTANCE OF 141.53'; THENCE S 37°22'16" W A DISTANCE OF 136.58';

THENCE DEPARTING SAID CENTERLINE OF MULBERRY CREEK N 86°15'57" W A DISTANCE OF 1145.33' TO A ¾" PIPE FOUND (PASSING OVER A 1" REBAR FOUND AT 62.13'); THENCE N 16°48'09" W A DISTANCE OF 1565.94' TO AN IRON PIN SET; THENCE N 50°17'02" E A DISTANCE OF 252.99' TO A 5/8" REBAR FOUND NEAR THE WEST SIDE OF GUTH ROAD (NO R/W FOUND); THENCE N 52°45'40" E A DISTANCE OF 39.67' TO A ½" REBAR FOUND ON THE EAST SIDE OF GUTH ROAD; THENCE N 52°51'46" E A DISTANCE OF 10.68' TO A POINT; THENCE ALONG THE EAST SIDE OF GUTH ROAD THE FOLLOWING TWO COURSES AND DISTANCES: WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 123.99', WITH A RADIUS OF 586.93', WITH A CHORD BEARING OF S 63°16'26" E, WITH A CHORD LENGTH OF 123.76', TO A POINT; THENCE S 56°59'12" E A DISTANCE OF 127.48' TO A 3/8" REBAR FOUND; THENCE N 34°57'27" E A DISTANCE OF 485.18' TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 67.089 ACRES (2,922,397 SQUARE FEET).

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING IN GEORGIA MILITIA DISTRICT 1270, HALL COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON PIN SET AT THE INTERSECTION OF THE EAST R/W LINE OF JM TURK ROAD (R/W VARIES) WITH THE SOUTH R/W LINE OF STANLEY ROAD (50'R/W); THENCE FROM SAID POINT OF BEGINNING AND ALONG THE EAST R/W LINE OF JM TURK ROAD THE FOLLOWING TWO COURSES AND DISTANCES: S 07°39'01" E A DISTANCE OF 162.65' TO AN IRON PIN SET; THENCE S 07°06'09" E A DISTANCE OF 14.21' TO A ½" REBAR FOUND; THENCE DEPARTING THE EAST R/W LINE OF JM TURK ROAD N 82°21'34" E A DISTANCE OF 393.77' TO AN IRON PIN SET; THENCE S 14°10'51" E A DISTANCE OF 113.07' TO A ½" REBAR FOUND; THENCE N 67°56'42" E A DISTANCE OF 315.57' TO A ½" PIPE FOUND; THENCE S 43°55'37" E A DISTANCE OF 394.07' TO A ½" PIPE FOUND AT THE TRUE POINT OF BEGINNING.

THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED S 77°55'50" E A DISTANCE OF 108.14' TO AN IRON PIN SET; THENCE S 34°57'37" W A DISTANCE OF 485.18' TO A 3/8" REBAR FOUND ON THE EAST SIDE OF GUTH ROAD; THENCE ALONG THE EAST SIDE OF GUTH ROAD THE FOLLOWING TWO COURSES AND DISTANCES: N 56°59'12" W A DISTANCE OF 127.48' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 123.99', WITH A RADIUS OF 586.93', WITH A CHORD BEARING OF N 63°16'26" W, WITH A CHORD LENGTH OF 123.76', TO A POINT; THENCE DEPARTING THE EAST SIDE OF GUTH ROAD N 52°51'46" E A DISTANCE OF 488.85' TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 1.825 ACRES (79,498 SQUARE FEET).

TRACT 4

ALL THAT TRACT OR PARCEL OF LAND LYING IN GEORGIA MILITIA DISTRICT 1270, HALL COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON PIN SET AT THE INTERSECTION OF THE EAST R/W LINE OF JM TURK ROAD (R/W VARIES) WITH THE SOUTH R/W LINE OF STANLEY ROAD (50'R/W); THENCE FROM SAID POINT OF BEGINNING AND ALONG THE SOUTH R/W LINE OF STANLEY ROAD THE FOLLOWING EIGHT COURSES AND DISTANCES N 77°18'46" E A DISTANCE OF 158.49' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 181.62', WITH A RADIUS OF 167.11', WITH A CHORD BEARING OF N 51°06'52" E, WITH A CHORD LENGTH OF 172.81', TO A POINT; THENCE N 23°06'46" E A DISTANCE OF 23.74' TO AN IRON PIN SET; THENCE N 23°06'46" E A DISTANCE OF 35.12' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 75.55', WITH A RADIUS OF 84.25', WITH A CHORD BEARING OF N 46°10'43" E, WITH A CHORD LENGTH OF 73.05', TO A POINT; THENCE N 69°28'59" E A DISTANCE OF 114.77' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 120.13', WITH A RADIUS OF 456.43', WITH A CHORD BEARING OF N 77°28'17" E, WITH A CHORD LENGTH OF 119.79', TO A POINT; THENCE N 86°20'36" E A DISTANCE OF 178.01' TO A POINT; THENCE N 89°23'47" E A DISTANCE OF 36.80' TO AN IRON PIN SET AT THE TRUE POINT OF BEGINNING.

THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED AND CONTINUING ALONG THE SOUTH R/W LINE OF STANLEY ROAD THE FOLLOWING TWO COURSES AND DISTANCES: N 89°23'47" E A DISTANCE OF 51.53' TO A POINT; THENCE N 87°34'14" E A DISTANCE OF 80.39' TO A POINT; THENCE DEPARTING THE SOUTH R/W LINE OF STANLEY ROAD S 05°23'21" E A DISTANCE OF 344.40' TO AN IRON PIN SET; THENCE N 87°42'02" W A DISTANCE OF 140.97' TO AN IRON PIN SET; THENCE N 04°00'21" W A DISTANCE OF 334.08' TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 1.056 ACRES (46,008 SQUARE FEET).

TRACT 5

ALL THAT TRACT OR PARCEL OF LAND LYING IN GEORGIA MILITIA DISTRICT 1270, HALL COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON PIN SET AT THE INTERSECTION OF THE EAST R/W LINE OF JM TURK ROAD (R/W VARIES) WITH THE SOUTH R/W LINE OF STANLEY ROAD (50'R/W); THENCE FROM SAID POINT OF BEGINNING AND ALONG THE SOUTH R/W LINE OF STANLEY ROAD THE FOLLOWING THREE COURSES AND DISTANCES: N 77°18'46" E A DISTANCE OF 158.49' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 181.62', WITH A RADIUS OF 167.11', WITH A CHORD BEARING OF N 51°06'52" E, WITH A CHORD LENGTH OF 172.81' TO A POINT; THENCE N 23°06'46" E A DISTANCE OF 23.74' TO AN IRON PIN SET; THENCE DEPARTING THE SOUTH R/W LINE OF STANLEY ROAD S 68°00'40" E A DISTANCE OF 45.04' TO AN IRON PIN SET; THENCE S 00°34'07" W A DISTANCE OF 267.04' TO A CONCRETE MONUMENT FOUND; THENCE S 82°20'55" W A DISTANCE OF 318.75' TO AN IRON PIN SET ON THE EAST R/W LINE OF JM TURK ROAD; THENCE ALONG THE EAST R/W LINE OF JM TURK ROAD N 07°39'01" W A DISTANCE OF 162.65' TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 1.510 ACRES (65,764 SQUARE FEET).

TRACT 6

ALL THAT TRACT OR PARCEL OF LAND LYING IN GEORGIA MILITIA DISTRICT 1270, HALL COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A ¾" PIPE FOUND AT THE INTERSECTION OF THE EAST R/W LINE OF JM TURK ROAD (R/W VARIES) WITH THE NORTH R/W LINE OF STANLEY ROAD (50'R/W); THENCE FROM SAID POINT OF BEGINNING N 57°08'53" E A DISTANCE OF 331.36' TO A ½" REBAR FOUND ON THE NORTH R/W LINE OF STANLEY ROAD; THENCE ALONG THE NORTH R/W LINE OF STANLEY ROAD THE FOLLOWING THREE COURSES AND DISTANCES: S 23°51'45" W A DISTANCE OF 72.56' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 108.49', WITH A RADIUS OF 113.49', WITH A CHORD BEARING OF S 46°21'13" W, WITH A CHORD LENGTH OF 104.41', TO A POINT; THENCE S 76°35'46" W A DISTANCE OF 178.33' TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 0.280 ACRE (12,182 SQUARE FEET).

TRACT 7

ALL THAT TRACT OR PARCEL OF LAND LYING IN GEORGIA MILITIA DISTRICT 1270, HALL COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A  $\frac{3}{4}$ " PIPE FOUND AT THE INTERSECTION OF THE EAST R/W LINE OF JM TURK ROAD (R/W VARIES) WITH THE NORTH R/W LINE OF STANLEY ROAD (50'R/W); THENCE ALONG THE NORTH R/W LINE OF STANLEY ROAD THE FOLLOWING FIVE COURSES AND DISTANCES: N 76°35'46" E A DISTANCE OF 178.33' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 108.49', WITH A RADIUS OF 113.49', WITH A CHORD BEARING OF N 46°21'13" E, WITH A CHORD LENGTH OF 104.41', TO A POINT; THENCE N 23°51'45" E A DISTANCE OF 72.56' TO A  $\frac{1}{2}$ " REBAR FOUND; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 104.67', WITH A RADIUS OF 129.24', WITH A CHORD BEARING OF N 48°36'39" E, WITH A CHORD LENGTH OF 101.83', TO A POINT; THENCE N 69°28'59" E A DISTANCE OF 106.91' TO AN IRON PIN SET AT THE TRUE POINT OF BEGINNING.

THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED AND DEPARTING THE NORTH R/W LINE OF STANLEY ROAD N 58°14'43" E A DISTANCE OF 265.53' TO AN AXLE FOUND; THENCE N 58°03'18" E A DISTANCE OF 97.10' TO AN IRON PIN SET; THENCE S 81°33'41" E A DISTANCE OF 150.17' TO AN IRON PIN SET; THENCE S 35°26'05" W A DISTANCE OF 154.18' TO AN IRON PIN SET ON THE NORTH R/W LINE OF STANLEY ROAD; THENCE ALONG THE NORTH R/W LINE OF STANLEY ROAD THE FOLLOWING FOUR COURSES AND DISTANCES: S 89°23'47" W A DISTANCE OF 50.45' TO A POINT; THENCE S 86°54'34" W A DISTANCE OF 134.63' TO A POINT; THENCE S 83°58'24" W A DISTANCE OF 67.48' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 119.16', WITH A RADIUS OF 460.55', WITH A CHORD BEARING OF S 76°04'50" W, WITH A CHORD LENGTH OF 118.83' TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 0.805 ACRE (35,088 SQUARE FEET).

TRACT 8

ALL THAT TRACT OR PARCEL OF LAND LYING IN GEORGIA MILITIA DISTRICT 1270, HALL COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A ¾" PIPE FOUND AT THE INTERSECTION OF THE EAST R/W LINE OF JM TURK ROAD (R/W VARIES) WITH THE NORTH R/W LINE OF STANLEY ROAD (50'R/W); THENCE ALONG THE NORTH R/W LINE OF STANLEY ROAD THE FOLLOWING FIVE COURSES AND DISTANCES: N 76°35'46" E A DISTANCE OF 178.33' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 108.49', WITH A RADIUS OF 113.49', WITH A CHORD BEARING OF N 46°21'13" E, WITH A CHORD LENGTH OF 104.41', TO A POINT; THENCE N 23°51'45" E A DISTANCE OF 72.56' TO A ½" REBAR FOUND; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 104.67', WITH A RADIUS OF 129.24', WITH A CHORD BEARING OF N 48°36'39" E, WITH A CHORD LENGTH OF 101.83', TO A POINT; THENCE N 69°28'59" E A DISTANCE OF 106.91' TO AN IRON PIN SET; THENCE DEPARTING THE NORTH R/W LINE OF STANLEY ROAD N 58°14'43" E A DISTANCE OF 265.53' TO AN AXLE FOUND; THENCE N 58°03'18" E A DISTANCE OF 97.10' TO AN IRON PIN SET AT THE TRUE POINT OF BEGINNING.

THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED N 58°03'18" E A DISTANCE OF 197.77' TO A ½" PIPE FOUND; THENCE N 58°09'02" E A DISTANCE OF 285.04' TO A ¾" PIPE FOUND; THENCE N 20°04'33" E A DISTANCE OF 229.82' TO A POINT ON THE CENTERLINE OF MULBERRY CREEK (PASSING OVER A 1.5" PIPE FOUND AT 165.05'); THENCE ALONG THE CENTERLINE OF MULBERRY CREEK THE FOLLOWING NINE COURSES AND DISTANCES: N 68°23'39" E A DISTANCE OF 163.38'; THENCE S 59°11'27" E A DISTANCE OF 96.62'; THENCE S 87°12'29" E A DISTANCE OF 160.16'; THENCE S 78°27'51" E A DISTANCE OF 42.97'; THENCE S 61°58'38" E A DISTANCE OF 100.64'; THENCE S 83°20'35" E A DISTANCE OF 67.82'; THENCE S 54°48'40" E A DISTANCE OF 54.62'; THENCE S 16°05'52" W A DISTANCE OF 59.14'; THENCE S 37°30'57" E A DISTANCE OF 90.07'; THENCE DEPARTING THE CENTERLINE OF MULBERRY CREEK S 66°26'10" W A DISTANCE OF 752.65' TO A ½" REBAR FOUND (PASSING OVER A ½" REBAR FOUND AT 22.61'); THENCE S 34°22'42" W A DISTANCE OF 132.89' TO AN IRON PIN SET ON THE NORTH R/W LINE OF STANLEY ROAD; THENCE ALONG THE NORTH R/W LINE OF STANLEY ROAD THE FOLLOWING TWO COURSES AND DISTANCES: N 66°11'57" W A DISTANCE OF 24.80' TO A POINT; THENCE N 80°55'02" W A DISTANCE OF 36.76' TO A POINT; THENCE DEPARTING THE NORTH R/W LINE OF STANLEY ROAD N 40°00'18" E A DISTANCE OF 398.12' TO A POINT; THENCE N 51°20'45" W A DISTANCE OF 196.91' TO A ½" REBAR FOUND; THENCE S 29°59'47" W A DISTANCE OF 492.44' TO AN IRON PIN SET ON THE NORTH R/W LINE OF STANLEY ROAD; THENCE ALONG THE NORTH R/W LINE OF STANLEY ROAD THE FOLLOWING TWO COURSES AND DISTANCES: S 87°32'55" W A DISTANCE OF 99.78' TO A POINT; THENCE S 89°23'47" W A DISTANCE OF 38.29' TO AN IRON PIN SET; THENCE N 35°26'05" E A DISTANCE OF 154.18' TO AN IRON PIN SET; THENCE N 81°33'41" W A DISTANCE OF 150.17' TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 6.905 ACRES (302,595 SQUARE FEET).



TRACT 9

ALL THAT TRACT OR PARCEL OF LAND LYING IN GEORGIA MILITIA DISTRICT 1270, HALL COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A ¾" PIPE FOUND AT THE INTERSECTION OF THE EAST R/W LINE OF JM TURK ROAD (R/W VARIES) WITH THE NORTH R/W LINE OF STANLEY ROAD (50'R/W); THENCE ALONG THE NORTH R/W LINE OF STANLEY ROAD THE FOLLOWING FIVE COURSES AND DISTANCES: N 76°35'46" E A DISTANCE OF 178.33' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 108.49', WITH A RADIUS OF 113.49', WITH A CHORD BEARING OF N 46°21'13" E, WITH A CHORD LENGTH OF 104.41', TO A POINT; THENCE N 23°51'45" E A DISTANCE OF 72.56' TO A ½" REBAR FOUND; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 104.67', WITH A RADIUS OF 129.24', WITH A CHORD BEARING OF N 48°36'39" E, WITH A CHORD LENGTH OF 101.83', TO A POINT; THENCE N 69°28'59" E A DISTANCE OF 106.91' TO AN IRON PIN SET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 119.16', WITH A RADIUS OF 460.55', WITH A CHORD BEARING OF N 76°04'50" E, WITH A CHORD LENGTH OF 118.83' TO A POINT; THENCE N 83°58'24" E A DISTANCE OF 67.48' TO A POINT; THENCE N 86°54'34" E A DISTANCE OF 134.63' TO A POINT; THENCE N 89°23'47" E A DISTANCE OF 50.45' TO AN IRON PIN SET; THENCE N 89°23'47" E A DISTANCE OF 38.29' TO A POINT; THENCE N 87°32'55" E A DISTANCE OF 99.78' TO AN IRON PIN SET AT THE TRUE POINT OF BEGINNING.

THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED AND DEPARTING THE NORTH R/W LINE OF STANLEY ROAD N 29°59'47" E A DISTANCE OF 492.44' TO A ½" REBAR FOUND; THENCE S 51°20'45" E A DISTANCE OF 196.91' TO A POINT; THENCE S 40°00'18" W A DISTANCE OF 398.12' TO AN IRON PIN SET ON THE NORTH R/W LINE OF STANLEY ROAD; THENCE ALONG THE NORTH R/W LINE OF STANLEY ROAD THE FOLLOWING THREE COURSES AND DISTANCES: N 80°55'02" W A DISTANCE OF 8.23' TO A POINT; THENCE N 87°48'25" W A DISTANCE OF 78.64' TO A POINT; THENCE S 87°09'56" W A DISTANCE OF 57.39' TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 1.602 ACRES (69,704 SQUARE FEET).



SMITH GILLIAM  
WILLIAMS & MILES

July 23, 2024

*VIA ELECTRONIC MAIL*

[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

Website: [sgwmfirm.com](http://sgwmfirm.com)

Phone: 770.536.3381

Fax: 770.531.1481

Mailing Address: P.O. Box 1098  
Gainesville, GA 30503

Beth Garmon

Assistant Director of Planning and

Development Hall County, Georgia

[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

**RE: J M Turk Road Assemblage; HZON24-0020; Applicant: Steven P. Gilliam; Randy N. Jones and Tammy L. Jones (Deceased) Tract**

Dear Beth,

I am the applicant for the above referred to rezoning. Shortly before the filing of the rezoning, Tammy L. Jones passed away on June 14, 2024. I am attaching herewith a copy of her Death Certificate along with a copy of her Last Will and Testament, where in the third paragraph, she leaves all real estate that she owned at the time of her death to her husband Randy Nathaniel Jones. In the seventh paragraph of her Last Will and Testament, she appoints Randy Nathaniel Jones to be her personal representative. The Will needs to be probated in North Carolina for the actual property to be conveyed to Randy Jones, but he can sign as her personal representative, as named on her Will for the authority to have the property rezoned.

We will upload this into the portal. If you have any questions, please do not hesitate to call. Please let me know if you need anything further regarding this issue.

With cordial regards, I remain,

Sincerely,

  
Steven P. Gilliam

Cc: Katie Greenway, Hall County Planning and Zoning Administrator

Street Address: Kristie Turner, Hall County Principal Planner

Smith Gilliam Williams & Miles, P.A.  
340 Jesse Jewell Parkway, Suite 300  
Gainesville, GA 30501

In Your Community. In Your Corner.

CERTIFICATE OF VITAL RECORD

VERIFY PRESENCE OF WATERMARK HOLD TO LIGHT TO VIEW

5212279 COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH - OFFICE OF VITAL RECORDS

COMMONWEALTH OF VIRGINIA - CERTIFICATE OF DEATH DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDS - RICHMOND

Form with fields for decedent name (TAMMY LANE JONES), date of death (JUNE 14, 2024), date of birth (DECEMBER 10, 1963), residence (204 BEECHNUT AVENUE, SOUTH MILLS, CAMDEN, NORTH CAROLINA), cause of death (TRANSFUSION DEPENDENT PANCYTOPENIA), and funeral home (BRIGGS FUNERAL HOME AND CREMATORY).



This is to certify that this is a true and correct reproduction or abstract of the official record filed with the Virginia Department of Health, Richmond, Virginia

DATE ISSUED June 18, 2024

Do not accept unless on security paper with the seal of Virginia Department of Health, Vital Statistics in the lower left hand corner. Section 32.1-272, Code of Virginia, as amended.

Seth Austin, Director and State Registrar

VOID WITHOUT WATERMARK OR IF ALTERED OR ERASED

COPY

**LAST WILL AND TESTAMENT**

**OF**

**TAMMY LANE JONES**

Dated: March 1, 2017

Prepared by:

James B. Nicholson Esq., Military Legal Assistance Attorney  
300 E. Main St., Ste 400  
Norfolk, VA 23510  
(757) 295-2308

COPY

MILITARY TESTAMENTARY PREAMBLE: This is a MILITARY TESTAMENTARY INSTRUMENT prepared pursuant to Title 10 United States Code, Section 1044d, and executed by a person authorized to receive legal assistance from the military services. Federal law exempts this document from any requirement of form, formality, or recording that is prescribed for testamentary instruments under the laws of a state, the District of Columbia, or a territory, commonwealth or possession of the United States. Federal law specifies that this document shall be given the same legal effect as a testamentary instrument prepared and executed in accordance with the laws of the jurisdiction in which it is presented for probate. It shall remain valid unless and until the Testatrix revokes it.

## LAST WILL AND TESTAMENT

OF

**TAMMY LANE JONES**

I, **TAMMY LANE JONES**, a resident of the State of North Carolina, make, publish and declare this to be my Last Will and Testament, revoking all wills and codicils at any time heretofore made by me. I live with my husband who is in the military service of the United States.

**FIRST:** I direct that the expenses of my last illness and funeral, the expenses of the administration of my estate, and all estate, inheritance and similar taxes payable with respect to property included in my estate, whether or not passing under this will, and any interest or penalties thereon, shall be paid out of my residuary estate, without apportionment and with no right of reimbursement from any recipient of any such property (including reimbursement under Section 2207B of the Internal Revenue Code).

**SECOND:** It is my desire that, upon my death, I be buried alongside those remains of my husband, if he shall predecease me, at Arlington National Cemetery, Arlington, VA, and if my husband does not predecease me, at a location to be determined by my husband or my heirs. I have not contracted for or paid for any funeral arrangements.

**THIRD:** I give all real estate owned by me at the time of my death, and all rights that I have under any related insurance policies, to my husband **RANDY NATHANIEL JONES**, if he survives me. The devise of real property under this Article THIRD is subject to any mortgages, deeds of trust or similar liens evidencing indebtedness which may exist upon my death.

**FOURTH:** I give all tangible personal property owned by me at the time of my death, including without limitation personal effects, clothing, jewelry, furniture, furnishings, household goods, automobiles and other vehicles, and all rights that I have under any related

insurance policies, to my husband RANDY NATHANIEL JONES, if he survives me, or if he does not survive me, to those of my children (LESLIE DIANE OVERBY, KELLY SUZANNE JONES and SAMANTHA MICHELLE MERRITT) who survive me, in substantially equal shares, to be divided among them as they shall agree, or if they cannot agree, as my personal representative shall determine.

**FIFTH:** I give all the rest, residue and remainder of my property and estate, both real and personal, of whatever kind and wherever located, that I own or to which I shall be in any manner entitled at the time of my death (collectively referred to as my "residuary estate"), as follows:

- (a) If my husband RANDY NATHANIEL JONES survives me, to my husband outright.
- (b) If my husband does not survive me, then to those of my children who survive me and to the issue who survive me of those of my children who shall not survive me, per stirpes.
- (c) If my husband does not survive me and there shall be no issue of mine then living, I give my residuary estate to those who would take from me as if I were then to die without a will, unmarried and the absolute owner of my residuary estate, and a resident of the State of North Carolina.

**SIXTH:** If any property of my estate vests in absolute ownership in a minor or incompetent, my personal representative, at any time and without court authorization, may: distribute the whole or any part of such property to the beneficiary; or use the whole or any part for the health, education, maintenance and support of the beneficiary; or distribute the whole or any part to a guardian, committee or other legal representative of the beneficiary, or to a custodian for the beneficiary under any gifts to minors or transfers to minors act, or to the person or persons with whom the beneficiary resides. Evidence of any such distribution or the receipt therefor executed by the person to whom the distribution is made shall be a full discharge of my personal representative from any liability with respect thereto, even though my personal representative may be such person. If such beneficiary is a minor, my personal representative may defer the distribution of the whole or any part of such property until the beneficiary attains the age of eighteen (18) years, and may hold the same as a separate fund for the beneficiary with all of the powers described in Article EIGHTH hereof. If the beneficiary dies before attaining said age, any balance shall be paid and distributed to the estate of the beneficiary.

**SEVENTH:** I appoint my husband RANDY NATHANIEL JONES to be my personal representative. If my husband does not survive me, or shall fail to qualify for any reason as my personal representative, or having qualified shall die, resign or cease to act for any reason as my personal representative, I appoint SAMANTHA MICHELLE MERRITT as my personal representative. I direct that no personal representative shall be required to file or furnish any bond, surety or other security in any jurisdiction.

**EIGHTH:** I grant to my personal representative all powers conferred upon personal representatives and executors wherever my personal representative may act. I also grant to my personal representative power to retain, sell at public or private sale, exchange, grant options on, invest and reinvest, and otherwise deal with any kind of property, real or personal, for cash or on credit; to borrow money and encumber or pledge any property to secure loans; to pay any legacy or distribute, divide or partition property in cash or in kind, or partly in kind, and to allocate different kinds of property, disproportionate amounts of property and undivided interests in property among any parts, funds or shares; to determine the fair valuation of property, with or without regard to tax basis; to exercise all powers of an absolute owner of property; to compromise and release claims with or without consideration; and to employ attorneys, accountants and other persons for services or advice. The term "personal representative" wherever used herein shall mean the personal representatives, executors, executor, executrix or administrator in office from time to time.

**NINTH:** I direct that for purposes of this will a beneficiary shall be deemed to predecease me unless such beneficiary survives me by more than thirty days. The terms "child" and "children" as used herein include not only the child and children of the person designated, but also the legally adopted child and children of such person. The term "issue" includes not only the children and other issue of the person designated, but also the legally adopted children and issue of such person or issue.


**TENTH:** My husband has served in the Armed Forces of the United States. I therefore request that my personal representative make appropriate inquiries to ascertain whether there are any benefits to which I, my dependents or my heirs may be entitled by virtue of any military affiliation. I specifically request that my personal representative consult with a retired affairs officer at the nearest military installation, the Department of Veterans Affairs, and the Social Security Administration.

SIGNATURES APPEAR ON THE NEXT PAGE

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

COPY

IN WITNESS WHEREOF, I, TAMMY LANE JONES, sign my name and publish and declare this instrument as my last will and testament this 1 day of March 2017.

  
TAMMY LANE JONES

The foregoing instrument was signed, published and declared by TAMMY LANE JONES, the above-named Testatrix, to be her last will and testament in our presence, all being present at the same time, and we, at her request and in her presence and in the presence of each other, have subscribed our names as witnesses on the date above written.

  
Ervin Derr

having an address at

209 Small Dr.

Elizabeth City, NC  
27909

  
CHEYENNE SKY BURLEY

having an address at

206 Beechnut Ave

South Mills NC 27976

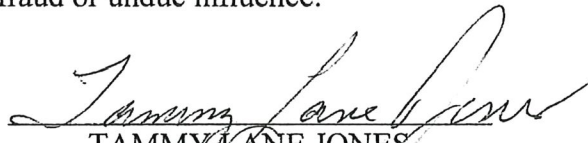


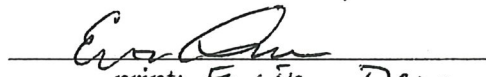
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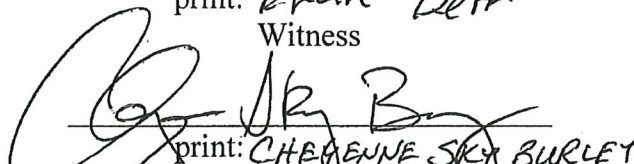
**MILITARY TESTAMENTARY INSTRUMENT SELF-PROVING AFFIDAVIT**

WITH THE UNITED STATES ARMED FORCES AT UNITED STATES COAST GUARD AIR STATION ELIZABETH CITY, ELIZABETH CITY, NC

We, the Testatrix and the witnesses, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that in the presence of the military legal counsel and the witnesses the Testatrix, TAMMY LANE JONES, signed and executed the instrument as her military testamentary instrument, that she had signed willingly, and that she executed it as her free and voluntary act and deed for the purposes therein expressed. It is further declared that each of the witnesses, at the request of the Testatrix, in the presence and hearing of the Testatrix, the military legal assistance counsel and each other, signed the military testamentary instrument as witness, and that to the best of his or her knowledge the Testatrix was at the time at least eighteen years of age or emancipated, of sound mind, and under no constraint, duress, fraud or undue influence.

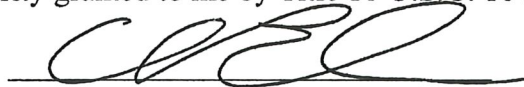
  
TAMMY LANE JONES  
Testatrix

  
print: Erin Derr  
Witness

  
print: CHARLENNE SKY BURLEY  
Witness

Subscribed, sworn to and acknowledged before me by the said TAMMY LANE JONES, Testatrix, and subscribed and sworn to before me by the above-named witnesses, this 01 day of March, 2017.

I, the undersigned officer, do hereby certify that I am, on the date of this certificate, a person with the power described in Title 10 U.S.C. 1044a of the grade, branch of service, and organization stated below in the active service of the United States Armed Forces, or an authorized civilian attorney under Title 10 U.S.C. 1044a, and that by statute no seal is required on this certificate, under authority granted to me by Title 10 U.S.C. 1044a.



Name of Officer and Position: Charles Brecken, Legal Assistance Team  
Grade and Branch of Service: E4 1YN3 United States Coast Guard  
Command or Organization: United States Coast Guard Fifth District (dl), Portsmouth, VA



CITY OF  
**GAINESVILLE**

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**WATER RESOURCES**

July 3, 2024

Smith, Gilliam, Williams and Miles, P.A.  
Attn: Steve Gilliam  
PO Box 1098  
Gainesville, GA 30503

Re: Water Availability  
Proposed 256-Unit Residential Development  
JM Turk Road at Stanley Road  
Parcel 15044 000034 and multiple other parcels

Dear Mr. Gilliam,

The purpose of this letter is to confirm the availability of water service to the above referenced project.

The City of Gainesville owns and operates an existing 8-inch ductile iron water main in the right-of-way of JM Turk Road approximately 800 feet from the intersection of Stanley Road. A developer-constructed water main extension meeting all City of Gainesville Department of Water Resources regulations will be required to connect to the City's public water system.

Currently, the City has adequate domestic water capacity to serve your proposed 256-unit residential development.

This confirmation of water availability is good for one year from the date of this letter at which time, it will become null and void unless engineered plans have been submitted for issuance of a development permit.

Please call me at (770) 538-2452 should you have any questions.

Sincerely,

*Nick Swafford*

Nick Swafford  
Permitting Services Manager

cc: Tracy Robar, P.E., Engineering and Construction Division Manager  
Chris Thornhill, Project Manager



Hall County Government  
PUBLIC WORKS AND UTILITIES

June 27, 2024

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

Steven P. Gilliam  
PO Box 1098  
Gainesville, Ga 330501

t: 770.531.6800 | f: 770.531.3945

BILL NASH, P.E.

Director

Jorge Gomez

Assistant Director

Subject: Sanitary Sewer Letter of Availability  
Turk Road Assemblage - 4561 JM Turk Road  
Parcel ID No: **15043 000027, 15043 000109, 15043 000128, 15043 000201, 15044 000035, 15044 000035B, 15044 000043, 15044 000100, and 15044**  
Flowery Branch, Ga 30542

Dear Mr. Gilliam,

In response to your request, this letter will serve as confirmation that Hall County has sufficient volume to serve the above development in the Mulberry Creek Basin fronting on Turk Road and containing parcels referenced above. The estimated average daily flow will be 51,400 GPD.

NOTE: The existing sewer infrastructure is not near the property. An extension to serve the subject property is required to be performed by the developer at owner's cost.

Sanitary sewer capacity allocation is available on a first come, first serve basis by purchasing the sewer taps. As such, this "availability" letter does not guarantee capacity. Additionally, this letter is non-transferable. If the project design changes, this letter is void and a new "availability" letter must be obtained.

If you have any questions or need more information, please call the Hall County Public Works and Utilities Department at 770-531-6800.

Sincerely,

Bill Nash, P.E.  
Director of Public Works and Utilities  
Community Development and Infrastructure

Application for Sewer Availability Letter

Date: 6/27/2024

Name of Applicant: Steven P. Gilliam Contact Number: 770-536-3381

Address of Applicant: P.O. Box 1098

City: Gainesville State: GA Zip: 30501 E-mail: Sgilliam@sgwmfirm.com

Name of Agent: Steven P. Gilliam Contact Number: 770-536-3381

Address of Agent: 340 Jesse Jewell Parkway, Suite 300 SE

City: Gainesville State: GA Zip: 30501 E-mail: Sgilliam@sgwmfirm.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT FOR THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (Please check the purpose of letter request and fill in all applicable information legibly and completely.)

AVAILABILITY:  General Availability  Rezoning  Conditional Use Permit

Availability letters will require a minimum of one week from the date of application submittal.

Request from Agricultural to PRD  
(Present Zoning) (Requested Zoning)

For the Purpose of Residential  
(Type of Development)

Address of Property: 4561 JM Turk Road

Nearest Intersection to Property: Stanley Road & JM Turk Rd.

Size of Tract: 114 ± ac \_\_\_\_\_ acre(s), Lane Lot Number(s): \_\_\_\_\_, District(s): 15

Development Estimate Average Daily Sewer Flow (GPD): 51,400 (257 x 200 gpd/unit)

Property Tax Parcel Number: 15044000127, 1504400035 Proposed number of Lots: 256

(Below: For properties within protected watershed districts only)

Gross Density: \_\_\_\_\_ units per acre Net Density: \_\_\_\_\_ units per acre

Estimated amount of impervious surface: \_\_\_\_\_ Minimum Lot Size: \_\_\_\_\_

Alexis Kinnett  
Notary

[Signature]  
Signature of Owner(s)/Agent(s)  
Steven P. Gilliam  
Printed Name of Owner(s)/Agent(s)  
Attorney  
Title of Agent



## Anael Dominguez (CDI: Planning)

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**From:** Emily McGahee (Environmental Health)  
**Sent:** Wednesday, July 31, 2024 1:25 PM  
**To:** Anael Dominguez (Administration); Beth Garmon (CDI: Planning); Katie L. Greenway (CDI: Planning); Kristie Turner (Planning)  
**Cc:** Chad Harper (Environmental Health); Kelly Hairston (Environmental Health)  
**Subject:** HCPC Tentative Agenda 9.3.24

Please find Environmental Health comments below:

Items 1A/B, 2466 Old Fork Road, Rashmiranjan: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process. All proposed plats must be submitted to the Hall County Plat Review Team for review and approval prior to submittal to Clerk of Courts for recordation.

Item 2, 0,4611,4627 Guth Road, 0,4561,4612 J M Turk Road, Gilliam: Public sewer. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.

Item 3, Updated Comprehensive Plan: No comment.

Item 4, UDC: No comment.

Emily McGahee  
Hall County Environmental Health  
Hall County Government Center  
2875 Browns Bridge Road  
Mailing: PO Box 5901  
Gainesville, GA 30504  
(770) 531-3973 (phone)  
[emcgahee@hallcounty.org](mailto:emcgahee@hallcounty.org)

<http://dph.georgia.gov/environmental-health> (State Website)  
<http://www.phdistrict2.org/HallCounty.htm> (District Website)  
<https://www.hallcounty.org/192/Environmental-Health> (County Website & Forms)

EMAIL Reader Advisory Notice: Email to and from a Georgia state agency is generally public record, except for content that is confidential under specific laws. Security by encryption is applied to all confidential information sent by email from the Georgia Department of Public Health (DPH). This message is only intended for specific recipient(s) and may contain privileged, private, or sensitive information. If you received this message in error, please delete it, and contact me.

## Anael Dominguez (Administration)

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**From:** Chavers, Veronica E <VChavers@dot.ga.gov>  
**Sent:** Tuesday, July 30, 2024 10:49 AM  
**To:** Anael Dominguez (Administration); Beth Garmon (CDI: Planning)  
**Subject:** RE: Tentative Planning Agenda for September 3, 2024

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.

See responses below.

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**From:** Anael Dominguez (CDI: Planning) <adominguez@hallcounty.org>  
**Sent:** Thursday, July 25, 2024 1:05 PM  
**Subject:** Tentative Planning Agenda for September 3, 2024

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

Good afternoon –

Here is the Tentative Agenda and Maps for the **Tuesday, September 3, 2024** 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, August 1<sup>st</sup>**. Email comments to Beth ([bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)) and Ana ([adominguez@hallcounty.org](mailto:adominguez@hallcounty.org)).

### **CALL TO ORDER**

### **AGENDA REVIEW**

### **APPROVAL OF MINUTES – August 19, 2024**

### **NEW BUSINESS**

1. [\(A\) 2466 Old Fork Road | Rezone | from Agricultural Residential III \(AR-III\) and Vacation Cottage \(V-C\) to Vacation Cottage \(V-C\) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmiranjan Jyotiprakash, applicant](#)  
[\(B\) 2466 Old Fork Road | Use Subject to County Commission Approval | on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmiranjan Jyotiprakash, applicant](#)  
**No GDOT coordination required**
2. [0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III \(AR-III\) to Planned Residential Development \(PRD\) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027,](#)

**No GDOT coordination required**

**OTHER BUSINESS**

3. **Public Hearing to transmit Hall County's updated Comprehensive Plan** to the Georgia Mountains Regional Commission and the Georgia Department of Community Affairs for review. \*\*\* | **Hall County Planning Staff, applicant.**
4. **Public Hearing to transmit Hall County's Unified Development Code** to the Georgia Mountains Regional Commission and the Georgia Department of Community Affairs for review. \*\*\* | **Hall County Planning Staff, 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, October 10, 2024**, at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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, October 10, 2024**. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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 **Tuesday, September 10, 2024**. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2<sup>nd</sup> 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](http://www.hallcounty.org)



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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/trafficking-in-georgia>. 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:** Beth Garmon, Director of Planning and Zoning  
**From:** Bill Nash, Director of Public Works and Utilities  
**Date:** August 1, 2024  
**Subject:** September 3, 2024 - Hall County Planning Commission Agenda

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

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 September 3, 2024 meeting. Upon review, we provide the following comments.

**NEW BUSINESS**

1. [\(A\) 2466 Old Fork Road | Rezone | from Agricultural Residential III \(AR-III\) and Vacation Cottage \(V-C\) to Vacation Cottage \(V-C\) on a 4.80± acre tract located on the south side of Old Fork Road, at its intersection with Brand Drive | Zoned AR-III & V-C; Tax Parcel 10085 000061 | Proposed Use: 5-lot single-family development | \\*\\* Commission District 2 | Rashmيرانjan Jyotiprakash, applicant](#)  
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- a. **Engineering:** Further subdivisions of these lots will result in the necessity of a stormwater management plan if the total number of lots reaches more than 6.
- b. **Traffic:** Existing Old Fork Rd and Brand Drive Right of way is 30' Dedicate additional right of way to be 30' from the centerline and widen existing pavement at least 20'
- c. **Utilities:** Septic tank lots Gainesville sewer area

2. [0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III \(AR-III\) to Planned Residential Development \(PRD\) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 | Proposed Use: 256-unit residential development | \\*\\* Commission District 1 | Steven P. Gilliam, applicant](#)





## Beth Garmon (CDI: Planning)

---

**From:** John Hornick (Fire Services)  
**Sent:** Friday, August 2, 2024 1:28 PM  
**To:** Anael Dominguez (Administration)  
**Cc:** Beth Garmon (CDI: Planning)  
**Subject:** Fire Comment

**Tuesday, September 3, 2024** Hall County Planning Commission Meeting.

1. [0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III \(AR-III\) to Planned Residential Development \(PRD\) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 | Proposed Use: 256-unit residential development | \\*\\* Commission District 1 | Steven P. Gilliam, applicant](#)

**The Hall County Fire Marshal's Office considers the plan conceptual in nature, and if approved may require modifications during the development review process.**

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](http://www.Hallcounty.org)



## Anael Dominguez (CDI: Planning)

---

**From:** Cher Melendez (Tax Assessors)  
**Sent:** Thursday, July 25, 2024 1:42 PM  
**To:** Anael Dominguez (CDI: Planning)  
**Cc:** Steve Watson (Real Property); cuva  
**Subject:** RE: Tentative Planning Agenda for September 3, 2024

Anael,

**Parcels 15043 000027 are in conservation use. Sending intent to breach letter on 08-9-24.**

1. [0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III \(AR-III\) to Planned Residential Development \(PRD\) | on a 114.147± acre tract located on the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 | Proposed Use: 256-unit residential development | \\*\\* Commission District 1 | Steven P. Gilliam, applicant](#)

Blessings,

**Cher Melendez**

Specialized Assessment Manager  
Hall County Tax Assessor Office  
770.531.6752 T

[cmelendez@hallcounty.org](mailto:cmelendez@hallcounty.org)



---

**From:** Anael Dominguez (CDI: Planning) <adominguez@hallcounty.org>  
**Sent:** Thursday, July 25, 2024 1:05 PM  
**Subject:** Tentative Planning Agenda for September 3, 2024

Good afternoon –

Here is the Tentative Agenda and Maps for the **Tuesday, September 3, 2024** 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.**

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M  
Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III  
(AR-III) to Planned Residential Development (PRD) | on a 114.147± acre tract located on  
the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax  
Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 &  
15044 000035B, 000043, 000100 | Proposed Use: 256-unit residential development | \*\*  
Commission District 1 | Steven P. Gilliam, applicant**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

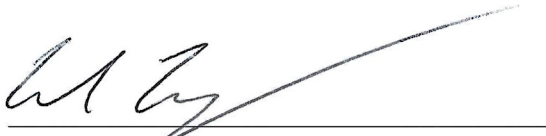
Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983 grants the Board of Commissioners the power to zone and rezone. That power must be fairly exercised. Based on this element of fairness, the Zoning Ordinance for Hall County, Georgia and violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,

  
Eric K. Conley

Address

4621 Stanley Rd  
Flower Branch GA 30542

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M  
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Commission District 1 | Steven P. Gilliam, applicant**

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□ Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

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Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,

  
Kathleen Conley

Address

4621 Stanley Rd  
Flowery Branch, GA 30542

I have property on Stanley Road (4621 Stanley Road) that is negatively impacted by the re-proposed development (Stanley & Guth Road). This letter is to document some of my opposition to the Stanley Road and Guth Road Properties, which follows:

- Excessive request for variances, along with a rezoning request.
- Negative impacts on surrounding and nearby properties in terms of lifestyle and property values.
- A flawed and outdated traffic analysis.
- Violations of important regulatory rules and ordinances (i.e., inconsistency with the area and the Hall County Development plans and written Hall County Guidance, the critical need for a usable secondary entrance to avoid 3,000 daily car trips in front of my properties on Stanley Road, failure to follow the regulatory rules for the regarding fire access distances from multiple entrances, abandonment of part of Stanley Road).
- Inconsistency with large agricultural operations in the immediate area.
- Inability of traditional retention ponds to manage the excessive runoff of water produced by the non-compliant proposed subdivision. Currently, there is a lot of erosion and flooding in the area.

Zoning guidelines are in place to protect property owners from this exact situation. They have asked for multiple exceptions, and some are just not safe for the public. Exceptions are for circumstances where there is a little consideration needed and is accepted by everyone that it effects. This is not the case.

When my neighbors and my family purchased our property, it was because we had some space away from the rest of the world. Twelve acres is not that much in the grand scheme of things, but it was our sanctuary. Now they are proposing about twenty-five homes surrounding half of my property. These homes will be on one-eighth-acre sites, which is not characteristic for the area at all.

The traffic that this will bring will overload J M Turk Rd, and the surrounding roads. The traffic analysis that was done was for one day, during Covid times. There were so few people active at this time that is not even close to being accurate. The road is considered a rural road and was not designed for this type of traffic.

The plan only has one entrance and exit, which is a clear violation of code. It is clear that a neighborhood of this size is required to have at least two entry/exits. It would be disastrous if an emergency took place with that many people trying to exit.

The area is home to Hall county's largest vineyard. There are multiple large tracks zoned for agriculture in the area as well. Several of my neighbors have tractors including myself which utilize the immediate roads.

The retention ponds planned will bring unwanted bugs to the area. This could be devastating to the local winery and its business. Not to mention the runoff will

overwhelm the local streams causing flooding downstream. Erosion has already been a problem in the area due to the previous growth in the area.

This proposal has been voted against once, please vote it down again. We have no local representation with the commissioners due to a conflict of interest with Ms. Cooper's seat and her being the realtor on the transaction. Please help keep Hall County rural, the way it was intended to be.

Regards,

Erik Conley

4621 Stanley Rd

678-898-1365

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk  
Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III (AR-III) to  
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000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 |  
Proposed Use: 256-unit residential development | \*\* Commission District 1 | Steven P. Gilliam,  
applicant**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

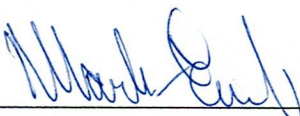
Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

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Respectfully submitted,

  
09/16/2024

Address

4567 STANLEY ROAD, FLOWER Y BRANCH GA 305  
4555 STANLEY ROAD, FLOWER Y BRANCH GA

305



**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk  
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applicant**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983 grants the Board of Commissioners the power to zone and rezone. That power must be fairly exercised. Based on this element of fairness, the Zoning Ordinance for Hall County, Georgia and violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,

Rachael Faul

 (9-16-24)

Address

4567 Stanley Rd. Flowerg  
Branch, Ga 30542

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Monday, September 16, 2024 8:54 AM  
**To:** Chris Braswell; Chris Braswell (Planning); Frank Sosebee; Frank Sosebee (Planning); Gina Pilcher; Gina Pilcher; Johnny Varner; Johnny Varner; Stan Hunt; Stan Hunt  
**Cc:** Katie L. Greenway (CDI: Planning); Kristie Turner (Planning); Kaitlyn Elliott (Planning)  
**Subject:** FW: Re-zoning Application-Guth Rd, Stanley Rd, JM Turk Rd

Good morning,

Please see email below with comments regarding the JM Turk rezoning application that is on tonight's agenda.

Kaitlyn, please add the comments to the file and print copies for the board and staff for tonight's meeting.

Thank you,  
Beth

Beth Garmon  
Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
bgarmon@hallcounty.org

All ZONING, PLAT, and BUILDING PERMIT submittals may be submitted online through Accela. Plat inquiries may be submitted to [plats@hallcounty.org](mailto:plats@hallcounty.org). Zoning and general inquiries may be submitted to [planning@hallcounty.org](mailto:planning@hallcounty.org).

-----Original Message-----

From: Whitney Pimentel <[whitp13@gmail.com](mailto:whitp13@gmail.com)>  
Sent: Friday, September 13, 2024 5:48 PM  
To: Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org  
Cc: Walt Pimentel <[wwpimentel@gmail.com](mailto:wwpimentel@gmail.com)>; Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
Subject: Re-zoning Application-Guth Rd, Stanley Rd, JM Turk Rd

[Some people who received this message don't often get email from [whitp13@gmail.com](mailto:whitp13@gmail.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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 Members of the Hall County Planning Commission,

I am writing to share my thoughts on the proposed rezoning application off of Guth Rd, Stanley Rd, and JM Turk Rd in Flowery Branch, GA.

This application requests a change from Agricultural Residential III to Planned Residential Development. I am not opposed to responsible development and growth here in Hall Co, but I believe this particular plan is a detriment not only to my backyard, Quailwood Subdivision, as well as this very quaint area of Flowery Branch.

This proposal directly impacts my property as my backyard is up against the proposed development on the site plan. I have some strong concerns about the negative environmental impact this will have regarding removal of trees and hard surface runoff. This runoff will overflow into the creek and will flood the creek into my yard. This will cause erosion and will disrupt natural drainage systems already in place.

The proposed development is not compatible with the surrounding subdivisions. The size, density, and design of this proposal are not in line with the existing neighborhoods and would create an imbalance in the land use patterns. This area has been established for years and one of the reasons we chose to live here was because of the spacious lots and very little traffic in this area. As you are aware with the addition of apartment complexes and many warehouses the traffic has definitely increased. JM Turk Rd and surrounding areas will not be able to sustain traffic for an additional 140+ homes. What will this do to the existing overcrowding issue in our schools?

The noise from existing properties and businesses already travels up the hill to my house. This proposal will only increase the noise due to tearing down the trees, added traffic, construction, and people.

We request that the Hall Co Planning Commission recommend denial of this rezoning application. The developer should be able to submit something that is better for our existing subdivisions and neighbors as well as protect our environment.

Thank you for your attention to this matter and I trust and pray that you will make a thoughtful and informed decision that benefits this county and those of us that have worked hard to maintain this area.

Have a blessed day!

Walt & Whitney Pimentel  
4928 Deer Creek Ct.  
Flowery Branch, GA 30542  
whitp13@gmail.com  
602-373-9897

**Print**

**Planning Commission Comments - Sept. 16, 2024 - Submission #99952**

**Date Submitted: 9/15/2024**

Comments completed in the form below will be submitted into the record for the Sept. 16, 2024 meeting of the Hall County Planning Commission.

**First Name\***

William & Kimberly

**Last Name\***

Walker

**Address1\***

4820 J M Turk Road

**Address2**

**City\***

Flowery Branch

**State\***

GA

**Zip\***

30542

**Zoning Item for Comment\***

0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone

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 curves on JM Turk Road are not able to handle the traffic from this development. It is dangerous now. The sewer does not need to do down JM Turk Road to Cash Road. This is not good for the environment and it opens up more high density development in one of the last rural areas in South Hall. Schools are already overcrowded. This development does not belong on JM Turk Road. It should be on a road more suitable for traffic such as Atlanta Hwy, 211, Spout Springs or 53. Clearing the land will increase flooding at our property. The bridge at our property will flood much more often!! This will close JM Turk Road. The erosion from the floods will be significant. The erosion from development in the area has already drastically impacted Mulberry Creek. Especially at our property and Eli Valley.

Please write your comments in the box above.

**File Upload**

\_storage\_emulated\_0\_Vault\_Downloads\_20151102.jpeg  
If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

**Would you like follow-up communication?**

Kimwalker966@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.



## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:39 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Elah Vally HOA - Opposition to re-proposed Stanley and Guth Road Subdivision (114 acres - 254 houses and townhomes)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

Please add the email below to the file for JM Turk/Steve Gilliam which goes before the Planning Commission today. Hard copies should also be printed and provided to each commissioner as well as me, Katie, Kristie, and Vamsee.

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Bill Doucher <[bdoucher@att.net](mailto:bdoucher@att.net)>  
**Sent:** Monday, September 2, 2024 11:07 PM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>; Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org; Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>; Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Subject:** Re: Elah Vally HOA - Opposition to re-proposed Stanley and Guth Road Subdivision (114 acres - 254 houses and townhomes)

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 President of the Elah Valley Homeowners Association, I am presenting this email as opposition to this re-proposed subdivision representing all homeowners of the Elah Valley subdivision.....again...

There have been minor changes to this proposal since the last go round. The total number of homes since the last version of this proposal are reduced by a little, but still does not meet the the 2 homes per acre standard. The actual physical lot sizes proposed are tiny. The cottages/townhomes absolutely do not fit the surrounding housing character on J M Turk Road and negatively impacts our subdivision and the surrounding community. This re-proposal does not meet the PRD definition. All the same objections raised by the Planning Commission to the previous proposal still apply to this re-proposal - when it was unanimously voted by the Planning Commission to recommend denial of approval for this proposal.

Do we really have to go thru this all over again?..... wasting time of the Hall County residents in this community negatively impacted and wasting the time of the Hall County Planning Commission and Board of Commission as well. Recall how many months the last round took with the many last minute withdrawals by the developer immediately before the Planning Commission meetings.

Having the previous proposal withdrawn just before the Hall County Board Of Commissioners meeting gave us concern that it would be back. I had corresponded with Beth Garmon about my concern at that time.

We have had a recent increase in new housing on J M Turk Rd over the last 3 years that provided property owners with market value land purchases and new homes built that meet the character and density of the surrounding area. This is the type of development that is consistent with this community and have the full support of the residents. We welcome you to drive down J M Turk and it will be obvious.

We will be at the Planning Commission meeting on Sept 3rd to voice our opposition.....again.....

Thank you for your consideration,  
Bill Doucher  
President, Elah Valley HOA  
770-329-7723



## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:38 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Rezoning Application- Guth Rd, Stanely Rd, & J M Turk Rd 9/3/2024

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

Please add the email below to the file for JM Turk/Steve Gilliam which goes before the Planning Commission today. Hard copies should also be printed and provided to each commissioner as well as me, Katie, Kristie, and Vamsee.

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
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[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Darlene Long <darlelong@bellsouth.net>  
**Sent:** Monday, September 2, 2024 1:06 PM  
**To:** Chris Braswell (Planning) <cbraswell@hallcounty.org>; Stan Hunt <shunt@hallcounty.org>; Johnny Varner <jvarner@hallcounty.org>; Gina Pilcher <gpilcher@hallcounty.org>; fsosebee@hallcounty.org  
**Cc:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>  
**Subject:** Re: Rezoning Application- Guth Rd, Stanely Rd, & J M Turk Rd 9/3/2024

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Dear Members of the Hall County Planning Commission,

I am writing to express my strong opposition to the rezoning application off of Guth Rd, Stanley Rd, J M Turk Rd, Flowery Branch, GA, which requests a change from Agricultural Residential III to Planned Residential Development (PRD). While I understand the importance of responsible development & growth in Hall county, I believe this particular proposal is deeply flawed & should not be approved for several reasons.

First and foremost, the proposed PRD is not compatible with the surrounding subdivisions. The character of this area has been established over the years, and introducing a PRD would disrupt the harmonious nature of our community. The size, density, and design of the PRD are not in line with the existing neighborhoods and would create an imbalance that is inconsistent with the current zoning and land use patterns. The proposed use is not consistent with the Hall Co Comprehensive Plan recommended maximum density of TWO dwellings per acre which leads to many problems.

Furthermore, one of the most concerning aspects of this proposal is the potential environmental negative impact, particularly regarding hard surface runoff. Our county is already grappling with environmental issues, including water quality concerns, and the addition of a PRD with increased hard surface areas would only exacerbate these problems. Hard surface runoff is known to contribute to water pollution, erosion, and can disrupt natural drainage systems. This poses a significant threat to the local environment, our water resources, and the overall quality of life in the area. In light of these concerns, I urge the Hall County Planning Commission to carefully consider the long-term consequences of this rezoning application. It is imperative that you take into account the potential negative impacts on the community's character and the environment when making your decision.

I request that the Hall Co Planning Commission recommend denial of this rezoning application. Surely the developer can submit something else that better aligns with the current neighborhood/homes on the JM Turk Rd area and prioritize environmental sustainability. It is our collective responsibility to protect our community and its natural resources for future generations.

Thank you for your attention to this matter. I trust that you will make a thoughtful and informed decision that truly benefits our county.

Respectfully,

Gary and Darlene Long  
Quailwood Subdivision

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:39 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Rezoning Application- Guth Rd, Stanely Rd, & J M Turk Rd 9/3/2024

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

Please add the email below to the file for JM Turk/Steve Gilliam which goes before the Planning Commission today. Hard copies should also be printed and provided to each commissioner as well as me, Katie, Kristie, and Vamsee.

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Janet Myers <[jmm\\_cmc@hotmail.com](mailto:jmm_cmc@hotmail.com)>  
**Sent:** Monday, September 2, 2024 8:50 PM  
**To:** Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Subject:** Rezoning Application- Guth Rd, Stanely Rd, & J M Turk Rd 9/3/2024

Some people who received this message don't often get email from [jmm\\_cmc@hotmail.com](mailto:jmm_cmc@hotmail.com). [Learn why this is important](#)

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Dear Members of Hall County Planning Commission,

We are writing to express our ardent opposition to the rezoning application adjacent to Guth Rd, Stanley Road, J M Turk Rd, Flowery Branch, GA, which requests a change from Agricultural Residential III to Planned Residential Development (PRD). While we understand the importance of responsible development & growth in Hall county, we fervently believe this proposal is deeply flawed & should not be approved for numerous reasons.

First and foremost, the proposed PRD is clearly not compatible with surrounding subdivisions. The character of this area has been established over the years, and introducing a PRD would disrupt the harmonious nature of our community. The size, density, and design of the PRD are not in line with the existing neighborhoods and would create an imbalance that is inconsistent with the current zoning and land use patterns. The proposed use is not consistent with the Hall County Comprehensive Plan recommended maximum density of **TWO** dwellings per acre which leads to many problems.

Furthermore, one of the most concerning aspects of this proposal is the potential environmental negative impact, particularly regarding hard surface runoff. Our county is already grappling with environmental issues, including water quality concerns, and the addition of a PRD with increased hard surface areas would only exacerbate these problems. Hard surface runoff is known to contribute to water pollution, erosion, and can disrupt natural drainage systems. This poses a significant threat to the local environment, our water resources, and the overall quality of life in the area. Another egregious concern is the increase in traffic congestion and potential for impairment of resident/citizen personal safety. It is well known the JM Turk Road is a substandard residential road. Additional traffic will be a serious consequence of this development and in addition to its negative impact on personal safety will potentially increase liability for Hall County. Due to these concerns, we urge the Hall County Planning Commission to carefully consider the long-term consequences of this rezoning application. It is imperative that the Commission contemplate the potential short- and long-term negative effects on the character of surrounding communities and fragile ecosystems when rendering a decision regarding this proposal.

We respectfully request that the Hall County Planning Commission recommend a definitive denial of this rezoning application. The developer could submit developmental plans for housing options that better aligns with the current neighborhood/homes on the JM Turk Rd area and demonstrates the importance of environmental preservation. It is our collective responsibility to protect our community and its natural resources for future generations.

Thank you for your attention to this matter. We trust that you will make a thoughtful and informed decision that truly benefits Hall County and the residents that reside within it.

Respectfully,

Janet and Steve Myers  
Quailwood Subdivision

## **Katie L. Greenway (CDI: Planning)**

---

**From:** Katie L. Greenway (CDI: Planning)  
**Sent:** Friday, August 9, 2024 11:26 AM  
**To:** Mark Faul  
**Cc:** Beth Garmon (CDI: Planning)  
**Subject:** RE: Reposposed Subdivision - JM Turk Road

Good morning,

Thank you for your email. We will make sure all of your concerns are added to the record.

Thank you,

**Katie Greenway**  
Planning and Zoning Administrator  
Hall County Government  
Office: 770-297-2649  
Website: [www.hallcounty.org](http://www.hallcounty.org)



---

**From:** Mark Faul <arrowquest@gmail.com>  
**Sent:** Friday, August 9, 2024 9:30 AM  
**To:** Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>  
**Cc:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>  
**Subject:** Re: Reposposed Subdivision - JM Turk Road

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Thank you Katie. This is helpful. As a matter of practice though, I do think the residents of Hall County should have access to the Hall County's staff determinations of the proposal at least 30 days before the Planning Commission Meeting. The submission date of the development application was 2 July 2024 and there was ample time to get a County determination of the key issues associated with the very high density project. This seems like more than enough time for Hall County Staff to comment on the package. The Citizens do not have the benefit of those comments until the later part of the comment process.

I have placed a phone call to Mr. Scott Puckett and will follow up with an email to help understand traffic regulations better.

I am very disappointed to see this high density project get proposed again from the same developer. Folks in this area have been through enough on this matter.

Mark Faul  
678-472-6327

On Thu, Aug 8, 2024, 11:24 AM Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)> wrote:

Good morning,

Thank you for your email. Below I have provided a response or a contact for someone who may assist you.

1. Hall County follows a standard process for reviewing applications. Initially, tentative packets are provided to staff and the public for their review. Following this, staff will provide feedback on the application to the Planning Department, after which a Staff Report is drafted. This report, along with the full packet and all comments, will be published 10 days prior to the Planning Commission meeting. The staff's assessment of the application will be available on our website on August 23rd, in the form of a staff report that includes all departmental comments at the end of the packet.
2. For Planned Development requests, variances do not need to be specifically highlighted unless they pertain to standards associated with the engineering department. Staff will carefully review the request and will identify any deviations from baseline standards in the staff report.
3. The process for road abandonment is handled by the Board of Commissioners. For further information, I recommend reaching out to Scott Puckett in the Engineering Department at [spuckett@hallcounty.org](mailto:spuckett@hallcounty.org), who can guide you through the process.
4. All traffic assessments are determined by the Hall County Traffic Engineer and the Board of Commissioners. Planning requires the submission of a traffic study, which will be reviewed and evaluated by Scott Puckett. Should you have any questions or concerns regarding this matter, please feel free to contact him directly at [spuckett@hallcounty.org](mailto:spuckett@hallcounty.org).
5. Unfortunately, this is outside the scope of Planning. For assistance, please reach out to the Hall County Traffic Engineer at [spuckett@hallcounty.org](mailto:spuckett@hallcounty.org).
6. The development has proposed a 50-foot buffer to help minimize its impact on neighboring properties. However, staff is unable to comment on the potential effects on property values without a comprehensive market analysis. Various factors, such as construction types, proposed uses, and ongoing maintenance, can influence property values. Often, the full impact of a development on adjacent properties can only be assessed once the project is completed.

Please let me know if you have any additional questions.

Thank you,

**Katie Greenway**

**Planning and Zoning Administrator**

**Hall County Government**

Office: 770-297-2649

Website: [www.hallcounty.org](http://www.hallcounty.org)

---

**From:** Mark Faul <[arrowquest@gmail.com](mailto:arrowquest@gmail.com)>  
**Sent:** Wednesday, August 7, 2024 11:53 AM  
**To:** Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Subject:** Reposposed Subdivision - JM Turk Road

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

Hello. I found this application on the Hall County Website:  
<https://www.hallcounty.org/DocumentCenter/View/13452/Guth-Rd-J-M-Turk-Rd-Stanley-Rd---Tentative?bidId=>

Regarding the public's ability to properly review the package, I have some questions:

1) There is no comment or assessment from Hall County staff determinations the proposed subdivision. Shouldn't the public see this by now to have adequate time to prepare a response? Apparently there is a planning Commission Meeting on Sept 3rd, which is less than 30 days for the public to review this important missing information. Is there a regulation on incomplete submitted applications?

2) There is no specific request for variances in the application that I see. Should that be made clear in this application? Is there a regulation on partial submitted applications?

3) Part of Stanley Road is proposed to be abandoned. Did Hall County or the applicant go through the proper procedures abandon part of Stanley Road? Can you please direct me to the appropriate regulation regarding Public Road abandonment?

4) The traffic analysis data was based on a 2023 road test. While the traffic report was edited in 2024, it is based on old data from May of 2023. This outdated underestimate of traffic does not include new high density subdivisions going in on Cash Road and other locations. Is there any regulatory information governing the data timeliness for this proposal?

5) Is there any regulation regarding how many cars can go in front of a house? This traffic analysis indicates that that 2,800 trips will be added a day to Stanley Road (page 14). Currently, there are about 20 car trips a day that pass my house. Is there a regulation that governs how many cars can be in front of a house within a two lane road within a subdivision?

6) Finally, according to this plan, my house will be looking at the back end of houses and my car headlights will be shining directly into planned homes at night. Further, this plan destroys my property value. What are the regulations governing these matters, if any.

Thank you:

Mark Faul, PhD

678-472-6327



## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:38 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Opposition to re-proposed Stanley and Guth Road Subdivision (~ 114 acres - 254 houses and townhomes)  
**Attachments:** Opposition to the Stanley Road and Guth Road Properties\_090224.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

Please add the email below to the file for JM Turk/Steve Gilliam which goes before the Planning Commission today. Hard copies should also be printed and provided to each commissioner as well as me, Katie, Kristie, and Vamsee.

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Mark Faul <[arrowquest@gmail.com](mailto:arrowquest@gmail.com)>  
**Sent:** Monday, September 2, 2024 1:24 PM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>; Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>; Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Subject:** Opposition to re-proposed Stanley and Guth Road Subdivision (~ 114 acres - 254 houses and townhomes)

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

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

Please consider this letter of opposition from Arrowquest Services Inc, doing Business as Mulberry Springs Vineyard and Winery. As re-proposed, the subdivision will cause substantial harm to the personal property located at 4567 & 4555 Stanley Road.

My opposition is based on:

- Inability of traditional retention ponds to manage the excessive runoff of water produced by the non-compliant proposed subdivision. Currently, there is a lot of erosion and flooding in the area.
- Inconsistency with large agricultural operations in the immediate area.
- Excessive request for variances, along with a rezoning request.
- Negative impacts on surrounding and nearby properties in terms of lifestyle and property values.
- A flawed and outdated traffic analysis.
- Violations of important regulatory rules and ordinances (ie, inconsistency with the area and the Hall County Development plans and written Hall County Guidance, the critical need for a usable secondary entrance to avoid 3,000 daily car trips in front of my properties on Stanley Road, failure to follow the regulatory rules for the regarding fire access distances from multiple entrances, abandonment of part of Stanley Road).

Thank you for your careful consideration on this very important topic, in advance.

Mark Faul, PhD  
4567 Stanley Road  
4555 Stanley Road  
678-472-6327

*Mark Faul. PhD*  
4567 Stanley Road, Flowery Branch, Georgia 30542

Hall County Planning and Development  
2875 Browns Bridge Road  
(attn: Randi Doveton, Director of Planning and Development)  
Gainesville, GA 30504

1 September 2024

Dear Randi Doveton:

I have two properties on Stanley Road (4567 and 4555 Stanley Road) that are negatively impacted by the re-proposed development (Stanley & Guth Road). This letter is to document some of my opposition to the Stanley Road and Guth Road Properties, which follows:

1) Water detention ponds – The ponds are not visually done properly and do not control flooding or mosquito populations in dense areas.

- Detention ponds are not flood control – they all have overflow systems to allow excess water to be discharged into streams and wet land areas. Elah Valley has experienced extreme flooding from the recent development. The additional impervious space, which includes the footprint of a house, all the sidewalks and the roads, in the proposed development is extreme. The manmade ponds could not be designed properly to absorb all of the water runoff created by this project.
- The Topography on Stanley Road is very steep – water will not soak into the ground, but rather head directly into the detention pond systems and the overflow mechanisms resulting in flooding.
- There has been 5 feet of erosion on one of my properties (4567 Stanley Road - 17 acres) since the Grandview development.
- Elah valley reports increased flooding after every major development.
- Approximately 20% of the development includes impervious land such as sidewalks and roads. Once calculated properly, the re-proposed subdivision does not meet the proper required green space percentages.
- Ponds will be a major source of mosquitoes to residents in the area. If approved please require the developer to have underground detention ponds to control for mosquitoes. This would minimize the direct impact on the nearby winery and the people living in the area.

2) Rural area zoned agricultural III. Regular houses can go in on this current zoning consistent with AR-III zoning. There are many farms in the area.

- Tractor traffic in the area – at least 4 people have tractors within a ½ mile area.
- Winery operations at 4555 Stanley Road will be hampered due to 3,000 car trips a day on Stanley Road
- Largest vineyard in Hall County just 350 feet from Stanley Road.
- Doesn't fit the area at all and is dangerous to truck and tractor access using Stanley Road.

3) Approximately Seven variances requested is excessive. - Why have rules if Hall County is going to grant approximately 7 exemptions to the rules. Such a submission makes a mockery of established review systems. **If Hall County approves this extreme proposal, what wouldn't they approve?**

4) Negative Impact on property values:

- One version of this proposal results in diminished property value loss to the residents on 4621 Stanley Road, which will have 24 homes on 1/8 acre lots around his 11 acres. This is extreme.
- The residents of 4567 Stanley Road) will be looking at the back side of 5 houses from his front porch.
- There is no 50 foot buffer from the subdivision from Lots 2 and 3 for the residents of 4567 Stanley Road. While there is a modified Stanley Road Street there, there is no 50 foot buffer and the residents of 4567 and 4555 Stanley Road will be shining his car lights into the back windows of homes are night. This will disturb potential neighbors and be a source of many problems for everyone.
- Many home owners will have high density housing around them and it will harm existing values.
- The modified Stanley Road in this proposal will cause residents of 4567 and 4555 Stanley Road to have to make an additional turn to get out of the subdivision. This will cause a decrease in property value.
- According to the traffic analysis by conducted by SEI Engineering, Inc and Acampora Traffic LLC on May 23, 2023, and revised January 24, 2024 there will 2,800 car trips produced by the repropsoed high density subdivision. **ALL OF THIS TRAFFIC WILL BE IN FRONT OF MY TWO PROPERTIES.** I will have a difficult time getting out of my driveway, and my property values will be substantially decreased. **If approved, please have another exit out of this highly dense subdivision. I did not buy a rural property with substantial acreage to have major problems (3,000 car trips a day) with getting out of my personal dwellings.** This re-proposed subdivision does not fit the area.

5) Flawed Traffic Analysis – During the last submission, one of the Planning Commissioners asked for a more accurate traffic analysis during the Fall of 2023. Yet, no new data was collected or analyzed. According to the traffic analysis conducted by SEI Engineering, Inc and Acampora Traffic LLC on May 23, 2023, and revised January 24, 2024 there will 2800 car trips produced by the repropsoed high density subdivision. There are many problems with this analysis:

1) The traffic data collected was on one day only: 23 May of 2023. The data is outdated and likely an underestimate of traffic flow patterns.

2) One day of traffic is not representative of the true situation. More data points in time are needed, particularly since the data collection was done during COVID times, when some people were encouraged to work from home.

3) The data does not include future approved developments such as the housing development replacing the old Alpaca Farm (148-units) a few miles from this proposed development or the Union Grove Subdivision in South Hall County and other developments currently being

constructed. These housing developments will put strain on the roads and were not included in the analysis.

6) Violation of regulatory rules. The re-proposed subdivision is in conflict with established regulatory rules, which follows:

**A) The plan is inconsistent with Hall County Guidance (Planning & Zoning Rezoning Variances Special Uses** <https://www.hallcounty.org/DocumentCenter/View/93/Guide-to-Planning-and-Zoning>, which states:

- Page 10: "Planned Residential Development (PRD) A Planned Residential Development may allow for a more flexible placement, arrangement and orientation of residential structures, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types (single-family, two-family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development should make maximum use of natural features and, through proper site planning measures, it should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts, which might result from a higher density development." Image 1.

This re-proposed subdivision has lot sizes of 5,000 sq feet, or 1/8<sup>th</sup> of an acre. Meanwhile consists of multi-acre tracks. The proposal is not consistent with the existing character of an established winery and large acreage tracks. Further, the proposal does not protect existing residential uses from adverse impacts, such as changing the configuration of Stanley Road and the excessive traffic of 3,000 cars per day. Approval of this rezoning request would clearly violate Hall County's written policy.

**B) The proposed development is not consistent with existing growth plans for Hall County.** Please see the Opinion of Hall County Planning Staff.

**C) Second entrance needed and distances re-proposed is not complaint with current fire standards** – Ga. Comp. R. & Regs. r. 120-3-3-.04 State Minimum Fire Safety Standards with Modifications Georgia Administrative Code Department

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.

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 (See Image 2).

Point one – Common Sense suggests that a subdivision of 120 homes needs two entrances for general safety and to reduce congestion. This re-proposed second entrance that is for emergency vehicles only is only useful during an emergency.

Mark Faul, PhD  
4567 Stanley Road, Flowery Branch, Georgia 30542

Point two - The overall diagonal dimension is about 3,675 and  $\frac{1}{2}$  that distance is about 1,838 feet. Thus, the entrances need to be at least 1,838 feet from one another (enclosure 1). None of the plans adequately address this safety and regulatory mandate.

**D) The partial Abandonment of Stanley Road requires a separate process not conducted.** After talking with Hall County traffic expert, Mr. Scott Puckett, he said any movement of the Stanley Road would invoke a regulatory procedure (12.20.050. - Procedure for road abandonment). The repropoed design of the road creates an additional turn for residents of 4567 and 4555 Stanley Road to simply exit the properties and exposes me to the full traffic load of the entire subdivision (nearly 3,000 cars), plus traffic from another street.

Thank you for considering my comments and concerns. The developer's re-request is very aggressive and inappropriate for the area. No one in the area wants this repropoed development. It simply doesn't fit the area and will cause harm to local folks and a local business. If approved, I will oppose this rezoning action legally in the most vigorous way possible. I can be reached at 678-472-6327 if you have any questions.

Sincerely:

A handwritten signature in black ink that reads "Mark Faul". The signature is written in a cursive, somewhat stylized font.

Mark Faul, PhD

Image 1



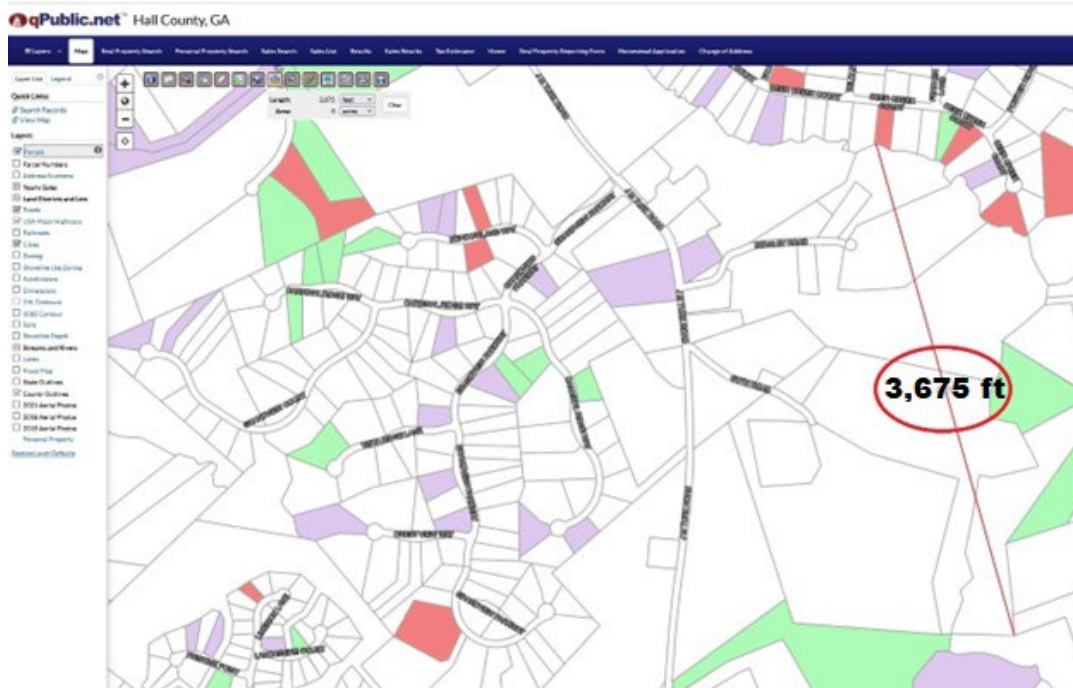
## **PLANNED DEVELOPMENT DISTRICTS**

### **Planned Residential Development (PRD)**

A Planned Residential Development may allow for a more flexible placement, arrangement and orientation of residential structures, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types (single-family, two-family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development should make maximum use of natural features and, through proper site planning measures, it should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts, which might result from a higher density development.

Image 2

The overall diagonal dimension is about 3,675 and ½ that distance is about 1,838 feet. Thus, the entrances need to be at least 1,838 feet from one another. The re-proposed entrances are about 300 feet from one another. Thus, the emergency entrance does not meet fire regulations. **It is dangerous to approve re-proposed rezoning request without a proper distance appropriate secondary entrance.**





*Mark Faul. PhD*  
*4567 Stanley Road, Flowery Branch, Georgia 30542*

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:39 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Mulberry Springs Winery - Opposition to re-proposed Stanley and Guth Road Subdivision (~ 114 acres - 254 houses and townhomes)  
**Attachments:** arrowquest\_services\_inc\_development\_opposition\_090224.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

Please add the email below to the file for JM Turk/Steve Gilliam which goes before the Planning Commission today. Hard copies should also be printed and provided to each commissioner as well as me, Katie, Kristie, and Vamsee.

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

All **ZONING**, **PLAT**, and **BUILDING PERMIT** submittals may be submitted online through [Accela](#). Plat inquiries may be submitted to [plats@hallcounty.org](mailto:plats@hallcounty.org). Zoning and general inquiries may be submitted to [planning@hallcounty.org](mailto:planning@hallcounty.org).



---

**From:** Mark Faul <[arrowquest@gmail.com](mailto:arrowquest@gmail.com)>  
**Sent:** Monday, September 2, 2024 1:25 PM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>; Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>; Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Subject:** Mulberry Springs Winery - Opposition to re-proposed Stanley and Guth Road Subdivision (~ 114 acres - 254 houses and townhomes)

Some people who received this message don't often get email from [arrowquest@gmail.com](mailto:arrowquest@gmail.com). [Learn why this is important](#)

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

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

Please accept this letter of opposition from Arrowquest Services Inc, doing Business as Mulberry Springs Vineyard and Winery. As re-proposed, the subdivision will cause substantial harm to the existing business that exists on 4567 & 4555 Stanley Road.

Please note that Mulberry Springs Vineyard and Winery maintains the largest Vineyard in Hall County and employs about 8 people. Our opposition is based on:

- Extreme negative impacts on Winery Operations (3,000 daily car trips competing with trucks and farm equipment on Stanley Road)
- Harm a "park-like" atmosphere that Hall County does not maintain and yet collects taxes and fees on
- Destruction of views that winery customers enjoy.
- The Excessive housing density is inconsistent with the area and written regulatory limits.
- Retention ponds will create a mosquito haven and drive away outdoor wine enthusiasts.

Mark Faul, PhD  
Mulberry Spring Vineyard and Winery Owner  
678- 472-6327



*Mulberry Spring Vineyard & Winery*  
4567 Stanley Road, Flowery Branch, Georgia 30542

1 September 2024

Hall County Planning and Development  
2875 Browns Bridge Road  
(attn: Randi Doveton, Director of Planning and Development)  
Gainesville, GA 30504

Dear Randi Doveton:

This is in regards to the rezoning request from Agricultural to a Proposed Planned residential Development on Stanely, Guth and JM Turk Road, dated 1 July 2024. **As a Business Owner, I urge denial of the proposed high density subdivision.**

Mulberry Springs Vineyard and Winery is a Farm House winery. Farm wineries are allowed on AGRICULTURAL- RESIDENTIAL III (AR-3) zoning and are very popular with the public. Farm Wineries were also encouraged by the State of Georgia to promote Georgia Agriculture and employment. Hall County Commissioners granted approval of Mulberry Springs Vineyard and Winery on 5 May 2021. Mulberry Springs Vineyard and Winery and has a role in providing the following positive attributes to the Hall County Community:

- A google 4.9 star out of 5-star average review
- Within the last 6 months we received 25,010 views on Google Maps (image 1).
- The Largest Vineyard in Hall County providing an immersive experience for residents.
- Overwhelming positive support on Facebook with thousands of likes and/or and support from the Community.
- Member of Georgia Agrotourism (Dept of Agriculture, State of Georgia) – supported by Department of Transportation Road signs.
- Employs 8 people and helps the economy.
- Provides a fantastic view for guests and helps create a positive image of Hall County.
- Provides a Park-like setting for residents; meanwhile, the County does not maintain this “park”, and also collects substantial fees and taxes from the winery.

Unfortunately, the proposed subdivision on Stanley Road in Flowery Branch GA will directly hurt winery operations and may result in the closure of the winery. The re-proposed subdivision, is actually an urban island in a rural area, where the developers are requesting approximately 7 variances (which are exceptions to existing Hall County ordinances and rules). This high-density subdivision request is overly aggressive and will negatively impact the Mulberry Springs Vineyard and Winery in numerous ways. We strongly encourage you to deny the rezoning request of PRD from AR-3 Stanley Road for the following reasons:

**Negative impact on Winery Operations and access at 4555 Stanley Road.** The proposal, if approved, channels nearly 3,000 cars a day to use a small called Stanley Road, where some winery operations occur (image 2). This excessive proposed density using one road will severely damage the winery operations and alternatives for space will be dramatically more expensive. **Any reconfiguration to allow winery truck and machine access will compete with subdivision traffic of about 3,000 car trips a**



*Mulberry Spring Vineyard & Winery  
4567 Stanley Road, Flowery Branch, Georgia 30542*

day (source = traffic analysis provided by the applicant). This is unreasonable. If this subdivision is approved a second usable entrance is needed. This is a rural area – there is even a Department of Transportation Tractor Sign a few feet from Stanley Road (image 3). There will be angry residents when slower truck and farm equipment competes with road space.

**Views of Mulberry Springs are amazing – rezoning will destroy the views.** People come to the winery to relax and get something they can't get at home, which is beautiful vistas and peacefulness. The winery location was specifically chosen for its views and the limited growth possibility near 4567 Stanley Road due to its odd triangular shape the likely impossibility of building houses on the Road, given typical Hall County setback rules. **However, the proposed plan will allow houses to be seen from the winery and will destroy some of the pristine views that is becoming a rarity in Hall County.** This will hurt the views of the largest Vineyard in Hall County and help destroy a valuable asset provided to the community. Further, the State of Georgia has declared Mulberry Springs Vineyard and Winery an official "Georgia Grown Agritourism site". This helps Georgia Tourism, and as a known landmark, it strengthens the image of Hall County. This subdivision proposal, with an average lot size of 5,000 square feet is grossly inconsistent with the State of Georgia agritourism designation of the nearby winery (image 4).

**The plan has excessive housing density, beyond allowable rules, which may result in noise complaints.** Part of the vineyard lies 400 feet from Stanley Road. The current plan is to move and abandon Stanley Road and have houses back up to 4567 Stanley Road, with limited setbacks. Thus, people may hear wine drinkers have conversations and wine drinkers may be bothered by dense subdivision noise. It goes both ways. **Please note the current AR-3 density is manageable and consistent with the surrounding rural area and is allowed by the State of Georgia.** However, PDR zoning is incompatible with winery operations and is setting up the winery for noise complaints. The decision to allow anything other than AR-3 zoning will jeopardize the future of the winery and will desecrate the \$800,000 investment in this beloved community gathering. Construction of a main tasting room is ongoing (permit: HCNEW24-0012) (Image 5). Approval of this re-zoning request is incompatible with the surrounding rural area and the established and successful winery.

**The plan is inconsistent with Hall County Guidance (Planning & Zoning Rezoning Variances Special Uses** <https://www.hallcounty.org/DocumentCenter/View/93/Guide-to-Planning-and-Zoning>, which states:

- Page 10: "Planned Residential Development (PRD) A Planned Residential Development may allow for a more flexible placement, arrangement and orientation of residential structures, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types (single-family, two-family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development should make maximum use of natural features and, through proper site planning measures, **it should conform to the existing character and development pattern of the surrounding area.** Every effort should be made to preserve and **protect any existing residential uses from adverse impacts, which might result from a higher density development.**" Image 6.



*Mulberry Spring Vineyard & Winery*  
4567 Stanley Road, Flowery Branch, Georgia 30542

This re-proposed subdivision has lot sizes of 5,000 sq feet, or 1/8<sup>th</sup> of an acre. Meanwhile the surrounding residents live on multi-acre tracks. The proposal is not consistent with the existing character of an established winery and large acreage tracks. Further, the proposal does not protect existing residential uses from adverse impacts, such as changing the configuration of Stanley Road and the excessive traffic of 3,000 cars per day. **Approval of this rezoning request would directly violate Hall County's written policy.**

**Retention Ponds will create a breeding ground for mosquitos.** Mulberry Springs Winery built an underground water detention pond that costs about \$50,000. This was to avoid the mosquito problems in an area where there are outdoor activities. The proposed high-density subdivision has 3 above ground detention ponds. **These ponds will result in a breeding ground for disease (ie, West Nile virus, Zika...) and will severely contaminate the winery experience and hamper winery operations.** The academic literature on this is significant (image 7). If the proposed subdivision is approved, **request the detention ponds be placed underground to protect the public and the winery.**

**Please deny the zoning request.** Homes could be built on the existing AR-3 zoning. No one rejects development on the current zoning of AR-3. This plan is grossly overly aggressive and hurts the look and feel of this valued rural area. It will also severely injure the Winery Operations and activities. According to a study done by the University of Georgia, the number one reason people visit wineries for the views and to connect with nature (Economic Contribution of Georgia Wineries and Vineyards, Prepared by: Kent Wolfe, Sharon P. Kane, and Karen Stubbs, University of Georgia, Center for Agribusiness and Economic Development, Center Report: CR-13-06, dated Sept 13<sup>th</sup> 2013 - <https://caed.uga.edu/content/dam/caes-subsite/caed/publications/center-reports/economic-contribution-wineries-georgia.pdf> ). **Specifically, "scenery" is listed as the number 1 reason people go to wineries (table #1.6).** Further, in 2013, it was documented that the impact of Georgia Wineries on the State economy was "sectors, along with visitor spending contributes up to \$81.6 million in output, 655.6 jobs throughout the state's economy, and \$4.1 million in state and local tax revenue". It is probably double that now due to the winery growth in the North Georgia Mountains and due to inflation within the last 10 years since the report was written. **This high density subdivision proposal will undoubtedly diminish the winery due to a loss of "scenery". It will severely impair winery operations and promote future noise complaints all for the purpose maximizing lots of land on a proposed future movement of Stanley Road.** Many people like the winery location because it saves them from driving long distances to visit other wineries. Thus, attendance at this winery is safer, more affordable and helps keep tax dollars in Hall County. This proposal is so aggressive and inappropriate for a rural area, I have been in communication with my State Representative's office.

For these reasons, this re-proposed development request should be denied:

- 1) harm to an established winery with good community support
- 2) hampered winery operations
- 3) destruction of valuable scenery
- 4) destruction of property value and investments made consistent with a rural area.
- 5) loss of rural area that helps people's well being,



*Mulberry Spring Vineyard & Winery  
4567 Stanley Road, Flowery Branch, Georgia 30542*

- 6) a possible increase of noise complaints
- 7) possible economic loss to Hall County and an increase in mosquitos.
- 8) Violations of County rules, standards and reasonable traffic loads

Also, the proposal is inconsistent with the Hall County comprehensive Land Use Plan for this area and is counter to the quality of life for current and future homeowners and agri-businesses in the area, I urge the denial of the proposal of moving Stanley road and any rezoning change to an established rural area within Hall County. A non AR-3 zoning request would substantially hurt Mulberry Springs Vineyard and Winery.

Thank you for your consideration. I can be reached at 678-472-6327.

Mark Faul, PhD

Mulberry Springs Vineyard & Winery

7 enclosures

Copy Furnished: Representative Derrick McCollum, 30th District 612-E Coverdell, Legislative Office Building, Gainesville, GA 30503



Mulberry Spring Vineyard & Winery  
4567 Stanley Road, Flowery Branch, Georgia 30542

Image 1

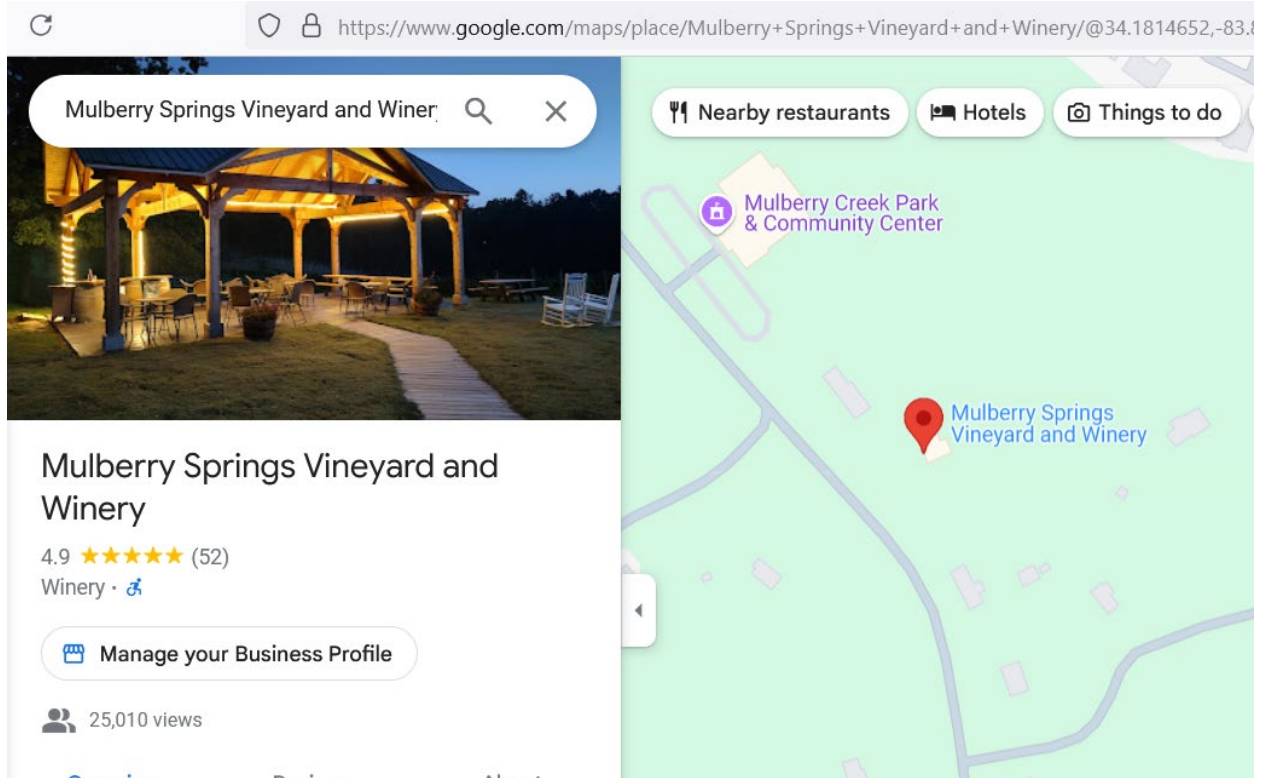




Image 2

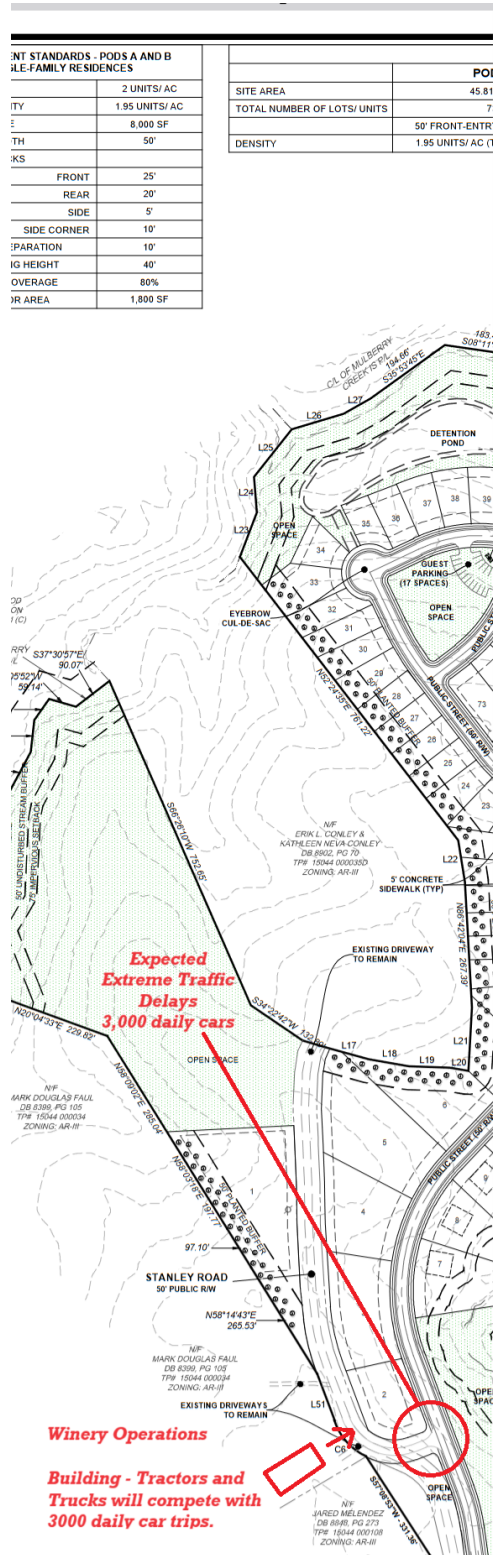


Image 3



Image 4





Mulberry Spring Vineyard & Winery  
4567 Stanley Road, Flowery Branch, Georgia 30542

Image 5

Home Gainesville Gville Code Complaint Hall County Hall Code Complaint Oakwood

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Hall County

Showing 1-3 of 3 | Add to collection | Copy Record

<input type="checkbox"/>	Date	Record Number	Record Type	Description	Project Name	Expiration Date	Status	Action	Short Notes
<input type="checkbox"/>	01/16/2024	<a href="#">HCNEW24-0012</a>	H - Commercial New Construction Permit	Plans are for a 2,400 SQFT Tasting Room/Building for customers to sample wine. As an established winery with a large vineyard, we currently only have a Pavilion. Thus, the business does not do well during cold weather. The plans include a two customer bathrooms, one staff bathroom (wine making is messy), an open area for customers and storage area for wine downstairs.	Tasting Room 4527 J M TURK ROAD	02/14/2025	Inspection Phase		



Mulberry Spring Vineyard & Winery  
4567 Stanley Road, Flowery Branch, Georgia 30542

Image 6



## PLANNED DEVELOPMENT DISTRICTS

### Planned Residential Development (PRD)

A Planned Residential Development may allow for a more flexible placement, arrangement and orientation of residential structures, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types (single-family, two-family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development should make maximum use of natural features and, through proper site planning measures, it should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts, which might result from a higher density development.

Image 7



## **Mosquitoes Associated with Stormwater Detention/ Retention Areas <sup>1</sup>**

---

G. F. O'Meara<sup>2</sup>

### **Water Quality and Supply**

Florida's extensive drainage and flood control systems have eliminated many wetland areas that

under drought conditions. Often, during the rainy season the water levels in these ponds remain at or near the outflow structures. Under these conditions, storm water entering a detention area displaces an

Citation: O'Meara, G. F. (1997). *Mosquitoes associated with Stormwater Detention/retention areas*. University of Florida Cooperative Extension Service, Institute of Food and Agriculture Sciences, EDIS.

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- Gingrich, Jack B., et al. "**Stormwater ponds, constructed wetlands, and other best management practices as potential breeding sites for West Nile virus vectors in Delaware during 2004.**" *Journal of the American Mosquito Control Association* 22.2 (2006): 282-291.
- Irwin, Patrick, et al. "**Urban wet environment as mosquito habitat in the upper midwest.**" *EcoHealth* 5 (2008): 49-57.
- Harbison, Justin E., et al. "**The need for collaboration among government agencies to reduce mosquito production in mandated stormwater treatment structures.**" *Journal of the American Mosquito Control Association* 26.2 (2010): 198-204.

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 9:22 AM  
**To:** Chris Braswell; Chris Braswell (Planning); Frank Sosebee; Frank Sosebee (Planning); Gina Pilcher; Gina Pilcher; Johnny Varner; Johnny Varner; Stan Hunt; Stan Hunt  
**Cc:** Katie L. Greenway (CDI: Planning); Kristie Turner (Planning); Kaitlyn Elliott (Planning)  
**Subject:** FW: JM Turk Road Proposed Development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning, Commissioners.

Please see the email below regarding the application for rezoning at JM Turk which is scheduled to go before you today.

Kaitlyn, please add the email to the file also.

Thank you,  
Beth

### **Beth Garmon**

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

All **ZONING, PLAT**, and **BUILDING PERMIT** submittals may be submitted online through [Accela](#). Plat inquiries may be submitted to [plats@hallcounty.org](mailto:plats@hallcounty.org). Zoning and general inquiries may be submitted to [planning@hallcounty.org](mailto:planning@hallcounty.org).



---

**From:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>  
**Sent:** Tuesday, September 3, 2024 9:11 AM  
**To:** Tommy Channell <[tommy.channell@outlook.com](mailto:tommy.channell@outlook.com)>  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Subject:** RE: JM Turk Road Proposed Development

Mr. Channell,  
Beth Garmon, Planning and Zoning Director, copied hereon, will add these concerns to the file.

Randi Doveton  
Development Services Director  
Community Development and Infrastructure  
(770) 297-5544 | [www.hallcounty.org](http://www.hallcounty.org)



---

**From:** Tommy Channell <[tommy.channell@outlook.com](mailto:tommy.channell@outlook.com)>  
**Sent:** Tuesday, September 3, 2024 8:45 AM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>  
**Subject:** JM Turk Road Proposed Development

You don't often get email from [tommy.channell@outlook.com](mailto:tommy.channell@outlook.com). [Learn why this is important](#)

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Randi,

Good morning. I want to let you know that I stand in opposition to the J M Turk Road development for many reasons. First, I have major environmental concerns with it's close proximity to the Mulberry River. Second, the development doesn't match the ambiance of the area which is full of multi-million dollar estate homes. Third, there is an issue with the hammerhead cul-de-sacs within the development and the housing density. Fourth, how is the development human waste going to be handled? The developer mentioned something about building a pumping station on Cash Road? The only area is in a Mulberry River flood zone.

We, the residences of J M Turk have so many questions that haven't been answered either by the new attorney or the last.

I would like to ask you to stand in opposition to this development and deny the application. Your help in this matter is greatly appreciated.

Regards,

Tommy Channell  
4737 J M Turk Road



## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:39 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Elah Vally HOA - Opposition to re-proposed Stanley and Guth Road Subdivision (114 acres - 254 houses and townhomes)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

Please add the email below to the file for JM Turk/Steve Gilliam which goes before the Planning Commission today. Hard copies should also be printed and provided to each commissioner as well as me, Katie, Kristie, and Vamsee.

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Bill Doucher <[bdoucher@att.net](mailto:bdoucher@att.net)>  
**Sent:** Monday, September 2, 2024 11:07 PM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>; Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org; Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>; Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Subject:** Re: Elah Vally HOA - Opposition to re-proposed Stanley and Guth Road Subdivision (114 acres - 254 houses and townhomes)

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 President of the Elah Valley Homeowners Association, I am presenting this email as opposition to this re-proposed subdivision representing all homeowners of the Elah Valley subdivision.....again...

There have been minor changes to this proposal since the last go round. The total number of homes since the last version of this proposal are reduced by a little, but still does not meet the the 2 homes per acre standard. The actual physical lot sizes proposed are tiny. The cottages/townhomes absolutely do not fit the surrounding housing character on J M Turk Road and negatively impacts our subdivision and the surrounding community. This re-proposal does not meet the PRD definition. All the same objections raised by the Planning Commission to the previous proposal still apply to this re-proposal - when it was unanimously voted by the Planning Commission to recommend denial of approval for this proposal.

Do we really have to go thru this all over again?..... wasting time of the Hall County residents in this community negatively impacted and wasting the time of the Hall County Planning Commission and Board of Commission as well. Recall how many months the last round took with the many last minute withdrawals by the developer immediately before the Planning Commission meetings.

Having the previous proposal withdrawn just before the Hall County Board Of Commissioners meeting gave us concern that it would be back. I had corresponded with Beth Garmon about my concern at that time.

We have had a recent increase in new housing on J M Turk Rd over the last 3 years that provided property owners with market value land purchases and new homes built that meet the character and density of the surrounding area. This is the type of development that is consistent with this community and have the full support of the residents. We welcome you to drive down J M Turk and it will be obvious.

We will be at the Planning Commission meeting on Sept 3rd to voice our opposition.....again.....

Thank you for your consideration,  
Bill Doucher  
President, Elah Valley HOA  
770-329-7723

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk  
Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III (AR-III) to  
Planned Residential Development (PRD) | on a 114.147± acre tract located on the east side of J M  
Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201,  
000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 |  
Proposed Use: 256-unit residential development | \*\* Commission District 1 | Steven P. Gilliam,  
applicant**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983 grants the Board of Commissioners the power to zone and rezone. That power must be fairly exercised. Based on this element of fairness, the Zoning Ordinance for Hall County, Georgia and violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,

Meghan Disney  
4912 Deer Creek Ct Flowery  
Branch GA  
30542

Address

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Monday, September 23, 2024 10:14 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Constitutional Objection to Rezoning Application for 256-units residential development - Guth Road, JM Turk Road and Stanley Road - Steven P. Gilliam, applicant

Kaitlyn,

Please see below. This comment will need to be added to those for JM Turk (BOC 10/10) and HCAM updated.

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Steven Cornelison <[scornelison@smf-law.com](mailto:scornelison@smf-law.com)>  
**Sent:** Monday, September 23, 2024 10:04 AM  
**To:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Cc:** Jeff Stowe (County Commission) <[jstowe@hallcounty.org](mailto:jstowe@hallcounty.org)>; Kathy Cooper (County Commissioner) <[kcooper@hallcounty.org](mailto:kcooper@hallcounty.org)>; Gregg Poole (County Commissioner) <[gpoole@hallcounty.org](mailto:gpoole@hallcounty.org)>; Billy Powell (County Commission) <[bpowell@hallcounty.org](mailto:bpowell@hallcounty.org)>; Richard Higgins (County Commissioner) <[rhiggins@hallcounty.org](mailto:rhiggins@hallcounty.org)>  
**Subject:** Constitutional Objection to Rezoning Application for 256-units residential development - Guth Road, JM Turk Road and Stanley Road - Steven P. Gilliam, applicant

Some people who received this message don't often get email from [scornelison@smf-law.com](mailto:scornelison@smf-law.com). [Learn why this is important](#)

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Ladies and Gentlemen – I am an adjoining property owner to the proposed development which is seeking approval of the above-referenced rezoning of 114.147 acres at 0, 4611, 4627 Guth Road, and 0, 4561, 4613 J M Turk Road & 4590, 4601, and 4610 Stanley Road. My residence address which adjoins this proposed development is 5104 Deer Creek Court, Flowery Branch, GA 30542.

I respectfully submit that an approval of this rezoning request, which you should be aware is opposed by many citizens, is inappropriate to the character of the Mulberry Creek community, and would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power, as bearing no substantial relationship to the public health, safety, morality or general welfare of the public. In addition, approval of the rezoning request would substantially harm adjoining property owners, such as myself, in violation of my due process and equal protection rights under the federal and state constitutions.

Steven A. Cornelison – owner and resident of 5104 Deer Creek Court, Flowery Branch, GA 30542.

**My normal office hours are Monday through Thursday.**

**Steven A. Cornelison**

200 Main Street, Suite 600, Gainesville, GA 30501

P.O. Box 3280, Gainesville, GA 30503

[scornelison@smf-law.com](mailto:scornelison@smf-law.com)

770-536-0101 Fax: 678-207-2041

Direct: 678-207-2031



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**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk  
Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III (AR-III) to  
Planned Residential Development (PRD) | on a 114.147± acre tract located on the east side of J M  
Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201,  
000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 |  
Proposed Use: 256-unit residential development | \*\* Commission District 1 | Steven P. Gilliam,  
applicant**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983 grants the Board of Commissioners the power to zone and rezone. That power must be fairly exercised. Based on this element of fairness, the Zoning Ordinance for Hall County, Georgia and violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,

Robert Carlson

Address

4904 Deer Creek Ct Flowery Branch

# ZONING NOTICE

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

APPLICANT: STEVEN P GILLIAM

REQUEST: REZONE FROM AR-III TO PRO FOR 256-UNIT

RESIDENTIAL DEVELOPMENT

PLANNING COMMISSION PUBLIC HEARINGS WILL BE HELD ON: COUNTY COMMISSION

Date: SEPT 13, 2024 & Date: OCT 19, 2024

Time: 5:15 PM Time: 6:00 PM

HALL COUNTY GOVERNMENT CENTER 375 BROWN BRIDGE ROAD GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

## Jennifer Rivera (Administration)

---

**From:** Mark Dunn <mdunn\_athiker74@yahoo.com>  
**Sent:** Thursday, September 26, 2024 1:33 PM  
**To:** Jennifer Rivera (Administration)  
**Cc:** Mark Faul; Bill Doucher; Jim & Laura Graff; Jennings Bryan  
**Subject:** Proposed Residential Development (Guth Road, J M Turk Road, Stanley Road, Flowery Branch. Applicant: Steven P. Gillium PC.  
**Attachments:** Planning Commission.docx

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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.

Jennifer:

I would appreciate if you would forward the attached letter regarding the appeal on the Proposed Residential Development off J M Turk Road (Guth and Stanley Roads) to each of the Commissioners. I am unable to attend the next Commission meeting but would like to express support of the recent denial of this project by the Planning Commission.

**Is the agenda for this item for the October 10th or 24th?** There seems to be some confusion on when this issue will be discussed.

**Mark Dunn**

***"There is a major difference between intelligence and stupidity; intelligence has its limits."*** Einstein



September 26, 2024

Re: Proposed Residential Development (Guth Road, J M Turk Road, Stanley Road, Flowery Branch. Applicant: Steven P. Gillium.

Mr. Chairman and Commissioners:

Once again, in an ongoing saga, I am writing to express concerns of the proposed project (listed above) in the J M Turk Road Community. It is not in opposition of the property owners that are selling their properties, but instead towards the developer and continued attempts to get variances around the Master Plan's density requirements for our area.

JM Turk Road is a rural country road. It meanders through farm land and large acreage residential areas. The road is named after a family of long-time residency in South Hall. This pastoral path has narrow sharp curves and drop off embankments and is one reason semi-trucks are prohibited from using this road.

The proposed project, which was soundly denied by the Planning Commission last year **5-0**, and more recently **4-1**, does not meet the density standard as prescribed in the Hall County Master Plan. Most residents are opposed to any high-density development that would cause a change to what is a unique setting for South Hall, but also the impact it would have on traffic, school population, a Georgia Ag Business adjacent to the property in question and the impact on the Mulberry Creek and its feeding tributaries.

The developer would have you believe that the proposed project fits in with their concept that South Hall is a glorified extension of Greater Atlanta. However, the proposed plan is not in compliance of the Hall County density requirement as outlined in the Master Plan.

Our community consists of homes and neighborhoods that have met the Master Plan's specification for our area. The following survey list examples based on the average of **one home per acre(s)**:

- Grandview Estates: .81 to 1.00 acre
- Quailwood: .96
- Homes on J. M. Turk Road nearest the round-about: 2.00
- Homes near Stanley Road: 1.7

- Homes **presently** built on 10 acres at the big bend on J.M. Turk: 2
- Homes in Elah Valley: 3 – 15 acres
- Homes past Elah Valley on J.M. Turk Rd. to Cash Rd: 4-6 acres
- Homes on Turk Rd. (from J.M. Turk Rd. to Cash Rd.): 1-2 acres

***There are no homes or communities in this area that have two or more homes per acre.***

The developer has made no changes to existing plan despite meeting with area residences last December (and the last Planning Commission meeting), other than closing off Guth Road for emergency services and knocking off a few homes down from 314 to 250+. Possible adjustments by the applicant are still requiring 2 or more units per acre plus townhouses (which does not meet the Master Plan recommendations). This does not address the community's concerns about density and impact on the quality of life in the area.

Previously, the developer says it will be spending 6-9 million dollars on sewer lines from JM Turk Road to Union Church Road. Therefore, it needs changes to the Master Plan providing enough homes to justify the sewer work. This is backward thinking. They are trying to say because of the infrastructure, a large development is needed. In addition, building a sewer line and station on a dangerous, windy steep road with sharp embankments will have adverse effects to the residents and community. Not to mention the various creek crossings. The previous attorney for the developer has indicated they do not have an alternative plan or willing to reduce the size of homes on the acreage. When suggested by a member of the Planning Commission to consider ***one home on two acres***, which adheres to the view of most of our community, the applicant indicated that was not financially feasible. However, one wonders if Quailwood and Grandview could not be a model for them.

In addition, the continued development and unchecked population growth exposes our residents to the increase of flood hazards along the Mulberry Creek.

According to a 2016 US Geological Survey, any flood hazard maps that are based on stream flow data that is 10 years or older is not accurate. Our local government(s) need stream gage stations to provide updated records to help manage what infrastructure is needed to apply solutions to flooding and run-off.

In the past 2-3 years, the Mulberry Creek has flooded more than what was common in our community, Elah Valley (known by the locals as *The Bottoms*).

Now, whenever it rains, the creek comes within 3-4 feet of cresting its banks. The consistent damage to our roads and bridges has been expensive. The volume of water that continues to increase is the result of upstream uncontrolled growth.

In summary, residents are still strongly against the original proposal and changes that is being attempted once again. The major issue is the project does not muster and fit into the Master Plan density that is conducive for the J M Turk Community.

The impact of this size community on a small country road will impact all the property owners in this region. Most of the owners do not want it and I ask that this body accept the staff's **denial** for this project.

Sincerely,

Mark D. Dunn  
4781 J M Turk Road  
Flowery Branch, Georgia 30542  
404-408-2708

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Monday, September 30, 2024 8:29 AM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: Preservation of Constitutional Rights  
**Attachments:** Preservation of Constitutional Rights\_000114.pdf

Good morning, Jennifer.

Could you add this to the JM Turk file please?

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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**From:** Doug Horsley <doughorsley5123@gmail.com>  
**Sent:** Sunday, September 29, 2024 9:27 AM  
**Subject:** Preservation of Constitutional Rights

You don't often get email from [doughorsley5123@gmail.com](mailto:doughorsley5123@gmail.com). [Learn why this is important](#)

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

Please note the attached Preservation of Constitutional Rights in Connection with Rezoning of acreage on JM Turk, Stanley and Guth Roads. I am strongly opposed to the current plan being presented. With all of the zoning exceptions being requested and the dense housing proposed, the development will depreciate all of the real estate in the general area and add irresponsible traffic, runoff, and many other undesirable consequences.

Doug Horsley  
5123 Deer Creek Court

Flowery Branch, Ga  
678-618-6282

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION**  
**WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk**  
**Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III (AR-III) to**  
**Planned Residential Development (PRD) | on a 114.147± acre tract located on the east side of J M**  
**Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201,**  
**000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 |**  
**Proposed Use: 256-unit residential development | \*\* Commission District 1 | Steven P. Gilliam,**  
**applicant**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

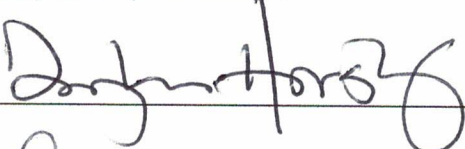
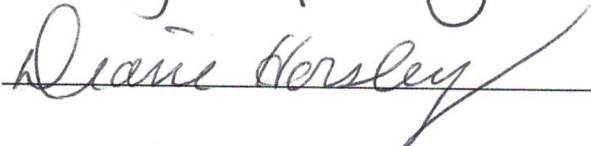
Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983 grants the Board of Commissioners the power to zone and rezone. That power must be fairly exercised. Based on this element of fairness, the Zoning Ordinance for Hall County, Georgia and violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,

  
\_\_\_\_\_  
  
\_\_\_\_\_

Address

5123 Deer Creek Ct  
Flowery Branch, GA  
30542

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Monday, October 7, 2024 8:02 AM  
**To:** Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Richard Higgins (County Commissioner)  
**Cc:** Zachary Propes (Administration); Casey Ramsey (Administration); Jennifer Rivera (Administration)  
**Subject:** FW: Opposition to High Density subdivision application off of J M Turk Rd

Good morning,

Please see comments below opposing the rezoning request for JM Turk Road.

Jennifer, would you please add these comments to the file?

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Shyam Vaidhyanathan <[shyam.vai@gmail.com](mailto:shyam.vai@gmail.com)>  
**Sent:** Sunday, October 6, 2024 12:04 AM  
**To:** Kathy Cooper (County Commissioner) <[kcooper@hallcounty.org](mailto:kcooper@hallcounty.org)>  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Subject:** Opposition to High Density subdivision application off of J M Turk Rd

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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.

Hello,

I have been a resident of Grandview Estates here on J M Turk Road since 2021.

I'm am against the high density subdivision application off of JM Turk Road.

Regards

Shyam

---

Shyam Vaidhyanathan

1-847-630-9985

---



## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Monday, October 7, 2024 10:29 AM  
**To:** turkfam1@bellsouth.net; Richard Higgins (County Commissioner); Kathy Cooper (County Commissioner); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission)  
**Cc:** Jennifer Rivera (Administration)  
**Subject:** RE: Proposed 256 Unit PRD on J M Turk Rd and Easement Issue

Good morning,

Thank you for your email. Your comments will be added to the file for this rezoning application.

Please let me know if you have any questions about the zoning process.

Thank you,  
Beth Garmon

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** turkfam1@bellsouth.net <turkfam1@bellsouth.net>  
**Sent:** Monday, October 7, 2024 10:18 AM  
**To:** Richard Higgins (County Commissioner) <rhhiggins@hallcounty.org>; Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>  
**Cc:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Jennifer Rivera (Administration) <jrivera@hallcounty.org>  
**Subject:** Proposed 256 Unit PRD on J M Turk Rd and Easement Issue

You don't often get email from [turfam1@bellsouth.net](mailto:turfam1@bellsouth.net). [Learn why this is important](#)

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 Commissioners,

I continue to oppose the applicant's rezoning request on J M Turk Rd, Flowery Branch, Ga, based upon the proposed density. The Planning Commission has rightly recommended denial of this application because it exceeds the Hall County Comprehensive Land Use recommendation for a maximum of 2 units per acre. I also note this communities' solid opposition to this plan because it is inconsistent with homes built on this road over the past 25 years.

The latest iteration of the applicant's plan also shows a construction egress/ingress across an easement which I own. The original use of this easement was for a single residence only. I will continue to honor the use of the easement for single residence use but not for construction use, forced sewer lines, etc.

I appreciate the work of the Commission and the time involved.

With best regards,  
Milton Turk  
4702 and 4726 J M Turk Rd  
Flowery Branch, Ga 30542  
770 375 6800

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Wednesday, October 9, 2024 9:16 AM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: Proposed 256 Unit PRD on J M Turk Rd and Easement Issue

Jennifer,

Would you please add this clarification to Mr. Turk's previous comments regarding the JM Turk Road rezoning application?

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** turkfam1@bellsouth.net <turkfam1@bellsouth.net>  
**Sent:** Wednesday, October 9, 2024 6:14 AM  
**To:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>  
**Subject:** RE: Proposed 256 Unit PRD on J M Turk Rd and Easement Issue

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Dear Beth,

I need to clarify my email to the County Commission and you on 10/07/2024, regarding the applicant's plan for a construction entrance. I am owner of the property which the applicant would have to cross. The property owner/potential developer are easement users. This is an unstipulated easement in use since 1964 for a single family residence.

Please include this clarification to the file for Commission review.

With kindest regards,  
Milton Turk

---

**From:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Sent:** Monday, October 7, 2024 10:29 AM  
**To:** [turkfam1@bellsouth.net](mailto:turkfam1@bellsouth.net); Richard Higgins (County Commissioner) <[rhiggins@hallcounty.org](mailto:rhiggins@hallcounty.org)>; Kathy Cooper (County Commissioner) <[kcooper@hallcounty.org](mailto:kcooper@hallcounty.org)>; Billy Powell (County Commission) <[bpowell@hallcounty.org](mailto:bpowell@hallcounty.org)>; Gregg Poole (County Commissioner) <[gpoole@hallcounty.org](mailto:gpoole@hallcounty.org)>; Jeff Stowe (County Commission) <[jstowe@hallcounty.org](mailto:jstowe@hallcounty.org)>  
**Cc:** Jennifer Rivera (Administration) <[jrivera@hallcounty.org](mailto:jrivera@hallcounty.org)>  
**Subject:** RE: Proposed 256 Unit PRD on J M Turk Rd and Easement Issue

Good morning,

Thank you for your email. Your comments will be added to the file for this rezoning application.

Please let me know if you have any questions about the zoning process.

Thank you,  
Beth Garmon

**Beth Garmon**  
Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** [turkfam1@bellsouth.net](mailto:turkfam1@bellsouth.net) <[turkfam1@bellsouth.net](mailto:turkfam1@bellsouth.net)>  
**Sent:** Monday, October 7, 2024 10:18 AM  
**To:** Richard Higgins (County Commissioner) <[rhiggins@hallcounty.org](mailto:rhiggins@hallcounty.org)>; Kathy Cooper (County Commissioner) <[kcooper@hallcounty.org](mailto:kcooper@hallcounty.org)>; Billy Powell (County Commission) <[bpowell@hallcounty.org](mailto:bpowell@hallcounty.org)>; Gregg Poole (County

Commissioner) <[gpoole@hallcounty.org](mailto:gpoole@hallcounty.org)>; Jeff Stowe (County Commission) <[jstowe@hallcounty.org](mailto:jstowe@hallcounty.org)>  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>; Jennifer Rivera (Administration) <[jrivera@hallcounty.org](mailto:jrivera@hallcounty.org)>  
**Subject:** Proposed 256 Unit PRD on J M Turk Rd and Easement Issue

You don't often get email from [turkfam1@bellsouth.net](mailto:turkfam1@bellsouth.net). [Learn why this is important](#)

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 Commissioners,

I continue to oppose the applicant's rezoning request on J M Turk Rd, Flowery Branch, Ga, based upon the proposed density. The Planning Commission has rightly recommended denial of this application because it exceeds the Hall County Comprehensive Land Use recommendation for a maximum of 2 units per acre. I also note this communities' solid opposition to this plan because it is inconsistent with homes built on this road over the past 25 years.

The latest iteration of the applicant's plan also shows a construction egress/ingress across an easement which I own. The original use of this easement was for a single residence only. I will continue to honor the use of the easement for single residence use but not for construction use, forced sewer lines, etc.

I appreciate the work of the Commission and the time involved.

With best regards,  
Milton Turk  
4702 and 4726 J M Turk Rd  
Flowery Branch, Ga 30542  
770 375 6800

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Monday, October 7, 2024 8:04 AM  
**To:** Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Richard Higgins (County Commissioner)  
**Cc:** Zachary Propes (Administration); Casey Ramsey (Administration); Jennifer Rivera (Administration)  
**Subject:** FW: JM Turk Road rezoning opposition  
**Attachments:** IMG\_5346\_Original.jpeg; IMG\_5285\_Original.jpeg; IMG\_5316\_Original.jpeg; IMG\_5329\_Original.jpeg; IMG\_5280\_Original.jpeg; IMG\_5295\_Original.jpeg; IMG\_5350\_Original.jpeg; IMG\_5288\_Original.jpeg; IMG\_5371\_Original.jpeg

Good morning, Commissioners.

Please see Ms. Boorman's comments below as well as the attached photos regarding her opposition to the rezoning request for JM Turk Road.

Jennifer, would you please add the comments to the file?

Thank you,  
Beth

### **Beth Garmon**

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Judy Boorman <judymobleypayne@gmail.com>  
**Sent:** Sunday, October 6, 2024 4:56 PM  
**To:** Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>  
**Cc:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>  
**Subject:** JM Turk Road rezoning opposition

Some people who received this message don't often get email from [judymobleypayne@gmail.com](mailto:judymobleypayne@gmail.com). [Learn why this is important](#)

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Attached are some pictures from JM Turk Road. Try to ignore the beauty of our Hall County area and focus on the perilous road. This is the way that residents drive to I-85, Hwy 211 or 347 and to the Northeast Georgia Hospital and surrounding medical offices. Notice the many limited-sight distances, vertically and horizontally, along this road. Furthermore, JM Turk Road is especially dangerous in dark and/or rainy conditions given the rural character of the area.

The proposed rezoning application would add hundreds more vehicles per day, further adding to the dangerous conditions of JM Turk Road.

In conclusion, the traffic safety of Hall County residents should be adequate cause for denying this application, and the fact that the proposed density is NOT in keeping with the current zoning restrictions and general rural nature of this area.

Thank you for your time,  
Judy Boorman  
Grandview Estates



SCHOOL BUS  
ENTERING  
ROADWAY





GEORGIA  
AGRITOURISM  
Mulberry Springs  
Vineyard &  
Winery  
↑





35  
MPH







AHEAD  
CURVE



10  
MPH







25







## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Monday, October 7, 2024 6:49 PM  
**To:** Jennifer Rivera (Administration)  
**Subject:** Fw: Opposition Letter regarding Proposed subdivision off of JM Turk/Stanley/Guth Road - Mulberry Springs Winery  
**Attachments:** MSW\_development\_opposition\_100724.pdf

Hi Jennifer.

Please see email below and attached comments regarding the rezone application for JM Turk Road. Please add these comments to the zoning file.

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Mark Faul <mark@mulberrysprings.com>  
**Sent:** Monday, October 7, 2024 4:36:57 PM  
**To:** Randi Doveton (CDI: Planning) <rdoveton@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Ellis Still (CDI: Planning) <estill@hallcounty.org>  
**Cc:** Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Richard Higgins (County Commissioner) <rhiggins@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>  
**Subject:** Opposition Letter regarding Proposed subdivision off of JM Turk/Stanley/Guth Road - Mulberry Springs Winery

Some people who received this message don't often get email from mark@mulberrysprings.com. [Learn why this is important](#)

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 Hall County Employees and Esteemed Commissioners.

Please accept my letter of Opposition to the Proposed subdivision (entrance Stanley Road, no known rezoning number).

Mulberry Springs Winery is a State of Georgia approved agricultural tourism farm. It is a beloved facility that adds charm to Hall County. The agricultural property (zoned AR-3) is being used exactly as the zoning suggests. The winery represents a significant investment to the community, pays large licensing fees, taxes and employs people. The proposed subdivision will significantly impair winery operations and may result in the closure of the winery due to the following:

- **Extreme Negative Impact to Winery Operations:** The proposed subdivision EMBEDS 4555 Stanley Road within the proposed Subdivision, which houses some of the operations for the winery. Tractors and Trucks will compete with the expected traffic of 2,800 cars produced by the high-density housing.
- **Views of Mulberry Springs are amazing – rezoning will destroy the views:** Few public places are as peaceful as the winery in South Hall County. The high-Density Housing will significantly hurt the views of the winery and will result in fewer customers.
- **The plan has excessive housing density, beyond allowable rules:** This high-density housing with 1/4 acre lots will be EMBEDDED and ADJACENT to a 20 acre farm. Excessive traffic within one entrance will conflict with winery operations. Further, noise issues from the public and/or the winery are expected because the high-density proposed subdivision is so near the winery.
- **Retention Ponds will create a breeding ground for mosquito:** The proposed high density is on property with significant topographic issues. Very little rainwater will be able to soak into the ground, meaning the detention ponds will always be full and serve as a nesting ground for mosquitos. This will hurt winery participation.
- **Property Value Destruction.** The proposed subdivision will significantly lower property values in the entire area due to an extreme imbalance in zoning and density and will significantly harm winery operations. It will also ruin a large financial investment in the winery.

I plead with you to deny this application for rezoning and the entire project. Please let me know if you have any questions.

*Mark Faul, PhD*

*Mulberry Springs Vineyard and Winery*

<https://www.mulberrysprings.com/>

[678-472-6327](tel:678-472-6327)



*Mulberry Spring Vineyard & Winery*  
4567 Stanley Road, Flowery Branch, Georgia 30542

5 October 2024

Hall County Planning and Development  
2875 Browns Bridge Road  
(attn: Randi Doveton, Director of Planning and Development)  
Gainesville, GA 30504

Dear Randi Doveton:

Mulberry Springs Vineyard and Winery, which is a Farm House winery. Farm wineries are allowed on AGRICULTURAL- RESIDENTIAL III (AR-3) zoning and are very popular with the public. Farm Wineries were also encouraged by the State of Georgia to promote Georgia Agriculture and employment. Hall County Commissioners granted approval of Mulberry Springs Vineyard and Winery on 5 May 2021. Mulberry Springs Vineyard and Winery and has a role in providing the following positive attributes to the Hall County Community:

- A google 4.9 star out of 5-star average review (image 1)
- Last Years we received 27,431 views on Google Maps.
- The Largest Vineyard in Hall County.
- Overwhelming support on Facebook with thousands of likes and/or and support from the Community.
- Active sponsor of local charity events.
- "Hidden gem" – description of many.
- Member of Georgia Agrotourism – supported by Road signs.
- Employs people and helps the economy.
- Provides a fantastic view for guests and helps create a positive image of Hall County.

Unfortunately, the proposed subdivision on Stanley Road in Flowery Branch GA will directly hurt all winery operations and may result in the closure of the winery. The proposed subdivision, is actually an urban island in a rural area, involving approximately 14 variances, which are exceptions to existing Hall County rules. This request is overly aggressive and will negatively impact the Mulberry Springs Vineyard and Winery in numerous ways. We encourage you to deny the rezoning request of PRD from AR-3 Stanley Road for the following reasons:

**Negative impact on Winery Operations at 4555 Stanley Road.** The proposal, if approved, an estimated 2,800 cars will be added to Stanley Road, where some winery operations occur (image 2) and agricultural equipment is stored (image 3) and an image of the massive vineyard (image 4). The winery uses an outbuilding on 4555 Stanley Road (image 5). This excessive proposed density using one road will severely damage the winery operations and alternatives for space will be dramatically more expensive. Any reconfiguration to allow winery truck and machine access will compete with subdivision traffic of about 2,800 car trips a day. This is a rural area – there is even a County Tractor Sign a few feet from Stanley Road (image 6). THERE WILL BE ANGRY RESIDENTS WHEN SLOWER TRUCK AND FARM EQUIPMENT COMPETES WITH ROAD SPACE. There should be 2 traffic functional entrances into the proposed subdivision, and those entrances should be about 1,800 feet apart, which is consistent with fire code regulations (Ga. Comp. R. & Regs. r. 120-3-3-.04 State Minimum Fire Safety Standards with



*Mulberry Spring Vineyard & Winery  
4567 Stanley Road, Flowery Branch, Georgia 30542*

Modifications Georgia Administrative Code Department, Appendix D 107.1 and Appendix D 107.2) (image 7). Vehicles from the winery will struggle to depart from 4555, by having extra turns and competing with 2,800 automobiles a day.

**Views of Mulberry Springs are amazing – rezoning will destroy the views.** People come to the winery to relax and get something they can't get at home, which is beautiful vistas and peacefulness. In an age of excessive warehouses, the winery location was specifically chosen for its views and the limited growth possibility on Stanley Road due to its odd triangular shape the likely impossibility of building houses on the Road, given typical Hall County setback rules. **However, the proposed plan will allow houses to be seen from the winery.** This will hurt the views of the largest Vineyard in Hall County and help destroy a valuable asset to the community. Further, the State of Georgia has declared Mulberry Springs Vineyard and Winery an official "Georgia Grown Agritourism site". This helps Georgia Tourism. This subdivision proposal is inconsistent the State of Georgia agritourism designation (image 8).

**The plan has excessive housing density, beyond allowable rules, which may result in noise complaints.** Part of the vineyard lies 350 feet from Stanley Road. The current plan is to move Stanley Road and have houses backup to 4567 Stanley Road, with limited setbacks. Thus, people may hear wine drinkers have conversations and wine drinkers may be bothered by dense subdivision noise. It goes both ways. **The excessive density and movement of Stanley Road puts winery operations at risk of receiving noise complaints and diminished winery patronage.** Please note the current AR-3 density is manageable and consistent with the entire rural area and is allowed by the State of Georgia. However, PDR zoning is incompatible with winery operations and is setting up the winery for noise complaints. The decision to allow anything other than AR-3 zoning will severely injure the winery sales.

**Retention Ponds will create a breeding ground for mosquitos.** Mulberry Springs winery built an underground water detention pond that costs about \$50,000. This was to avoid the mosquito problems in an area where there are outdoor activities. The proposed high-density subdivision has many detention above ground detention ponds. **These ponds will result in a breeding ground for disease (ie, West Nile virus, Zika...) and will likely severely hamper winery operations.** The academic literature on this is significant (image 9). If the proposed subdivision is approved, request the detention ponds be placed underground to protect the public and the winery.

**Property Value Destruction.** Mulberry Springs Winery is an approved agricultural tourism farm by the State of Georgia and is a beloved facility that adds charm to the residents of Hall County. The agricultural property (zoned AR-3) is being used exactly as the zoning suggests. The winery represents a significant investment to the community, pays large licensing fees, taxes and employs people. The proposed subdivision will significantly destroy property values in the entire area due to an extreme imbalance and a difficulty in conducting transactions.

**Please deny the zoning request.** Homes could be built on the existing AR-3 zoning. No one rejects development on the current zoning of AR-3. However, this plan is grossly overly aggressive and hurts the look and feel of this valued rural area. It will also severely injure the Winery Operations and activities. According to a study done by the University of Georgia, the number one reason people visit wineries to for the views and to connect with nature (Economic Contribution of Georgia Wineries and Vineyards, Prepared by: Kent Wolfe, Sharon P. Kane, and Karen Stubbs, University of Georgia, Center for



Mulberry Spring Vineyard & Winery  
4567 Stanley Road, Flowery Branch, Georgia 30542

Agribusiness and Economic Development, Center Report: CR-13-06, dated Sept 13<sup>th</sup> 2013 - <https://caed.uga.edu/content/dam/caes-subsite/caed/publications/center-reports/economic-contribution-wineries-georgia.pdf> ). Specifically, "scenery" is listed as the number 1 reason people go to wineries (table #1.6). Further, in 2013, it was documented that the impact of Georgia Wineries on the State economy was "sectors, along with visitor spending contributes up to \$81.6 million in output, 655.6 jobs throughout the state's economy, and \$4.1 million in state and local tax revenue". It is probably double that now due to the winery growth in the North Georgia Mountains and due to inflation within the last 10 years since the report was written. This very dense subdivision proposal will undoubtedly hurt the winery due to a loss of "scenery" and gross congestion on a small country road in Hall County. It will severely hamper winery operations and promote future noise complaints all for the purpose maximizing lots of land on a proposed future movement of Stanley Road. Many people like the winery location because it saves them from driving long distances to visit other wineries. This proposal is so aggressive and inappropriate for a rural area, I have been in communication with my State Representative's office.

For these reasons (harm to an established winery with good community support, hampered winery operations, destruction of valuable scenery, loss of rural area that helps people's well being, possible increase of noise complaints, possible economic loss to Hall County and an increase in mosquitos)) this rezoning request should be denied. Also, the proposal is inconsistent with the Hall County comprehensive Land Use Plan for this area and is counter to the quality of life for current and future homeowners and agri-businesses in the area, I urge the denial of the proposal of moving Stanley road and any rezoning change to an established rural area within Hall County. A non AR-3 zoning request would substantially hurt Mulberry Springs Vineyard and Winery. I can be reached at 678-472-6327.

Mark Faul, PhD

Mulberry Springs Vineyard & Winery

4 enclosures

Copy Furnished: Representative Derrick McCollum, 30th District 612-E Coverdell, Legislative Office Building, Gainesville, GA 30503



Mulberry Spring Vineyard & Winery  
4567 Stanley Road, Flowery Branch, Georgia 30542

Image 1

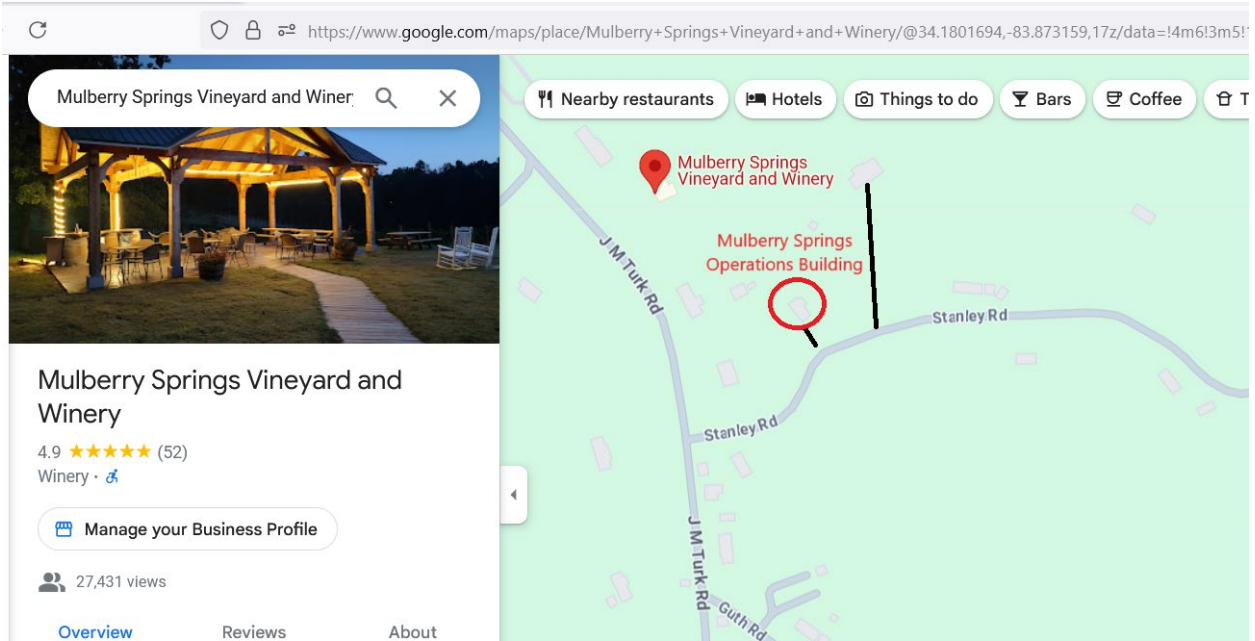


Image 2

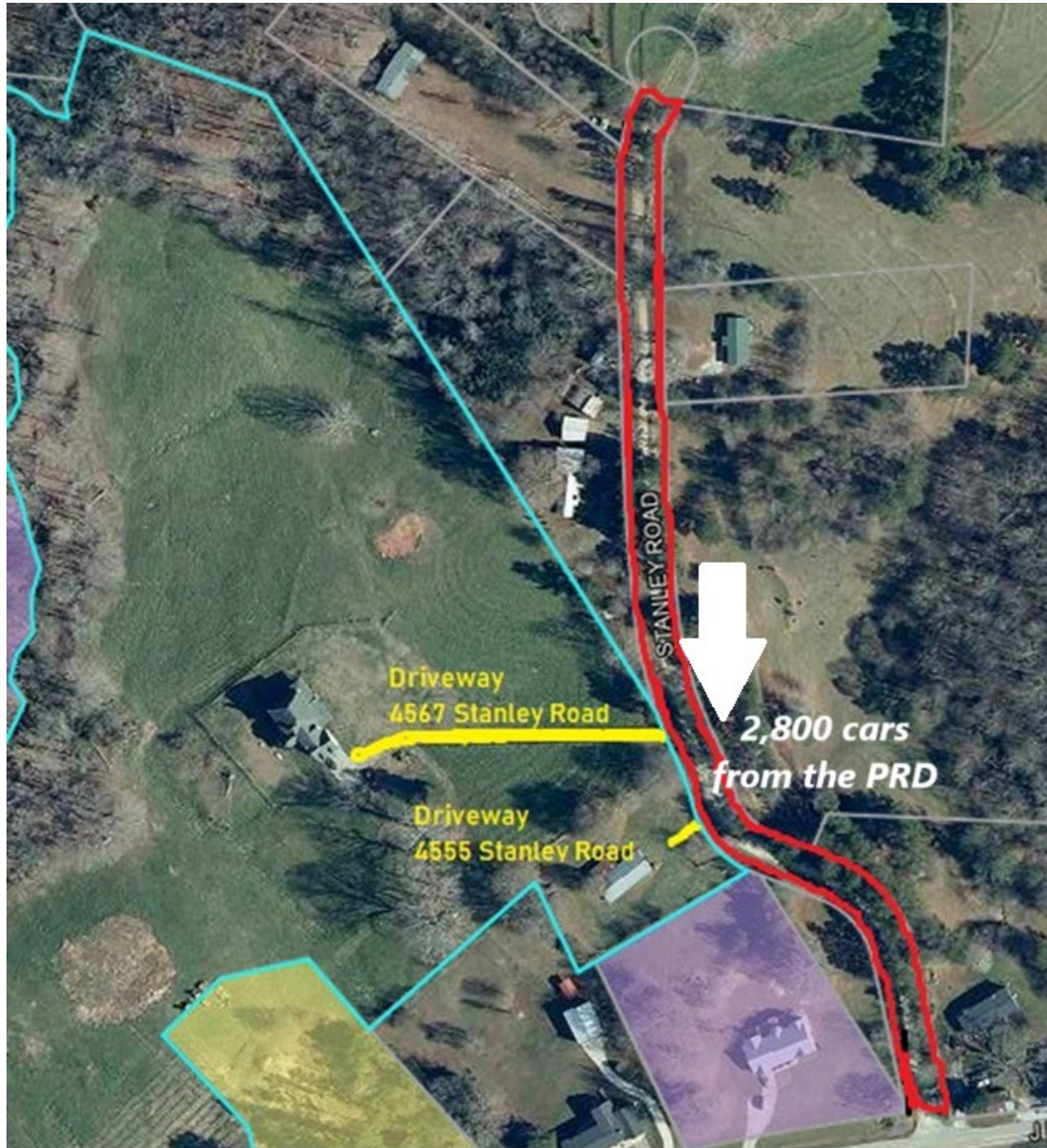


Image 3







*Mulberry Spring Vineyard & Winery*  
4567 Stanley Road, Flowery Branch, Georgia 30542

Image 4



Image 5



Image 6





Mulberry Spring Vineyard & Winery  
4567 Stanley Road, Flowery Branch, Georgia 30542

Image 7

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**Subject 120-3-3 RULES AND REGULATIONS FOR THE STATE MINIMUM FIRE SAFETY STANDARDS**

**Rule 120-3-3-.01 Promulgation and Purpose**

- (1) These rules and regulations of the Safety Fire Commissioner entitled, "Rules and Regulations for the State Minimum Fire Safety Standards" are promulgated to establish the State's minimum fire safety standards as specified in the Official Code of Georgia Annotated, (O.C.G.A.) Section [25-2-4](#).
- (2) A primary purpose of these rules and regulations is to establish the state minimum fire safety standards and requirements for the prevention of loss of life and property from fire, panic from fear of fire, explosions or related hazards in all buildings, structures and facilities with the exception of one- and two- family dwellings, one- and two-family row houses (townhouses) separated by a 2-hour fire wall and two- family townhouses separated by a 2-hour fire wall.

**Rule 120-3-3-.02 Application**

- (1)
  - (a) Pursuant to O.C.G.A. [25-2-4](#), rules and regulations adopted by the Safety Fire Commissioner shall have the force and effect of law and shall have statewide application as being the state minimum fire safety standards and shall not require adoption by a municipality or county. The governing authority of any municipality or county in this state is authorized to enforce the state minimum fire safety standards on all buildings and structures except one-family and two-family dwellings, one- and two-family row houses (townhouses) separated by a 2-hour fire wall and two-family townhouses separated by a 2-hour fire wall, and those buildings and structures listed in O.C.G.A. [25-2-13](#), except as may be required or permitted by O.C.G.A. [25-2-12](#) and [25-2-12.1](#).
  - (b) Pursuant to O.C.G.A. [25-2-13\(f\)](#), the municipal governing authority in any incorporated area or the county governing authority in any unincorporated area of the state shall have the authority to enact such ordinances as it deems necessary to perform fire safety inspections and related activities for those buildings and structures not covered by O.C.G.A. [25-2-13](#).
- (2) Whenever the provisions of this chapter of the Rules and Regulations of the Safety Fire Commissioner offer alternatives, as far as fire safety requirements are concerned, that were not permissible under previous editions of any Rules and Regulations of the Safety Fire Commissioner covering the same subject matter, the provisions of this chapter may be used by the authority having jurisdiction in determining whether a building is in compliance with the provisions of O.C.G.A. Title 25, Chapter 2, and the rules and regulations promulgated there under.

**Rule 120-3-3-.03 Definitions**

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510.2 In-building emergency responder communication enhancement systems shall comply with the design, installation, testing, inspection, and maintenance requirements in Chapter 18 of NFPA 1225 as adopted in the Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-3.

7. **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.

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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.

Image 8



Image 9



## **Mosquitoes Associated with Stormwater Detention/ Retention Areas <sup>1</sup>**

---

G. F. O'Meara<sup>2</sup>

### **Water Quality and Supply**

Florida's extensive drainage and flood control systems have eliminated many wetland areas that

under drought conditions. Often, during the rainy season the water levels in these ponds remain at or near the outflow structures. Under these conditions, storm water entering a detention area displaces an

Citation: O'Meara, G. F. (1997). *Mosquitoes associated with Stormwater Detention/retention areas*. University of Florida Cooperative Extension Service, Institute of Food and Agriculture Sciences, EDIS.

---

- Gingrich, Jack B., et al. "**Stormwater ponds, constructed wetlands, and other best management practices as potential breeding sites for West Nile virus vectors in Delaware during 2004.**" *Journal of the American Mosquito Control Association* 22.2 (2006): 282-291.

- Irwin, Patrick, et al. "**Urban wet environment as mosquito habitat in the upper midwest.**" *EcoHealth* 5 (2008): 49-57.

- Harbison, Justin E., et al. "**The need for collaboration among government agencies to reduce mosquito production in mandated stormwater treatment structures.**" *Journal of the American Mosquito Control Association* 26.2 (2010): 198-204.

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, October 8, 2024 11:08 AM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: Opposition Letter regarding Proposed subdivision off JM Turk/Stanley/Guth Road - Mark Faul  
**Attachments:** Opposition to the Stanley Road and Guth Road Properties\_100824.pdf

Jennifer,

Would you please add the email and attached comments to the JM Turk rezoning file?

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Mark Faul <[arrowquest@gmail.com](mailto:arrowquest@gmail.com)>  
**Sent:** Tuesday, October 8, 2024 10:43 AM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>; Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>; Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>; Kathy Cooper (County Commissioner) <[kcooper@hallcounty.org](mailto:kcooper@hallcounty.org)>; Richard Higgins (County Commissioner) <[rhiggins@hallcounty.org](mailto:rhiggins@hallcounty.org)>; Billy Powell (County Commission) <[bpowell@hallcounty.org](mailto:bpowell@hallcounty.org)>; Gregg Poole (County Commissioner) <[gpoole@hallcounty.org](mailto:gpoole@hallcounty.org)>; Jeff Stowe (County Commission) <[jstowe@hallcounty.org](mailto:jstowe@hallcounty.org)>  
**Subject:** Opposition Letter regarding Proposed subdivision off JM Turk/Stanley/Guth Road - Mark Faul

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Dear Hall County Employees and Esteemed Commissioners.

Please accept my letter of opposition to the Proposed subdivision (entrance Stanley Road) for the following reasons.

- **Extreme Negative Impact to quality of life:** The proposed subdivision EMBEDS two properties I own (4567 & 4555 Stanley Road) within the proposed high-density Subdivision. Residents living on Stanley Road will have to compete with 2,800 car trips to exit from their properties.
- **A County Commissioner is a Real Estate Agent on the proposed high-density subdivision:** The proposed property is in District 1 and the citizens are not going to get proper representation.
- **Water Detention Ponds will not likely work in the area due to the steep terrain.**
- **The proposed High-Density development is inconsistent with the rural area.**
- **Excessive request for variances and overall rezoning.**
- **Negative Impact of local Property Values**
- **Flawed Traffic Analysis:** It is outdated, includes only one day of data (taken during Covid) and does not consider developments already approved by Hall County in the near area (Alpaca farm - 148 Units and Union Grove Subdivision)
- **Violations of existing regulatory rules:** (Hall County Guidance on PRDs, comprehensive Development plan of Hall County, Fire Code Standards on entrances and ignores administrative procedures associated with the partial abandonment of Stanley Road).

Please let me know if you have any questions. **No one ever buys rural property, and expects to be EMBEDDED within a high-density subdivision.** I pray that you deny this rezoning request and any high density housing proposed in this area.

Mark Faul, PhD  
678-472-6327



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Mark Faul. PhD  
4567 Stanley Road, Flowery Branch, Georgia 30542

8 October 2024

Hall County Planning and Development  
2875 Browns Bridge Road  
(Attn: Randy Doveton, Kathy Cooper, County Commissioner, Richard Higgins, County Commissioner, Billy Powell, County Commission, Gregg Poole, County Commissioner, Jeff Stowe, County Commission)  
Gainesville, GA 30504

Dear Randi Doveton, and County Commissioners:

I have two properties on Stanley Road (4567 and 4555 Stanley Road) that are severely impacted by the re-proposed high-density development with one entrance on Stanley Road. This Planned Residential Development was proposed in during the late summer of 2023 and withdrawn during April of 2024, because of a lack of support from Hall County staff, the Planning Commission and presumedly the Board of Commissioners. This new proposal has not changed much and continues to receive denial recommendations from Hall County Staff, the Planning Commission and the public. This letter is to document some of my opposition to the Stanley Road and Guth Road Properties, which follows:

- 1) **This proposed development EMBEDS my properties within a high-density subdivision.** None of the maps provided by applicant shows this, nor is it discussed by the applicant. Please see Image 1 and 2, that shows how I will have to drive through a high-density subdivision with an expected traffic flow of 2,800 cars per day (per the traffic study dated May 23, 2023 revised January 24, 2024) There is only one planned entrance for traffic in this high-density subdivision. This is the definition of poor planning by the applicant. **Please note, no one buys 20 acres of agricultural land only to be EMBEDDED within, and ADJACENT to, a high-density subdivision, which is grossly inconsistent with the surrounding area.** Lots that are 1/8 of an acre and smaller will be next to an active working farm of 20 acres. Approval of this high-density subdivision violates the implied promise of adherence to normal growth consistent with the zoning in the area, development commensurate with the area, Hall County's comprehensive plan ([https://www.dca.ga.gov/sites/default/files/hall\\_co\\_compplan\\_2017.pdf](https://www.dca.ga.gov/sites/default/files/hall_co_compplan_2017.pdf)) and Hall County's written guidance on PRD (<https://www.hallcounty.org/DocumentCenter/View/3830/PZPublication>) and simple respect for existing neighbors and future residents of the area.
- 2) A County Commissioner in District 1, Kathy Cooper is listed is the real estate agent on this proposed PRD, which is in District 1. Please see her conflict on interest form as image 3. As

indicated in the document (image 3), Ms. Cooper helped create this proposed high-density subdivision and stands to directly benefit from the project. Meanwhile, there are strong and consistent community opposition to the proposed high-density project. These actions warrant the Board of Commissioners voting down the high-density subdivision. Please see “ABUSE OF OFFICE, CONFLICTS OF INTEREST, AND ETHICAL STANDARDS, 2022 Association County Commissioners of Georgia (ACCG)”, page 20 (<https://www.accg.org/docs/handbook/Abuse%20of%20Power.pdf> ) and the court case Montgomery v. Atlanta.

3) Water detention ponds – The ponds are not visually done properly and do not control flooding or mosquito populations in dense areas.

- Detention ponds are not flood control – they all have overflow systems to allow excess water to be discharged into streams and wet land areas. Elah Valley has experienced extreme flooding from the recent development. The additional impervious space, which includes the footprint of a house, all the sidewalks and the roads, in the proposed development is extreme. The manmade ponds could not be designed properly on absorb all of the water runoff created by this project.
- The Topography on Stanley Road is very steep – water will not soak into the ground, but rather head directly into the detention pond systems and the overflow mechanisms resulting in flooding.
- There has been 5 feet of erosion on one of my properties (4567 Stanley Road - 17 acres) since the Grandview development. A small creek on my property forms when it rains heavy.
- Elah valley reports increased flooding after every major development.
- Approximately 20% of the development includes impervious land such as sidewalks and roads. Once calculated properly, the re-proposed subdivision does not meet the proper required green space percentages.
- Ponds will be a major source of mosquitoes to residents in the area. If approved please require the developer to have underground detention ponds to control for mosquitoes. This would minimize the direct impact on the nearby winery and the people living in the area.

4) Rural area zoned agricultural III. Regular houses can go in on this current zoning consistent with AR-III zoning. People are not opposed to that. There are many farms in the area, and thus, the State of Georgia placed a Cautionary Tractor sign on JM Turk Road, about 60 feet from the proposed development (Image 4).

- Tractor traffic in the area – at least 4 people have tractors within a ½ mile area.
- Winery operations at 4555 Stanley Road will be hampered due to 2,800 car trips a day on Stanley Road

- Largest vineyard in Hall County just 350 feet from Stanley Road.
- Doesn't fit the area at all and is dangerous to truck and tractor access using Stanley Road.

5) Approximately seven – fourteen variances requested is excessive. - Why have rules if Hall County is going to grant approximately 7-14 exemptions to the rules (documented by Hall County staff). Such a submission makes a mockery of established review systems. If Hall County approves this extreme proposal, what wouldn't they approve?

7) Negative Impact on property values:

- One version of this proposal results in diminished property value loss to the residents on 4621 Stanley Road, which will have 24 homes on 1/8 acre lots around his 11 acres. This is extreme.
- The residents of 4567 Stanley Road) will be looking at the back side of 5 houses from his front porch.
- There is no 50 foot buffer from the subdivision from Lots 2 and 3 for the residents of 4567 Stanley Road. While there is a modified Stanley Road Street there, there is no 50 foot buffer and the residents of 4567 and 4555 Stanley Road will be shining his car lights into the back windows of homes are night. This will disturb potential neighbors and be a source of many problems for everyone.
- Many adjacent home owners will have high-density housing around them and it will harm existing values.
- The modified Stanley Road in this proposal will cause residents of 4567 and 4555 Stanley Road to have to make an additional turn to get out of the subdivision. This will cause a decrease in property value. This proposal EMBEDS my properties within a high-density Subdivision. How can it not damage property values?
- According to the traffic analysis by conducted by SEI Engineering, Inc and Acampora Traffic LLC on May 23, 2023, and revised January 24, 2024 there will 2,800 car trips produced by the re-proposed high density subdivision. ALL OF THIS TRAFFIC WILL BE IN FRONT OF MY TWO PROPERTIES. I will have a difficult time getting out of my driveway, and my property values will be substantially decreased. If approved, please have another exit out of this highly dense subdivision. *I did not buy a rural property with substantial acreage to have major problems (2,800 car trips a day) with getting out of my personal dwellings.* This re-proposed subdivision does not fit the area.

7) Flawed Traffic Analysis – During the last submission, one of the Planning Commissioners asked for a more accurate traffic analysis during the Fall of 2023. Yet, no new data was collected or analyzed. According to the traffic analysis conducted by SEI Engineering, Inc and Acampora

Traffic LLC on May 23, 2023, and revised January 24, 2024 there will 2800 car trips produced by the re-proposed high density subdivision. There are many problems with this analysis:

1) The traffic data collected was on one day only: 23 May of 2023. The data is outdated and likely an underestimate of traffic flow patterns.

2) One day of traffic is not representative of the true situation. More data points in time are needed, particularly since the data collection was done during COVID times, when some people were encouraged to work from home.

3) The data does not include future approved developments such as the housing development replacing the old Alpaca Farm (148-units) a few miles from this proposed development or the Union Grove Subdivision in South Hall County and other developments currently being constructed. These housing developments will put strain on the roads and were not included in the analysis.

8) Violation of regulatory rules. The re-proposed subdivision is in conflict with established regulatory rules, which follows:

**A) The plan is inconsistent with Hall County Guidance (Planning & Zoning Rezoning Variances Special Uses** <https://www.hallcounty.org/DocumentCenter/View/93/Guide-to-Planning-and-Zoning>, which states:

- Page 10: “Planned Residential Development (PRD) A Planned Residential Development may allow for a more flexible placement, arrangement and orientation of residential structures, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types (single-family, two-family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development should make maximum use of natural features and, through proper site planning measures, it should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts, which might result from a higher density development.” Image 5.

This re-proposed subdivision has lot sizes of 5,000 sq feet, or 1/8<sup>th</sup> of an acre. Meanwhile consists of multi-acre tracks. The proposal is not consistent with the existing character of an established winery and large acreage tracks. Further, the proposal does not protect existing residential uses from adverse impacts, such as changing the configuration of Stanley Road and the excessive traffic of 2,800 cars per day. Approval of this rezoning request would clearly violate Hall County’s written policy.

**B) The proposed development is not consistent with existing growth plans for Hall County.** Please see the Opinion of Hall County Planning Staff.

Mark Faul, PhD  
4567 Stanley Road, Flowery Branch, Georgia 30542

**C) Second entrance needed and distances re-proposed is not complaint with current fire standards** – Ga. Comp. R. & Regs. r. 120-3-3-.04 State Minimum Fire Safety Standards with Modifications Georgia Administrative Code Department

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.

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 (See Image 6).

Point one – Common Sense suggests that a subdivision of 120 homes needs two entrances for general safety and to reduce congestion. This re-proposed second entrance that is for emergency vehicles only is only useful during an emergency.

Point two - The overall diagonal dimension is about 3,675 and ½ that distance is about 1,838 feet. Thus, the entrances need to be at least 1,838 feet from one another (enclosure 1). None of the plans adequately address this safety and regulatory mandate.

**D) The partial Abandonment of Stanley Road requires a separate process not conducted.** After talking with Hall County traffic expert, Mr. Scott Puckett, he said any movement of the Stanley Road would invoke a regulatory procedure (12.20.050. - Procedure for road abandonment). The re-proposed design of the road creates an additional turn for residents of 4567 and 4555 Stanley Road to simply exit the properties and exposes me to the full traffic load of the entire subdivision (2,800 cars), plus traffic from another street.

Thank you for considering my comments and concerns. The developer's re-request is very aggressive and inappropriate for the area. The planned 10 October meeting represents the 12<sup>th</sup> meeting on this proposed high-density subdivision. It has negatively impacted the morale of nearly everyone in the area. No one in the area wants this re-proposed development. It simply doesn't fit the area and will cause harm to local folks and a local business. If approved, I will oppose this rezoning action legally in the most vigorous way possible. I can be reached at 678-472-6327 if you have any questions.

Sincerely:



Mark Faul, PhD

6 enclosures

Image 1

ts/Stanley\_Road\_Development/Guth Rd J M Turk Rd Stanley Rd - Final\_082624-map.pdf

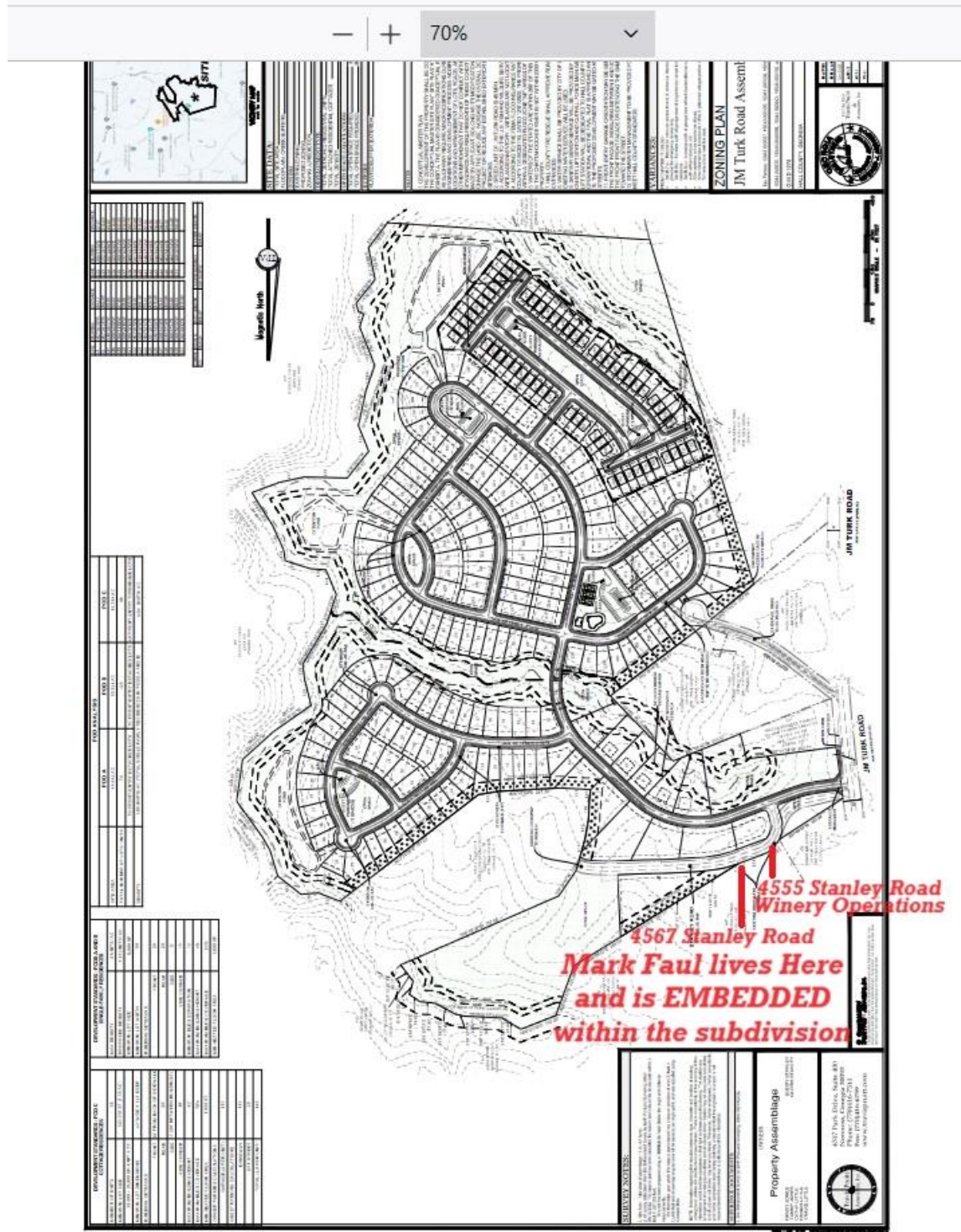


Image 2

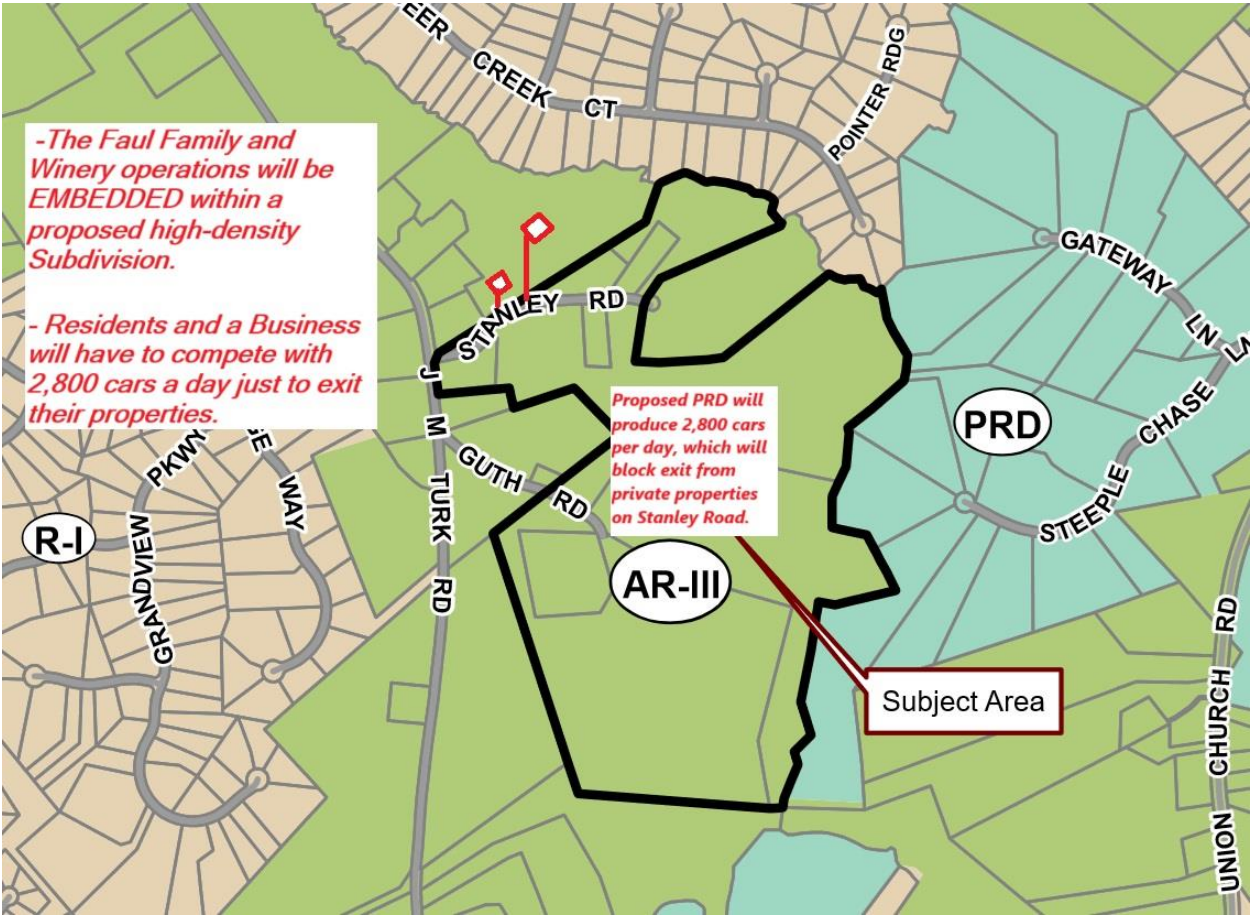


Image 3



Conflict of Interest Disclosure

I, Hashy Cooper am a member of the Hall County Board of Commissioners.

The Hall County Board of Commissioners will consider the following issue:

removing 4611, 4621, 4561, 4613 JMTurk Bl  
4590 4601 4610 Stanley Road

I have a conflict of interest in that I am a agent in the  
transaction

and hereby notify the Board of such conflict, and recuse myself from the consideration and discussion of the above mentioned issue and request that this disclosure be made part of the records of the Hall County Board of Commissioners.

Printed Name: Hashy Cooper

Signature: [Handwritten Signature]

Date: 4-22-24





Image 4



Image 5

Source: <https://www.hallcounty.org/DocumentCenter/View/3830/PZPublication>



## **PLANNED DEVELOPMENT DISTRICTS**

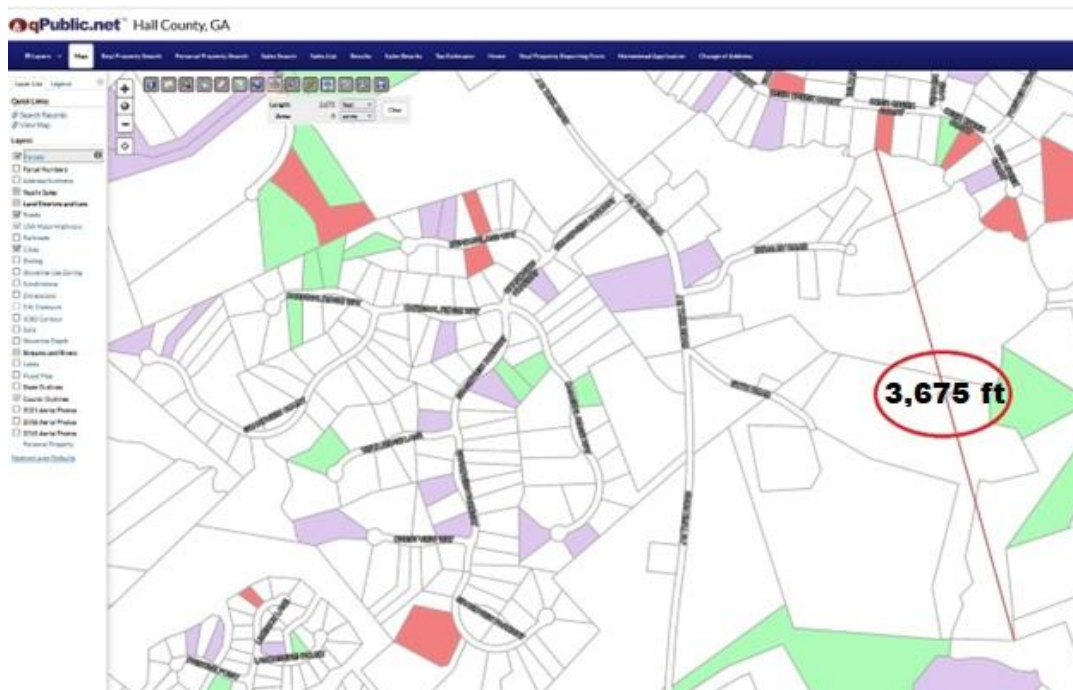
### **Planned Residential Development (PRD)**

A Planned Residential Development may allow for a more flexible placement, arrangement and orientation of residential structures, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types (single-family, two-family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development should make maximum use of natural features and, through proper site planning measures, it should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts, which might result from a higher density development.

Image 6

Source: Ga. Comp. R. & Regs. r. 120-3-3-.04 State Minimum Fire Safety Standards with Modifications Georgia Administrative Code Department, Appendix D 107.1 and Appendix D 107.2:

The overall diagonal dimension is about 3,675 and ½ that distance is about 1,838 feet. Thus, the entrances need to be at least 1,838 feet from one another. The rep-proposed entrances are about 300 feet from one another. Thus, the emergency entrance does not meet fire regulations. **It is dangerous to approve re-proposed rezoning request without a proper distance appropriate secondary entrance.**



## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, October 8, 2024 11:09 AM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: Opposition Email Regarding Proposed Development Off Of J M Turk Road  
**Attachments:** Guth-Stanley Road Development BOC.docx

Jennifer,

Would you please add the email below and attached comments to the file for the JM Turk rezoning request?

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Tommy Channell <tommy.channell@outlook.com>  
**Sent:** Tuesday, October 8, 2024 10:26 AM  
**To:** Randi Doveton (CDI: Planning) <rdoveton@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Ellis Still (CDI: Planning) <estill@hallcounty.org>  
**Cc:** Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Richard Higgins (County Commissioner) <rhiggins@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>  
**Subject:** Opposition Email Regarding Proposed Development Off Of J M Turk Road

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Dear Hall County Employees and Esteemed Commissioners.

Please accept my email of Opposition to the Proposed subdivision off of J M Turk Road. I want to propose to you a few points of opposition to this development:

- The development will produce rainwater waste from the neighborhood yards and roads that will pour directly into the Mulberry River. With recent commercial development such as the community center and Ingles shopping center, the river easily floods when there is decent rainfall. With the completion of Quailwood and Grandview we saw this beginning. This has led to costly repairs of the roads and bridges in the Elah Valley development that the homeowners within Elah Valley are responsible for. More rainwater will easily exacerbate this problem. The current master site plan shows approximately 36 lots with space inside of the 75ft impervious setback off the Mulberry River and some of those have areas inside the 50' undisturbed buffer off the Mulberry. This is a major environmental concern.
- 
- The developer is claiming a housing density of 2.24 units/acre; however, when the required setback/buffers and required stormwater ponds are taken out of the calculation, it gives a real density of approximately 3.6 units per usable acre. The PRD code states a density no greater than 2. Changes to the development plan should be made to bring the housing development more in line with the code.
- 
- I have serious concerns about the septic system. A pumping station at the intersection of J M Turk and Cash Road has been discussed. The only open area is in a flood plain. A pumping station in a flood plain sounds like an environmental disaster waiting to happen. There is a pumping station in the development which is close to Mulberry River. Which I feel is risky. How is the sewage going to get from the development to the Cash Road pumping station? Is the plan to run sewage lines through private property? Will the developer compensate the property owners or will the government use eminent domain and take possession of the property that is needed? Every home between the development and Cash Road is on a well. Will the developer guarantee everyone homeowner their well will be kept protected from sewage contamination? This has never been explained to the local private land owners. I have brought this question up many times at the meeting at it never gets answered.
- 
- I am not anti-development but this development does not fit the area. Many new homes have been built off of J M Turk which are large estate beautiful homes. A development such as Quailwood or Grandview should be proposed. Other developments of similar plans, starter homes and townhomes, are already being constructed on Union Church Road (3), Spouts Springs (4), and Highway 211 (1). We don't need another starter home development in the Cherokee Bluff / Flowery Branch school district. A starter home subdivision will not add to the ambience on J M Turk Road and should not share the same location as multi-million dollar estate homes. I am concerned about property values along J M Turk Road being negatively impacted.

I have attached a Word document detailing my other concerns on this proposal.

I beg you to deny this application for the project or at best table the application so that the developer can redo their plans and have the local property owner's questions answered. If you have any questions, please feel free to contact me.

Regards,

Tommy Channell

Good afternoon and thank you for allowing me to speak tonight. I formally stand opposed to the J M Turk Road development for the following reasons:

- 1) The development will produce rainwater waste from the neighborhood yards and roads that will pour directly into the Mulberry River. With recent commercial development such as the community center and Ingles shopping center, the river easily floods when there is decent rainfall. With the completion of Quailwood and Grandview we saw this beginning. This has led to costly repairs of the roads and bridges in the Elah Valley development. More rainwater will easily exacerbate this problem.
- 2) The Planned Residential Development code calls out for a garage door that's no more than 40% of the overall front facade of a detached home and 50% of a townhome. This development is requesting 55% for both. Furthermore, the developer is claiming a housing density of 2.24 units/acre; however, when the required setback/buffers and required stormwater ponds are taken out of the calculation, it gives a real density of approximately 3.6 units per usable acre. The comprehensive plan states a density of 2.
- 3) The current master site plan shows approximately 36 lots with space inside of the 75ft impervious setback off the Mulberry Creek and some of those have areas inside the 50' undisturbed buffer off the Mulberry. This ties back to my first point.
- 4) How is the septic system going to be handled? A pumping station at the intersection of J M Turk and Cash Road has been discussed. The only open area is in a flood plain. A pumping station in a flood plain sounds like an environmental disaster waiting to happen. How is the sewage going to get from the development to the pumping station? Going to run sewage lines through private property? Will the developer compensate the property owners or will the government use eminent domain and take possession of the property that is needed? Every home between the development and Cash Road is on a well. Will the developer guarantee everyone homeowner their well will be kept protected

from sewage contamination? This has never been explained to the local private land owners.

- 5) This development does not fit the area. Many new homes have been built off of J M Turk which are large estate beautiful homes. A development such as Quailwood or Grandview should be proposed. Other developments of similar plans, starter homes and townhomes, are already being constructed on Union Church Road (3), Spouts Springs (4), and Highway 211 (1). We don't need another starter home development in the Cherokee Bluff / Flowery Branch school district. A starter home subdivision should not share the same location as multi-million estate homes.
- 6) The developers have requested 40' tall townhomes? The last townhome request (oddly enough, also with Steve Gilliam) was for 35' tall structures. Now we add another 5 feet in height to those? Really?? That is taller than many trees in the area.
- 7) Another variance is the developer wants a 22ft front yard set back. The PRD clearly calls for a minimum front yard setback of 25ft.
- 8) With the numerous new developments in the area (8 mentioned above and more in consideration), can Cherokee Bluffs / Flowery Branch truly handle the additional students? The South Hall school system is not capable of handling the influx of people coming in.

I want to encourage the planning commission to deny this development request. Thank you for your time and consideration.



## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, October 8, 2024 1:01 PM  
**To:** Erik Conley; Randi Doveton (CDI: Planning); Katie L. Greenway (CDI: Planning)  
**Cc:** Kathy Cooper (County Commissioner); Richard Higgins (County Commissioner); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Jennifer Rivera (Administration)  
**Subject:** RE: Opposition Letter regarding Proposed subdivision off of JM Turk/Stanley/Guth Road  
**Attachments:** oposition to neighborhood.docx

Good afternoon,

Thank you for your email. Your comments will be added to the file for this rezoning request, as well as provided to the other members of the county commission.

Please let me know if you have any other questions about the zoning process.

Thank you,  
Beth Garmon

**Beth Garmon**

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Erik Conley <econley007@gmail.com>  
**Sent:** Monday, October 7, 2024 5:17 PM  
**To:** Randi Doveton (CDI: Planning) <rdoveton@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Ellis Still (CDI: Planning) <estill@hallcounty.org>  
**Cc:** Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Richard Higgins (County Commissioner) <rhiggins@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>  
**Subject:** Opposition Letter regarding Proposed subdivision off of JM Turk/Stanley/Guth Road

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Please accept my strong opposition to the proposed subdivision off of J M Turk/ Stanley/Guth Road.

Erik Conley

I have property on Stanley Road (4621 Stanley Road) that is negatively impacted by the re-proposed development (Stanley & Guth Road). This letter is to document some of my opposition to the Stanley Road and Guth Road Properties, which follows:

- Excessive request for variances, along with a rezoning request.
- Negative impacts on surrounding and nearby properties in terms of lifestyle and property values.
- A flawed and outdated traffic analysis.
- Violations of important regulatory rules and ordinances (i.e., inconsistency with the area and the Hall County Development plans and written Hall County Guidance, the critical need for a usable secondary entrance to avoid 3,000 daily car trips in front of my properties on Stanley Road, failure to follow the regulatory rules for the regarding fire access distances from multiple entrances, abandonment of part of Stanley Road).
- Inconsistency with large agricultural operations in the immediate area.
- Inability of traditional retention ponds to manage the excessive runoff of water produced by the non-compliant proposed subdivision. Currently, there is a lot of erosion and flooding in the area.

Zoning guidelines are in place to protect property owners from this exact situation. They have asked for multiple exceptions, and some are just not safe for the public. Exceptions are for circumstances where there is a little consideration needed and is accepted by everyone that it effects. This is not the case.

When my neighbors and my family purchased our property, it was because we had some space away from the rest of the world. Twelve acres is not that much in the grand scheme of things, but it was our sanctuary. Now they are proposing about twenty-five homes surrounding half of my property. These homes will be on one-eighth-acre sites, which is not characteristic for the area at all.

The traffic that this will bring will overload J M Turk Rd, and the surrounding roads. The traffic analysis that was done was for one day, during Covid times. There were so few people active at this time that is not even close to being accurate. The road is considered a rural road and was not designed for this type of traffic.

The plan only has one entrance and exit, which is a clear violation of code. It is clear that a neighborhood of this size is required to have at least two entry/exits. It would be disastrous if an emergency took place with that many people trying to exit.

The area is home to Hall county's largest vineyard. There are multiple large tracks zoned for agriculture in the area as well. Several of my neighbors have tractors including myself which utilize the immediate roads.

The retention ponds planned will bring unwanted bugs to the area. This could be devastating to the local winery and its business. Not to mention the runoff will overwhelm the local streams causing flooding downstream. Erosion has already been a problem in the area due to the previous growth in the area.

This proposal has been voted against once, please vote it down again. We have no local representation with the commissioners due to a conflict of interest with Ms. Cooper's seat and her being the realtor on the transaction. Please help keep Hall County rural, the way it was intended to be.

Regards,

Erik Conley

4621 Stanley Rd

678-898-1365

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, October 8, 2024 1:00 PM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: JM Turk/Guth/Stanley Rd Rezoning

Jennifer,

Please add the email below to the JM Turk rezoning file.

Thank you,  
Beth

**Beth Garmon**

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Joy Ross <[joyross1@gmail.com](mailto:joyross1@gmail.com)>  
**Sent:** Monday, October 7, 2024 8:55 PM  
**To:** Kathy Cooper (County Commissioner) <[kcooper@hallcounty.org](mailto:kcooper@hallcounty.org)>  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Subject:** JM Turk/Guth/Stanley Rd Rezoning

Some people who received this message don't often get email from [joyross1@gmail.com](mailto:joyross1@gmail.com). [Learn why this is important](#)

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.

Hello Ms. Cooper & Ms. Garmon,  
My husband and I live off of Martin Rd. in Martins Crossing West. We are reaching out in regards to the potential rezoning in our area that would allow a high density housing development. This development would increase traffic exponentially on Martin Rd. As it is now Martin has a high volume of traffic which makes coming and going for residents extremely difficult and dangerous. The road doesn't handle the amount of traffic

it has now very well and if this rezoning takes place and high volume developments are allowed the traffic issues residents experience daily will only become even more unmanageable. If there is a car breakdown on Martin, drivers have no where to move their vehicles to except the narrow road shoulder found in only a few places and traffic backs up quickly. At that point cars begin to go around the stalled car. Due to width of the road, lack of shoulder space, volume of traffic, and speed at which people drive on Martin, I have personally witnessed near misses that could have been fatal. Martin is a cut through between Winder Hwy and Atlanta Hwy. Cars speed through as if it were a race track. The stop signs are ran regularly. Flowery Branch PD sits at the 4 way at our subdivision and Martin Trail on a regular basis. We hear their sirens constantly stopping those who run through the 4 way stop. Additional housing developments would only overwhelm an already overwhelmed residential area with additional traffic volume, additional noise pollution, add more wear and tear to a subpar road, create an even more dangerous environment for residents trying to get in and out of their driveways and established neighborhoods.

We request that rezoning be denied. Martin Road is overtaxed and dangerous. We ask that you consider the safety and well-being of the families that live on Martin Road as well as the negative impact on the environment additional housing would cause.

Thank you for your time,

Joy & Ted Ross

4678 Martins Crossing West Drive

Flowery Branch

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, October 8, 2024 1:15 PM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: REZONING: 1. 0, 4611,4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road - Opposition

Jennifer,

Will you add these comments to the JM Turk file please?

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Mike <mike@morton101.com>  
**Sent:** Tuesday, October 8, 2024 12:56 PM  
**To:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>  
**Subject:** REZONING: 1. 0, 4611,4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road - Opposition

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Hey Beth,

My wife and I moved to Flowery Branch to get away from the planning and development corruption that is decimating the quiet family life of Suwanee. We left our Suwanee home of 23 years in search of our retirement property to enjoy peace and privacy for our family. We purchased 34 acres of Agriculturally zoned land off Union Church Rd in Hall County. We built a home with the intention of building two more for family. This was an easy

choice for the convenience to the Flowery Branch area, Lake Lanier etc. We are surrounded by other private properties except for one section that backs up to JM Turk Rd.

We are opposed to the high-density subdivision that is proposed for the acreage that now holds the wedding venue. We stand with surrounding neighbors that want to keep the quiet country and private lifestyle they moved here for. The development was unanimously voted down by the Planning Committee and staff the first time several months ago and then voted down again this time around yet the fight to deny this development continues and is in your hands. There were many speakers at the last meeting that made it clear a development of this size would be damaging to the area for several reasons. There were zero in favor besides the developer's representative.

We truly hope you will deny this rezoning as recommended by the Planning Board and help our community prosper and grow in a way that is beneficial for all that live here.

Thank you for your attention to this matter and for all you do to serve the best interests of Hall county.

Mike Morton  
6057 Daffodil Dr.  
Flowery Branch, GA



## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, October 8, 2024 4:45 PM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: Memorandum in opposition to reasoning request HZON24-0020, Request for approval of a PRD on GUTH and JM Turk Roads.

Jennifer,

Would you please add the email below to the public comments for the JM Turk rezoning application?

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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**From:** Dale & Anna <[gacpl30542@yahoo.com](mailto:gacpl30542@yahoo.com)>  
**Sent:** Tuesday, October 8, 2024 2:31 PM  
**To:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Cc:** [jlywj@yahoo.com](mailto:jlywj@yahoo.com); [bdoucher@att.net](mailto:bdoucher@att.net); [bret.cesak@workoutanytime.com](mailto:bret.cesak@workoutanytime.com); [brett@brettandjan.com](mailto:brett@brettandjan.com); [carolebranum@att.net](mailto:carolebranum@att.net); [kandi205@gmail.com](mailto:kandi205@gmail.com); [demorest53@gmail.com](mailto:demorest53@gmail.com); [edoucher@bellsouth.net](mailto:edoucher@bellsouth.net); [greg52282@gmail.com](mailto:greg52282@gmail.com); [jbryan2890@aol.com](mailto:jbryan2890@aol.com); [jgraff@aelevator.com](mailto:jgraff@aelevator.com); [keverett522@gmail.com](mailto:keverett522@gmail.com); [miller1303@bellsouth.net](mailto:miller1303@bellsouth.net); [mdunn\\_athiker74@yahoo.com](mailto:mdunn_athiker74@yahoo.com); [nwinslow@midohio.twcbc.com](mailto:nwinslow@midohio.twcbc.com); [nkw-woodward@hotmail.com](mailto:nkw-woodward@hotmail.com); [millerloghome@bellsouth.net](mailto:millerloghome@bellsouth.net); [susan.miller@hallco.org](mailto:susan.miller@hallco.org); [chanel4kiddos@yahoo.com](mailto:chanel4kiddos@yahoo.com); [foothills305@comcast.net](mailto:foothills305@comcast.net)  
**Subject:** Memorandum in opposition to reasoning request HZON24-0020, Request for approval of a PRD on GUTH and JM Turk Roads.

You don't often get email from [gacpl30542@yahoo.com](mailto:gacpl30542@yahoo.com). [Learn why this is important](#)

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While I realize this is a political issue at this point, I would request the Commission to keep in mind that the application fails to even attempt to show that the proposed Planned Development District is ".. in the best interest of Hall County in terms of its long range development plans; 17.180.010 (b).

Just the opposite.

The Proposed Development does not even meet the minimum requirements for a Planned Residential District.

The lawyer resenting the developer in the previous application stated that the benefit to Hall County would be "additional housing". Housing which, like the current proposal, did not meet the minimum standards of the Long-Range Development Plan or even a PRD. I am confident the answer applies to this application.

Thus approval would require the Commission to hold that it is in the best interest of the Hall County to abandon the provisions of the Development Plan setting minimum standards for housing. Once the president is set, any attempt to uphold the plan in regard to future development would be subject to a legal challenge as being Arbitrary and Capricious.

Respectfully

Respectfully,  
Dale L. Casto  
Ga. State Bar No. 116115

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Wednesday, October 9, 2024 9:14 AM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: Opposition to PRD subdivision located near Stanley/Guth Road - Rachael Faul  
**Attachments:** rf\_subdivision\_opposition\_100424.pdf

Good morning, Jennifer.

Would you please add these comments to the JM Turk file?

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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**From:** Mark Faul <arrowquest@gmail.com>  
**Sent:** Tuesday, October 8, 2024 7:50 PM  
**To:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>  
**Subject:** Opposition to PRD subdivision located near Stanley/Guth Road - Rachael Faul

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Can you please provide this to the board members for consideration? My daughter lives on Stanley Road.

Thank you:  
Mark Faul  
678-472-6327



Virus-free [www.avg.com](http://www.avg.com)

Rachael Faul  
4567 Stanley Rd.  
Flowery Branch, GA 30542  
fachaelraul@gmail.com

4 October 2024

Hall County Planning and Development  
2875 Browns Bridge Road  
(attn: Randi Doveton, Director of Planning and Development)  
Gainesville, GA 30504

Dear Members of the Hall County Commission,

I am writing to express my strong opposition to the proposed housing development located primarily on Stanley and JM Turk Road in Flowery Branch. While I appreciate the need for new housing commensurate with the area (AR III zoning), I believe that this particular project would have detrimental effects on our community.

The proposed housing density is extreme (1/4 acre lots and smaller) in a predominately agricultural area. The infrastructure in our area as it exists today is not equipped to handle the increased population that this development would bring. Our roads are currently congested, and adding more homes would exacerbate these issues, leading to safety concerns for pedestrians and drivers alike. Moreover, local schools and public services may struggle to accommodate the influx of new residents, potentially compromising the quality of education and services we currently enjoy.


An additional concern that I have is that my family's home will be embedded in the proposed development. Myself, along with other residents on Stanley Road, will have trouble negotiating exit from our driveway, due to the estimated 2,800 cars a day that will be added in front of our house. This proposed project embeds Stanley Road residents within the subdivision. This is unprecedented and improper will harm property values. The proposal is grossly inconsistent with the guidance on Planned Residential Development, which states (<https://www.hallcounty.org/DocumentCenter/View/3830/PZPublication>) :

The proposed residential development should make maximum use of natural features and, through proper site planning measures, it should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts, which might result from a higher density development.

I urge the commission to consider the long-term implications of this housing development. Engaging with the community to explore alternatives that align with our shared values and priorities is crucial.

Thank you for considering my concerns. I hope you will prioritize the needs and desires of our community as you deliberate on this matter.

Sincerely,  
Rachael Faul



(10-4-2024)

(678)-381-4500

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Wednesday, October 9, 2024 9:57 AM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: Opposition to JM Turk Development

Jennifer,

Would you please add this email to the JM Turk Road rezoning file?

Thank you,  
Beth

**Beth Garmon**

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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**From:** Jared Campbell <jfcampbell29@gmail.com>  
**Sent:** Wednesday, October 9, 2024 9:55 AM  
**To:** Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>  
**Subject:** Opposition to JM Turk Development

Some people who received this message don't often get email from [jfcampbell29@gmail.com](mailto:jfcampbell29@gmail.com). [Learn why this is important](#)

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Good Morning,

I am writing in opposition to the proposed housing development on JM Turk Rd. My wife and three kids just moved close to that area from Gwinnett county due to the rapid development and increased traffic within Lawrenceville. We moved to Flowery Branch because it is quiet with much more reasonable traffic.

High density housing that is proposed off JM Turk will negatively impact the area around this development and will lead to folks moving out of Hall county and into Barrow county. The Hall county Planning Commission already voted against this 4-1. Please consider what neighbors and local officials have voted and asked for and deny the application on JM Turk.

Thank you for considering.  
Jared Campbell

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Wednesday, October 9, 2024 10:59 AM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: High density subdivision off JM Turk Rd

Jennifer,

Would you please add this email to the JM Turk Road rezoning file?

Thank you,  
Beth

**Beth Garmon**

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Angi Shields <[angishields1@gmail.com](mailto:angishields1@gmail.com)>  
**Sent:** Wednesday, October 9, 2024 10:44 AM  
**To:** Kathy Cooper (County Commissioner) <[kcooper@hallcounty.org](mailto:kcooper@hallcounty.org)>  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Subject:** High density subdivision off JM Turk Rd

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I'm writing to let you know that I am completely against any and all high density subdivisions on JM Turk Rd.

The fact that this is even being considered is ridiculous. I've live in Flowery Branch since 2011 and the unchecked growth that's been allowed the past few years is horrible.



This once quaint small town is completely ruined, not to mention the fact that we can't support any of this growth with our current infrastructure.

I hope this doesn't go through because I can't think of anyone, other than the people who are making money off of this, who are happy about it.

Angi Shields

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Wednesday, October 9, 2024 11:00 AM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: J.M. Turk Rezoning

Jennifer,

Would you please add this email to the JM Turk Road rezoning file?

Thank you,  
Beth

**Beth Garmon**

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Lisa <lisa@morton101.com>  
**Sent:** Wednesday, October 9, 2024 10:06 AM  
**To:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>  
**Subject:** J.M. Turk Rezoning

You don't often get email from [lisa@morton101.com](mailto:lisa@morton101.com). [Learn why this is important](#)

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 Beth,

We moved out of Suwanee to get away from the growth that has ruined the Suwanee we knew. Too many people and too much dense housing. The overcrowded schools and streets have made a negative impact on the “small town” feel. Not to mention the noise and safety issues that come with it.

Here we are, two years in our Flowery Branch home on 34 acres and we are facing the same concerns. We live close to the JM Turk re-zoning issue. We have seen the community come together to object to the dense housing that the developer is trying to push through with no less than 7 variances. They are planning a “community garden” that will no doubt end up being more homes first chance they get. They are pushing too many homes and will ruin the topography of the beautiful area our neighbors are trying to preserve. The homes are NOT in keeping with what is around them. J.M. Turk is a dangerous road as it is, and more traffic will make it more so. These are just some of the reasons the Planning Commission denied this request two times. The developer should consider the community and put homes that will benefit the area and not have such a negative impact on the land and surrounding homes. No doubt there are other qualified developers that are more than capable of putting in a neighborhood on larger lots with septic that will better fit the area and preserve the country feel and agricultural properties that make Flowery Branch a great place to live.

There are two large subdivisions going in within a mile of our property already. Union Church is becoming a very busy road and will get busier with this growth. Neighbors tried to stop this type of growth and were ignored. Please listen to the constituents of Hall County and stop the sprawl.

Thank you for your consideration.

Lisa Morton  
6057 Daffodil Dr.

Lisa

\*\* Please note I have a new email address = [lisa@morton101.com](mailto:lisa@morton101.com)

## Jennifer Rivera (Administration)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Wednesday, October 9, 2024 2:33 PM  
**To:** Jennifer Rivera (Administration)  
**Subject:** FW: Elah Valley Subdivision - Opposition to re-proposed Stanley and Guth Road Subdivision (114 acres - 256 houses and townhomes)

Jennifer,

Would you please add this email to the public comments for the JM Turk Road rezoning request?

Thank you,  
Beth

### Beth Garmon

Director of Planning and Zoning  
Hall County Community Development and Infrastructure  
(office) 770-531-6809  
(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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---

**From:** Bill Doucher <bdoucher@att.net>  
**Sent:** Wednesday, October 9, 2024 1:18 PM  
**To:** Randi Doveton (CDI: Planning) <rdoveton@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Ellis Still (CDI: Planning) <estill@hallcounty.org>  
**Cc:** cooper@hallcounty.org; Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Richard Higgins (County Commissioner) <rhiggins@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>  
**Subject:** Re: Elah Valley Subdivision - Opposition to re-proposed Stanley and Guth Road Subdivision (114 acres - 256 houses and townhomes)

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 Commission Staff and Commissioners,

Representing all 15 homeowners of the Elah Valley subdivision as President of the Elah Valley HOA, I am providing this email to registering our subdivision's unanimous opposition to this re-proposed subdivision:

0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | on a 114.147± acre tract | Proposed Use: 256-unit residential development | Steven P. Gilliam, applicant

There have been minor changes to this proposal since the last go round - when the proposal was withdrawn at the April 23rd Board Of Commissioners meeting. The total number of homes since the last version of this proposal are reduced little, but still does not meet the the 2 homes per acre standard. The actual physical lot sizes proposed are tiny. The cottages/townhomes absolutely do not fit the surrounding housing character on J M Turk Road and would negatively impact our subdivision and the surrounding community.

This re-proposal does not meet the PRD definition - part of the PRD definition:

"The proposed residential development should make maximum use of natural features and, through proper site planning measures, it should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts, which might result from a higher density development."

The re-proposal does not confirm to the existing character and development patterns of the surrounding area, and does not preserve nor protect existing residential used from adverse impacts.

All the same objections raised by the Planning Commission to the previous proposal still apply to this re-proposal - when it was unanimously voted by the Planning Commission to recommend denial of approval for this proposal.

- Multiple requests for variances, along with a rezoning request itself
- The high density requires that a sewage line must be built over a long distance - all homes on J M Turk have a septic tank

Again in this re-proposal, the Planning Commission voted again to recommend denial of this re-proposal.

It is frustrating that we have to go thru this all over again..... wasting time of the Hall County residents in this community negatively impacted by such a proposed development and wasting the time of the Hall County Planning Commission and Board of Commission.

Recall the 6-7 months the last round took with the many last minute withdrawals by the developer immediately before the Planning Commission meetings and Board of Commissioner meetings.

Having the previous proposal withdrawn just before the Hall County Board Of Commissioners meeting gave us concern that it would be back. I had corresponded with Beth Garmon about my concern at that time.

We have had a recent increase in new housing on J M Turk Rd over the last 3 years that provided property owners with market value land purchases and new homes built that meet the character, quality and low density of the surrounding area. Another Quailwood or Grand View Estates development would be consistent and in keeping with this area. This would be the type of development that is consistent with this community and have the full support of the residents. Drive down J M Turk Rd and see the latest new housing and it will be obvious to you.

It is alarming to residents of south Hall County the number of high density housing developments/townhouses over the last few years with very few, if any, low density higher quality housing developments. There should be a balance between keeping the unique and endearing character of Hall County and adding new housing. No one wants another Gwinnett County. If high density housing developments are being approved in lower density neighborhoods & areas of Hall County, why would developers propose low density higher quality housing developments?

We will be at the Board of Commissioners meeting on October 10th to voice our opposition.....again.....

Thank you for your consideration and we ask that you vote against this re-proposed subdivision.

Bill Doucher

President, Elah Valley HOA

770-329-7723

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J  
M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III  
(AR-III) to Planned Residential Development (PRD) | on a 114.147± acre tract located on  
the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax  
Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 &  
15044 000035B, 000043, 000100 | Proposed Use: 256-unit residential development | \*\*  
Commission District 1 | Steven P. Gilliam, applicant**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

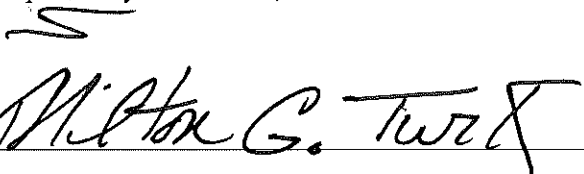
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Respectfully submitted,

 10.8.24

Address : 4702 & 4726 J. M. Turk Rd.  
Flowery Branch, Ga 30542



## Jennifer Rivera (Administration)

---

**From:** Jeff Stowe (County Commission)  
**Sent:** Tuesday, October 1, 2024 9:30 PM  
**To:** Jennifer Rivera (Administration); Beth Garmon (CDI: Planning)  
**Subject:** Fw: Preservation of Constitutional Rights  
**Attachments:** SKM\_C300i\_Z24100114590.pdf

See below

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**From:** Benjamin Tule <bentule@gmail.com>  
**Sent:** Tuesday, October 1, 2024 5:19:51 PM  
**To:** Jeff Stowe (County Commission) <jstowe@hallcounty.org>  
**Subject:** Preservation of Constitutional Rights

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--

**BenTule**

p. 678.997.3939



**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 117.31 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M  
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BY Thompson O'Brien Kappler & Nasuti PC**

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Respectfully submitted,



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Ben and Trish Turk.

Address

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p. 678.997.3939



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Ben and Trish Turk.

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Respectfully submitted,

  
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4589 Guth Rd. Flowery Branch Ga  
30542

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Address

4607 J.M. Turk Rd.  
Flowery Branch, Ga. 30542  
jamiephillips4607@icloud.com