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
Thursday, August 28, 2025 - 06:00 PM

Call to Order

Approve Agenda

Invocation

1 Commissioner Gregg Poole

Pledge

2 Commissioner Kathy Cooper

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

Consent Agenda

3 Approve the August 14, 2025 Voting Meeting minutes.

4 Approve the August 25, 2025 Work Session minutes.

5 Approve the August 25, 2025 Executive Session minutes.

6 Approve the appointment of Danielle Cuneo to the Department of Family & Children Services (DFACS) Board to serve an unexpired term to December 31, 2026. Commission Districts 1, 2, 3 & 4.

7 Approve the annual contract for Planned Pethood Veterinary Services for Animal Services to Planned PEThood of Georgia of Duluth, GA. The estimated annual cost is $241,800.00.

8 Approve the award of Task Order #2026-007 Replace Rooftop Air Conditioning Units at North Hall Community Center for Parks & Leisure Services to J.R. Hobbs Co of Lawrenceville, GA, in the amount of $122,526.00.

9 Approval and authorization for the Chairman to execute a Sponsorship Agreement with Northeast Georgia Health System for Parks & Leisure Services; authorization for the Chairman to take any additional action necessary to effectuate the agreement, subject to review and approval by the County Attorney.

10 Approve the award of RFQ/P #46-011 General Contractor for Construction of the East Hall Library for the Hall County Library System and Parks to Carroll Daniel Construction of Gainesville, GA. The estimated cost is $4,468,000.00.

11 Approve the preventative maintenance agreement for ambulance stretchers for Fire Rescue to Stryker Medical of Chicago, IL. The estimated annual cost is $65,286.00.

12 Approve the purchase of two (2) Kubota Tractor Mower RTVs for Road Maintenance to Mason Tractor & Equipment Co., Inc. of Cumming, GA, in the amount of $64,499.80.

13 Approval and authorization for the Chairman to execute a resolution to approve an access easement agreement accepting the grant of an easement from CL Hayes Properties LLC to Hall County and granting an easement to CL Hayes Properties LLC from Hall County, subject to review and approval by the County Attorney.

14 Approve the request from the Lake Lanier Association for a waiver of Hall County Landfill tipping fees (the estimated tipping fees are $1,800.00) for approximately 30 tons of trash to be collected during the Shore Sweep event scheduled for September 20, 2025.

15 Approve the release of $614,732.00 Guaranty Performance/Maintenance Agreement and Acceptance of Streets into Hall County Maintenance in Union Grove Phase 1 Subdivision. Commission District 1.

16 Approve the release of $281,434.00 Guaranty Performance/Maintenance Agreement and Acceptance of Streets into Hall County Maintenance in Union Grove Phase 2 Subdivision. Commission District 1.

17 Approve Change Order #1 to Task Order #2026-003 under RFP/Q #42-002 Demand Services for Resurfacing, Paving, and Full Depth Reclamation for the FY 2026 resurfacing program to add 1.847 additional miles of road resurfacing to Allied Paving Contractors, Inc. of Pendergrass, GA, in the amount of $840,168.75.

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

18 **1731 Friendship Road | Rezone |** from Agricultural Residential (AR-1) to Highway Business (H-B) | on a 10.09± acre tract located on the northwest side of Friendship Road approximately 240 feet from its intersection with Reunion Way | Zoned AR-1; Tax Parcel 15041 000190 | **Proposed use: Uses permitted in H-B** | Commission District 1 | **Tim Wilbanks, applicant**

19 **1731 Friendship Road | Variance From Section 6.2 |** GCOD development standards | on a 10.09± acre tract located on the northwest side of Friendship Road approximately 240 feet from its intersection with Reunion Way | Zoned AR-1; Tax Parcel 15041 000190 | **Proposed use: Uses permitted in H-B** | Commission District 1 | **Tim Wilbanks, applicant**

20 **3024 Dale Road | Amend Conditions of Zoning |** on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage** | Commission District 3 | **Rochester | DCCM, applicant** Note: Tabled at the August 14, 2025 Voting Meeting until the August 28, 2025 Voting Meeting.

21 **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | Commission District 2 | **Lean On Me Recovery Residences, applicant**

22 **4965 Bryant Quarter Road | Rezone |** from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | Commission District 3 | **John Clouse, applicant**

23 **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single-family residence** | Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

24 **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility** | Commission District 3 | **Academy P1 Building, LLC, applicant**

25 **5684 Bethel Road | Rezone |** from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | Commission District 3 | **Janet Truelove, applicant**

26 **5684 Bethel Road | Special Use |** minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | Commission District 3 | **Janet Truelove, applicant**

27 **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | Commission District 4 | **Gerardo Vargas, applicant**

28 **1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use |** on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | Commission District 4 | **Gerardo Vargas, applicant**

29 **1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use |** for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | Commission District 4 | **Gerardo Vargas, 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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 17/2025

SUBJECT: Commissioner Gregg Poole

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

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
AD	JR

Attachments:

AGENDA ITEM

Pledge

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 669/2024

SUBJECT: Commissioner Kathy Cooper

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

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
AD	AD

Attachments:

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 532/2025

SUBJECT: Approve the August 14, 2025 Voting Meeting minutes.

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: CA

Recommendation:
Approve.

Purpose of Request:
Approve the August 14, 2025 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?	2025-08-28

Approvals:

Approve	Attorney	Administration	Clerk
AD	JL	CR	JR

Attachments:

August 14, 2025 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
Thursday, August 14, 2025 - 06:00 PM

Call to Order

Chairman Gibbs at 6:00 p.m.

Present:

Chairman David Gibbs, Vice Chairman Jeff Stowe and Commissioners Kathy Cooper, Billy Powell and Gregg Poole

Also present were County Administrator Zach Propes, Assistant County Administrators Casey Ramsey and John Gentry, Commission Clerk Jennifer Rivera, Deputy Commission Clerk Ana Dominguez, Interim County Attorney Justin Lawhon and Senior Assistant County Attorney Nathaniel Anderson

Approve Agenda

Commissioner Powell/Commissioner Stowe — approve — Vote: 5 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Invocation

1 Commissioner Gregg Poole

Pledge

2 Commissioner Billy Powell

Public Comments

There were no comments from the public.

Consent Agenda

Commissioner Powell/Commissioner Stowe — approve — Vote: 5 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

3 Approve the August 11, 2025 Work Session minutes.

4 Approve the August 11, 2025 Executive Session minutes.

5 Approve the July 24, 2025 Voting Meeting minutes.

6 Approval and authorization for the Chairman to execute a resolution ratifying the purchase of 1.61 acres of real property located at 2829 Browns Bridge Road and 2802 Florence Drive, Hall County, GA, Tax Parcel Numbers 08015 005032 and 08015 005034, for the sum of $3,000,000.00 for the purpose of expansion of the Hall County Government Center campus, approving and accepting the transfer of said property to the County, and authorization for the Chairman to execute any and all documents necessary to effectuate the transaction, subject to review and approval of the County Attorney.

7 Approve the nominations of Connie Banks, Jerry Jackson and Tom Oliver to the Hospital Authority for a term from October 1, 2025 to September 30, 2028. Commission District 1.

8 Approve the nominations of Lee Hemmer, Denise Deal and Shelly Echols to the Hospital Authority for a term from October 1, 2025 to September 30, 2028. Commission District 3.

9 Approve the purchase of three (3) new Ford F-250 Trucks and one (1) new Ford F-350 Truck for Animal Services to Greene Ford Company of Gainesville, GA, in the amount of $196,446.36.

10 Approve the resolution of the Hall County Board of Commissioners to approve the execution of an intergovernmental agreement with the Chicopee Woods Area Park Commission transferring any property interests possessed by Hall County, GA resulting from agreements entered into with the Chicopee Woods Area Park Commission in 1989 to the Chicopee Woods Area Park Commission and further terminating those agreements; authorization for the Chairman to execute any and all additional documents necessary to effectuate the agreement, subject to approval by the County Attorney.

11 Approve the resolution of the Hall County Board of Commissioners to approve the execution of an intergovernmental agreement with the Chicopee Woods Area Park Commission updating a lease agreement originally entered into in 1989; authorization for the Chairman to execute any and all additional documents necessary to effectuate the agreement, subject to approval by the County Attorney.

12 Approve the renewal of the FY 2026 Memorandum of Understanding with the University of Georgia (UGA) Extension for Cooperative Extension Services and Personnel; authorize the Chairman to execute all related documents, subject to the review and approval by the County Attorney.

13 Approval and authorization for the Chairman to execute an agreement between North Georgia Works! Inc. and Hall County regarding occasional temporary labor and other work services, subject to review and approval by the County Attorney.

14 Approve the Hall County Employee Personnel Policies and Procedures Manual; authorizing the Chairman to approve all related documents subject to the review and approval of the County Attorney.

15 Approve the acceptance of certain real property along the Spout Springs Road Phase I Project right-of-way from the Georgia Department of Transportation (GDOT); authorization for the Chairman to execute any and all documents necessary to effectuate the transaction, subject to review and approval by the County Attorney. Commission District 1.

16 Approve the single source purchase of consulting services from Burns & McDonnell of Atlanta, GA to facilitate permit renewal and major modifications to the Candler Road Landfill, in the amount of $319,400.00.

17 Approve the acceptance of $776,340.00 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities and Sidewalks in The Village at Pine Valley subdivision. Commission District 3.

18 Approve the award of RFQ/P #46-018 Impact Fee Study for Public Works & Utilities to TischlerBise, Inc. of Bethesda, MD, in the amount of $129,380.00.

19 Approve the award of RFQ #46-001 Demand Services for Civil Engineering Services, Category A, Transportation Improvement Design for Public Works & Utilities to:

- AtkinsRealis USA, Inc. of Atlanta GA
- Infrastructure Consulting & Engineering, LLC of Norcross, GA
- Keck & Wood, Inc. of Duluth, GA
- Precision Planning, Inc. of Lawrenceville, GA
- Columbia Engineering and Services Inc. of Duluth, GA
- Moffatt & Nichol of Atlanta, GA
- S&ME Inc. of Duluth GA
- Holt Consulting Company, LLC of Duluth, GA
- TTL, Inc. of Atlanta, GA
- RS&H, Inc of Atlanta, GA
- Dewberry Engineers, Inc. of Atlanta, GA
- Croy Engineering, LLC of Marietta, GA
- Thomas & Hutton Engineering Co. of Buford, GA
- KCI Technologies, Inc. of Duluth, GA
- CDM Smith Inc. of Atlanta, GA
- BCC Engineering, LLC (dba Heath & Lineback) of Marietta, GA
- Kimley-Horn and Associates, Inc. of Atlanta, GA

The estimated annual cost to exceed $50,000.00.

20 Approve the award of RFQ #46-001 Demand Services for Civil Engineering, Category B, Survey Services, for Public Works & Utilities to:

- CDM Smith Inc. of Atlanta, GA
- Thomas & Hutton Engineering Co. of Buford, GA
- Croy Engineering, LLC of Marietta, GA
- Columbia Engineering and Services, Inc. of Duluth, GA
- Precision Planning, Inc. of Lawrenceville, GA
- KCI Technologies, Inc. of Duluth, GA
- Infrastructure Consulting & Engineering, LLC of Norcross, GA
- Atlas Technical Consultants, LLC of Duluth, GA
- AtkinsRealis USA, Inc. of Atlanta, GA

The estimated annual cost to exceed $50,000.00.

21 Approve the award of RFQ #46-001 Demand Services for Civil Engineering Services, Category C, Construction Management Services for Public Works & Utilities to:

- ECS Southeast, LLC of Lawrenceville, GA
- BM & K Inc. of Braselton, GA
- United Consulting Group, Ltd. of Norcross, GA
- Kimley-Horn and Associates, Inc. of Atlanta, GA
- TTL, Inc. of Atlanta, GA
- AtkinsRealis USA, Inc. of Atlanta, GA
- KCI Technologies, Inc. of Duluth, GA
- Atlas Technical Consultants LLC of Duluth, GA
- CDM Smith, Inc. of Atlanta, GA
- Thomas Hutton Engineering Co. of Buford, GA
- BCC Engineering, LLC (dba Heath & Lineback) of Marietta, GA
- Croy Engineering, LLC of Marietta, GA

The estimated annual cost to exceed $50,000.00.

22 Approve the award of RFQ #46-001 Demand Services for Civil Engineering Services, Category D, Geotechnical Services for Public Works & Utilities to:

- Geo-Hydro Engineers, Inc. of Kennesaw, GA
- S&ME, Inc. of Duluth, GA
- Materials Managers and Engineers, Inc. (2MNEXT) of Atlanta, GA
- CDM Smith Inc. of Atlanta, GA
- NOVA Engineering & Environmental, LLC of Kennesaw, GA
- United Consulting Group, Ltd. of Norcross, GA
- ECS Southeast, LLC of Lawrenceville, GA
- TTL, Inc. of Atlanta, GA
- Atlas Consultants LLC of Duluth, GA
- AtkinsRealis USA, Inc. of Atlanta, GA

The estimated annual cost to exceed $50,000.00.

23 Approve the award of RFQ #46-001 Demand Services for Civil Engineering Services, Category E, Subsurface Utility Engineering for Public Works & Utilities to:

- CDM Smith, Inc of Atlanta, GA
- Columbia Engineering and Services, Inc. of Duluth, GA
- Croy Engineering, LLC of Marietta, GA
- KCI Technologies, Inc. of Duluth, GA
- AtkinsRealis USA, Inc. of Atlanta, GA
- Atlas Technical Consultants, LLC of Duluth, GA

The estimated annual cost to exceed $50,000.00.

24 Approve the award of RFQ #46-001 Demand Services for Civil Engineering Services, Category F, Water Resources for Public Works & Utilities to:

- Civil Engineering Consultants, Inc. of Marietta, GA
- Ardurra Group, Inc. of Buford, GA
- Rummel, Klepper & Kahl, LLP (dba RK & K) of Sandy Springs, GA
- AECOM Technical Services, Inc. of Atlanta, GA
- Keck & Wood, Inc. of Duluth, GA
- Engineering Strategies, Inc. of Marietta, GA
- Atkins Realis USA, Inc. of Atlanta, GA
- Precision Planning, Inc. of Lawrenceville, GA

The estimated annual cost to exceed $50,000.00.

25 Approve the award of RFQ #46-001 Demand Services for Civil Engineering Services, Category G, Plan Review for Public Works & Utilities to:

- Civil Engineering Consultants, Inc. of Marietta, GA
- Kimley-Horn and Associates, Inc. of Atlanta, GA
- Bureau Veritas North America, Inc. of Braselton, GA
- Raymond Global, Inc. of Conyers, GA
- KCI Technologies, Inc. of Duluth, GA
- Atlas Technical Consultants LLC of Duluth, GA
- Columbia Engineering and Services, Inc. of Duluth, GA

The estimated annual cost to exceed $50,000.00.

26 Approve the award of RFQ #46-001 Demand Services for Civil Engineering Services, Category H, Traffic Engineering Studies and Design for Public Works & Utilities to:

- Kimley-Horn and Associates, Inc. of Atlanta, GA
- CDM Smith Inc. of Boston, MA
- Moffatt & Nichol of Atlanta, GA
- Croy Engineering, LLC of Marietta, GA
- Columbia Engineering and Services, Inc. of Duluth, GA
- KCI Technologies, Inc. of Duluth, GA
- Keck & Wood, Inc. of Duluth, GA
- Michael Baker International, Inc. of Peachtree Corners, GA
- AtkinsRealis USA Inc. of Atlanta, GA
- BCC Engineering, LLC (dba Heath & Lineback) of Marietta, GA

The estimated annual cost to exceed $50,000.00.

27 Approve the purchase of two (2) new Ford Explorer Police Pursuit Vehicles for the Sheriff's Office to Billy Howell Ford Inc. of Cumming, GA, in the amount of $95,400.00.

28 Approve the purchase of five (5) new Ford Explorer Police Pursuit Vehicles for the Sheriff's Office to Billy Howell Ford Inc. of Cumming, GA, in the amount of $221,490.00.

29 Approve the renewal of the Records Management System and Jail Management System's yearly maintenance and support for the Sheriff's Office to CentralSquare Technologies of Lake Mary, FL, in the amount of $59,577.29.

30 Approve the purchase of drug screen testing kits and services for Treatment Services to Microgenics Corporation of Fremont, CA. The estimated cost is $182,788.62.

31 Approve the ratification of the application for grant funds from the Georgia Opioid Crisis Abatement Trust in the amount of $276,914.00 to provide funding for transportation assistance, a full-time counselor to assist with drug treatment for the REACT program, audio-visual equipment and subscriptions that will help provide telehealth options for treatment, and training opportunities. If awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. No match required.

Other Business - Appointments for Consideration

Ms. Rivera addressed the Board.

32 Hospital Authority Nominations (3) for a term from October 1, 2025 to September 30, 2028. Chairman's Appointment.

Chairman Gibbs/Commissioner Stowe — nominations of Benny Bagwell, Pat Powell and Brett Fowler — Vote: 5 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

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

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

33 **6266 Yellow Creek Road | Rezone |** from Agricultural Residential 1 (AR-1) to Planned Residential Development (PRD) | on a 253.58± acre portion of a tract located on the northwest side of Yellow Creek Road approximately 1,457 feet from its intersection with Bent Tree Cove | Zoned AR-1; Tax Parcel 11112 000004 (pt.) | **Proposed Use: 253-lot residential development** | Commission District 2 | **Cook Communities, applicant** Note: Tabled at the July 24, 2025 Voting Meeting until the August 14, 2025 Voting Meeting.

Mr. Anderson introduced the item.Ms. Garmon discussed the item.

Commissioner Powell/Commissioner Stowe — approve removing item 33 from the table — Vote: 5 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Mr. Anderson conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *Jody Campbell, 3000 Langford Road #100, Peachtree Corners*

Opposition:

- *Greg Rutledge, 7724 Barkers Bend Drive, Murrayville*
- *Chuck Andrews, 6329 Yellow Creek Road, Murrayville*
- *Courtney St. John Wacker, 7719 Elm Circle, Murrayville*
- *Cheryl Hutchinson, 7126 Barkers Bend Drive, Murrayville*

Commissioner Powell/Commissioner Cooper — deny — Vote: 5 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

34 **2620 & 2634 Barrett Road | Rezone |** from Light Industrial (I-1) and Agricultural Residential 1 (AR-1) to Heavy Industrial (I-2) | on a combined 4.42± acre tract located on the southeast of Athens Highway, at its intersection with Barrett Road | Zoned I-1 & AR-1; Tax Parcels 15023A000037 & 15023A000007 | **Proposed use: Repackaging of processed animal products** | Commission District 3 | **Degaria Dowdy, applicant** Note: Tabled at the July 24, 2025 Voting Meeting until the August 14, 2025 Voting Meeting.

Mr. Anderson introduced the item.Ms. Garmon discussed the item.

Commissioner Poole/Commissioner Stowe — approve removing item 34 from the table — Vote: 5 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Mr. Anderson conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *DeGaria Dowdy, 607 Gordon Street, Jefferson*

Commissioner Poole/Commissioner Stowe— approve with the nine (9) conditions listed below — Vote: 5 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *Development is approved as generally shown on the site plan dated March 27, 2025, and described in the supplemental project narrative dated April 03, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.*
2. *Access to the property shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.*
3. *No variances to Gateway Corridor Overlay District (GCOD) standards and no additional variances or development exceptions are granted as part of this request that are not explicitly granted herein.*
4. *The development shall be compliant with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.*
5. *All conditions of zoning shall be made as part of any plats or construction plans created for the property.*
6. *Any future improvements or development on the property shall be brought*

into compliance with the Hall County Unified Development Code. All proposed work must be submitted for review, and the appropriate permits shall be obtained prior to any construction.

7. *No outdoor operations beyond loading and unloading of trucks shall be permitted on site. All operations shall be completely contained within the structure.*
8. *No outdoor storage shall be permitted per the Gateway Corridor Overlay District (GCOD) standards.*
9. *The following uses shall not be allowed:*
   a. *Adult establishments*
   b. *Funeral homes*
   c. *Crematorium*
   d. *Psychic or fortune teller*
   e. *Pawn shop or pawn broker*
   f. *Smoke or vape shop*
   g. *Truck stop*

35 **3024 Dale Road | Amend Conditions of Zoning |** on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage** | Commission District 3 | **Rochester | DCCM, applicant**

Mr. Anderson introduced the item.Ms. Garmon discussed the item. Mr. Anderson conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *Bradley Dunckel, 425 Oak Street, Gainesville*

Opposition:

- *Mary Nealis, 3039 Dale Road, Gainesville*
- *Tony Towe, 3032 Dale Road, Gainesville*
- *William J. Nealis, 3039 Dale Road, Gainesville*
- *Ken Ledbetter, 3052 Dale Road, Gainesville*
- *Jodi White, 5166 White Hall Road, Lula*

Commissioner Poole/Commissioner Stowe — approve tabling item 35 until the August 28, 2025 Voting Meeting— Vote: 4 to 0

Commissioner Cooper — aye

Commissioner Powell — abstained

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

36 **3654 Thompson Bridge Road | Amend Conditions of Zoning |** on a 1.37± acre tract located on the northeast side of Thompson Bridge Road, approximately 736 feet from its intersection with Southers Road | Zoned PCD; Tax Parcel 10104 000002 | **Proposed use: Financial Institution** | Commission District 2 | **Fifth Third Bank c/o Tammala Brooks, applicant**

Mr. Anderson introduced the item.Ms. Garmon discussed the item. Mr. Anderson conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *Tony Ponting, 302 West Third Street, Cincinnati, OH*

Commissioner Powell/Commissioner Stowe — approve with the eight (8) conditions listed below — Vote: 5 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *Development is approved as generally shown on the site plan dated December 17, 2024, and described in the project narrative dated March 26, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.*
2. *The development shall comply with the architectural design standards as described in the project narrative, with final materials and colors approved by the Director of Planning and Development, or their designee.*
3. *The driveway into the property from Thompson Bridge Road (S.R. 60) will serve both the financial institution and the storage facility by utilizing a shared driveway easement.*
4. *An easement for shared stormwater detention facilities shall be established to serve both Tract A and Tract B.*
5. *Hours of operation for the financial institution shall be limited to 9:00 a.m. to 5:00 p.m., Monday through Friday; 9:00 a.m. to 12:00 p.m. on Saturdays and closed on Sundays.*
6. *An eight foot tall opaque wood fence with a ten foot landscape buffer shall be constructed along the northwest property line which abuts Lanier Village Estates as reflected on the site plan dated December 17, 2024.*
7. *No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.*
8. *All conditions of zoning shall be made a part of any plats or construction plans created for the property.*

37 **2353 Athens Highway | Special Use |** on a 1.19± acre tract located on the east side of Athens Highway, approximately 530 feet from its intersection with Pine Grove Road | Zoned H-B (GCOD); Tax Parcel 15022C000016 | **Proposed Use: Vehicle sales** | Commission District 4 | **Morteza Modaber, applicant**

Mr. Anderson introduced the item.Ms. Garmon discussed the item. Mr. Anderson conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *Morteza Modaber, 1130 East Street, Suwanee*

Commissioner Stowe/Commissioner Powell — approve with the ten (10) conditions listed below — Vote: 4 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

Conditions:

1. *The property shall be developed in accordance with the site plan and as described in the project narrative, both dated May 25, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval. Notes on the site plan designating "gravel paving" shall be disregarded per condition #2.*
2. *The total number of parking spaces for sales shall be limited to a total of 34 spaces. All driveways and parking areas shall be paved with asphalt or concrete. No gravel shall be allowed.*
3. *No servicing or maintenance of vehicles shall be allowed.*
4. *The hours of operation shall be Monday through Friday 9:30 a.m. to 6:00 p.m., Saturday 9:30 a.m. to 4:00 p.m. and closed on Sunday.*
5. *Storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.*
6. *Plans for any improvements or development of the property shall be submitted for review and appropriate permits obtained.*
7. *Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs of improvements necessary for the development.*
8. *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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal, and Hall County Engineering.*
9. *All conditions of zoning shall be made part of any plats created for the property.*
10. *Any exterior modifications, improvements, or alterations to the site shall comply with the Unified Development Code as well as those standards outlined within Article 6 - Gateway Corridor Overlay District.*

County Administrator

Mr. Propes did not have any items to report.

Commission Time

The Commissioners did not have any items to report.

Adjourn

Commissioner Powell/Commissioner Stowe — adjourn at 7:34 p.m. — Vote: 5 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — aye

Motion passed.

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 533/2025

SUBJECT: Approve the August 25, 2025 Work Session minutes.

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: CA

Recommendation:
Approve.

Purpose of Request:
Approve the August 25, 2025 Work 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?	2025-08-28

Approvals:

Approve	Attorney	Administration	Clerk
AD	JL	CR	JR

Attachments:

August 25, 2025 Work Session Minutes

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
Monday, August 25, 2025 - 03:00 PM

Call to Order

Chairman Gibbs at 3:02 p.m.

Present:

Chairman David Gibbs and Commissioners Kathy Cooper, Billy Powell and Gregg Poole

Also present were County Administrator Zach Propes, Assistant County Administrators Casey Ramsey and John Gentry, Commission Clerk Jennifer Rivera, Deputy Commission Clerk Ana Dominguez, and Interim County Attorney Justin Lawhon

Commissioner Stowe was absent.

Appointments for Consideration

Ms. Rivera addressed the Board.

1 Appointment to the Department of Family & Children Services (DFACS) Board to serve an unexpired term to December 31, 2026. Commission Districts 1, 2, 3 & 4.

Appointment of Danielle Cuneo - Consent

Community Services and Parks

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

2 Approve the annual contract for Planned Pethood Veterinary Services for Animal Services to Planned PEThood of Georgia of Duluth, GA. The estimated annual cost is $241,800.00.

Consent

3 Approve the award of Task Order #2026-007 Replace Rooftop Air Conditioning Units at North Hall Community Center for Parks & Leisure Services to J.R. Hobbs Co of Lawrenceville, GA, in the amount of $122,526.00.

Consent

4 Approval and authorization for the Chairman to execute a Sponsorship Agreement with Northeast Georgia Health System for Parks & Leisure Services; authorization for the Chairman to take any additional action necessary to effectuate the agreement, subject to review and approval by the County Attorney.

Consent

5 Approve the award of RFQ/P #46-011 General Contractor for Construction of the East Hall Library for the Hall County Library System and Parks to Carroll Daniel Construction of Gainesville, GA. The estimated cost is $4,468,000.00.

Consent

Fire Rescue

Jerry Smith, Fire Chief, addressed the Board.

6 Approve the preventative maintenance agreement for ambulance stretchers for Fire Rescue to Stryker Medical of Chicago, IL. The estimated annual cost is $65,286.00.

Consent

Planning & Zoning

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

7 **3024 Dale Road | Amend Conditions of Zoning |** on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage** | Commission District 3 | **Rochester | DCCM, applicant** Note: Tabled at the August 14, 2025 Voting Meeting until the August 28, 2025 Voting Meeting.

8 **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | Commission District 2 | **Lean On Me Recovery Residences, applicant**

9 **4965 Bryant Quarter Road | Rezone |** from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | Commission District 3 | **John Clouse, applicant**

10 **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single-family residence** | Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

11 **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility** | Commission District 3 | **Academy P1 Building, LLC, applicant**

12 **5684 Bethel Road | Rezone |** from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | Commission District 3 | **Janet Truelove, applicant**

13 **5684 Bethel Road | Special Use |** minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | Commission District 3 | **Janet Truelove, applicant**

14 **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | Commission District 4 | **Gerardo Vargas, applicant**

15 **1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use |** on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | Commission District 4 | **Gerardo Vargas, applicant**

16 **1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use |** for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | Commission District 4 | **Gerardo Vargas, applicant**

17 **1731 Friendship Road | Rezone |** from Agricultural Residential (AR-1) to Highway Business (H-B) | on a 10.09± acre tract located on the northwest side of Friendship Road approximately 240 feet from its intersection with Reunion Way | Zoned AR-1; Tax Parcel 15041 000190 | **Proposed use: Uses permitted in H-B** | Commission District 1 | **Tim Wilbanks, applicant**

18 **1731 Friendship Road | Variance From Section 6.2 |** GCOD development standards | on a 10.09± acre tract located on the northwest side of Friendship Road approximately 240 feet from its intersection with Reunion Way | Zoned AR-1; Tax Parcel 15041 000190 | **Proposed use: Uses permitted in H-B** | Commission District 1 | **Tim Wilbanks, applicant**

Public Works and Utilities

Jason Skarda, Assistant Director of Public Works and Utilities, addressed the Board.

19 Approve the purchase of two (2) Kubota Tractor Mower RTVs for Road Maintenance to Mason Tractor & Equipment Co., Inc. of Cumming, GA, in the amount of $64,499.80.

Consent

20 Approval and authorization for the Chairman to execute a resolution to approve an access easement agreement accepting the grant of an easement from CL Hayes Properties LLC to Hall County and granting an easement to CL Hayes Properties LLC from Hall County, subject to review and approval by the County Attorney.

Consent

21 Approve the request from the Lake Lanier Association for a waiver of Hall County Landfill tipping fees (the estimated tipping fees are $1,800.00) for approximately 30 tons of trash to be collected during the Shore Sweep event scheduled for September 20, 2025.

Consent

22 Approve the release of $614,732.00 Guaranty Performance/Maintenance Agreement and Acceptance of Streets into Hall County Maintenance in Union Grove Phase 1 Subdivision. Commission District 1.

Consent

23 Approve the release of $281,434.00 Guaranty Performance/Maintenance Agreement and Acceptance of Streets into Hall County Maintenance in Union Grove Phase 2 Subdivision. Commission District 1.

Consent

24 Approve Change Order #1 to Task Order #2026-003 under RFP/Q #42-002 Demand Services for Resurfacing, Paving, and Full Depth Reclamation for the FY 2026 resurfacing program to add 1.847 additional miles of road resurfacing to Allied Paving Contractors, Inc. of Pendergrass, GA, in the amount of $840,168.75.

Consent

County Administrator

Mr. Propes addressed the Board and stated the following:

- *Hall County Offices will be closed on Monday, September 1, 2025 in observance of the Labor Day holiday.*
- *Presented a 'WIN' video highlighting Communications and Hall County's Public Information Officers.*
- *Thanked Lisa MacKinney, Hall County Library System Director, for her work and patience delivering services to Hall County residents.*

Public Comments

The following people addressed the Board:

- *Jodi White, 5166 Whitehall Road, Gainesville*
- *Penny Ganyard, 2175 Silver Circle, Gainesville (yielded time to Jodi White)*

Commission Time

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

- *Marissa Maynor, Greater Hall Chamber of Commerce*
- *Luke Lovell, Prime Community Management*

Executive Session

Commissioner Powell/Commissioner Cooper — to go into Executive Session at 3:55 p.m. — Vote: 4 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — absent

Motion passed.

25 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 Poole — to adjourn the Executive Session at 5:09 p.m. — Vote: 4 to 0

Commissioner Cooper — aye

Commissioner Powell — aye

Chairman Gibbs — aye

Commissioner Poole — aye

Commissioner Stowe — absent

Motion passed.

Adjourn

Chairman Gibbs adjourned the meeting at 5:09 p.m.

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 534/2025

SUBJECT: Approve the August 25, 2025 Executive Session minutes.

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: CA

Recommendation:
Approve.

Purpose of Request:
Approve the August 25, 2025 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?	2025-08-28

Approvals:

Approve	Attorney	Administration	Clerk
AD	JL	CR	JR

Attachments:

HALL COUNTY
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AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 520/2025

SUBJECT: Approve the appointment of Danielle Cuneo to the Department of Family & Children Services (DFACS) Board to serve an unexpired term to December 31, 2026. Commission Districts 1, 2, 3 & 4.

Meetings:

Work Session Date: 08/25/25

Voting Meeting Date: 08/28/25

Executive Summary:

Presenter: B

Recommendation:
n/a

Purpose of Request:
Approve the appointment of Danielle Cuneo to the Department of Family & Children Services (DFACS) Board to serve an unexpired term to December 31, 2026. Commission Districts 1, 2, 3 & 4.

History:
Lt. Lindon 'Dan' Franklin (Sheriff's Office) was previously appointed to this Board.

Facts and Issues:

Dan Franklin notified the DFCS Board that he will have to step down as he is taking on more duties with the Sherrif's Office. Franklin has recommended Sheriff's Office Investigator Danielle Cuneo to serve in his place.

The Board needs to formally appoint Ms. Cuneo or another individual for this appointment.

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? 2025-08-28

Approvals:

Approve	Clerk
JR	JR

Attachments:

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 378/2025

SUBJECT: Approve the annual contract for Planned Pethood Veterinary Services for Animal Services to Planned PEThood of Georgia of Duluth, GA. The estimated annual cost is $241,800.00.

Meetings:

Work Session Date: 08/25/25

Voting Meeting Date: 08/28/25

Executive Summary:

Presenter: BH

Recommendation:
Approve.

Purpose of Request:
Approve the annual contract for Planned Pethood Veterinary Services for Animal Services to Planned PEThood of Georgia of Duluth, GA. The estimated annual cost is $241,800.00.

History:
Animal Services has used Planned Pethood in the past for various services and is in good standing within the County.

Facts and Issues:
This agreement is for Planned Pethood of Duluth, GA to provide veterinary services to Hall County Animal Services in the amount of $241,800.00. Staff recommends entering into this agreement with Planned Pethood due to the comprehensive scope of services they offer, which will enable Animal Services to continue delivering efficient and high-quality care for both the animals and citizens of Hall County.

The budgeted amount of $241,800.00 reflects services to be performed by Planned PEThood three (3) days per week for the term of the contract.

This service is an exemption under the Purchasing Ordinance via Hall County Code Section 3.10.030 - Exemptions / Letter J for Licensed Health Professionals that includes Veterinary Services.

Options:

Funding Requested	$ 241,800.00
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?	

Approvals:

Submit	Approve	Purchasing	Budget
BH	TG	AY	JM
Finance	**Attorney**	**Administration**	**Clerk**
TS	JL	CR	JR

Attachments:

Financial Supplement
Signature Request
Contract

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 378/2025

Funds Requested: $ 241,800.00

Request Budgeted: Yes

Proposed Source of Funding:

General Fund

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2026	100-GENERAL FUND	3910-ANIMAL SERVICES	521000-PROFESSIONAL SERVICES	$241,800.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: TG

Phone: 678-450-1587

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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

FINANCIAL SERVICES DIRECTOR
Taylor Samples, CPA

ASSISTANT FINANCE DIRECTOR
Elizabeth White

PURCHASING MANAGER
Andy Youngblood

Hall County Government

FINANCIAL SERVICES
PURCHASING DIVISION

CONTRACT EXECUTION SIGNATURE REQUEST

Date: August 12, 2025

To: David Gibbs, Chairman, BOC

From: Andrew Youngblood, Purchasing Manager

Your signature is requested to execute the attached Contract:

Bid/Contract Number: 001-2026

Bid/Contract Name: Planned PEThood Veterinary Services

Department(s) Requesting Contract: Animal Services

Award Recipient Name: Planned PEThood Veterinary Services

Contract Description:

☐ Annual Contract ☒ New ☐ Renewal

FY 2025 Projected Spend: $ N/A

☐ Price Increase Requested Increase Percentage: N/A

☒ Project/Service Contract FY 2026 Estimated Amount: $241,800.00

☐ Product Contract Estimated Amount:

Comment:

This agreement is for Planned Pethood of Duluth, GA to provide veterinary services to Hall County Animal Services. Staff recommends entering into this agreement with Planned Pethood due to the comprehensive scope of services they offer, which will enable Animal Services to continue delivering efficient and high-quality care for both the animals and citizens of Hall County. The budgeted amount of $241,800.00 reflects services to be performed by Planned PEThood three (3) days per week for the term of the contract. The FY 2026 Estimated amount has been reviewed against the projected FY 2026 budget by Finance.

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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

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FINANCIAL SERVICES DIRECTOR
Taylor Samples, CPA

ASSISTANT FINANCE DIRECTOR
Elizabeth White

PURCHASING MANAGER
Andy Youngblood

Hall County Government

FINANCIAL SERVICES
PURCHASING DIVISION
Contract for Services

STATE OF GEORGIA
COUNTY OF HALL

CONTRACT #001-2026

For the provision of

Planned Pethood Veterinary Services

ARTICLE #101 – INTRODUCTION

This Contract for veterinary services (hereinafter "Services") is made and as entered into as of _____ (execution date) and _____, (effective date) is by and between Hall County, Georgia, (hereinafter "County") located at 2875 Browns Bridge Rd, Gainesville, Georgia 30504, and Planned PEThood which is principally located at 2680 Buford Highway, Suite E, Duluth, GA 30096. (hereinafter "Contractor").

WHEREAS 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"; and,

WHEREAS nothing contained in this Contract shall be construed to convert the Contractor or any of its employees, agents, 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; and,

WHEREAS 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 and execution by both Parties; and,

WHEREAS any documents, exhibits, attachments, plans, or references are all incorporated herein by reference.

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 the Services to the County as detailed in the Scope of Work, which is attached as Exhibit A. Unapproved work outside the Scope of Work may not be compensated.
B. County agrees to provide the Support to Contractor as detailed on Exhibit B, which is attached hereto.
C. County agrees to pay as compensation $1,550 per visit with a minimum number of monthly visits being one (1) visit per calendar week, which amounts and minimum number of visits shall be fixed and firm for the duration of the contract unless modified by mutual consent via Amendment or Renewal. Contractor will use its commercially reasonable efforts to schedule the minimum number of monthly visits, but its obligation shall be subject to doctor availability.

ARTICLE #103 – NOTICES; COMMUNICATIONS

A. **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
Trey Garcia
Director
Hall County Animal Services
1688 Barber Rd
Gainesville, GA 30507
tgarcia@hallcounty.org
Ph: 678-450-1587

COUNTY ISSUING OFFICER
Andy Youngblood
Purchasing Supervisor
Hall County Purchasing Division
2875 Browns Bridge Rd
Gainesville, GA 30504
andrew.youngblood@hallcounty.org
Ph: (770) 531-4940

CONTRACTOR'S CONTACT INFORMATION
Planned PEThood of Georgia
2860 Buford Hwy, Suite E
Duluth, GA 30096
Attn: Zach Kmieciak
Email: zach@pethoodga.org
Phone: (312) 859-8632

B. **Communications Relating to Day-to-Day Activities.** All communications relating to the day-to-day activities of the Services shall be exchanged between County's Representative, Trey Garcia, for County and Contractor's Representative, Zach Kmieciak, for administrative discussions, and Dr. Jennifer Odum/Veterinary Medical Director for medical. Each such representative is authorized to act on such Party's behalf with respect to the Services as such Party's designated representative under this Agreement.

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

The term will be for one (1) year (the "Term"), followed by one (1)-year renewal option. Renewals are not automatic nor guaranteed and must be approved (including applicable pricing increases) by both Parties at least thirty (30) days prior to the end of the initial Term.

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 gross 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.

   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, but in no event shall Contractor be required to provide Services after the termination of this Contract. 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

Either Party may terminate this Contract by providing sixty (60) days' written notice to the other Party 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, either Party may terminate the Contract in whole or in part for any reason without the payment of any penalty or incurring any further obligation to the other Party.

B. **Termination for Cause by County.** 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 Contractor fails to make substantial and timely progress toward performance of the Contract.
   3. 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.
   4. 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.
   5. The Contractor has engaged in conduct that has or may expose the County or the State to liability, as determined in the County's reasonable 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. **Termination for Cause by Contractor.** The occurrence of any of the following events shall constitute cause for the Contractor to declare the County in default of its obligations under the Contract:
   1. The County violates a material provision of the Contract

D. **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, which time period shall not be less than thirty (30) days. 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. Enforce the terms and conditions of the Contract and seek any legal or equitable remedies.

E. **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 reasonable discretion and conclusive. County agrees to provide prompt written notice to Contractor in the event of any de-appropriation and to make all required payments due Contractor through such the date of such termination.

F. **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, have caused, or reasonably could cause, human 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.

G. **Termination due to Lack of Accredited Doctor.** The Contractor may terminate the Contract effective immediately without advance notice if Contractor ceases to have an accredited doctor on staff who has sufficient uncommitted time to provide the Services.

H. **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.

I. **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.
6. Contractor agrees to provide a transition period for DEA license coverage for a mutually agreed-upon duration to ensure continuity of care. This transition period shall be subject to (a) a formal agreement outlining the scope and duration of the transition period, to be signed prior to termination; and (b) immediate revocation of DEA access in the event of suspected or confirmed drug theft, diversion, or other serious violations of DEA regulations.

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

Neither Party shall assign or delegate this Contract, or any performance required by it, in whole or in part, without the prior expressed written consent of the other Party.

ARTICLE #111 – USE OF THIRD PARTIES

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, if allowed in writing by the County. Any Contract with a third-party 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 two (2) 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 AND CONDITIONS

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 an individual serving as the replacement to County, and/or (iii) provide County with a résumé and any other information regarding an individual that may be reasonably requested by County.

B. The County has the right to require the Contractor to reassign or remove any employee from the premises temporarily or permanently when, in the County's reasonable 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 commercially reasonable, subject to the County's approval.

C. Contractor agrees to obtain prior written approval from the County for the use of sub-contractor(s) to provide the Services described in Scope of Work prior to sub-contractor(s) performance of work. Such non-disclosure of sub-contractors may result in non-payment for Services.

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 service contracts.
- $2,000,000 General Aggregate
- $1,000,000 Each Occurrence
- $100,000 Damages to Premises/Fire/Legal
- $5,000 Medical Payments

Commercial Auto Liability Insurance: Required for all service 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

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).
- Concurrent policy dates with primary liability policies except for workers compensation.

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. Upon Contract Execution, the County will issue a Notice to Proceed ("NTP") and a Purchase Order ("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.

The Contractor shall not deliver any Services, equipment, devices, or components thereof until authorized in writing by the County. 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 NTP 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 substantial 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 AMENDMENT 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 sent solely to accountspayable@hallcounty.org and only after the County inspects and accepts the Services provided. Receipt of the Services and/or materials do not constitute acceptance. Invoice amounts shall not exceed the Contractor's pricing set forth in *ARTICLE #102 - CONTRACT*.
   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.
   3. Standard payment terms are net 30 days (N30) in arrears from the date the invoice is accepted. The County does not pay for services not yet received but only in arrears except by written acceptance of pre-payment or deposit.
   4. The Contractor shall be solely responsible for paying all costs, expenses, and charges it incurs in connection with its performance under the Contract.

C. **Unsatisfactory Performance/Delay of Payment**
   1. If the County determines that the quality of the Services provided are deficient, unacceptable, or unsatisfactory the County's Project Manager identified in *ARTICLE #103 – 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 or deficiencies within the timeframe prescribed therein, which period shall be at least thirty (30) days. If the Contractor fails to timely correct the deficiency or deficiencies, 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.

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 reasonable discretion.
E. 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 – 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 #124 – NOTICE OF INTENT TO LITIGATE

Each Party 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 other Party of the claim and the intent to initiate a civil action.

ARTICLE #125 – 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 providing services pursuant to this Contract.

ARTICLE #126 – 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 #127 – SALES TAX EXEMPTION STATUS

The County is exempt from State of Georgia Local Sales and Use Tax. The Contractor understands and acknowledges that they are responsible for any sales and use tax they may incur. The Contractor 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 #128 – HOLD HARMLESS AGREEMENT

Neither Contractor nor its affiliates or will be liable for any lost profits, loss of use, lost or inaccurate data, interruption of business, costs of delay, or any indirect, special, incidental, reliance, punitive, exemplary or consequential damages of any kind, even if informed of the possibility of such damages in advance. Contractor's and its affiliates' total aggregate liability arising out of or related to this Agreement will not exceed the total fees actually paid by County to Contractor under this Agreement in the twelve (12) months preceding the event giving rise to the claim. The limitations in this *ARTICLE #128* will apply, regardless of the form of action, whether in contract, statute, tort (including negligence), strict liability or otherwise and even if any limited remedy specified in these Agreement is found to have failed of its essential purpose

ARTICLE #129 – 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 #130 – 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. Acceptance of a Purchase Order ("PO") and delivery of goods or services serves as the Contractor's full and complete acceptance of the County's terms and conditions set forth in this Contract.
5. 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.
6. 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.
7. "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.

8. The Supplier shall transfer and deliver all goods or services described on the respective PO for the consideration set forth herein.
9. 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.
10. 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.
11. The Supplier shall not construe any verbal consent to purchase goods or services as valid.
12. 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.
13. The County does not accept automatic contract renewals except for monthly subscription services.
14. 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.
15. 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.
16. 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.
17. In all cases, the jurisdiction shall be the State of Georgia, County of Hall, for arbitration or other legalities.
18. 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.
19. 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.
20. Title to the goods shall remain with the Supplier until acceptance by the County. Receipt of goods or services does not constitute acceptance.
21. The Supplier warrants that goods are merchantable, and the Supplier has a legal right to deliver the goods and services and as described herein.
22. 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.
23. The County is exempt from Federal Excise Tax and Georgia Sales and Use Tax.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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 sub-Contractors 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.

29. The Supplier certifies that it is not currently engaged in an active or pending lawsuit or other grievance, injunction, or levy against the County.
30. 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.
31. The County does not pay late fees nor interest charges.
32. The County is not bound to any minimum or maximum quantity or dollar amount set by the Supplier.
33. 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:

PLANNED PETHOOD OF GA

By: _____

Print Name: CJ Bentley

Title: Chief Executive Officer

Sworn to and subscribed before me this

12th Day of August, 2025.

Notary Public: _____

Notary commission expires: 8/29/27

[Locus Sigilli – Seal or Stamp]

LISA BRIDGES
MY COMMISSION EXPIRES
NOTARY PUBLIC
08/29/2027
HALL COUNTY, GEORGIA

HALL COUNTY, GEORGIA

By: _____

David Gibbs, Chairman
Hall County Board of Commissioners

Date: _____

Attestation: _____
Board of Commissioners Clerk

APPROVED AS TO FORM

_____

Nathaniel R. Anderson,
Senior Assistant County Attorney

Exhibit A

Scope of Work

Scope of Services

Service Provider agrees to provide veterinary services to the Hall County Animal Services Division, as follows:

1.1 **Veterinary Services**

- Serve as the **Veterinarian of Record** for Hall County Animal Services.
- Maintain a valid **DEA License** for controlled substances, contingent upon County maintaining appropriate protocols.
- Provide **one (1) licensed/qualified veterinarian on-site for a minimum of one (1) day and a maximum of three (3) days per week**, including medical exams and surgeries.
- Perform a maximum of **25 surgeries per visit**, as agreed upon by the attending veterinarian and Hall County, Georgia.

1.2 **Medical Services**

- Conduct medical examinations for sheltered animals.
- Diagnose health problems, ensure appropriate treatments are administered.
- Implement and maintain disease prevention programs, including vaccinations and shelter sanitation.
- Perform spay and neuter surgeries up to **25 per day** as agreed upon by the DVM on site that day.
- Perform additional surgeries as needed and agreed upon by the veterinarian.
- Provide emergency medical treatment to sick or injured animals.
- Evaluate cases of animal cruelty and neglect and provide expert testimony in legal proceedings as needed.
- Conduct humane euthanasia when necessary.
- Supervise and instruct shelter technicians and staff assisting with veterinary procedures.
- Maintain medical records and necessary documentation.

1.3 **After-Hours Support**

- Provide **24/7 phone consultation** for shelter and foster animals.

2. Records, Reports, and Audits

2.1 **Medical Records**

- Service Provider shall maintain all medical records for County animals seen by Service Provider in County's animal management system for a minimum of two (2) years.

2.2 **Scheduling/Invoicing**

- Service Provider shall maintain schedule and billing reports, available to the County upon request.
- Invoice shall be sent solely to accountspayable@hallcounty.org.

Exhibit B

County Support

County agrees to provide Service Provider the supporting services, as follows:

1. The County shall:
   - Purchase and maintain all necessary medications, treatments, surgical supplies necessary for the provision of the Services by Contractor.
   - Provide and maintain all veterinary equipment in good working order.
   - Provide adequate space for safe shelter medicine services.
   - Provide appropriate surgical shelter medicine staff support.

2. Prior to the Effective Date, the County shall provide to Contractor in writing a brief summary of:
   - All standard operating procedures directly relating to the standard of care expected by the County include:
     - Cleaning expectations (which areas, cleaning protocols, schedules, etc.);
     - Uniform expectations;
     - Current equipment provided for Contractor's use together with its age/functionality and expectations regarding any needed repairs/replacements;
     - Budget for medical services to include approximate number of animals requiring medical attention and the budgeted medical cost per animal;
     - Any expectations regarding any specific brand/type of medications used;
     - Any expectations regarding treatment plans;
     - Any expectations regarding time to see an animal post intake (not including emergencies);
     - Budgeted amount/average cost per animal for 3rd party care;
     - Decision tree and approval process to determine the following:
       - Which animals to treat;
       - Which animals to euthanize; and
       - Which animals to move to 3rd party care provider outside of the shelter;
   - All standard operating procedures regarding injury/accident reporting for animals and people;

3. Within 48 business hours, the County shall provide Contractor with written notice if any procedures set out above changes for any reason.

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 501/2025

SUBJECT: Approve the award of Task Order #2026-007 Replace Rooftop Air Conditioning Units at North Hall Community Center for Parks & Leisure Services to J.R. Hobbs Co of Lawrenceville, GA, in the amount of $122,526.00.

Meetings:

Work Session Date: 08/25/25

Voting Meeting Date: 08/28/25

Executive Summary:

Presenter: BH

Recommendation:
Approve.

Purpose of Request:
Approve the award of Task Order #2026-007 Replace Rooftop Air Conditioning Units at North Hall Community Center for Parks & Leisure Services to J.R. Hobbs Co of Lawrenceville, GA, in the amount of $122,526.00.

History:

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.

Replacing all three (3) units is within budget, including five (5) year warranties for each unit.

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

Options:

Funding Requested $ 122,526.00

Are funds within current budget? Yes

Source of Funds 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:

Buyer	Submit	Approve	Purchasing
CB	BH	BH	AY
Budget	**Finance**	**Attorney**	**Administration**
JM	TS	JL	CR
Clerk			
JR			

Attachments:
Financial Supplement
Bid Tab
Task Order #2026-007

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 501/2025

Funds Requested: $ 122,526.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VIII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2026	324-SPLOST VIII	6220-PARKS	541400-INFRASTRUCTURE	$122,526.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: LJ

Phone: 678-617-4518

Task Order #2026-007 BID TAB SUMMARY	Replace Rooftop Air Conditioning Units -North Hall Community Center at 4175 Nopone Rd, Gainesville, GA 30506			HVAC Contractors Contract #44-034
Bidders	**JR Hobbs**	**CAS**	**Freedom Mechanical**	
Location	Lawrenceville,GA			
Unit #1B	$ 41,347.00			
Unit #2B	$ 41,347.00			
Alternate RTU #9	$ 39,832.00			
Totals	**$ 122,526.00**	**No Bid**	**No Response**	

BIDS EMAILED:	3
BIDS EMAILED TO HALL CO CONTRACTORS	3
BIDS RECEIVED:	1
BIDS RECEIVED FROM HALL CO CONTRACTORS	1
NO BIDS:	1

CAS - No Bid due to not being able to provide York units.

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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

FINANCIAL SERVICES DIRECTOR
Taylor Samples, CPA

ASSISTANT FINANCE DIRECTOR
Elizabeth White

PURCHASING MANAGER
Andy Penick

Hall County Government
FINANCIAL SERVICES
PURCHASING DIVISION

Task Order #2026-007

July 30, 2025

For the provision of

Replace Rooftop Air Conditioning Units at North Hall Community Center

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

PROJECT DESCRIPTION

Hall County, Georgia, is issuing this Task Order # 2026-007 to Demand Services for On-Call HVAC Contractors for the Replacement of air conditioning equipment at the North Hall Community Center located at 4175 Nopone Rd, Gainesville, GA 30506.

Task Order bids must be received or emailed by Thursday, July 31, 2025, on the 4th floor of the Hall County Government Center, located at 2875 Browns Bridge, Gainesville, GA 30504 by 2:00pm. Email bids to Connie Barnes, at cbarnes@hallcounty.org.

SCHEDULE OF EVENTS

Release Date: Monday, July 14, 2025
Mandatory Site Visit: Friday, July 18, 2025, at 9:00am at North Hall Community Center & Park located at 4175 Nopone Rd, Gainesville, GA 30506.
Bidder Questions Due Date: Tuesday, July 22, 2025. Send questions to cbarnes@hallcounty.org.
Response to Bidder Questions Due Date: Friday, July 25, 2025
Bid Due Date: Thursday, July 31, 2025, by 2:00pm

SPECIFICATIONS and SCOPE OF WORK:

This is a turnkey project. The awarded contractor shall provide all equipment, labor, materials, permits, and supervision necessary to satisfactorily complete the project.

- Remove and dispose of existing Carrier air conditioning units 1B and 2B on gymnasium rooftop.
- Furnish and install two (2) new air conditioning units that will serve the gymnasiums.
  - Acceptable manufacturers: York only. Match model of units 1A and 2A that were recently replaced.
  - The new units must be installed per the manufacturers' instructions and must meet all local, state, and national codes and requirements.
  - Ensure the proper tonnage, BTU heat and blower CFMs must match the tonnage of the BTU heat and blower CFM of the existing Carrier units 1B and 2B.
- Condensate drains shall be PVC and shall have a union at the connection to each unit.
- The County prefers that the new units be able to drop right onto the existing curb.
  - Alternate proposals that fit without a curb adapter, or a short adapter, will be considered.
- Remove the existing thermostat and give it to Hall County Central Services Department.
  - **DO NOT** dispose of the thermostat.
- Furnish and install one (1) new Honeywell 8000 Wi-Fi thermostat.
- Include one (1) case of each size filter for each unit.
- Furnish one interface dongle, part number JCIoTM5StickCkit.
- Include cut sheets or other manufacturer's documentation with your bid.
- Label each unit with outdoor rated label.
- Include Five (5) year parts and labor warranty on all work and equipment at no additional cost to the County.
- Alternate: Replace RTU 9 that meets all specifications for replacing units 1B and 2B listed in this bid.

Unit #1B: $ $41,347.00

Unit #2B: $ $41,347.00

Alternate RTU #9: $ $39,832.00

Estimated Lead Time for new equipment: 12 mweeks

Estimated downtime of HVAC system for installation: 3 days

Sign below and return to cbarnes@hallcounty.org.

Signature:

JR Hobbs Co - Atlanta
(Contractor's Full Legal Corporate Name)

By: Robert Maro

Print Name: Robert Maro

Title: Sales Manager Atlanta

Date: 7/30/2025

HALL COUNTY, GEORGIA

By:_____
David Gibbs, Chairman
Hall County Board of Commissioners

Date: _____

Attestation:_____
Board of Commissioners Clerk

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 505/2025

SUBJECT: Approval and authorization for the Chairman to execute a Sponsorship Agreement with Northeast Georgia Health System for Parks & Leisure Services; authorization for the Chairman to take any additional action necessary to effectuate the agreement, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 08/25/25

Voting Meeting Date: 08/28/25

Executive Summary:

Presenter: BH

Recommendation:
Approve

Purpose of Request:
Approval and authorization for the Chairman to execute a Sponsorship Agreement with Northeast Georgia Health System for Parks & Leisure Services; authorization for the Chairman to take any additional action necessary to effectuate the agreement, subject to review and approval by the County Attorney.

History:

Facts and Issues:
This Agreement outlines the terms and conditions under with Northeast Georgia Health System will support select Hall County Parks & Leisure events and programs.

NHGS will sponsor marketing activities related to Parks' youth recreational sports and select annual events, and be recognized as the "Official Healthcare Partner of Hall County Parks."

NGHS agrees to contribute a total of $20,000 to Hall County Parks & Leisure for each year of the sponsorship term. Initial term is one year with mutual options to renew annually.

Options:

Funding Requested	$ 0.00
Are funds within current budget?	Yes
Source of Funds	Parks & Leisure 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?	2025-09-01

Approvals:

Submit	Approve	Budget	Finance
BH	BH	JM	TS

Attorney	Administration	Clerk
JL	CR	JR

Attachments:

NGHS Sponsorship Agreement

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 505/2025

Funds Requested: $ 0.00

Request Budgeted: Yes

Proposed Source of Funding:

Parks & Leisure Fund

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2026	273-PARKS & LEISURE SERVICES FUND	6210-PARKS AND LEISURE SERVICES	371000-PRIVATE DONATIONS	$-20,000.00

Budget Transfer Items:

Additional Information/Comments:

This would be revenue via a sponsorship from the Northeast Georgia Health System.

Contact for Questions: BH

Phone: 678-997-5823

HALL COUNTY PARKS & LEISURE
SPONSORSHIP AGREEMENT

This Sponsorship Agreement ("Agreement") is made and entered into this 28 day of August, 2025, by and between:

Hall County Parks & Leisure (HCPLS), a department of Hall County Government ("County") and Northeast Georgia Health System (NGHS), a Georgia-based health care organization ("Sponsor").

1. Purpose

This Agreement outlines the terms and conditions under which the Sponsor will support select Hall County Parks & Leisure events and programs. The goals of this partnership are to promote community wellness, increase public health awareness, and encourage meaningful use of Hall County's parks as spaces for recreation, connection, and community engagement.

In exchange for this support, HCPLS agrees to provide the Sponsor with marketing exposure, promotional opportunities, and public recognition as a valued community partner.

2. Term

The Agreement shall commence on September 1, 2025, and continue through August 30, 2026, unless terminated earlier pursuant to the provisions herein. Sponsor and County agree that the parties, by mutual written agreement, may cause the Agreement to be renewed for an additional one (1) year term ("renewal term") provided the parties agree upon the renewal prior to the expiration of the original term. The Agreement may be renewed by mutual written agreement a maximum of four (4) times. The Agreement shall not exceed five (5) years in total including any renewal terms.

3. Renewal & First Right of Refusal

Sponsor shall have the first right of refusal to renew this agreement for an additional one-year term. A review will be conducted in April of each year of the agreement to assess mutual interest in renewal and any modifications to the scope or benefits.

HALL COUNTY
GEORGIA

4. Sponsorship Value

Sponsor agrees to contribute a total of Twenty Thousand Dollars ($20,000) to Hall County Parks & Leisure for each year of the sponsorship term.

Payment will be made within 30 days of execution of this agreement, payable to Hall County Board of Commissioners.

5. Sponsorship Benefits

In return for this contribution, the County agrees to provide the following promotional and recognition benefits:

- Event Marketing & Logo Placement
    - Logo placement on Hall County event webpages
    - Sponsor logo included in quarterly Parks & Leisure e-newsletter as it pertains to the events and programs listed in the next section.
    - Sponsor's logo will be displayed on all marketing materials (digital and print) for the following events.
        - River Forks Explorer Day – July 2026
        - Spring and Fall 2026 Youth Baseball/Softball registration
        - Winter 2025 Youth Basketball registration
        - Glow-in-the-Dark Easter Egg Hunt - 2026
        - Community Christmas Market - 2025
- Social & Digital Promotion
    - Sponsorship recognition will include digital marketing campaigns anticipated to reach a broad segment of the community each event season, with performance data shared as available or upon sponsor requests.
    - Sponsorship recognition will include event-dedicated social media posts to promote sponsored events, and organic impressions will be tracked and reported as available or upon sponsor request.

- Sponsorship recognition will be included in relevant event-related communications, which may include social media posts, post-event recaps, e-newsletter mentions, and community storytelling tied to the events mentioned in section four.

- Onsite Visibility
  - Signage at select events, provided by Sponsor or printed by County with Sponsor approval

- Brand Messaging Partnership
  - For each sponsored event, Sponsor may provide a brief, event-related health message and corresponding link for inclusion in select marketing materials. Messages should align with the Sponsor's outreach priorities, relate naturally to the event setting, and include a clear call to action that resonates with the community. Final placement and formatting will be determined by Hall County Parks & Leisure Services.
  - Use of tagline: "Official Healthcare Partner of Hall County Parks"

- Industry Exclusivity
  - The Sponsor will be the exclusive hospital sponsor at any sponsorship level. No logos or mentions of other hospitals or health systems (i.e. Northside, Piedmont, Emory, WellStar, etc.) shall appear in any of the County's athletic venues, collaterals, etc.
  - During the one-year period of the sponsorship contract, the County, out of professional courtesy, will agree to notify and to discuss other medical sponsorships that have contacted the County regarding being considered as a future sponsor prior to signing an agreement with that potential sponsor.

6. Sponsor Obligations

- Provide a high-resolution logo and brand guidelines within 10 business days of Agreement signing.
- Coordinate health messaging content with Hall County Parks Director, or designee, in a timely manner, based on event timelines.

HALL COUNTY
GEORGIA

7. Use of Logos & Branding

Each party grants the other non-exclusive, non-transferable, royalty-free permission to use its logo or brand assets solely in connection with the sponsorship and outlined marketing efforts. All usage must follow the brand guidelines provided.

8. Termination

Either party may terminate this Agreement with 30 days' written notice. In the event of termination by the County, a prorated refund may be provided based on unused marketing exposure. If terminated by the Sponsor, no refund will be issued unless agreed upon in writing.

9. Indemnification

Sponsor agrees to indemnify and hold harmless Hall County Government, its departments, officials, employees, and volunteers from any and all claims, liabilities, or damages arising out of the Sponsor's negligence or misuse of branding rights.

10. Miscellaneous

- This Agreement constitutes the entire understanding between the parties.
- No modification shall be binding unless in writing and signed by both parties.
- This Agreement shall be governed by the laws of the State of Georgia.

IN WITNESS WHEREOF, the parties hereto have executed this Sponsorship Agreement as of the date first above written.

For Hall County Government

By: _____

Name: David Gibbs

Title: Chairman, Board of Commissioners

Date: _____

For Northeast Georgia Hospital System

By: Paige Yingst

Name: Paige Yingst

Title: PR Specialist

Date: 8/7/2025

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 374/2025

SUBJECT: Approve the award of RFQ/P #46-011 General Contractor for Construction of the East Hall Library for the Hall County Library System and Parks to Carroll Daniel Construction of Gainesville, GA. The estimated cost is $4,468,000.00.

Meetings:

Work Session Date: 08/25/25

Voting Meeting Date: 08/28/25

Executive Summary:

Presenter: LM/BH

Recommendation:
Approve

Purpose of Request:
Approve the award of RFQ/P #46-011 General Contractor for Construction of the East Hall Library for the Hall County Library System and Parks to Carroll Daniel Construction of Gainesville, GA. The estimated cost is $4,468,000.00.

History:

We received thirteen (13) bids. Carroll Daniel was the highest scoring bidder.

Facts and Issues:

Options:

Funding Requested	$ 4,468,000.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VIII, State Grant
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?	2025-07-14

Approvals:

Buyer	Submit	Approve	Purchasing
AY	BH	BH	AY

Budget	Finance	Attorney	Administration
JM	TS	JL	CR
Clerk			
JR			

Attachments:
Financial Supplement
Bid Tab Summary
Signature Request Cover Sheet
Contract for Services
Best and Final Offer - Carroll Daniel
Best and Final Offer - Carroll Daniel - rec'd 8/19/2025

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 374/2025

Funds Requested: $ 4,468,000.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VIII, State Grant

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2026	250-MULTIPLE GRANT FUND	6500-HALL COUNTY LIBRARY SYSTEM	336002-INTERGOVERNMENTAL REIMBURSE	$-2,740,300.00
2026	250-MULTIPLE GRANT FUND	6500-HALL COUNTY LIBRARY SYSTEM	541300-BUILDING AND IMPROVEMENTS	$2,740,300.00
2026	324-SPLOST VIII	6500-HALL COUNTY LIBRARY SYSTEM	541300-BUILDING AND IMPROVEMENTS	$1,727,700.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: LM/BH

Phone: Lisa 770-532-3311 x134

RFQ/P #46-011 General Contractor for Construction of the East Hall Library

Bid Tabulation Summary

Bid Opening Date: 06/05/2025

Scores Out of 1,000 Total Maximum Points Available

	1	2	3	4	5	6	7
Bidders	Benning	Bowen & Watson	**Carol Daniel**	Cooper & Co	Diversified	Hogan	JNB
Location	Atlanta, GA	Atlanta, GA	**Gainesville, GA**	Cumming, GA	Tucker, GA	Norcross, GA	Daleville, AL
Average Technical Scores	305.5	330	335	336.25	323.75	347.5	71.25
Average Cost Scores (Out of 600)	563.8	548.55	592.22	562.66	555.88	507.93	591.48
Total Scores	869.3	878.55	**927.22**	898.91	879.63	855.43	663.1
Base Bid Stipulated Sum Cost Proposal	$ 5,230,662.00	$ 5,356,000.00	$ 4,997,000.00	$ 5,240,000.00	$ 5,295,779.00	$ 5,690,000.00	$ 5,000,000.00

	8	**9**	**10**	11	12	13
Bidders	Kevin Price	Multiplex	Pencor	Scroggs & Grizzel	Swinerton	Ward + Humphrey
Location	Athens, GA	Duluth, GA	Alpharetta, GA	Clermont, GA	Atlanta, GA	Marietta, GA
Average Technical Scores	322.5	313.75	335	332.5	345	313.75
Average Cost Scores (Out of 600)	555.48	600	483.93	508.95	417.02	550.9
Total Scores	877.98	913.75	918.9	841.45	762.02	864.65
Base Bid Stipulated Sum Cost Proposal	$ 5,299,000.00	$ 4,933,000.00	$ 5,065,103.00	$ 5,681,614.00	$ 6,437,421.00	$ 5,336,701.00

A formal Invitation to Negotiate was offered to the highest scoring Bidders. The negotiations resulted in an updated cost proposal in the form of a Best and Final Offer from Carroll Daniel in the amount of $4,510,000.

Bid Sent Out:	31
Hall County Invitations:	4
Bids Received:	13
No Bids:	0

Hall County Government

FINANCIAL SERVICES
PURCHASING DIVISION

CONTRACT EXECUTION SIGNATURE REQUEST

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

FINANCIAL SERVICES DIRECTOR
Taylor Samples, CPA

ASSISTANT FINANCE DIRECTOR
Elizabeth White

PURCHASING MANAGER
Andy Youngblood

Date: August 6, 2025

To: David Gibbs, Chairman, BOC

From: Andy Youngblood, Purchasing Manager

Your signature is requested to execute the attached Contract:

Bid/Contract Number: 46-011

Bid/Contract Name: General Contractor for Construction of the East Hall Library

Department(s) Requesting Contract: Parks & Leisure

Award Recipient Name: Carroll Daniel Construction

Contract Description:

☐ Annual Contract ☒ New ☐ Renewal

FY 2025 Projected Spend: $ N/A

☐ Price Increase Requested Increase Percentage: N/A

☒ Project/Service Contract FY 2026 Estimated Amount:$4,510,000.00

☐ Product Contract Estimated Amount:

Comment:

Carroll Daniel was the highest scoring bidder for this RFQ/P while remaining under budget for the project. A formal Invitation to Negotiate was offered to the highest scoring Bidders. The negotiations resulted in an updated cost proposal in the form of a Best and Final Offer from Carroll Daniel in the amount of $4,510,000.00. The FY 2026 Estimated amount has been reviewed against the projected FY 2026 budget by Finance.

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Taylor Samples, CPA

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Elizabeth White

PURCHASING MANAGER
Andy Youngblood

Hall County Government

FINANCIAL SERVICES
PURCHASING DIVISION
Exhibit B – Contract for Services

STATE OF GEORGIA
COUNTY OF HALL

CONTRACT #46-011

For the provision of

General Contractor for Construction of the East Hall Library

ARTICLE #101 – INTRODUCTION

This Contract for General Contractor for Construction of the East Hall Library (hereinafter "Services") is made and as entered into as of _____ (execution date) is by and between Hall County, Georgia, (hereinafter "County") located at 2875 Browns Bridge Rd, Gainesville, Georgia 30504, and Carroll Daniel Construction, which is principally located at 330 Main Street SW, Gainesville, GA 30501 (hereinafter "Contractor").

WHEREAS, 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", and,

WHEREAS, nothing contained in this Contract shall be construed to convert the Contractor or any of its employees, agents, 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, and,

WHEREAS, 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 and execution by both Parties; and,

WHEREAS, any documents, exhibits, attachments, plans, 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 the Services to the County as detailed in the Scope of Work. Unapproved work outside the Scope of Work may not be compensated.
B. County agrees to pay as compensation any fees as listed on Section 00 4113 BID FORM – STIPULATED SUM, SINGLE-PRIME CONTRACT document, for the Base Bid of Four Million Nine Hundred Ninety-Seven Thousand Dollars and no/100 ($4,997,000) which shall be fixed and firm for the duration of the contract unless modified by mutual consent via Amendments or Renewals.

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 MANAGERS

Brent Holloway, CPRP
Director Parks & Community Services
Hall County Government
2875 Browns Bridge Rd
Gainesville, GA 30504
bholloway@hallcounty.org
Ph: 678-997-5823

Lisa MacKinney
Library Director
Hall County Library System
lmackinney@hallcountylibrary.org
PH: 770-532-3311 x134

COUNTY ISSUING OFFICER

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

CONTRACTOR'S CONTACT INFORMATION

Tomy Wiley
Sr. Vice President & Division Manager
Carroll Daniel Construction
330 Main Street SW
Gainesville, GA 30501

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 automatic 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 third-party'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, 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.

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

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, if allowed in writing by the County. Any Contract with a third-party 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 AND CONDITIONS

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 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 sub-contractor(s) to provide the Services described in Scope of Work prior to sub-contractor(s) performance of work. Such non-disclosure of sub-contractors may result in non-payment for Services.

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 service 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 service 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.

Additional Provisions: Coverage shall include at a minimum:

- Information Security & Privacy Liability
- Regulatory Fines and Penalties
- Payment Card Industry (PCI) – if credit cards and/or Contractoring information is obtained or accessed
- Ransomware

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 # 119 – NO WAIVER:

A. **Authority to Enter into Contract.** The Contractor represents and warrants that it has full authority to enter and perform its obligations under the Contract and that the Contract constitutes a legal, valid, and binding obligation upon the Contractor in accordance with its terms. The representatives of the parties hereto also represent and warrant that they are authorized to sign this Contract on behalf of each party hereto."

B. **Solicitation.** The Contractor warrants that no person or selling agency (except bona fide employees or selling agents maintained for the purpose of securing business) has been employed or retained to solicit

and secure the Contract upon an agreement or understanding for commission, percentage, brokerage or contingency.

C. **Vehicles and Equipment.** Except for any specified County Owned Equipment and Vehicles listed herein, Contractor warrants that no Contractor employees, sub-contractors or others will not use County owned vehicles or equipment in the performance of this Contract without express written consent. Contractor shall be responsible for providing all transportation necessary to deliver Services under the Contract.

ARTICLE #120 – INTELLECTUAL PROPERTY RIGHTS and OWNERSHIP:

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

ARTICLE # 121 - COMPENSATION:

A. The County will pay the Contractor for the Services provided pursuant to this Contract and in accordance with the prices quoted and conditions set forth in the Bidder's response on 00 4113 BID FORM – STIPULATED SUM, "SINGLE-PRIME CONTRACT" which is attached hereto and incorporated into this Contract as if fully set forth herein. Payments will be made monthly in arrears to the Contractor after acceptance of the Contractor's delivered Services by the County, and after receiving receipt of undisputed invoice to the County.

B. Prices quoted shall be firm and fixed throughout the term of this Contract, unless otherwise Amended or Modified by mutual agreement.

C. Cost may be prorated for Services added or removed under this Contract to align cost with the remaining term of Contract.

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

ARTICLE #122 – COUNTY PAYMENT TO CONTRACTOR

A. Upon Contract Execution, and receipt of all REQUIRED BONDS and COI, the County will issue a Notice to Proceed ("NTP") and a Purchase Order ("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.

The Contractor shall not deliver any Services, equipment, devices, or components thereof until authorized in writing by the County. 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 NTP 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 substantial 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 sent solely to accountspayable@hallcounty.org and only after the County inspects and accepts the Services provided. Receipt of the Services and/or materials do not constitute acceptance. Invoice amounts shall not exceed the Contractor's pricing set forth in Exhibit C – Mandatory Cost Proposal Worksheet.
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.
3. Standard payment terms are net 30 days (N30) in arrears from the date the invoice is accepted. The County does not pay for services not yet received but only in arrears except by written acceptance of pre-payment or deposit.
4. The Contractor shall be solely responsible for paying all costs, expenses, and charges it incurs in connection with its performance under the Contract.
5. Contractor must submit Applications for Payment (Pay Apps) in accordance with the Conditions of the Contract.
6. If monthly progress payments are agreed upon, then County will make such payments upon inspection of services completed by the County's Project Manager. Additionally, the County may employ Engineers of Record.
7. Prior to Substantial Completion, progress payments in an amount equal to 95% of the value of the work completed and 95% percent of the value of materials and equipment not incorporated in the Work but delivered and suitably stored, in each case, the aggregate of payments previously made.
8. Retainage payments shall be paid by County after final acceptance of work.

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 (if required)

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 (If required)

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 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 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 sub-Contractors 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.
35. The Supplier certifies that it is not currently engaged in an active or pending lawsuit or other grievance, injunction, or levy against the County.
36. Goods are Free-On-Board (F.O.B.) destination unless otherwise denoted. Freight, shipping, and delivery shall be pre-paid and added to the invoice as a separate line item.
37. The County does not pay late fees nor interest charges.
38. The Supplier shall charge the County the exact amount of freight, delivery, handling, and insurance charges the Supplier incurs.
39. The County is not bound to any minimum or maximum quantity or dollar amount set by the Supplier.
40. In the event there is a discrepancy between the unit price and extended price, the unit price shall govern.
41. Any changes to a PO in quantity or dollar amount require a written change order issued by the County.

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 Contractor's Full Legal Name Below:

Carroll Daniel Construction Co.

By: Tommy Wiley

Print Name: Tommy Wiley

Title: Sr. Vp and Division Manager

Sworn to and subscribed before me this

17th Day of July, 2025.

Notary Public: Kristen Harrison

Notary commission expires: 1/16/2029

[Locus Sigilli – Seal or Stamp]

HALL COUNTY, GEORGIA

By: _____
David Gibbs, Chairman
Hall County Board of Commissioners

Date: _____

Attestation: _____
Board of Commissioners Clerk

APPROVED AS TO FORM

Nathaniel R. Anderson,
Senior Assistant County Attorney

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

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

FINANCIAL SERVICES DIRECTOR
Taylor Samples, CPA

ASSISTANT FINANCE DIRECTOR
Elizabeth White

PURCHASING MANAGER
Andy Youngblood

Hall County Government

FINANCIAL SERVICES
PURCHASING DIVISION

BEST AND FINAL OFFER COST PROPOSAL WORKSHEET

RFQ/P #46-011 General Contractor for East Hall Library

Company Name: Carroll Daniel Construction

Bidder's Name: Brandon Harmon

Bidder's Signature: _____

Date: 8/6/25

Please provide your lump sum best and final offer bid for this project:

$4,510,000.00 (Four Million Five Hundred Ten Thousand Dollars and Zero Cents)

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

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

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PURCHASING MANAGER
Andy Youngblood

Hall County Government

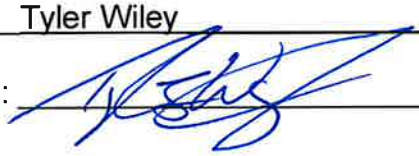
FINANCIAL SERVICES
PURCHASING DIVISION

BEST AND FINAL OFFER COST PROPOSAL WORKSHEET

RFQ/P #46-011 General Contractor for East Hall Library

Company Name: Carroll Daniel Construction Company

Bidder's Name: Tyler Wiley

Bidder's Signature: 

Date: 8/18/2025

Please provide your lump sum best and final offer bid for this project:

$4,468,000.00 Lighting VE Schedule Attached

SESCO
LIGHTING

EAST HALL LIBRARY - VE LIGHTING CUTSHEETS

Prepared By

Fletcher Vanyo - SESCO - Atlanta
770-449-7045
fvanyo@sescolighting.com
5100 Peachtree Industrial Blvd., Suite 400
Peachtree Corners, GA 30071, USA

SESCO LIGHTING

Table of Contents

Datasheets

New Section			
Type	Manufacturer	Model Number	Pg.
A	HE WILLIAMS	BP-22-LS-8CCT-DIM-UNV / BP222SL-W-DIM-UNV	2
B	ELITE LIGHTING	HH4-LED-1000L/1500L/2000L-DIM10-MVOLT-WD-27K/30K/35K/40K/50K-90-HH4-4501-SHZ-WH	6
C	HE WILLIAMS	BP-22-LS-8CCT-DIM-UNV	8
D-TRK/MISC	CONTECH LIGHTING	LT-4-STD FINISH/ LT-2 / LA-10- STD FINISH / LA-2-STD FINISH	12
D-HEAD	CONTECH LIGHTING	CTL-9052-F-35C-D-STD FINISH	26
F	FINELITE	HP2-P-ID-32'-B-V-835-TG-F-96LG-277-SC-FC-10%-FA50-C4-FE-SW (W/ 4 LIT CORNERS)	40
G1	CAMMAN LIGHTING	P1022-96-LD-35-CLV- MV-WM -*FINISH*-ACC	55
G2	CAMMAN LIGHTING	P1022-60-LD-35-CLV- MV-W M-*FINISH*-ACC	57
G3	CAMMAN LIGHTING	P1022-37-LD-35-CLV- MV-WM -*FINISH*-ACC	59
G4	CAMMAN LIGHTING	P10333-48-STD ACOUSTIC COLOR (ADDED ON ADDENDUM #2)	61
H	DMF LIGHTING	DC4-C4-S-L-D-20-GA-0-00-00-35-CC-O-00-R-DCCX-RC	62
H1	DMF LIGHTING	DC4-C4-S-L-D-20-GA-0-00-00-35-CC-O-00-R-DCCX-RC	75
HE	DMF LIGHTING	DC4-C4-S-L-D-20-GA-0-00-00-35-CC-O-EM-R-DCCX-RC	88
J	ELITE LIGHTING	4-OEC-LED-3000L/4000L/5000L-DIM10-MVOLT-35K/40K/50K-85	101
K	FINELITE	HP2-P-D-12-V-835-F-96LG-277-SC-FC-1%-FA50-CEILING-FE-STD FINISH (4X4X4 TRIANGLE)	106
L	QUOIZEL	PCAI8524BN	121
M-4	INSIGHT LIGHTING	PCM-5-3500K-120-SM-48-277-DIM-MG / EL10984	122
N	HE WILLIAMS	LRX4-F-4'-L12-835-DMA-DIM-UNV	128
P-PER FT	KELVIX	SW3SHO- - 35K-HZ-FEED-S-IP69	133
Q	SSL (SOLID STATE LUMINAIRES)	SSC6-12-SP-(SURFACE MOUNT)-UNV-935-30L-*FINISH*-72S-LD	137
R	UFO UNIVERSAL FIBER OPTIC LIGHTING USA, LLC	UFO HARNESS W/ 41 TAILS	142
S-2	ELITE LIGHTING	EU-LED-24-900L-DIM10-MVOLT-30K/35K/40K-WH	144
S-3	ELITE LIGHTING	EU-LED-34-1300L-DIM10-MVOLT-30K/35K/40K-WH	146

New Section (continued)			
Type	Manufacturer	Model Number	Pg.
S-4	ELITE LIGHTING	EU-LED-46-1800L-DIM10-MVOLT-30K/35K/40K-WH	148
T1	PRIMA LIGHTING	EDISON 1804N PENDANT (ELV / TRIAC DIMMING)	150
T2	PRIMA LIGHTING	EDISON 1804N PENDANT (ELV / TRIAC DIMMING)	151
T3	PRIMA LIGHTING	EDISON 1804N PENDANT (ELV / TRIAC DIMMING)	152
U-8	HE WILLIAMS	MX2UD-8'-L8/835U-L12/835D-F-F-AC/D48-DIM-UNV	153
U-16	HE WILLIAMS	MX2UD-16'-L8/835U-L12/835D-F-F-AC/D48-DIM-UNV	160
U-24	HE WILLIAMS	MX2UD-24'-L8/835U-L12/835D-F-F-AC/D48-DIM-UNV	167
V	CAMMAN LIGHTING	P3001-48-LN-35K-CLV-MV-OWO-FINISH-ST	174
X	BEGHELLI USA	CR2SA	176
OA	PERFORMANCE IN LIGHTING	SH2-37-X-35K-UNV-0-10V	178
OB	HE WILLIAMS	OSA6S-L20/830-AC-FT-AB-DBR-DIM-UNV	182

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 500/2025

SUBJECT: Approve the preventative maintenance agreement for ambulance stretchers for Fire Rescue to Stryker Medical of Chicago, IL. The estimated annual cost is $65,286.00.

Meetings:

Work Session Date: 08/25/25

Voting Meeting Date: 08/28/25

Executive Summary:

Presenter: JS

Recommendation:
Approve.

Purpose of Request:
Approve the preventative maintenance agreement for ambulance stretchers for Fire Rescue to Stryker Medical of Chicago, IL. The estimated annual cost is $65,286.00.

History:
The Board approved Agenda Item # 580/2021 to purchase Stryker Ambulance Stretchers on 11/10/2021 and also Agenda Item # 177/2021 on 04/22/2021.

Facts and Issues:

This purchase will provide preventative maintenance for 27 Power Pro Stretchers and 18 Power Load Systems.

Options:

Funding Requested	$ 65,286.00
Are funds within current budget?	Yes
Source of Funds	Emergency Services Fund
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Buyer	submit	approve	Purchasing

Buyer	submit	approve	Purchasing
CB	JS	JS	AY
Budget	**Finance**	**Attorney**	**Administration**
JM	TS	JL	CR
Clerk			
JR			

Attachments:
Financial Supplement
Contract Signature Request
Quote 11144294
Sole Source Form

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 500/2025

Funds Requested: $ 65,286.00

Request Budgeted: Yes

Proposed Source of Funding:

Emergency Services Fund

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2026	271-EMERGENCY SERVICES FUND	3630-EMS	522200-REPAIRS AND MAINTENANCE	$65,286.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: JS

Phone: 404-597-0084

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8270 | f: 770.531.6711

FINANCIAL SERVICES DIRECTOR
Taylor Samples, CPA

ASSISTANT FINANCE DIRECTOR
Elizabeth White

PURCHASING MANAGER
Andy Youngblood

Hall County Government

FINANCIAL SERVICES
PURCHASING DIVISION

CONTRACT EXECUTION SIGNATURE REQUEST

Date: August 8, 2025

To: David Gibbs, Chairman, BOC

From: Julie Dorough, Buyer

Your signature is requested to execute the attached Contract:

Bid/Contract Number: Sole Source

Bid/Contract Name: Ambulance Stretcher Preventative Maintenance Yearly Agreement

Department(s) Requesting Contract: Fire Rescue

Award Recipient Name: Stryker Medical

Contract Description:

☐ Annual Contract ☐ New ☒ Renewal

FY 2025 Projected Spend: $73,443.45

☐ Price Increase Requested Increase Percentage: N/A

☒ Project/Service Contract FY 2026 Estimated Amount:$65,286.00

☐ Product Contract Estimated Amount:

Comment:

This purchase will provide preventative maintenance for 27 Power Pro Stretchers and 18 Power Load Systems. The FY 2026 Estimated amount has been reviewed against the projected FY 2026 budget by Finance.

stryker

One Year Prevent - Renewal

Quote Number: 11144294

Version: 1

Prepared For: HALL COUNTY FIRE RESCUE

Attn:

Rep: Preston Willis

Email:

Phone Number:

GPO: CUSTOMER CONTRACT

SMK Service Rep Name: JonathonRogers

SMK Service Rep Email: jonathon.rogers@stryker.com

Quote Date: 07/08/2025

Expiration Date: 08/07/2025

Contract Start: 09/01/2025

Contract End: 08/31/2026

Delivery Address		**Sold To - Shipping**		**Bill To Account**	
Name:	HALL COUNTY FIRE RESCUE	Name:	HALL COUNTY FIRE RESCUE	Name:	HALL COUNTY FIRE RESCUE
Account #:	20021986	Account #:	20021986	Account #:	20021986
Address:	470 CRESCENT DR	Address:	470 CRESCENT DR	Address:	470 CRESCENT DR
	GAINESVILLE		GAINESVILLE		GAINESVILLE
	Georgia 30501-5079		Georgia 30501-5079		Georgia 30501-5079

ProCare Products:

#	Product	Description	Months	Qty	List Price	Discount %	Sell Price	Total
1.0	POWERPRO-PROCARE	PROCARE-SVC-POWERPRO √ Parts, Labor, Travel √ Preventative Maintenance √ Batteries Service	12	2	$1,656.00	25.0%	$1,242.00	$2,484.00
2.0	POWERPRO-PROCARE	PROCARE-SVC-POWERPRO √ Parts, Labor, Travel √ Preventative Maintenance √ Batteries Service	12	3	$1,656.00	25.0%	$1,242.00	$3,726.00
3.0	POWERLOAD-PROCARE	PROCARE-SVC-POWER-LOAD √ Parts, Labor, Travel √ Preventative Maintenance √ Batteries Service	12	18	$2,352.00	25.0%	$1,764.00	$31,752.00
4.0	POWERPRO-PROCARE	PROCARE-SVC-POWERPRO √ Parts, Labor, Travel √ Preventative Maintenance √ Batteries Service	12	1	$1,656.00	25.0%	$1,242.00	$1,242.00
5.0	POWERPRO-PROCARE	PROCARE-SVC-POWERPRO √ Parts, Labor, Travel √ Preventative Maintenance √ Batteries Service	12	21	$1,656.00	25.0%	$1,242.00	$26,082.00
					ProCare Total:			$65,286.00

Price Totals:

This is not an Invoice

stryker

One Year Prevent - Renewal

Quote Number:	11144294		
Version:	1		
Prepared For:	HALL COUNTY FIRE RESCUE	Rep:	Preston Willis
	Attn:	Email:	
		Phone Number:	
GPO:	CUSTOMER CONTRACT	SMK Service Rep Name:	JonathonRogers
		SMK Service Rep Email:	jonathon.rogers@stryker.com
Quote Date:	07/08/2025		
Expiration Date:	08/07/2025		
Contract Start:	09/01/2025		
Contract End:	08/31/2026		

		Kim Haines	7/9/25
Authorized Customer Signer (Printed)	Date	Stryker Authorized Signature (Printed)	Date
		Kim Haines	7/9/25
Authorized Customer Signature	Date	Stryker Authorized Signature	Date

Purchase Order Number

Service Terms and Conditions:
The Terms and Conditions of this quote and any subsequent purchase order of the Customer are governed by the Terms and Conditions located at www.stryker.com/stnc The terms and conditions referenced in the immediately preceding sentence do not apply where Customer and Stryker are parties to a Master Service Agreement. The terms and conditions referenced in the immediately preceding sentence do not apply where Customer and Stryker are parties to a written agreement governing the purchase/sale of goods and/or services.

This is not an Invoice

Equipment Service Plan

Line Item #	Model	ProCare Materials	Serial #
1.0	650605550003	PROCARE-SVC-POWERPRO	2208020700133
1.0	650605550003	PROCARE-SVC-POWERPRO	2208020700038
2.0	650605550002	PROCARE-SVC-POWERPRO	2112020600010
2.0	650605550002	PROCARE-SVC-POWERPRO	2112020600041
2.0	650605550002	PROCARE-SVC-POWERPRO	2112020600084
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2105012400118
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2105012400103
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2205012400279
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2205012400280
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2205012400281
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2105012400105
3.0	639005550001	PROCARE-SVC-POWER-LOAD	1912012400185
3.0	639005550001	PROCARE-SVC-POWER-LOAD	1912012400170
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2205012400235
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2105012400116
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2105012400119
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2403012400055
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2404012400120
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2404012400149
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2405012400054
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2405012400066
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2405012400070
3.0	639005550001	PROCARE-SVC-POWER-LOAD	2405012400072
4.0	6506V276U	PROCARE-SVC-POWERPRO	151039528
5.0	6506000000	PROCARE-SVC-POWERPRO	2004003500205
5.0	6506000000	PROCARE-SVC-POWERPRO	170441647
5.0	6506000000	PROCARE-SVC-POWERPRO	170441648
5.0	6506000000	PROCARE-SVC-POWERPRO	151039525
5.0	6506000000	PROCARE-SVC-POWERPRO	151039515
5.0	6506000000	PROCARE-SVC-POWERPRO	170441649

5.0	6506000000	PROCARE-SVC-POWERPRO	160939586
5.0	6506000000	PROCARE-SVC-POWERPRO	160939588
5.0	6506000000	PROCARE-SVC-POWERPRO	170441646
5.0	6506000000	PROCARE-SVC-POWERPRO	2004003500206
5.0	6506000000	PROCARE-SVC-POWERPRO	2004003500207
5.0	6506000000	PROCARE-SVC-POWERPRO	160939587
5.0	6506000000	PROCARE-SVC-POWERPRO	151039527
5.0	6506000000	PROCARE-SVC-POWERPRO	151039524
5.0	6506000000	PROCARE-SVC-POWERPRO	151039519
5.0	6506000000	PROCARE-SVC-POWERPRO	151039529
5.0	6506000000	PROCARE-SVC-POWERPRO	151039520
5.0	6506000000	PROCARE-SVC-POWERPRO	160939589
5.0	6506000000	PROCARE-SVC-POWERPRO	151039516
5.0	6506000000	PROCARE-SVC-POWERPRO	151039526
5.0	6506000000	PROCARE-SVC-POWERPRO	151039523

Purchase Order Form

stryker

Account Manager _____

Cell Phone _____

Purchase Order Date _____

Expected Delivery Date _____

Stryker Quote Number _____

Check box if Billing same as Shipping ☐

BILL TO	CUSTOMER #
Billing Account Num	
Company Name	
Contact or Department	
Street Address	
Addt'l Address Line	
City, ST ZIP	
Phone	

SHIP TO	CUSTOMER #
Shipping Account Num	
Company Name	
Contact or Department	
Street Address	
Addt'l Address Line	
City, ST ZIP	
Phone	

Authorized Customer Initials _____

Authorized Customer Initials _____

DESCRIPTION	QTY	TOTAL
REFERENCE QUOTE		

Accounts Payable Contact Information

Name _____

Email _____

Phone _____

Stryker Terms and Conditions
www.stryker.com/stnc

Authorized Customer Signature

Printed Name _____

Title _____

Signature _____

Date _____

Attachment **Stryker Quote Number**

*Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services on the Stryker Quote.

HALL COUNTY
GEORGIA

Sole Source/Brand and Single Source Justification

Request Submitted By

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

Request Details

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

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

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

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

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

Scope of Work

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

Justifying a Sole Source/Brand

Provide an explanation why only a particular style, model, type or manufacturer is required (i.e. why the commodity is the only commodity which will meet the County needs).
Provide a detailed description of proposed source's unique capabilities and/or personnel to perform the work and why this is the only source.

Justifying a Single Source

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

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 508/2025

SUBJECT: Approve the purchase of two (2) Kubota Tractor Mower RTVs for Road Maintenance to Mason Tractor & Equipment Co., Inc. of Cumming, GA, in the amount of $64,499.80.

Meetings:

Work Session Date: 08/25/25

Voting Meeting Date: 08/28/25

Executive Summary:

Presenter: JS

Recommendation:
Approve.

Purpose of Request:
Approve the purchase of two (2) Kubota Tractor Mower RTVs for Road Maintenance to Mason Tractor & Equipment Co., Inc. of Cumming, GA, in the amount of $64,499.80.

History:
The County uses Mason Tractor for purchases and they are in good standing within the County.

Facts and Issues:
The model number of the equipment is MX6000HST.

WEB Quote #2900258 and #2900257.

Sourcewell contract # 112624-KBA.

Options:

Funding Requested	$ 64,499.80
Are funds within current budget?	Yes
Source of Funds	Capital Projects Fund
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Buyer	Submit	Approve	Purchasing
CB	JS	JS	AY
Budget	**Finance**	**Attorney**	**Administration**
JM	TS	JL	CR
Clerk			
JR			

Attachments:
Financial Supplement
Quote 2900258
Quote 2900257

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 508/2025

Funds Requested: $ 64,499.80

Request Budgeted: Yes

Proposed Source of Funding:

Capital Projects Fund

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2026	350-CAPITAL PROJECTS FUND	4220-ROAD MAINTENANCE	542100-MACHINERY	$64,499.80

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: JH

Phone: 770-531-6824

Sourcewell

Ground Maintenance, CE, Utility Tractors, Mowers, RTV's - 112624-KBA
Ag Tractors with Related Attachments - 082923-KBA
NJPA Arkansas 4600041718
Nebraska 14777 (OC)
Mississippi 8200067336

MX6000HST WEB QUOTE #2900258
Date: 8/5/2025 6:51:06 AM

-- Customer Information --

Hall County Road Maintenance, Hall County Road Maintenance
34982
Hall County Road Maintenance
jhightower@hallcounty.org
770-531-6824

Quote Provided By
MASON TRACTOR & EQUIPMENT CO., INC.
RANDY THOMPSON
2510 DAHLONEGA HWY
CUMMING, GA 30040
email: rthompson@masontractorco.com
phone: 7708876119

-- Standard Features --

Kubota

M Series

MX6000HST
UTILITY TRACTOR, 4WD, 2 POST FOLDABLE ROPS, HST TRANSMISSION
*** EQUIPMENT IN STANDARD MACHINE ***

DIESEL ENGINE
Model # V2403
Direct injection
4 Cyl. 148.6 cu. in.
^ 59.5 Net Eng. HP
^ 51.7 PTO HP
@ 2700 Eng. rpm
EPA Tier 4 Emmission Cert.
Turbo Common Rail Electronic Fuel Injection
12V - 600 CCA Battery
Charging Output 45 Amps

HYDRAULICS
Open Center - Gear Pump
4.9 gpm Power Steering
9.5 gpm Remote/3 Pt. Hitch
14.4 gpm Total Hyd. Flow
Cat I/II 3-point Hitch
At lift Point 2870 lbs.
24" Behind 2310 lbs.
Telescoping Lower Links
Telescoping Stabilizers

^ Manufacturer Estimate

FRONT AXLE
Hydrostatic Power Steering
4WD: Cast Iron, Bevel Gear

TRANSMISSION
3 Range Low/Med/High
Cruise Control Standard
Mech. Wet Disc Brakes
Left Side Brake Pedals
Rear Differential Lock

FLUID CAPACITY
Fuel Tank 13.5 gal
Cooling System 6.9 qts
Crankcase with filter 7.4 qts
Transmission and Hydraulics 11.6 gal

POWER TAKE OFF
Live-Independent Hydraulic
540 rpm Rear PTO
@ 2700 Eng. rpm
SAE Std 1 3/8" Six Spline

SAFETY EQUIPMENT
2-Post Foldable ROPS w/ Retractable Seat Belt
Flip-Up PTO Shield
Safety Start Switches
Parking Brakes
Electric Key Shut Off
Turn Signals
SMV Sign

OPERATORS PLATFORM
Semi-Flat Deck w/Hanging Pedals
High Back Seat with Adjustable Suspension
Rubber Floor Mat
Stationary PTO Switch
Cup Holder
Color Coded Controls

INSTRUMENTS
Tachometer/Hour Meter
Fuel Gauge Meter
Warning Symbols
Coolant Temperature Meter

SELECTED TIRES
sub1426
FT TITN 12-16.5 R4 STL 6BLT TL2
RT TITN 17.5L-24 R4 STL 6BLT MXTL2

-- Custom Options --

MX6000HST Base Price:	$39,623.00
(1) FRONT WEIGHT BRACKET MX8068-FRONT WEIGHT BRACKET	$121.00
Configured Price:	$39,744.00
Sourcewell Discount:	($8,743.68)
SUBTOTAL:	$31,000.32
Factory Assembly:	$325.00
Dealer Assembly:	$18.33
Freight Cost:	$506.25
PDI:	$400.00
Total Unit Price:	$32,249.90
Quantity Ordered:	1
Final Sales Price:	$32,249.90

Purchase Order Must Reflect Final Sales Price.

To order, place your Purchase Order directly with the quoting dealer

***All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price.** All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

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Sourcewell

Ground Maintenance, CE, Utility Tractors, Mowers, RTV's - 112624-KBA
Ag Tractors with Related Attachments - 082923-KBA
NJPA Arkansas 4600041718
Nebraska 14777 (OC)
Mississippi 8200067336

MX6000HST WEB QUOTE #2900257
Date: 8/5/2025 6:49:35 AM

-- Customer Information --

Hall County Road Maintenance, Hall County Road Maintenance
34982
Hall County Road Maintenance
jhightower@hallcounty.org
770-531-6824

Quote Provided By
MASON TRACTOR & EQUIPMENT CO., INC.
RANDY THOMPSON
2510 DAHLONEGA HWY
CUMMING, GA 30040
email: rthompson@masontractorco.com
phone: 7708876119

-- Standard Features --

Kubota

M Series

MX6000HST
UTILITY TRACTOR, 4WD, 2 POST FOLDABLE ROPS, HST TRANSMISSION
* * * EQUIPMENT IN STANDARD MACHINE * * *

DIESEL ENGINE
Model # V2403
Direct injection
4 Cyl. 148.6 cu. in.
^ 59.5 Net Eng. HP
^ 51.7 PTO HP
@ 2700 Eng. rpm
EPA Tier 4 Emmission Cert.
Turbo Common Rail Electronic Fuel Injection
12V - 600 CCA Battery
Charging Output 45 Amps

HYDRAULICS
Open Center - Gear Pump
4.9 gpm Power Steering
9.5 gpm Remote/3 Pt. Hitch
14.4 gpm Total Hyd. Flow
Cat I/II 3-point Hitch
At lift Point 2870 lbs.
24" Behind 2310 lbs.
Telescoping Lower Links
Telescoping Stabilizers

^ Manufacturer Estimate

FRONT AXLE
Hydrostatic Power Steering
4WD: Cast Iron, Bevel Gear

TRANSMISSION
3 Range Low/Med/High
Cruise Control Standard
Mech. Wet Disc Brakes
Left Side Brake Pedals
Rear Differential Lock

FLUID CAPACITY
Fuel Tank 13.5 gal
Cooling System 6.9 qts
Crankcase with filter 7.4 qts
Transmission and
Hydraulics 11.6 gal

POWER TAKE OFF
Live-Independent Hydraulic
540 rpm Rear PTO
@ 2700 Eng. rpm
SAE Std 1 3/8" Six Spline

SAFETY EQUIPMENT
2-Post Foldable ROPS w/
Retractable Seat Belt
Flip-Up PTO Shield
Safety Start Switches
Parking Brakes
Electric Key Shut Off
Turn Signals
SMV Sign

OPERATORS PLATFORM
Semi-Flat Deck w/Hanging Pedals
High Back Seat with Adjustable
Suspension
Rubber Floor Mat
Stationary PTO Switch
Cup Holder
Color Coded Controls

INSTRUMENTS
Tachometer/Hour Meter
Fuel Gauge Meter
Warning Symbols
Coolant Temperature Meter

SELECTED TIRES
sub1426
FT TITN 12-16.5 R4 STL 6BLT TL2
RT TITN 17.5L-24 R4 STL 6BLT MXTL2

-- Custom Options --

MX6000HST Base Price:	$39,623.00
(1) FRONT WEIGHT BRACKET MX8068-FRONT WEIGHT BRACKET	$121.00
Configured Price:	$39,744.00
Sourcewell Discount:	($8,743.68)
SUBTOTAL:	$31,000.32
Factory Assembly:	$325.00
Dealer Assembly:	$18.33
Freight Cost:	$506.25
PDI:	$400.00
Total Unit Price:	$32,249.90
Quantity Ordered:	1
Final Sales Price:	$32,249.90

Purchase Order Must Reflect Final Sales Price.

To order, place your Purchase Order directly with the quoting dealer

***All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price.** All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

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AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 507/2025

SUBJECT: Approval and authorization for the Chairman to execute a resolution to approve an access easement agreement accepting the grant of an easement from CL Hayes Properties LLC to Hall County and granting an easement to CL Hayes Properties LLC from Hall County, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 08/25/25

Voting Meeting Date: 08/28/25

Executive Summary:

Presenter: JS

Recommendation:
Approval

Purpose of Request:

Approval and authorization for the Chairman to execute a resolution to approve an access easement agreement accepting the grant of an easement from CL Hayes Properties LLC to Hall County and granting an easement to CL Hayes Properties LLC from Hall County, subject to review and approval by the County Attorney.

History:

Hall County acquired right-of-way in December 2022 for a trail connector to be constructed from Atlanta Hwy near the trail tunnel to the Highlands to Islands Trail.

Unfortunately, the final easement to complete the connection could not be obtained.

Facts and Issues:

The execution of this access agreement will grant Hall County the necessary access for the completion of the trail connector.

The access agreement will grant CL Hayes Properties LLC an easement to construct and maintain a driveway across the trail connector.

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?	

Approvals:

Submit	Approve	Budget	Finance
JS	JS	JM	TS

Attorney	Administration	Clerk
JL	CR	JR

Attachments:

Resolution
Vicinity Map

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION AUTHORIZING THE EXECUTION OF AN ACCESS AGREEMENT ACCEPTING THE GRANT OF AN EASMENT FROM CL HAYES PROPERTIES LLC, TO HALL COUNTY, GEORGIA AND GRANTING AN EASEMENT TO CL HAYES PROPERTIES LLC. FROM HALL COUNTY, GEORGIA

WHEREAS, an Access Easement Agreement attached hereto as "Resolution Exhibit A" has been developed by which CL Hayes Properties, LLC. (hereinafter referred to as "CL Hayes") would grant Hall County, Georgia (hereinafter referred to as "the County") a permanent non-exclusive easement for vehicular and pedestrian ingress and egress through the portion of CL Hayes's property as depicted in "Resolution Exhibit B" that the county would use for the benefit of the Highlands to Islands Trail project, and by which the County would grant CL Hayes a perpetual non-exclusive easement over a portion of the Highlands to Island Trail project as described in "Resolution Exhibit C"; and

WHEREAS, the County desires to acquire access to the 0.008 acre portion of the tract owned by CL Hayes Properties, LLC. labeled as Required Acquisition Area on "Resolution Exhibit B" for the benefit of the Highlands to Islands Trail project ; and

WHEREAS, CL Hayes desires to acquire access to allow the construction and use of a driveway over a portion of the Highlands to Islands Trail project as depicted in "Resolution Exhibit C"; and

WHEREAS, the Board of Commissioners has determined that the execution of the proposed Access Easement Agreement is in the best interest of the general welfare of the citizens of Hall County; and

WHEREAS, the Board of Commissioners of Hall County, Georgia intends to approve the execution of the Access Easement Agreement and intends to authorize the Chairman to execute any documents necessary to effectuate the execution of that Agreement and the acceptance and granting of the easements discussed therein subject to the review and approval of the County Attorney.

NOW THEREFORE, the Hall County Board of Commissioners determines and declares that the execution of the Access Easement Agreement is in the best interest of the citizens of Hall County and the Board further authorizes the Chairman to sign any and all documents necessary to effectuate the execution of the Access Easement Agreement and furth authorizes the Chairman to sign any and all documents necessary to effectuate the granting of and acceptance of the easements described therein as may be necessary, subject to the review and approval of the County Attorney.

SO RESOLVED this the _____ day of August, 2025.

HALL COUNTY BOARD OF COMMISSIONERS

_____
Chairman, David Gibbs

ATTEST:

_____ (SEAL)
Jennifer Rivera, County Clerk

APPROVED AS TO FORM:

_____
Justin Lawhon, Interim County Attorney

After recording return to:
Eric P. Wilborn
Stewart, Melvin & Frost, LLP
P. O. Box 3280
Gainesville, GA 30503

ACCESS EASEMENT AGREEMENT

STATE OF GEORGIA,
COUNTY OF HALL.

THIS ACCESS EASEMENT ("**Agreement**") is made and entered into as of the ____ day of July 2025, by and between **CL HAYES PROPERTIES LLC and HALL COUNTY, GEORGIA** (each a "Party" and collectively, the "Parties").

RECITALS

CL HAYES PROPERTIES LLC is the owner of that certain land located in Hall County, Georgia, and more particularly described on Exhibit "A" attached to this Agreement and made a part of this agreement by this reference.

HALL COUNTY, GEORGIA is the owner of that certain land located in Hall County, Georgia, and more particularly described on Exhibit "B" attached to this Agreement and made a part of this agreement by this reference.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF Ten and 00/100 Dollars ($10.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto, intending to be legally bound, do hereby agree as follows:

Adoption of Recitals. The foregoing Recitals are hereby acknowledged as being true and correct and the same are hereby adopted as part of this Agreement.

GRANT OF EASEMENT

1. CL HAYES PROPERTIES LLC hereby agrees to grant to HALL COUNTY, GEORGIA, its successors and assigns, pursuant to the terms and conditions hereof, a **Permanent Non-Exclusive Easement** for vehicular and pedestrian **ingress and egress** and access on, over, across, through and upon property of CL HAYES PROPERTIES LLC which connects to the Multi-Use Trial described on Exhibit "C" attached to this Agreement and made a part of this agreement by this reference for the benefit of and appurtenant to HALL COUNTY, GEORGIA.

2. HALL COUNTY, GEORGIA hereby agrees to grant for the benefit of and appurtenant to CL HAYES PROPERTIES LLC, its successors and assigns, pursuant to the terms and conditions hereof, a **Perpetual, Non-Exclusive Easement** over, across and through a portion of the Multi-Use Trail located on property of HALL COUNTY, GEORGIA described on Exhibit "B" and more fully described on Exhibit "D" attached to this Agreement and made a part of this agreement by this reference for the purposes of **non-exclusive, perpetual** easement for vehicular and pedestrian **ingress and egress** in which will allow CL HAYES PROPERTIES LLC to access a driveway located on his property. Any damage to the Property incurred in connection with the use of the

easement by CL HAYES PROPERTIES LLC or his invitees, ordinary wear and tear excepted, will be repaired by CL HAYES PROPERTIES LLC at CL HAYES PROPERTIES LLC sole cost and expense.

Entire Agreement, Modification

This Agreement constitutes the entire and complete agreement between the parties regarding the easements granted above and supersedes any prior oral or written agreements between the parties with respect to the transaction contemplated hereby. It is expressly agreed that there are no verbal understandings or agreement which in any way change the terms, covenants and conditions herein set forth, and that no modification of this Agreement and no waiver of any of its terms or conditions shall be effective unless made in writing and duly executed by the parties hereto.

Binding Effect

All covenants, agreements, warranties and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. This Agreement has been made and entered into under the laws of the State of Georgia and those laws shall control the interpretation of this Agreement. The easements and conditions contained in this Agreement are covenants running with the land.

In WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

Signed, sealed and delivered
in the presence of:

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____(SEAL)
Chairman: Hon. David Gibbs

Attest: _____
Jennifer Rivera, County Clerk

Approved By:

_____
County Attorney:

CL HAYES PROPERTIES LLC

Unofficial Witness

By: _____(SEAL)
Title: Managing Partner

Notary Public (Affix Seal)
My Commission Expires: 3-2-27

JUDY MCDOWELL NOTARY PUBLIC WHITE COUNTY, GEORGIA My Comm. Expires March 2, 2027

EXHIBIT "A"

All that tract or parcel of land, together with any improvements located thereon, lying and being in the Oakwood District GMD, Hall County, Georgia, fronting on the Gainesville-Atlanta Highway, and more particularly described as follows: Beginning at an iron pin corner where said property joins property now or formerly of Hoyt Oliver and running in an easterly direction along Gainesville-Atlanta Highway 100 feet to a stake corner; thence in a northerly direction along lands now or formerly of W.H. Reed 150 feet to a stake; thence in a southwesterly direction 160 feet to a stake at property now or formerly owned by Hoyt Oliver; thence along the Hoyt Oliver line in an easterly direction 271 feet to a stake on the Gainesville-Atlanta Highway and the beginning corner and being a part of the former W.H. Reed Property. This is the same property conveyed to Lenco Holdings Inc., in Deed Book 4683, page 575, of the Hall County, Georgia Deed Records, and is currently designated as 2766 Atlanta Highway according to the present system of numbering properties in Hall County, Georgia. Said property is also shown setout, and delineated on a plat of survey dated January 31, 2005, styled "Survey for Lenco Holdings, Inc.", prepared by Phillips Land Surveying, Tommy J. Phillips, Registered Land Surveyor, which survey is incorporated herein by reference. To the extent that there may be a discrepancy between this metes and bounds description and the survey, it is the intent of this deed to convey this property to the fullest extent possible under either document all the way to the property lines of adjoining owners.

LESS AND EXCEPT: All that tract or parcel of land lying and being in Land Lot 27 of the 9th Land district of Hall County, Georgia, being more particularly described as follows: Beginning at a point 1,962 feet LEFT of and opposite Station 10+592.422 on the construction centerline of S.R. 13 on Georgia Highway Project No. NH-985-1(322); from the point of beginning, thence N 62°45'38.5" W for a distance of 56.038 feet to the point the boundary; thence N 27°14'16.5"E for a distance of 100.010 feet to a point on the boundary; thence S 62°45'04.4"E for a distance of 56.017 feet to a point on the boundary; thence S 27°13'33.0"W for a distance of 100.000 feet to the point of beginning. Containing 0.133 acres, more or less. Also, granted is the right to an easement for the construction of a driveway as shown colored pink on the attached plat. Said easement expires upon completion and final acceptance of said property by the Department of Transportation.

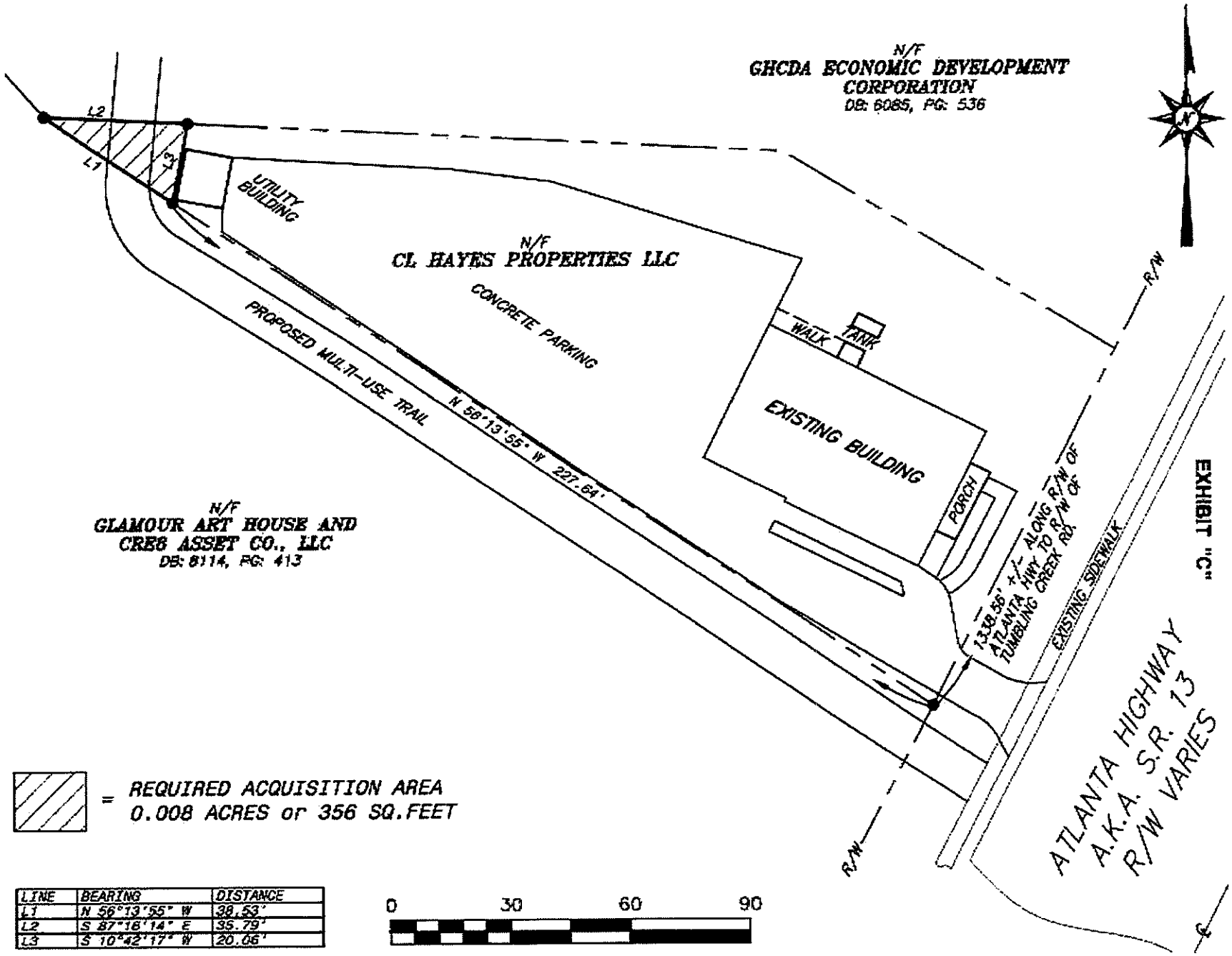
EXHIBIT "B"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 27 of the 8th District in Hall County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the northwesterly right-of-way of Atlanta Highway (State Route # 13), said point is located 1,388.56' measured along said right-of-way from the southerly right-of-way of Tumbling Creek Road;

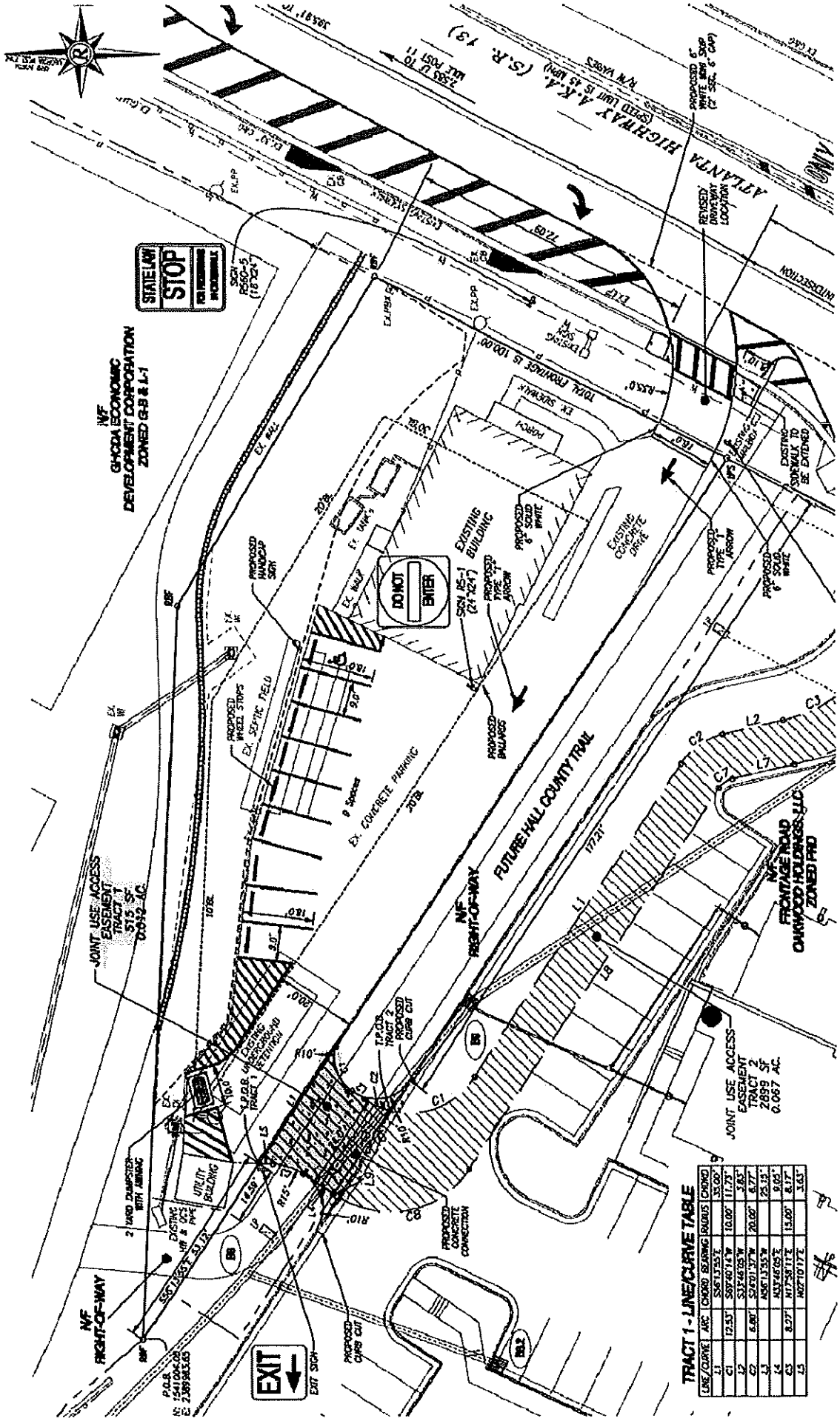
THENCE along the right-of-way of Atlanta Highway (State Route # 13) S 27°13'26" W for a distance of 20.13' to a point; THENCE leaving said right-of-way N 56°13'55" W for a distance of 254.99' to a point; THENCE N 33°46'05" E for a distance of 20.00' to a point on the common line of Glamour Art House, Inc. and Cre8 Asset Co., LLC and Boys of Fall, LLC; THENCE along said common line S 56°13'55" E for a distance of 252.69' to the **POINT OF BEGINNING;**

Said tract contains 0.117 acres (5,077 square feet) more or less.

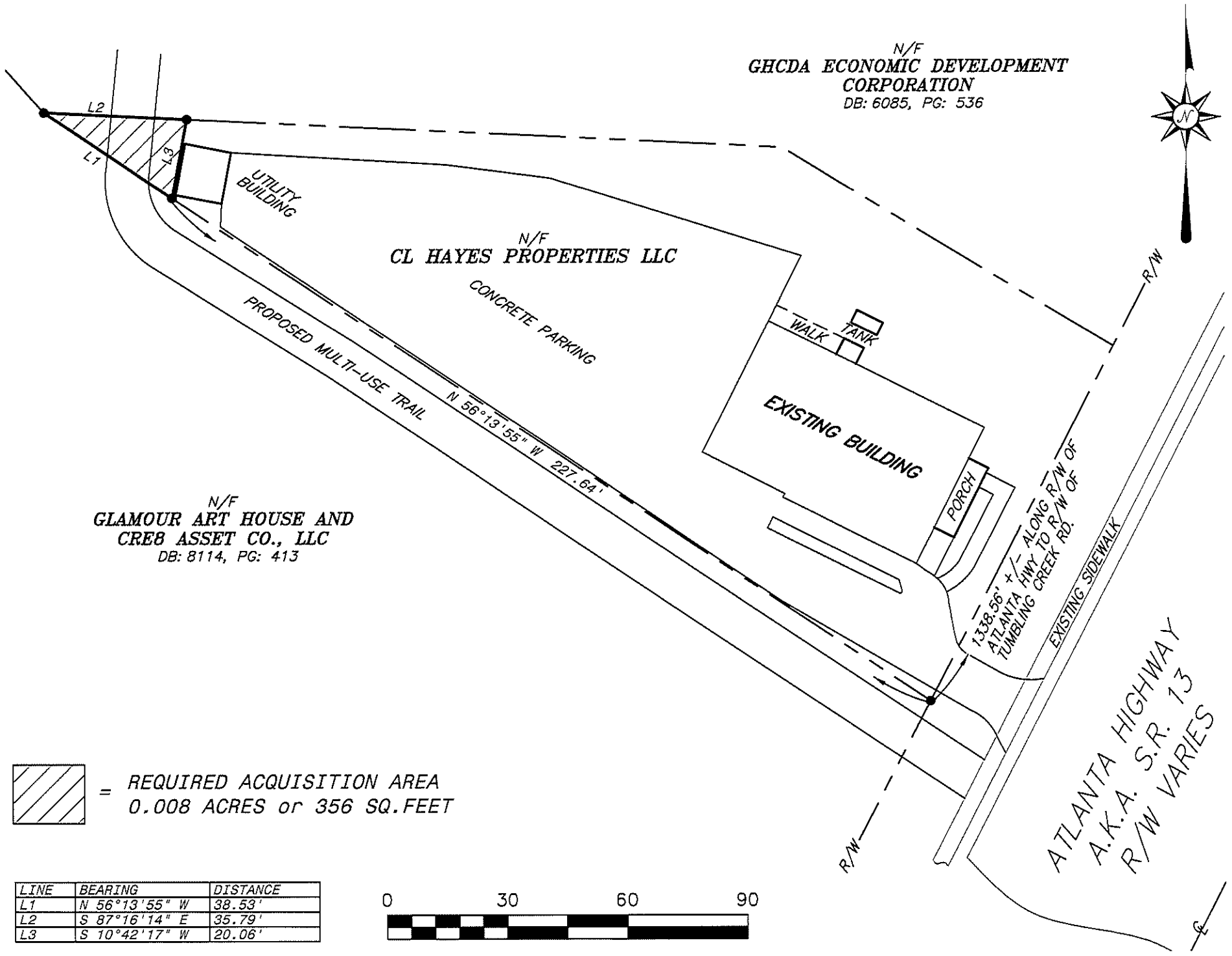


LINE	BEARING	DISTANCE
L1	N 56°13'55" W	38.53'
L2	S 87°18'14" E	35.79'
L3	S 10°42'17" W	20.06'

EXHIBIT "D"

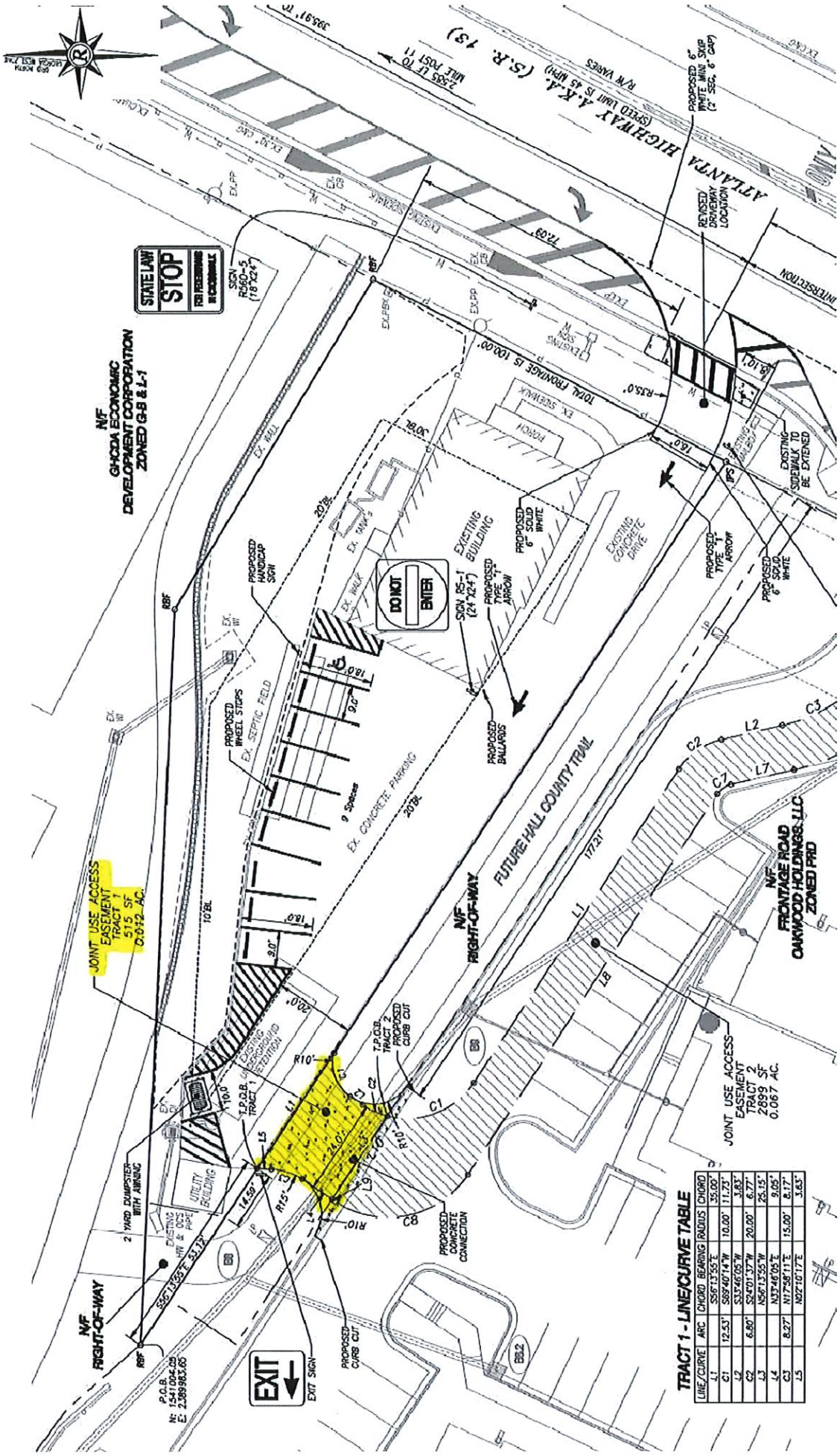


LINE/CURVE	ARC	CHORD BEARING	RADIUS	CHORD
L1		S56°13'55"E		35.00'
C1	12.53'	S69°40'14"W	10.00'	11.73'
L2		S33°46'05"W		3.83'
C2	6.80'	S24°01'37"W	20.00'	6.77'
L3		N56°13'55"W		25.15'
L4		N33°46'05"E		9.05'
C3	8.27'	N17°58'11"E	15.00'	8.17'
L5		N02°10'17"E		3.63'



LINE	BEARING	DISTANCE
L1	N 56°13'55" W	38.53'
L2	S 87°16'14" E	35.79'
L3	S 10°42'17" W	20.06'

RESOLUTION EXHIBIT C



TRACT 1 - LINE/CURVE TABLE

LINE/CURVE	ARC	CHORD BEARING	RADIUS	CHORD
L1		S56°13'55"E		35.00'
C1	12.53'	S69°40'14"W	10.00'	11.73'
L2		S33°46'05"W		3.83'
C2	6.80'	S24°01'37"W	20.00'	6.77'
L3		N56°13'55"W		25.15'
L4		N33°46'05"E		9.05'
C3	8.27'	N17°58'11"E	15.00'	8.17'
L5		N02°10'17"E		3.63'

Easement Area for
Hall County, Georgia
356 Sq. Feet
N/F
CL Hayes Properties, LLC
Atlanta Highway (GA 13)
Easement Area for
CL Hayes Properties, LLC
515 Sq. Feet
Hall County Trail R/W
Atlanta Highway (GA 13)

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 465/2025

SUBJECT: Approve the request from the Lake Lanier Association for a waiver of Hall County Landfill tipping fees (the estimated tipping fees are $1,800.00) for approximately 30 tons of trash to be collected during the Shore Sweep event scheduled for September 20, 2025.

Meetings:

Work Session Date: 08/25/25

Voting Meeting Date: 08/28/25

Executive Summary:

Presenter: BN

Recommendation:
Approve

Purpose of Request:
Approve the request from the Lake Lanier Association for a waiver of Hall County Landfill tipping fees (the estimated tipping fees are $1,800.00) for approximately 30 tons of trash to be collected during the Shore Sweep event scheduled for September 20, 2025.

History:
This is an annual event that is led by the Lake Lanier Association.

Facts and Issues:

Shore Sweep Locations/Tons:

- Holly Park (4.8 Tons)
- Gainesville Marina (4.1 Tons)
- Laurel Park (2.3 Tons)
- Balus Creek (2.25 Tons)
- Lanier Islands (2.18 Tons)
- Van Pugh (5.71 Tons)
- Little River (8.66 Tons)

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	N/A

Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2025-09-11

Approvals:

Submit	Approve	Budget	Finance
JS	JS	JM	TS

Attorney	Administration	Clerk
JL	CR	JR

Attachments:

Shore Sweep 2025 Request Letter

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 465/2025

Funds Requested: $ 0.00

Request Budgeted: No

Proposed Source of Funding:

N/A

Budget Transfer Requested:

No

Funding Source Items:

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: NS

Phone: 770-531-6851

Lake Lanier Association

a 501(c)3 nonprofit organization

821 Dawsonville Hwy • Suite 110 • Gainesville, GA 30501

(770) 744-4547 • lakeinfo@lakelanier.org • www.lakelanier.org

July 16th 2025

RE: Board of Commissioners Meeting Agenda Request for Shore Sweep 2025 Assistance

To Whom it May Concern:

The Lake Lanier Association (LLA) is proud to have the continued support of Hall County for our efforts in our annual shoreline cleanup, Shore Sweep. Shore Sweep has removed over 80 tons of trash from Lanier annually and in 2024, we had a record-breaking number of clean-up sites – 14 day-off clean-up sites and 7 advanced clean-up sites. Each year, the annual shoreline cleanup draws over 1,000 volunteers with eager, helping hands. You can learn more about our Shore Sweep cleanup at www.lakelanier.org/shore-sweep/.

The intent of this letter is to request a meeting time or agenda spot for a Hall County Commissioner's meeting in August 2025, to continue the discussion of how LLA and Hall County can work together. We rely heavily on community partnerships like yours to be successful in our efforts towards a Clean, Full and Safe Lake Lanier. We are once again approaching the date for our 37th Annual Shore Sweep event to be held on **Saturday, September 20th, 2024**.

LLA is eager to continue the conversation around addressing encapsulated foam and the increasingly challenging removal of such debris. While we've created an incredible partnership with United Rentals to safely remove the foam blocks from Lake Lanier, and in larger quantities than ever before, we are faced with the challenge of disposing of it after the event. The LLA is dedicated to finding a long-term solution for this problem, but we must rely on community partners to help us dispose of it responsibly in the meantime.

This year, we are requesting a minimum of two (2) dumpsters at each of the following locations to allow for the foam to be collected and disposed of separately. Disposal weight, as reported by Hall County Landfill for the 2022 event, is listed next to the sites to aid in determining whether 2 dumpsters are sufficient for each location.

Locations include:

- Holly Park (4.8 Tons)
- Gainesville Marina (4.1 Tons)
- Laurel Park (2.3 Tons)
- Balus Creek (2.25 Tons)
- Lanier Islands (2.18 Tons)
- Van Pugh – New Location, Replacing Aqualand Marina (5.71 Tons)
- Little River – New Location, Due to volunteer demand and increased activity.

Please accept this as my formal request for time on the next Board of Commissioners meeting agenda to present this challenge and obtain any approvals necessary to prepare for this event. We are eager to gain the support of Hall Co. to continue our mission towards a Clean, Full and Safe Lake Lanier!

Sincerely,

Victoria Clevenger, Executive Director | victoria@lakelanier.org | (937) 524-3373 Cell | (770) 744-4547 Office

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 496/2025

SUBJECT: Approve the release of $614,732.00 Guaranty Performance/Maintenance Agreement and Acceptance of Streets into Hall County Maintenance in Union Grove Phase 1 Subdivision. Commission District 1.

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: JS

Recommendation:
Approve

Purpose of Request:
Approve the release of $614,732.00 Guaranty Performance/Maintenance Agreement and Acceptance of Streets into Hall County Maintenance in Union Grove Phase 1 Subdivision. Commission District 1.

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:

Submit	Approve	Budget	Finance
WS	JS	JM	TS

Attorney	Administration	Clerk

Attorney	Administration	Clerk
JL	CR	JR

Attachments:

Supporting Documentation
Final Plat Information

STATE OF GEORGIA,
COUNTY OF HALL

Bond No. US00131216SU23A

GUARANTY PERFORMANCE/MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, Meritage Homes of Georgia, Inc. (owner/principal, hereinafter referred to as "Principal"), and XL Specialty Insurance Company (surety), a company entitled and licensed to do business as a surety in the State of Georgia and Hall County, (hereinafter referred to as "Surety"), are held and bound unto Hall County, Georgia in the sum of Six Hundred Fourteen Thousand Seven Hundred Thirty Two and 00/100 Dollars ($614,732.00)* (hereinafter referred to as "bonded amount") for payment of which we bind ourselves, our heirs, executors, administrators and assigns.

WHEREAS, Meritage Homes of Georgia, Inc. (principal) is owner of the Subdivision known as Union Grove Subdivision, which subdivision is shown on a plat prepared by Maxwell-Reddick and Associates, Georgia Registered Surveyor Number 3327, and

WHEREAS, Meritage Homes of Georgia, Inc. (principal) wishes to induce the Board of Commissioners of Hall County, Georgia to approve the street system shown on the Final Plat of Union Grove Subdivision for recording purposes, and

WHEREAS, Meritage Homes of Georgia, Inc. (principal) wishes to induce the Board of Commissioners of Hall County, Georgia to accept the streets shown on the Final Plat of Union Grove Subdivision for public maintenance (not applicable to private developments); Meritage Homes of Georgia, Inc. (principal) and XL Specialty Insurance Company (surety) agree in consideration of the foregoing,

NOW, THEREFORE BE IT RESOLVED, Meritage Homes of Georgia, Inc. (principal) agrees that all construction of the street system of Union Grove Subdivision will be completed and maintained for fifteen (15) months according to the terms and requirements as shown on the recorded Final Plat and of the Subdivision Regulations in force in Hall County, Georgia.

Meritage Homes of Georgia, Inc. (principal), and XL Specialty Insurance Company (surety) agree to the following:

Sidewalks will be completed throughout entire subdivision as shown on recorded final plat within one (1) year of signing of said final plat. One inch of "F" mix asphalt may be placed anytime prior to final platting or up to one (1) year after final plat approval. In addition, Principal and Surety agree that if either the sidewalks, cuts, fills, sub-grades, shoulders, pavement, grassing, storm water management facilities, or traffic signs in Union Grove Subdivision are improperly maintained or are found to be defective from faults in design, materials or workmanship as shown on the recorded Final Plat, or as set out in the Subdivision Regulations in force in Hall County, Georgia, then upon demand from Hall County, XL Specialty Insurance Company (surety) shall pay the bond amount to Hall County.

Terms of Guaranty:

Meritage Homes of Georgia, Inc. (principal) and XL Specialty Insurance Company (surety) shall be bound by the provisions of this agreement until a properly authorized letter is received by XL Specialty Insurance Company (surety) from Hall County authorizing release of Meritage Homes of Georgia, Inc. (principal) and XL Specialty Insurance Company (surety) from this Guaranty Agreement.

NOTWITHSTANDING the above provisions, this Guaranty Performance/Maintenance Agreement is hereby issued on November 3, 2023 (Date) and expires on November 3, 2025.
(Date, minimum 24 months from date of issuance), and the Issuer will have no more liability after that date. When the indicated expiration date falls on Sunday or a legal holiday, or for any reason the Issuer is not open for business, the expiration date shall be extended to the next succeeding business day. Jurisdiction for any civil litigation necessary for collection of bond claims hereunder shall be in the Superior Court of Hall County, Georgia.

IN WITNESS WHEREOF, the undersigned have hereunto signed their names and affixed their seals, this 19th day of September, 2023.

- Meritage Homes of Georgia, Inc.
  PRINCIPAL
  By: _____ Glen Tulk VP-National Land Dev
  (Corporate Officer or other authorized representative)

  Principal's Address:
  2700 Cumberland Pkwy, Suite 400
  Atlanta, GA 30339

- XL Specialty Insurance Company
  SURETY
  By: _____
  James I. Moore, Attorney-in-Fact (Authorized Representative)
  Surety's Address:
  505 Eagleview Blvd.
  Exton, PA 19341

- Approved:
  Hall County
  By: _____
  (Chairman)

STATE OF ILLINOIS

COUNTY OF DUPAGE)

On September 19, 2023, before me, Lisa Marotta, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared, James I. Moore known to me to be Attorney-in-Fact of XL Specialty Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires, February 7, 2026

Lisa Marotta, Notary Public

Commission No.946275

OFFICIAL SEAL
LISA MAROTTA
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires February 7, 2026

Power of Attorney
XL Specialty Insurance Company
XL Reinsurance America Inc.

BOND NUMBER US00131216SU23A
LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That XL Specialty Insurance Company, a Delaware insurance companies with offices located at 505 Eagleview Blvd., Exton, PA 19341, and XL Reinsurance America Inc., a New York insurance company with offices located at 70 Seaview Avenue, Stamford, CT 06902, , do hereby nominate, constitute, and appoint:

James I. Moore

each its true and lawful Attorney(s)-in-fact to make, execute, attest, seal and deliver for and on its behalf, as surety, and as its act and deed, where required, any and all bonds and undertakings in the nature thereof, , for the penal sum of no one of which is in any event to exceed $100,000,000.00.

Such bonds and undertakings, when duly executed by the aforesaid Attorney (s) - in - Fact shall be binding upon each said Company as fully and to the same extent as if such bonds and undertakings were signed by the President and Secretary of the Company and sealed with its corporate seal.

The Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Board of Directors of each of the Companies on the 26th day of July 2017.

RESOLVED, that Gary Kaplan, Daniel Riordan, Maria Duhart, Gregory Boal and Kevin Mirsch are hereby appointed by the Board as authorized to make, execute, seal and deliver for and on behalf of the Company, any and all bonds, undertakings, contracts or obligations in surety or co-surety with others and that the Secretary or any Assistant Secretary of the Company be and that each of them hereby is authorized to attest the execution of any such bonds, undertakings, contracts or obligations in surety or co-surety and attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that Gary Kaplan, Daniel Riordan, Maria Duhart, Gregory Boal and Kevin Mirsch each is hereby authorized to execute powers of attorney qualifying the attorney named in the given power of attorney to execute, on behalf of the Company, bonds and undertakings in surety or co-surety with others, and that the Secretary or any Assistant Secretary of the Company be, and that each of them is hereby authorized to attest the execution of any such power of attorney, and to attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that the signature of such officers named in the preceding resolutions and the corporate seal of the Company may be affixed to such powers of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be thereafter valid and binding upon the Company with respect to any bond, undertaking, contract or obligation in surety or co-surety with others to which it is attached.

IN WITNESS WHEREOF, the XL SPECIALTY INSURANCE COMPANY has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officers this April 13th, 2018.

XL SPECIALTY INSURANCE COMPANY

XL SPECIALTY INSURANCE COMPANY CORPORATE SEAL DELAWARE

by: Gregory Boal, VICE PRESIDENT

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

Attest: Kevin M. Mirsch, ASSISTANT SECRETARY

On this 13th day of April, 2018, before me personally came Gregory Boal to me known, who, being duly sworn, did depose and say: that he is Vice President of XL SPECIALTY INSURANCE COMPANY, described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to the aforesaid instrument is such corporate seals and were affixed thereto by order and authority of the Boards of Directors of said Companies; and that he executed the said instrument by like order.

REBECCA C. SHALHOUB COMMONWEALTH OF PENNSYLVANIA NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
Rebecca C. Shalhoub, Notary Public
Northampton County
My commission expires April 28, 2024
Commission number 1268765
Member, Pennsylvania Association of Notaries

Rebecca C. Shalhoub, NOTARY PUBLIC

SB0042

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

I, Kevin M. Mirsch, Assistant Secretary of XL SPECIALTY INSURANCE COMPANY, a corporation of the State of Delaware, do hereby certify that the above and forgoing is a full, true and correct copy of a Power of Attorney issued by said Companies, and that I have compared same with the original and that it is a correct transcript therefrom and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the City of Exton, this 19th day of September 2023.

XL SPECIALTY INSURANCE COMPANY CORPORATE SEAL DELAWARE

Kevin M. Mirsch, ASSISTANT SECRETARY

IN WITNESS WHEREOF, XL REINSURANCE AMERICA INC. has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officers this 13th day of April, 2018.

XL REINSURANCE AMERICA INC. CORPORATE SEAL NEW YORK

XL REINSURANCE AMERICA INC.

by: Gregory Boal, VICE PRESIDENT

Attest: Kevin M. Mirsch, ASSISTANT SECRETARY

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

On this 13th day of April, 2018, before me personally came Gregory Boal to me known, who, being duly sworn, did depose and say: that he is Vice President of XL REINSURANCE AMERICA INC., described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the aforesaid instrument is such corporate seal and was affixed thereto by order and authority of the Board of Directors of

REBECCA C. SHALHOUB COMMONWEALTH OF PENNSYLVANIA NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
Rebecca C. Shalhoub, Notary Public
Northampton County
My commission expires April 28, 2024
Commission number 1268765
Member, Pennsylvania Association of Notaries

Rebecca C. Shalhoub, NOTARY PUBLIC

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

I, Kevin M. Mirsch, Assistant Secretary of XL REINSURANCE AMERICA INC. a corporation of the State of New York, do hereby certify that the person who executed this Power of Attorney, with the rights, respectively of XL REINSURANCE AMERICA INC., do hereby certify that the above and forgoing is a full, true and correct copy of a Power of Attorney issued by said Corporation, and that I have compared same with the original and that it is a correct transcript therefrom and of the whole original and that the said Power of Attorney is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the City of Exton, this 19th day of September, 2023.

XL REINSURANCE AMERICA INC. CORPORATE SEAL NEW YORK

Kevin M. Mirsch, ASSISTANT SECRETARY

This Power of Attorney may not be used to execute any bond with an inception date 4/28/2024 12:00:00AM

SB0042

Final Plat Information

Consider Release of $614,732.00 Guaranty Performance/Maintenance Agreement and Acceptance of Streets into Hall County Maintenance in Union Grove Phase 1 Subdivision. All sidewalks are in and roads are complete.

Subject Subdivision is located off Union Church Road

NAME OF SUBDIVISION:	Union Grove
NAME OF OWNER/DEVELOPER:	Meritage Homes of Georgia, Inc.
ADDRESS:	2700 Cumberland Parkway, Suite 400 Atlanta, GA 30339
TYPE OF MAINTENANCE BOND:	Guaranty Performance
DATE OF BOND:	November 3, 2021
AMOUNT OF BOND:	$580,371.00
FINANCIAL INSTITUTION: AND ADDRESS:	XL Specialty Insurance Company 505 Eagleview Blvd Exton, PA 19341
Account No.:	US00113243S21A

COMM. DIST.	STREET NAME	R/W IN FEET	LENGTH IN FEET	WIDTH IN FEET	TYPE OF SURFACE	STATE REF. NO.
1	Union Grove Drive	50	506	20	P.M.	----
1	Hackberry Lane	50	1818	20	P.M.	----
1	Hickory Creek Court	50	282	20	P.M.	----

NOTES:

NUMBER OF LOTS:	50
CURB & GUTTER:	24" Rolled Back
TOTAL ACRES OF S/D:	58.83AC

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 497/2025

SUBJECT: Approve the release of $281,434.00 Guaranty Performance/Maintenance Agreement and Acceptance of Streets into Hall County Maintenance in Union Grove Phase 2 Subdivision. Commission District 1.

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: JS

Recommendation:
Approve

Purpose of Request:
Approve the release of $281,434.00 Guaranty Performance/Maintenance Agreement and Acceptance of Streets into Hall County Maintenance in Union Grove Phase 2 Subdivision. Commission District 1.

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:

Submit	Approve	Budget	Finance
WS	JS	JM	TS

Attorney	Administration	Clerk

Attorney	Administration	Clerk
JL	CR	JR

Attachments:
Supporting Documentation
Rider
Final Plat Information

Final Plat Information

Consider Extension of $615,335.39 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Union Grove Phase 2 Subdivision

Subject Subdivision is located off Union Church Road

NAME OF SUBDIVISION:	Union Grove Phase 2
NAME OF OWNER/DEVELOPER:	Meritage Homes of Georgia, Inc.
ADDRESS:	3700 Mansell Road, Suite 550 Alpharetta, GA 30022
TYPE OF MAINTENANCE BOND:	Guaranty Performance
DATE OF BOND:	April 11, 2022
AMOUNT OF BOND:	$615,335.39
FINANCIAL INSTITUTION: AND ADDRESS:	Nationwide Mutual Insurance Company 7 World Trade Center, 37th Floor New York, NY 10007
Account No.:	7901088274

COMM. DIST.	STREET NAME	R/W IN FEET	LENGTH IN FEET	WIDTH IN FEET	TYPE OF SURFACE	STATE REF. NO.
1	Union Grove Drive	50	894	20	P.M.	----
1	Green Ash Court	50	1123	20	P.M.	----
1	Hickory Creek Court	50	657	20	P.M.	----
1	White Sycamore Place	50	627	20	P.M.	----

NOTES:

NUMBER OF LOTS:	99
CURB & GUTTER:	24" Rolled Back
TOTAL ACRES OF S/D:	26.02AC

Continuation Certificate

To be attached to Bond described below, executed by Nationwide Mutual Insurance Company as Surety, Meritage Homes of Georgia, Inc. as Principal, Hall County, Georgia as Obligee on Bond No. 7901088274.

Said Principal and said Surety hereby acknowledge and agree that the term of the bond referenced above covers an indefinite term beginning the 11th day of April, 2024 through the 11th day of April, 2025 and shall remain in full force and effect until cancelled or otherwise legally terminated, subject to all other provisions, conditions and limitations of said bond, upon the express condition that the Surety's liability thereunder during the original term of said bond and during any extended term thereof shall not be cumulative and shall in no event exceed the sum of $615,335.39.

IN WITNESS THEREOF, the said Principal and said Surety have signed or caused the Certificate to be duly signed and their respective seals to be hereto affixed this 1st day of March, 2024.

Nationwide Mutual Insurance Company
(Surety)

By: _____
James I Moore, Attorney-in-Fact

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

JAMES I MOORE, STEPHEN T KAZMER, DAWN L MORGAN, MELISSA SCHMIDT, AMY WICKETT, KELLY A GARDNER, JENNIFER J MCCOMB, TARIESE M PISCIOTTO, DIANE M RUBRIGHT, MARTIN MOSS

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

UNLIMITED

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 20th day of August, 2021.

Antonio C. Albanese, **Vice President** of Nationwide Mutual Insurance Company

ACKNOWLEDGMENT

STATE OF NEW YORK COUNTY OF NEW YORK: ss
On this 20th day of August, 2021, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

Stephanie Rubino McArthur
Notary Public, State of New York
No. 02MC6270117
Qualified in New York County
Commission Expires October 19, 2024

Notary Public
My Commission Expires
October 19, 2024

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 1st day of March, 2024.

Assistant Secretary

BDJ 1(08-21)00

Final Plat Information

Consider Acceptance of $615,335.39 Guaranty Performance/Maintenance Agreement for Streets, Stormwater Management Facilities, and Sidewalks in Union Grove Phase 2 Subdivision

Subject Subdivision is located off Union Church Road

NAME OF SUBDIVISION:	Union Grove Phase 2
NAME OF OWNER/DEVELOPER:	Meritage Homes of Georgia, Inc.
ADDRESS:	3700 Mansell Road, Suite 550 Alpharetta, GA 30022
TYPE OF MAINTENANCE BOND:	Guaranty Performance
DATE OF BOND:	April 11, 2022
AMOUNT OF BOND:	$615,335.39
FINANCIAL INSTITUTION: AND ADDRESS:	Nationwide Mutual Insurance Company 7 World Trade Center, 37th Floor New York, NY 10007
Account No.:	7901088274

COMM. DIST.	STREET NAME	R/W IN FEET	LENGTH IN FEET	WIDTH IN FEET	TYPE OF SURFACE	STATE REF. NO.
1	Union Grove Drive	50	894	20	P.M.	----
1	Green Ash Court	50	1123	20	P.M.	----
1	Hickory Creek Court	50	657	20	P.M.	----
1	White Sycamore Place	50	627	20	P.M.	----

NOTES:

NUMBER OF LOTS:	99
CURB & GUTTER:	24" Rolled Back
TOTAL ACRES OF S/D:	26.02AC

STATE OF GEORGIA,
COUNTY OF HALL

Bond No. 7901088274

GUARANTY PERFORMANCE/MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, Meritage Homes of Georgia, Inc. (owner/principal, hereinafter referred to as "Principal"), and Nationwide Mutual Insurance Company (surety), a company entitled and licensed to do business as a surety in the State of Georgia and Hall County, (hereinafter referred to as "Surety"), are held and bound unto Hall County, Georgia in the sum of Six Hundred Fifteen Thousand Three Hundred Thirty Five and 39/100 Dollars ($615,335.39)* (hereinafter referred to as "bonded amount") for payment of which we bind ourselves, our heirs, executors, administrators and assigns.

WHEREAS, Meritage Homes of Georgia, Inc. (principal) is owner of the Subdivision known as Union Grove Subdivision, which subdivision is shown on a plat prepared by Maxwell-Reddick and Associates, Georgia Registered Surveyor Number 3327, and

WHEREAS, Meritage Homes of Georgia, Inc. (principal) wishes to induce the Board of Commissioners of Hall County, Georgia to approve the street system shown on the Final Plat of Union Grove Subdivision for recording purposes, and

WHEREAS, Meritage Homes of Georgia, Inc. (principal) wishes to induce the Board of Commissioners of Hall County, Georgia to accept the streets shown on the Final Plat of Union Grove Subdivision for public maintenance (not applicable to private developments); Meritage Homes of Georgia, Inc. (principal) and Nationwide Mutual Insurance Company (surety) agree in consideration of the foregoing,

NOW, THEREFORE BE IT RESOLVED, Meritage Homes of Georgia, Inc. (principal) agrees that all construction of the street system of Union Grove Subdivision will be completed and maintained for fifteen (15) months according to the terms and requirements as shown on the recorded Final Plat and of the Subdivision Regulations in force in Hall County, Georgia.

Meritage Homes of Georgia, Inc. (principal), and Nationwide Mutual Insurance Company (surety) agree to the following:

Sidewalks will be completed throughout entire subdivision as shown on recorded final plat within one (1) year of signing of said final plat. One inch of "F" mix asphalt may be placed anytime prior to final platting or up to one (1) year after final plat approval. In addition, Principal and Surety agree that if either the sidewalks, cuts, fills, sub-grades, shoulders, pavement, grassing, storm water management facilities, or traffic signs in Union Grove Subdivision are improperly maintained or are found to be defective from faults in design, materials or workmanship as shown on the recorded Final Plat, or as set out in the Subdivision Regulations in force in Hall County, Georgia, then upon demand from Hall County, Nationwide Mutual Insurance Company (surety) shall pay the bond amount to Hall County.

Terms of Guaranty:

Meritage Homes of Georgia, Inc. (principal) and Nationwide Mutual Insurance Company (surety) shall be bound by the provisions of this agreement until a properly authorized letter is received by Nationwide Mutual Insurance Company (surety) from Hall County authorizing release of Meritage Homes of Georgia, Inc. (principal) and Nationwide Mutual Insurance Company (surety) from this Guaranty Agreement.

NOTWITHSTANDING the above provisions, this Guaranty Performance/Maintenance Agreement is hereby issued on April 11, 2022 (Date) and expires on April 11, 2024
(Date, minimum 24 months from date of issuance), and the Issuer will have no more liability after that date. When the indicated expiration date falls on Sunday or a legal holiday, or for any reason the Issuer is not open for business, the expiration date shall be extended to the next succeeding business day. Jurisdiction for any civil litigation necessary for collection of bond claims hereunder shall be in the Superior Court of Hall County, Georgia.

IN WITNESS WHEREOF, the undersigned have hereunto signed their names and affixed their seals, this 11th day of April, 2022.

- Meritage Homes of Georgia, Inc.
  PRINCIPAL

  By: _____
  (Corporate Officer or other authorized representative)
  Glen Tulk - Vice President - National Land Development
  Principal's Address:
  3700 Mansell Road, Suite 550
  Alpharetta, GA 30022

- Nationwide Mutual Insurance Company
  SURETY

  By: _____
  James I Moore, Attorney-in-Fact (Authorized Representative)

  Surety's Address:
  7 World Trade Center, 37th Floor
  New York, NY 10007

- Approved:
  Hall County
  By: _____
  (Chairman)

* The amount of the bond equals 30 percent of all completed infrastructure including base, paving, grassing, stormwater management facilities, and sidewalks plus 100 percent of the cost of all incomplete infrastructure such as remaining sidewalks and asphalt topping. The unit cost data used in the calculations will be based upon the latest Georgia Department of Transportation (GADOT) Item Mean Summary, or the latest Hall County contract data, whichever is higher.

STATE OF ILLINOIS

COUNTY OF DUPAGE}

On April 11, 2022, before me, Lisa Marotta, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared, James I Moore known to me to be Attorney-in-Fact of Nationwide Mutual Insurance Company, the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires, February 7, 2026

Lisa Marotta, Notary Public

Commission No.946275

OFFICIAL SEAL
LISA MAROTTA
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires February 7, 2026

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

JAMES I MOORE, STEPHEN T KAZMER, DAWN L MORGAN, MELISSA SCHMIDT, AMY WICKETT, KELLY A GARDNER, JENNIFER J MCCOMB, TARIESE M PISCIOTTO, DIANE M RUBRIGHT, MARTIN MOSS

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

UNLIMITED

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 20th day of August, 2021.

Antonio C. Albanese, **Vice President** of Nationwide Mutual Insurance Company

ACKNOWLEDGMENT

STATE OF NEW YORK COUNTY OF NEW YORK: ss
On this 20th day of August, 2021, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

Stephanie Rubino McArthur
Notary Public, State of New York
No. 02MC6270117
Qualified in New York County
Commission Expires October 19, 2024

Notary Public
My Commission Expires
October 19, 2024

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 11th day of April, 2022.

Assistant Secretary

BDJ 1(08-21)00

RIDER

To be attached to and form a part of Bond No. **7901088274**

Effective:	**April 11, 2022**	
Bond Amount:	**$615,335.39**	
Description:	**Union Grove, Phase 2;** **Roads, Storm System, Sidewalks, Grassing**	
Executed by:	**Meritage Homes of Georgia, Inc.**	as Principal
and by:	**Nationwide Mutual Insurance Company**	as Surety
in favor of:	**Hall County, Georgia**	as Obligee

In consideration of the mutual agreements herein contained, the Principal and the Surety hereby consent to **decrease the bond amount to:**

Two Hundred Eighty One Thousand Four Hundred Thirty Four and 00/100 Dollars ($281,434.00)

In consideration of the mutual agreements herein contained, the Principal and the Surety hereby consent to **extend the expiration date of the bond to:**

April 11, 2027

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated.

This rider is effective: **January 28, 2025**

Signed and Sealed: **January 29, 2025**

Principal: **Meritage Homes of Georgia, Inc.**

By: _____
Glen Tuik
SVP - National Land Development
Principal

Surety: **Nationwide Mutual Insurance Company**

By: _____
James I Moore, Attorney-in-Fact

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

JAMES I MOORE, STEPHEN T KAZMER, DAWN L MORGAN, MELISSA SCHMIDT, AMY WICKETT, KELLY A GARDNER, JENNIFER J MCCOMB, TARIESE M PISCIOTTO, DIANE M RUBRIGHT, MARTIN MOSS

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

UNLIMITED

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

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IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 20th day of August, 2021.

Antonio C. Albanese, **Vice President** of Nationwide Mutual Insurance Company

ACKNOWLEDGMENT

STATE OF NEW YORK COUNTY OF NEW YORK: ss
On this 20th day of August, 2021, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

Stephanie Rubino McArthur
Notary Public, State of New York
No. 02MC6270117
Qualified in New York County
Commission Expires October 19, 2024

Notary Public
My Commission Expires
October 19, 2024

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 29th day of January, 2025.

Assistant Secretary

BDJ 1(08-21)00

Final Plat Information

Consider Release of $281,434.00 Guaranty Performance/Maintenance Agreement and Acceptance of Streets into Hall County Maintenance in Union Grove Phase 2 Subdivision

Subject Subdivision is located off Union Church Road

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NAME OF OWNER/DEVELOPER:	Meritage Homes of Georgia, Inc.
ADDRESS:	3700 Mansell Road, Suite 550 Alpharetta, GA 30022
TYPE OF MAINTENANCE BOND:	Guaranty Performance
DATE OF BOND:	April 11, 2022
AMOUNT OF BOND:	$281,434.00
FINANCIAL INSTITUTION: AND ADDRESS:	Nationwide Mutual Insurance Company 7 World Trade Center, 37th Floor New York, NY 10007
Account No.:	7901088274

COMM. DIST.	STREET NAME	R/W IN FEET	LENGTH IN FEET	WIDTH IN FEET	TYPE OF SURFACE	STATE REF. NO.
1	Union Grove Drive	50	894	20	P.M.	----
1	Green Ash Court	50	1123	20	P.M.	----
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1	White Sycamore Place	50	627	20	P.M.	----

NOTES:

NUMBER OF LOTS:	99
CURB & GUTTER:	24" Rolled Back
TOTAL ACRES OF S/D:	26.02AC

HALL COUNTY
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AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 526/2025

SUBJECT: Approve Change Order #1 to Task Order #2026-003 under RFP/Q #42-002 Demand Services for Resurfacing, Paving, and Full Depth Reclamation for the FY 2026 resurfacing program to add 1.847 additional miles of road resurfacing to Allied Paving Contractors, Inc. of Pendergrass, GA, in the amount of $840,168.75.

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: JS

Recommendation:
Approve.

Purpose of Request:
Approve Change Order #1 to Task Order #2026-003 under RFP/Q #42-002 Demand Services for Resurfacing, Paving, and Full Depth Reclamation for the FY 2026 resurfacing program to add 1.847 additional miles of road resurfacing to Allied Paving Contractors, Inc. of Pendergrass, GA, in the amount of $840,168.75.

History:
Task Order #2026-003 stems from Contract #42-002 Demand Services for Resurfacing, Paving, and Full Depth Reclamation.

This task order was awarded to Allied in July 2025 by the BOC.

Allied Paving is a current vendor for Hall County and has been for several years. They are in very good standing within the County.

Facts and Issues:
This change order is to add Julian Baugh Road (1.847 miles) to the existing FY26 Resurfacing Contract.

Options:

Funding Requested	$ 840,168.75
Are funds within current budget?	Yes
Source of Funds	SPLOST VIII
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:

Submit	Approve	Purchasing	Budget
JS	JS	AY	JM
Finance	**Attorney**	**Administration**	**Clerk**
TS	JL	CR	AD

Attachments:

Financial Supplement
Contract Addendum
Notice to Proceed
Original Contract
Original Contract - Attachment "C"

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 526/2025

Funds Requested: $ 840,168.75

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VIII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2026	324-SPLOST VIII	4971-ENGINEERING	541400-INFRASTRUCTURE	$840,168.75

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: BC

Phone: 770-531-6800

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FINANCIAL SERVICES DIRECTOR
Taylor Samples, CPA

ASSISTANT FINANCE DIRECTOR
Elizabeth White

PURCHASING MANAGER
Andy Youngblood

Hall County Government

FINANCIAL SERVICES
PURCHASING DIVISION

Addendum #1

TO #2026-003

For the provision of

Resurfacing 29.96 Miles of Hall County Roads

Hall County, Georgia, hereby issues this Addendum #1 for Resurfacing 29.96 Miles of Hall County Roads to add an additional 1.847 miles to the Scope of Work. The additional 1.847 miles will include Julian Baugh Road.

All other provisions, conditions, and requirements for Task Order #2026-003 shall remain the same.

Acknowledgement: Bidder's must sign receipt of this Addendum #001 and include it in their bid responses.

Signature: _____

Print Name: Bryan Jones

Date: 8/21/2025

Andy Youngblood, Issuing Officer
Hall County, Georgia
andrew.youngblood@hallcounty.org

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Taylor Samples, CPA

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Elizabeth White

PURCHASING MANAGER
Andy Penick

Hall County Government

FINANCIAL SERVICES
PURCHASING DIVISION

STATE OF GEORGIA
COUNTY OF HALL

CONTRACT #2026-003

NOTICE TO PROCEED

For the provision of:

Resurfacing 29.96 Miles of Hall County Roads

July 11, 2025

Hall County, Georgia Board of Commissioners hereby gives this Notice to Proceed to Allied Paving Contractors, Inc. principally located at 132 Beck Rd, Pendergrass, GA 30567 for the resurfacing of 29.96 miles of Hall County roads (herein "Services").

The contractor may proceed at the direction of the County project manager, Blair Reynolds, phone (770) 531-6800, email breynolds@hallcounty.org who may approve work scheduling. Submit all pay applications only to accountspayable@hallcounty.org.

Note that change orders to this contract must be in writing issued by the County. No verbal changes or modifications will be honored.

Compensation for the Services is for the sum of (or not-to-exceed or maximum guaranteed price) of thirteen million one hundred fifty-nine thousand eight hundred thirty-one dollars and 25/100 ($13,159,831.25) payable upon completion of services (or monthly) as specified in the contract document.

Andrew Youngblood
Issuing Officer
Hall County, Georgia
andrew.youngblood@hallcounty.org

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PURCHASING MANAGER
Andy Penick

Hall County Government
FINANCIAL SERVICES
PURCHASING DIVISION

Task Order #2026-003

May 19, 2025

For the provision of

Resurfacing 29.96 Miles of Hall County Roads

Demand Services for On-Call Paving & Full Depth Reclamation Contract #42-002

PROJECT DESCRIPTION

Hall County, Georgia Board of Commissioners' Public Works Department is issuing this Task Order #2026-003 to Demand Services for On-Call Paving & Full Depth Reclamation contractors to resurface approximately 29.96 miles of various Hall County roads according to the Scope of Work and Georgia Department of Transportation (GDOT) standards.

SCHEDULE OF EVENTS

Release Date: Monday, May 19, 2025
Pre-bid Site Visit: Bidders are welcome to visit each site at their leisure.
Bidder Questions Due Date: Friday, May 30, 2025. Send questions to andrew.youngblood@hallcounty.org.
Response to Bidder Questions Due Date: Monday, June 2, 2025
Bid Due Date: Thursday, June 5, 2025, by 2:00pm

Bidders must respond with their Task Order proposals via e-mail to andrew.youngblood@hallcounty.org by 2:00pm EST, Thursday, June 2, 2025. The County's Project Manager is:

Blair Reynolds, Project Engineer
Hall County Public Works Department
Office: (770) 531-6800
breynolds@hallcounty.org

SPECIFICATIONS and SCOPE OF WORK:

This project is for the resurfacing of approximately 29.96 miles of various County roads listed on *Attachment C – Road Schedule*. The awarded contractor will be required to install asphalt pavement as specified in the specifications, and any required striping.

A pre-bid meeting is not required; however, Contractors are welcome to visit each site individually at their leisure. The awarded Contractor will be required to attend a pre-construction meeting scheduled by the Hall County Project Engineer. The awarded Contractor is required to provide,

in hard copy and thumb drive format, a construction schedule produced in Microsoft Project at the time of the scheduled pre-construction meeting.

Schedule

The awarded Contractor will be responsible for preparing all roads listed on *Attachment C – Road Schedule*. The line item for patching shall include the Contractor removing the defective material, disposing of the waste, delivering the asphalt, and installing the new hot mix asphalt. This patching work may be accomplished by milling and inlaying with full depth asphalt or by other means as approved by the project engineer. The project engineer shall specify the locations and depth of the patching done by the awarded Contractor. The awarded Contractor may estimate a depth of 2" of asphalt patch for bidding purposes.

The completion date for this project is June 30, 2026. Equal time extension will be given if the anticipated awarding date of the contract is delayed. Required completion dates are the dates that all work is to be completed. Hall County expects the awarded Contractor to begin work within 10 business days of the issuance of a Notice to Proceed and to maintain adequate progress to ensure the contract is completed by completion date. The awarded Contractor must include any anticipated inclement weather days and Holiday days within the allowed contract time. See Attachment "A" for information on inclement weather days. Hall County may consider any unusual number of inclement weather days for time extension.

Contractor is to notify Blair Reynolds, Hall County Project Engineer, at 770-531-6800 to keep him advised of any weather delay days, delays associated to utility facility relocation delays, or other delays in contract time.

Traffic Control

The awarded Contractor shall provide traffic control to include all items necessary to maintain safe travel for the public. Traffic control shall include, but is not limited to, road closed signs, barricades, detour signs, flagging, work zone signs, low/soft shoulder signs, etc. All traffic control devices and work zones shall comply with the Manual on Uniform Traffic Control Devices (MUTCD), latest edition. All traffic control items shall be maintained by the Contractor at all times throughout the length of the project. The low/soft shoulder signs shall be maintained until vegetation is established on the shoulders.

Inspections

A Hall County Engineer or Engineering Inspector will be on-site during the entire resurfacing process for all those projects. Work hours will be Monday through Friday, 8am to 5pm. Please contact the Project Engineer to schedule resurfacing work at least 24 hours in advance.

General

All design, detailing, fabrication, construction, and construction vehicles shall conform to the State of Georgia Department of Transportation, Standard Specifications of Transportation Systems, 2001 edition, unless otherwise noted.

Contractor is required to properly dispose of all removed driveway concrete. No concrete shall be buried within the right-of-way.

Quantities are approximate only. Actual quantities for pay items will be derived by field measurements and weight measurements. Contractor is to field verify the widths of all roads. Resurfacing shall be over existing asphalt only.

The Contractor shall install all required striping as quickly as possible but no longer than 24 hours after the road is completed unless directed otherwise by the project engineer.

The Contractor is required to construct shoulders on this project.

The Contractor shall be responsible for the replacement of any and all Traffic Signal Loops located on this project.

The Contractor shall deliver **all millings** to the Hall County Landfill located at **1700 Oakbrook Drive, Gainesville, GA 30507.**

The Contractor shall utilize the Leveling Electronics on the Asphalt Spreader on any roads that are longer than 1 mile in length unless otherwise directed by the Hall County Inspector.

Crack Sealing Scope:
The following roads are the **only** roads to be considered for **crack sealing:**
Allen Road, Cook Drive, East Hall Road (Sec. 2), Evian Way, Fuller Road (Sec. 2), Hilldale Road, Joe Chandler Road (Sec. 2), Nancy Creek Road, Shoreline Drive, and Tapawingo Drive.

Spout Springs Road (Sec. 2) will be a 2" mill/inlay only. Patching will be minimal and will be determined by the Hall County Inspector.

Shoulder Construction
Any borrow/waste/disposal areas or borrow material needed as part of this bid item in order to complete shoulder construction is included in the overall bid item. Contractor is required to delineate borrow/waste/disposal areas to the Hall County Project Engineer for his approval. Erosion and Sedimentation Control measures are required on any borrow/waste/disposal areas as part of the overall bid price.

The Contractor is to build shoulders on all base and pavement projects as directed by the Project Engineer. Shoulder construction consists of building up the shoulder elevation to match the new pavement elevation and extending this new built-up material to the point where the shoulder begins to drop off into the ditch or fill slope. This build up is not expected to be greater than six (6) inches in depth. The minimum required shoulder width is two (2) feet. The shoulders are to drain away from the pavement whenever possible. In the case where the existing shoulder was previously too high, the Contractor will tie in from the new pavement elevation to an appropriate point to provide satisfactory drainage. Whenever possible, the Contractor is expected to extend the shoulder width so as to retain the same shoulder width that occurs due to the higher elevation of the pavement. The Contractor is required to smooth and compact the new shoulder material with clean material that is free from rocky material that could create voids or cause poor turf establishment. The Contractor is required to remove all grubbing debris from new shoulder material. The Contractor is required to utilize an unerodible soil type so as to minimize repair trips at the Contractor's expense. The Contractor is required to sweep new pavement as shoulder construction activities proceed.

The Contractor is to install temporary shoulders as needed to ensure that the elevation difference between the pavement edge and the shoulder is a maximum of two and one half (2 ½) inches or less. Permanent shoulders shall be constructed as soon as possible after the road is completed. Payment for temporary shoulders shall be included in the unit price for shoulder construction. There will be no separate payment for temporary shoulders.

Bidding Information
Hall County reserves the right to delete or add quantities to best serve the interests of the county.

Allied Paving Contractors, Inc.
(Full Legal Corporate Name)

By: _____

Title: Vice President

Print Name: Bryan Jones

Sworn to and subscribed before me this

12th Day of June, 2025.

Notary Public: _____

Notary commission expires: _____

KRISTI SUN HALL
NOTARY PUBLIC
My Commission Expires
01-26-2029
JACKSON COUNTY, GEORGIA

HALL COUNTY, GEORGIA

By: _____
David Gibbs, Chairman
Hall County Board of Commissioners

Date: July 10, 2025

Attestation: _____
Board of Commissioners Clerk

BOARD OF COMMISSIONERS
HALL COUNTY GA
DEC. 15, 1818

APPROVED AS TO FORM

Nathaniel R. Anderson,
Senior Assistant County Attorney

FY 2026 LOCAL RESURFACING PROGRAM

ROAD NAME	SUPER-PAVE MIX DESIGN	STRIPING				BEGIN POINT	END POINT
		THERMO CENTER	THERMO EDGE	STOP BARS			
				Int. #1 (each)	Int. #2 (each)		
HALL COUNTY							
UNION CHURCH ROAD (SEC. 1)	12.5mm @ 220lb/sy Design Type II, Gp 2 only & L	Y	Y	1	1	WINDER HIGHWAY	CASH ROAD
ALLEN ROAD	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	N	1	1	McEVER ROAD	J. WHITE ROAD
BARRETT ROAD	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	Y	1	1	US 129 SOUTH (Athens Highway)	BURTON MILL ROAD
BURTON MILL ROAD	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	Y	1	1	BARRETT ROAD (@ Greggs Road)	HARMONY CHURCH ROAD
EAST HALL ROAD (SEC. 2)	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	Y	1	1	JOE CHANDLER ROAD	OLD CORNELIA HIGHWAY

FY 2026 LOCAL RESURFACING PROGRAM

ROAD NAME	SUPER-PAVE MIX DESIGN	STRIPING				BEGIN POINT	END POINT
		THERMO CENTER	THERMO EDGE	STOP BARS			
				Int. #1 (each)	Int. #2 (each)		
JOE CHANDLER ROAD (SEC. 2)	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	Y	1	1	TIMBER RIDGE ROAD	SR 52 (Lula Road)
LIGHTS FERRY ROAD (SEC. 2)	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	Y	1	0	McEVER ROAD	FLOWERY BRANCH CITY LIMITS
NANCY CREEK ROAD	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	Y	2	2	COCHRAN ROAD	GAINESVILLE CITY LIMITS
SARDIS ROAD (SEC. 2)	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	Y	0	1	LEDAN ROAD (roundabout)	PRICE ROAD
SIMPSON ROAD	9.5mm @ 165lb/sy Design Type II, Gp 2 only & L	Y	Y	1	1	WHITEHALL ROAD	GREENWAY ROAD
SPOUT SPRINGS ROAD (SEC. 2)	9.5mm @ 220lb/sy Design Type II, Gp 2 only & L	Y	Y	0	0	SECTION 1 (end of four lane)	BRASELTON CITY LIMITS
2ND STREET	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	1	ATLANTA HIGHWAY	CROSS STREET

FY 2026 LOCAL RESURFACING PROGRAM

ROAD NAME	SUPER-PAVE MIX DESIGN	STRIPING				BEGIN POINT	END POINT
				STOP BARS			
		THERMO CENTER	THERMO EDGE	Int. #1 (each)	Int. #2 (each)		
BUFFINGTON ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	Y	1	1	BRYANT QUARTER ROAD	EMORY GRIFFIN ROAD
CONNER STREET	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	1	ATLANTA HIGHWAY	MINCEY AVENUE
COOK DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	Y	1	1	SR 60 SOUTH (Candler Highway)	DIXIELAND FARM ROAD
CREEK WOOD DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	0	CREEK WOOD PLACE	TERMINUS
CREEKSTONE DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	1	US 129 NORTH (Cleveland Highway)	TERMINUS
EVIAN WAY	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	1	RIVIERE POINT	TERMINUS
FULLER ROAD (SEC. 2)	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	Y	1	0	TALMO ROAD	GRAVEL

FY 2026 LOCAL RESURFACING PROGRAM

ROAD NAME	SUPER-PAVE MIX DESIGN	STRIPING				BEGIN POINT	END POINT
		THERMO CENTER	THERMO EDGE	STOP BARS			
				Int. #1 (each)	Int. #2 (each)		
GERMANTOWN DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	1	FLOWERY BRANCH CITY LIMITS	TERMINUS
GRANT ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	Y	1	1	BARK CAMP ROAD	ELROD ROAD
HIDDEN HARBOR TRAIL	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	N	1	0	HIDDEN HARBOR DRIVE	TERMINUS
HIDDEN HARBOUR LANDING	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	N	1	0	FLAT CREEK ROAD	TERMINUS
HILLDALE ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	N	1	1	McEVER ROAD	MOUNTAIN VIEW ROAD
HOPEWELL LANE (SEC. 1)	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	Y	1	0	POPLAR SPRINGS ROAD	HUNTINGFORD DRIVE
JAMESTOWN DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	0	LIGHTS FERRY ROAD	TERMINUS

FY 2026 LOCAL RESURFACING PROGRAM

ROAD NAME	SUPER-PAVE MIX DESIGN	STRIPING				BEGIN POINT	END POINT
		THERMO CENTER	THERMO EDGE	STOP BARS			
				Int. #1 (each)	Int. #2 (each)		
LEE DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	N	1	0	LANIER ISLANDS PARKWAY	TERMINUS
LEGACY WALK DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	0	VALLEY CREEK DRIVE	TERMINUS
MABERY ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	N	1	1	BELMONT HIGHWAY	TALMO ROAD
MINCEY AVENUE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	1	1	CONNER STREET	PITTMAN STREET
MOUNT SALEM CIRCLE (SEC. 2)	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	Y	1	1	ATLANTA HIGHWAY	SECTION 1
MOUNTAIN CREST DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	N	N	2	2	McCONNELL DRIVE	GAINESVILLE CITY LIMITS
NIX BRIDGE ROAD	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or BI 1 & L	Y	Y	1	1	COOL SPRINGS ROAD	STRATFORD DRIVE

FY 2026 LOCAL RESURFACING PROGRAM

ROAD NAME	SUPER-PAVE MIX DESIGN	STRIPING				BEGIN POINT	END POINT
				STOP BARS			
		THERMO CENTER	THERMO EDGE	Int. #1 (each)	Int. #2 (each)		
PEBBLE CREEK POINT	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	1	BROOKVIEW LANDING	TERMINUS
PITTMAN STREET	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	1	CONNER STREET	HIGHLAND TERRACE
SHORELINE DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Y	N	1	1	HAROLD WELCHEL ROAD	HAROLD WELCHEL ROAD
TAPAWINGO DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	Y	Y	1	0	US 129 NORTH (Cleveland Highway)	TERMINUS
TRUDY DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	0	LIGHTS FERRY ROAD	TERMINUS
VALLEY CREEK DRIVE	9.5mm @ 137.5lb/sy Design Type I, Gp 1 or Bl 1 & L	N	N	1	0	WINDER HIGHWAY	TERMINUS

AGENDA ITEM

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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 494/2025

SUBJECT: **1731 Friendship Road | Rezone |** from Agricultural Residential (AR-1) to Highway Business (H-B) | on a 10.09± acre tract located on the northwest side of Friendship Road approximately 240 feet from its intersection with Reunion Way | Zoned AR-1; Tax Parcel 15041 000190 | **Proposed use: Uses permitted in H-B** | Commission District 1 | **Tim Wilbanks, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG

Recommendation:
Approval, with conditions

1. The property shall be developed in accordance with the site plan dated July 28, 2025, and as described in the project narrative dated July 28, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the property shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.
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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.
5. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Purpose of Request: **History:**

1731 Friendship Road | Rezone | from Agricultural Residential (AR-1) to Highway Business (H-B) | on a 10.09± acre tract located on the northwest side of Friendship Road approximately 240 feet from its intersection with Reunion Way | Zoned AR-1; Tax Parcel 15041 000190 | **Proposed use: Uses permitted in H-B** | Commission District 1 | **Tim Wilbanks, applicant**

On December 14, 2023, the board denied a previous submittal which included one commercial office building and a 185-unit multi-family development. The current application does not include any residential uses.

Facts and Issues:

On July 3, 2025, the Hall County Superior Court issued a court order requiring the request to be remanded for further consideration by the Board of Commissioners.

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
BG	BG	JL	CR
Clerk			
JR			

Attachments:

Board Memo
Staff Report
Application
Narrative
Site Plan
Plat
Maps
Deed
Superior Court Order
Superior Court Motion
Sewer Availability
Environmental Health Comment
GDOT Comment
Public Works
Fire Comment
Notice Signs
Public Comment - Opposition - from Reunion Neighbor Committee
Public Comment - 1731 Friendship Road - from Katherine Niesi
Public Comment - 1731 Friendship Road - from Cliff Whitehead
Public Comment - 1731 Friendship Road - from Tom Mason
Public Comment - 1731 Friendship Road - from Glenn Rush
Public Comment - 1731 Friendship Road - from Valerie Wood
Public Comment - 1731 Friendship Road - from Marc and Nancy Ledoux
Public Comment - 1731 Friendship Road - from Holly Williams
Public Comment - 1731 Friendship Road - from Kathy Dondoyano
Public Comment - 1731 Friendship Road - from Jim Mikoy
Public Comment - 1731 Friendship Road - from George Saloom
Public Comment - 1731 Friendship Road - from James Long
Public Comment - 1731 Friendship Road - from Michael and Margaret Reiland
Public Comment - 1731 Friendship Road - from Robyn and Shane Strickland
Public Comment - 1731 Friendship Road - from Rosemarie Wood

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PLANNING AND ZONING
DIRECTOR
Beth Garmon

Hall County Government
PLANNING AND ZONING

To: David Gibbs, 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 11, 2025

Subject: **1731 Friendship Road | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B) | on a 10.09± acre tract | Zoned AR-1; Tax Parcel 15041 000190 **| Proposed Use: Uses permitted in H-B |Tim Wilbanks, applicant**

The request before you is from Tim Wilbanks to rezone from Agricultural Residential 1 (AR-1) to Highway Business (H-B) for uses permitted in H-B. This item is located within Commission District 1.

On July 3, 2025, Hall County Superior Court issued a court order requiring the request to be remanded for further consideration by the Board of Commissioners.

Staff recommendation: **Approval, with conditions,** as the proposed use is consistent with the "Business Nodes & Corridors" future land use in the Comprehensive Plan.

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated July 28, 2025, and as described in the project narrative dated July 28, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. Access to the property shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.

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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.

5. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

HALL COUNTY PLANNING COMMISSION
STAFF REPORT

Applicant	Tim Wilbanks
Request	**(A) Rezone** | from Agricultural Residential 1 (AR-1) to Highway Business (H-B) **(B) Variance to section 6.2** | Gateway Corridor Overlay District
Proposed Use	Uses permitted in H-B
Size	10.09± acres
Zoning	**Current:** Agricultural Residential 1 (AR-1) **Proposed:** Highway Business (H-B)
Location	**1731 Friendship Road |** Tax Parcel 15041 000190
Commission District	One
County Commission Date	August 28, 2025
Staff Recommendation	**(A) Approval, with conditions** as the proposed use is consistent with the "Business Nodes & Corridors" future land use in the Comprehensive Plan. **(B) Denial,** as no hardship exists pursuant to the criteria of 11.1.1.D.11.

(A) Staff recommends <u>APPROVAL</u> of the applicant's request with the following conditions:

1. The property shall be developed in accordance with the site plan dated July 28, 2025, and as described in the project narrative dated July 28, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. Access to the property shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.

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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.

5. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

(B) Staff recommends <u>DENIAL</u> of the applicant's request.

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:

Section 6.2.5.C – <u>Parking Lot Design</u> – Off-street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street.

- The applicant proposes parking be located between Friendship Road and the proposed buildings. **This does not meet the standard.**

<u>Summary Analysis</u>

The applicant is requesting to rezone a 10.09<u>+</u> acre tract from Agricultural Residential (AR-1) to Highway Business (H-B) to allow for uses permitted within the Highway Business zoning districts. A variance is also requested from the Gateway Corridor Overlay District standards to allow for parking between the principal building and the street. Currently, the property is undeveloped and bisected by a creek with associated 75-foot stream buffers.

The surrounding properties are zoned and developed as outlined below:

North: Planned Residential Development (PRD): Reunion Subdivision; developed with single-family homes
East: Agricultural Residential 1 (AR-1): Vacant
South: Agricultural Residential 1 (AR-1): Developed with a church
West: Planned Residential Development (PRD): Reunion Subdivision; developed with single-family homes

According to the submitted narrative, the applicant is requesting to rezone the subject parcel to Highway Business (H-B) to allow for uses permitted in the H-B zoning district, as defined by the Hall County Unified Development Code (UDC). The proposal includes the construction of two commercial buildings with two access points from Friendship Road—one near the center of the property and another at the southeastern corner.

Per the submitted site plan the applicant proposes to construct two buildings. Building A is proposed to be an 11,250 square foot office building located on the southwest portion of the property. The site plan shows 41 parking spaces provided, exceeding the 34 spaces required by the UDC. Building B is a 67,450 square foot office/retail building on the northeast portion of the property. There are 230 parking spaces provided, exceeding the 203 required. A stream bisects the property, separating the two buildings and an access drive is proposed to cross the stream and provide access to Building A from the main driveway at Friendship Road.

The site plan also depicts two stormwater management facilities, which appear to encroach into the required 75 foot impervious surface setback. According to the narrative, stormwater will be managed using a combination of detention ponds and infiltration trenches and discharged into the creek that runs through the property. All stormwater facilities will comply with Hall County regulations.

Additional site features include a 25 foot transitional buffers along all abutting properties, a 10 foot landscape strip along Friendship Road, LED non-spill light fixtures, and professional landscaping throughout the development, in accordance with the UDC.

The proposed development will be served by City of Gainesville water as confirmed in an email on August 7, 2025 and Hall County sanitary sewer as confirmed in a letter dated August 12, 2024.

One (1) **variance** related to the Gateway Corridor Overlay District standards will be required if the site plan, as presented, is approved.

- **Section 6.2.5.C –** Parking Lot Design – Off-street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street.
    - The applicant proposes parking be located between Friendship Road and the proposed buildings. **This does not meet the standard.**

On December 14, 2023, the board denied a previous submittal which included one commercial office building and a 185-unit multi-family development. On July 3, 2025, the Hall County Superior Court issued a court order requiring the request to be remanded for further consideration by the Board of Commissioners. The current application does not include any residential uses.

Based on the future land use plan, staff finds the rezoning request *is consistent* with the Comprehensive Plan's future land use classification of "Business Nodes & Corridors". The intent of this future land use designation is for higher-intensity commercial uses, low-intensity, consumer-facing

industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate. Site designs should use the Quality Development Principals discussed earlier, particularly natural resource protections and high quality landscape installations, to the fullest extent possible.

(A) Zoning Analysis – Rezone

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

a. 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 Highway Business (H-B) zoning district is suitable in view of the use, development and zoning of adjacent and nearby properties, as Friendship Road supports a variety of commercial and residential uses on nearby properties.**

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the use would adversely affect adjacent or nearby property provided required buffers are maintained.**

c. 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.**

d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed rezoning is not expected to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**

e. 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's future land use classification of "Business Nodes & Corridors."**

f. 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 affected by the existing zoning restrictions.**

g. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact**

property values including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.

h. 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.**

i. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently vacant and has no history of development per Hall County records.**

j. 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.**

k. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning, Highway Business (H-B), would create an isolated district. However, the proposed use is consistent with the Comprehensive Plan's future land use classification of "Business Nodes & Corridors."**

l. 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.**

m. 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.**

n. 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 Highway Business uses based on the Future Land Use Map; however, the use as proposed requires rezoning approval by the Board of Commissioners.**

o. 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.**

p. 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.

q. 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.**

(B) <u>Zoning Analysis</u> – Variance to section 6.2.5.C

The board may grant variances in individual cases of unnecessary hardship upon finding that:

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape, or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **No. The development could be redesigned to meet these standards.**

2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No. The development could be redesigned to meet these standards.**

3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **No. There are no peculiar features on the property that are not common to other properties in the neighborhood.**

4. Such conditions are not the result of any actions of the property owner; **No.**

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission. **Relief, if granted, will not impair the purposes and intent of the Unified Development Code of Hall County.**

<u>11.2.6.E - Submission requirements</u>

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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 the voting meeting of the Hall County Board of Commissioners.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

    a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

    b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district**. The proposal meets the requirement.**

    c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request.**

    d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated August 5, 2025, Emily McGahee stated, "No comment. Public sewer"

Georgia Department of Transportation
In an email dated August 5, 2025, Henry Stevens, E.I.T., GDOT Civil Engineer 3, stated that GDOT coordination is required.

On August 8, 2025, Christopher Hash, P.E. D1 Traffic Operations Supervisor, provided preliminary review comments on the submitted site plan as follows:

- "Trees cant encroach into L/A (Limited Access)" – Comment at landscape strip in front of building A
- "Verify L/A break and if the drive is able to be constructed inside the break" – Comment at both proposed entrance points.

- "Study for a RCUT" – Comment at access point at center of property.
- "Right Turn Lane" – Comment at both proposed entrance points.
- "Signage and Striping upgrades" – Comment at access point on the south east of the property.
- "Verify sign distance at both entrance" – General comment
- "submit traffic study justifying 2 entrance" – General comment

These comments have been included in the application packet for reference.

Hall County Public Works and Utilities
In an email dated August 8, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:
This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show stream buffer and impervious setback from wrested vegetation not centerline of stream

Traffic:
No Comment

Utilities:
Subject property is in the Hall County Service territory and has access to Hall County Sewer near the East border on the East side of Reunion Way.

Hall County Fire Marshal
In an email dated August 6, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated the following:

1. The multi-story building will require a supervised fire protection system.
2. Additional fire hydrants may be required.
3. The proposed multi story building shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction.
4. If approved modifications to plans may be required during the development review process.

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

HALL COUNTY
GEORGIA
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ZONING APPLICATION

Applicant (Name & Mailing Address)

Tim Wilbanks
7880 Hiawassee Wilderness Trail
Haiwassee, GA 30546
Phone 770-654-0084
Email Address timdevelopsga@gmail.com

Property Owner (Name & Mailing Address)

1731 Friendship, LLC
7880 Hiawassee Wilderness Trail
Haiwassee, GA 30546
Phone 770-654-0084
Email Address timdevelopsga@gmail.com

Proposed Use Highway buisness office/retail uses allowed

Contact Person (Name & Mailing Address)

Tim Wilbanks
7880 Hiawassee Wilderness Trail
Haiwassee, GA 30546
Phone 770-654-0084
Email Address timdevelopsga@gmail.com

Tax Parcel Number 15041 000190
Location Address 1731 Friendship Road

Status of Applicant

X Owner
Y Option to Purchase
Y Area Resident
Y Other

Requested Action

Existing Zoning: AR-1
Rezone to: H-B
Fee:$
Receipt #:
Check #:

Acreage 10.09 ac

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

Print: Tim Wilbanks Date: 7-10-2025
Sign: Tim Wilbanks Date: 7-10-2025

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

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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**_____ I have not ✓

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:** 7-10-2025

Applicant's/Owner's Name (Printed): Tim Wilbanks

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

ANNUAL REGISTRATION

Electronically Filed
Secretary of State
Filing Date: 3/27/2025 8:44:52 AM

BUSINESS INFORMATION	
CONTROL NUMBER	23250799
BUSINESS NAME	1731 Friendship, LLC
BUSINESS TYPE	Domestic Limited Liability Company
EFFECTIVE DATE	03/27/2025
ANNUAL REGISTRATION PERIOD	2025

PRINCIPAL OFFICE ADDRESS	
ADDRESS	7880 Hiawassee Wilderness Trail, Hiawassee, GA, 30546, USA

REGISTERED AGENT		
NAME	**ADDRESS**	**COUNTY**
Tim Wilbanks	7880 Hiawassee Wilderness Trail, Hiawassee, GA, 30546, USA	Towns

AUTHORIZER INFORMATION	
AUTHORIZER SIGNATURE	Tim Wilbanks
AUTHORIZER TITLE	Registered Agent

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	**1731 Friendship, LLC**	Control Number:	**23250799**
Business Type:	**Domestic Limited Liability Company**	Business Status:	**Active/Compliance**
NAICS Code:	**Any legal purpose**	NAICS Sub Code:	
Principal Office Address:	**7880 Hiawassee Wilderness Trail, Hiawassee, GA, 30546, USA**	Date of Formation / Registration Date:	**12/4/2023**
State of Formation:	**Georgia**	Last Annual Registration Year:	**2025**

REGISTERED AGENT INFORMATION

Registered Agent Name: **Tim Wilbanks**

Physical Address: **7880 Hiawassee Wilderness Trail, Hiawassee, GA, 30546, USA**

County: **Towns**

Back Filing History Name History Return to Business Search

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Narrative
Friendship LUXE Development
H-B Zoning

Existing Site Description

The proposed development is a 10.07-acre parcel located on the north side of Friendship Road (S.R. 347) just east of the intersection with Reunion Way. The current zoning is AR-I. The surrounding adjacent properties are zoned AR I, PCD & PRD. The site is undeveloped and wooded with a creek running through the middle of site. This property was originally part of the Celebration Church that was cut off when Friendship Road was constructed. The property has over 1100 feet of frontage on Friendship Road which is a 4-land highway with a median.

Proposed Development

The current agriculture zoning is out of character with the rapidly changing area that consists of multiple commercial developments, a hospital, new apartments and assisted living facilities along this stretch of highway. The proposed zoning request will change the property to Highway Business (H-B). This request will only allow development of Permitted Uses in the H-B zoning district as defined in Hall County's Unified Development Code (UDC).

As defined in the UDC, H-B zoning is intended "To provide for locations within the county to be developed and reserved for commercial uses intended to serve the public. District regulations are designed to allow for more intensive uses and to encourage efficient traffic movement by utilizing areas on or near major arterial or collector roads or community crossroads."

Friendship Road is a limited access state road. A main entrance driveway will be constructed to access both developments. This driveway will comply with Georgia DOT requirements. A secondary drive will access an existing driveway on the eastern side of the property. This will provide multiple access points to the developments.

Lighting will be LED non-spill fixtures. Professional landscaping will encompass the entire development in accordance with the Hall County requirements.

Building Setbacks and Buffers

Front: 30' Friendship Road

Side & Rear: 25' Transitional Buffer along rear and side property lines adjacent to residential zoned properties will cover these setbacks.

Gateway Cooridore Overlay District

The site falls in this overlay district and will comply with the regulations.

Storm Water Detention

Storm water will be detained in a combination of a proposed ponds and infiltration trenches. The ponds will discharge into an existing creek which runs through the property. The ponds will comply with all current storm water regulations for Hall County.

Office Style

The proposed office/retail buildings will be similar current developments in the neighborhood. Below are concepts for the proposed developments.

Office Typical Styles

GENERAL NOTES:

1. TOTAL ACREAGE OF SITE = 10.07 AC.
2. CURRENT ZONING: AR-I
   PROPOSED ZONING: H-B
3. OPEN SPACE = 45%
4. SETBACKS:
   FRONT – 30' FRIENDSHIP ROAD
   SIDE – 20'
   REAR – 15'
5. 25' TRANSITIONAL BUFFER ALONG RESIDENTIAL PROPERTIES.

PARKING

OFFICE BLDG A (11,250)

3 SPACES PER 1,000 SF
11,250 S.F / 1,000 X 3 = 34 REQUIRED

TOTAL PROVIDED = 41 SPACES

OFFICE BLDG B (67,450 TOTAL SF)

3 SPACES PER 1,000 SF
67,450 S.F / 1,000 X 3 = 203 REQUIRED

TOTAL PROVIDED = 230 SPACES

GRAND REUNION DRIVE

REUNION WAY
R/W VARIES

GRID NORTH
GA-WEST ZONE

REUNION GOLF COURSE

N/F
REUNION, LLC
PARCEL 1504D 000005
ZONED PRD (C)

N/F
PULTE HOME
CORPORATION
PARCEL 15041D 000249

PRD (C) ZONING
PCD ZONING

REUNION PHASE 4

PORCH SWING PLACE

N/F
JOHN C. ROYER
PARCEL 15041C 000103
ZONED PRD (C)

LOT 4

LOT 424

N/F
MICHAEL STRICKLAND &
ROBYN STRICKLAND
PARCEL 15041C 000104
ZONED PRD (C)

N 44°49'24"E
59.41'

N 44°52'08"E 389.13'

N 44°51'47"E 839.44'

25' TRANSITION BUFFER

EXISTING FENCE

AREA TO BE GRADED TO DIRECT RUNOFF INTO STORM WATER POND

S 23°58'16"E 432.18'

N/F
FRIENDSHIP 1685, LLC
PARCEL 15041 00014
ZONED AR-I

OFFICE/RETAIL BLDG B
67,450 S.F.

OFFICE BLDG A
75' X 150'
11,250 S.F.

STORM WATER FACILITY

STORM WATER FACILITY

CREEK

50' STREAM BUFFER

75' IMPERVIOUS SETBACK

ACCESS DRIVE

PROP. PUMP STATION

S 63°20'11"W 339.74'

ENTRANCE MONUMENT SIGN

MONUMENT SIGN

MONUMENT SIGN

S 53°05'23"W 200.00'

157.93'

30' SETBACK

10' LANDSCAPE STRIP

26'

N 34°56'40"W 274.70'

N 86°17'18" W
25.64'

C1

C2

C3

L1

L2

SR 347/FRIENDSHIP ROAD
R/W VARIES

Course	Bearing	Distance
L1	S 66°07'09" W	23.23'
L2	S 24°17'19" E	100.00'

Curve	Radius	Length	Chord	Chord Bear.
C1	1532.00'	337.65'	336.96'	S 59°19'23" W
C2	2750.00'	122.29'	122.28'	S 54°23'43" W
C3	2750.00'	166.42'	166.39'	S 57°24'10" W

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

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Seal

MYERS & CO.
civil engineers
P.O. BOX 634
GAINESVILLE, GA 30503
770-654-9172
ed@myers-and-co.com

Project Description
FRIENDSHIP LUXE DEVELOPMENT
HALL COUNTY, GEORGIA

DATE 7-28-25

JOB NO. 23-14

Sheet Title
REZONING PLAN

Revisions

SHEET
1

eFiled and eRecorded
DATE: 12/13/2023
TIME: 10:49 AM
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PART ID: 6250255593
RECORDED BY: JP
Charles Baker, C.S.C
Hall County, GA

GRID - GA. WEST ZONE

GRAND REUNION DRIVE

REUNION WAY R/W VARIES

NAPA RIDGE RD. R/W VARIES

SR 347/FRIENDSHIP ROAD R/W VARIES
R/W - DB 6694 PG 267
LIMITED ACCESS

SR 211

PORCH SWING PLACE
50' R/W

1731 FRIENDSHIP ROAD
PARCEL 15041 000190

TRACT 1 = 10.09 ACRES

TRACT 2 – AREA IN QUESTION
=0.66 ACRES
SEE NARRATIVE

BOUNDARY CURVE CHART

Curve	Radius	Length	Chord	Chord Bear.
C1	1532.00'	337.65'	336.96'	S 59°19'23" W
C2	2750.00'	122.07'	122.06'	S 54°23'34" W
C3	2750.00'	166.63'	166.61'	N 57°24'02" E
C4	1632.00'	26.27'	26.27'	S 66°10'21" W
C5	1632.00'	30.72'	30.72'	N 67°10'22" E
C6	1532.00'	23.47'	23.47'	N 68°09'03" E

BOUNDARY CALL CHART

Course	Bearing	Distance
L1	S 86°17'18" E	25.64'
L2	S 24°17'19" E	100.00'
L3	S 22°17'17" E	100.00'
L4	S 33°31'37" W	11.15'
L5	S 36°17'15" W	51.74'
L6	S 36°32'04" W	95.45'

STATE PLANE COORDINATE TABLE

Point	Northing	Easting	Description
PT "B"	1496939.212	2390088.689	PCC
PT "A"	1496243.337	2390402.973	1–2rbf

PT "D" TO PT "C"–1359.04' PER MONUMENTS IN THE FIELD
1359.14' PER SUBJECT DEED REFERENCE #1

PT "D" TO PT "B"–1288.44' TO ADJOINING OWNER'S PIN IS 70.70' SHORT OF SUBJECT DEED DISTANCE AND 70.60' SHORT PER MONUMENTS IN THE FIELD

N 45°10'04"E 125.90'
1/2" RBF PT "D"
N 44°51'43"E 839.35'
1/2" RBF
N 44°52'08"E 389.13'
1/2" RBF
PT"B" N 44°49'24"E 70.60'
1/2" RBF–PT"C"
1/2" RBF
N 45°06'38"E 74.21'
N 44°49'24"E 59.96'
N 34°58'13"W 274.70'
S 34°58'13"E 255.0'
S 53°31'40"W 199.49'
S 62°50'14"W 203.23'
S 63°45'10"W 136.73'
S 24°18'21"E 432.42'
S 24°18'21"E 319.41'
S 22°44'09"E 220.13'
S 22°44'09"E 559.42'
S 24°18'21"E 11.73'
115.0'
160.0'
24.3'
100.0'
30'
150'

N/F
PULTE HOME CORP.
DB 7643, PG 593

N/F
REUNION, LLC.
DB 7705, PG 711
PB 839 PG 156

N/F
MICHAEL STRICKLAND, ETAL
DB 4297, PG 490
PB 807 PG 241A
REUNION–PHASE 4
LOT 424

N/F
JOHN C. ROYER
DB 8856, PG 89
PB 827 PG 222A
REUNION–PHASE 4
LOT 423

N/F
FRIENDSHIP 1685, LLC.
DB 9049, PG 474
PB 790 PG 124A
PLAT REFERENCE #2

N/F
GA. HALL UNICO 347, LLC.
DB 8741, PG 9
PB 468 PG 128
PB 94 PG 70

N/F
PULTE HOME CORP.
DB 7643, PG 593
DEL WEBB–CHATEAU ELAN

N/F
CELEBRATION BAPTIST MINISTRIES,INC.
DB 3466, PG 609

ADJOINING OWNER'S PIN
3/8" RBF–ON SIDE P/L
1.59' SE OF REAL P/L

PIN PER SUBJECT DEED
1/2" RBF–PT"C"

P/L STAKE FOUND

BELLSOUTH AND JACKSON EMC EQUIPMENT
POSSIBLE EASEMENT EXIST
NO DEED FOUND

CMF–POB
IPS–TPOB
POSSIBLE ACCESS
POSSIBLE ACCESS

WOODEN BRIDGE
CREEK
TOP OF BANK
SEE HALL CO. ENGINEERING NOTE #2
75' IMPERVIOUS BUFFER
50' UNDISTURBED BUFFER
25' STATE BUFFER

4X4 BOX CULVERT
CREEK

DITCH RUNS THROUGH PROPERTY

WIRE FENCE ENCROACHES P/L

PROPERTY LINE PER ADJOINING PROPERTY OWNER'S DEED
PROPERTY LINE STAKED FOUND ONLINE

PROPERTY LINE PER SUBJECT DEED REF. #1

HORSE PASTURE

SIDEWALK
B/C
C/L
CB
MH
WV
SS
UNDERGROUND GAS LINE
UNDERGROUND POWER LINE
WRONG WAY SIGN
RIGHT TURN SIGN
INTERSECTION SIGN
DO NOT ENTER SIGN
STOP SIGN
ASPHALT
ASPHALT DRIVE
FES
30" RCP
DI
FH
IPS
CMF
TO I-985
TO SR 211
EXISTING PROPERTY LINE
PROPOSED SANITARY SEWER EASEMENT
SIDE WALL
WOODEN FENCE
COLUMN
EQUIP.
+/-19'
FLUME
DITCH

LEGEND

T.P.O.B.= TRUE POINT OF BEGINNING
P.O.B.= POINT OF BEGINNING
PCC = PROPERTY CORNER COMPUTED
CM" = CONCRETE R/W MARKER FOUND
SB" = SOLID BAR FOUND
CTP = CRIMP TOP PIPE
IPF" = IRON PIN FOUND
OTP = OPEN TOP PIPE
RBF" = REBAR PIN FOUND
IPS = 1/2" REBAR PIN SET
R/W = RIGHT OF WAY
LL = LAND LOT
LLL = LAND LOT LINE
SSE = SANITARY SEWER EASEMENT
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT
UGP = UNDERGROUND ELECTRICAL CABLE
P/L = PROPERTY LINE
B/L = BUILDING LINE
C/L = CENTERLINE
EP = EDGE OF PAVEMENT
BC = BACK OF CURB
MH = MAN HOLE
CB = CATCH BASIN
OCS = OUTLET CONTROL STRUCTURE
DI = DROP INLET
FES = FLARED END SECTION
PP = POWER POLE
TP = TELEPHONE POLE
FH = FIRE HYDRANT
WM = WATER METER
WV = WATER VALVE
IE = INVERT ELEVATION
FFE = FINISHED FLOOR ELEVATION
-S- = SANITARY SEWER LINE/PIPE
=== = STORM SEWER LINE/PIPE
-X- = FENCE LINE
-P- = POWER LINE
-T- = TELEPHONE LINE
-W- = WATER LINE
-UGP- = UNDERGROUND POWER
-G- = UNDERGROUND GAS
000= FLOOD HAZARD ZONE LINE
N/F = NOW OR FORMERLY

CERTIFICATION:
THIS SURVEY IS A RETRACEMENT OF AN EXISTING PARCEL OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE DOCUMENT(S), MAP(S), PLAT(S) OR OTHER INSTRUMENT(S) WHICH CREATED THE PARCEL(S) ARE STATED HEREON. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180–7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT OCGA 15–6–67.

BY: _____ 12/07/23
DANIEL S. GRIFFIN, REGISTERED GEORGIA LAND SURVEYOR NO. 2772

FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AS TO THE PROPERTY LINES AND ALL IMPROVEMENT SHOWN THEREON, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST, AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 26,736 FEET AND AN ANGULAR ERROR OF 04" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 439,372 FEET, AND CONTAINS A TOTAL OF 10.09 FOR TRACT 1 ACRES. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS TOPCON GTS–312

12/07/23
REGISTERED GEORGIA LAND SURVEYOR

REG. NO: 2772 DATE OF EXPIRATION: 12/31/2024

GEORGIA REGISTERED NO. 2772 LAND SURVEYOR DANIEL S. GRIFFIN

12/07/23

HALL COUNTY ENGINEERING NOTES

1)ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FEET IMPERVIOUS SETBACK. (HALL COUNTY CODE 8.170.070)

2)IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE 17.225.040)

3)THIS PROPERTY (IS NOT) LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP #13139C 0376G, HALL COUNTY GEORGIA, DATED 12/01/2022

4)THIS PROPERTY (IS NOT) LOCATED IN THE HALL COUNTY STUDIED FLOOD ZONE PER HALL COUNTY GIS

5)IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE 8.180.160)

6)ALL DRIVEWAYS MUST MEET HALL COUNTY DRIVEWAY REGULATIONS PER CODE 12.40

7)ALL LAND DISTURBANCES OVER ONE ACRE SHALL REQUIRE AN EROSION SEDIMENTATION POLLUTION CONTROL PLAN.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

GENERAL/SITE NOTES:

1) ZONING:PROPERTY IS CURRENTLY IN THE REZONING PROCESS, SETBACKS AND ADDITIONAL BUFFERS MAY EXIST THAT ARE NOT SHOWN HEREON.
2) THE SITE BEARING IS BASED ON GRID NORTH(GA WEST ZONE). VERTICAL DATA WAS OBTAINED FROM A CHAMPION GPS ROVER BASED ON MEAN SEA LEWEL VIA EGPS NETWORK DATA.
3) FIELD WORK FOR SURVEY WAS COMPLETED ON NOVEMBER 30TH, 2023.
4) NO TITLE EXAMINATION WAS PROVIDED TO THE SURVEYOR AT THE TIME OF THIS SURVEY. OTHER MATTERS OF RECORD WHICH AFFECT THE SUBJECT PROPERTY COULD EXIST AND MAY NOT BE SHOWN HEREON.
5) THIS PROPERTY HAS LIMITED ACCESS ACCORDING TO REFERENCE #3.

REFERENCES:

1) DEED BOOK 3466, PG'S 592–619 FILED 04–02–99.
2) SURVEY FOR KELLY GARY PREPARED BY CONROY AND ASSOCIATES DATED 7/28/13.
3) GA DOT R/W PLANS FOR SR 347/FRIENDSHIP RD, PROJECT STP–2984(1) DATED 4/4/07 REVISED 10/16/09.
4) ALL OTHER REFERENCES ARE SHOWN HEREON.

S 24°18'21"E 11.73' TO A 1/2" RBF ON SIDE OF THOMPSON MILL RD.
MONUMENT NOT SET DUE TO COMMUNITY MOAT DOOR
S 22°44'09"E 615.69' TO PROPERTY CORNER AS PER REFERENCE #1, NO PIN OR MONUMENTATION FOUND

GRAPHIC SCALE

0 30 60 120 180
(IN FEET)
1 inch = 60 ft.

** PURPOSE OF SURVEY STATEMENT*
THIS SURVEY WAS PERFORMED AT THE REQUEST OF THE PROPOSED PURCHASER TO DETERMINE THE BOUNDARY LINES OF THE SUBJECT PROPERTY.

AREA IN QUESTION NARRATIVE

TRACT 2, THE AREA IN QUESTION IS AN OVERLAP AREA WHEREAS THE SUBJECT DEED OR REF. #1 AND THE ADJOINING PROPERTY OWNER'S DEED ARE IN CONFLICT WITH EACH OTHER. THE METES AND BOUNDS DESCRIPTIONS OVERLAP EACH OTHER AS SHOWN TO CREATE TRACT 2. IT APPEARS THAT THE ADJOINING PROPERTY OWNER IS USING THE AREA IN QUESTION AS PART OF A LARGER PASTURE FOR HORSES. THE COUNTY TAX MAP DEPICTS 10.05 ACRES FOR THE SUBJECT PROPERTY WHICH IS WITHIN 0.04 ACRES OF THE AREA SURVEYED FOR TRACT 1. THE COUNTY TAX MAP ALSO APPEARS TO DEPICT THE AREA IN QUESTION AS PART OF THE ADJOINING PROPERTY OWNER'S PARCEL. FURTHERMORE, THE BOUNDARY LINE OF TRACT 1 FROM POINT "B" TO POINT "A" WAS FOUND TO HAVE PROPERTY LINE STAKES ON LINE BETWEEN THE EXISTING MONUMENTS IDENTIFIED BY POINT "B" AND POINT "A" IN THE FIELD AS NOTED ON THE SURVEY. ALSO, THE MODULAR WALL ACROSS FRIENDSHIP ROAD FOR THE COMMUNITY ADJACENT TO THE EXISTING CHURCH APPEARS TO HAVE BEEN CONSTRUCTED BASED ON A PROJECTION OF THE TRACT 1 PROPERTY LINE. AN UNSUCCESSFUL ATTEMPT WAS MADE TO LOCATE THE ORIGINAL SURVEY REFERENCED IN THE SUBJECT DEED THAT COULD POSSIBLY HELP TO CLARIFY THESE DESCREPANCIES.

SURVEYOR
DS GRIFFIN, INC.
2048 MILL LANDING COURT
LAWRENCEVILLE, GA. 30043
PHONE: 770–778–3293
EMAIL: DANIEL@DSGRIFFININC.COM

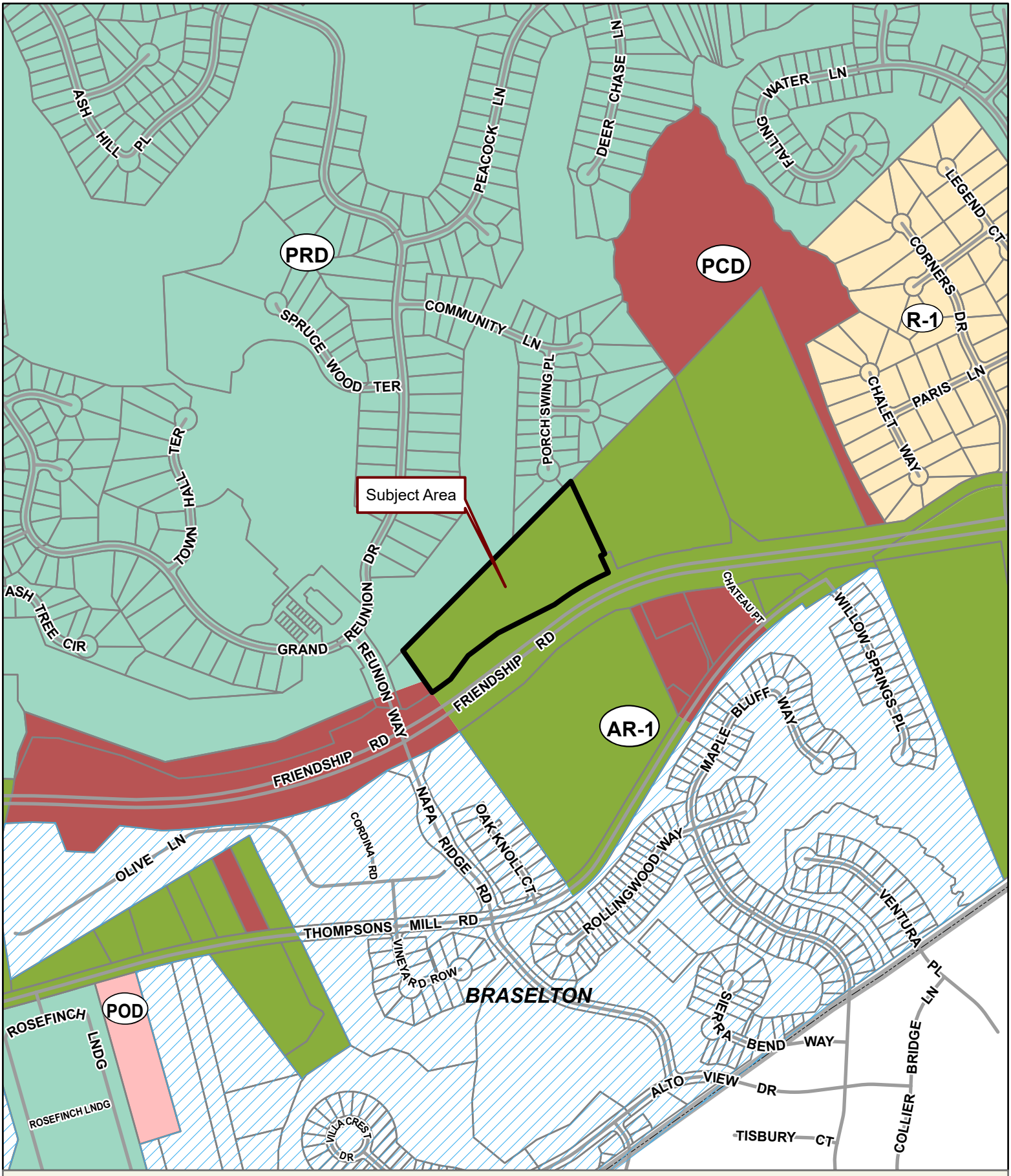
No.	By	Date	Revision
1	DG	12/09/23	ADDED PT "C" AND PT "D" ON NORTH P/L WITH DISTANCE CHART

Cadd File No:

SURVEY FOR:
CELEBRATION BAPTIST MINISTRIES, INC.

DS GRIFFIN, INC.
PROFESSIONAL LAND SURVEYING SERVICES
2048 MILL LANDING COURT
LAWRENCEVILLE, GA. 30043
(770) 778–3293

Date: 12/07/2023 GMD: 392 District: CLINCHEM
County: HALL, GEORGIA Scale: 1" = 60'
Project: CELEBRTN Drawn By: DSG
Sheet No. 1 OF 1

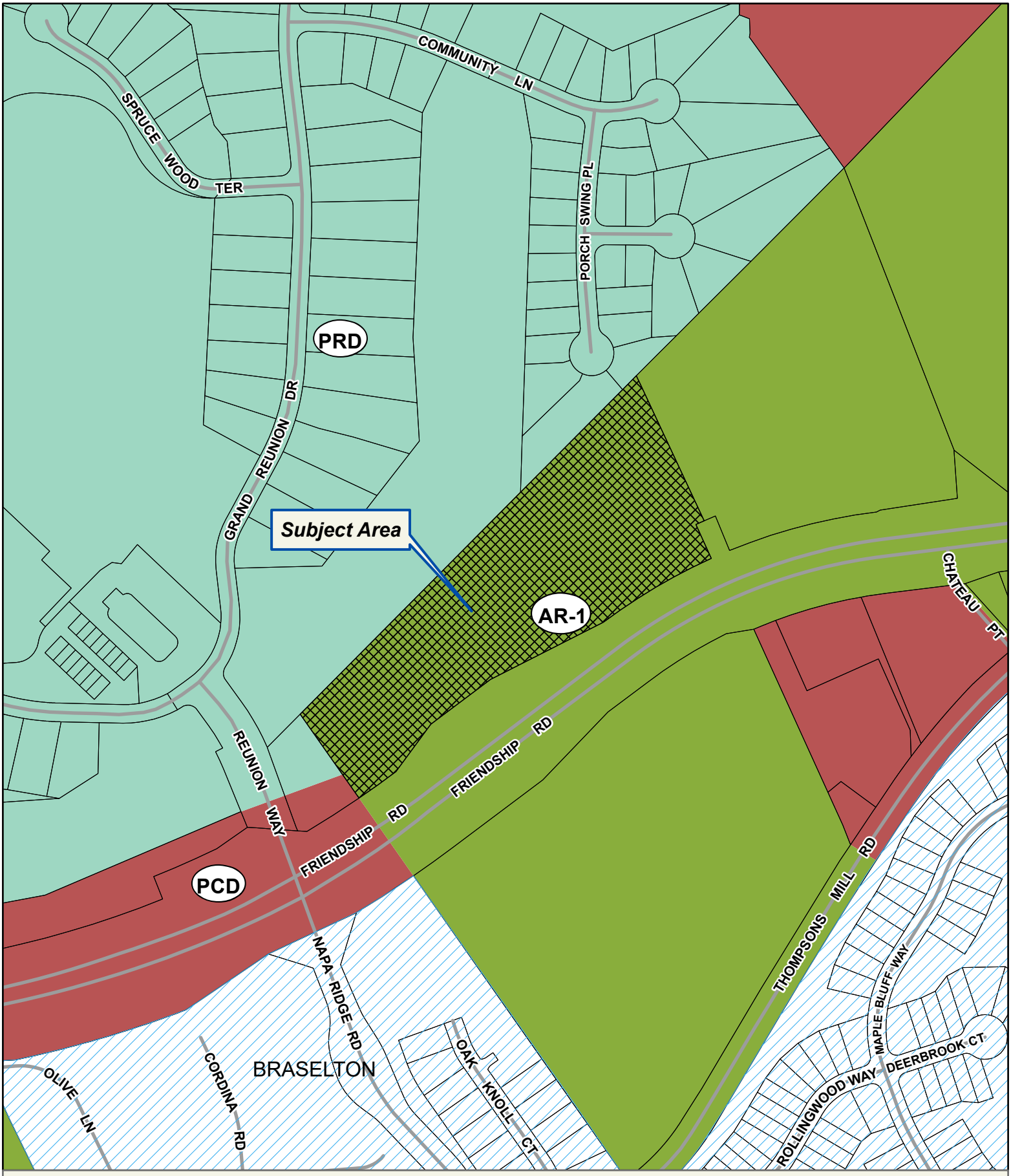


Applicant: TIM WILBANKS
Tax Parcel #: 15041 000190
Location: 1731 FRIENDSHIP ROAD, HOSCHTON, GA 30548
Commission District 2 **BOC Mtg. Date: 08/28/2025**

0 200 400 800
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: TIM WILBANKS
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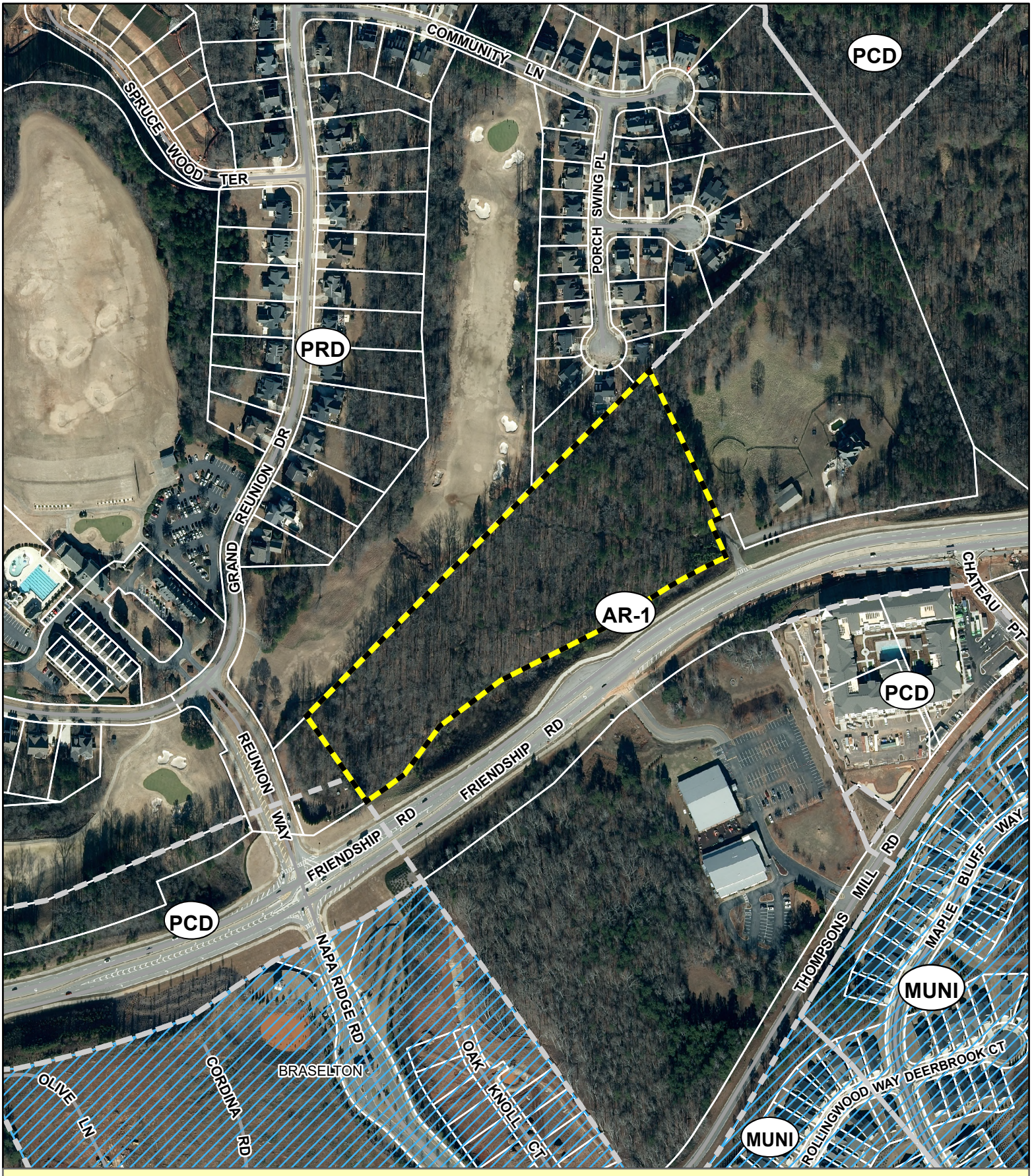
0 100 200 400
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: TIM WILBANKS
Tax Parcel #: 15041 000190
Location: 1731 FRIENDSHIP ROAD, HOSCHTON, GA 30548
Commission District 2 **BOC Mtg. Date: 08/28/2025**

0 100 200 400
Feet

Zoning Boundary
City Limits
Subject Area

N

eFiled and eRecorded
DATE: 01/05/2024
TIME: 10:27 AM
DEED BOOK: 9420
PAGE: 16 - 17
FILING FEES: $25.00
TRANSFER TAX: $715.00
PARTICIPANT ID: 0419150030
PT61: 069-2024-000107
RECORDED BY: EAR
CLERK: Charles Baker, C.S.C
Hall County, GA

231153J
Russell C Petersen, LLC
P.O. Box 6499
GAINESVILLE, GA 30504

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HALL

THIS INDENTURE made **December 20th, 2023**, between **CELEBRATION BAPTIST MINISTRIES, INC**, of the County of Hall, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **1731 FRIENDSHIP, LLC**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of TEN AND 00/100 ($10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, together with all improvements located thereon, to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN CLINCHEM GMD 392, HALL COUNTY, GEORGIA, BEING TRACT 1, CONTAINING 10.09 ACRES, MORE OR LESS AND TRACT 2, CONTAINING 0.66 ACRES AS SHOWN ON A SURVEY FOR CELEBRATION BAPTIST MINISTRIES, INC. DATED 12/7/2023 RECORDED IN PLAT BOOK 884, PAGE 189, HALL COUNTY, GEORGIA RECORDS, WHICH PLAT AND THE RECORD THEREOF ARE INCORPORED HEREIN BY REFERENCE THERETO.
Also included in a non-exclusive perpetual easement over the Grantee's adjacent property to provide a tie in to the county's septic and water systems. As shown on the above referenced plat and designated as the "Proposed Sanitary Sewer Easement."

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**.

EFILED IN OFFICE
CLERK OF SUPERIOR COURT
HALL COUNTY, GEORGIA
2024CV000065
CLINT G. BEARDEN
JUL 03, 2025 03:57 PM
Mark Pettitt, Clerk
Hall County, Georgia

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA

TIM WILBANKS,	)	
	)	
Plaintiff,	)	
	)	**CIVIL ACTION**
v.	)	
	)	**FILE NO. 2024CV000065**
HALL COUNTY, GEORGIA,	)	
	)	
Defendant.	)	

ORDER

This matter having come before the Court upon the consent of the parties, it is **HEREBY ORDERED** that this matter be remanded for further consideration of Plaintiff's Zoning Application, Record No. HZON23-0038, by the Board of Commissioners of Hall County at an upcoming public meeting. If the property is rezoned to an agreeable zoning, Plaintiff will dismiss this action with each party to bear its own fees and expenses. If Plaintiff's requested rezoning is denied, then this action will resume. The parties will report to the Court following the meeting.

SO ORDERED, this 3 day of July, 2025.

Judge Clint G. Bearden
Hall County Superior Court

Order Prepared
By Counsel for Plaintiff

EFILED IN OFFICE
CLERK OF SUPERIOR COURT
HALL COUNTY, GEORGIA
2024CV000065
CLINT G. BEARDEN
JUN 24, 2025 06:26 PM
Mark Pettitt, Clerk
Hall County, Georgia

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA

TIM WILBANKS,	)	
	)	
Plaintiff,	)	**CIVIL ACTION FILE NO.**
	)	**2024CV000065**
v.	)	
	)	
HALL COUNTY, GEORGIA,	)	
	)	
Defendant.	)	

JOINT MOTION FOR ENTRY OF CONSENT ORDER REMANDING CASE

COME NOW, Plaintiff Tim Wilbanks ("Plaintiff") and Hall County, Georgia ("Defendant" or the "County"), and jointly move the Court to enter an order remanding the above-styled case back to the County for reconsideration by the Board of Commissioners ("BOC").

In support of this Joint Motion, Plaintiff and Defendant (hereafter collectively the "Parties") show the following:

1.

This action arises from the BOC for Hall County denial of Plaintiff's Zoning Application No. HZON23-0038 ("Zoning Application") request of 10.05 +/- acres, commonly known as 1731 Friendship Road, Hoschton, Georgia 30548 and designated as Hall County Tax Parcel Number 15041 000190 (the "Property").

2.

The Zoning Application sought to rezone 7.33 +/- acres of the Property from Agricultural Residential (AR-IV) to Planned Commercial Development (PCD) zoning district and 2.72 +/- acres of the Property from Agricultural Residential (AR-IV) zoning district to Highway Business (H-B) zoning district. The Zoning Application initially included a variance request that was withdrawn prior to the BOC's denial of the Zoning Application.

3.

After discussions, public hearings, plan revisions, and amendments to the Zoning Application, the Board of Commissioners held a public meeting on December 14, 2023 at which they voted (1) to deny the rezoning of 7.33 +/- acres of Property from Agricultural Residential (AR-IV) to Planned Commercial Development (PCD) and (2) to deny the rezoning of 2.72 +/- acres of the Property from Agricultural Residential (AR-IV) zoning district to Highway Business (H-B) zoning district.

4.

Since the original filing of this action, the Parties have been negotiating in an attempt to resolve the issue that form the basis of Plaintiff's *Complaint for Declaratory Judgement and Injunctive Relieve.* The Parties have exchanged discovery and met to discuss various settlement options. As a result of those discussions, the County has agreed to reconsider the Zoning Application. In order to comply with the mandatory notice and hearing requirements imposed by the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-5) on local governments when considering applications to rezone property, it is necessary for the Zoning Application to be remanded back to the BOC, who will then publish the requisite legal notice and conduct any required public hearing(s) prior to taking any further action on the Zoning Application.

WHEREFORE, the Parties ask the Court to enter an Order remanding this case back to the Board of Commissioners of Hall County. A proposed Order is being filed contemporaneously with the Joint Motion for the Court's consideration.

Respectfully and jointly submitted this 24th day of June, 2025.

Prepared and presented by:

UNDERWOOD SCOGGINS, LLC
Attorneys for Tim Wilbanks

/s/ *Krystle L. Lopez*
Joshua A. Scoggins
Georgia Bar No. 037996
J. Ethan Underwood
Georgia Bar No. 721901
Krystle L. Lopez
Georgia Bar No. 757560

202 Tribble Gap Road, Suite 200
Cumming, Georgia 30040
Phone: 470-995-1776
Facsimile: 470-998-2684
jscoggins@underwoodscoggins.com
klopez@underwoodscoggins.com
eunderwood@underwoodscoggins.com

Consented to by:

FREEMAN MATHIS & GARY, LLP
Attorneys for Hall County, Georgia

*/s/ R. Cameron Kline**
Dana K. Maine
Georgia Bar No. 466580
R. Cameron Kline
Georgia Bar No. 919346
**by Krystle L. Lopez with express permission*

100 Galleria Parkway, Suite 1600
Atlanta, GA 30339
Phone: 770-818-0000
cameron.kline@fmglaw.com
dmaine@fmglaw.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served opposing counsel with the foregoing Joint Motion for Entry of Consent Order Remanding Case, via Statutory Electronic Service, addressed as follows:

FREEMAN MATHIS & GARY, LLP
Dana K. Maine
R. Cameron Kline
100 Galleria Parkway, Suite 1600
Atlanta, GA 30339
cameron.kline@fmglaw.com
dmaine@fmglaw.com

Respectfully submitted this 24th day of June, 2024.

UNDERWOOD SCOGGINS, LLC
Attorneys for Tim Wilbanks

/s/ *Krystle L. Lopez*
Joshua A. Scoggins
Georgia Bar No. 037996
J. Ethan Underwood
Georgia Bar No. 721901
Krystle L. Lopez
Georgia Bar No. 757560

202 Tribble Gap Road, Suite 200
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Phone: 470-995-1776
Facsimile: 470-998-2684
jscoggins@underwoodscoggins.com
klopez@underwoodscoggins.com
eunderwood@underwoodscoggins.com

Hall County Government
PUBLIC WORKS AND UTILITIES

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

BILL NASH, P.E.
Director

William (Bill) H. King III, P.E.
Assistant Director

August 12, 2025

Ed Myers
PO Box 634
Gainesville, GA 30503

Subject: Sanitary Sewer Letter of Availability
1731 Friendship Road
Parcel ID No: 15041 000190
Hoschton, GA 30548

Dear Mr. Myers,

In response to your request, this letter will serve as confirmation that Hall County has sufficient volume to serve the above development at 1731 Friendship Road. The estimated average daily flow will be 15,000 GPD.

The existing sewer line is located near the property at Friendship Road. An extension into 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,

William (Bill) H. King III, P.E.

Application for Sewer Availability Letter

Date: 8-7-25

Name of Applicant: Tim Wilbanks Contact Number: 770-654-0084

Address of Applicant: 7880 Hiawassee Wilderness Trail

City: Haiwassee State: GA Zip: 30546 E-mail: timdevelopsga@gmail.com

Name of Agent: Ed Myers Contact Number: 770-654-9172

Address of Agent: PO Box 634

City: Gainesville State: GA Zip: 30503 E-mail: ed@myers-and-co.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 AR-1 to H-B
(Present Zoning) (Requested Zoning)

For the Purpose of Office/retail uses allowed in the H-B zoning
(Type of Development)

Address of Property: 1731 Frindship Road

Nearest Intersection to Property: Reunion Way & Friendship Road

Size of Tract: 10.09 acre(s), Lane Lot Number(s): GMD 392 , District(s): Clinchem

Development Estimate Average Daily Sewer Flow (GPD): 15,000

Property Tax Parcel Number: 15041 000190 Proposed number of Lots: 2

(Below: For properties within protected watershed districts only)

Gross Density: 0.20 units per acre Net Density: 0.20 units per acre

Estimated amount of impervious surface: 4.5 ac Minimum Lot Size: 15,000 s.f.

Rhonda T. Wright
Notary

N. E. Myers
Signature of Owner(s)/Agent(s)

N. Edward Myers
Printed Name of Owner(s)/Agent(s)

Project Engineer
Title of Agent

Letter of Intent
Friendship LUXE H-B Rezoning

Tim Wilbanks submits this letter of intent and zoning application for Tax Parcel 15041 000190. This 10.09 acres has frontage on Friendship Road. The property is currently zoned AR-1.

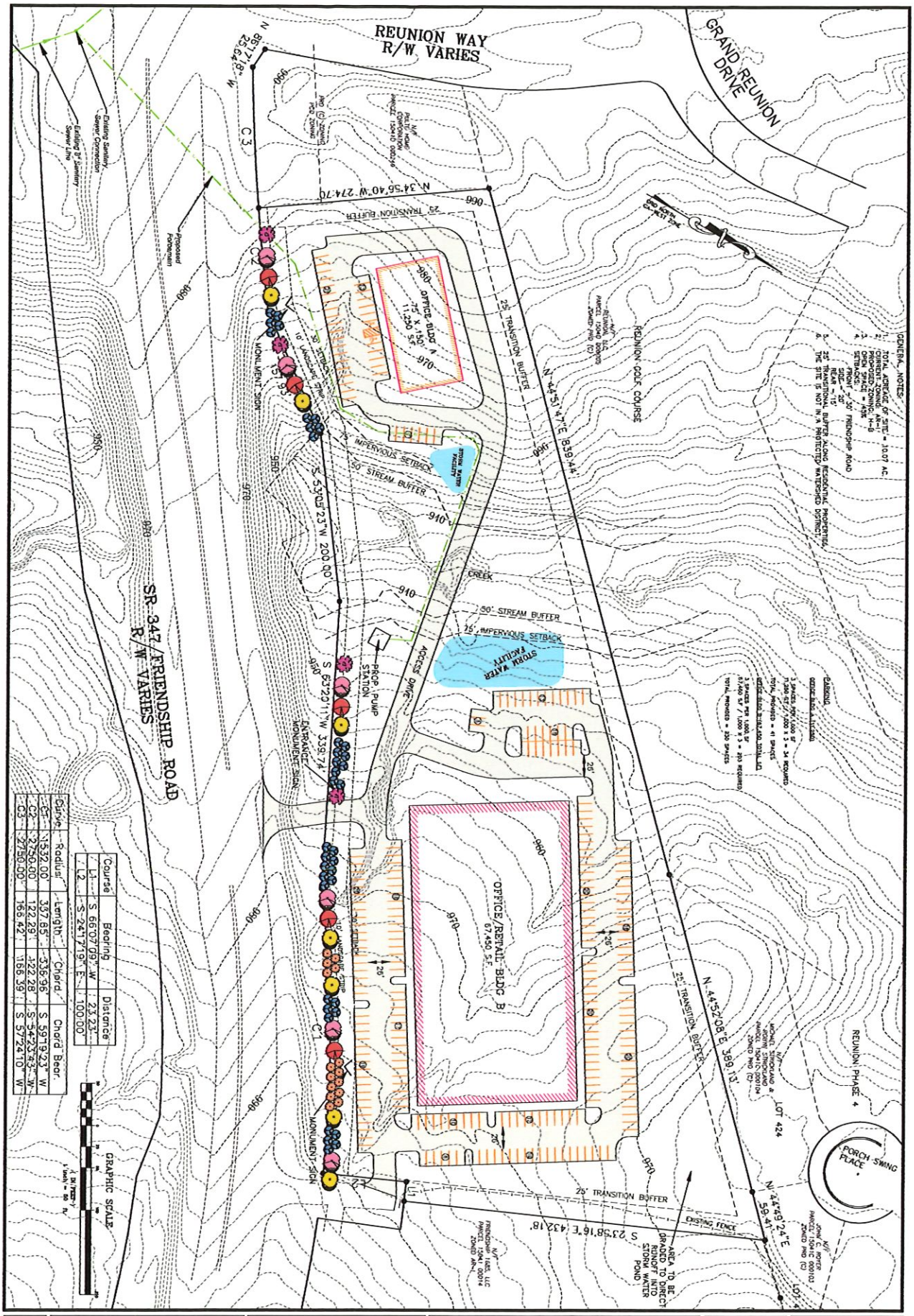
The applicant is proposing to rezone the property to Highway Business (H-B) to allow commercial development for Permitted Uses under Hall County's UDC . It is anticipated the build out will be in a 5-to-10-year span. Proposed uses will be in conformance with the Permitted Uses in Article 7 Section 7.2.1 of the Hall County UDC. Most of the project is expected to be office and retail.

The development will be served by Hall County sanitary sewer and City of Gainesville Water. Hall County sewer is directly across Friendship Road from this property. It is planned that a sewer pump station will be constructed to connect to the existing sewer.

This development is anticipated to have 78,000 sf of office-retail space. With a use of 200 GPD per 1,000 sf of development, the required sewer use will be 15,600 GDP.

Thank you for your consideration

N. Edward Myers, PE
Project Engineer



Curve	Radius	Length	Chord	Chord Bear
C1	1532.00'	337.85'	336.96'	S 59°19'23" W
C2	2750.00'	122.29'	122.28'	S 54°23'43" W
C3	2750.00'	165.42'	165.39'	S 57°24'10" W

Course	Bearing	Distance
L1	S 66°07'09" W	23.23'
L2	S 24°17'19" E	100.00'

SHEET	Revisions	DATE	Project Description	Seal	Copyright
1		7-28-25	FRIENDSHIP LUXE DEVELOPMENT		2025 MYERS & COMPANY, INC. ALL RIGHTS RESERVED.
		JOB NO. 23-14	HALL COUNTY, GEORGIA		
		Sheet Title REZONING PLAN			

MYERS & CO.
civil engineers
P.O. BOX 634
GAINESVILLE, GA 30503
770-654-9172
ed@myers-and-co.com

Outlook

RE: Tentative Packet for 1731 Friendship Road

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Tue 8/5/2025 2:04 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Cc Chad Harper (Environmental Health) <charper@hallcounty.org>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>

1731 Friendship Road: 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

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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From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Tuesday, August 5, 2025 1:04 PM
Subject: Tentative Packet for 1731 Friendship Road
Importance: High

Good Morning,

Please see the attached tentative packet for your review and comments. This application was remanded from the Superior Court and is scheduled to be heard again by the Board of Commissioners on August 28, 2025. The attached application has been revised from the original version.

If possible, please submit your comments to me by Friday, August 8, 2025.

Thank you,

Kaitlyn Elliott
Planning Commission Clerk

Hall County Planning and Zoning
(770) 531-6810 www.hallcounty.org

Outlook

Tentative Packet for 1731 Friendship Road

From Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Date Tue 8/5/2025 2:31 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Cc Katie L. Greenway (Planning) <klgreenway@hallcounty.org>

From: Stevens, Henry K <HStevens@dot.ga.gov>
Sent: Tuesday, August 5, 2025 2:28 PM
To: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Subject: RE: Tentative Packet for 1731 Friendship Road

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No problem!

We're going to require some form of coordination from this development. Ideally if you could send them our way for a concept review that would save some time, but regardless they'll have to apply for an access permit from our office.

Hope this helps!

Thanks,

Henry Stevens, E.I.T.
GDOT Civil Engineer 3
Georgia Department of Transportation
District 1 Traffic Operations- Gainesville
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
470.663.1807 cell

Outlook

Tentative Packet for 1731 Friendship Road

From Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Date Fri 8/8/2025 10:57 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

1 attachment (471 KB)
1731 Friendship Rd RZN VAR.pdf;

From: Hash, Christopher M <CHash@dot.ga.gov>
Sent: Friday, August 8, 2025 8:09 AM
To: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Cc: Peevy, Jonathan <jpeevy@dot.ga.gov>
Subject: RE: Tentative Packet for 1731 Friendship Road

You don't often get email from chash@dot.ga.gov. 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.

Good Morning Kaitlyn,

I've attached some comments from our office.

Please let me know if you have any questions.

Christopher Hash, P.E.
D1 Traffic Operations Supervisor

Georgia Department of Transportation

A1, A4 Access and Operations
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
470.201.8029 cell

Date: 8-8-25

Concept reviewed in general. This review does not relieve the applicant of any responsibility for conformity with the Driveway and Encroachment Manual and DOT Standards and Details.

GDOT Georgia Department of Transportation
District 1 Traffic Operations
By: CH

GENERAL NOTES:

1. TOTAL ACREAGE OF SITE = 10.07 AC.
2. CURRENT ZONING: AR-I
   PROPOSED ZONING: H-B
3. OPEN SPACE = 45%
4. SETBACKS:
   FRONT – 30' FRIENDSHIP ROAD
   SIDE – 20'
   REAR – 15'
5. 25' TRANSITIONAL BUFFER ALONG RESIDENTIAL PROPERTIES.

PARKING

OFFICE BLDG A (11,250)

3 SPACES PER 1,000 SF
11,250 S.F / 1,000 X 3 = 34 REQUIRED

TOTAL PROVIDED = 41 SPACES

OFFICE BLDG B (67,450 TOTAL SF)

3 SPACES PER 1,000 SF
67,450 S.F / 1,000 X 3 = 203 REQUIRED

TOTAL PROVIDED = 230 SPACES

GRAND REUNION DRIVE

GRID NORTH
GA-WEST ZONE

REUNION GOLF COURSE

N/F
REUNION, LLC
PARCEL 1504D 000005
ZONED PRD (C)

REUNION PHASE 4

PORCH SWING PLACE

N/F
JOHN C. ROYER
PARCEL 15041C 000103
ZONED PRD (C)

LOT 4

N/F
MICHAEL STRICKLAND &
ROBYN STRICKLAND
PARCEL 15041C 000104
ZONED PRD (C)

LOT 424

N 44°49'24"E 59.41'

N 44°52'08"E 389.13'

N 44°51'47"E 839.44'

25' TRANSITION BUFFER

EXISTING FENCE

AREA TO BE GRADED TO DIRECT RUNOFF INTO STORM WATER POND

S 23°58'16"E 432.18'

REUNION WAY
R/W VARIES

N/F
PULTE HOME
CORPORATION
PARCEL 15041D 000249

N 34°56'40"W 274.70'

PRD (C) ZONING
PCD ZONING

OFFICE BLDG A
75' X 150'
11,250 S.F.

STORM WATER FACILITY

STORM WATER FACILITY

CREEK

50' STREAM BUFFER

75' IMPERVIOUS SETBACK

ACCESS DRIVE

OFFICE/RETAIL BLDG B
67,450 S.F.

26'

PROP. PUMP STATION

S 63°20'11"W 339.74'

S 53°05'23"W 200.00'

30' SETBACK

10' LANDSCAPE STRIP

C1

C2

C3

151.93'

N 86°17'18" W 25.64'

MONUMENT SIGN

ENTRANCE MONUMENT SIGN

MONUMENT SIGN

L1

L2

N/F
FRIENDSHIP 1685, LLC
PARCEL 15041 00014
ZONED AR-I

Verify L/A break and if the drive is able to be constructed inside the break

Verify L/A break and if the drive is able to be constructed inside the break

Signage and Striping upgrades

Trees cant encroach into L/A (Limited Access)

Right Turn Lane

Right Turn Lane

Study for a RCUT

Verify Sight Distance at both entrances
Submit traffic study justifying 2 entrances

SR 347/FRIENDSHIP ROAD
R/W VARIES

Course	Bearing	Distance
L1	S 66°07'09" W	23.23'
L2	S 24°17'19" E	100.00'

Curve	Radius	Length	Chord	Chord Bear.
C1	1532.00'	337.65'	336.96'	S 59°19'23" W
C2	2750.00'	122.29'	122.28'	S 54°23'43" W
C3	2750.00'	166.42'	166.39'	S 57°24'10" W

GRAPHIC SCALE
50 0 25 50 100 200
50'-0"
(IN FEET)
1 inch = 50 ft.

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Seal

MYERS & CO.
civil engineers
P.O. BOX 634
GAINESVILLE, GA 30503
770-654-9172
ed@myers-and-co.com

Project Description
FRIENDSHIP LUXE DEVELOPMENT
HALL COUNTY, GEORGIA

DATE 7-28-25
JOB NO. 23-14
Sheet Title REZONING PLAN

Revisions

SHEET 1

Outlook

FW: Tentative Packet for 1731 Friendship Road

From Karen Martinez (Public Works - Sewer) <kmartinez@hallcounty.org>
Date Fri 8/8/2025 12:44 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

Good afternoon,

Please see below for comments. Thank you.

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

b. **Traffic:** **No comment**

c. **Utilities:** Subject property is in the Hall County Service territory and has access to Hall County Sewer near the East border on the East side of Reunion Way.

See drawing below:

Karen Martinez
Administrative Secretary
Hall County Community Development and Infrastructure
(770) 531-6800 | www.hallcounty.org

Outlook

Fire Comments 1731 Friendship Road

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Wed 8/6/2025 12:54 PM
To Beth Garmon (Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

Board of Commissioners on August 28, 2025

Hall County Fire Marshal Comments For 1731 Friendship Road

1. The multi-story building will require a supervised fire protection system.
2. Additional fire hydrants may be required.
3. The proposed multi story building shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction.
4. If approved modifications to plans may be required 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

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.

2. The Planning Department shall send notification by letter of all other property owners within a 500- foot radius of the applicant's property is standard administrative policy of the Planning Department.

3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road, or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN _____ AND NO LATER THAN Aug 13

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN Aug 13 **ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.**

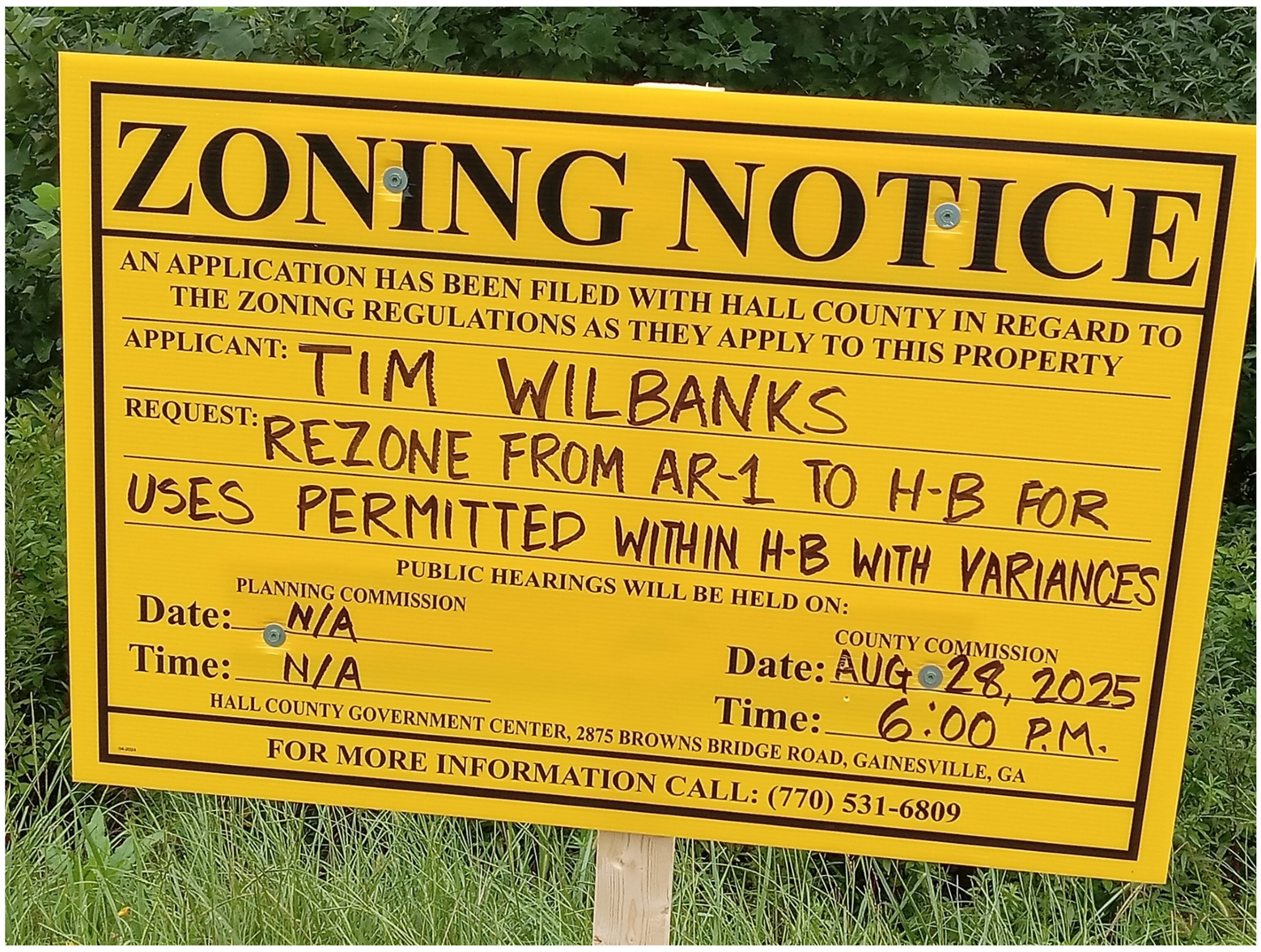
Failure to comply will result in a delay of the application.

AFFIDAVIT

By my signature, I, Tim Williams, **hereby acknowledge that I have**
Please Print Name

read and understand the sign posting requirements. I further certify that the required public notice sign was posted on 8/11/25 **for** Friendship LUXE Development
Date (Name application filed as)

Signature _____
(The original document is required)


ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: TIM WILBANKS
REQUEST: REZONE FROM AR-1 TO H-B FOR USES PERMITTED WITHIN H-B WITH VARIANCES
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: N/A
Time: N/A
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

Anael Dominguez (Administration)

From: Jennifer Rivera (Administration)
Sent: Thursday, August 21, 2025 4:09 PM
To: Anael Dominguez (Administration)
Subject: FW: REZONING OF 1731 FRIENDSHIP ROAD

Please add this public comment to HCAM for both agenda items.

Jennifer Rivera
Board of Commissioners Clerk
Hall County Government
Tel: 770-297-2684
jrivera@hallcounty.org
www.hallcounty.org

HALL COUNTY
GEORGIA
We have it all in Hall

From: Beth Garmon (Planning) <bgarmon@hallcounty.org>
Sent: Thursday, August 21, 2025 3:54 PM
To: Zachary Propes (Administration) <zpropes@hallcounty.org>; John Gentry (Administration) <jgentry@hallcounty.org>
Cc: Jennifer Rivera (Administration) <jrivera@hallcounty.org>; Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Subject: FW: REZONING OF 1731 FRIENDSHIP ROAD

Zach,

I wanted to make sure you saw the comments from Tom McDermott regarding the remanded application of Tim Wilbanks for 1731 Friendship.

Jennifer and Kaitlyn, would you please add this email to the application 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

All **ZONING, PLAT**, and **BUILDING PERMIT** submittals may be submitted online through Accela. Plat inquiries may be submitted to plats@hallcounty.org. Zoning and general inquiries may be submitted to planning@hallcounty.org.

From: T McDermott <tommcdermott@bellsouth.net>
Sent: Thursday, August 21, 2025 3:45 PM
To: David Gibbs (County Commission) <dgibbs@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>; Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Beth Garmon (Planning) <bgarmon@hallcounty.org>
Cc: BJ Best Sims <holler@bjsims.com>; Gary Hodges <glhrealty@yahoo.com>; Sarah Morra <sarah@remax-legends.com>; Lindsay Rock <lindsaymrock@yahoo.com>; Kurt Johansen <johansen.kurt23@gmail.com>; Kathy Peterson <kathypeterson@fieldstonerp.com>; frances bridwell <fhbridwell@bellsouth.net>
Subject: REZONING OF 1731 FRIENDSHIP ROAD

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August 20, 2025

To: David Gibbs, Commission Chairman
Billy Powel, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner
Cc: Kathy Cooper, District 1 Commissioner
Beth Garmon, Director of Planning and Zoning

Commission Chairman and Commissioners,

This letter is sent by the undersigned and concerns the application of 1731 Friendship Road, LLC for rezoning of the property located at 1731 Friendship Road from A-IV to H-B with variance.

We appreciate the court has directed the Commissioners to review this property for rezoning and accept the application to rezone from A-IV to H-B. Quite frankly, we never understood the applicant's lawsuit. Certainly, if they listened at the hearings, they knew the residents and businesses affected appreciated the property would be rezoned at some point to allow for commercial and/or retail business. Rezoning was never denied. Just apartments. Let us not forget that this applicant knew this before he purchased the property. So why the suit? A few open discussions among stakeholders could have achieved this outcome without the expense and adversarial tone of a lawsuit.

In any event, there are two conditions and a process request that are critical to helping ensure that the interests of the community and businesses that may be impacted are protected.

First, we request a minimum of a 50-foot undisturbed buffer from all current property lines within Reunion Golf and Country Club. This will include the entrance to Reunion Golf and Country Club, the 1st hole of the Reunion Golf Course, and residential properties.

This is not an exceptional request. There is a minimum 50-foot buffer for all properties bordering Reunion Golf and Country Club except for the new storage facilities with a 150+ foot buffer. Further, the majority are undisturbed buffers. This becomes particularly important as a 50-foot undisturbed buffer will protect the value of play at the Reunion Golf Course and, hence, the value of the homes within Reunion Golf and Country Club.

To explain, a significant part of the value of a golf course is the ambiance of the environment in which you play. Currently, the first hole of the Reunion Golf Course lies amongst depth of the trees on the first hole bordering 1731 Friendship Road. It is the first experience and impression of the course a golfer will have. The requested 25-foot transitional buffer will materially alter this, looking at and hearing a parking lot established for the commercial or retail buildings vs. having the current trees will most certainly negatively impact this experience. Suggestions to merely put up a fence or a net demonstrate the lack of recognition of the impact on the community that this applicant has shown from the beginning. We hope a long-standing public business within the community warrants the simple recognition of a 50-foot undisturbed buffer.

Second, that special consideration is applied to assuring the residents of 5786 and 5781 Porch Swing Place that their exposure to drainage and privacy are protected.

While zoning may be granted at this hearing with the conditions above included, a more detailed rendering of the actual development proposed is required to approve it. We do not want to constrain the applicant beyond reason, but their proposal shows over 67,000 square feet without length or width; shows renderings of one-story buildings while the Fire Marshall discusses the challenges of multi-story buildings; have an issue with parking; and no waste/garbage containment area.

We respectfully urge the Commissioners to incorporate the two conditions requested and require more detail in what is planned into any approval of the rezoning application to ensure that there is balance between the rights of the applicants and the interests of the surrounding community and long-standing businesses directly impacted.

Sincerely,

Reunion Neighbor Committee - 1731 and 1661 Friendship Road

BJ Sims
6453 Hickory Branch Drive
Gary Hodges
7316 Grand Reunion Drive
Sarah Morra
5647 Grand Reunion Drive
Lindsay Rock
7306 Rocking Chair Lane
Kurt Johansen
5752 Community Lane
Tom McDermott and Fran Bridwell
7250 Grand Reunion Drive
Kathy Peterson
5932 Peacock Lane

Jennifer Rivera (Administration)

From: Rosemarie Wood <maimeewood@gmail.com>
Sent: Monday, August 25, 2025 11:51 AM
To: David Gibbs (County Commission); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Beth Garmon (Planning)

Follow Up Flag: Follow up
Flag Status: Flagged

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August 20, 2025

To: David Gibbs, Commission Chairman
Billy Powel, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner
Cc: Kathy Cooper, District 1 Commissioner
Beth Garmon, Director of Planning and Zoning

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Sincerely,

Reunion Neighbor Committee - 1731 and 1661 Friendship Road

Jennifer Rivera (Administration)

From: Rosemarie Wood <maimeewood@gmail.com>
Sent: Monday, August 25, 2025 11:51 AM
To: David Gibbs (County Commission); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Beth Garmon (Planning)

Follow Up Flag: Follow up
Flag Status: Flagged

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August 20, 2025

To: David Gibbs, Commission Chairman
Billy Powel, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner
Cc: Kathy Cooper, District 1 Commissioner
Beth Garmon, Director of Planning and Zoning

Commission Chairman and Commissioners,

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Sincerely,

Reunion Neighbor Committee - 1731 and 1661 Friendship Road

Jennifer Rivera (Administration)

From: Rosemarie Wood <maimeewood@gmail.com>
Sent: Monday, August 25, 2025 11:51 AM
To: David Gibbs (County Commission); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Beth Garmon (Planning)

Follow Up Flag: Follow up
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August 20, 2025

To: David Gibbs, Commission Chairman
Billy Powel, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner
Cc: Kathy Cooper, District 1 Commissioner
Beth Garmon, Director of Planning and Zoning

Commission Chairman and Commissioners,

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Cc: Kathy Cooper, District 1 Commissioner
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Sincerely,

Reunion Neighbor Committee - 1731 and 1661 Friendship Road

Jennifer Rivera (Administration)

From: Beth Garmon (Planning)
Sent: Wednesday, August 27, 2025 2:16 PM
To: Jennifer Rivera (Administration); Anael Dominguez (Administration); Kaitlyn Elliott (Planning)
Cc: Zachary Propes (Administration); John Gentry (Administration)
Subject: FW: REZONING OF 1731 FRIENDSHIP ROAD

Jennifer,

Will you add these comments to the record 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

All **ZONING, PLAT**, and **BUILDING PERMIT** submittals may be submitted online through Accela. Plat inquiries may be submitted to plats@hallcounty.org. Zoning and general inquiries may be submitted to planning@hallcounty.org.

HALL COUNTY
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From: Robyn Strickland <robyngstrickland@yahoo.com>
Sent: Wednesday, August 27, 2025 2:11 PM
To: David Gibbs (County Commission) <dgibbs@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>; Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Beth Garmon (Planning) <bgarmon@hallcounty.org>
Subject: REZONING OF 1731 FRIENDSHIP ROAD

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Good afternoon,

As an adjacent property owner directly impacted by this proposed development, I want to express our echoed concerns, listed below in letter.

Please do enter into the record.

Thank you for your time and we look forward to thoughtful & meaningful resolution.

Robyn & Shane Strickland
5786 Porch Swing Place
Hoschton GA 30548

August 20, 2025

To: David Gibbs, Commission Chairman
Billy Powel, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner
Cc: Kathy Cooper, District 1 Commissioner
Beth Garmon, Director of Planning and Zoning

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Reunion Neighbor Committee - 1731 and 1661 Friendship Road

BJ Sims
6453 Hickory Branch Drive
Gary Hodges
7316 Grand Reunion Drive
Sarah Morra
5647 Grand Reunion Drive
Lindsay Rock
7306 Rocking Chair Lane
Kurt Johansen
5752 Community Lane
Tom McDermott and Fran Bridwell
7250 Grand Reunion Drive
Kathy Peterson
5932 Peacock Lane

Jennifer Rivera (Administration)

From: Rosemarie Wood <maimeewood@gmail.com>
Sent: Monday, August 25, 2025 11:51 AM
To: David Gibbs (County Commission); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Beth Garmon (Planning)

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Sincerely,

Reunion Neighbor Committee - 1731 and 1661 Friendship Road

AGENDA ITEM

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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 495/2025

SUBJECT: **1731 Friendship Road | Variance From Section 6.2 |** GCOD development standards | on a 10.09± acre tract located on the northwest side of Friendship Road approximately 240 feet from its intersection with Reunion Way | Zoned AR-1; Tax Parcel 15041 000190 | **Proposed use: Uses permitted in H-B** | Commission District 1 | **Tim Wilbanks, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG

Recommendation:
Denial

Purpose of Request:
1731 Friendship Road | Variance From Section 6.2 | GCOD development standards | on a 10.09± acre tract located on the northwest side of Friendship Road approximately 240 feet from its intersection with Reunion Way | Zoned AR-1; Tax Parcel 15041 000190 | **Proposed use: Uses permitted in H-B** | Commission District 1 | **Tim Wilbanks, applicant**

History:
On December 14, 2023, the board denied a previous rezoning request which included one commercial office building and a 185-unit multi-family development. The current application does not include any residential uses. However, the UDC does prohibit parking between the principal building and the street within the GCOD, creating the need for a variance request.

Facts and Issues:
On July 3, 2025, the Hall County Superior Court issued a court order requiring the rezoning request to be remanded for further consideration by the Board of Commissioners.

Options:

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

Is there a deadline for this item?

Approvals:

Submit	Approve	Attorney	Administration
BG	BG	JL	CR
Clerk			
JR			

Attachments:

Board Memo
Staff Report
Application
Narrative
Site Plan
Plat
Maps
Deed
Superior Court Order
Superior Court Motion
Sewer Availability
Environmental Health Comment
Public Works
GDOT Comment
Fire Comment
Notice Sign
Public Comment - Opposition - from Reunion Neighbor Committee
Public Comment - 1731 Friendship Road - from Katherine Niesi
Public Comment - 1731 Friendship Road - from Cliff Whitehead
Public Comment - 1731 Friendship Road - from Tim Mason
Public Comment - 1731 Friendship Road - from Glenn Rush
Public Comment - 1731 Friendship Road - from Valerie Wood
Public Comment - 1731 Friendship Road - from Marc and Nancy Ledoux
Public Comment - 1731 Friendship Road - from Holly Williams
Public Comment - 1731 Friendship Road - from Kathy Dondoyano
Public Comment - 1731 Friendship Road - from Jim Mikoy
Public Comment - 1731 Friendship Road - from George Saloom
Public Comment - 1731 Friendship Road - from James Long
Public Comment - 1731 Friendship Road - from Michael and Margaret Reiland
Public Comment - 1731 Friendship Road - from Robyn and Shane Strickland
Public Comment - 1731 Friendship Road - from Rosemarie Wood

Hall County Government
PLANNING AND ZONING

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PLANNING AND ZONING
DIRECTOR
Beth Garmon

To: David Gibbs, 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 11, 2025

Subject: **1731 Friendship Road | Variance to section 6.2 |** Gateway Corridor Overlay District standards | on a 10.09± acre tract | Zoned AR-1; Tax Parcel 15041 000190 **| Proposed Use: Uses permitted in H-B |Tim Wilbanks, applicant**

The request before you is from Tim Wilbanks to vary the parking lot design standards of section 6.2 Gateway Corridor Overlay District. This item is located within Commission District 1.

On July 3, 2025, Hall County Superior Court issued a court order requiring the request to be remanded for further consideration by the Board of Commissioners.

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:

Section 6.2.5.C – Parking Lot Design – Off-street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street.

- The applicant proposes parking located between Friendship Road and the proposed buildings. **This does not meet the standard.**

Staff recommendation: **Denial,** as no hardship exists pursuant to the criteria of 11.1.1.D.11.

HALL COUNTY PLANNING COMMISSION
STAFF REPORT

Applicant	Tim Wilbanks
Request	**(A) Rezone** | from Agricultural Residential 1 (AR-1) to Highway Business (H-B) **(B) Variance to section 6.2** | Gateway Corridor Overlay District
Proposed Use	Uses permitted in H-B
Size	10.09± acres
Zoning	**Current:** Agricultural Residential 1 (AR-1) **Proposed:** Highway Business (H-B)
Location	**1731 Friendship Road |** Tax Parcel 15041 000190
Commission District	One
County Commission Date	August 28, 2025
Staff Recommendation	**(A) Approval, with conditions** as the proposed use is consistent with the "Business Nodes & Corridors" future land use in the Comprehensive Plan. **(B) Denial,** as no hardship exists pursuant to the criteria of 11.1.1.D.11.

(A) Staff recommends <u>APPROVAL</u> of the applicant's request with the following conditions:

1. The property shall be developed in accordance with the site plan dated July 28, 2025, and as described in the project narrative dated July 28, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. Access to the property shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.

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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.

5. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

(B) Staff recommends <u>DENIAL</u> of the applicant's request.

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:

Section 6.2.5.C – <u>Parking Lot Design</u> – Off-street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street.

- The applicant proposes parking be located between Friendship Road and the proposed buildings. **This does not meet the standard.**

<u>Summary Analysis</u>

The applicant is requesting to rezone a 10.09<u>+</u> acre tract from Agricultural Residential (AR-1) to Highway Business (H-B) to allow for uses permitted within the Highway Business zoning districts. A variance is also requested from the Gateway Corridor Overlay District standards to allow for parking between the principal building and the street. Currently, the property is undeveloped and bisected by a creek with associated 75-foot stream buffers.

The surrounding properties are zoned and developed as outlined below:

North: Planned Residential Development (PRD): Reunion Subdivision; developed with single-family homes
East: Agricultural Residential 1 (AR-1): Vacant
South: Agricultural Residential 1 (AR-1): Developed with a church
West: Planned Residential Development (PRD): Reunion Subdivision; developed with single-family homes

According to the submitted narrative, the applicant is requesting to rezone the subject parcel to Highway Business (H-B) to allow for uses permitted in the H-B zoning district, as defined by the Hall County Unified Development Code (UDC). The proposal includes the construction of two commercial buildings with two access points from Friendship Road—one near the center of the property and another at the southeastern corner.

Per the submitted site plan the applicant proposes to construct two buildings. Building A is proposed to be an 11,250 square foot office building located on the southwest portion of the property. The site plan shows 41 parking spaces provided, exceeding the 34 spaces required by the UDC. Building B is a 67,450 square foot office/retail building on the northeast portion of the property. There are 230 parking spaces provided, exceeding the 203 required. A stream bisects the property, separating the two buildings and an access drive is proposed to cross the stream and provide access to Building A from the main driveway at Friendship Road.

The site plan also depicts two stormwater management facilities, which appear to encroach into the required 75 foot impervious surface setback. According to the narrative, stormwater will be managed using a combination of detention ponds and infiltration trenches and discharged into the creek that runs through the property. All stormwater facilities will comply with Hall County regulations.

Additional site features include a 25 foot transitional buffers along all abutting properties, a 10 foot landscape strip along Friendship Road, LED non-spill light fixtures, and professional landscaping throughout the development, in accordance with the UDC.

The proposed development will be served by City of Gainesville water as confirmed in an email on August 7, 2025 and Hall County sanitary sewer as confirmed in a letter dated August 12, 2024.

One (1) **variance** related to the Gateway Corridor Overlay District standards will be required if the site plan, as presented, is approved.

- **Section 6.2.5.C –** Parking Lot Design – Off-street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street.
    - The applicant proposes parking be located between Friendship Road and the proposed buildings. **This does not meet the standard.**

On December 14, 2023, the board denied a previous submittal which included one commercial office building and a 185-unit multi-family development. On July 3, 2025, the Hall County Superior Court issued a court order requiring the request to be remanded for further consideration by the Board of Commissioners. The current application does not include any residential uses.

Based on the future land use plan, staff finds the rezoning request *is consistent* with the Comprehensive Plan's future land use classification of "Business Nodes & Corridors". The intent of this future land use designation is for higher-intensity commercial uses, low-intensity, consumer-facing

industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate. Site designs should use the Quality Development Principals discussed earlier, particularly natural resource protections and high quality landscape installations, to the fullest extent possible.

(A) Zoning Analysis – Rezone

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

a. 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 Highway Business (H-B) zoning district is suitable in view of the use, development and zoning of adjacent and nearby properties, as Friendship Road supports a variety of commercial and residential uses on nearby properties.**

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the use would adversely affect adjacent or nearby property provided required buffers are maintained.**

c. 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.**

d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed rezoning is not expected to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**

e. 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's future land use classification of "Business Nodes & Corridors."**

f. 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 affected by the existing zoning restrictions.**

g. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact**

property values including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.

h. 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.**

i. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently vacant and has no history of development per Hall County records.**

j. 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.**

k. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning, Highway Business (H-B), would create an isolated district. However, the proposed use is consistent with the Comprehensive Plan's future land use classification of "Business Nodes & Corridors."**

l. 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.**

m. 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.**

n. 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 Highway Business uses based on the Future Land Use Map; however, the use as proposed requires rezoning approval by the Board of Commissioners.**

o. 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.**

p. 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.

q. 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.**

(B) <u>Zoning Analysis</u> – Variance to section 6.2.5.C

The board may grant variances in individual cases of unnecessary hardship upon finding that:

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape, or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **No. The development could be redesigned to meet these standards.**

2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No. The development could be redesigned to meet these standards.**

3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **No. There are no peculiar features on the property that are not common to other properties in the neighborhood.**

4. Such conditions are not the result of any actions of the property owner; **No.**

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission. **Relief, if granted, will not impair the purposes and intent of the Unified Development Code of Hall County.**

<u>11.2.6.E - Submission requirements</u>

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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 the voting meeting of the Hall County Board of Commissioners.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

    a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

    b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district**. The proposal meets the requirement.**

    c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request.**

    d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated August 5, 2025, Emily McGahee stated, "No comment. Public sewer"

Georgia Department of Transportation
In an email dated August 5, 2025, Henry Stevens, E.I.T., GDOT Civil Engineer 3, stated that GDOT coordination is required.

On August 8, 2025, Christopher Hash, P.E. D1 Traffic Operations Supervisor, provided preliminary review comments on the submitted site plan as follows:

- "Trees cant encroach into L/A (Limited Access)" – Comment at landscape strip in front of building A
- "Verify L/A break and if the drive is able to be constructed inside the break" – Comment at both proposed entrance points.

- "Study for a RCUT" – Comment at access point at center of property.
- "Right Turn Lane" – Comment at both proposed entrance points.
- "Signage and Striping upgrades" – Comment at access point on the south east of the property.
- "Verify sign distance at both entrance" – General comment
- "submit traffic study justifying 2 entrance" – General comment

These comments have been included in the application packet for reference.

Hall County Public Works and Utilities
In an email dated August 8, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:
This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show stream buffer and impervious setback from wrested vegetation not centerline of stream

Traffic:
No Comment

Utilities:
Subject property is in the Hall County Service territory and has access to Hall County Sewer near the East border on the East side of Reunion Way.

Hall County Fire Marshal
In an email dated August 6, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated the following:

1. The multi-story building will require a supervised fire protection system.
2. Additional fire hydrants may be required.
3. The proposed multi story building shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction.
4. If approved modifications to plans may be required during the development review process.

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

HALL COUNTY
GEORGIA
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VARIANCE APPLICATION

Applicant (Name and Mailing Address)
Tim Wilbanks
7880 Hiawassee Wilderness Trail
Hiawassee, GA 30546
Phone 770-654-0084
Email Address timdevelopsga@gmail.com

Property Owner (Name and Mailing Address)
1731 Friendship, LLC
7880 Hiawassee Wilderness Trail
Hiawassee, GA 305446
Phone 770-654-0084
Email Address timdevelopsga@gmail.com

Location of Property 1731 Friendship Road
Present Zoning AR-1 Existing Structures None

Type of Appeal:

____ Setback Variance	___ Front Yard	From ___ ft. to ___ ft.
____ Road Frontage Variance	___ Right Side Yard	From ___ ft. to ___ ft.
____ Sign Variance	___ Left Side Yard	From ___ ft. to ___ ft.
____ Hardship Mobile Home	___ Rear Yard	From ___ ft. to ___ ft.
X GCOD Variance	___ Road Frontage	From ___ ft. to ___ ft.
____ Other: ____	___ Sign Area	From ___ ft. to ___ ft.
	___ Sign Height	From ___ ft. to ___ ft.
	___ Doctor's Letter	___ Terms Agreement

Supporting Documents:
X Plat of Property
X Deed of Property
X Hardship Statement
X Site Plan
___ Floor Plans
___ Other

Fee (Must be paid for application to be complete): $ _____

Hardship Mobile Home:
I understand that, if granted, the mobile home must be removed from the property when my hardship ceases to exist.

_____
(Signature)

I hereby certify that the above information is true & correct to the best of my knowledge.

Print Tim Wilbanks Date _____

Sign Tim Wilbanks Date 7/24/25

I hereby withdraw this application. Date _____

Sign _____

Staff Use Only

Application Date: _____ Taken by: _____

Tentative Planning Commission Date: _____ If Appealed County Commission Date: _____

County Commission District: _____

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

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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**_____ I have not ✓

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:** 7-10-2025

Applicant's/Owner's Name (Printed): Tim Wilbanks

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

ANNUAL REGISTRATION

Electronically Filed
Secretary of State
Filing Date: 3/27/2025 8:44:52 AM

BUSINESS INFORMATION	
CONTROL NUMBER	23250799
BUSINESS NAME	1731 Friendship, LLC
BUSINESS TYPE	Domestic Limited Liability Company
EFFECTIVE DATE	03/27/2025
ANNUAL REGISTRATION PERIOD	2025

PRINCIPAL OFFICE ADDRESS	
ADDRESS	7880 Hiawassee Wilderness Trail, Hiawassee, GA, 30546, USA

REGISTERED AGENT		
NAME	**ADDRESS**	**COUNTY**
Tim Wilbanks	7880 Hiawassee Wilderness Trail, Hiawassee, GA, 30546, USA	Towns

AUTHORIZER INFORMATION	
AUTHORIZER SIGNATURE	Tim Wilbanks
AUTHORIZER TITLE	Registered Agent

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	**1731 Friendship, LLC**	Control Number:	**23250799**
Business Type:	**Domestic Limited Liability Company**	Business Status:	**Active/Compliance**
NAICS Code:	**Any legal purpose**	NAICS Sub Code:	
Principal Office Address:	**7880 Hiawassee Wilderness Trail, Hiawassee, GA, 30546, USA**	Date of Formation / Registration Date:	**12/4/2023**
State of Formation:	**Georgia**	Last Annual Registration Year:	**2025**

REGISTERED AGENT INFORMATION

Registered Agent Name: **Tim Wilbanks**

Physical Address: **7880 Hiawassee Wilderness Trail, Hiawassee, GA, 30546, USA**

County: **Towns**

Back Filing History Name History Return to Business Search

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PLANNING AND ZONING DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
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STATEMENT OF HARDSHIP

The Hall County Planning Commission has the authority, in specific cases, to grant variances from the terms of the Zoning Regulations when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Regulations will, in specific cases, result in unnecessary hardship and so that the resolution shall be observed, public safety and welfare secured, and substantial justice done. The authority to grant such variances shall be limited to those instances where a hardship is clearly established as required by the Zoning Regulations.

In all cases involving requests for residential variances from the terms of the Zoning Regulations, a plat or survey of the property prepared by a registered surveyor, architect, or engineer shall be required. In all cases involving variances for commercial or industrial uses of land, a site plan of the property prepared by a registered surveyor, architect, or engineer shall be required. Variances may be granted only upon a finding by the board that:

Describe how each situation listed below relates to your application:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship). See attached narrative

2. The application of the requirements of this resolution to this particular property would create an unusual hardship.

3. Such conditions are peculiar to the particular piece of property involved and not common to other properties in the neighborhood. That is, the application of the regulation would deprive the applicant of the rights commonly enjoyed by others in the neighborhood.

4. Such conditions are not the result of any actions of the property owner.

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this resolution provided; however, that no variance may be granted for a use of land or building or structure that is prohibited by this resolution. For example, granting the variance would not confer any special privilege that is denied by this regulation to other property in the same zoning district.

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

Applicant _____ **Date** 7/24/25

Narrative
Friendship LUXE Development
GCOD Parking Variance

The proposed zoning will be to allow H-B uses for the property. Two examples are shown on the accompanying site plan. One is a single-story building and the other is a multi-story building. This request is to allow similar developments that are along Friendship Road within the vicinity of this site. Almost every office/retail development within 2 miles of here has parking in the front of the building.

This variance is from Sec. 6.2.5.C.2.e which states the parking must be located in the rear or side of the building. The proposed site plan only has a single row of parking in front of the buildings. Landscaping will be provided in accordance with the rest of requirement in this section which provides numerous landscape islands with trees and shrubs in the parking area. In addition, between the street and this parking area will be an extensive landscape strip that provides trees and shrubs. This will provide an additional breakup of the visual from the street making it aesthetically pleasing, which is the intent of the GCOD.

GENERAL NOTES:

1. TOTAL ACREAGE OF SITE = 10.07 AC.
2. CURRENT ZONING: AR-I
   PROPOSED ZONING: H-B
3. OPEN SPACE = 45%
4. SETBACKS:
   FRONT – 30' FRIENDSHIP ROAD
   SIDE – 20'
   REAR – 15'
5. 25' TRANSITIONAL BUFFER ALONG RESIDENTIAL PROPERTIES.

PARKING

OFFICE BLDG A (11,250)

3 SPACES PER 1,000 SF
11,250 S.F / 1,000 X 3 = 34 REQUIRED

TOTAL PROVIDED = 41 SPACES

OFFICE BLDG B (67,450 TOTAL SF)

3 SPACES PER 1,000 SF
67,450 S.F / 1,000 X 3 = 203 REQUIRED

TOTAL PROVIDED = 230 SPACES

GRAND REUNION DRIVE

REUNION WAY
R/W VARIES

GRID NORTH
GA-WEST ZONE

REUNION GOLF COURSE

N/F
REUNION, LLC
PARCEL 1504D 000005
ZONED PRD (C)

N/F
PULTE HOME
CORPORATION
PARCEL 15041D 000249

PRD (C) ZONING
PCD ZONING

REUNION PHASE 4

PORCH SWING PLACE

N/F
JOHN C. ROYER
PARCEL 15041C 000103
ZONED PRD (C)

LOT 4

LOT 424

N/F
MICHAEL STRICKLAND &
ROBYN STRICKLAND
PARCEL 15041C 000104
ZONED PRD (C)

N 44°49'24"E
59.41'

N 44°52'08"E 389.13'

N 44°51'47"E 839.44'

25' TRANSITION BUFFER

EXISTING FENCE

AREA TO BE GRADED TO DIRECT RUNOFF INTO STORM WATER POND

S 23°58'16"E 432.18'

N/F
FRIENDSHIP 1685, LLC
PARCEL 15041 00014
ZONED AR-I

OFFICE/RETAIL BLDG B
67,450 S.F.

OFFICE BLDG A
75' X 150'
11,250 S.F.

STORM WATER FACILITY

STORM WATER FACILITY

CREEK

50' STREAM BUFFER

75' IMPERVIOUS SETBACK

ACCESS DRIVE

PROP. PUMP STATION

S 63°20'11"W 339.74'

ENTRANCE MONUMENT SIGN

MONUMENT SIGN

MONUMENT SIGN

S 53°05'23"W 200.00'

157.93'

30' SETBACK

10' LANDSCAPE STRIP

26'

N 34°56'40"W 274.70'

N 86°17'18" W
25.64'

C1

C2

C3

L1

L2

SR 347/FRIENDSHIP ROAD
R/W VARIES

Course	Bearing	Distance
L1	S 66°07'09" W	23.23'
L2	S 24°17'19" E	100.00'

Curve	Radius	Length	Chord	Chord Bear.
C1	1532.00'	337.65'	336.96'	S 59°19'23" W
C2	2750.00'	122.29'	122.28'	S 54°23'43" W
C3	2750.00'	166.42'	166.39'	S 57°24'10" W

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

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Seal

MYERS & CO.
civil engineers
P.O. BOX 634
GAINESVILLE, GA 30503
770-654-9172
ed@myers-and-co.com

Project Description
FRIENDSHIP LUXE DEVELOPMENT
HALL COUNTY, GEORGIA

DATE 7-28-25

JOB NO. 23-14

Sheet Title
REZONING PLAN

Revisions

SHEET
1

eFiled and eRecorded
DATE: 12/13/2023
TIME: 10:49 AM
PLAT BOOK: 884
PAGE: 189 - 189
FILING FEES: $10.00
PART ID: 6250255593
RECORDED BY: JP
Charles Baker, C.S.C
Hall County, GA

GRID - GA. WEST ZONE

GRAND REUNION DRIVE

REUNION WAY R/W VARIES

NAPA RIDGE RD. R/W VARIES

SR 347/FRIENDSHIP ROAD R/W VARIES
R/W - DB 6694 PG 267
LIMITED ACCESS

SR 211

PORCH SWING PLACE
50' R/W

1731 FRIENDSHIP ROAD
PARCEL 15041 000190

TRACT 1 = 10.09 ACRES

TRACT 2 – AREA IN QUESTION
=0.66 ACRES
SEE NARRATIVE

BOUNDARY CURVE CHART

Curve	Radius	Length	Chord	Chord Bear.
C1	1532.00'	337.65'	336.96'	S 59°19'23" W
C2	2750.00'	122.07'	122.06'	S 54°23'34" W
C3	2750.00'	166.63'	166.61'	N 57°24'02" E
C4	1632.00'	26.27'	26.27'	S 66°10'21" W
C5	1632.00'	30.72'	30.72'	N 67°10'22" E
C6	1532.00'	23.47'	23.47'	N 68°09'03" E

BOUNDARY CALL CHART

Course	Bearing	Distance
L1	S 86°17'18" E	25.64'
L2	S 24°17'19" E	100.00'
L3	S 22°17'17" E	100.00'
L4	S 33°31'37" W	11.15'
L5	S 36°17'15" W	51.74'
L6	S 36°32'04" W	95.45'

STATE PLANE COORDINATE TABLE

Point	Northing	Easting	Description
PT "B"	1496939.212	2390088.689	PCC
PT "A"	1496243.337	2390402.973	1–2rbf

PT "D" TO PT "C"–1359.04' PER MONUMENTS IN THE FIELD
1359.14' PER SUBJECT DEED REFERENCE #1

PT "D" TO PT "B"–1288.44' TO ADJOINING OWNER'S PIN IS 70.70' SHORT OF SUBJECT DEED DISTANCE AND 70.60' SHORT PER MONUMENTS IN THE FIELD

N 45°10'04"E 125.90'
1/2" RBF PT "D"
N 44°51'43"E 839.35'
1/2" RBF
N 44°52'08"E 389.13'
1/2" RBF
PT"B" N 44°49'24"E 70.60'
1/2" RBF–PT"C"
1/2" RBF
N 45°06'38"E 74.21'
N 44°49'24"E 59.96'
N 34°58'13"W 274.70'
S 34°58'13"E 255.0'
S 53°31'40"W 199.49'
S 62°50'14"W 203.23'
S 63°45'10"W 136.73'
S 24°18'21"E 432.42'
S 24°18'21"E 319.41'
S 22°44'09"E 220.13'
S 22°44'09"E 559.42'
S 24°18'21"E 11.73'
115.0'
160.0'
24.3'
100.0'
30'
150'

N/F
PULTE HOME CORP.
DB 7643, PG 593

N/F
REUNION, LLC.
DB 7705, PG 711
PB 839 PG 156

N/F
MICHAEL STRICKLAND, ETAL
DB 4297, PG 490
PB 807 PG 241A
REUNION–PHASE 4
LOT 424

N/F
JOHN C. ROYER
DB 8856, PG 89
PB 827 PG 222A
REUNION–PHASE 4
LOT 423

N/F
FRIENDSHIP 1685, LLC.
DB 9049, PG 474
PB 790 PG 124A
PLAT REFERENCE #2

N/F
GA. HALL UNICO 347, LLC.
DB 8741, PG 9
PB 468 PG 128
PB 94 PG 70

N/F
PULTE HOME CORP.
DB 7643, PG 593
DEL WEBB–CHATEAU ELAN

N/F
CELEBRATION BAPTIST MINISTRIES,INC.
DB 3466, PG 609

ADJOINING OWNER'S PIN
3/8" RBF–ON SIDE P/L
1.59' SE OF REAL P/L

PIN PER SUBJECT DEED
1/2" RBF–PT"C"

P/L STAKE FOUND

BELLSOUTH AND JACKSON EMC EQUIPMENT
POSSIBLE EASEMENT EXIST
NO DEED FOUND

CMF–POB
IPS–TPOB
POSSIBLE ACCESS
POSSIBLE ACCESS

WOODEN BRIDGE
CREEK
TOP OF BANK
SEE HALL CO. ENGINEERING NOTE #2
75' IMPERVIOUS BUFFER
50' UNDISTURBED BUFFER
25' STATE BUFFER

4X4 BOX CULVERT
CREEK

DITCH RUNS THROUGH PROPERTY

WIRE FENCE ENCROACHES P/L

PROPERTY LINE PER ADJOINING PROPERTY OWNER'S DEED
PROPERTY LINE STAKED FOUND ONLINE

PROPERTY LINE PER SUBJECT DEED REF. #1

HORSE PASTURE

SIDEWALK
B/C
C/L
CB
MH
WV
SS
UNDERGROUND GAS LINE
UNDERGROUND POWER LINE
WRONG WAY SIGN
RIGHT TURN SIGN
INTERSECTION SIGN
DO NOT ENTER SIGN
STOP SIGN
ASPHALT
ASPHALT DRIVE
FES
30" RCP
DI
FH
IPS
CMF
TO I-985
TO SR 211
EXISTING PROPERTY LINE
PROPOSED SANITARY SEWER EASEMENT
SIDE WALL
WOODEN FENCE
COLUMN
EQUIP.
+/-19'
FLUME
DITCH

LEGEND

T.P.O.B.= TRUE POINT OF BEGINNING
P.O.B.= POINT OF BEGINNING
PCC = PROPERTY CORNER COMPUTED
CM" = CONCRETE R/W MARKER FOUND
SB" = SOLID BAR FOUND
CTP = CRIMP TOP PIPE
IPF" = IRON PIN FOUND
OTP = OPEN TOP PIPE
RBF" = REBAR PIN FOUND
IPS = 1/2" REBAR PIN SET
R/W = RIGHT OF WAY
LL = LAND LOT
LLL = LAND LOT LINE
SSE = SANITARY SEWER EASEMENT
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT
UGP = UNDERGROUND ELECTRICAL CABLE
P/L = PROPERTY LINE
B/L = BUILDING LINE
C/L = CENTERLINE
EP = EDGE OF PAVEMENT
BC = BACK OF CURB
MH = MAN HOLE
CB = CATCH BASIN
OCS = OUTLET CONTROL STRUCTURE
DI = DROP INLET
FES = FLARED END SECTION
PP = POWER POLE
TP = TELEPHONE POLE
FH = FIRE HYDRANT
WM = WATER METER
WV = WATER VALVE
IE = INVERT ELEVATION
FFE = FINISHED FLOOR ELEVATION
-S- = SANITARY SEWER LINE/PIPE
=== = STORM SEWER LINE/PIPE
-X- = FENCE LINE
-P- = POWER LINE
-T- = TELEPHONE LINE
-W- = WATER LINE
-UGP- = UNDERGROUND POWER
-G- = UNDERGROUND GAS
000= FLOOD HAZARD ZONE LINE
N/F = NOW OR FORMERLY

CERTIFICATION:
THIS SURVEY IS A RETRACEMENT OF AN EXISTING PARCEL OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE DOCUMENT(S), MAP(S), PLAT(S) OR OTHER INSTRUMENT(S) WHICH CREATED THE PARCEL(S) ARE STATED HEREON. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180–7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT OCGA 15–6–67.

BY: _____ 12/07/23
DANIEL S. GRIFFIN, REGISTERED GEORGIA LAND SURVEYOR NO. 2772

FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AS TO THE PROPERTY LINES AND ALL IMPROVEMENT SHOWN THEREON, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST, AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 26,736 FEET AND AN ANGULAR ERROR OF 04" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 439,372 FEET, AND CONTAINS A TOTAL OF 10.09 FOR TRACT 1 ACRES. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS TOPCON GTS–312

12/07/23
REGISTERED GEORGIA LAND SURVEYOR

REG. NO: 2772 DATE OF EXPIRATION: 12/31/2024

GEORGIA REGISTERED NO. 2772 LAND SURVEYOR DANIEL S. GRIFFIN

12/07/23

HALL COUNTY ENGINEERING NOTES

1)ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FEET IMPERVIOUS SETBACK. (HALL COUNTY CODE 8.170.070)

2)IF PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE 17.225.040)

3)THIS PROPERTY (IS NOT) LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP #13139C 0376G, HALL COUNTY GEORGIA, DATED 12/01/2022

4)THIS PROPERTY (IS NOT) LOCATED IN THE HALL COUNTY STUDIED FLOOD ZONE PER HALL COUNTY GIS

5)IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE 8.180.160)

6)ALL DRIVEWAYS MUST MEET HALL COUNTY DRIVEWAY REGULATIONS PER CODE 12.40

7)ALL LAND DISTURBANCES OVER ONE ACRE SHALL REQUIRE AN EROSION SEDIMENTATION POLLUTION CONTROL PLAN.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

GENERAL/SITE NOTES:

1) ZONING:PROPERTY IS CURRENTLY IN THE REZONING PROCESS, SETBACKS AND ADDITIONAL BUFFERS MAY EXIST THAT ARE NOT SHOWN HEREON.
2) THE SITE BEARING IS BASED ON GRID NORTH(GA WEST ZONE). VERTICAL DATA WAS OBTAINED FROM A CHAMPION GPS ROVER BASED ON MEAN SEA LEWEL VIA EGPS NETWORK DATA.
3) FIELD WORK FOR SURVEY WAS COMPLETED ON NOVEMBER 30TH, 2023.
4) NO TITLE EXAMINATION WAS PROVIDED TO THE SURVEYOR AT THE TIME OF THIS SURVEY. OTHER MATTERS OF RECORD WHICH AFFECT THE SUBJECT PROPERTY COULD EXIST AND MAY NOT BE SHOWN HEREON.
5) THIS PROPERTY HAS LIMITED ACCESS ACCORDING TO REFERENCE #3.

REFERENCES:

1) DEED BOOK 3466, PG'S 592–619 FILED 04–02–99.
2) SURVEY FOR KELLY GARY PREPARED BY CONROY AND ASSOCIATES DATED 7/28/13.
3) GA DOT R/W PLANS FOR SR 347/FRIENDSHIP RD, PROJECT STP–2984(1) DATED 4/4/07 REVISED 10/16/09.
4) ALL OTHER REFERENCES ARE SHOWN HEREON.

S 24°18'21"E 11.73' TO A 1/2" RBF ON SIDE OF THOMPSON MILL RD.
MONUMENT NOT SET DUE TO COMMUNITY MOAT DOOR
S 22°44'09"E 615.69' TO PROPERTY CORNER AS PER REFERENCE #1, NO PIN OR MONUMENTATION FOUND

GRAPHIC SCALE

0 30 60 120 180
(IN FEET)
1 inch = 60 ft.

** PURPOSE OF SURVEY STATEMENT*
THIS SURVEY WAS PERFORMED AT THE REQUEST OF THE PROPOSED PURCHASER TO DETERMINE THE BOUNDARY LINES OF THE SUBJECT PROPERTY.

AREA IN QUESTION NARRATIVE

TRACT 2, THE AREA IN QUESTION IS AN OVERLAP AREA WHEREAS THE SUBJECT DEED OR REF. #1 AND THE ADJOINING PROPERTY OWNER'S DEED ARE IN CONFLICT WITH EACH OTHER. THE METES AND BOUNDS DESCRIPTIONS OVERLAP EACH OTHER AS SHOWN TO CREATE TRACT 2. IT APPEARS THAT THE ADJOINING PROPERTY OWNER IS USING THE AREA IN QUESTION AS PART OF A LARGER PASTURE FOR HORSES. THE COUNTY TAX MAP DEPICTS 10.05 ACRES FOR THE SUBJECT PROPERTY WHICH IS WITHIN 0.04 ACRES OF THE AREA SURVEYED FOR TRACT 1. THE COUNTY TAX MAP ALSO APPEARS TO DEPICT THE AREA IN QUESTION AS PART OF THE ADJOINING PROPERTY OWNER'S PARCEL. FURTHERMORE, THE BOUNDARY LINE OF TRACT 1 FROM POINT "B" TO POINT "A" WAS FOUND TO HAVE PROPERTY LINE STAKES ON LINE BETWEEN THE EXISTING MONUMENTS IDENTIFIED BY POINT "B" AND POINT "A" IN THE FIELD AS NOTED ON THE SURVEY. ALSO, THE MODULAR WALL ACROSS FRIENDSHIP ROAD FOR THE COMMUNITY ADJACENT TO THE EXISTING CHURCH APPEARS TO HAVE BEEN CONSTRUCTED BASED ON A PROJECTION OF THE TRACT 1 PROPERTY LINE. AN UNSUCCESSFUL ATTEMPT WAS MADE TO LOCATE THE ORIGINAL SURVEY REFERENCED IN THE SUBJECT DEED THAT COULD POSSIBLY HELP TO CLARIFY THESE DESCREPANCIES.

SURVEYOR
DS GRIFFIN, INC.
2048 MILL LANDING COURT
LAWRENCEVILLE, GA. 30043
PHONE: 770–778–3293
EMAIL: DANIEL@DSGRIFFININC.COM

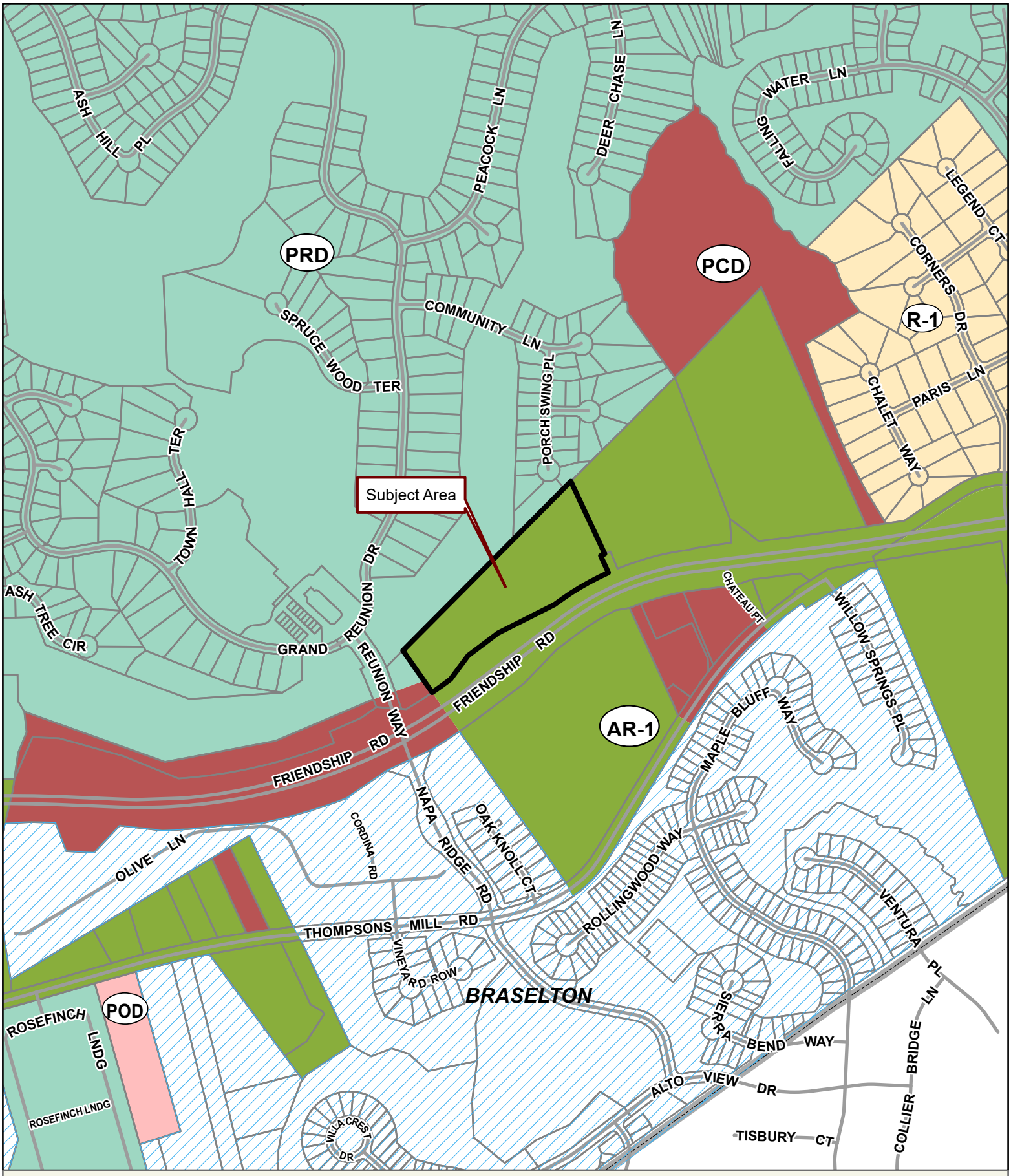
No.	By	Date	Revision
1	DG	12/09/23	ADDED PT "C" AND PT "D" ON NORTH P/L WITH DISTANCE CHART

Cadd File No:

SURVEY FOR:
CELEBRATION BAPTIST MINISTRIES, INC.

DS GRIFFIN, INC.
PROFESSIONAL LAND SURVEYING SERVICES
2048 MILL LANDING COURT
LAWRENCEVILLE, GA. 30043
(770) 778–3293

Date: 12/07/2023 GMD: 392 District: CLINCHEM
County: HALL, GEORGIA Scale: 1" = 60'
Project: CELEBRTN Drawn By: DSG
Sheet No. 1 OF 1

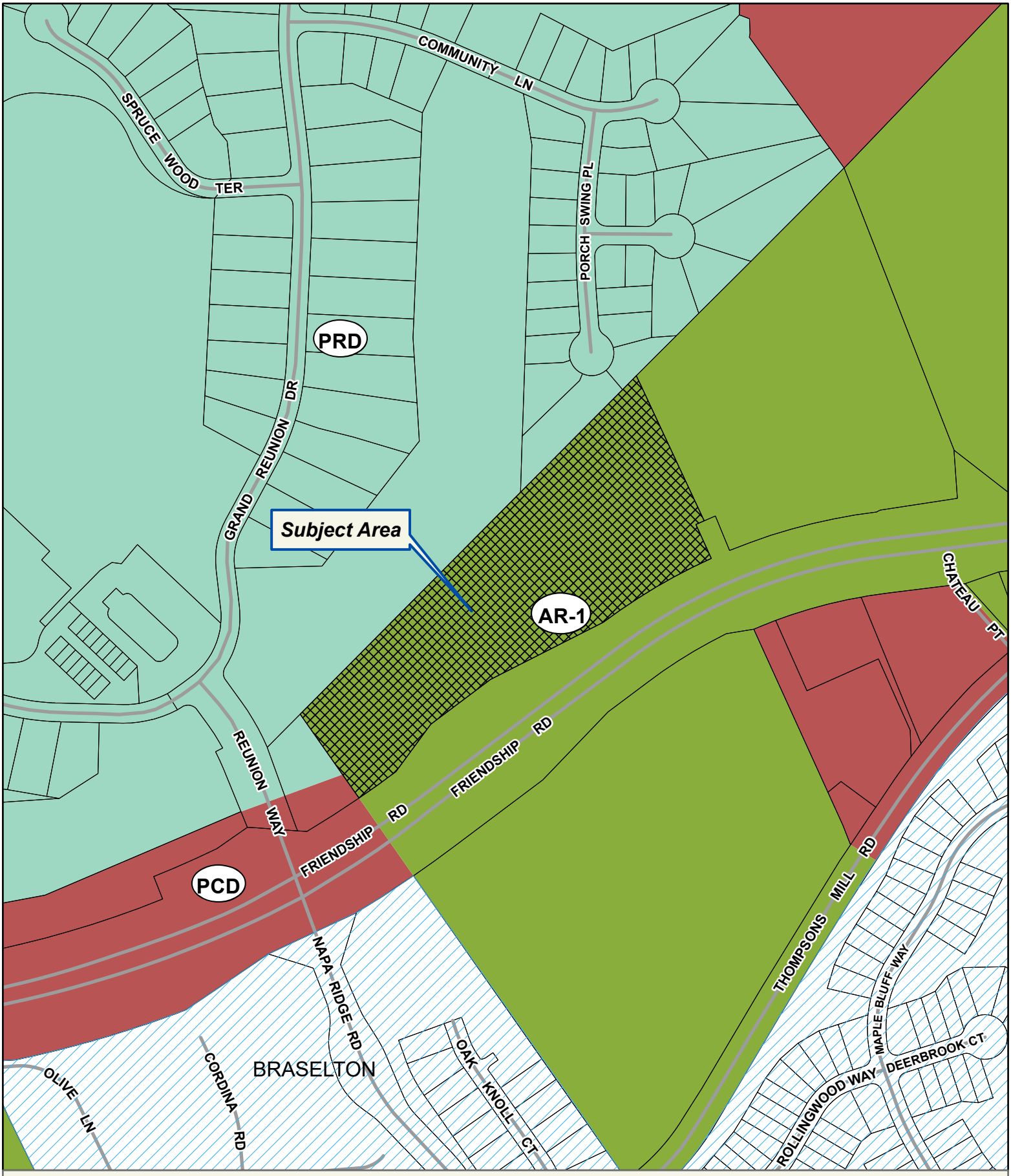


Applicant: TIM WILBANKS
Tax Parcel #: 15041 000190
Location: 1731 FRIENDSHIP ROAD, HOSCHTON, GA 30548
Commission District 2 **BOC Mtg. Date: 08/28/2025**

0 200 400 800
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: TIM WILBANKS
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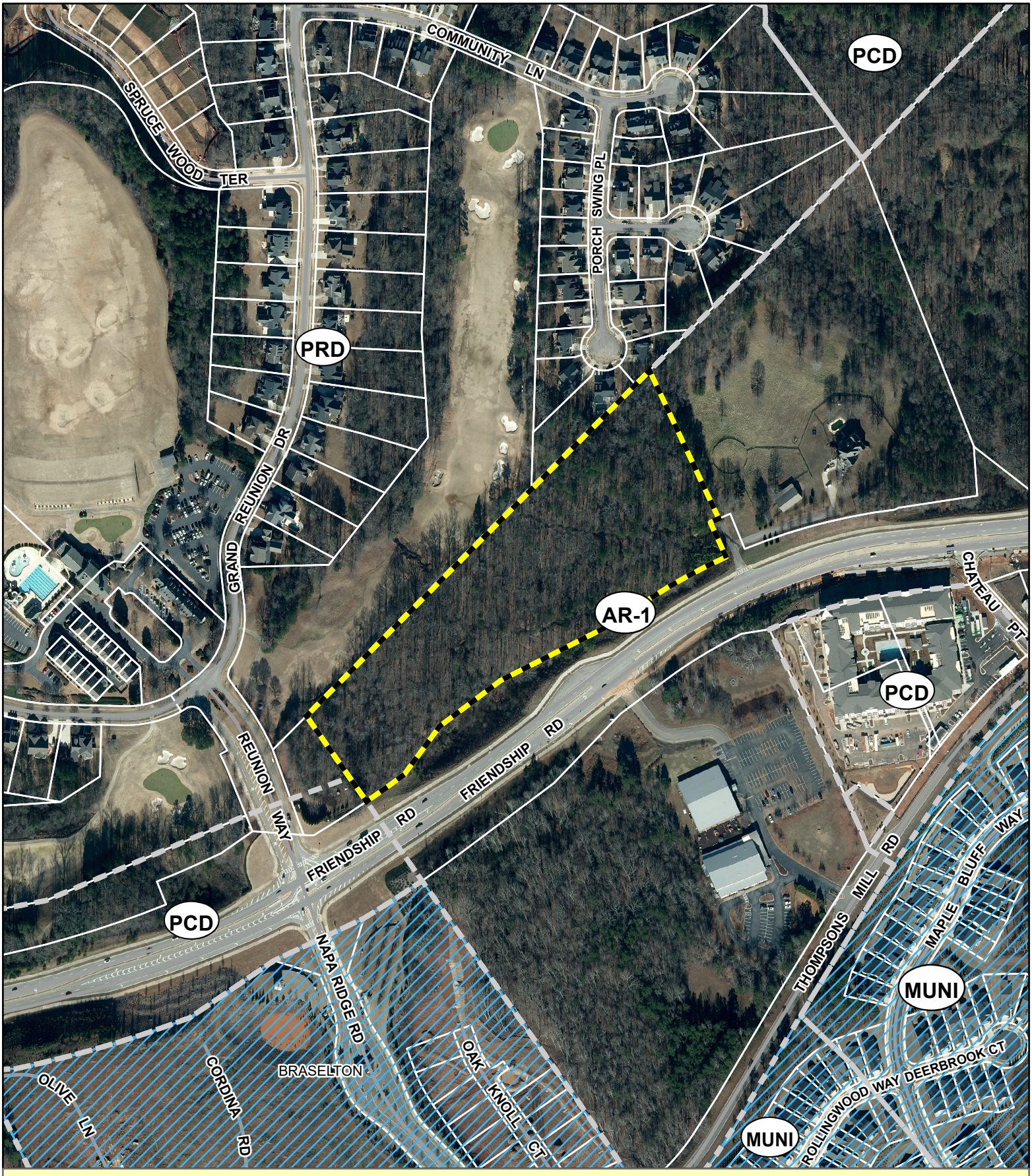
0 100 200 400
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: TIM WILBANKS
Tax Parcel #: 15041 000190
Location: 1731 FRIENDSHIP ROAD, HOSCHTON, GA 30548
Commission District 2 **BOC Mtg. Date: 08/28/2025**

0 100 200 400
Feet

Zoning Boundary
City Limits
Subject Area

N

eFiled and eRecorded
DATE: 01/05/2024
TIME: 10:27 AM
DEED BOOK: 9420
PAGE: 16 - 17
FILING FEES: $25.00
TRANSFER TAX: $715.00
PARTICIPANT ID: 0419150030
PT61: 069-2024-000107
RECORDED BY: EAR
CLERK: Charles Baker, C.S.C
Hall County, GA

231153J
Russell C Petersen, LLC
P.O. Box 6499
GAINESVILLE, GA 30504

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HALL

THIS INDENTURE made **December 20th, 2023**, between **CELEBRATION BAPTIST MINISTRIES, INC**, of the County of Hall, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **1731 FRIENDSHIP, LLC**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of TEN AND 00/100 ($10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, together with all improvements located thereon, to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN CLINCHEM GMD 392, HALL COUNTY, GEORGIA, BEING TRACT 1, CONTAINING 10.09 ACRES, MORE OR LESS AND TRACT 2, CONTAINING 0.66 ACRES AS SHOWN ON A SURVEY FOR CELEBRATION BAPTIST MINISTRIES, INC. DATED 12/7/2023 RECORDED IN PLAT BOOK 884, PAGE 189, HALL COUNTY, GEORGIA RECORDS, WHICH PLAT AND THE RECORD THEREOF ARE INCORPORED HEREIN BY REFERENCE THERETO.
Also included in a non-exclusive perpetual easement over the Grantee's adjacent property to provide a tie in to the county's septic and water systems. As shown on the above referenced plat and designated as the "Proposed Sanitary Sewer Easement."

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**.

EFILED IN OFFICE
CLERK OF SUPERIOR COURT
HALL COUNTY, GEORGIA
2024CV000065
CLINT G. BEARDEN
JUL 03, 2025 03:57 PM
Mark Pettitt, Clerk
Hall County, Georgia

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA

TIM WILBANKS,	)	
	)	
Plaintiff,	)	
	)	**CIVIL ACTION**
v.	)	
	)	**FILE NO. 2024CV000065**
HALL COUNTY, GEORGIA,	)	
	)	
Defendant.	)	

ORDER

This matter having come before the Court upon the consent of the parties, it is **HEREBY ORDERED** that this matter be remanded for further consideration of Plaintiff's Zoning Application, Record No. HZON23-0038, by the Board of Commissioners of Hall County at an upcoming public meeting. If the property is rezoned to an agreeable zoning, Plaintiff will dismiss this action with each party to bear its own fees and expenses. If Plaintiff's requested rezoning is denied, then this action will resume. The parties will report to the Court following the meeting.

SO ORDERED, this 3 day of July, 2025.

Judge Clint G. Bearden
Hall County Superior Court

Order Prepared
By Counsel for Plaintiff

EFILED IN OFFICE
CLERK OF SUPERIOR COURT
HALL COUNTY, GEORGIA
2024CV000065
CLINT G. BEARDEN
JUN 24, 2025 06:26 PM
Mark Pettitt, Clerk
Hall County, Georgia

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA

TIM WILBANKS,	)	
	)	
Plaintiff,	)	**CIVIL ACTION FILE NO.**
	)	**2024CV000065**
v.	)	
	)	
HALL COUNTY, GEORGIA,	)	
	)	
Defendant.	)	

JOINT MOTION FOR ENTRY OF CONSENT ORDER REMANDING CASE

COME NOW, Plaintiff Tim Wilbanks ("Plaintiff") and Hall County, Georgia ("Defendant" or the "County"), and jointly move the Court to enter an order remanding the above-styled case back to the County for reconsideration by the Board of Commissioners ("BOC").

In support of this Joint Motion, Plaintiff and Defendant (hereafter collectively the "Parties") show the following:

1.

This action arises from the BOC for Hall County denial of Plaintiff's Zoning Application No. HZON23-0038 ("Zoning Application") request of 10.05 +/- acres, commonly known as 1731 Friendship Road, Hoschton, Georgia 30548 and designated as Hall County Tax Parcel Number 15041 000190 (the "Property").

2.

The Zoning Application sought to rezone 7.33 +/- acres of the Property from Agricultural Residential (AR-IV) to Planned Commercial Development (PCD) zoning district and 2.72 +/- acres of the Property from Agricultural Residential (AR-IV) zoning district to Highway Business (H-B) zoning district. The Zoning Application initially included a variance request that was withdrawn prior to the BOC's denial of the Zoning Application.

3.

After discussions, public hearings, plan revisions, and amendments to the Zoning Application, the Board of Commissioners held a public meeting on December 14, 2023 at which they voted (1) to deny the rezoning of 7.33 +/- acres of Property from Agricultural Residential (AR-IV) to Planned Commercial Development (PCD) and (2) to deny the rezoning of 2.72 +/- acres of the Property from Agricultural Residential (AR-IV) zoning district to Highway Business (H-B) zoning district.

4.

Since the original filing of this action, the Parties have been negotiating in an attempt to resolve the issue that form the basis of Plaintiff's *Complaint for Declaratory Judgement and Injunctive Relieve.* The Parties have exchanged discovery and met to discuss various settlement options. As a result of those discussions, the County has agreed to reconsider the Zoning Application. In order to comply with the mandatory notice and hearing requirements imposed by the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-5) on local governments when considering applications to rezone property, it is necessary for the Zoning Application to be remanded back to the BOC, who will then publish the requisite legal notice and conduct any required public hearing(s) prior to taking any further action on the Zoning Application.

WHEREFORE, the Parties ask the Court to enter an Order remanding this case back to the Board of Commissioners of Hall County. A proposed Order is being filed contemporaneously with the Joint Motion for the Court's consideration.

Respectfully and jointly submitted this 24th day of June, 2025.

Prepared and presented by:

UNDERWOOD SCOGGINS, LLC
Attorneys for Tim Wilbanks

/s/ *Krystle L. Lopez*
Joshua A. Scoggins
Georgia Bar No. 037996
J. Ethan Underwood
Georgia Bar No. 721901
Krystle L. Lopez
Georgia Bar No. 757560

202 Tribble Gap Road, Suite 200
Cumming, Georgia 30040
Phone: 470-995-1776
Facsimile: 470-998-2684
jscoggins@underwoodscoggins.com
klopez@underwoodscoggins.com
eunderwood@underwoodscoggins.com

Consented to by:

FREEMAN MATHIS & GARY, LLP
Attorneys for Hall County, Georgia

*/s/ R. Cameron Kline**
Dana K. Maine
Georgia Bar No. 466580
R. Cameron Kline
Georgia Bar No. 919346
**by Krystle L. Lopez with express permission*

100 Galleria Parkway, Suite 1600
Atlanta, GA 30339
Phone: 770-818-0000
cameron.kline@fmglaw.com
dmaine@fmglaw.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served opposing counsel with the foregoing Joint Motion for Entry of Consent Order Remanding Case, via Statutory Electronic Service, addressed as follows:

FREEMAN MATHIS & GARY, LLP
Dana K. Maine
R. Cameron Kline
100 Galleria Parkway, Suite 1600
Atlanta, GA 30339
cameron.kline@fmglaw.com
dmaine@fmglaw.com

Respectfully submitted this 24th day of June, 2024.

UNDERWOOD SCOGGINS, LLC
Attorneys for Tim Wilbanks

/s/ *Krystle L. Lopez*
Joshua A. Scoggins
Georgia Bar No. 037996
J. Ethan Underwood
Georgia Bar No. 721901
Krystle L. Lopez
Georgia Bar No. 757560

202 Tribble Gap Road, Suite 200
Cumming, Georgia 30040
Phone: 470-995-1776
Facsimile: 470-998-2684
jscoggins@underwoodscoggins.com
klopez@underwoodscoggins.com
eunderwood@underwoodscoggins.com

Hall County Government
PUBLIC WORKS AND UTILITIES

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

BILL NASH, P.E.
Director

William (Bill) H. King III, P.E.
Assistant Director

August 12, 2025

Ed Myers
PO Box 634
Gainesville, GA 30503

Subject: Sanitary Sewer Letter of Availability
1731 Friendship Road
Parcel ID No: 15041 000190
Hoschton, GA 30548

Dear Mr. Myers,

In response to your request, this letter will serve as confirmation that Hall County has sufficient volume to serve the above development at 1731 Friendship Road. The estimated average daily flow will be 15,000 GPD.

The existing sewer line is located near the property at Friendship Road. An extension into 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,

William (Bill) H. King III, P.E.

Application for Sewer Availability Letter

Date: 8-7-25

Name of Applicant: Tim Wilbanks Contact Number: 770-654-0084

Address of Applicant: 7880 Hiawassee Wilderness Trail

City: Haiwassee State: GA Zip: 30546 E-mail: timdevelopsga@gmail.com

Name of Agent: Ed Myers Contact Number: 770-654-9172

Address of Agent: PO Box 634

City: Gainesville State: GA Zip: 30503 E-mail: ed@myers-and-co.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 AR-1 to H-B
(Present Zoning) (Requested Zoning)

For the Purpose of Office/retail uses allowed in the H-B zoning
(Type of Development)

Address of Property: 1731 Frindship Road

Nearest Intersection to Property: Reunion Way & Friendship Road

Size of Tract: 10.09 acre(s), Lane Lot Number(s): GMD 392 , District(s): Clinchem

Development Estimate Average Daily Sewer Flow (GPD): 15,000

Property Tax Parcel Number: 15041 000190 Proposed number of Lots: 2

(Below: For properties within protected watershed districts only)

Gross Density: 0.20 units per acre Net Density: 0.20 units per acre

Estimated amount of impervious surface: 4.5 ac Minimum Lot Size: 15,000 s.f.

Rhonda T. Wright
Notary

N. E. Myers
Signature of Owner(s)/Agent(s)

N. Edward Myers
Printed Name of Owner(s)/Agent(s)

Project Engineer
Title of Agent

Letter of Intent
Friendship LUXE H-B Rezoning

Tim Wilbanks submits this letter of intent and zoning application for Tax Parcel 15041 000190. This 10.09 acres has frontage on Friendship Road. The property is currently zoned AR-1.

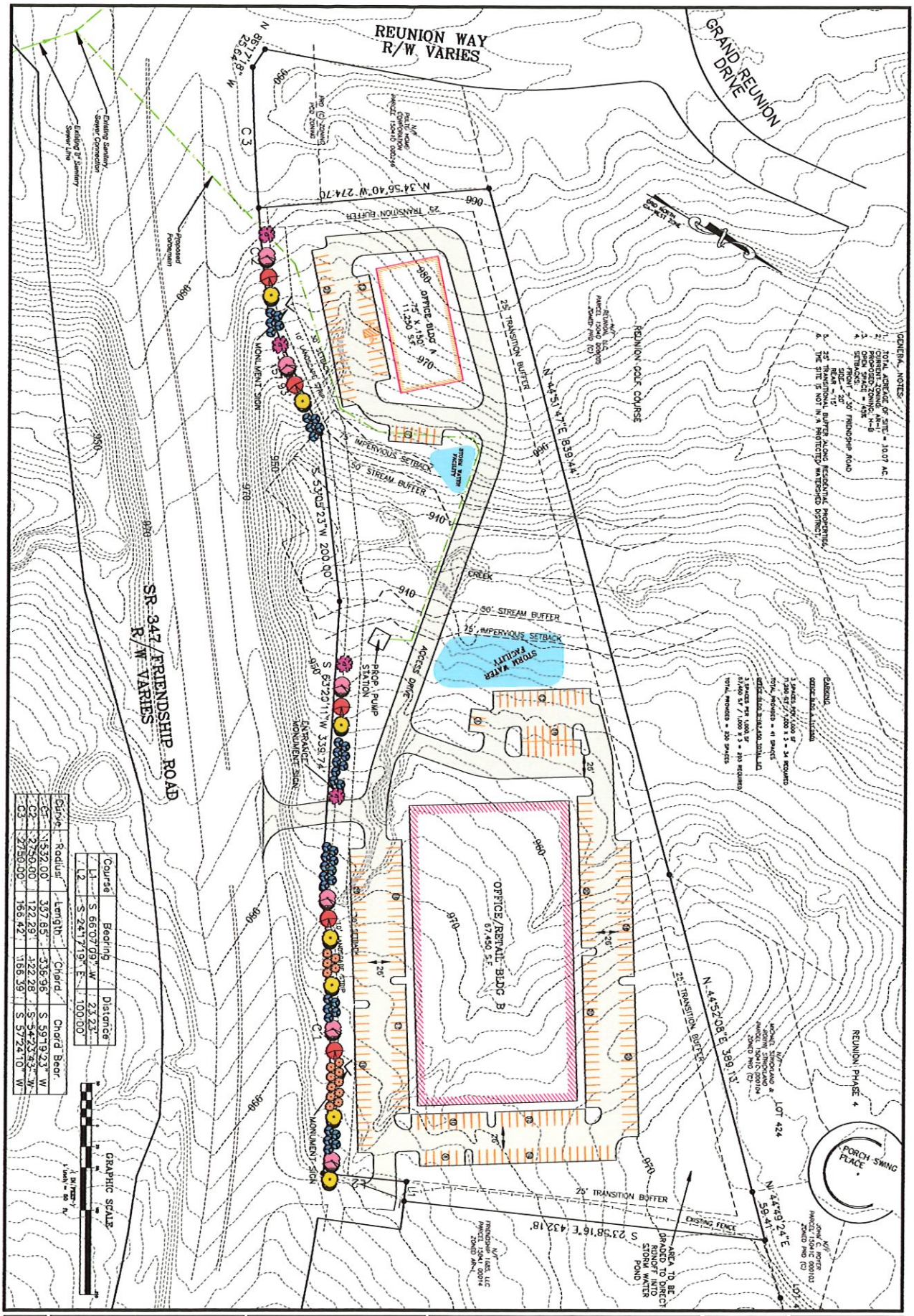
The applicant is proposing to rezone the property to Highway Business (H-B) to allow commercial development for Permitted Uses under Hall County's UDC . It is anticipated the build out will be in a 5-to-10-year span. Proposed uses will be in conformance with the Permitted Uses in Article 7 Section 7.2.1 of the Hall County UDC. Most of the project is expected to be office and retail.

The development will be served by Hall County sanitary sewer and City of Gainesville Water. Hall County sewer is directly across Friendship Road from this property. It is planned that a sewer pump station will be constructed to connect to the existing sewer.

This development is anticipated to have 78,000 sf of office-retail space. With a use of 200 GPD per 1,000 sf of development, the required sewer use will be 15,600 GDP.

Thank you for your consideration

N. Edward Myers, PE
Project Engineer



Curve	Radius	Length	Chord	Chord Bear
C1	1532.00'	337.85'	336.96'	S 59°19'23" W
C2	2750.00'	122.29'	122.28'	S 54°23'43" W
C3	2750.00'	165.42'	165.39'	S 57°24'10" W

Course	Bearing	Distance
L1	S 66°07'09" W	23.23'
L2	S 24°17'19" E	100.00'

SHEET	Revisions	DATE	Project Description	Seal	Copyright
1		7-28-25	FRIENDSHIP LUXE DEVELOPMENT		2025 MYERS & COMPANY, INC. ALL RIGHTS RESERVED.
		JOB NO. 23-14	HALL COUNTY, GEORGIA		
		Sheet Title REZONING PLAN			

MYERS & CO.
civil engineers
P.O. BOX 634
GAINESVILLE, GA 30503
770-654-9172
ed@myers-and-co.com

Outlook

RE: Tentative Packet for 1731 Friendship Road

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Tue 8/5/2025 2:04 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Cc Chad Harper (Environmental Health) <charper@hallcounty.org>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>

1731 Friendship Road: 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

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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From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Tuesday, August 5, 2025 1:04 PM
Subject: Tentative Packet for 1731 Friendship Road
Importance: High

Good Morning,

Please see the attached tentative packet for your review and comments. This application was remanded from the Superior Court and is scheduled to be heard again by the Board of Commissioners on August 28, 2025. The attached application has been revised from the original version.

If possible, please submit your comments to me by Friday, August 8, 2025.

Thank you,

Kaitlyn Elliott
Planning Commission Clerk

Hall County Planning and Zoning
(770) 531-6810 www.hallcounty.org

Outlook

FW: Tentative Packet for 1731 Friendship Road

From Karen Martinez (Public Works - Sewer) <kmartinez@hallcounty.org>
Date Fri 8/8/2025 12:44 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

Good afternoon,

Please see below for comments. Thank you.

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

b. **Traffic:** **No comment**

c. **Utilities:** Subject property is in the Hall County Service territory and has access to Hall County Sewer near the East border on the East side of Reunion Way.

See drawing below:

Karen Martinez
Administrative Secretary
Hall County Community Development and Infrastructure
(770) 531-6800 | www.hallcounty.org

Outlook

Tentative Packet for 1731 Friendship Road

From Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Date Tue 8/5/2025 2:31 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Cc Katie L. Greenway (Planning) <klgreenway@hallcounty.org>

From: Stevens, Henry K <HStevens@dot.ga.gov>
Sent: Tuesday, August 5, 2025 2:28 PM
To: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Subject: RE: Tentative Packet for 1731 Friendship Road

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No problem!

We're going to require some form of coordination from this development. Ideally if you could send them our way for a concept review that would save some time, but regardless they'll have to apply for an access permit from our office.

Hope this helps!

Thanks,

Henry Stevens, E.I.T.
GDOT Civil Engineer 3
Georgia Department of Transportation
District 1 Traffic Operations- Gainesville
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
470.663.1807 cell

Outlook

Tentative Packet for 1731 Friendship Road

From Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Date Fri 8/8/2025 10:57 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

1 attachment (471 KB)
1731 Friendship Rd RZN VAR.pdf;

From: Hash, Christopher M <CHash@dot.ga.gov>
Sent: Friday, August 8, 2025 8:09 AM
To: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Cc: Peevy, Jonathan <jpeevy@dot.ga.gov>
Subject: RE: Tentative Packet for 1731 Friendship Road

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Good Morning Kaitlyn,

I've attached some comments from our office.

Please let me know if you have any questions.

Christopher Hash, P.E.
D1 Traffic Operations Supervisor

Georgia Department of Transportation

A1, A4 Access and Operations
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
470.201.8029 cell

Date: 8-8-25

Concept reviewed in general. This review does not relieve the applicant of any responsibility for conformity with the Driveway and Encroachment Manual and DOT Standards and Details.

GDOT Georgia Department of Transportation
District 1 Traffic Operations
By: CH

GENERAL NOTES:

1. TOTAL ACREAGE OF SITE = 10.07 AC.
2. CURRENT ZONING: AR-I
   PROPOSED ZONING: H-B
3. OPEN SPACE = 45%
4. SETBACKS:
   FRONT – 30' FRIENDSHIP ROAD
   SIDE – 20'
   REAR – 15'
5. 25' TRANSITIONAL BUFFER ALONG RESIDENTIAL PROPERTIES.

PARKING

OFFICE BLDG A (11,250)

3 SPACES PER 1,000 SF
11,250 S.F / 1,000 X 3 = 34 REQUIRED

TOTAL PROVIDED = 41 SPACES

OFFICE BLDG B (67,450 TOTAL SF)

3 SPACES PER 1,000 SF
67,450 S.F / 1,000 X 3 = 203 REQUIRED

TOTAL PROVIDED = 230 SPACES

GRAND REUNION DRIVE

GRID NORTH
GA-WEST ZONE

REUNION GOLF COURSE

N/F
REUNION, LLC
PARCEL 1504D 000005
ZONED PRD (C)

REUNION PHASE 4

PORCH SWING PLACE

N/F
JOHN C. ROYER
PARCEL 15041C 000103
ZONED PRD (C)

LOT 4

N/F
MICHAEL STRICKLAND &
ROBYN STRICKLAND
PARCEL 15041C 000104
ZONED PRD (C)

LOT 424

N 44°49'24"E 59.41'

N 44°52'08"E 389.13'

N 44°51'47"E 839.44'

25' TRANSITION BUFFER

EXISTING FENCE

AREA TO BE GRADED TO DIRECT RUNOFF INTO STORM WATER POND

S 23°58'16"E 432.18'

REUNION WAY
R/W VARIES

N/F
PULTE HOME
CORPORATION
PARCEL 15041D 000249

N 34°56'40"W 274.70'

PRD (C) ZONING
PCD ZONING

OFFICE BLDG A
75' X 150'
11,250 S.F.

STORM WATER FACILITY

STORM WATER FACILITY

CREEK

50' STREAM BUFFER

75' IMPERVIOUS SETBACK

ACCESS DRIVE

OFFICE/RETAIL BLDG B
67,450 S.F.

26'

PROP. PUMP STATION

S 63°20'11"W 339.74'

S 53°05'23"W 200.00'

30' SETBACK

10' LANDSCAPE STRIP

C1

C2

C3

151.93'

N 86°17'18" W 25.64'

MONUMENT SIGN

ENTRANCE MONUMENT SIGN

MONUMENT SIGN

L1

L2

N/F
FRIENDSHIP 1685, LLC
PARCEL 15041 00014
ZONED AR-I

Verify L/A break and if the drive is able to be constructed inside the break

Verify L/A break and if the drive is able to be constructed inside the break

Signage and Striping upgrades

Trees cant encroach into L/A (Limited Access)

Right Turn Lane

Right Turn Lane

Study for a RCUT

Verify Sight Distance at both entrances
Submit traffic study justifying 2 entrances

SR 347/FRIENDSHIP ROAD
R/W VARIES

Course	Bearing	Distance
L1	S 66°07'09" W	23.23'
L2	S 24°17'19" E	100.00'

Curve	Radius	Length	Chord	Chord Bear.
C1	1532.00'	337.65'	336.96'	S 59°19'23" W
C2	2750.00'	122.29'	122.28'	S 54°23'43" W
C3	2750.00'	166.42'	166.39'	S 57°24'10" W

GRAPHIC SCALE
50 0 25 50 100 200
50'-0"
(IN FEET)
1 inch = 50 ft.

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Seal

MYERS & CO.
civil engineers
P.O. BOX 634
GAINESVILLE, GA 30503
770-654-9172
ed@myers-and-co.com

Project Description
FRIENDSHIP LUXE DEVELOPMENT
HALL COUNTY, GEORGIA

DATE 7-28-25
JOB NO. 23-14
Sheet Title REZONING PLAN

Revisions

SHEET 1

Outlook

Fire Comments 1731 Friendship Road

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Wed 8/6/2025 12:54 PM
To Beth Garmon (Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

Board of Commissioners on August 28, 2025

Hall County Fire Marshal Comments For 1731 Friendship Road

1. The multi-story building will require a supervised fire protection system.
2. Additional fire hydrants may be required.
3. The proposed multi story building shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction.
4. If approved modifications to plans may be required 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

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.

2. The Planning Department shall send notification by letter of all other property owners within a 500- foot radius of the applicant's property is standard administrative policy of the Planning Department.

3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road, or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN _____ AND NO LATER THAN Aug 13

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN Aug 13 **ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.**

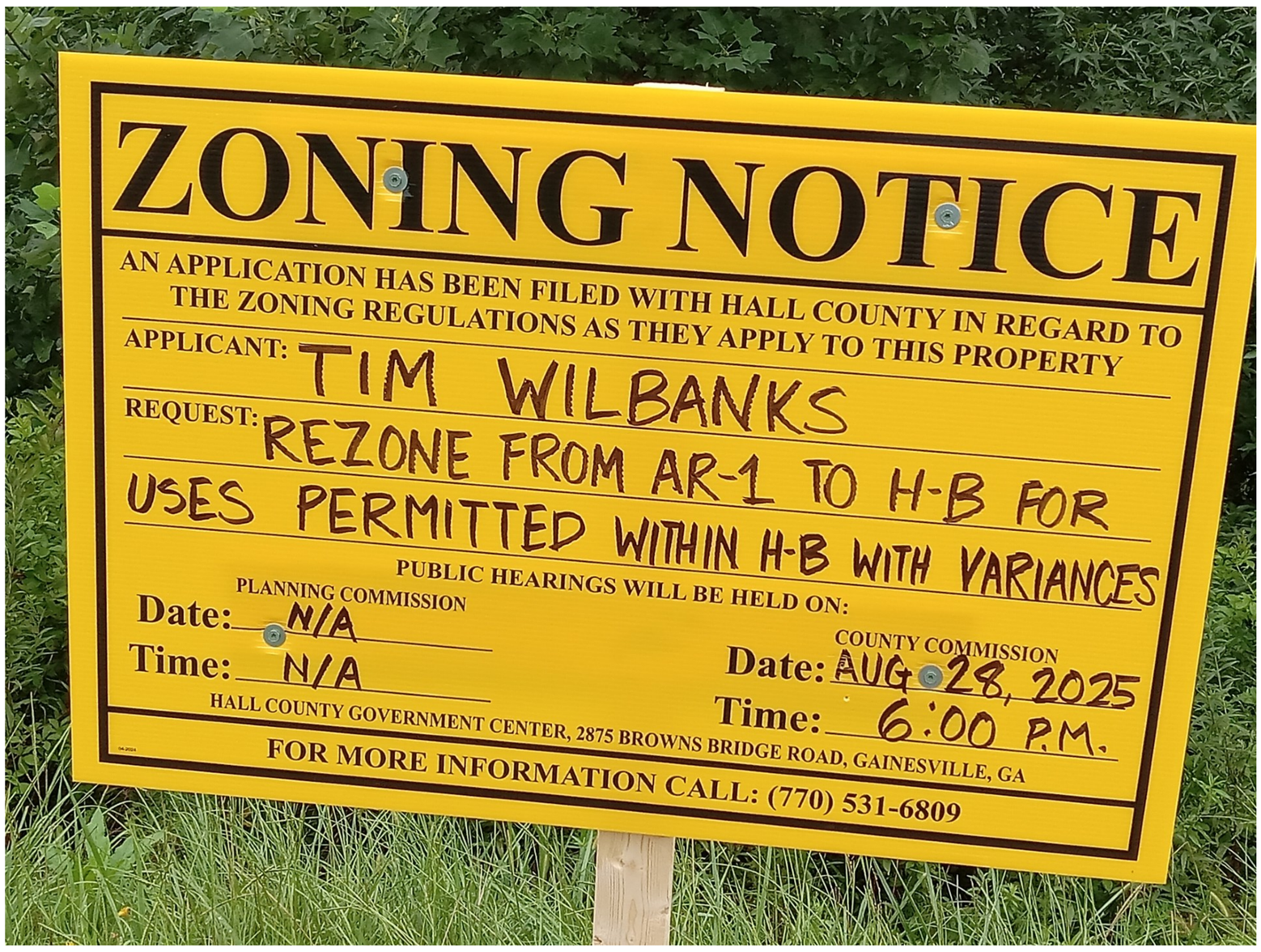
Failure to comply will result in a delay of the application.

AFFIDAVIT

By my signature, I, Tim Williams, **hereby acknowledge that I have**
Please Print Name

read and understand the sign posting requirements. I further certify that the required public notice sign was posted on 8/11/25 **for** Friendship LUXE Development
Date (Name application filed as)

Signature _____
(The original document is required)


ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: TIM WILBANKS
REQUEST: REZONE FROM AR-1 TO H-B FOR USES PERMITTED WITHIN H-B WITH VARIANCES
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: N/A
Time: N/A
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

Anael Dominguez (Administration)

From: Jennifer Rivera (Administration)
Sent: Thursday, August 21, 2025 4:09 PM
To: Anael Dominguez (Administration)
Subject: FW: REZONING OF 1731 FRIENDSHIP ROAD

Please add this public comment to HCAM for both agenda items.

Jennifer Rivera
Board of Commissioners Clerk
Hall County Government
Tel: 770-297-2684
jrivera@hallcounty.org
www.hallcounty.org

HALL COUNTY
GEORGIA
We have it all in Hall

From: Beth Garmon (Planning) <bgarmon@hallcounty.org>
Sent: Thursday, August 21, 2025 3:54 PM
To: Zachary Propes (Administration) <zpropes@hallcounty.org>; John Gentry (Administration) <jgentry@hallcounty.org>
Cc: Jennifer Rivera (Administration) <jrivera@hallcounty.org>; Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Subject: FW: REZONING OF 1731 FRIENDSHIP ROAD

Zach,

I wanted to make sure you saw the comments from Tom McDermott regarding the remanded application of Tim Wilbanks for 1731 Friendship.

Jennifer and Kaitlyn, would you please add this email to the application 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

All **ZONING, PLAT**, and **BUILDING PERMIT** submittals may be submitted online through Accela. Plat inquiries may be submitted to plats@hallcounty.org. Zoning and general inquiries may be submitted to planning@hallcounty.org.

From: T McDermott <tommcdermott@bellsouth.net>
Sent: Thursday, August 21, 2025 3:45 PM
To: David Gibbs (County Commission) <dgibbs@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>; Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Beth Garmon (Planning) <bgarmon@hallcounty.org>
Cc: BJ Best Sims <holler@bjsims.com>; Gary Hodges <glhrealty@yahoo.com>; Sarah Morra <sarah@remax-legends.com>; Lindsay Rock <lindsaymrock@yahoo.com>; Kurt Johansen <johansen.kurt23@gmail.com>; Kathy Peterson <kathypeterson@fieldstonerp.com>; frances bridwell <fhbridwell@bellsouth.net>
Subject: REZONING OF 1731 FRIENDSHIP ROAD

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August 20, 2025

To: David Gibbs, Commission Chairman
Billy Powel, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner
Cc: Kathy Cooper, District 1 Commissioner
Beth Garmon, Director of Planning and Zoning

Commission Chairman and Commissioners,

This letter is sent by the undersigned and concerns the application of 1731 Friendship Road, LLC for rezoning of the property located at 1731 Friendship Road from A-IV to H-B with variance.

We appreciate the court has directed the Commissioners to review this property for rezoning and accept the application to rezone from A-IV to H-B. Quite frankly, we never understood the applicant's lawsuit. Certainly, if they listened at the hearings, they knew the residents and businesses affected appreciated the property would be rezoned at some point to allow for commercial and/or retail business. Rezoning was never denied. Just apartments. Let us not forget that this applicant knew this before he purchased the property. So why the suit? A few open discussions among stakeholders could have achieved this outcome without the expense and adversarial tone of a lawsuit.

In any event, there are two conditions and a process request that are critical to helping ensure that the interests of the community and businesses that may be impacted are protected.

First, we request a minimum of a 50-foot undisturbed buffer from all current property lines within Reunion Golf and Country Club. This will include the entrance to Reunion Golf and Country Club, the 1st hole of the Reunion Golf Course, and residential properties.

This is not an exceptional request. There is a minimum 50-foot buffer for all properties bordering Reunion Golf and Country Club except for the new storage facilities with a 150+ foot buffer. Further, the majority are undisturbed buffers. This becomes particularly important as a 50-foot undisturbed buffer will protect the value of play at the Reunion Golf Course and, hence, the value of the homes within Reunion Golf and Country Club.

To explain, a significant part of the value of a golf course is the ambiance of the environment in which you play. Currently, the first hole of the Reunion Golf Course lies amongst depth of the trees on the first hole bordering 1731 Friendship Road. It is the first experience and impression of the course a golfer will have. The requested 25-foot transitional buffer will materially alter this, looking at and hearing a parking lot established for the commercial or retail buildings vs. having the current trees will most certainly negatively impact this experience. Suggestions to merely put up a fence or a net demonstrate the lack of recognition of the impact on the community that this applicant has shown from the beginning. We hope a long-standing public business within the community warrants the simple recognition of a 50-foot undisturbed buffer.

Second, that special consideration is applied to assuring the residents of 5786 and 5781 Porch Swing Place that their exposure to drainage and privacy are protected.

While zoning may be granted at this hearing with the conditions above included, a more detailed rendering of the actual development proposed is required to approve it. We do not want to constrain the applicant beyond reason, but their proposal shows over 67,000 square feet without length or width; shows renderings of one-story buildings while the Fire Marshall discusses the challenges of multi-story buildings; have an issue with parking; and no waste/garbage containment area.

We respectfully urge the Commissioners to incorporate the two conditions requested and require more detail in what is planned into any approval of the rezoning application to ensure that there is balance between the rights of the applicants and the interests of the surrounding community and long-standing businesses directly impacted.

Sincerely,

Reunion Neighbor Committee - 1731 and 1661 Friendship Road

BJ Sims
6453 Hickory Branch Drive
Gary Hodges
7316 Grand Reunion Drive
Sarah Morra
5647 Grand Reunion Drive
Lindsay Rock
7306 Rocking Chair Lane
Kurt Johansen
5752 Community Lane
Tom McDermott and Fran Bridwell
7250 Grand Reunion Drive
Kathy Peterson
5932 Peacock Lane

Jennifer Rivera (Administration)

From: Rosemarie Wood <maimeewood@gmail.com>
Sent: Monday, August 25, 2025 11:51 AM
To: David Gibbs (County Commission); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Beth Garmon (Planning)

Follow Up Flag: Follow up
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Jeff Stowe, District 4 Commissioner
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Sincerely,

Reunion Neighbor Committee - 1731 and 1661 Friendship Road

Jennifer Rivera (Administration)

From: Rosemarie Wood <maimeewood@gmail.com>
Sent: Monday, August 25, 2025 11:51 AM
To: David Gibbs (County Commission); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Beth Garmon (Planning)

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Sent: Monday, August 25, 2025 11:51 AM
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Sent: Monday, August 25, 2025 11:51 AM
To: David Gibbs (County Commission); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Beth Garmon (Planning)

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Sent: Monday, August 25, 2025 11:51 AM
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This is not an exceptional request. There is a minimum 50-foot buffer for all properties bordering Reunion Golf and Country Club except for the new storage facilities with a 150+ foot buffer. Further, the majority are undisturbed buffers. This becomes particularly important as a 50-foot undisturbed buffer will protect the value of play at the Reunion Golf Course and, hence, the value of the homes within Reunion Golf and Country Club.

To explain, a significant part of the value of a golf course is the ambiance of the environment in which you play. Currently, the first hole of the Reunion Golf Course lies amongst depth of the trees on the first hole bordering 1731 Friendship Road. It is the first experience and impression of the course a golfer will have. The requested 25-foot transitional buffer will materially alter this, looking at and hearing a parking lot established for the commercial or retail buildings vs. having the current trees will most certainly negatively impact this experience. Suggestions to merely put up a fence or a net demonstrate the lack of recognition of the impact on the community that this applicant has shown from the beginning. We hope a long-standing public business within the community warrants the simple recognition of a 50-foot undisturbed buffer.

Second, that special consideration is applied to assuring the residents of 5786 and 5781 Porch Swing Place that their exposure to drainage and privacy are protected.

While zoning may be granted at this hearing with the conditions above included, a more detailed rendering of the actual development proposed is required to approve it. We do not want to constrain the applicant beyond reason, but their proposal shows over 67,000 square feet without length or width; shows renderings of one-story buildings while the Fire Marshall discusses the challenges of multi-story buildings; have an issue with parking; and no waste/garbage containment area.

We respectfully urge the Commissioners to incorporate the two conditions requested and require more detail in what is planned into any approval of the rezoning application to ensure that there is balance between the rights of the applicants and the interests of the surrounding community and long-standing businesses directly impacted.

Sincerely,

Reunion Neighbor Committee - 1731 and 1661 Friendship Road

Jennifer Rivera (Administration)

From: Beth Garmon (Planning)
Sent: Wednesday, August 27, 2025 2:16 PM
To: Jennifer Rivera (Administration); Anael Dominguez (Administration); Kaitlyn Elliott (Planning)
Cc: Zachary Propes (Administration); John Gentry (Administration)
Subject: FW: REZONING OF 1731 FRIENDSHIP ROAD

Jennifer,

Will you add these comments to the record 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

All **ZONING, PLAT**, and **BUILDING PERMIT** submittals may be submitted online through Accela. Plat inquiries may be submitted to plats@hallcounty.org. Zoning and general inquiries may be submitted to planning@hallcounty.org.

HALL COUNTY
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From: Robyn Strickland <robyngstrickland@yahoo.com>
Sent: Wednesday, August 27, 2025 2:11 PM
To: David Gibbs (County Commission) <dgibbs@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>; Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Beth Garmon (Planning) <bgarmon@hallcounty.org>
Subject: REZONING OF 1731 FRIENDSHIP ROAD

You don't often get email from robyngstrickland@yahoo.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.

Good afternoon,

As an adjacent property owner directly impacted by this proposed development, I want to express our echoed concerns, listed below in letter.

Please do enter into the record.

Thank you for your time and we look forward to thoughtful & meaningful resolution.

Robyn & Shane Strickland
5786 Porch Swing Place
Hoschton GA 30548

August 20, 2025

To: David Gibbs, Commission Chairman
Billy Powel, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner
Cc: Kathy Cooper, District 1 Commissioner
Beth Garmon, Director of Planning and Zoning

Commission Chairman and Commissioners,

This letter is sent by the undersigned and concerns the application of 1731 Friendship Road, LLC for rezoning of the property located at 1731 Friendship Road from A-IV to H-B with variance.

We appreciate the court has directed the Commissioners to review this property for rezoning and accept the application to rezone from A-IV to H-B. Quite frankly, we never understood the applicant's lawsuit. Certainly, if they listened at the hearings, they knew the residents and businesses affected appreciated the property would be rezoned at some point to allow for commercial and/or retail business. Rezoning was never denied. Just apartments. Let us not forget that this applicant knew this before he purchased the property. So why the suit? A few open discussions among stakeholders could have achieved this outcome without the expense and adversarial tone of a lawsuit.

In any event, there are two conditions and a process request that are critical to helping ensure that the interests of the community and businesses that may be impacted are protected.

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Sincerely,

Reunion Neighbor Committee - 1731 and 1661 Friendship Road

BJ Sims
6453 Hickory Branch Drive
Gary Hodges
7316 Grand Reunion Drive
Sarah Morra
5647 Grand Reunion Drive
Lindsay Rock
7306 Rocking Chair Lane
Kurt Johansen
5752 Community Lane
Tom McDermott and Fran Bridwell
7250 Grand Reunion Drive
Kathy Peterson
5932 Peacock Lane

Jennifer Rivera (Administration)

From: Rosemarie Wood <maimeewood@gmail.com>
Sent: Monday, August 25, 2025 11:51 AM
To: David Gibbs (County Commission); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Beth Garmon (Planning)

Follow Up Flag: Follow up
Flag Status: Flagged

Some people who received this message don't often get email from maimeewood@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.

August 20, 2025

To: David Gibbs, Commission Chairman
Billy Powel, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner
Cc: Kathy Cooper, District 1 Commissioner
Beth Garmon, Director of Planning and Zoning

Commission Chairman and Commissioners,

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Sincerely,

Reunion Neighbor Committee - 1731 and 1661 Friendship Road

AGENDA ITEM

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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 522/2025

SUBJECT: **3024 Dale Road | Amend Conditions of Zoning |** on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage** | Commission District 3 | **Rochester | DCCM, applicant** Note: Tabled at the August 14, 2025 Voting Meeting until the August 28, 2025 Voting Meeting.

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG
Recommendation:

Approval, with conditions

1. Phase 1 development of the property shall be identified and approved as follows: the property shall be used only for outdoor storage of shipping containers and transportation trailers. Shipping containers shall be stacked no higher than 1 unit tall with no more than 2 units per space. No other outdoor storage as described in the Unified Development Code of Hall County shall be allowed.
2. At the end of 48 months after the date of final approval by the Board of Commissioners, the approved uses of storage of shipping containers and transportation trailers shall expire.
3. The development shall allow two curb cuts on Candler Road, subject to GDOT approval. No driveway will be allowed on Dale Road.
4. The development of the property beyond Phase 1 shall not include any proposed uses not permitted based on the regulations of the Light Industrial zoning district and the Gateway Corridor Overlay District. Such uses shall only be authorized in accordance with the process(es) identified in the Unified Development Code, except as shown on the site plan and amended through final zoning conditions approved by the Board of Commissioners.
5. Building specifications shall be as follows for any phase beyond Phase 1 of the development:
    a. Main Building shall be concrete tilt-up construction or steel frame construction with 3-sided brick similar to submitted photos with a maximum height of 55 feet.
    b. The Smaller Building in the rear shall be steel frame construction with 3-sided brick or stone with the option of cementitious siding. The building may be one or two stories with a maximum height of 40 feet.
6. There shall be a 50 foot undisturbed landscape buffer along the right-of-way of Dale Road, as shown on the site plan. The buffer will reduce to 25 feet where it intercepts the Jackson EMC easement and be located on the development side of the easement. This standard shall apply to all phases of the development.
7. There shall be a 100 foot undisturbed buffer along the southwestern property line. This standard shall apply to all phases of the development.
8. Outdoor storage areas located within the Gateway Corridor as shown on the site plan, will be screened to Hall County buffer requirements along the roadway frontages. Outdoor storage areas located at the rear of buildings shall not require screening. This standard shall apply to all phases beyond Phase 1 of the development.
9. The developer will utilize non-spill lighting on the site. This standard shall apply to all phases of the development.
10. The developer will install an 8 foot tall white PVC fence along the frontage adjacent to Candler Road and Dale Road at the development side of the edge of the buffer specified in condition #6 above. All other fencing may be 6 foot tall vinyl-coated chain link fence with opaque slats or alternative fencing with the same degree of opacity. This standard shall apply to all phases of the development and in accordance with the approved concept plans.
11. During construction of the site, the developer shall conduct any required blasting operations in accordance with all state and local ordinances. This standard shall apply to all phases of the development.
12. To improve sight distance, the developer shall clear the corner of the site between the relocated Jackson EMC transmission line and Dale Road right-of-way.
13. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering. This standard shall apply to all phases of the development.
14. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
15. Phase 1 development shall require storage areas to be paved with asphalt or concrete wherever these areas fall within 300 feet of the centerline of Candler Road. No gravel shall be permitted in these areas.
16. The hours of operation shall be limited to 6:30 am to 7:00 pm Monday through Saturday.

Purpose of Request:

3024 Dale Road | Amend Conditions of Zoning | on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage** | Commission District 3 | **Rochester | DCCM, applicant**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
JR	BG	JL	CR
Clerk			
JR			

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Plat
Site Plan
Maps
Deed
Legal Description
2022 Board of Commissioners Letter
2022 Site Plan
Environmental Health Comment
GDOT Comment
Public Works Comments
Fire Comment
GHMPO Comment
Notice Sign
Applicant's Presentation
Supplemental Info for Consideration Provided by Applicant - Rec'd 8/18/2025
Proffered Conditions

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PLANNING AND ZONING
DIRECTOR
Beth Garmon

Hall County Government
PLANNING AND ZONING

To: David Gibbs, 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: July 28, 2025

Subject: **3024 Dale Road | Special Use** | to amend conditions of zoning | on a 36.90± acre tract | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage | Rochester | DCCM, applicant**

The request before you is from Rochester | DCCM for a special use to amend conditions of zoning for outdoor storage. This item is located within Commission District 3.

At their July 7, 2025 meeting, the Hall County Planning Commission voted to recommend **approval, with sixteen (16) conditions (3-1, Davidson opposed).**

Staff recommendation: **Denial**, as the proposed use is not consistent with the Rural Scenic Nodes & Corridors future land use classification within the Comprehensive Plan.

There were **no comments submitted** in advance of the Planning Commission meeting and **two (2) people spoke in opposition during the public hearing.**

Planning Commission Conditions:

1. Phase 1 development of the property shall be identified and approved as follows: the property shall be used only for outdoor storage of shipping containers and transportation trailers. Shipping containers shall be stacked no higher than 1 unit tall with no more than 2 units per space. No other outdoor storage as described in the Unified Development Code of Hall County shall be allowed.

2. At the end of 48 months after the date of final approval by the Board of Commissioners, the approved uses of storage of shipping containers and transportation trailers shall expire.

3. The development shall allow two curb cuts on Candler Road, subject to GDOT approval. No driveway will be allowed on Dale Road.

4. The development of the property beyond Phase 1 shall not include any proposed uses not permitted based on the regulations of the Light Industrial zoning district and the Gateway Corridor Overlay District. Such uses shall only be authorized in accordance with the process(es) identified in the Unified Development Code, except as shown on the site plan and amended through final zoning conditions approved by the Board of Commissioners.

5. Building specifications shall be as follows for any phase beyond Phase 1 of the development:
    a. Main Building shall be concrete tilt-up construction or steel frame construction with 3-sided brick similar to submitted photos with a maximum height of 55 feet.
    b. The Smaller Building in the rear shall be steel frame construction with 3-sided brick or stone with the option of cementitious siding. The building may be one or two stories with a maximum height of 40 feet.

6. There shall be a 50 foot undisturbed landscape buffer along the right-of-way of Dale Road, as shown on the site plan. The buffer will reduce to 25 feet where it intercepts the Jackson EMC easement and be located on the development side of the easement. This standard shall apply to all phases of the development.

7. There shall be a 100 foot undisturbed buffer along the southwestern property line. This standard shall apply to all phases of the development.

8. Outdoor storage areas located within the Gateway Corridor as shown on the site plan, will be screened to Hall County buffer requirements along the roadway frontages. Outdoor storage areas located at the rear of buildings shall not require screening. This standard shall apply to all phases beyond Phase 1 of the development.

9. The developer will utilize non-spill lighting on the site. This standard shall apply to all phases of the development.

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15. Phase 1 development shall require storage areas to be paved with asphalt or concrete wherever these areas fall within 300 feet of the centerline of Candler Road. No gravel shall be permitted in these areas.

16. The hours of operation shall be limited to 6:30 am to 7:00 pm Monday through Saturday.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Rochester | DCCM

Request ..... (A) **Special Use** | Outdoor storage

Proposed Use ..... Outdoor storage

Size ..... 36.90± acres

Zoning ..... Light Industrial (I-1) within the Gateway Corridor Overlay District (GCOD)

Location ..... **3024 Dale Road |** Tax Parcel 15025 000006

Commission District ..... Three

Planning Commission Date ..... July 7, 2025

Staff Recommendation ..... (A) **Denial,** as the proposed use is not consistent with the Rural Scenic Nodes & Corridors future land use classification within the Comprehensive Plan

Record Number..... (A) HZCU25-0025

Planning Commission Recommendation ..... **Approval, with conditions**

Vote: 3-1 (Davidson opposed)

Planning Commission Conditions:

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Excerpts from the minutes of the July 7, 2025 meeting

Applicant's Presentation:

Vamsee Polamarasetty, Planner, presented a summary of the request.

Bradley Dunckel, 425 Oak Street, Gainesville, presented the request. The applicant has submitted two concurrent requests as part of a proposed industrial development: (A) special use to amend conditions of zoning to allow for outdoor storage of transportation trailers and shipping containers; and (B) a variance request to parking lot design standards of the Gateway Corridor Overlay District (GCOD) (6.2.5.C.2.d) to allow a surface of graded aggregate base (GAB) where asphalt, concrete or Director-approved pervious materials are required. The subject property measures approximately 36.90± acres and is zoned Light Industrial (I-1). The property falls within the Gateway Corridor Overlay District (GCOD).

The subject property was rezoned on June 9, 2022, from Agricultural Residential IV (AR-IV) to Light Industrial (I-1) to allow light industrial uses (ZON2022-00005) subject to 12 conditions.

Public Forum:

Tony Towe, 3032 Dale Road, Gainesville, spoke in opposition. Mr. Towe is concerned this property will become a truck stop. Other concerns raised were the condition and maintenance of the fencing over time, increased traffic during all hours, the proximity to a school zone, and the contrast to the current local character. Mr. Towe requests that the applicant be required to follow all GCOD standards to ensure an aesthetically pleasing property near the adjacent residences.

Mary Nealis, 3039 Dale Road, Gainesville, spoke in opposition. Concerns raised were the extent of gravel parking which would also cause a lot of dust in the air, an increase in traffic, and questioned whether the proposed landscaping and fencing would be sufficient during the winter months to limit the property's visibility.

Rebuttal

The applicant clarified this property would not be a truck stop but only used for the storage of trailers and containers. The applicant stated that the proposed fencing is similar to surrounding outdoor storage facilities, but they are open to other specifications. The applicant also stated that the proposed gravel parking was approved as part of the original zoning conditions and they wished to maintain this standard.

Planning Commission Comments:

Mr. Hunt stated the zoning precedence for the use has been set with the original approval in 2022. Mr. Hunt stated he would be agreeable to an 8 foot tall opaque fence along Candler Road and Dale Road and similar fencing of 6 foot height around the rest of the property. Mr. Hunt referenced the GCOD standard of having asphalt or concrete paving 300 feet from the road centerline and that gravel parking could be permitted at the back of the property beyond these limits. Mr. Hunt asked the applicant how high they intended to stack the shipping containers. The applicant stated they intended to stack two containers high. Mr. Hunt asked for the proposed hours of operation, and the applicant stated they did not have set hours but were open to what had already been approved at the previous zoning approval. Mr. Hunt and Mr. Sosebee proposed 6:30 am to 7:00 pm and the applicant stated they would try to work within those parameters. Mr. Hunt asked for the time frame of how long the trailers and containers would be stored and the applicant stated it would be dependent on whether they were coming in from a job site or leaving. Mr. Hunt asked if this would be an individual lot rental and the applicant confirmed it would be.

Mr. Hunt asked Ms. Garmon, Director of Planning and Zoning, if the future development would need to follow the original zoning conditions. Ms. Garmon stated the conditions must be upheld unless they were amended by the board. Mr. Davidson asked if the storage facility was designed to accommodate the Inland Port, and the applicant stated that would be the main source for demand. Mr. Hunt questioned whether the intent of the storage facility would be to drop-off and leave and whether anyone would be permitted after hours. Mr. Braswell asked what type of lighting would be used. The applicant stated there would be typical security lighting. Mr. Braswell stated the lighting would have to follow the low-level, non-spill, semi-cut off lighting within GCOD standards. Mr. Braswell asked how many parking spaces are shown on the site plan. The applicant stated there were 230 spaces. Mr. Sosebee asked what the maximum capacity of storage would be and the applicant explained it would be limited to the 230 spaces shown on the site plan. The Planning Commission discussed limiting spaces, what would be allowed in a single space, and requiring the applicant to revise a note on the site plan identifying semi-truck parking.

Mr. Braswell explained to the applicant that any required revisions to the concept plan based on the zoning conditions shall be subject to the approval of the Director of Planning and Zoning before the request goes before the Board of Commissioners. The amended site plan must be submitted to the Director for review within 10 business days of the Planning Commission's recommendation. If the amended site plan is not submitted by the specified date, then the application shall be remanded back to the Planning Commission.

A
Motion: ***A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 3-1 (Davidson opposed)***

B
Motion: ***A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 3-1 (Davidson opposed)***

Conditions:

1. Phase 1 development of the property shall be identified and approved as follows: the property shall be used only for outdoor storage of shipping containers and transportation trailers. Shipping containers shall be stacked no higher than 1 unit tall with no more than 2 units per space. No other outdoor storage as described in the Unified Development Code of Hall County shall be allowed.

2. At the end of 48 months after the date of final approval by the Board of Commissioners, the approved uses of storage of shipping containers and transportation trailers shall expire.

3. The development shall allow two curb cuts on Candler Road, subject to GDOT approval. No driveway will be allowed on Dale Road.

4. The development of the property beyond Phase 1 shall not include any proposed uses not permitted based on the regulations of the Light Industrial zoning district and the Gateway Corridor Overlay District. Such uses shall only be authorized in accordance with the process(es) identified in the Unified Development Code, except as shown on the site plan and amended through final zoning conditions approved by the Board of Commissioners.

5. Building specifications shall be as follows for any phase beyond Phase 1 of the development:
    a. Main Building shall be concrete tilt-up construction or steel frame construction with 3-sided brick similar to submitted photos with a maximum height of 55 feet.
    b. The Smaller Building in the rear shall be steel frame construction with 3-sided brick or stone with the option of cementitious siding. The building may be one or two stories with a maximum height of 40 feet.

6. There shall be a 50 foot undisturbed landscape buffer along the right-of-way of Dale Road, as shown on the site plan. The buffer will reduce to 25 feet where it intercepts the Jackson EMC easement and be located on the development side of the easement. This standard shall apply to all phases of the development.

7. There shall be a 100 foot undisturbed buffer along the southwestern property line. This standard shall apply to all phases of the development.

8. Outdoor storage areas located within the Gateway Corridor as shown on the site plan, will be screened to Hall County buffer requirements along the roadway frontages. Outdoor storage areas located at the rear of buildings shall not require screening. This standard shall apply to all phases beyond Phase 1 of the development.

9. The developer will utilize non-spill lighting on the site. This standard shall apply to all phases of the development.

10. The developer will install an 8 foot tall white PVC fence along the frontage adjacent to Candler Road and Dale Road at the development side of the edge of the buffer specified in condition #6 above. All other fencing may be 6 foot tall vinyl-coated chain link fence with opaque slats or alternative fencing with the same degree of opacity. This standard shall apply to all phases of the development and in accordance with the approved concept plans.

11. During construction of the site, the developer shall conduct any required blasting operations in accordance with all state and local ordinances. This standard shall apply to all phases of the development.

12. To improve sight distance, the developer shall clear the corner of the site between the relocated Jackson EMC transmission line and Dale Road right-of-way.

13. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering. This standard shall apply to all phases of the development.

14. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

15. Phase 1 development shall require storage areas to be paved with asphalt or concrete wherever these areas fall within 300 feet of the centerline of Candler Road. No gravel shall be permitted in these areas.

16. The hours of operation shall be limited to 6:30 am to 7:00 pm Monday through Saturday.

Staff recommends <u>DENIAL</u> of the applicant's request. However, if the Planning Commission chooses to approve this request, staff recommends the following conditions:

1. The property shall be developed in accordance with the site plan dated May 14, 2025, and as described in the project narrative dated June 9, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. The development shall be allowed two curb cuts on Candler Road, subject to GDOT approval. No driveway will be allowed on Dale Road.

3. Any proposed uses not permitted based on the regulations of the Light Industrial zoning district and the Gateway Corridor Overlay District shall only be authorized in accordance with the process(es) identified in the Unified Development Code, except as shown on the site plan and amended through final zoning conditions approved by the Board of Commissioners.

4. Building specifications shall be as follows:
    a. Main Building – concrete tilt-up construction or steel frame construction with 3-sided brick similar to submitted photos. Maximum height of 55'.
    b. Smaller Building - steel frame construction with 3-sided brick or stone with the option of cementitious siding. The building may be one or two stories with a maximum height of 40'.

5. There shall be a 50 foot undisturbed landscape buffer along the right-of-way of Dale Road, as shown on the site plan. The buffer will reduce to 25 feet where it intercepts the Jackson EMC easement and be located on the development side of the easement.

6. There shall be a 100 foot undisturbed buffer along the southwestern property line.

7. Outdoor storage areas located within the Gateway Corridor as shown on the site plan, will be screened to Hall County buffer requirements along the roadway frontages. Outdoor storage areas located at the rear of buildings shall not require screening.

8. The developer will utilize non-spill lighting on the site.

9. The developer will install a 6 foot tall vinyl coated chain link fence with opaque slats or alternative fencing with the same degree of opacity along the Dale Road frontage at the development side of the edge of the buffer specified in condition #5 above and along the top of the slope of the proposed outdoor storage area. The developer will also install a 6 foot tall vinyl coated chain link fence with opaque slats or alternative fencing with the same degree of opacity along the top of the slope on one side of the outdoor storage area above the detention pond behind the main building as shown on the same site plan. All other fencing may be galvanized chain link. Installation and location of additional fencing shall be at the developer's discretion.

10. During construction of the site, the developer shall conduct any required blasting operations in accordance with all state and local ordinances.

11. To improve sight distance, the developer shall clear the corner of the site between the relocated Jackson EMC transmission line and Dale Road right-of-way.

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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.

13. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

The following is a variance requested by the applicant, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

Section 6.2.5.C.2.d – Parking Lot Design - All parking areas must be paved with asphalt, concrete or pervious materials approved by the Director.

- The applicant proposes gravel surface (graded aggregate base, GAB) for outdoor storage/parking areas in the Phase 1 development. **This does not meet the standard.**

Summary Analysis

The applicant has submitted two concurrent requests as part of a proposed industrial development: (A) special use to amend conditions of zoning to allow for outdoor storage of transportation trailers and shipping containers; and (B) a variance request to parking lot design standards of the Gateway Corridor Overlay District (GCOD) (6.2.5.C.2.d) to allow a surface of graded aggregate base (GAB) where asphalt, concrete or Director-approved pervious materials are required. The subject property measures approximately 36.90± acres and is zoned Light Industrial (I-1). The property falls within the Gateway Corridor Overlay District (GCOD).

The subject property was rezoned on June 9, 2022, from Agricultural Residential IV (AR-IV) to Light Industrial (I-1) to allow light industrial uses (ZON2022-00005) subject to the following conditions:

1. The development shall conform substantially to the updated site plan.
2. Outdoor storage shall be screened from the Candler Road and Dale Road rights of way by a solid fence or wall at least 8 feet in height. These fences/walls may be removed when the outdoor storage component is eliminated and upon completion of Phase 2 development.
3. The development shall be allowed two curb cuts on Candler Road, subject to GDOT approval. No driveway will be allowed on Dale Road.
4. Any proposed uses not permitted based on the regulations of the I-I and Gateway Corridors Overlay Districts shall only be authorized in accordance with the process(es) identified in the Zoning Ordinance, except as shown on the site plan and amended through final zoning conditions approved by the Board of Commissioners.
5. Applicant proposes to utilize building materials and height as follows:
    a. Main Building – concrete tilt-up construction or steel frame construction with 3-sided brick similar to submitted photos. Maximum Height of 55 feet.
    b. Smaller Building - steel frame construction with 3-sided brick or stone with the option of cementitious siding. The building may be one or two stories with a maximum height of 40 feet.
6. There shall be a 50 foot wide undisturbed landscape buffer along the right-of-way of Dale Road, as shown on the site plan. The buffer will reduce to a 25 foot landscape buffer where it intercepts the Jackson EMC easement and will be located on the development side of the easement.
7. There shall be a 100 foot wide undisturbed buffer along the southwestern property line, as shown on the site plan.
8. Outdoor storage areas, located within the Gateway Corridor as shown on the site plan, will be screened to Hall County buffer requirements along the roadway frontages. Outdoor storage areas, located at the rear of buildings shall not require screening.
9. The developer will utilize non-spill lighting on the site.
10. The developer will install a 6’ vinyl coated chain link fence with opaque slats or alternative fencing with the same degree of opacity along the Dale Road frontage at the development side of the edge of the buffer specified in condition #5 above and along the top of the slope of the proposed outdoor storage area, as shown on the site plan. The developer will also install a 6’ vinyl coated chain link fence with opaque slats or alternative fencing with the same degree of opacity along the top of the slope on one side of the outdoor storage area above the detention pond behind the main building as shown on the site plan. All other fencing may be galvanized chain link. Installation and location of additional fencing shall be at the developer’s discretion.
11. During construction of the site, the developer shall conduct any required blasting operations in accordance with all state and local ordinances.

12. To improve site distance, the developer shall clear the corner of the site, between the Jackson EMC transmission line and Dale Road right-of-way.

A land disturbance permit (LDP) was issued on April 2, 2024, for the development of a 150,000 square foot warehouse building with associated parking, gravel storage area behind the building, septic system, graded pad for future development, and stormwater management facilities (HDEV23-0102), consistent with the conditions of the previous rezoning (ZON2022-00005). The permit was renewed on April 2, 2025.

The surrounding properties are zoned and developed as outlined below:

North: Agricultural Residential 1 (R-1): Undeveloped
South: Agricultural Residential 1 (AR-1): Developed with a mobile home and several accessory structures.
East: Heavy Industrial (I-2): Developed with a quarry and asphalt plant.
West: Agricultural Residential 1 (AR-1) & Residential 1 (R-1): Developed with single-family residences.

Per the submitted narrative, the current owner proposes to amend conditions of zoning to allow a Phase 1 development that would consist of outdoor storage of transportation trailers and shipping containers. This business would operate 7 days a week, 24 hours a day. Phase 2 development would remain consistent with the previous approval (ZON2022-00005). No timeline is provided specifying when the transition will occur from Phase 1 to Phase 2.

Per the narrative, the applicant is concurrently requesting a variance from the parking lot design standards of the Gateway Corridor Overlay District (GCOD) to allow a surface of graded aggregate base (GAB) where asphalt, concrete or Director-approved pervious materials are required (6.2.5.C.2.d). Gravel surface is proposed for the entirety of the developed portion of the site where the parking of transportation trailers and shipping containers will occur. The applicant proposes a 10 foot wide landscape strip and 6 foot tall privacy fence adjacent to the Candler Road right-of-way and a 25 foot wide landscape strip and 6 foot tall privacy fence adjacent to the Dale Road right-of-way. All other buffers, fencing and screening will remain part of the development standards in accordance with the previous approval. The applicant requests that the removal of the wooden privacy fence along Candler Road be permitted after Phase 2 development occurs. No buildings are proposed for Phase 1.

Water service will be provided by the City of Gainesville Department of Water Resources. Sanitary sewer service will be provided by an on-site septic system.

Based on the future land use plan, staff finds the special use request *is not consistent* with the Comprehensive Plan's future land use classification of Rural Scenic Nodes & Corridors. This future land use designation states that the county's rural roadways boast significant natural, historic, or cultural features, and scenic or pastoral views. To balance that with necessary growth, new development along these minor road corridors and intersections should be limited to low-intensity, small-scale commercial uses to serve nearby communities, and well as agricultural uses of all scales. Where there is residential development, the density should be up to 0.75 dwellings per acre. Within this Chestnut Mountain Candler Character Area, compatible zoning districts include Agricultural 1 (AG-1), Agricultural Residential 1 (AR-1), Office and Institutional (O-I), Suburban Shopping (S-S), Planned Commercial Development (PCD).

(A) Zoning Analysis – Special Use

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

a) 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 proposal is not suitable in view of the use, development, and zoning of adjacent and nearby properties as many adjacent parcels are zoned agricultural residential (AR-1) and Residential (R-1). The proposed use of the property is not in line with the future land use plan or permitted uses within the Gateway Corridor Overlay District; however, property across Candler Road is zoned Heavy Industrial (I-2) and is developed with a quarry and asphalt plant.**

b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is difficult to anticipate whether the expanded use would adversely affect adjacent or nearby property.**

c) 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.**

d) 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; **If approved, the use is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service. The property is served by City of Gainesville public water.**

e) 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 not consistent with the Comprehensive Plan and the Rural Scenic Nodes & Corridors future land use designation which supports limited to low-intensity, small-scale commercial uses to serve nearby communities and agricultural uses of all scales.**

f) 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 affected by the existing zoning restrictions.**

g) The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property values including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

h) 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.**

i) 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 was rezoned to Light Industrial (I-1) on June 9, 2022, (ZON2022-00005) and a land disturbance permit (LDP) renewed on April 2, 2025 (HDEV23-0102). Grading of the site has commenced.**

j) 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.**

k) Whether the change would create an isolated district unrelated to the surrounding districts; **This question is not applicable as there are no proposed changes to the zoning classification.**

l) 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.**

m) Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **Staff is unable to determine whether the requested change is out of scale with the needs of the county as a whole.**

n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The proposed use of outdoor storage requires approval by the Board of Commissioners for any parcel located in the Gateway Corridor Overlay District (GCOD).**

o) 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.**

p) 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.**

q) 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.**

(B) <u>Zoning Analysis</u> – Variance to Section 6.2

The Planning Commission may grant variances in individual cases of unnecessary hardship upon a finding of the board that:

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape, or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **No, there are no extraordinary conditions pertaining to the physical character of the lot to prevent the project design from meeting development standards.**

2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No evidence has been provided that an unusual hardship exists to prevent the development from complying with parking requirements.**

3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **There are no conditions peculiar to the subject property that are not common to other properties in the neighborhood.**

4. Such conditions are not the result of any actions of the property owner; **As the subject parcel is undeveloped, the project can be designed to comply with development standards.**

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission. **Relief, if granted, may impair the purposes and intent of the Unified Development Code of Hall County as the intent of the Gateway Corridor Overlay District is to encourage development projects that set standards for landscaping, community design and aesthetics.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

    a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

    b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district**. The proposal meets the requirement.**

c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request**

d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated June 5, 2025, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan."

Georgia Department of Transportation
In an email dated May 29, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is required.

Gainesville-Hall Metropolitan Planning Organization
In an email dated June 2, 2025, Joseph Boyd, MPO Director, provided the following comment:
"This parcel is along State Route 60/Candler Road, which is scheduled to be widened (GH-111B) in the long-range portion of the MPO's 2055 Metropolitan Transportation Plan. Construction is currently scheduled to occur after 2055, but the timing is fluid and could change. There are no known pre-engineering plans at this time for the applicant to reference."

Hall County Fire Marshal
In an email dated June 5, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments on item A or B as proposed."

Hall County Public Works and Utilities
In a memorandum from Public Works and Utilities dated June 6, 2025, 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.

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

Traffic:
GDOT permit for access is required.

Utilities:
No sewer in area.

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

HALL COUNTY
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CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

Rochester/DCCM
425 Oak St.
Gainesville, GA 30501
Phone 678-450-5175
Email Address bdunckel@dccm.com

Property Owner (Name & Mailing Address)

Candler Hall, LLC
2791 Elder Mill Road
Watkinsville, GA 30577
Phone 770-231-4405
Email Address etlopez@atlantapaving.com

Proposed Use Outdoor Storage

Contact Person (Name & Mailing Address)

Bradley Dunckel
425 Oak St.
Gainesville, GA 30501
Phone 770-363-1997
Email Address bdunckel@dccm.com

Tax Parcel Number 05025 000006
Location Address 3024 Dale Road, Gainesville, GA 30507

Status of Applicant

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

Zoning: L-I

Requested Action

Permissive Use:
☐ HCPC ☑ HCC
Fee:$ 1,500.00
Receipt #:
Check #:

Acreage 36.9 acres

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

Sign Bradley Dunckel Date: 5/9/25

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

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

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

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

County Commission District: _____

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AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Candler Hall, LLC

Address 2791 Elder Mill Road

Watkinsville, GA 30577

Phone Number 770-231-4405

Name of applicant(s) Rochester/DCCM

Address 425 Oak St.

Gainesville, GA 30501

Phone Number 770-363-1997

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)

Ernest T Lopez

Personally appeared before me

Ernest T Lopez

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

Notary Public

Dawn Sizemore
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 02/10/2027

5/8/25
Date

First Amended and Restated Operating Agreement

Candler Hall LLC a Georgia Limited Liability Company

This First Amended and Restated Operating Agreement (the "Agreement") is entered into on or as of February 24, 2025 by and among the Members listed on page 9 of this Agreement.

Recitals

A. On January 24, 2024 Articles of Organization for Candler Hall LLC (the "Company"), a limited liability company under the laws of the State of Georgia, were filed with the Georgia Secretary of State.

B. The Members hereby adopt and approve this First Amended and Restated Operating Agreement for the Company on the following terms and conditions:

Agreement
Article I
Organizational Matters

1.1. **Name.** The Company shall conduct business under the name "Candler Hall LLC." If the majority of Members approve, the Company may also conduct business under a fictitious name filed with the county clerk of the county where the Company has its principal office.

1.2 **Term**. The Company's beginning date is the date that the Articles of Organization were filed. The Company shall automatically terminate at the earlier of twenty-five (25) years or as provided in Article 9.1 of this Agreement. The Members may unanimously to continue the Company as provided in Article 9.

1.3 **Office and Agent.** The Company shall continuously maintain an office and a registered agent within the State of Georgia. The principal office of the company shall be at 2791 Elder Mill Road, Watkinsville, GA 30677 or such location as the Members may determine. As required, the Company shall file a Statement of Information with the Georgia Secretary of State stating its registered agent for service of process.

1.4 **Business of the company.** The Company shall engage in the following business, and any activities necessary or appropriate to carry out that business, unless all the Members approve a change in the Company's business: Real Estate Investment and all other purposes allowed by law.

Article 2
Capital Contributions

2.1 **Capital Contributions**. Each Member shall contribute initial capital to the Company. No Member shall be required to make any additional contributions to the Company without the unanimous consent of the other Members.

2.2 **Capital Accounts.** The Company shall keep books and records which clearly show each Member's capital contributions and withdrawals ("Capital Account").

- The Company shall determine the balance of each Member's Capital Account according to Treasury Regulations Section 1.704-1(b)(2)(iv).

- If a Member sells or transfers his Membership Interest in the Company that Member's Capital Account shall carry over to the new owner according to Treasury Regulations Section 1.704-a(b)(2)(iv)(1).

2.3 **No Interest.** The Company shall not pay any interest on capital contributions.

Article 3
Members

3.1 **Admission of Additional Members.** Upon unanimous approval of the existing Members, additional members may be admitted into the Company on terms determined by the Members.

3.2 **Withdrawals or Resignations.** No member may withdraw without the unanimous approval of the Members. However, if a Member's interest is based on providing services to the Company, that Member shall be allowed to withdraw or resign as a Member at any time upon 120 days prior written notice to the Company. In the event of such withdrawal, such Member's Membership Interest will be available for sale as described in Section 7.2. If it is not purchased, the withdrawing Member shall have only an economic interest in the Company after withdrawal. The Withdrawing Member shall have the right to share in the Company's income, gain, losses, deductions, credit or similar items, and to receive distributions from the Company, but not the right to access Company business information or to participate in the Company management, except as required by law. The Withdrawing Member shall not be entitled to a return of the Member's capital, and may not withdraw contracts or personal guarantees that (s)he may have given.

3.3 **Payments to Members.** There will be no minimum or guaranteed payments to Members. The Company shall reimburse the Members for the actual costs including organization expenses incurred to form the Company.

Article 4
Management and Control of the Company

4.1 **Management and Powers.** The intent of each Member is to actively engage in the Company management. Accordingly, each Member shall have full, complete and exclusive authority, power and discretion to manage and control the business, property and affairs of the Company, to make all decisions regarding those matters and to perform any and all other acts or activities customary or incident to the management of the Company's business property and affairs. In the event of the death or disability of one member, the surviving Member shall have all management authority to continue the business of the Company.

4.2 **Limitations on Power of Members.** Notwithstanding any other provisions of this Agreement, no debt or liability of more than $100,000 may be contracted on behalf of the Company without the approval of the majority of Membership Interests. The signature of one Member is required to sign contracts and obligations on behalf of the Company. Additionally, the unanimous approval of the Members must be obtained prior to:

A. The merger of the Company with another business entity.
B. The establishment of different Member classes.
C. A change in the authorized businesses of the Company (Section 1.4),
D. Any act which would make it impossible to carry on the ordinary business of the Company
E. The confession of judgment against the Company
F. Any other transaction described in this Agreement which requires the approval, consent or

vote of all of the Members.

G. The sale, exchange or other disposition of substantially all of the Company's assets occurring as part of single or multiple transactions or plan.

4.3 **Member Approval.** The "vote" or "approval" of the Members shall mean approval by a majority percentage of Membership Interest. Members shall vote or approve by their percentage interest as shown on Exhibit A of this Agreement. No annual or regular meetings of the Members are required. However, if such meetings are held, such meetings shall be noticed, held and conducted pursuant to the Act.

4.4 **Devotion of Time**. The Members are not required to devote all of their time or business efforts to the Company. Each Member shall devote whatever time or effort (s) he deems appropriate to carry out the Company's business.

4.5 **Protection of Trade Secrets**. Each Member acknowledges that the customer lists, trade secrets, processes, methods and technical information of the Company and any other matters designated by the majority of the Members are the Company's assets. Each Member agrees not to disclose any of these assets to anyone outside the Company, except with written consent by the Company, even if the Member withdraws from the Company.

4.6 **Transactions between the Company and the Members.** Any Member may enter into a contract or transaction with the Company with the approval of the majority of other Members. If there is a potential conflict of interest, this approval must be in writing.

Article 5
Allocations of Net Profits and Net Losses and Distribution

5.1 **Allocations of Net Loss and Quarterly Distributions**

A. Net Loss. Net loss for income tax purposes shall be allocated to Members in proportion to their Membership Interest. Loss allocations to a Member shall be made only to the extent that such loss allocations will not create a Capital Gain for that Member in the event of foreclosure of the Company's assets.

B. Any loss not allocated to a Member because of the 5.1.A. shall be allocated to the other Members to the extent where it does not create a Capital Gain to another Member.

C. Quarterly Distribution of Available Cash. At the end of each calendar quarter, the available cash of the Company, if any, must be distributed to the Members, pro rata according to their percentage interest. Available cash means cash beyond what is required as reasonable working capital, as determined by the Members.

5.2 **Special allocations.**

A. **Minimum Gain Chargeback for Nonrecourse and Recourse Liabilities.** The Company shall allocate income, loss and gain to comply with the minimum gain chargeback requirement contained in Treasury Regulations Section 1.704-2(f) and 1.704-2(i)(5)). Nonrecourse Liability shall be allocated in accordance with Treasury Regulations Section 1.704-2(g)(2). Recourse Liability shall be allocated to Members in accordance with Treasury Regulations Section 1.704-2(i)(4).

B. **Nonrecourse Deductions.** Notwithstanding Section 5.2, any nonrecourse deductions (as defined in Treasury Regulations Section 1.704-2(b)(1)) for any fiscal year or other period shall be specially allocated to the Members in proportion to their Membership Interests.

C. **Member Nonrecourse Deductions.** Those items of Company loss, deduction or Code Section 705(a)(2)(B) expenditures which are attributable to Member Nonrecourse Debt shall be specially allocated to the Member who bears the economic risk of loss with respect to the Member Nonrecourse Debt according to Treasury Regulations Section 1.704-2(i).

D. **Qualified Income Offset.** Notwithstanding Section 5.2, if a Member unexpectedly receives any adjustments, allocations or distributions described in Treasury Regulations

Section 1.704-1(b)(2)ii)(d)(4),(5) or (6), or any other event creates a deficit balance in such Member's Capital Account in excess of such Member's share of Company Minimum Gain, items of Company income and gain shall be specially allocated to such Member so that such excess deficit balance is eliminated as quickly as possible.

5.4 **Code Section 704(c) Allocations.** Notwithstanding any other provision in this Article VI, in accordance with Treasury Regulations Code Section 704(c), income, gain, loss and deduction with respect to any property contributed to the Company shall, solely for tax purposes, be allocated among the Members so as to take account of any variation between the adjusted basis of such property to the Company for federal income tax purposes and its fair market value on the date of contribution. This shall be solely for tax purposes and shall not affect a Member's Capital Account, share of profits, losses or other items of distributions.

Article 6
Transfer and Assignment of Interests

6.1 **Transfer and Assignment of Interests.** With the exception of transfers between family members, stated in 6.3, Members who wish to transfer, assign, convey or sell their Membership Interest must obtain unanimous written approval from the other Members. The other Members may approve or reject this request in their sole discretion.

6.2 **Substitution of Members.** If unanimous written approval is received, the transferee shall:

(i) Execute an instrument satisfactory to the Members which accepts and adopts the terms and provisions of this Agreement.

(ii) Pay any reasonable expenses in connection with his or her admission as a new Member.

The admission of a new Member shall not release the Member who assigned the Membership Interest from any liability that Member may have to the Company.

6.3 **Family Transfers**. The Membership Interest of any Member may be transferred by inter vivos gift or by testamentary transfer to any spouse, parent, sibling, child or grandchild of the Member, or to a trust for the benefit of the Member or such spouse, parent, sibling, child or grandchild of the Member. If the transfer is to a revocable living trust, the transferring Member may also reacquire the Membership in whole or in part upon complying with Section 6.2.

6.4 **Transfers in violation of this Agreement and Transfers of Partial Membership Interest.** Transfers violating this Article 6 shall only have an economic interest in the Company, with no right to participate in the Company management or exercise any rights of a Member.

Notwithstanding the proceeding sentence, if, in the determination of the Remaining Members, a transfer violating Article 6 would cause the termination of the Company under the Code, in the sole discretion of the Managers, the transfer shall be null and void.

Article 7
Consequences of Death, Dissolution, Retirement or Bankruptcy of Member

7.1 **Dissolution Event.** Upon the occurrence of the death, withdrawal, resignation, expulsion, bankruptcy or dissolution of any Member ("Dissolution Event"), the Company shall not dissolve . The surviving Member shall have all authority to manage and to continue the business of the Company. The deceased Member's Membership Interest shall automatically pass to the surviving Member.

7.2 **Purchase Price.** In the event of voluntary withdrawal or event of dissolution other than death, the purchase price for the Former Member's interest shall be the fair market value of the Former Member's Interest as determined by agreement of the former Member and the Purchasing Members. If the Former Member and the Purchasing Members cannot agree on the purchase price within 30 days after the Dissolution Event, the purchase price shall be determined by an independent appraiser. The Purchasing Members as a group, and the Former Member, shall each pay one-half of the cost of the appraisal. If the Dissolution Event results from a breach of this Agreement by the Former Member, the purchase price shall be reduced by an amount equal to the damages suffered by the Company or the Purchasing Members as a result of such breach.

7.3 **Notice of Intent to Purchase.** Within fifteen (15) days after a Dissolution Event, each Remaining Member shall notify the Members in writing of whether (s)he chooses to purchase a portion of the Former Member's Interest. Each Purchasing Member shall be entitled to purchase a portion of the Former Member's Interest in the same proportion as their Membership Interest compared with the percentage interest of all Purchasing Members. If the Remaining Members fail to purchase the entire interest of the Former Member, the company shall purchase any remaining share of the Former Member's Interest.

7.4 **Payment of Purchase Price**. The closing shall occur no later than 30 days following the determination of the purchase price. The Purchasing Members may pay all of the purchase in cash, or one fifth (1/5) at closing, with the remainder due in a negotiable promissory note, payable in four equal annual principal installments plus prevailing interest

7.5 **Closing of Purchase of Former Member's Interest.** At the closing for the sale of a Former Member's Interest, the Former Member shall provide a document conveying their interest and representing that the interest is free of encumbrances.

Article 8
Accounting, Records, Reporting by Members.

8.1 **Books and Records.** The Company's books and records shall be kept using standard accounting methods for federal income tax purposes. The Company shall maintain at its principal office:

A. A current Members list showing their full name and last known business or residence, their capital contributions, Capital Account balance and Membership Interest;

B. A copy of the Articles of Organization and any and all amendments

C. Copies of the Company's federal, state, and local income tax or information returns for the six (6) most recent taxable years;

D. A copy of this Operating Agreement and any and all amendments;

E. The Company's books and records as they relate to the internal affairs or the company for at least the current and past four (4) fiscal years.

8.2 **Reports.** By March 30th of each year, the Company shall prepare information necessary for the Members to prepare their annual federal and state income tax returns.

8.3 **Bank Accounts.** The Members shall maintain Company funds in one or more separate bank accounts in the name of the Company and shall not commingle the funds with any other person or entity. Any Member, acting alone, may endorse and deposit into the Company's accounts any checks made payable to the Company. The Members shall authorize one or more of the Members to sign checks and drafts in the Company's name.

8.4 **Tax Matters for the Company**. Ernest T. Lopez III is designated as "Tax Matters Partner" to represent the Company (at the Company's expense) in connection with all tax authorities. The Tax Matters Partner may spend Company funds for associated professional services and costs.

Article 9
Dissolution and Winding Up

9.1 **Conditions of Dissolution.** The Company shall dissolve:

A. Automatically twenty-five (25) years after filing of the Articles or Organization, unless the Members unanimously vote to continue the company and file a Certificate of Continuation with the Georgia Secretary of State;

B. If there is a judicial dissolution pursuant to Section 17351 of the Corporations Code;

C. If the Members unanimously vote to dissolve the Company; or

D. Upon the sale of substantially all of the assets of the Company.

9.2 **Winding Up.** Upon the dissolution, the Company's assets shall be disposed of and its affairs wound up. After determining that all the known debts and liabilities of the Company have been paid, the remaining assets shall be distributed to the Members according to their Capital Account balances, after taking into account income and loss allocations for the Company's final taxable year.

9.3 **Limitations on Payments Made In Dissolution.** Except as otherwise specifically provided in this Agreement, each Member shall only be entitled to look solely at the assets of the Company for the return of his or her positive Capital Account balance and shall have no recourse against any other Member except as provided in Article 10.

Article 10
Indemnification

10.1 **Indemnification of Agents.** The Company shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding by reason that (s)he was a Member, officer, employee or other agent of the Company to the fullest extent permitted by applicable law. The standard of the fiduciary duty each member is to act in the highest good faith to the members and the Company. A member may not seek to obtain an advantage in the Company affairs by misconduct, misrepresentation, concealment, threat or adverse pressure.

Article 11
Investment Representations

Each Member hereby represents and warrants to, and agrees with, the Members, the other Members and the company as follows:

11.1 **Preexisting Relationship or Experience.** (S)he has a preexisting personal or business relationship with the Company or one or more of its Members, or by reason of his or her business or financial experience (s)he is capable of evaluating the risks and merits of an investment in the Company and of protecting his or her own interests in connection with this investment.

11.2 **No Advertising.** (S)he has not seen, received, been presented with or been solicited by a leaflet, public promotional meeting, article or any other form of advertising with respect to the sale of the Membership Interest.

11.3 **Investment Intent.** (S)he is acquiring the Membership Interest for investment purposes for his or her own account only and not with a view to or for. No other person will have any direct or indirect beneficial interest in or right to the Membership Interest.

Article 12
Miscellaneous

12.1 **Complete Agreement.** This Agreement and the Articles of Organization constitute the complete and exclusive statement of agreement among the Members and replace and

supersede all prior written and oral agreements among the Members. To the extent that any provision of the Articles of Organization conflict with any provision of this agreement, the Articles of Organization shall control.

12.2 **Binding Effect.** Subject to the provisions of this Agreement relating to transferability, this Agreement will be binding upon and inure to the benefit of the Members and their respect successors and assigns.

12.3 **Jurisdiction.** Each Member hereby consents to the exclusive jurisdiction of the state and federal courts sitting in Georgia in any action on a claim arising out of, under or in connection with this Agreement.

12.4 **Severability.** If any provision of this Agreement shall be held invalid, the remainder of this Agreement shall not be affected.

12.5 **Notices.** Any notice to be given or to be served upon the Company or any party hereto in connection with this Agreement must be in writing at the addresses shown below. Any party may designate any other address in substitution of the foregoing address by giving 5 days written notice to all Members.

12.7 **Amendments**. All amendments to this Agreement will be in writing and signed by all the Members.

12.6 **Multiple Counterparts**. This agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which shall constitute one or the same instrument.

12.7 **Attorney Fees.** In the event that any dispute between the Company, the Members or among the Members should result in litigation or arbitration, the prevailing party in such a dispute shall be entitled to recover from the other party all reasonable fees, cost and expenses of enforcing any right of the prevailing party, including without limitation, reasonable attorneys' fees and expenses.

12.8 **Remedies Cumulative.** The remedies under this Agreement are cumulative and shall not exclude any other remedies to which any person may be lawfully entitled.

All of the Members of Candler Hall LLC, a Georgia Limited Liability Company, have executed this agreement, effective as of the date written above.

MEMBER:

Ernest T. Lopez III
2791 Elder Mill Road
Watkinsville, GA 30677

Interest – 50%

Ernest T Lopez III

MEMBER:

Donna L. Lopez
2791 Elder Mill Road
Watkinsville, GA 30677

Donna L Lopez

INTEREST - 50 %

9

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

HALL COUNTY
GEORGIA
We have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**____ I have not ✓

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: Bradley Dunckel **Date:** 5/8/25

Applicant's/Owner's Name (Printed): Rochester | DCCM - Bradley Dunckel

PLANNING AND DEVELOPMENT DEPARTMENT
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I hereby certify that I have read the above and that:

I have**____ I have not X___

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

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

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Ernest T Lopez **Date:** 5/8/25

Applicant's/Owner's Name (Printed): Ernest T. Lopez, III

Project Narrative for Candler Road Tract

Revised June 9, 2025

LOCATION – 3024 Dale Road Gainesville, GA 30507
ACREAGE – 36.9 acres +/-
APPLICANT – Rochester | DCCM

Summary

The accompanying application seeks a Conditional Use Permit (CUP) within a I-I (Light Industrial) District for 36.9 acres of partially developed property located on Candler Highway (SR 60) and Dale Road in east Hall County near the intersection of Candler Highway (SR 60) and Tanners Mill Road (SR 211). The intent is to develop multiple uses as allowed in the Light Industrial district. This narrative will propose specific variances to the existing zoning for a CUP for outdoor storage use. The location and proposed use is consistent with the Hall County Comprehensive Plan's designation as a "Rural Scenic Nodes & Corridors" and appropriate for Hall County's Light Industrial (I-I) District. Completion of development is anticipated by 2026.

Site Description

The site has approximately 1750 LF of frontage along Candler Highway (SR 60) and another 600 LF along Dale Road. The site is rectangular in shape and several unnamed tributaries of Walnut Creek have been identified within the site. The site is mostly wooded with a mix of mature trees with rolling topography. Domestic water is provided by the City of Gainesville and is located in the Candler Highway and Dale Road rights-of-way. The site will be served by an on-site sewage management system and all other dry utilities are located within a reasonable distance for service extensions. A 30' wide Jackson EMC easement is located on the front portion of the site with plans to relocate as necessary.

Adjacencies

The property is surrounded primarily by residential zonings (AR – IV) and (R-1). CW Matthews operates an asphalt plant to the east of the property and Heidleberg Materials operates a quarry to the east of the property.

Access

Access to the property is planned from Candler Highway (SR 60), subject to GDOT approval.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel 15025B 000041 zoned H-B, approximately 900 LF south at the intersection of Tanners Mill Road.
- Nearest distance to developed commercial property – parcel 15025 000006A zoned I-I approximately 500 LF south.

- Nearest distance to a single family home – a single family home at 3032 Dale Road is located within 45’ of the boundary.
- Nearest distance to a subdivision – The Poplar Springs S/D is located immediately west of the property.

Comprehensive Plan Consistency

The project is consistent with the “Rural Scenic Nodes & Corridors” of the Future Land Use Map and the primary future land uses notes as:

- Industrial Uses, business parks, technology based operations.

The project is consistent with the Goals, Policies and Objectives of the Comprehensive Plan.

Aerial View

Proposed Uses

The project may contain a variety of uses consistent with those approved by the BOC on June 13, 2022. This request is to amend these uses to include a Phase 1 development for stand-alone outdoor storage, within the GCOD, for all transportation trailers and shipping containers. Phase 2 development would remain consistent with the previous approval. Specific requests associated with this CUP include the following:

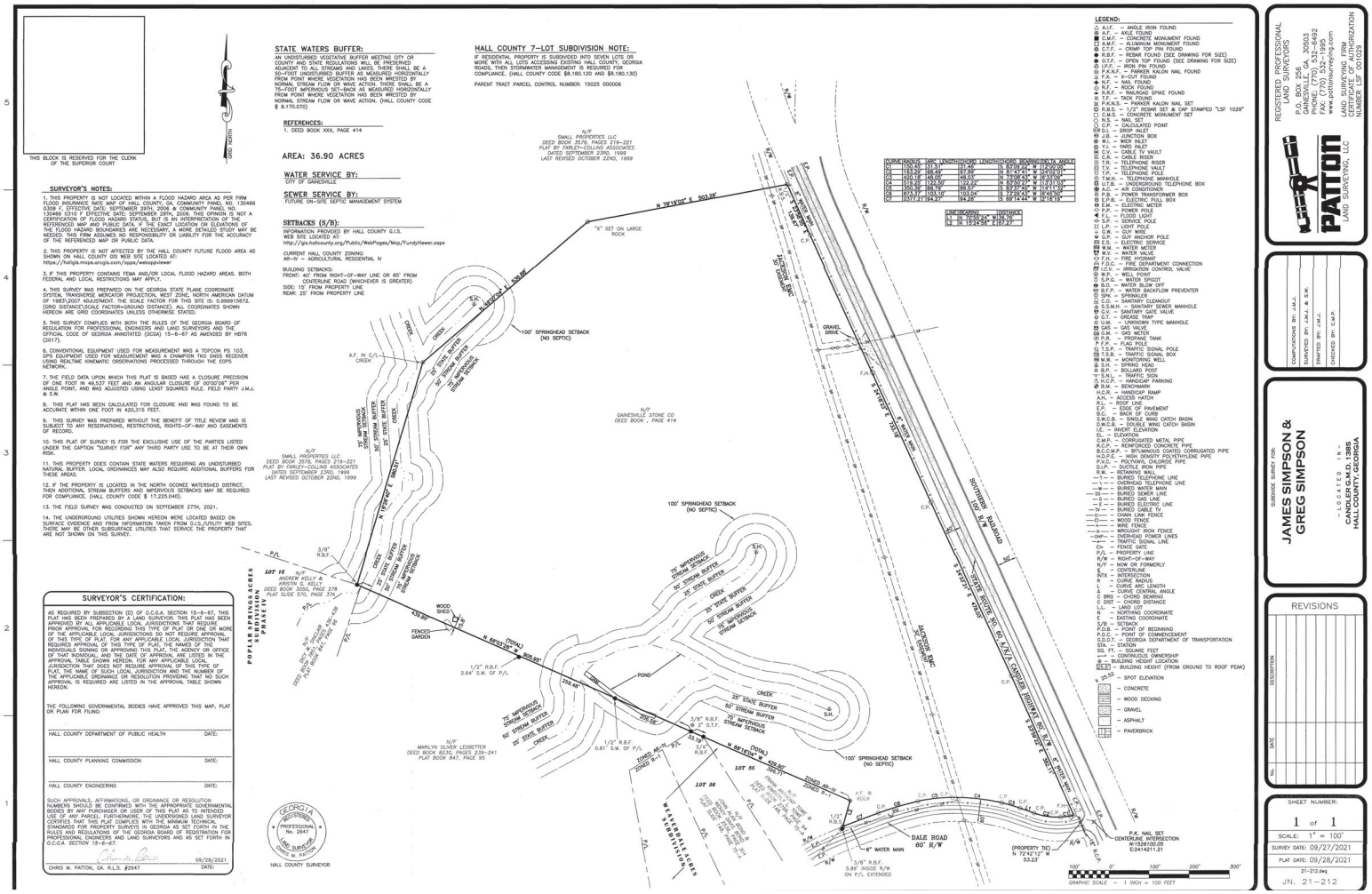
- Phase 1 development may include graded aggregate base (GAB) for parking/storage areas. All driveways located within the existing rights-of-way shall be paved with asphalt or concrete to comply with Georgia Department of Transportation (GDOT) Standards.
- Phase 1 development will impose a 10’ landscape strip and 6’ tall privacy fence adjacent to the Candler Road ROW and a 25’ landscape strip and 6’ tall privacy fence adjacent to the Dale Road ROW. All other buffers, fencing and screening shall be in accordance with the previous approval. The wooden privacy fence along Candler Road may be removed when Phase 2 development occurs.

Hours of Operation

Operations may occur on a 24/7 basis.

Conceptual Master Plan

The development of the Candler Road Tract shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such may require modifications during the engineering and development process. Modifications to the locations and arrangement of buildings, roads, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer or End User, so long as such modifications do not change the land use, increase the overall density of the project or reduce any established exterior buffers or setbacks.


THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT
STATE WATERS BUFFER:
AN UNDISTURBED VEGETATIVE BUFFER MEETING CITY OR COUNTY AND STATE REGULATIONS WILL BE PRESERVED ADJACENT TO ALL STREAMS AND LAKES. THERE SHALL BE A 50-FOOT UNDISTURBED BUFFER AS MEASURED HORIZONTALLY FROM POINT WHERE VEGETATION HAS BEEN WRESTED BY NORMAL STREAM FLOW OR WAVE ACTION. THERE SHALL BE A 75-FOOT IMPERVIOUS SET-BACK AS MEASURED HORIZONTALLY FROM POINT WHERE VEGETATION HAS BEEN WRESTED BY NORMAL STREAM FLOW OR WAVE ACTION. (HALL COUNTY CODE § 8.170.070)
REFERENCES:
1. DEED BOOK XXX, PAGE 414
AREA: 36.90 ACRES
WATER SERVICE BY:
CITY OF GAINESVILLE
SEWER SERVICE BY:
FUTURE ON-SITE SEPTIC MANAGEMENT SYSTEM
SETBACKS (S/B):
INFORMATION PROVIDED BY HALL COUNTY G.I.S. WEB SITE LOCATED AT:
http://gis.hallcounty.org/Public/WebPages/Mcp/FundyViewer.aspx
CURRENT HALL COUNTY ZONING:
AR-IV – AGRICULTURAL RESIDENTIAL IV
BUILDING SETBACKS:
FRONT: 40' FROM RIGHT-OF-WAY LINE OR 65' FROM CENTERLINE ROAD (WHICHEVER IS GREATER)
SIDE: 15' FROM PROPERTY LINE
REAR: 25' FROM PROPERTY LINE
HALL COUNTY 7-LOT SUBDIVISION NOTE:
IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE §8.180.120 AND §8.180.130)
PARENT TRACT PARCEL CONTROL NUMBER: 15025 000006
SURVEYOR'S NOTES:
1. THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA AS PER FIRM FLOOD INSURANCE RATE MAP OF HALL COUNTY, GA COMMUNITY PANEL NO. 130466 0308 F, EFFECTIVE DATE: SEPTEMBER 29TH, 2006 & COMMUNITY PANEL NO. 13139C0308F, EFFECTIVE DATE: DECEMBER 17TH, 2018. THIS STATEMENT IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OR ELEVATIONS OF THE FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE REFERENCED MAP OR PUBLIC DATA.
2. THIS PROPERTY IS NOT AFFECTED BY THE HALL COUNTY FUTURE FLOOD AREA AS SHOWN ON HALL COUNTY GIS WEB SITE LOCATED AT: https://hallgk-mpa.arcgis.com/apps/webappviewer
3. IF THIS PROPERTY CONTAINS FEMA AND/OR LOCAL FLOOD HAZARD AREAS, BOTH FEDERAL AND LOCAL RESTRICTIONS MAY APPLY.
4. THIS SURVEY WAS PREPARED ON THE GEORGIA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, WEST ZONE, NORTH AMERICAN DATUM OF 1983(1)2007 ADJUSTMENT. THE SCALE FACTOR FOR THIS SITE IS: 0.99991587(). (GRID DISTANCE)(SCALE FACTOR=GROUND DISTANCE). ALL COORDINATES SHOWN HEREON ARE GRID COORDINATES UNLESS OTHERWISE STATED.
5. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGULATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCGA) 15-6-67 AS AMENDED BY HB76 (2017).
6. CONVENTIONAL EQUIPMENT USED FOR MEASUREMENT WAS A TOPCON PS 103. GPS EQUIPMENT USED FOR MEASUREMENT WAS A CHAMPION TKO GNSS RECEIVER USING REALTIME KINEMATIC OBSERVATIONS PROCESSED THROUGH THE EGPS NETWORK.
7. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 49,537 FEET AND AN ANGULAR CLOSURE OF 00"00'06" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES RULE. FIELD PARTY J.M.J. & S.W.
8. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 420,315 FEET.
9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF TITLE REVIEW AND IS SUBJECT TO ANY RESERVATIONS, RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.
10. THIS PLAT OF SURVEY IS FOR THE EXCLUSIVE USE OF THE PARTIES LISTED UNDER THE CAPTION "SURVEY FOR" ANY THIRD PARTY USE TO BE AT THEIR OWN RISK.
11. THIS PROPERTY DOES CONTAIN STATE WATERS REQUIRING AN UNDISTURBED NATURAL BUFFER. LOCAL ORDINANCES MAY ALSO REQUIRE ADDITIONAL BUFFERS FOR THESE AREAS.
12. IF THE PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 17.225.040).
13. THE FIELD SURVEY WAS CONDUCTED ON SEPTEMBER 27TH, 2021.
14. THE UNDERGROUND UTILITIES SHOWN HEREON WERE LOCATED BASED ON SURFACE EVIDENCE AND FROM INFORMATION TAKEN FROM G.U.S./UTILITY WEB SITES. THERE MAY BE OTHER SUBSURFACE UTILITIES THAT SERVICE THE PROPERTY THAT ARE NOT SHOWN ON THIS SURVEY.
SURVEYOR'S CERTIFICATION:
AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR. THIS PLAT HAS BEEN APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS THAT REQUIRE PRIOR APPROVAL FOR RECORDING THIS TYPE OF PLAT OR ONE OR MORE OF THE APPLICABLE LOCAL JURISDICTIONS DO NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT. FOR ANY APPLICABLE LOCAL JURISDICTION THAT REQUIRES APPROVAL OF THIS TYPE OF PLAT, THE NAMES OF THE INDIVIDUALS SIGNING OR APPROVING THIS PLAT, THE AGENCY OR OFFICE OF THAT INDIVIDUAL, AND THE DATE OF APPROVAL ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. FOR ANY APPLICABLE LOCAL JURISDICTION THAT DOES NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT, THE NAME OF SUCH LOCAL JURISDICTION AND THE NUMBER OF THE APPLICABLE ORDINANCE OR RESOLUTION PROVIDING THAT NO SUCH APPROVAL IS REQUIRED ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON.
THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP, PLAT OR PLAN FOR FILING:
HALL COUNTY DEPARTMENT OF PUBLIC HEALTH DATE:
HALL COUNTY PLANNING COMMISSION DATE:
HALL COUNTY ENGINEERING DATE:
SUCH APPROVALS, AFFIRMATIONS, OR ORDINANCE OR RESOLUTION NUMBERS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.
CHRIS M. PATTON, GA. R.L.S. #2647 09/28/2021 DATE:
GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR No. 2647 CHRIS M. PATTON
HALL COUNTY SURVEYOR
LEGEND:
△ A.I.F. – ANGLE IRON FOUND
⊕ A.F. – AXLE FOUND
■ C.M.F. – CONCRETE MONUMENT FOUND
□ A.M.F. – ALUMINUM MONUMENT FOUND
⊙ C.T.F. – CRIMP TOP PIN FOUND
● R.B.F. – REBAR FOUND (SEE DRAWING FOR SIZE)
◉ O.T.F. – OPEN TOP FOUND (SEE DRAWING FOR SIZE)
○ I.P.F. – IRON PIN FOUND
⊗ P.K.N.F. – PARKER KALON NAIL FOUND
⊙ C.T. – CRIMP TOP SET
◆ N.F. – NAIL FOUND
◇ R.F. – ROCK FOUND
▬ R.R.F. – RAILROAD SPIKE FOUND
⊠ T.F. – TACK FOUND
⊠ P.K.N.S. – PARKER KALON NAIL SET
⊙ R.B.S. – 1/2" REBAR SET & CAP STAMPED "LSF 1029"
□ C.M.S. – CONCRETE MONUMENT SET
○ N.C. – NO CORNER
○ C.P. – CALCULATED POINT
⊟ D.I. – DROP INLET
⊕ J.B. – JUNCTION BOX
⊕ W.I. – WIER INLET
⊕ Y.I. – YARD INLET
⊡ C.V. – CABLE TV VAULT
⊙ C.R. – CABLE RISER
⊟ T.R. – TELEPHONE RISER
⊡ T.V. – TELEPHONE VAULT
▽ T.P. – TELEPHONE POLE
⊡ T.M.H. – TELEPHONE MANHOLE
⊡ U.T.B. – UNDERGROUND TELEPHONE BOX
⊙ F.O.R. – FIBER OPTIC RISER
⊕ P.B. – POWER TRANSFORMER BOX
⊟ E.P.B. – ELECTRIC PULL BOX
⊟ E.M. – ELECTRIC METER
◇ P.P. – POWER POLE
◀ F.L. – FLOOD LIGHT
⊙ S.P. – SERVICE POLE
□ L.P. – LIGHT POLE
⊕ U.W. – UGW WELL
⊕ G.P. – GUY ANCHOR POLE
⊟ E.S. – ELECTRIC SERVICE
⊞ W.M. – WATER METER
⊠ W.V. – WATER VALVE
◇ F.H. – FIRE HYDRANT
⊙ F.D.C. – FIRE DEPARTMENT CONNECTION
⊞ I.C.V. – IRRIGATION CONTROL VALVE
⊕ W.P. – WELL PUMP
○ S.P.G. – WATER SPIGOT
⊞ B.O. – WATER BLOW OFF
⊞ B.F.P. – WATER BACKFLOW PREVENTER
⊕ SPK – SPRINKLER
⊙ C.O. – SANITARY SEWER CLEANOUT
⊟ S.M.H. – SANITARY SEWER MANHOLE
⊕ G.V. – SANITARY GATE VALVE
◇ G.T. – GREASE TRAP
⊙ U.M. – UNKNOWN TYPE MANHOLE
⊞ GAS – GAS VALVE
⊞ G.M. – GAS METER
⊙ T.T. – TELEMETRY TANK
▽ F.P. – FLAG POLE
⊟ T.S.P. – TRAFFIC SIGNAL POLE
⊟ T.S.B. – TRAFFIC SIGNAL BOX
⊞ M.W. – MONITORING WELL
⊕ S.H. – SPRING HEAD
⊕ B.P. – BOLLARD POST
⊙ M.B. – MAIL BOX
♿ H.C.P. – HANDICAP PARKING
⊕ B.M. – BENCHMARK
H.C.R. – HANDICAP RAMP
A.H. – ACCESS HATCH
R.L. – ROOF LINE
E.P. – EDGE OF PAVEMENT
B.C. – BACK OF CURB
S.W.C.B. – SINGLE WING CATCH BASIN
D.W.C.B. – DOUBLE WING CATCH BASIN
I.E. – INVERT ELEVATION
EL. – ELEVATION
C.M.P. – CORRUGATED METAL PIPE
R.C.P. – REINFORCED CONCRETE PIPE
B.C.M.P. – BITUMINOUS COATED CORRUGATED PIPE
H.D.P.E. – HIGH DENSITY POLYETHYLENE PIPE
P.V.C. – POLYVINYL CHLORIDE PIPE
D.I.P. – DUCTILE IRON PIPE
R.W. – RETAINING WALL
—T— – BURIED TELEPHONE LINE
—\— – OVERHEAD TELEPHONE LINE
—W— – BURIED WATER MAIN
—SS— – BURIED SEWER LINE
—E— – OVERHEAD ELECTRIC LINE
—E— – BURIED ELECTRIC LINE
—TV— – BURIED CABLE TV
—O— – CHAIN LINK FENCE
—O— – WOOD FENCE
—— – WIRE FENCE
—o— – WROUGHT IRON FENCE
—OHP— – OVERHEAD POWER LINES
—TSL— – TRAFFIC SIGNAL LINE
C> – FENCE GATE
P/L – PROPERTY LINE
R/W – RIGHT-OF-WAY
N/F – NOW OR FORMERLY
℄ – CENTERLINE
INTX – INTERSECTION
R – CURVE RADIUS
L – CURVE LENGTH
Δ – CURVE CENTRAL ANGLE
C BRG – CHORD BEARING
C DIST – CHORD DISTANCE
L.L. – LAND LOT
N – NORTHING COORDINATE
E – EASTING COORDINATE
S/B – SETBACK
P.O.B. – POINT OF BEGINNING
P.O.C. – POINT OF COMMENCEMENT
G.D.O.T. – GEORGIA DEPARTMENT OF TRANSPORTATION
STA – STATION
SQ. FT. – SQUARE FEET
<—> – CONTINUOUS OWNERSHIP
<—> – BUILDING HEIGHT LOCATION
BH (S) – BUILDING HEIGHT (FROM GROUND TO ROOF PEAK)
XX.XX – SPOT ELEVATION
– CONCRETE
– WOOD DECKING
– GRAVEL
– ASPHALT
– PAVERBRICK
CURVE TABLE
CURVE | LENGTH | RADIUS | CHORD LENGTH | CHORD BEARING | DELTA ANGLE
C1 | 150.45' | 157.91' | 144.84' | N 83°09'54" W | 054°36'05"
C2 | 183.29' | 68.48' | 87.99' | N 81°47'41" W | 153°21'01"
C3 | 120.10' | 68.05' | 98.53' | N 29°08'43" W | 101°06'47"
C4 | 123.91' | 124.50' | 118.72' | N 83°09'42" W | 057°01'59"
C5 | 123.91' | 124.50' | 118.72' | N 26°07'43" W | 057°01'59"
C6 | 61.51' | 157.79' | 61.12' | S 73°53'43" W | 022°20'00"
C7 | 237°31'59.97" | 94.26' | 167.14' | S 69°14'44" W | 216°16'19"
LINE TABLE
LINE | BEARING | DISTANCE
L1 | N 72°55'54" W | 135.19'
L2 | N 19°24'56" E | 67.27'
N 78°19'00" E 503.16'
"X" SET ON LARGE ROCK
N 19°24'56" E 538.98'
S.H.
CREEK
A.F. IN C/L CREEK
100' SPRINGHEAD SETBACK (NO SEPTIC)
75' IMPERVIOUS STREAM SETBACK
50' STREAM BUFFER
25' STATE BUFFER
N/F SMALL PROPERTIES LLC DEED BOOK 3579, PAGES 219-221 PLAT BY FARLEY-COLLINS ASSOCIATES DATED SEPTEMBER 23RD, 1999 LAST REVISED OCTOBER 22ND, 1999
N/F GAINESVILLE STONE CO DEED BOOK , PAGE 414
GRAVEL DRIVE
F.H.
S 72°55'54" E 713.19'
6" WATER MAIN
SOUTHERN RAILROAD 100' R/W
S 14°23'31" E 4,243.91'
SILVER BUFFER NO. 601 A.K.A. CHATTAHOOCHEE RIVERWAY
S 82°56'45" E 1,429.04'
JACKSON EMC 50' EASEMENT
C.P.
N/F ANDREW KELLY & KRISTIN C. KELLY DEED BOOK 3050, PAGE 278 PLAT SLIDE 570, PAGE 37A
POPLAR SPRINGS ACRES SUBDIVISION PHASE IV
3/8" R.B.F.
P/L
LOT 18
WOOD SHED
FENCED GARDEN
N 85°53'32" E 408.89' (TOTAL)
1/2" R.B.F. 2.64' S.W. OF P/L
N 85°53'32" E 408.89'
POND
206.46'
206.54'
3/8" R.B.F. W .3' O.T.F.
3/4" R.B.F.
1/2" R.B.F. 0.81' S.W. OF P/L
TONED AR-IV ZONED R-1
N 85°53'32" E 420.00' (DEED)
LOT 35
LOT 36
N/F MARILYN OLIVER LEDBETTER DEED BOOK 8250, PAGES 239-241 PLAT BOOK 847, PAGE 95
WEATHERSBEE ACRES SUBDIVISION
N/F DEED BOOK 8250, PAGES 239-241 PLAT BOOK 847, PAGE 95

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t 770.531.6809 | f. 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garrison

www.hallcounty.org

Hall County Government
PLANNING AND ZONING

July 11, 2025

Rochester DCCM
425 Oak Street
Gainesville, GA 30501

Dear Applicant:

On July 7, 2025 the Hall County Planning Commission voted to approve, with conditions, the application of:

3024 Dale Road | Variance to section 6.2 | Gateway Corridor Overlay District | on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage with graded aggregate base (GAB)** | Commission District 3 | **Rochester | DCCM, applicant**

Conditions:

1. Phase 1 development of the property shall be identified and approved as follows: the property shall be used only for outdoor storage of shipping containers and transportation trailers. Shipping containers shall be stacked no higher than 1 unit tall with no more than 2 units per space. No other outdoor storage as described in the Unified Development Code of Hall County shall be allowed.
2. At the end of 48 months after the date of final approval by the Board of Commissioners, the approved uses of storage of shipping containers and transportation trailers shall expire.
3. The development shall allow two curb cuts on Candler Road, subject to GDOT approval. No driveway will be allowed on Dale Road.
4. The development of the property beyond Phase 1 shall not include any proposed uses not permitted based on the regulations of the Light Industrial zoning district and the Gateway Corridor Overlay District. Such uses shall only be authorized in accordance with the process(es) identified in the Unified Development Code, except as shown on the site plan and amended through final zoning conditions approved by the Board of Commissioners.
5. Building specifications shall be as follows for any phase beyond Phase 1 of the development:
   a. Main Building shall be concrete tilt-up construction or steel frame construction with 3-sided brick similar to submitted photos with a maximum height of 55 feet.
   b. The Smaller Building in the rear shall be steel frame construction with 3-sided brick or stone with the option of cementitious siding. The building may be one or two stories with a maximum height of 40 feet.
6. There shall be a 50 foot undisturbed landscape buffer along the right-of-way of Dale Road, as shown on the site plan. The buffer will reduce to 25 feet where it intercepts the Jackson EMC easement and be located on the development side of the easement. This standard shall apply to all phases of the development.
7. There shall be a 100 foot undisturbed buffer along the southwestern property line. This standard shall apply to all phases of the development.
8. Outdoor storage areas located within the Gateway Corridor as shown on the site plan, will be screened to Hall County buffer requirements along the roadway frontages. Outdoor storage areas located at the rear of buildings shall not require screening. This standard shall apply to all phases beyond Phase 1 of the development.
9. The developer will utilize non-spill lighting on the site. This standard shall apply to all phases of the development.
10. The developer will install an 8 foot tall white PVC fence along the frontage adjacent to Candler Road and Dale Road at the development side of the edge of the buffer specified in condition #6 above. All other fencing may be 6 foot tall vinyl-coated chain link fence with opaque slats or alternative fencing with the same degree of opacity. This standard shall apply to all phases of the development and in accordance with the approved concept plans.
11. During construction of the site, the developer shall conduct any required blasting operations in accordance with all state and local ordinances. This standard shall apply to all phases of the development.
12. To improve sight distance, the developer shall clear the corner of the site between the relocated Jackson EMC transmission line and Dale Road right-of-way.
13. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering. This standard shall apply to all phases of the development.
14. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
15. Phase 1 development shall require storage areas to be paved with asphalt or concrete wherever these areas fall within 300 feet of the centerline of Candler Road. No gravel shall be permitted in these areas.
16. The hours of operation shall be limited to 6:30 am to 7:00 pm Monday through Saturday.

The Planning Commission's decision on this item will be the final action taken **unless appealed.** The Planning Commission's decision regarding the above request **may be appealed** to the Hall County Board of Commissioners by filing an application and **appropriate appeal fee** with the Hall County Planning Department within thirty (30) days of the date of the Planning Commission's decision notification.

If appealed, the above-referenced request will be heard by the Hall County Board of Commissioners at a public hearing on **Thursday, August 14, 2025 at 6:00 p.m.** at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

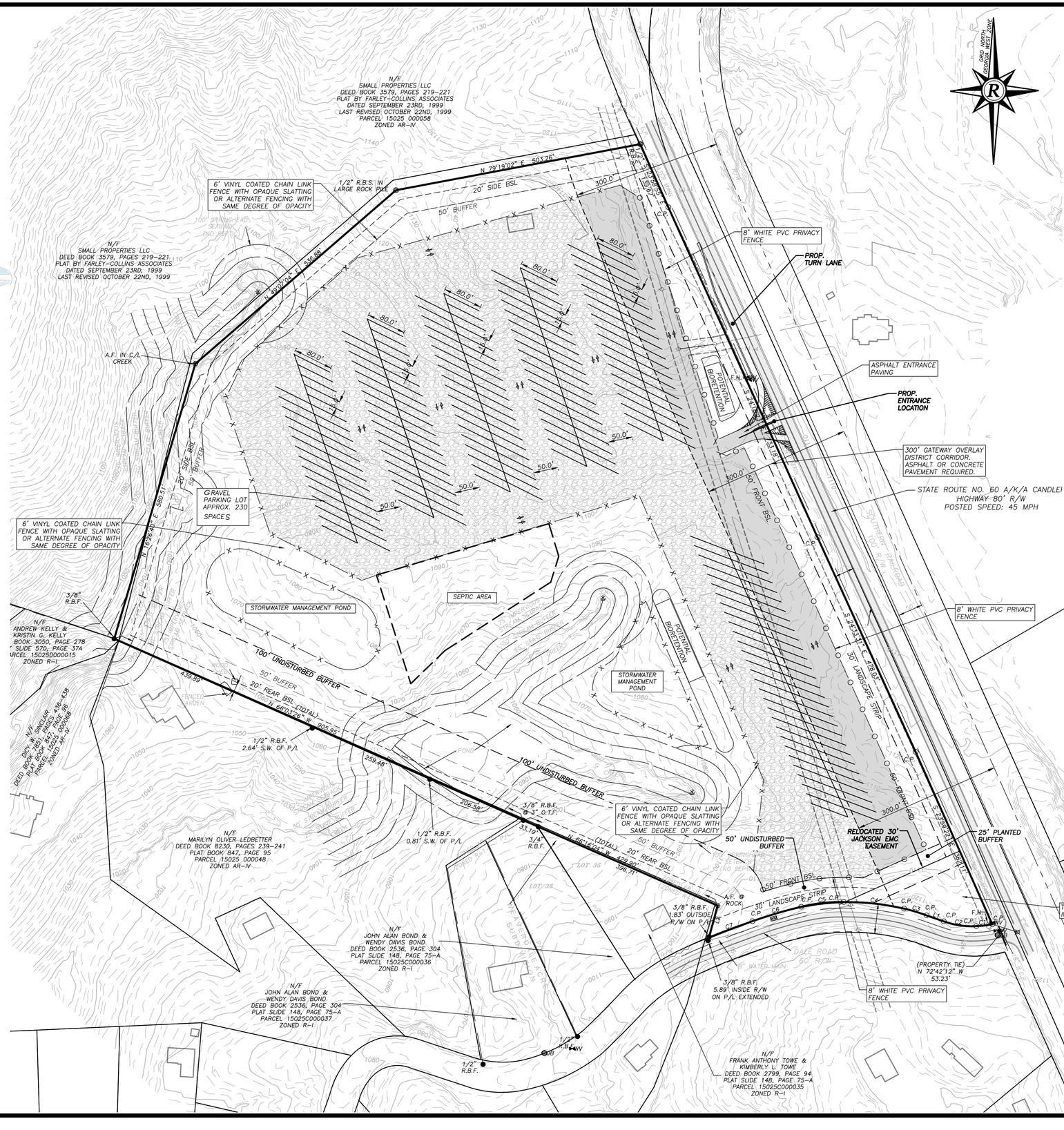
Please remember that removal of all Public Notice signs posted on the property is your responsibility and should be removed within five (5) working days following the Planning Commission's decision.

If you have any questions, please call this office.

Sincerely,

Beth Garmon
Director of Planning and Zoning

/ke



BOUNDARY IS DRAWN FROM A SUBDIVIDE SURVEY FOR JAMES SIMPSON & GREG SIMPSON BY PATTON LAND SURVEYING, LLC, DATED SEPTEMBER 28, 2021.

EXISTING ZONING: I-I (LIGHT INDUSTRIAL)
OVERLAY DISTRICT: GATEWAY CORRIDOR

I-I DEVELOPMENT STANDARDS

MINIMUM LOT AREA	15,000 S.F.
MINIMUM LOT FRONTAGE	100 L.F.
FRONT SETBACK	50 L.F.
SIDE SETBACK	20 L.F.
REAR SETBACK	20 L.F.
EXTERIOR BUFFER TO R- ZONING	50 L.F.
LANDSCAPE STRIP	10 L.F. FROM R/W
MAXIMUM HEIGHT	PER STATE/COUNTY FIRE CODE
TOTAL ACREAGE	36.9 ACRES
OPEN SPACE REQUIRED	20% MINIMUM
PARKING RATIO	PER HALL COUNTY GUIDELINES

VICINITY MAP

SCALE: N.T.S.

OWNER INFORMATION

PHONE NUMBER: (770) 231-4405
NAME: ERNEST T. LOPEZ III
EMAIL: ETLOPEZ@ATLANTAPAVING.COM
ADDRESS: CANDLER HALL LLC
2791 ELDER MILL ROAD
WATKINSVILLE, GA 30577

DCCM
Rochester | DCCM
Rochester & Associates, LLC
425 Oak St NW | Gainesville, GA 30501
770.718.0600 | rochesterdccm.com

REZONING PLAN
FOR:
ATLANTA PAVING
CANDLER HWY PROPERTY
LOCATED IN
LAND LOT 1385
CANDLER DISTRICT
HALL COUNTY, GEORGIA

NO.	DATE	DESCRIPTION
		REVISIONS

ANY CHANGES OR ALTERATIONS MADE TO THESE CONSTRUCTION DRAWINGS WITHOUT THE EXPRESS WRITTEN CONSENT OF THIS DOCUMENTS THE SEAL SHOWN HEREON AND ANY LIABILITY ASSOCIATED WITH THIS PROJECT. A COPY OF THESE DRAWINGS ARE ON FILE FOR VERIFICATION OF ANY CHANGES.

GRAPHIC SCALE
50' 0' 100' 200'

####

SHEET 1
OF 1

DATE: 5/14/2025
SCALE: 1"=100'
JOB NO. G221191.ZON
DWG NO. ZONING.dwg
DRAWN BY: TCT

Applicant: ROCHESTER/DCCM

Tax Parcel #: 15025 000006

Location: 3024 DALE ROAD, GAINESVILLE GA 30507

Commission District 3 **PC Mtg. Date: 07/07/2025**

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

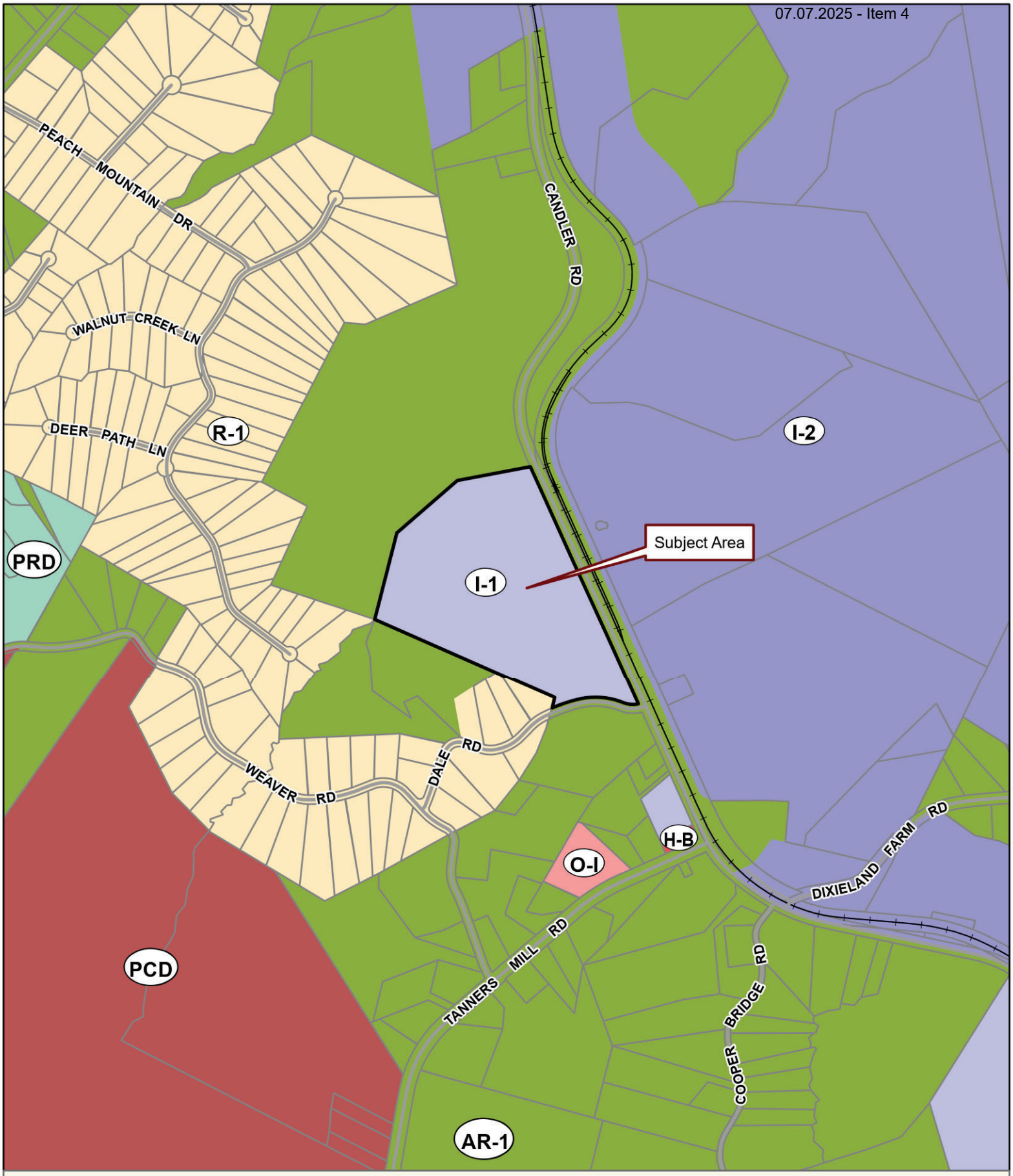
N

Applicant: ROCHESTER/DCCM
Tax Parcel #: 15025 000006
Location: 3024 DALE ROAD, GAINESVILLE GA 30507
Commission District 3 **PC Mtg. Date: 07/07/2025**

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: ROCHESTER/DCCM
Tax Parcel #: 15025 000006
Location: 3024 DALE ROAD, GAINESVILLE GA 30507
Commission District 3 **PC Mtg. Date: 07/07/2025**

0 200 400 800
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

FILED & RECORDED 02/07/2024 4:12 PM
DEED BOOK 9431 PAGES 517 - 519
FILING FEES: $25.00
PT61: 069-2024-000783 TRANSFER TAX: $1,040.00
RECORDED BY: MB
CLERK: Charles Baker, C.S.C Hall County, GA

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF HALL

Christopher D. Elrod
4209 Oakwood Rd., Suite 12
Oakwood, Georgia 30566

THIS INDENTURE, made this 7th day of February, 2024, between **WILLIAM DAVID COLLINS AND GUS EDWARD SIMPSON**, as party or parties of the first part, hereinafter called Grantor, and **CANDLER HALL LLC**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of the sum of **TEN ($10.00) DOLLARS AND OTHER VALUABLE CONSIDERATION**, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, alienated, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee:

All that tract parcel of land described in Exhibit "A," attached hereto.

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above-written.

Signed, sealed and delivered in presence of:

Witness

William David Collins (SEAL)
WILLIAM DAVID COLLINS

Notary Public

Tammy E Lunsford
NOTARY PUBLIC
Hall County, GEORGIA
My Commission Expires 02/09/2026

Witness

(SEAL)
GUS EDWARD SIMPSON

Notary Public

Tammy E Lunsford
NOTARY PUBLIC
Hall County, GEORGIA
My Commission Expires 02/09/2026

EXHIBIT "A"
Description of Property

A one-half (1/2) undivided interest in all that tract or parcel of land lying and being situated in the Candler District, GMD 1385, Hall County, Georgia, and being shown and delineated on plat of survey prepared for James Simpson and Greg Simpson by Patton Land Surveying, LLC, Georgia Registered Land Surveyors, dated September 28, 2021, being more particularly described according to said survey as follows: TO FIND THE POINT OF BEGINNING, being at a P. K. nail set at the centerline intersection of State Route No. 60 a/k/a Candler Highway and Dale Road; thence North 72° 42' 12" West 53.23 feet to a calculated point on the Westerly right of way of State Route No. 60 and the Northerly right of way of Dale Road being the POINT OF BEGINNING; thence along the Northerly right of way of Dale Road in a westerly direction 553.57 feet to a point being 1.83 feet from an iron pin on outside right of way and 5.89 feet from an iron pin inside the right of way; thence leaving said right of way North 15° 24' 56" East 67.27 feet to an axle found at a rock; thence North 66° 16' 04" West 429.90 feet to an iron pin found; thence North 66° 03' 26" West 905.95 feet to an iron pin found; thence North 16° 26' 40" East 580.51 feet to an axle found in the centerline of a creek; thence North 49° 07' 04" East 536.88 feet to an iron pin set in a large rock pile; thence North 79° 19' 02" East 503.26 feet to an iron pin set on the Westerly right of way of State Route No. 60 a/k/a Candler Highway; thence along the said right of way South 23° 58' 55" East 139.67 feet to a point; thence continuing along said right of way South 24° 18' 23" East 733.18 feet to a point; thence along said right of way South 24° 33' 31" East 478.03 feet to a point; thence along said right of way South 23° 59' 22" East 382.11 feet to a point being the POINT OF BEGINNING. Containing 36.90 acres according to said survey. This being the same property as described in that Special Warranty Deed from Hanson Aggregates Southeast, LLC to James E. Simpson and Gregory S. Simpson dated October 22, 2021 and recorded in Deed Book 8973, Page 347, Hall County, Georgia Deed Records. This property is known as **3024 Dale Road and Tax Parcel 15-025-000-006** according to the 2022 system of numbering properties in Hall County, Georgia. Said property is conveyed together with and subject to all easements, covenants and restrictions of record, if any.

HALL COUNTY
GEORGIA
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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8288 | f: 770.531.3972

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Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

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ASSISTANT
COUNTY ADMINISTRATOR
Marty Nix

ASSISTANT
COUNTY ADMINISTRATOR
Zachary T. Propes

COUNTY CLERK
Jennifer Rivera

Hall County Government
BOARD OF COMMISSIONERS

June 13, 2022

James E. & Greg S. Simpson
1364 Candler Road
Gainesville, GA 30507

RE: **Application to Rezone**

Dear James E. & Greg S. Simpson:

Please be advised that in its Voting Meeting on June 9, 2022, the Hall County Board of Commissioners voted to approve with conditions the following application.

Application of James E. and Greg S. Simpson to rezone from Agricultural Residential-IV (AR-IV) to Light Industrial (I-I) on a 37.30± acre tract located on the north side of Dale Road at its intersection with Candler Road; a.k.a. 3024 Dale Road; Zoned AR-IV; Tax Parcel 15025 000006. Proposed Use: light industrial uses. Commission District 3.

Conditions:

1. The development shall conform substantially to the updated site plan.
2. The development shall be allowed two curb cuts on Candler Road, subject to GDOT approval. No driveway will be allowed on Dale Road.
3. Any proposed uses not permitted based on the regulations of the I-I and Gateway Corridors Overlay Districts shall only be authorized in accordance with the process(es) identified in the Zoning Ordinance, except as shown on the site plan and amended through final zoning conditions approved by the Board of Commissioners.
4. Applicant proposes to utilize building materials and height as follows:
    a. Main Building – concrete tilt-up construction or steel frame construction with 3-sided brick similar to submitted photos. Maximum Height of 55'.
    b. Smaller Building - steel frame construction with 3-sided brick or stone with the option of cementitious siding. The building may be one or two stories with a maximum height of 40'.
5. Applicant agrees to a 50' undisturbed buffer along the right-of-way of Dale Road, as shown on the site plan. The buffer will reduce to a 25' landscape buffer where it intercepts the re-located Jackson EMC easement and will be located on the development side of the easement.
6. Applicant agrees to a 100' undisturbed buffer along the southwestern property line, as shown on the site plan.
7. Outdoor storage areas, located within the Gateway Corridor as shown on the site plan, will be screened to Hall County buffer requirements along the

roadway frontages. Outdoor storage areas, located at the rear of buildings shall not require screening.

8. The developer will utilize non-spill lighting on the site.
9. The developer will install a 6' vinyl coated chain link fence with opaque slats or alternative fencing with the same degree of opacity along the Dale Road frontage at the development side of the edge of the buffer specified in condition #5 above and along the top of the slope of the proposed outdoor storage area, as shown on the site plan. The developer will also install a 6' vinyl coated chain link fence with opaque slats or alternative fencing with the same degree of opacity along the top of the slope on one side of outdoor storage area above the detention pond behind the main building, as shown on the site plan. All other fencing may be galvanized chain link. Installation and location of additional fencing shall be at the developer's discretion.
10. During construction of the site, the developer shall conduct any required blasting operations in accordance with all state and local ordinances.
11. To improve site distance, the developer shall clear the corner of the site, between the relocated Jackson EMC transmission line and Dale Road right-of-way, as shown on the site plan.

Please contact me if you have questions or if you require any additional information concerning this action of the Board.

Sincerely,

Jennifer Rivera
Hall County Commission Clerk

cc: Randi Doveton, Planning & Development Director

2022 Site Plan 3024 Dale Road

CONCEPT IS DRAWN FROM GIS DATA. PARCEL AREAS, BOUNDARIES, FLOOD PLAIN, STREAM LINES, AND STREAM BUFFERS ARE SUBJECT TO CHANGE.

EXISTING ZONING: AR-IV (AGRICULTURAL RESIDENTIAL IV)
PROPOSED ZONING: L-I (LIGHT INDUSTRIAL)
OVERLAY DISTRICT: GATEWAY CORRIDOR

SIMPSON GRADING CANDLER HWY PROPERTY L-I DEVELOPMENT STANDARDS

MINIMUM LOT AREA	15,000 S.F.
MINIMUM LOT FRONTAGE	100 L.F.
FRONT SETBACK	50 L.F.
SIDE SETBACK	20 L.F.
REAR SETBACK	20 L.F.
EXTERIOR BUFFER TO R- ZONING	50 L.F.
LANDSCAPE STRIP	10 L.F. FROM R/W
MAXIMUM HEIGHT	PER STATE/COUNTY FIRE CODE
TOTAL ACREAGE	36.9 ACRES
OPEN SPACE REQUIRED	20% MINIMUM
PARKING RATIO	PER HALL COUNTY GUIDELINES

VICINITY MAP **SCALE: N.T.S.**

Rochester & Associates, LLC.
425 Oak Street N.W. • Gainesville, Georgia 30501
(770)718.0600 (770)718.9090 Fax • www.rochester-assoc.com

CONCEPT PLAN FOR:
SIMPSON GRADING CANDLER HWY PROPERTY
LOCATED IN ### HALL COUNTY, GEORGIA

NO.	DATE	DESCRIPTION

REVISIONS

ANY CHANGES OR ALTERATIONS MADE TO THESE CONSTRUCTION DRAWINGS WITHOUT THE WRITTEN APPROVAL OF ROCHESTER & ASSOCIATES INC. VOIDS THE SEAL SHOWN HEREON AND ANY LIABILITY ASSOCIATED WITH THIS PROJECT. ORIGINAL DRAWINGS ARE KEPT ON FILE FOR VERIFICATION OF ANY CHANGES.

GRAPHIC SCALE
50' 0' 100' 200'

####

SHEET 1 OF 1

DATE: 12/21/2021
SCALE: 1"=100'
JOB NO. G221191.STG
DWG NO. .CNCP.dwg
DRAWN BY: ATM

Outlook

HCPC Tentative Agenda 7.7.25

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Thu 6/5/2025 4:41 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Cc Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>

Please find Environmental Health comments below:

Item 1A/B, 3024 Dale Road, DCCM: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 2A/B, 2353 Athens Hwy: Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

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

Outlook

RE: July 7, 2025 Hall County Planning Commission Meeting

From Nembhard, Nakia L <NNembhard@dot.ga.gov>
Date Thu 5/29/2025 10:02 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

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,

Below you will find comments on proposed locations. If you have any questions please let me know.

1. **(A) 3024 Dale Road | Special Use** | to amend conditions of zoning | on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage** | ** Commission District 3 | **Rochester | DCCM, applicant**
   (Will require coordination)

   (B) 3024 Dale Road | Variance to section 6.2 | Gateway Corridor Overlay District | on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage with graded aggregate base (GAB) |** * Commission District 3 **| Rochester | DCCM, applicant** **(Will require coordination)**

2. **(A) 2353 Athens Highway | Special Use** | on a 1.19± acre tract located on the east side of Athens Highway, approximately 530 feet from its intersection with Pine Grove Road | Zoned H-B (GCOD); Tax Parcel 15022C000016 | **Proposed Use: Vehicle sales |** ** Commission District 4 | **Morteza Modaber, applicant**
   (Will require coordination)

   (B) 2353 Athens Highway | Variances to section 6.2 | Gateway Corridor Overlay District | on a 1.19± acre tract located on the east side of Athens Highway, approximately 530 feet from its intersection with Pine Grove Road | Zoned H-B (GCOD); Tax Parcel 15022C000016 | **Proposed Use: Parking & landscape requirements |** * Commission District 4 | **Morteza Modaber, applicant** **(Will require coordination)**

Thanks,

Nakia Nembhard
Civil Engineer 3

District 1 Traffic Operations
1475 Jesse Jewell Pkwy Suite 100
Gainesville, GA, 30501

(678) 332-8200 Cell
(770) 533-8496 Office

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, May 29, 2025 8:58 AM
Subject: July 7, 2025 Hall County Planning Commission Meeting

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 **Monday, July 7, 2025** 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, June 6, 2025.** Email comments to Beth (bgarmon@hallcounty.org) and Kaitlyn (kelliott@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – June 16, 2025

NEW BUSINESS

1. **(A) 3024 Dale Road | Special Use** | to amend conditions of zoning | on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage** | ** Commission District 3 | **Rochester | DCCM, applicant**

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HALL COUNTY
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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

PUBLIC WORKS AND
UTILITIES DIRECTOR
Bill Nash, P.E.

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: June 6, 2025

Subject: July 7, 2025 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 7, 2025 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **(A) 3024 Dale Road | Special Use** | to amend conditions of zoning | on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage** | ** Commission District 3 **| Rochester | DCCM, applicant**
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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
b. **Traffic:** GDOT permit for access is required.
c. **Utilities:** No sewer in area

2. **(A) 2353 Athens Highway | Special Use** | on a 1.19± acre tract located on the east side of Athens Highway, approximately 530 feet from its intersection with Pine Grove Road | Zoned H-B (GCOD); Tax Parcel 15022C000016 | **Proposed Use: Vehicle sales |** ** Commission District 4 | **Morteza Modaber, applicant**
(B) 2353 Athens Highway | Variances to section 6.2 | Gateway Corridor Overlay District | on a 1.19± acre tract located on the east side of Athens Highway, approximately 530 feet from its intersection with Pine Grove Road | Zoned H-B (GCOD); Tax Parcel 15022C000016 | **Proposed Use: Parking & landscape requirements |** * Commission District 4 | **Morteza Modaber, 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 must be upgraded to commercial and GDOT permit required.
c. **Utilities:** Gainesville sewer service area gravity sewer is 0.3 miles away on James Simpson Blvd.

Outlook

Fire Comment

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Thu 6/5/2025 11:15 AM
To Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

Monday, July 7, 2025 Hall County Planning Commission Meeting

1. **(A) 3024 Dale Road | Special Use** | to amend conditions of zoning | on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage** | ** Commission District 3 | **Rochester | DCCM, applicant**

(B) 3024 Dale Road | Variance to section 6.2 | Gateway Corridor Overlay District | on a 36.90± acre tract located on the north side of Dale Road at its intersection with Candler Road | Zoned I-1 (GCOD); Tax Parcel 15025 000006 | **Proposed Use: Outdoor storage with graded aggregate base (GAB)** | * Commission District 3 | **Rochester | DCCM, applicant**

The Hall County Fire Marshal's Office has no comments on item A or B as proposed.

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

Outlook

RE: July 7, 2025 Hall County Planning Commission Meeting

From Joseph Boyd (GHMPO) <jboyd@hallcounty.org>
Date Mon 6/2/2025 11:26 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Cc Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>

Hey Kaitlyn, see below for my comment:

1. Rochester/DCCM – 3024 Dale Road
    a. This parcel is along State Route 60/Candler Road, which is scheduled to be widened (GH-111B) in the long-range portion of the MPO's 2055 Metropolitan Transportation Plan. Construction is currently scheduled to occur after 2055, but the timing is fluid and could change. There are no known pre-engineering plans at this time for the applicant to reference.

Joseph Boyd, AICP
MPO Director
Gainesville-Hall Metropolitan Planning Organization
2875 Browns Bridge Road, Gainesville, GA 30504
(770) 297-5541 | www.ghmpo.org

GAINESVILLE-HALL
Metropolitan Planning Organization

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, May 29, 2025 8:58 AM
Subject: July 7, 2025 Hall County Planning Commission Meeting

Good Afternoon,

Here is the Tentative Agenda and Maps for the **Monday, July 7, 2025** 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.

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Comments are due by **Friday, June 6, 2025.** Email comments to Beth (bgarmon@hallcounty.org) and Kaitlyn (kelliott@hallcounty.org).

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – June 16, 2025

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: ROCHESTER I DCCM
REQUEST: AMEND CONDITIONS OF ZONING FOR OUTDOOR STORAGE WITH GCOD VARIANCE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JULY 07, 2025
Time: 5:15 P.M.
&
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

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

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PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.

2. The Planning Department shall send notification by letter of all other property owners within a 500-foot radius of the applicant's property is standard administrative policy of the Planning Department.

3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road, or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN MAY 30, 2025 AND NO LATER THAN JUNE 08, 2025.

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN JUNE 08, 2025 ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.

Failure to comply will result in a delay of the application.

AFFIDAVIT

By my signature, I, SCOTT HINCHMAN **, hereby acknowledge that I have read and understand the sign posting requirements. I further certify that the required public notice sign was posted on** 5/30/2025 **for** ROCHEGESTER.

Please Print Name

Date

(Name application filed as)

Signature _____

(The original document is required)

Revised September 2021

3024 DALE ROAD

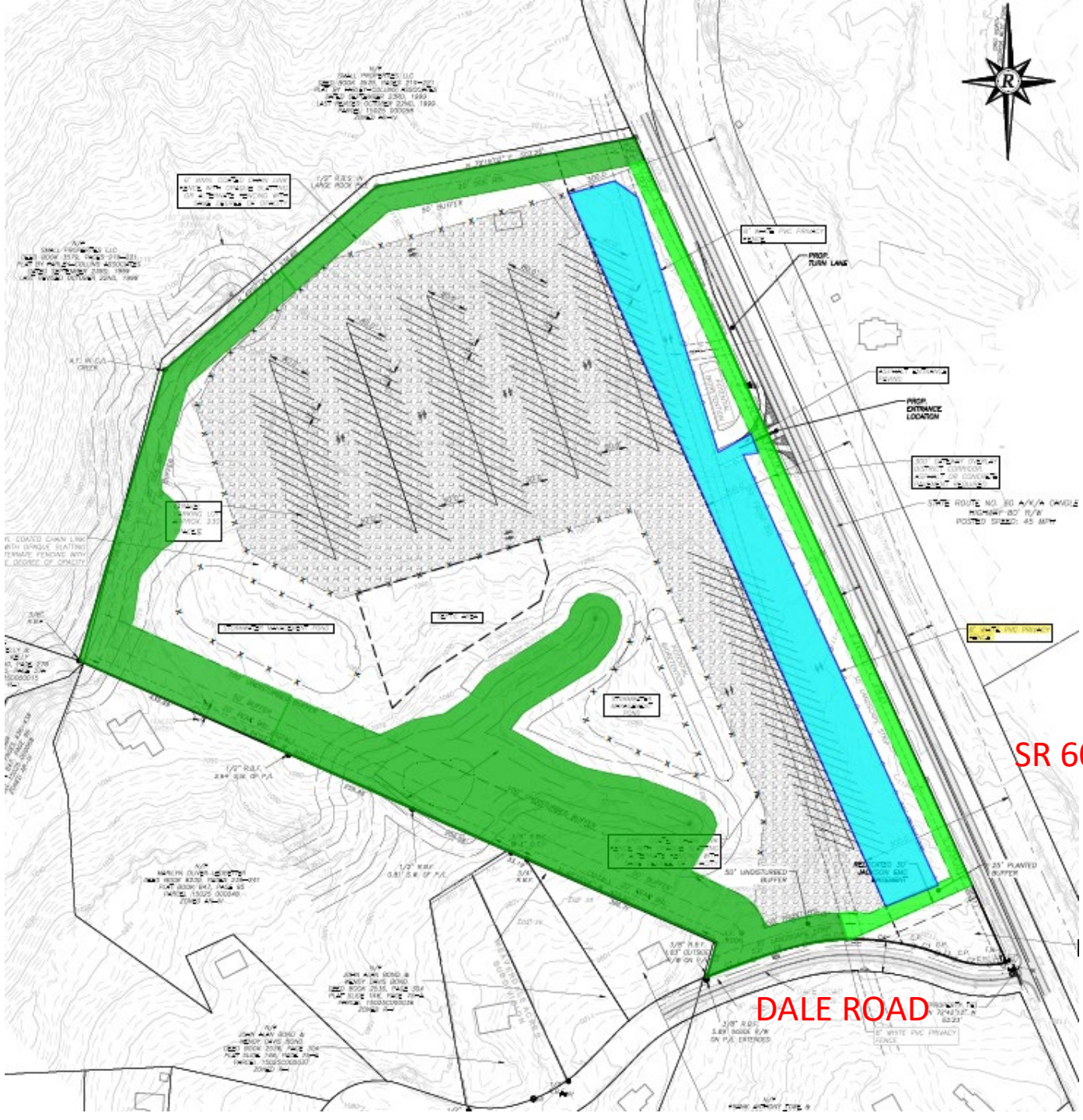
SPECIAL USE FOR OUTDOOR STORAGE

VARIANCE TO GCOD TO ALLOW FOR GAB PAVING

Rochester | DCCM

PROPOSED CONCEPT PLAN

PHASE 1

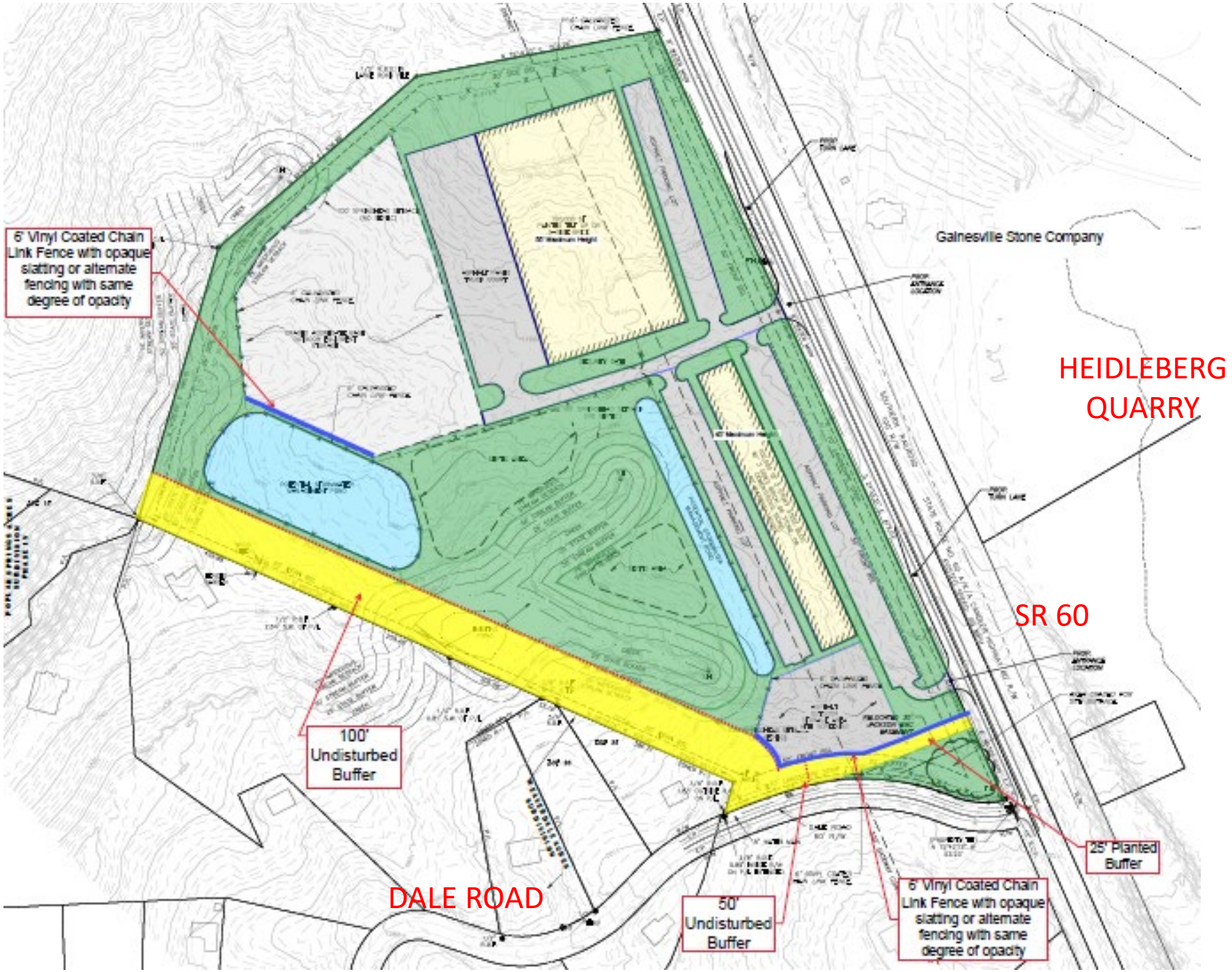


HEIDLEBERG QUARRY

SR 60

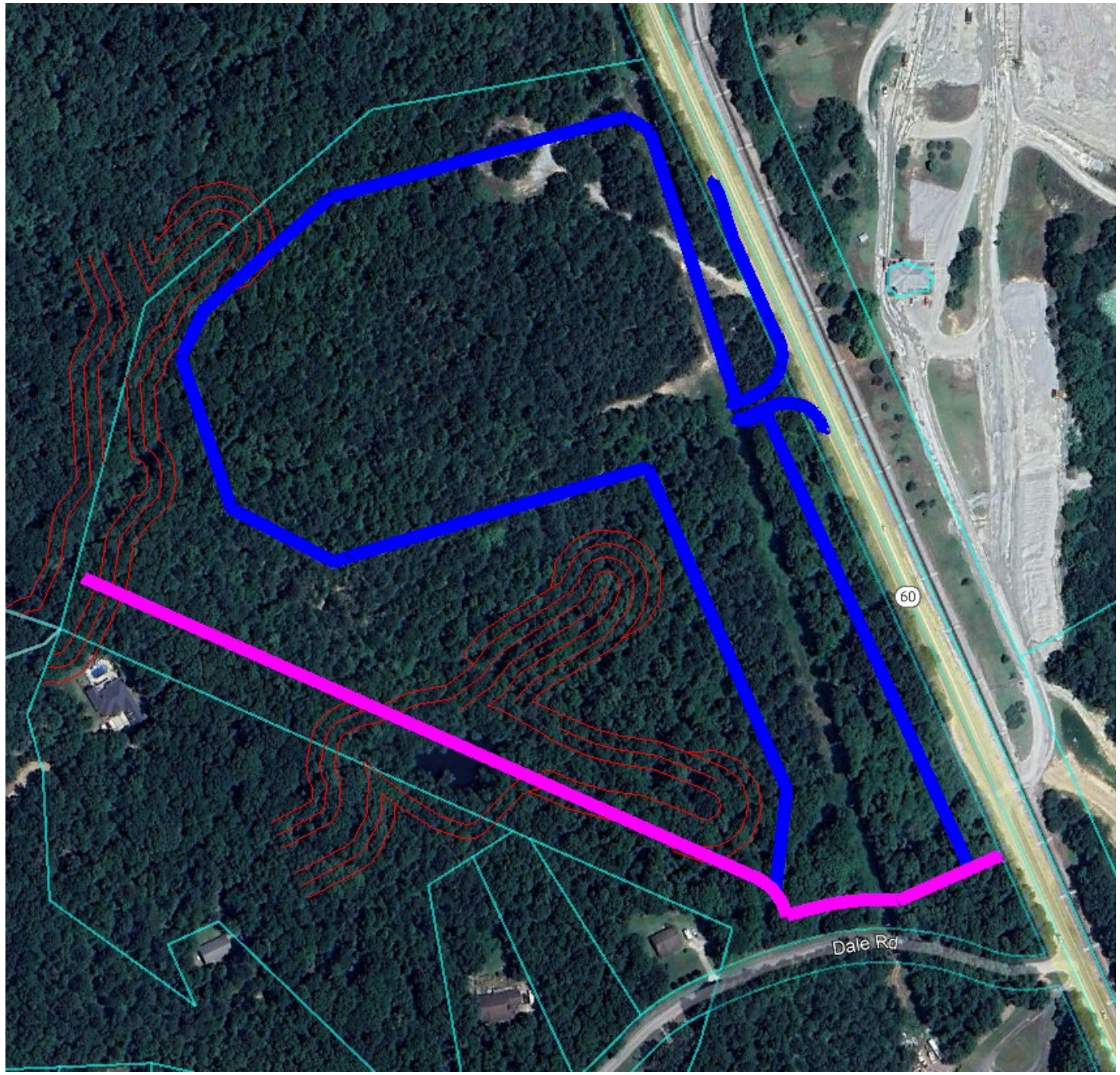
APPROVED CONCEPT PLAN

PHASE 2



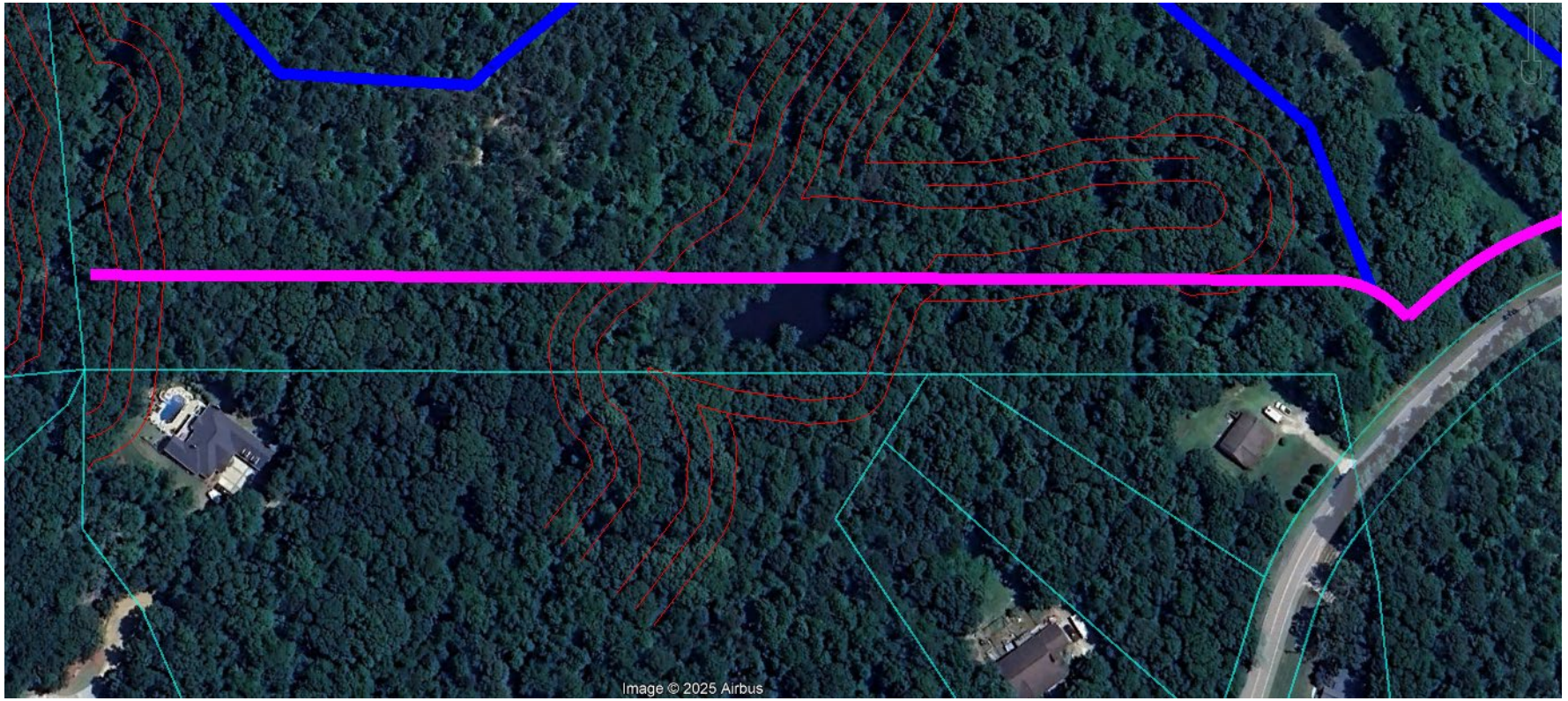
AERIAL VIEW

OVERALL SITE

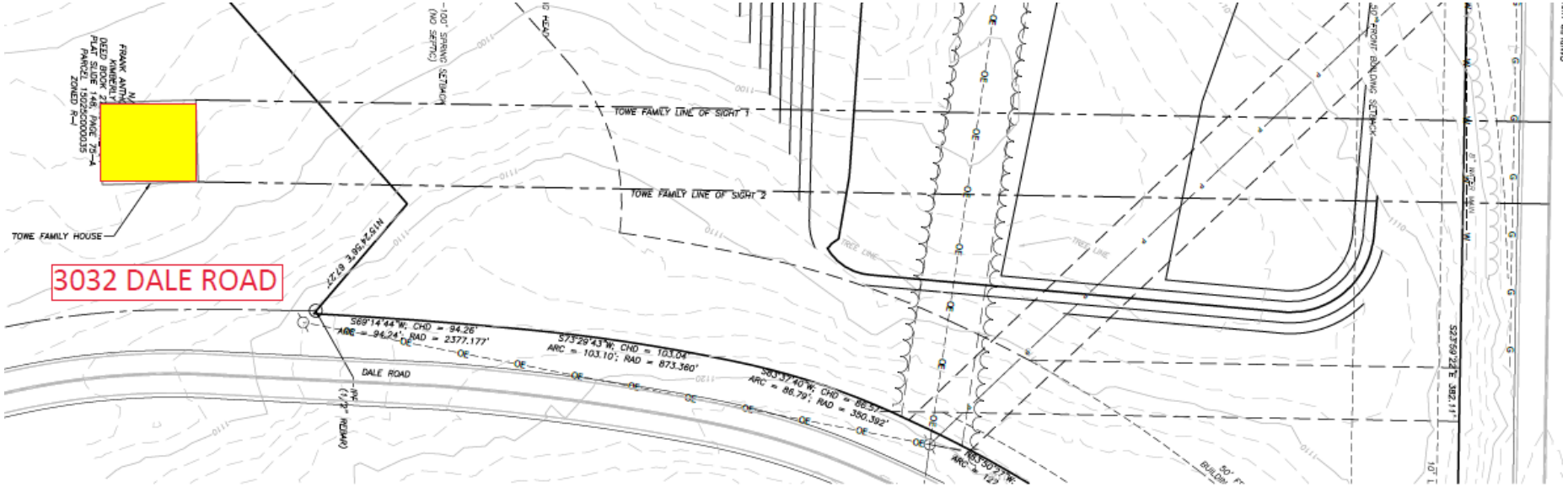


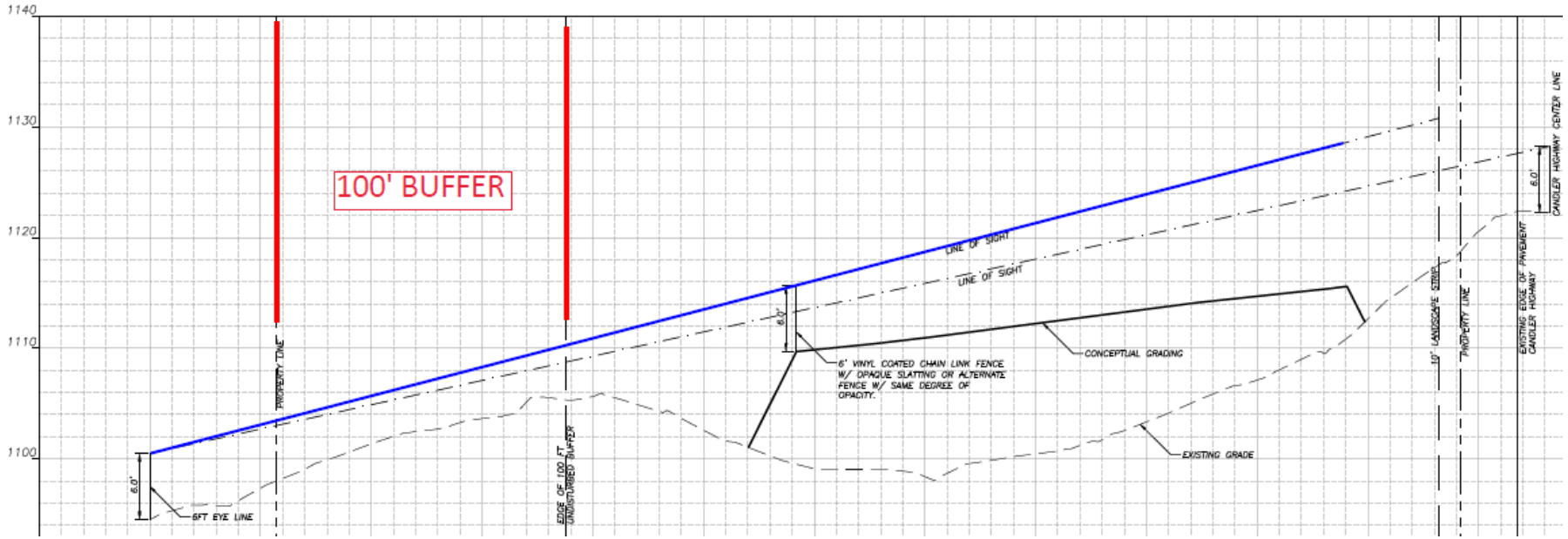
AERIAL VIEW

ADJACENT HOMES

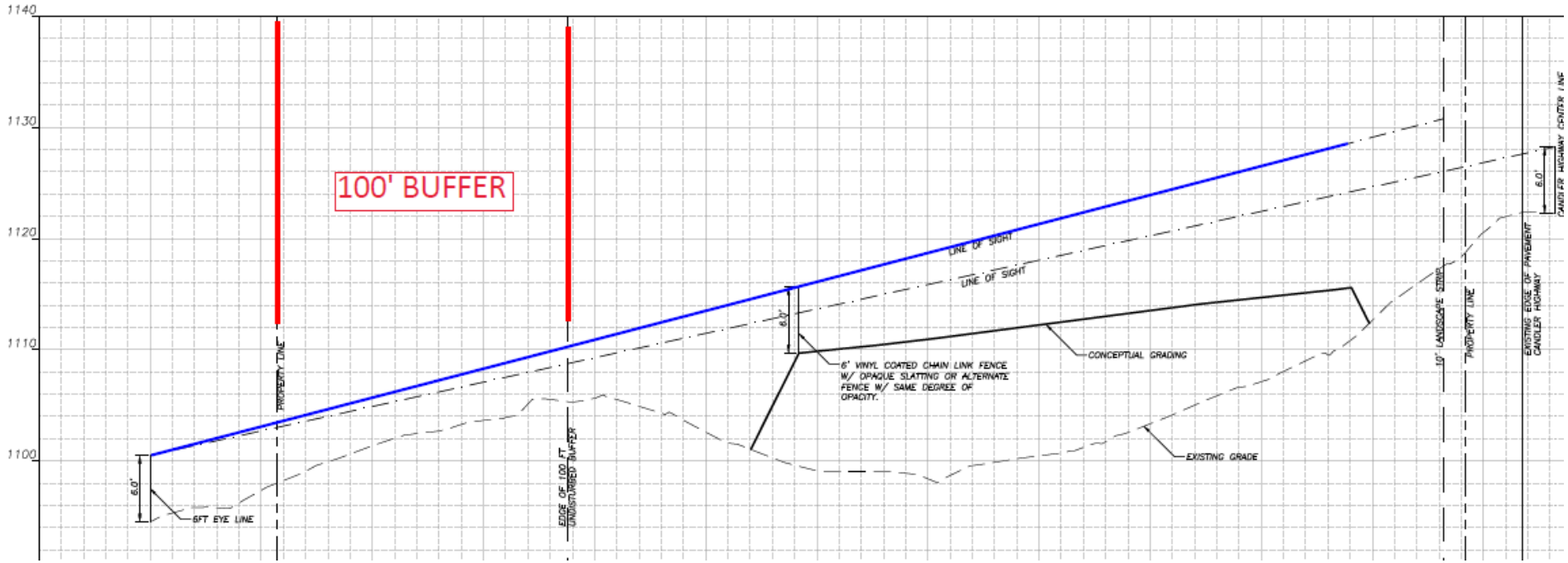


3032 DALE ROAD SITE LINE #1





3032 DALE ROAD SITE LINE #2



PROFFERED CONDITIONS

Planning Commission Recommendations	Applicant Proffered
Conditions 1 - 15	Conditions 1 – 15 – NO CHANGE
16. The hours of operation shall be limited to 6:30 am to 7:00 pm Monday through Saturday.	16. The hours of operation shall be limited to 6:00 am to 9:00 pm Monday through Sunday.
17. NEW	17. All refrigerated transportation trailers shall be restricted to the first parking bay closest to SR 60

3024 Dale Road – Additional information to BOC

- **Additional information regarding uses and noise levels on and near the proposed use:**

  This location is in a Heavy Industrial corridor of the County with rail lines, stone quarries, concrete plants, asphalt plants and heavy manufacturing all located within a 1 mile radius of the site.

  The site has been cleared and partially graded in accordance with an approved LDP. The designated 100' exterior buffer and jurisdictional stream buffers are intact.

- **The "By Right" Industrial uses of the property already include the following that would most likely have similar or greater operating hours and noise levels:**

  Warehouse and Distribution up to 250,000 SF

  Contractor storage of heavy equipment, materials and stockpiles

  Utility Substation

  Light Manufacturing

  Hours of operation were previously approved as "24/7"

  The 100' buffer adjacent to the Dale Road residences is 2X the required buffer required by the code.

  All of these uses would present similar visual impacts to those proposed by this CUP

- **The following is a comparison of existing noise levels to the those of a refrigerated trailer**

  Freight Train – 90 decibels – 670' from Towe residence to train tracks

  Truck Traffic on Candler Hwy – April 2025- 9,518 VPD – 13.7% multi-axle trucks or 1304 VPD (1 per minute) – 86 to 97 decibels @ 60 MPH– 610' from Towe Residence

  HVAC Compressor – 60 decibels – 0' from Towe Residence

  Stationary Refrigerated Trailer – 69 to 74 decibels – 900' from Towe Residence

Jennifer Rivera (Administration)

From: Beth Garmon (Planning)
Sent: Wednesday, August 13, 2025 11:24 AM
To: David Gibbs (County Commission); Kathy Cooper (County Commissioner); Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission)
Cc: Zachary Propes (Administration); John Gentry (Administration); Jennifer Rivera (Administration); Kaitlyn Elliott (Planning)
Subject: 3024 Dale Road - Proffered Conditions - BOC 8/14/25
Attachments: 3024 Dale Road Proffered Conditions.docx

Good morning, Commissioners.

Bradley Dunckel with Rochester | DCCM has provided the attached proffered conditions for 3024 Dale Road. Please let me know if you have any questions.

Jennifer and Kaitlyn, will you please add these to the application 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

All **ZONING, PLAT**, and **BUILDING PERMIT** submittals may be submitted online through Accela. Plat inquiries may be submitted to plats@hallcounty.org. Zoning and general inquiries may be submitted to planning@hallcounty.org.

HALL COUNTY
GEORGIA
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3024 Dale Road Tract

PROFFERED CONDITIONS

Planning Commission Recommendations	Applicant Proffered
Conditions 1 - 15	Conditions 1 – 15 – NO CHANGE
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17. NEW	17. All refrigerated transportation trailers shall be restricted to the first parking bay closest to SR 60

AGENDA ITEM

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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 485/2025

SUBJECT: **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | Commission District 2 | **Lean On Me Recovery Residences, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG

Recommendation:
Approve Withdrawal.

Purpose of Request:
5674 Bark Camp Road | Special Use | for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | Commission District 2 | **Lean On Me Recovery Residences, applicant**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
BG	BG	JL	CR
Clerk			
JR			

Attachments:

Board Memo
Recommendation Report
Withdrawal Form
Application
Narrative
Site Plan
Maps
Deed
Environmental Health Comment
GDOT Comment
Public Works Comment
Fire Comment
Public Comments
Notice Sign

Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE
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GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

To: David Gibbs, 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 11, 2025

Subject: **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract | Zoned AR-1; Tax Parcel 11083 002001 **| Proposed use: Group home| Lean On Me Recovery Residences, applicant**

The request before you is from Lean On Me Recovery Residences to withdraw a special use application for a group home. This item is located within Commission District 2.

At their July 21, 2025 meeting, the Hall County Planning Commission voted to recommend **withdrawal (4-0).**

There were **fourteen (14) comments submitted** in advance of the Planning Commission meeting and **no one spoke at the public hearing.**

HALL COUNTY PLANNING COMMISSION
STAFF REPORT

Applicant ..... Lean On Me Recovery Residences

Request ..... **Special Use**

Proposed Use ..... Group home

Size ..... 0.72± acres

Zoning ..... Agricultural Residential 1 (AR-1)

Location ..... **5674 Bark Camp Road** | Tax Parcel 11083 002001

Commission District ..... Two

Planning Commission Date ..... July 21, 2025

Staff Recommendation ..... **Denial,** as the proposed use is inconsistent with the "Rural Agriculture" future land use designation within the Comprehensive Plan

Record Number..... HZCU25-0028

Planning Commission Recommendation ..... Withdrawal

Vote: 4-0

Excerpts from the minutes of the July 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, stated the applicant has requested to withdraw.

Motion: A motion to withdraw was made by Shannon Davidson and seconded by Frank Sosebee. Vote: 4-0

Staff recommends DENIAL of the applicant's request.

Summary Analysis

The applicant is requesting a special use for a group home on a 0.72± acre tract zoned Agricultural Residential 1 (AR-1). Per the narrative, the group home is intended for men struggling with drug and

alcohol disorders. The subject property is currently developed with a church and the submitted narrative indicates that the building is being used as storage for Living Waters Outreach located at 5833 Bark Camp Road.

The surrounding properties are zoned and developed as follows:

North: Agricultural Residential 1 (AR-1): Hall County Murrayville Park
East: Agricultural Residential 1 (AR-1): Undeveloped
South: Agricultural Residential 1 (AR-1): Undeveloped
West: Agricultural Residential 1 (AR-1): Developed with a single-family home

The applicant is not proposing any alterations to the footprint of the building at this time. The narrative states that the parking lot will accommodate 15 spaces and lighting will be added for security purposes. Security cameras in the common living areas and on exterior access doors are proposed.

Per the submitted narrative, Lean On Me Recovery Residences (LOMRR) is proposed to operate Monday through Friday from 9:00 a.m. to 5:00 p.m. to pre-screen applications and conduct intake for new residents. There would be two staff members on duty. The group home is intended to house up to 12 residents who will stay on site for the first three days, and will then move into a tier system of 30, 60, and 90 days: the first 30 days to become independent and gainfully employed and the next 30 days of accountability. After 60 days, they will work with sponsors in a 12 step recovery plan and prepare for weekend passes through the program. The group home will also offer group learning opportunities and individual peer recovery sessions to set goals and recognize accomplishments.

Per the submitted narrative, water will be provided by the City of Gainesville Department of Water Resources, and sanitary sewer will be provided by an on-site septic system.

Based on the future land use plan, staff finds the requested rezoning *is inconsistent* with the Hall County Comprehensive Plan future land use designation of Rural Agriculture. These areas should consist of active farms and agricultural enterprises and very low-density, large lot single-family residential uses of less than 0.75 dwellings per acre. Development patterns may involve larger areas of undeveloped or cultivated land characterized by large distances between buildings and deep setbacks.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

a) 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 special use of a group home is inconsistent with the use and development of surrounding properties, which are developed with a public park and single-family homes on larger lots with deep setbacks that complement the rural atmosphere.**

b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is difficult to anticipate whether the proposed special use of a group home will adversely affect the existing use or usability of adjacent or nearby property.**

c) 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; however, approval from the Board of Commissioners is required for a group home.**

d) 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; **If approved, the proposed special use is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**

e) 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 special use is inconsistent with the intent of the "Rural Agriculture" future land use designation within the Comprehensive Plan.**

f) 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.**

g) The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property values including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

h) 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.**

i) 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 subject property is currently zoned Agricultural Residential 1 (AR-1) and developed with a church building built in 1960.**

j) 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.**

k) Whether the change would create an isolated district unrelated to the surrounding districts; **As the request is a special use in the AR-1 zoning district, this amendment does not create an isolated district unrelated to surrounding zoning.**

l) 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.**

m) Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed special use is inconsistent with the intent of the "Rural Agriculture" future land use designation within the Comprehensive Plan, and therefore out of scale with the needs of the immediate neighborhood.**

n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **A special use for a group home requires approval by the Board of Commissioners.**

o) Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request for a special use could not be handled alternatively as a variance.**

p) 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.**

q) 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.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

    a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

    b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal meets the requirement.**

c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request**

d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated June 16, 2025, Emily McGahee stated "Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluations, and septic system installation/modification may be required after review of business plan."

Georgia Department of Transportation
In an email dated June 16, 2025, Nakia Nembhard, GDOT Civil Engineer 2, stated that GDOT coordination is not required.

Hall County Public Works and Utilities
In a memo dated June 20, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:
No comment.

Traffic:
No comment.

Utilities:
Septic area. Hall County sewer service bot no sewer in area.

Hall County Fire Marshal
In an email dated June 16, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The building in its current condition does not meet fire or life safety code for a group home. If approved, site development and architectural plans will need to be reviewed and approved before any land disturbance or building permit can be issued."

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

HALL COUNTY
GEORGIA
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SPECIAL / CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

Lean on me Recovery Residences
5674 Back Camp Rd.
Murrayville, GA. 30564

Phone [redacted]

Email Address Lean on me Recovery Center @ gmail.com

Property Owner (Name & Mailing Address)

Living Waters Outreach, Inc. (Church)
5833 Back Camp Rd (P.O. Bx 97) mailing.
Murrayville, GA 30564

Phone [redacted]

Email Address [redacted]

Proposed Use Recovery Residence / Sobar Living / Transitional House

Contact Person (Name & Mailing Address)

MATTHEW P. MIZE
5758 Hopewell Ch. Rd.
Gainesville, GA. 30506

Phone [redacted]

Email Address Lean on me Recovery Center @ gmail.com

Tax Parcel Number 11083 002001

Location Address 5674 Back Camp Rd. Murrayville, GA. 30564

Status of Applicant

] Owner
] Option to Purchase
] Area Resident
X Other

Requested Action

Type of Request:
⊓ SU ⊓ CUP
Fee:$_____
Receipt #: _____
Check #: _____

Zoning: AR-1
Acreage 0.4199 acres

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

Print MATTHEW P. MIZE Date: 5/20/2025

Sign Matthew P. Mize Date: 5/20/2025

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 Matthew P. Mize Date: 7/16/2025

Staff Use Only

Application Date: _____ Taken by: _____

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

County Commission District: _____

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HALL COUNTY
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SPECIAL / CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

Lean on me Recovery Residences
5674 Bark Camp Rd.
Murrayville, GA. 30564

Phone [redacted]

Email Address Lean on me Recovery Center @ gmail.com

Property Owner (Name & Mailing Address)

Living Waters Outreach, Inc. (Church)
5833 Bark Camp Rd (P.O. Bx 97) mailing.
Murrayville, GA 30564

Phone [redacted]

Email Address [redacted]

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Contact Person (Name & Mailing Address)

MATTHEW P. MIZE
5758 Hopewell Ch. Rd.
Gainesville, GA. 30506

Phone [redacted]

Email Address Lean on me Recovery Center @ gmail.com

Tax Parcel Number 11083 002001

Location Address 5674 Bark Camp Rd. Murrayville, GA. 30564

Status of Applicant	**Requested Action**
☐ Owner	Type of Request:
☐ Option to Purchase	☐ SU ☐ CUP
☐ Area Resident	Fee:$
☒ Other	Receipt #:
Zoning: AR-1	Check #:
Acreage 0.4139 acres	

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

Print MATTHEW P. MIZE Date: 5/20/2025

Sign Matthew P. Mize Date: 5/20/2025

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 ZONING DEPARTMENT
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AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Jammie A. Fortner · Living Waters Outreach, Inc.

Address 5833 Bark Camp P. O. Box 97
Murrayville, GA 30564

Phone Number [redacted]

Name of applicant(s) Matthew P. Mize

Address 5758 Hopewell Ch. Rd.
Gainesville, GA. 30506

Phone Number [redacted]

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) Jammie A. Fortner

Personally appeared before me

JAMMIE ANN FORTNER

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

Notary Public

VIRALKUMAR A PATEL
My Commission Expires
NOTARY PUBLIC
February 11, 2028
DOUGLAS COUNTY, GEORGIA

5/20/25
Date

GEORGIA CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE
BRAD RAFFENSPERGER

HOME (/)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	**Lean On Me Recovery Residences, Inc.**	Control Number:	**25041314**
Business Type:	**Domestic Nonprofit Corporation**	Business Status:	**Active/Compliance**
NAICS Code:	**Health Care and Social Assistance**	NAICS Sub Code:	**Residential Mental Health and Substance Abuse Facilities**
Principal Office Address:	**5158 Hopewell Church Rd, Gainesville, GA, 30506, USA**	Date of Formation / Registration Date:	**2/24/2025**
State of Formation:	**Georgia**	Last Annual Registration Year:	**NONE**

REGISTERED AGENT INFORMATION

Registered Agent Name: **Matthew P Mize**

Physical Address: **5158 Hopewell Church RD, Gainesville, GA, 30506, USA**

County: **Hall**

Back

Filing History Name History

Return to Business Search

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GEORGIA CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE
BRAD RAFFENSPERGER

HOME (/)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	**LIVING WATERS OUTREACH, INC.**	Control Number:	**J000202**
Business Type:	**Domestic Nonprofit Corporation**	Business Status:	**Active/Compliance**
Business Purpose:	**NONE**		
Principal Office Address:	**PO BOX 97, MURRAYVILLE, GA, 30564-0097**	Date of Formation / Registration Date:	**1/7/1980**
State of Formation:	**Georgia**	Last Annual Registration Year:	**2026**

REGISTERED AGENT INFORMATION

Registered Agent Name: **JAMMIE A. FORTNER**

Physical Address: **2147 EMORY STEPHENS RD., MURRAYVILLE, GA, 30564, USA**

County: **Hall**

OFFICER INFORMATION

Name	Title	Business Address
Jammie A Fortner	CFO	P O BOX 51, MURRAYVILLE, GA, 30564, USA
JAMMIE A. FORTNER	CEO	P O BOX 51, MURRAYVILLE, GA, 30564, USA
JAMMIE A. FORTNER	Secretary	P O BOX 51, MURRAYVILLE, GA, 30564, USA

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Filing History Name History

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HALL COUNTY
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**____ I have not X

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

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

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Matthew P. Mize **Date:** 5/20/2025

Applicant's/Owner's Name (Printed): MATTHEW P. MIZE

PLANNING AND ZONING DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
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Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Jammie A. Fortner **Date:** 5-20-25

Applicant's/Owner's Name (Printed): Jammie A. Fortner

RECEIVED
JUN 06 2025
Planning & Zoning Department

Lean On Me Recovery Residences

Lean on Me Recovery Residences (LOMRR) is a peer centered system of care for men struggling with drug and alcohol disorders. LOMRR focuses on real world skills to help men restore their lives with family, work, community and most of all a spiritual connection with God. LOMRR uses non clinical peer based relationships with lived experiences to allow its residents to find the hope and inspiration needed to develop these skill sets.

LOMRR's business model is a 501(c) 3 helping it to strive with potential donors and grant funding. Self paying residents at $250 weekly will learn work experience as LOMRR develops relationships with employers and the surrounding community. Residents will have opportunities to give back to their community, allowing them to satisfy community service obligations with DCS and accountability courts as well as invest in themselves in becoming selfless, productive members of society. Operating hours are Monday through Friday 9 am to 5 pm for pre-screen applications and intake for new residents. The property will have two staff members on duty to work with residents while at LOMRR with additional security cameras on common living areas and access doors.

My name is Matthew "Scully" Mize and I am a person in long term recovery. I've been in recovery for 9 yrs and worked in this field for over 7 years in the Athens area. I started at Acceptance Recovery Center as a Residential Assistant and quickly moved up to Program Coordinator, supervising a team of 5 staff members, covering 2 shifts and serving a population of high risk: high need individuals struggling with drug and alcohol disorders and mental health challenges. Moving to Palm House Recovery Center as Men's Coordinator before being promoted to Program Director where I currently supervise a team of 4 staff members and serve a population of 55 men. I am a Peer Specialist (CARES) with Certifications in Motivational Interviewing (MI), Trauma Informed Care (TIC), Forensics (FPM) and the Science of Addiction and Recovery (SOARS). I have a passion to work with this population from my own lived experiences and challenges that I have overcome and relationships restored. I am on the board of Directors at Georgia Association of Recovery Residents (GARR) that sets the standard for residential care. Working on the ethics committee as well as grassroots developing the Recovery Residents Professional (RRP) certification with author Cody Davis CADC and CEO of Hand in Hand Recovery Center.

An explanation of the center and what it offers to its residents is competitive rates in the residential recovery community spanning a min 12 months of safe living environment to recover from drug and alcohol disorders. A place of community to develop healthy relationships, Restore family relationships with spouses and children, as well as parents and siblings. The property will house up to 12 residents and for their first three days they will remain at the center to acclimate to the community and allow the opportunity to read over the hand book and get adjusted to the center and guidelines. From there they will have a tier system of 30, 60 and 90 days. Privileges earned ranging from accountability partners and mentors of the program. In the first 30 days to become independent men and gainfully employed moving into the next 30 day level of accountability. After 60 days they will be working with sponsors in 12 step recovery and preparing for weekend passes in the program. We will be offering group learning opportunities and individual peer recovery sessions going over goal sets and accomplishments. What sets LOMRR apart from the rest is our real life experiences and ability to support our residents with

Lean On Me Recovery Residences

love, tolerance, compassion, accountability, respect, and dignity allowing the men to learn how to forgive themselves and others, finding peace with the wreckage of their pasts, developing coping skills while restoring relationships to be successful for their future.

The property of interest is located in Murrayville, Ga at 5674 Bark Camp Rd. The property is currently zoned AR-1 and is functioning as a storage facility for Living Waters Outreach. This location would serve as a group home housing displaced persons and those needing structured housing. The property owner and I believe the new proposed purpose will help serve the community as well as provide well needed services to the Murrayville community. Lean On Me Recovery Residences will help persons in the community find refuge from drugs and alcohol as well as returning citizens transition into community living then returning to families and independent housing. This will help provide life skills and job placement for those needing the help and assistance. The property is on city water access and a septic system. The parking lot will allow for up to 15 spaces with a need for lighting from the power company for added security in the parking lot. Access from Bark Camp Rd directly to the facility and parking lot.

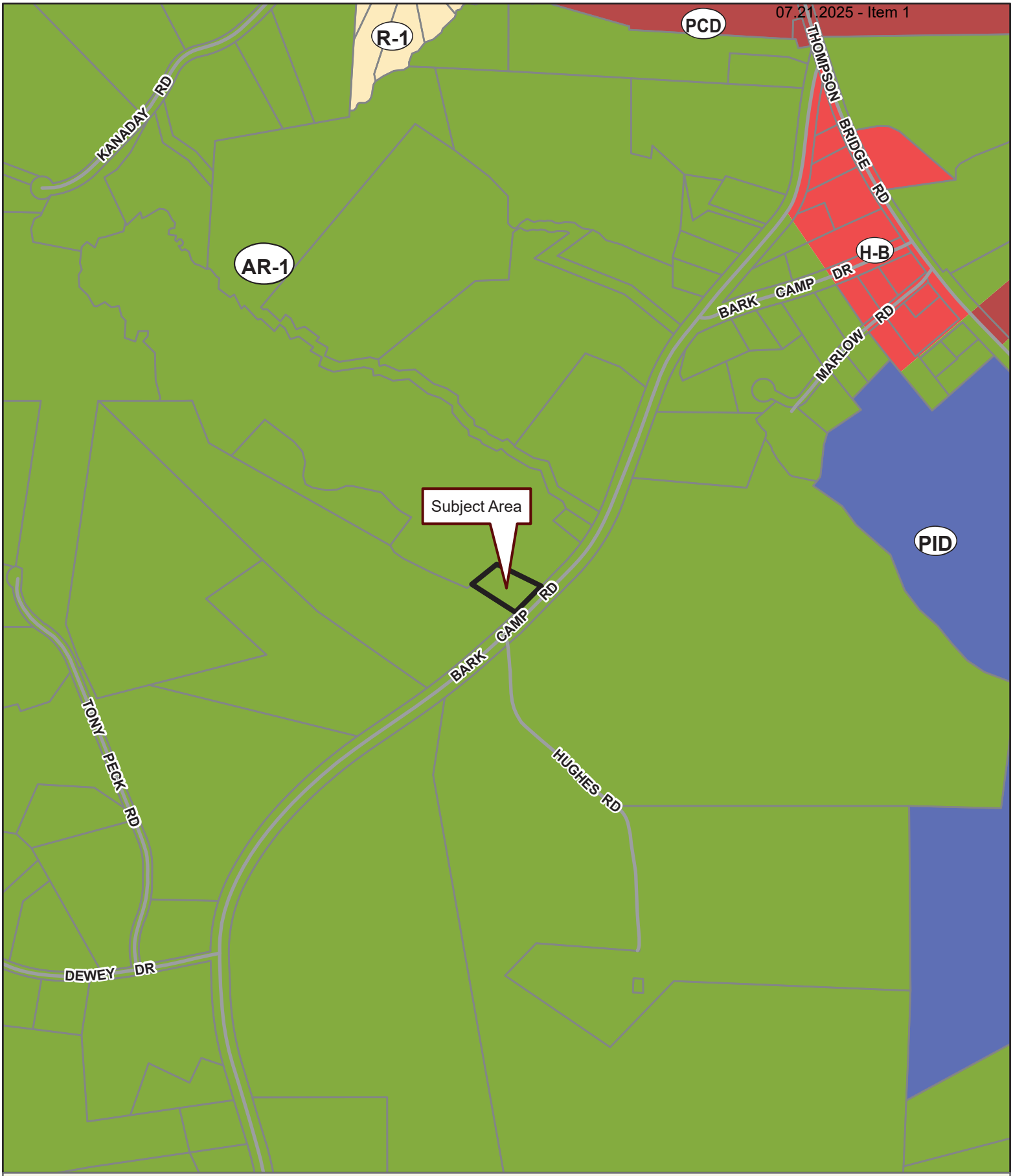
SITE PLAN

5674 Bark Camp Road, Murrayville, GA

May 20, 2025

07.21.2025 - Item 1

07.21.2025 - Item 1

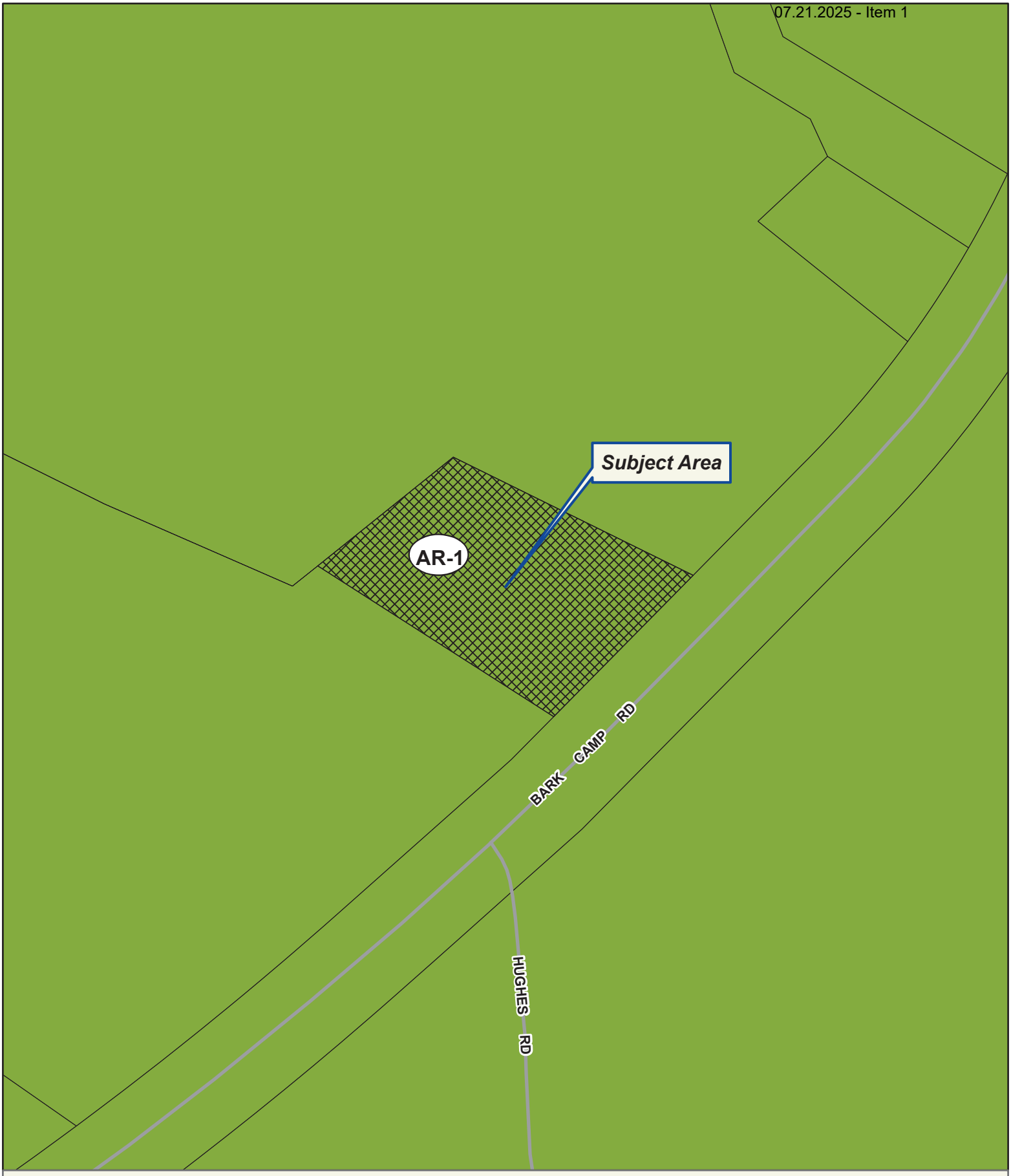


Applicant: LEAN ON ME RECOVERY RESIDENCES
Tax Parcel #: 11083 002001
Location: 5674 BARK CAMP ROAD, MURRAYVILLE, GA 30564
Commission District 2 **PC Mtg. Date: 07/21/2025**

0 175 350 700
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: LEAN ON ME RECOVERY RESIDENCES
Tax Parcel #: 11083 002001
Location: 5674 BARK CAMP ROAD, MURRAYVILLE, GA 30564
Commission District 2 **PC Mtg. Date: 07/21/2025**

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

Applicant: LEAN ON ME RECOVERY RESIDENCES
Tax Parcel #: 11083 002001
Location: 5674 BARK CAMP ROAD, MURRAYVILLE, GA 30564
Commission District 2 **PC Mtg. Date: 07/21/2025**

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area

N

FILED & RECORDED 12/08/2021 1:51 PM
DEED BOOK 9008 PAGES 35 - 35
FILING FEES: $25.00
RECORDED BY: EAR
CLERK: Charles Baker, C.S.C Hall County, GA

AFTER RECORDING, RETURN TO:
UNITED COMMUNITY BANK
NORTH LOC
PO BOX 249
BLAIRSVILLE, GA 30514

State of GEORGIA
County of UNION

CANCELLATION

The indebtedness referred to in that certain **SECURITY DEED** from **LIVING WATERS OUTREACH CHURCH INC** to **UNITED COMMUNITY BANK**, dated **10/14/2003**, recorded **10/21/2003** in Deed Book **4775,** Page **284-292**, in the Office of the Clerk of Court in **HALL** County, GA, having been paid in full and the undersigned being the present owner of such secured interest by virtue of being the original Grantee of the heir, assign, transferee, or devisee of the original Grantee, the Clerk of Court of **HALL** County, GA**,** is authorized and directed to cancel that deed of record as provided in Code Section 44-14-4 of OCGA for Other Mortgage Cancellations.

Signed, sealed, and delivered
This **6TH** day of **DECEMBER**, **2021**

5035226454 MF

United Community Bank

By: _____
JUSTIN GRIZZLE, OPERATIONS OFFICER

_____
Witness

_____ _____
Notary Public My Commission Expires

ETHAN WALKER NOTARY PUBLIC Exp. Oct 07, 2023 UNION COUNTY

04775
00284

046473

000284

GEORGIA, HALL COUNTY, CLERK
SUPERIOR COURT FILED IN OFFICE 4775
AND RECORDED IN BOOK _____
PAGE (S) 284-292 THIS 21
DAY OF Oct 20 03 AT 11:25 am
DWIGHT S. WOOD, CLERK BY _____
145438

RECORDATION REQUESTED BY:
UNITED COMMUNITY BANK
DAWSON MAIN
109 HWY 53 WEST
PO BOX 159
DAWSONVILLE, GA 30534

WHEN RECORDED MAIL TO:
UNITED COMMUNITY BANK
DAWSON MAIN
109 HWY 53 WEST
PO BOX 159
DAWSONVILLE, GA 30534

SEND TAX NOTICES TO:
LIVING WATERS OUTREACH CHURCH INC
PO BOX 97
MURRAYVILLE , GA 30564

SECURITY DEED

THIS SECURITY DEED dated October 14, 2003, is made and executed between LIVING WATERS OUTREACH CHURCH INC , whose address is 5833 BARK CAMP RD , MURRAYVILLE , GA 30564 (referred to below as "Grantor") and UNITED COMMUNITY BANK, whose address is 109 HWY 53 WEST, PO BOX 159, DAWSONVILLE, GA 30534 (referred to below as "Lender").

GRANT OF SECURITY DEED. FOR AND IN CONSIDERATION of the financial accommodations to Grantor by Lender resulting in the obligation which is hereinafter more particularly described, and in order to secure that obligation, Grantor hereby grants, bargains, conveys, transfers, assigns and sells to Lender all of Grantor's right, title, and interest in and to the following described real property: **The Real Property is located in HALL County, State of Georgia and is described as follows:**

See EXHIBIT "A", which is attached to this Security Deed and made a part of this Security Deed as if fully set forth herein.

TOGETHER WITH ANY AND ALL of the following: (i) all buildings, structures and Improvements now or hereafter located on the real property or on any part or parcel thereof and all fixtures affixed or attached, actually or constructively, thereto; (ii) all and singular the tenements, hereditaments, easements and appurtenances belonging thereunto or in any wise appertaining thereto and the reversion and reversions, remainder or remainders thereof; (iii) all Rents accruing therefrom, whether now or hereafter due; (iv) all accounts and contract rights now or hereafter arising in connection with any part or parcel thereof or any buildings, structures or improvements now or hereafter located thereon, including without limitation all accounts and contract rights in and to all leases or undertakings to lease now or hereafter affecting the land or any buildings, structures, or improvements thereon; (v) all minerals, flowers, crops, trees, timber, shrubbery and other emblements now or hereafter located thereon or thereunder or on or under any part or parcel thereof; (vi) all estates, rights, title and interest therein, or in any part or parcel thereof; (vii) all equipment, machinery, apparatus, fittings, fixtures, furniture, furnishings, mobile homes, modular homes and all personal property of every kind or description whatsoever now or hereafter located thereon, or in or on the buildings, structures and Improvements thereon, and used in connection with the operation and maintenance thereof, and all additions thereto and replacements thereof; and (viii) all building materials, supplies, goods and equipment delivered thereto and placed thereon for the purpose of being affixed to or installed or incorporated or otherwise used in the buildings, structures or other improvements now or hereafter located thereon or any part or parcel thereof.

The Real Property or its address is commonly known as 5674 BARK CAMP ROAD , MURRAYVILLE , GA 30564.

CROSS-COLLATERALIZATION. In addition to the Note, this Security Deed secures all obligations, debts and liabilities, plus interest thereon, of Grantor to Lender, or any one or more of them, as well as all claims by Lender against Grantor or any one or more of them, whether now existing or hereafter arising, whether related or unrelated to the purpose of the Note, whether voluntary or otherwise, whether due or not due, direct or indirect, determined or undetermined, absolute or contingent, liquidated or unliquidated whether Grantor may be liable individually or jointly with others, whether obligated as guarantor, surety, accommodation party or otherwise, and whether recovery upon such amounts may be or hereafter may become barred by any statute of limitations, and whether the obligation to repay such amounts may be or hereafter may become otherwise unenforceable.

FUTURE ADVANCES. Specifically, without limitation, this Security Deed secures, in addition to the amounts specified in the Note, all future amounts Lender in its discretion may loan to Grantor, together with all interest thereon.

THIS SECURITY DEED, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE IN THE ORIGINAL PRINCIPAL AMOUNT OF $394,538.15 WHICH HAS THE MATURITY DATE OF SEPTEMBER 25, 2006, THE RELATED DOCUMENTS, AND THIS SECURITY DEED. IT IS THE INTENTION OF GRANTOR AND LENDER TO CREATE A PERPETUAL OR INDEFINITE SECURITY INTEREST IN THE REAL PROPERTY DESCRIBED IN THIS SECURITY DEED PURSUANT TO O.C.G.A. 44-14-80(A)(2) AND TO AGREE THAT TITLE SHALL NOT REVERT TO GRANTOR FOR A PERIOD OF TWENTY (20) YEARS FROM THE DATE OF THIS SECURITY DEED. HOWEVER, NOTHING IN THIS PARAGRAPH WILL IMPAIR LENDER'S RIGHTS TO COLLECTION OF THE INDEBTEDNESS AND FORECLOSURE OF THE SECURITY INTEREST IF THE INDEBTEDNESS IS NOT REPAID WHEN DUE. THIS SECURITY DEED IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Security Deed, Grantor shall pay to Lender all amounts secured by this Security Deed as they become due and shall strictly perform all of Grantor's obligations under this Security Deed and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property.

Duty to Maintain. Grantor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Compliance With Environmental Laws. Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Security Deed. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be

04775
00292

EXHIBIT A 000292

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 86, 11TH DISTRICT, HALL COUNTY, GEORGIA AND BEING FULLY DESCRIBED BY A PLAT OF SURVEY ENTITLED "PROPERTY OF HOUSE OF PRAYER" , PREPARED BY JIMMY D. BULLOCK, GEORGIA REGISTERED LAND SURVEYOR, DATED AUGUST 17, 1979: AND AS PER SAID PLAT, THE PROPERTY CONTAINS 0.4189 ACRE, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET ON THE NORTHWESTERLY RIGHT OF WAY OF BARK CAMP ROAD AT A POINT COMMON TO CAPTIONED PROPERTY AND PROPERTY NOW O R FORMERLY OWNED BY HAYNES, AND RUNNING THENCE ALONG SAID RIGHT OF WAY OF BARK CAMP ROAD SOUTH 46 DEGREES 12 MINUTES WEST 126.57 FEET TO AN IRON PIN SET; THENCE NORTH 63 DEGREES 44 MINUTES 91.32 FEET TO AN IRON PIN SET; THENCE NORTH 53 DEGREES 42 MINUTES WEST 54.60 FEET TO AN IRON PIN SET; THENCE NORTH 42 DEGREES 11 MINUTES EAST 118.95 FEET TO AN IRON PIN SET; THENCE SOUTH 61 DEGREES 54 MINUTES EAST 155.71 FEET TO AN IRON PIN SET ON SAID RIGHT OF WAY OF BARK CAMP ROAD AND SAID POINT OF BEGINNING.

PURSUANT TO RESTRICTIONS CONTAINED IN THE VESTING DEED, THIS PROPERTY SHALL BE USED FOR NO OTHER PURPOSE THAN FOR CHURCH AND CEMETERY PURPOSES.

THIS CONVEYANCE IS MADE TOGETHER WITH AND SUBJECT TO ANY EASEMENTS FOR PUBLIC ROADS AND UTILITIES NOW IN USE.

THIS CONVEYANCE IS MADE TOGETHER WITH AND SUBJECT TO ANY EASEMENTS OF RECORD.

03re-690

Outlook

HCPC Tentative Agenda 7.21.25

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Wed 6/18/2025 12:14 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Cc Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>

Please find Environmental Health comments below:

Item 1, 5674 Bark Camp Rd, Lean on Me: Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Items 2/3A/3B/4A/4B, 1608 Whiting Drive, Vargas: No comment. Public Sewer.

Item 5, 5019 Cagle Mill, NCP Holdings: No comment. Public Sewer.

Item 6, 4020/3886 Cornelia Hwy: No comment. Public Sewer.

Item 7, A/B, 5684 Bethel Road, Truelove: 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 8, 5979 New Bethany Rd, Brown: 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 9, 4965 Bryant Quarter Rd, Clouse: No comment.

Item 10, 5970 Cleveland Hwy, Academy P1: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 11, County Staff: 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

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.

Outlook

RE: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

From Nembhard, Nakia L <NNembhard@dot.ga.gov>
Date Mon 6/16/2025 8:13 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

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,

Below you will find comments on proposed locations. If you have any questions please let me know.

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | P**roposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**. **(Does Not Require GDOT Coordination)**

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant** **(Does Not Require GDOT Coordination)**

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant** **(Does Not Require GDOT Coordination)**

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant** **(Will Require GDOT Coordination)**

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant** **(Does Not Require GDOT Coordination)**

Thanks,

Nakia Nembhard
Civil Engineer 3

Georgia Department of Transportation

District 1 Traffic Operations
1475 Jesse Jewell Pkwy Suite 100
Gainesville, GA, 30501

(678) 332-8200 Cell
(770) 533-8496 Office

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, June 12, 2025 12:02 PM
Subject: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

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 **July 21, 2025** Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

PUBLIC WORKS AND
UTILITIES DIRECTOR
Bill Nash, P.E.

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: June 20, 2025

Subject: July 21, 2025 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 21, 2025 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant.**

a. **Engineering**: No comment
b. **Traffic:** No comment.
c. **Utilities:** Septic area. Hall County sewer service but no sewer in area.

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby.

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 &

H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** No sewer in area. Gainesville water

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

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

North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show 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.
North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
(B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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:** Commercial driveway

c. **Utilities:** Hall County sewer area.
No sewer infrastructure in area.

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south

east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

a. **Engineering**: Show stream buffer and impervious setback from wrested vegetation not centerline of stream
b. **Traffic:** Commercial driveway
c. **Utilities:** Buford sewer service area.

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant**

a. **Engineering**: 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:** No comment
c. **Utilities:** Hall County sewer service area
   No sewer infrastructure in area.

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b. **Traffic:** G-DOT coordination
   Commercial driveway if no access to SR 11
c. **Utilities:** Clermont sewer service area.

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant**

a. **Engineering**: No comment
b. **Traffic:** No comment
c. **Utilities:** No comment

Outlook

Fire Comment

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Mon 6/16/2025 3:59 PM
To Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Michael Vieira (Fire Services) <mvieira@hallcounty.org>

July 21, 2025 Hall County Planning Commission Meeting

5674 Bark Camp Road | Special Use | for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | P**roposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**

Hall County Fire Marshals Office Comments:
The building in its current condition does not meet fire or life safety code for a group home. If approved site development and architectural plans will need to be reviewed and approved before any land disturbance or building permit can be issued.

Regards,

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

Print

Planning Commission Comments - July 21, 2025 - Submission #120291

Date Submitted: 7/18/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 meeting of the Hall County Planning Commission.

First Name*

Kathryn

Last Name*

Allison

Address1*

5812 Thompson Bridge Rd.

Address2

City*

Murrayville

State*

GA

Zip*

30564

Zoning Item for Comment*

5674 Bark Camp Road | Special Use

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

Your Comments*

I am a concerned grandmother whose grandchildren live next door to this church. I'm worried that these individuals who will be using this facility will be unstable with criminal backgrounds. Will this future facility, "Lean On Me," do background checks to make sure these individuals are not sex offenders with drug addictions? This church is right in front of the Murrayville Park, where children go to play sports and play on the playgrounds. I feel this type of rehab should be away from public grounds where families and children will be.

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Category:	Planning & Zoning	**Kristen Campbell**
Priority:	3	
Assigned To:	Crowe Sarah	
Submitted:	7/16/2025 2:45 PM	CONTACT
Source:	Website 172.68.71.42	[redacted]

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

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

OR

View any uploaded files by signing in and proceeding to the link below

http://www.hallcounty.org/admin/FormHistory.aspx?SID=2619

REQUEST DETAILS

Description

I would like to inform the county of my opposition of the proposed special use group home at 5674 Bark Camp Road. This area is in a agricultural residential zoned area and this proposal if approved would go against the future land us plan and is inconsistent with this plan.

This property is located directly in front of Murrayville Park, a public park, that is frequented by families with children. I have concerns that a group home that addresses exclusively men and drug addiction being allowed would cause safety concerns for the neighboring residents as well as for the public who frequent Murrayville Park. To enter the park you would have to drive past this group home to enter the park and this could deter families from using this park out of fear for their safety due to proximity to the group home and their basis for residency at said group home. Furthermore, there are family residents immediately adjacent to this proposed location with children who this would also pose a safety concern as well as undue stress upon their family as these residents are recovering drug addicts.

I would appreciate your consideration to deny this proposed group home. Thank you for your time.

Brief Description

I would like to inform the county of my opposition of the proposed special use group home at 5674 Bark Camp Road. This area is in a agricultural residential zoned area and this proposal if approved would go against the future land us plan and is inconsistent with this plan.

This property is located directly in front of Murrayville Park, a public park, that is frequented by families with children. I have concerns that a group home that addresses exclusively men and drug addiction being allowed would cause safety concerns for the neighboring residents as well as for the public who frequent Murrayville Park. To enter the park you would have to drive past this group home to enter the park and this could deter families from using this park out of fear for their safety due to proximity to the group home and their basis for residency at said group home. Furthermore, there are family residents immediately adjacent to this proposed location with children who this would also pose a safety concern as well as undue stress upon their family as these residents are recovering drug addicts.

I would appreciate your consideration to deny this proposed group home. Thank you for your time.

Problem Location

Street Number and Name

5674

Bark Camp Road

Address Line 2

City

Murrayville

State

GA

Zip Code

30564

Your Information

Name

Kristen Campbell

Street Number and Name

Address Line 2

City

State

Zip Code

Phone Number

Fax Number

Email Address

[redacted]

Preferred Contact Method

email

Print

Planning Commission Comments - July 21, 2025 - Submission #120292

Date Submitted: 7/18/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 meeting of the Hall County Planning Commission.

First Name*

Debbie

Last Name*

Hulsey

Address1*

5730 Bark Camp Rd

Address2

City*

Murrayville

State*

ga

Zip*

30564

Zoning Item for Comment*

5674 Bark Camp Road | Special Use

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 proposed business "Lean on Me Recovery Residence".
I am writing to you with my concerns regarding the above mentioned residence. I am concerned with facility being located so close to where my grandchildren live and play at Murrayville Park.
The entrance to Murrayville Park is also of my concern. This area is very congested with traffic entering and existing the park. There is surely to be traffic problems.

Another concern of mine is that this property is too small to facilitate this recovery center. There is not a large enough space outside for recreational activities. The back of this church is backed up against their cemetery, leaving the only place outside for recreation or leisure would be the parking lot.

I feel there are many other locations that would be more suitable for this type of facility.

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Here is what we have on file:

All

#2028

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Crowe Sarah
Submitted:	7/16/2025 4:39 PM
Source:	Website 108.162.237.141

SUBMITTER
Debbie Hulsey
5730 Bark Camp road
Murrayville , GA 30564
CONTACT

REQUEST DETAILS

Description

The proposed business "Lean on Me Recovery Residence".
I am writing to you with my concerns regarding the above mentioned residence. I am concerned with facility being located so close to where my grandchildren live and play at Murrayville Park.
The entrance to Murrayville Park is also of my concern. This area is very congested with traffic entering and existing the park. There is surely to be traffic problems.

Another concern of mine is that this property is too small to facilitate this recovery center. There is not a large enough space outside for recreational activities. The back of this church is backed up against their cemetery, leaving the only place outside for recreation or leisure would be the parking lot.

I feel there are many other locations that would be more suitable for this type of facility.

Brief Description

The proposed business "Lean on Me Recovery Residence".
I am writing to you with my concerns regarding the above mentioned residence. I am concerned with facility being located so close to where my grandchildren live and play at Murrayville Park.
The entrance to Murrayville Park is also of my concern. This area is very congested with traffic entering and existing the park. There is surely to be traffic problems.

Another concern of mine is that this property is too small to facilitate this recovery center. There is not a large enough space outside for recreational activities. The back of this church is backed up against their cemetery, leaving the only place outside for recreation or leisure would be the parking lot.

I feel there are many other locations that would be more suitable for this type of facility.

Problem Location

Street Number and Name

5674

Bark Camp Road

Address Line 2

City

Murrayville

State

GA

Zip Code

30564

Your Information

Name

Debbie Hulsey

Street Number and Name

Address Line 2

5730 Bark Camp road

City

Murrayville

State

GA

Zip Code

30564

Phone Number

Fax Number

Email Address

Preferred Contact Method

none

Print

Planning Commission Comments - July 21, 2025 - Submission #120293

Date Submitted: 7/18/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 meeting of the Hall County Planning Commission.

First Name*

Kristin

Last Name*

Campbell

Address1*

Butler Rd

Address2

City*

gainesville

State*

ga

Zip*

30506

Zoning Item for Comment*

5674 Bark Camp Road | Special Use

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*

Brief Description I would like to inform the county of my opposition of the proposed special use group home at 5674 Bark Camp Road. This area is in a agricultural residential zoned area and this proposal if approved would go against the future land us plan and is inconsistent with
this plan. This property is located directly in front of Murrayville Park, a public park, that is frequented by families with children. I have concerns that a group home that addresses exclusively men and drug addiction being allowed would cause safety concerns for the neighboring residents as well as for the public who frequent Murrayville Park. To enter the park you would have to drive past this group home to enter the park and this could deter families from using this park out of fear for their safety due to proximity to the group home and their basis for residency at said group home. Furthermore, there are family residents immediately adjacent to this proposed location with children who this would also pose a safety concern as well as undue stress upon their family as these residents are recovering drug addicts.
I would appreciate your consideration to deny this proposed group home. Thank you for your time.

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

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 #2026

View Request

		SUBMITTER
Category:	Planning & Zoning	**Sabrina Ashley**
Priority:	3	Thompson Bridge RD 6347 Thompson Bridge RD
Assigned To:	Crowe Sarah	Dahlonega, Georgia 30533
Submitted:	7/16/2025 12:41 PM	CONTACT
Source:	Website 172.69.71.14	[redacted]

REQUEST DETAILS

Description

I am a concerned grandmother whose grandchildren live next door to this church. I'm worried that these individuals who will be using this facility will be unstable with criminal backgrounds. Will this future facility, "Lean On Me," do background checks to make sure these individuals are not sex offenders with drug addictions? This church is right in front of the Murrayville Park, where children go to play sports and play on the playgrounds. I feel this type of rehab should be away from public grounds where families and children will be.

Brief Description

I am a concerned grandmother whose grandchildren live next door to this church. I';m worried that these individuals who will be using this facility will be unstable with criminal backgrounds. Will this future facility, "Lean On Me," do background checks to make sure these individuals are not sex offenders with drug addictions? This church is right in front of the Murrayville Park, where children go to play sports and play on the playgrounds. I feel this type of rehab should be away from public grounds where families and children will be.

Problem Location

Street Number and Name

Bark Camp Road

5674 Bark Camp Road

Address Line 2

City

MURRAYVILLE

State

GA

Zip Code

30564

Your Information

Name

Sabrina Ashley

Street Number and Name

Thompson Bridge RD

6347 Thompson Bridge RD

Address Line 2

City

Dahlonega

State

Georgia

Zip Code

30533

Phone Number

Fax Number

Email Address

[redacted]

Preferred Contact Method

email

All

#2025

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Crowe Sarah
Submitted:	7/16/2025 10:57 AM
Source:	Website 172.71.22.107

SUBMITTER
Lauren Mead
555 Chesterra DR
Dahlonega, GA 30533

CONTACT
[redacted]

REQUEST DETAILS

Description

Lean On Me Recovery Residence:
We appreciate and understand the value of a recovery residence for those in need of support. The services provided are beneficial for not only for the individuals, but the community as a whole. However, the current proposed location of the recovery residence is concerning for nearby residents. There are several young children nearby, and the increased traffic would be a major safety risk. Additionally, the proximity to the Murrayville Park is concerning as well.

Brief Description

Lean On Me Recovery Residence:
We appreciate and understand the value of a recovery residence for those in need of support. The services provided are beneficial for not only for the individuals, but the community as a whole. However, the current proposed location of the recovery residence is concerning for nearby residents. There are several young children nearby, and the increased traffic would be a major safety risk. Additionally, the proximity to the Murrayville Park is concerning as well.

Problem Location

Street Number and Name

5674

Bark Camp Road

Address Line 2

City

Murrayville

State

Georgia

Zip Code

30564

Your Information

Name

Lauren Mead

Street Number and Name

555
Chesterra DR
Address Line 2
City
Dahlonega
State
GA
Zip Code
30533
[redacted]
Fax Number
Email Address
[redacted]
Preferred Contact Method
email

Print

Planning Commission Comments - July 21, 2025 - Submission #120296

Date Submitted: 7/18/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 meeting of the Hall County Planning Commission.

First Name*

Debbie

Last Name*

Hulsey

Address1*

5730 Bark Camp Rd

Address2

City*

Murrayville

State*

GA

Zip*

30564

Zoning Item for Comment*

5674 Bark Camp Road | Special Use

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

Your Comments*

I am concerned that this piece of property is much too small to accommodate this recovery home. This area is already much to crowded with traffic entering and existing Murrayville Park and with the residential driveway just a few feet past the church . I have witnessed cars driving way too fast on Bark Camp and this would just add more congestion in this area. Murrayville Park has already created alot of traffic on Bark Camp along with the speed of cars and truck would make things worse.in this area. Another concern of mine is that my five grandchildren use this park along with many other families and their children for activities and gatherings.
Also this facility is much too small for these individuals to have space for their recreational and outside activities. The church is backed up to the cemetery and the parking lot along the roadside would be the only place for them to congregate outside.
I feel there is a more desirable place other than this less than one acre piece of property.
Thank you for your consideration in this matter.

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Would you like follow-up communication?

Yes. [redacted]

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 21, 2025 - Submission #120297

Date Submitted: 7/18/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 meeting of the Hall County Planning Commission.

First Name*

Jillian

Last Name*

Hulsey

Address1*

5730 Bark Camp Rd

Address2

City*

Murrayville

State*

GA

Zip*

30564

Zoning Item for Comment*

5674 Bark Camp Road | Special Use

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

Your Comments*

As a homeowner and a mother, this proposal is something that I am not comfortable with. We live within walking distance from this address and not only do I not want a bunch of “recovering addicts” next to my home, this is also right next to a public park that our family and several other families frequently go to. Having something like this in our area is both unwelcome and unwanted and truly a hazard to the peaceful community we have down our road.

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 21, 2025 - Submission #120298

Date Submitted: 7/18/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 meeting of the Hall County Planning Commission.

First Name*

Caroline

Last Name*

Hulsey

Address1*

5704 Bark Camp Road

Address2

City*

Murrayville

State*

GA

Zip*

30564

Zoning Item for Comment*

5674 Bark Camp Road | Special Use

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

Your Comments*

As a neighbor of this proposed facility, "Lean on Me Recovery", I appreciate and understand the value of a recovery center for those in need of support. The services provided are beneficial for not only the individuals but the community as a whole. With that said I do not think it is an ideal location for this type of business to be successful long term with the safety issues that may arise.

Safety is top priority for my family who consist of small children. We spend a lot of time outside and also at the neighboring Murrayville Park. I am concerned that the Recovery Center unknowingly may invite those who have intentions of harm or harmful actions in our established safe neighborhood. As a mom who stays at home with my young children it makes me very uneasy to have this type of traffic near and around my home. Please consider moving this location to a more populated area in city limits that offers a more adequate space for these individuals.

Thank you

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 21, 2025 - Submission #120300

Date Submitted: 7/18/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 meeting of the Hall County Planning Commission.

First Name*

Jordan

Last Name*

Hulsey

Address1*

[redacted]

Address2

City*

murrayville

State*

ga

Zip*

30564

Zoning Item for Comment*

5674 Bark Camp Road | Special Use

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

Your Comments*

Please read letter attached.
If letter is not attached please email me at [redacted] or call at ([redacted]

Thank you

Please write your comments in the box above.

File Upload

Group Home Concerns Letter.docx
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?

[redacted]

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Jordan Hulsey

[redacted]

Murrayville , Georgia, 30564

[redacted]

7-17-25

I hope this letter finds you well. I am writing to express my concerns regarding the proposed establishment of a group home on the property adjoining my residence. (I have lived on the same property for 39 years.) While I understand the importance of providing supportive housing for individuals in need, I have several reservations about the suitability of this particular location for such a facility.

The introduction of a group home in a predominantly residential / Agricultural Area may significantly alter the character and dynamics of our community. Our road is primarily composed of single-family homes and Farms, and the addition of a group home could lead to increased traffic, noise, and activity levels that are not consistent with the current environment. This change could potentially disrupt the peace and quiet that residents have come to value and expect.

There are concerns about the potential impact on property values. The presence of a group home may affect the desirability of the surrounding properties. This is a significant concern for homeowners and Farmers who have invested in their properties and rely on their homes and property as a primary source of financial security.

There are safety considerations that need to be addressed. The group home may house individuals with varying needs and backgrounds, and it is essential to ensure that adequate measures are in place to maintain the safety and security of both the residents of the group home and the neighboring community. This includes proper supervision, emergency response plans, and clear communication channels between the group home staff and local authorities. This also includes the Facility that was not designed for the sustainment of housing. I must also Add to the matter I do not feel comfortable with this type of establishment being around my young Children and the Children that are at the park daily. My home is approximately 100 yards from this facility.

It is important to note that a county park adjoins the proposed group home property. This park is a valuable community resource that provides recreational opportunities and green space for residents. The presence of a group home next to the park raises concerns about the potential impact on the park's usage and the overall experience for park visitors. Increased traffic and activity from the group home could affect the tranquility and safety of the park environment.

I believe that the planning and zoning board should consider alternative locations for the group home that may be better suited to accommodate its needs without negatively impacting the surrounding community. There may be areas within the county that are more appropriate for such a facility, where the infrastructure and community resources are better equipped to support it.

In conclusion, while I support the mission of providing housing and support for individuals in need, I urge the county planning and zoning board to carefully consider the concerns of the residents in the adjoining properties. It is crucial to find a balance that meets the needs of the group home residents while preserving the quality of life for the existing community members.

Thank you for your attention to this matter. I appreciate your consideration of my concerns and look forward to a thoughtful and balanced decision.

Sincerely,

Jordan Hulsey

Print

Planning Commission Comments - July 21, 2025 - Submission #120305

Date Submitted: 7/18/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 meeting of the Hall County Planning Commission.

First Name*

Charles

Last Name*

Ashley II

Address1*

6347 Thompson Bridge Rd

Address2

City*

Dahlonega

State*

GA

Zip*

30533

Zoning Item for Comment*

5674 Bark Camp Road | Special Use

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 Proposed Business of Lean on Me Recovery I have a concern with having a recovery center to close to Murrayville Park where there are children and family's using the park. Recovery patients loitering at the park or walk up and down the road.
This area is rural agriculture area should not be approved for a Recover Center(Business).

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 21, 2025 - Submission #120322

Date Submitted: 7/20/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 meeting of the Hall County Planning Commission.

First Name*

Jason

Last Name*

Hulsey

Address1*

5872 Tony Peck Rd

Address2

City*

Murrayville

State*

GA

Zip*

30564

Zoning Item for Comment*

5674 Bark Camp Road | Special Use

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

Your Comments*

As a Murrayville resident of 47 years, I am appalled by the thought of a recovery center being in my hometown. I agree that recovery centers are a good thing and much needed, just not in a residential area adjacent to a park. Children and adults alike use Murrayville Park for all sorts of sports and functions and do not need the concerns of “recovering” addiction individuals. Hall county already provides services for addiction. Planning and Zoning should NOT allow this to pass.

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Would you like follow-up communication?

[redacted]

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - July 21, 2025 - Submission #120338

Date Submitted: 7/21/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 meeting of the Hall County Planning Commission.

First Name*

Joshua

Last Name*

Hulsey

Address1*

5730 Bark Camp Rd

Address2

City*

Murrayville

State*

GA

Zip*

30564

Zoning Item for Comment*

5674 Bark Camp Road | Special Use

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

Your Comments*

This is in reference to the church on Bark Camp Rd in Murrayville that is proposed to be a rehabilitation house. I own property beside this church and have small kids. As does many others close by this church. Also with a public park right behind the church. The church lot is very small with no place for the people that would be living there to go becomes the park. Or wandering around the large wooded areas that myself and others own that adjoins this church. Myself and all neighbors strongly oppose the church to be use as a rehabilitation house.

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Would you like follow-up communication?

Yes. [redacted]

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.

2. The Planning Department shall send notification by letter of all other property owners within a 500-foot radius of the applicant's property is standard administrative policy of the Planning Department.

3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road, or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN JUNE 13, 2025 AND NO LATER THAN JUNE 22, 2025.

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN JUNE 22, 2025 ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.

Failure to comply will result in a delay of the application.

AFFIDAVIT

By my signature, I, MATTHEW MIZE (Please Print Name), **hereby acknowledge that I have read and understand the sign posting requirements. I further certify that the required public notice sign was posted on** 6/18/2025 (Date) **for** Lean on me Recovery Residences (Name application filed as)

Signature Matthew L. Mize

(The original document is required)

Revised September 2021

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: LEAN ON ME RECOVERY RESIDENCES
REQUEST: SPECIAL USE FOR A GROUP HOME
PUBLIC HEARINGS WILL BE HELD ON:
Date: JULY 21, 2025
Time: 5:15 P.M.
&
Date: AUG 28, 2025
Time: 6:00 P.M.
FOR MORE INFORMATION CALL: (770) 533-4809

AGENDA ITEM

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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 492/2025

SUBJECT: **4965 Bryant Quarter Road | Rezone |** from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | Commission District 3 | **John Clouse, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG

Recommendation:
Approval

Purpose of Request:
4965 Bryant Quarter Road | Rezone | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | Commission District 3 | **John Clouse, applicant**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
BG	BG	JL	CR
Clerk			
JR			

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Deed
Water Sewer Availability
Environmental Health Comment
GDOT Comment
Public Works Comment
Fire Comment
Notice Sign

Hall County Government
PLANNING AND ZONING

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

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

To: David Gibbs, 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 11, 2025

Subject: **4965 Bryant Quarter Road | Rezone |** from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract| Zoned PCD; Tax Parcel 15003 000015G (pt) **| Proposed use: Uses permitted in AR-1 | John Clouse, applicant**

The request before you is from John Clouse to rezone from a Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) for uses permitted in AR-1. This item is located within Commission District 3.

At their July 21, 2025 meeting, the Hall County Planning Commission voted to recommend **approval, with no conditions (4-0).**

Staff recommendation: **Approval, with conditions,** as the proposed zoning is consistent with the "Rural Neighborhood" future land use classification within the Comprehensive Plan.

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

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... John Clouse

Request ..... **Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1)

Proposed Use ..... Uses permitted in AR-1

Size ..... 3.30± acres

Zoning ..... **Current:** Planned Commercial Development (PCD) | **Proposed:** Agricultural Residential 1 (AR-1)

Location ..... **4965 Bryant Quarter Road |** Tax Parcel 15003 000015G (pt)

Commission District ..... Three

Planning Commission Date ..... July 21, 2025

Staff Recommendation ..... **Approval, with conditions** as the proposed zoning is consistent with the "Rural Neighborhood" future land use classification within the Comprehensive Plan

Record Number(s) HZON25-0029

Planning Commission Recommendation ..... Approval

Vote: 4-0

Excerpts from the minutes of the July 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

John Clouse, 4965 Bryant Quarter Road, Lula, presented the request. The applicant is requesting to rezone a 3.30± acre portion of a tract from Planned Commercial Development (PCD) to Agricultural Residential (AR-1) to allow for uses permitted in the AR-1 zoning district. Currently, the subject property remains undeveloped and wooded. In 2008, the Board of Commissioners approved an organic packaging, sales and distribution facility on the subject parcel (ZON2008-00111). In 2005, the zoning conditions were amended to allow for an increase in the square footage of the main facility (ZON2012-00004), subject to four conditions.

Public Forum:

There were no comments in support or opposition.

Motion: A motion to approve was made by Stan Hunt and seconded by Shannon Davidson and Frank Sosebee. Vote: 4-0

Staff recommends APPROVAL of the applicant's request.

Summary Analysis

The applicant is requesting to rezone a 3.30± acre portion of a tract from Planned Commercial Development (PCD) to Agricultural Residential (AR-1) to allow for uses permitted in the AR-1 zoning district. Currently, the subject property remains undeveloped and wooded.

In 2008, the Board of Commissioners approved an organic packaging, sales and distribution facility on the subject parcel (ZON2008-00111). In 2005, the zoning conditions were amended to allow for an increase in the square footage of the main facility (ZON2012-00004), subject to the following conditions:

1. The development of the site shall occur as generally depicted and described in the concept plan narrative submitted.
2. The development is limited to a maximum of 18,000 square feet for the main facility.
3. Final driveway design and placement are subject to approval by the Hall County Engineering Department.
4. All conditions of zoning shall be made a part of any plat created for the property.

The surrounding properties are zoned and developed as outlined below:

North: Agricultural Residential 1 (AR-1): Developed with single-family residences
South: Agricultural Residential 1 (AR-1): Developed with single-family residences
East: Agricultural Residential 1 (AR-1: Developed with single-family residences
West: Agricultural Residential 1 (AR-1): Vacant

Per the narrative, the applicant purchased the property with no intention of using it for commercial purposes and plans to utilize it for uses permitted within the Agricultural Residential 1 (AR-1) zoning

district. The application states that rezoning the property to AR-1 will align with the existing character of the surrounding community.

Water is provided by well water and sanitary sewer services will be provided by on-site septic system.

Comprehensive Plan Land Use Designation

Based on the future land use plan, staff finds the requested zoning designation *is consistent* with the Hall County Comprehensive Plan future land use designation of "Rural Neighborhood" within the East Hall Character Area. These areas should consist of active farms and agricultural enterprises and low-density, large-lot single-family residential up to 0.75 dwellings per acre. These areas also consist of undeveloped lands likely to face development pressures for new residential or commercial development. Similar to Rural Agriculture, they should have deep setbacks and incorporate a high percentage of open space. Where it occurs, new development should preserve natural features, including tree canopy, waterways, and waterbodies.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

a. 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 is suitable in view of the use, development, and zoning of adjacent and nearby properties.**

b. 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 rezoning will adversely affect nearby properties.**

c. 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; however, future development would be limited by the existing PCD zoning district without approval of the request.**

d. 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; **If approved, the use is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**

e. 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 "Rural Neighborhood" land use designation.**

f. 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.**

g. 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.**

h. 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.**

i. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently undeveloped.**

j. 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.**

k. Whether the change would create an isolated district unrelated to the surrounding districts; **The change in zoning would align the subject property with the current zoning of adjacent parcels.**

l. 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.**

m. 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 immediate neighborhood or the needs of the county as a whole.**

n. 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 agricultural and residential uses based on the Future Land Use Map.**

o. 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.**

p. 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.**

q. 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.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

   a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

   b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district**. The proposal meets the requirement.**

   c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request**

   d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated June 18, 2025, Emily McGahee stated, "No comment."

Georgia Department of Transportation
In an email dated June 16, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities
In a memo dated June 20, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:
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:
No comment.

Utilities
Hall County sewer service area. No sewer infrastructure in the area.

Hall County Fire Marshal
In an email dated June 13, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated,
"The Hall County Fire Marshal's Office has no comments as proposed."

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

HALL COUNTY
GEORGIA
We have it all in Hall

ZONING APPLICATION

Applicant (Name & Mailing Address)

JOHN CLOUSE
5693 Hensley Rd Lula, Ga 30554

Phone 678-725-3152
Email Address John.Clouse@shcgeorgia.com

Property Owner (Name & Mailing Address)

John Clouse
5693 Hensley Rd Lula, Ga 30554

Phone 678-725-3152
Email Address John.Clouse@shcgeorgia.com

Proposed Use For uses Permitted in AR-1

Contact Person (Name & Mailing Address)

John Clouse
5693 Hensley Rd Lula, Ga 30554

Phone 678-725-3152
Email Address John.Clouse@shcgeorgia.com

Status of Applicant

- ✓ Owner
- ϒ Option to Purchase
- ϒ Area Resident
- ϒ Other

Requested Action

Existing Zoning: _____
Rezone to: AR-1
Fee:$ _____
Receipt #: _____
Check #: _____

Tax Parcel Number _____
Acreage 3.30
Location Address 4965 Bryant Quarter Rd Gillsville Ga

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

Print: John Clouse Date: 5/22/25
Sign: John Clouse Date: 5/22/25

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 ZONING DEPARTMENT 2875
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ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503 t: 770-531-6809 I
f: 770-531-3902

HALL COUNTY
GEORGIA
We have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**_____ I have not X

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

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

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: John Clouse **Date:** 5/22/25

Applicant's/Owner's Name (Printed): John Clouse

To: Planning Department Hall
County. 5/23/2025

We are requesting a rezoning of our property located off Bryant Quarter Road in Gillsville, GA, which is currently partially designated as Planned Commercial Development (PCD) by the previous owners (3.30 acres PCD out of the 25 acre AR-1 tract), who intended to operate a business alongside their residence. This property is serviced by well water and septic systems with no access to a public water source or sewer. Since purchasing the property, we have no intention of using it for any commercial purposes and plan to use it solely for purposes under the AR-1 land use rules . Rezoning the property to AR-1 aligns with the existing character of the surrounding community, which is predominantly residential and rural in nature. Maintaining a commercial zoning also creates unnecessary tax burdens given the higher tax rate of PCD versus AR-1, especially given that the PCD would not be utilized on the property. We believe that this rezoning will help preserve the integrity of the area and ensure our plans are consistent with the long-term vision of the neighborhood and Hall County's comprehensive land use goals.

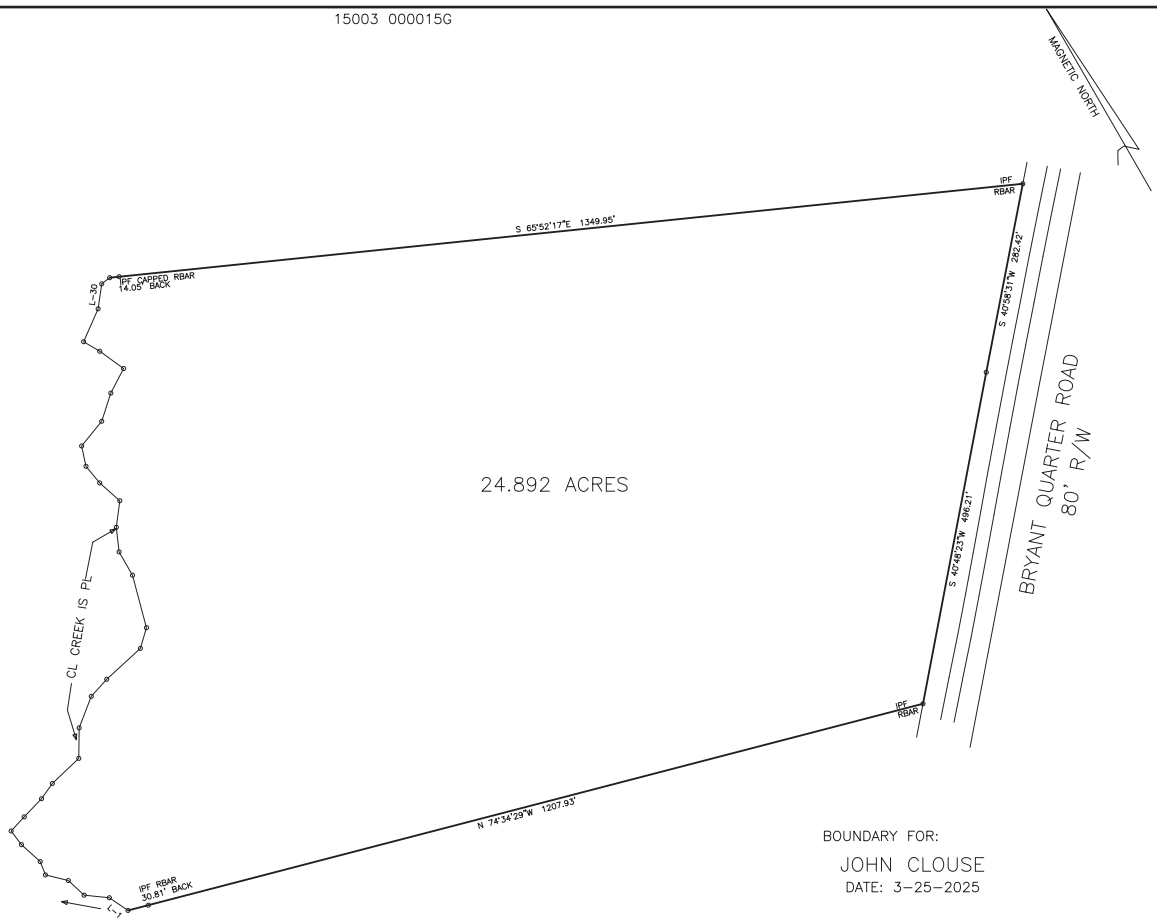
Thanks.
John Clouse

15003 000015G

•• LEGEND ••

IPF = IRON PIN FOUND
IPS = IRON PIN SET
CMF = CONCRETE MONUMENT FOUND
R\W = RIGHT OF WAY
BL = BUILDING LINE
LLL = LAND LOT LINE
LL = LAND LOT
N/F = NOW OR FORMERLY
NTS = NOT TO SCALE
CL = CENTER LINE
BM = BENCH MARK
TBM = TEMPORARY BENCH MARK
PC = POINT OF CURVATURE
PI = POINT OF INTERSECTION
PT = POINT OF TANGENCY
R = RADIUS
CH = CHORD
IE = INVERT ELEVATION
--T-- = TELEPHONE LINE
--W-- = WATER LINE
--G-- = GAS LINE
--S-- = SEWER LINE
--P-- = POWER LINE
MH = MAN HOLE
SSE = SANITARY SEWER EASEMENT
DE = DRAINAGE EASEMENT
CE = CONSTRUCTION EASEMENT
CB = CATCH BASIN
JB = JUNCTION BOX
DI = DROP INLET
HW = HEAD WALL
FH = FIRE HYDRANT
RCP = REINFORCED CONCRETE PIPE

COURSE	BEARING	DISTANCE
L-1	N 25°46'42"W	33.19'
L-2	N 54°05'08"W	37.30'
L-3	N 17°14'14"W	31.62'
L-4	N 46°13'01"W	34.63'
L-5	N 08°30'53"E	21.07'
L-6	N 17°55'08"W	37.22'
L-7	N 07°08'11"W	25.20'
L-8	N 72°52'57"E	28.34'
L-9	N 73°37'19"E	36.92'
L-10	N 65°22'24"E	27.50'
L-11	N 76°30'12"E	53.56'
L-12	N 30°44'25"E	44.84'
L-13	N 50°57'48"E	49.62'
L-14	N 72°06'54"E	33.93'
L-15	N 77°28'30"E	67.23'
L-16	N 46°19'47"E	31.69'
L-17	N 15°07'20"E	29.84'
L-18	N 00°00'00"E	39.58'
L-19	N 23°37'13"E	36.39'
L-20	N 37°28'41"E	39.38'
L-21	N 18°26'06"W	39.53'
L-22	N 09°27'55"W	31.68'
L-23	N 17°49'54"E	30.63'
L-24	N 69°08'30"E	46.82'
L-25	N 47°54'22"E	43.51'
L-26	N 57°31'51"E	40.74'
L-27	N 24°05'19"W	43.37'
L-28	N 29°29'58"W	27.52'
L-29	N 53°48'28"E	52.92'
L-30	N 38°09'29"E	37.10'



BOUNDARY FOR:

JOHN CLOUSE

DATE: 3-25-2025

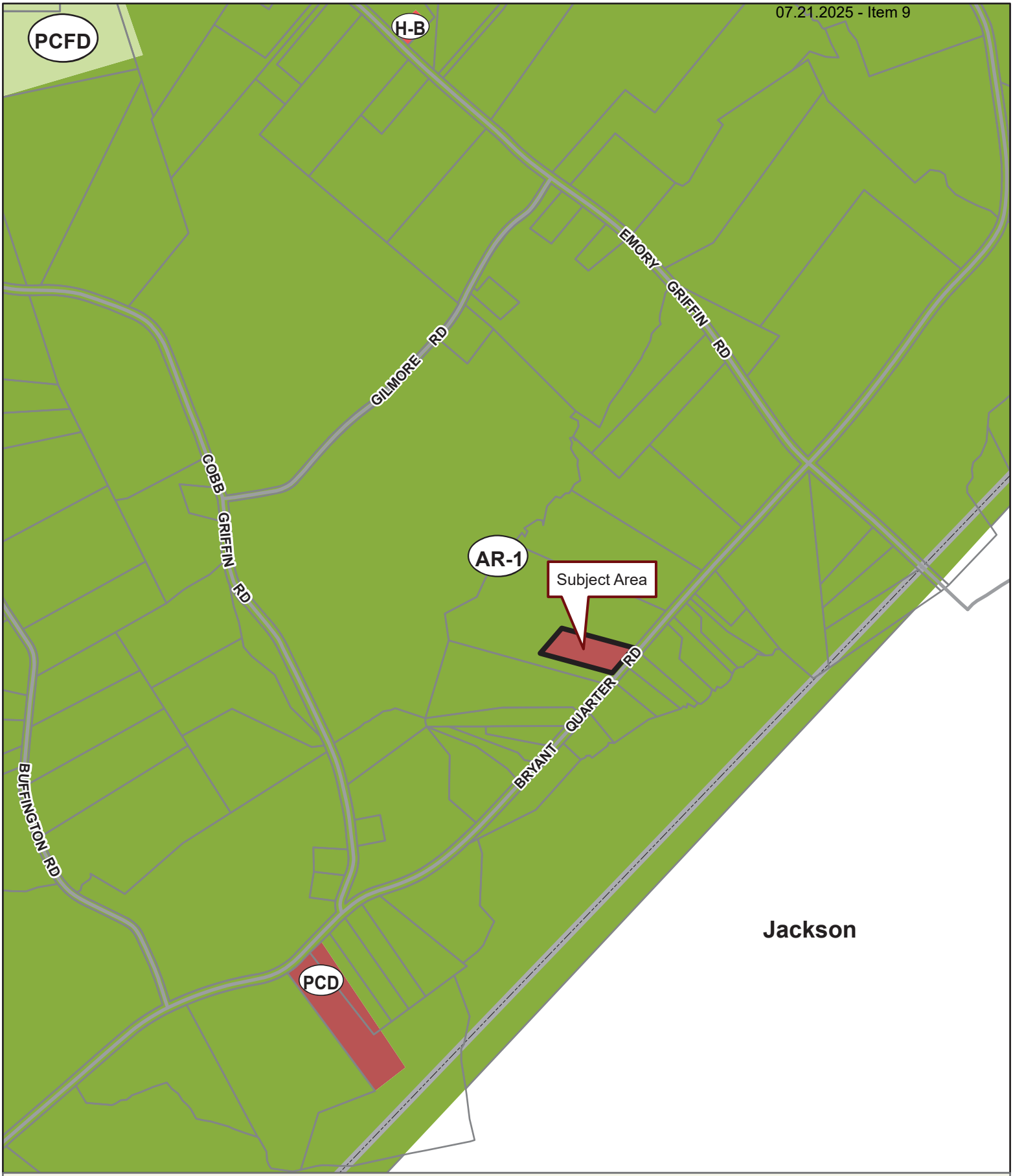
GEORGIA REGISTERED No. 2641 LAND SURVEYOR BARRY D. LORD

100 0 100 200 300

GRAPHIC SCALE – FEET

INGRAM,LORD & ASSOCIATES
LAND SURVEYING AND PLANNING
437 SAM BROWN BLVD.
COMMERCE , GEORGIA 30529
706-335-9069

IL5076

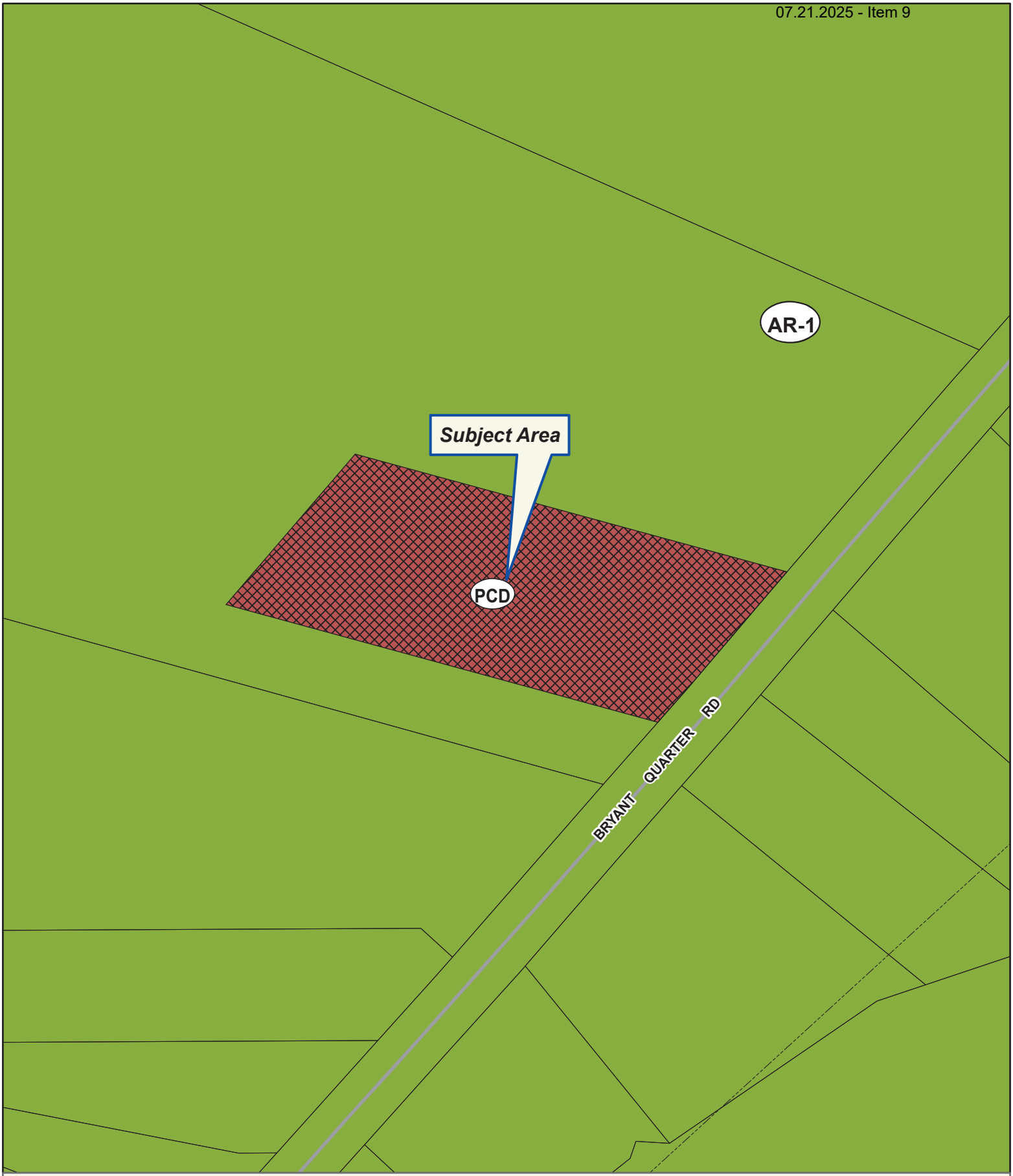


Applicant: JOHN CLOUSE
Tax Parcel #: 15003 000015G (PT.)
Location: 4965 BRYANT QUARTER ROAD, GILLSVILLE, GA 30543
Commission District 3 **PC Mtg. Date: 07/21/2025**

0 200 400 800
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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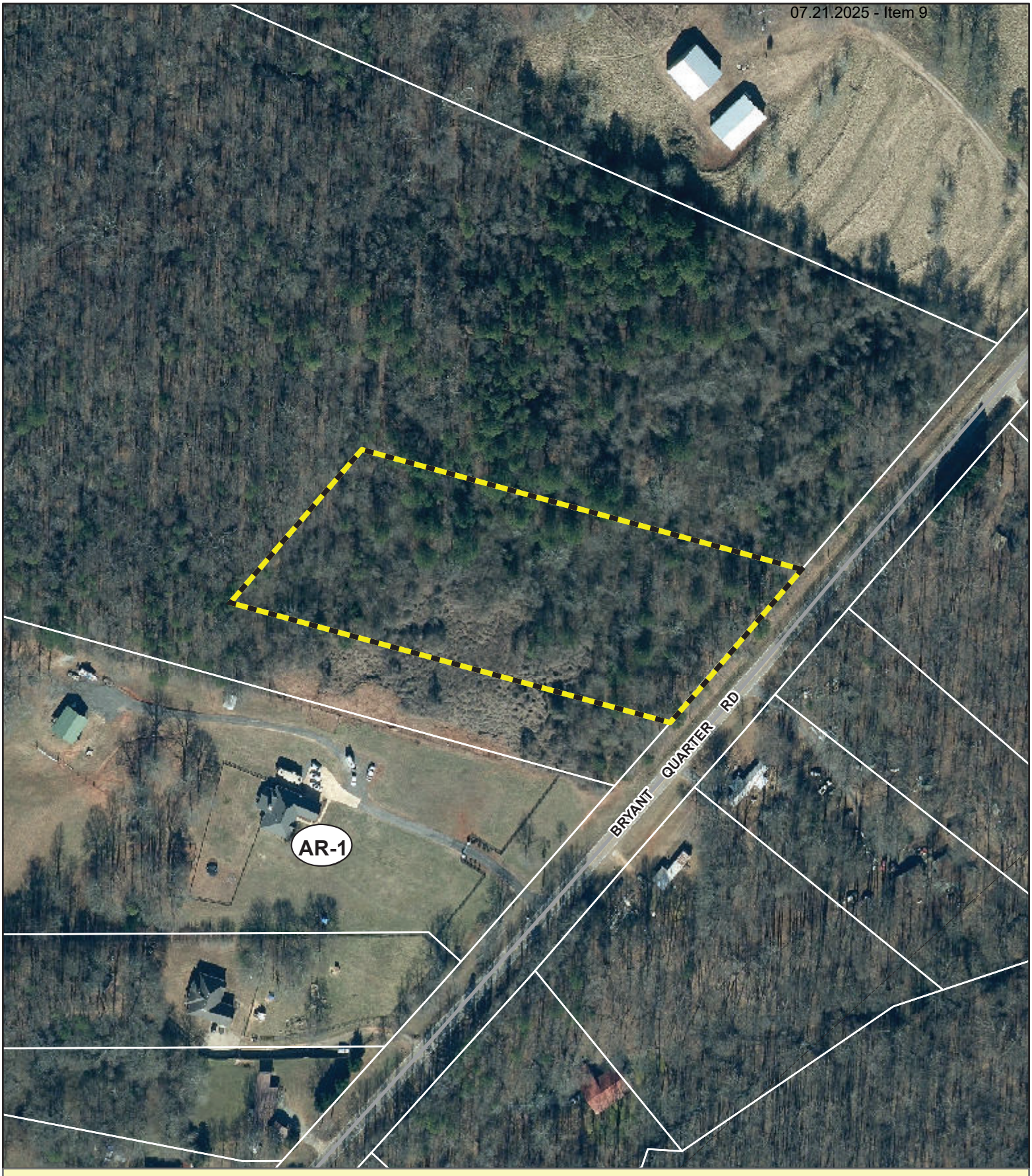
0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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Commission District 3 **PC Mtg. Date: 07/21/2025**

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

FILED & RECORDED 04/15/2025 10:42 AM
DEED BOOK 9639 PAGES 158 - 158
FILING FEES: $25.00
PT61: 069-2025-002369 TRANSFER TAX: $375.00
RECORDED BY: MB
CLERK: Mark Pettitt Hall County, GA

Return Recorded Document to:
Garner & Kilgore
P.O. Box 602
Buford, Georgia 30515

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF GWINNETT FILE #: **25R25512**

THIS INDENTURE made this **14th** day of **April, 2025,** between **Sabri Guven**, as party or parties of the first part, hereinunder called Grantor, and **John Clouse** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

All that tract or parcel of land lying and being in Gillsville District, Hall County, Georgia, and being known as Tract 4, according to a plat entitled "Survey for Estate of Frank H. Adams" dated November 26, 1974 and prepared by B. Keith Rochester, Jr., Georgia Registered Land Surveyor Number 1534 which plat is recorded in Plat Book 59, Page 136-137 in the Office of the Clerk of Superior Court of Hall County, Georgia and which plat by reference is made a part of this description as fully and effectively as if said tract were described by meets and bounds herein.

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Witness

Sabri Guven (SEAL)

Notary Public
My Commission Expires:
(NOTARY SEAL)

Shannon Meggs Notary Public Hall County, GA Exp. 04/25/2025

5/23/2025

To whom it may concern.

4965 Bryant Quarter Rd Gillsville Ga is serviced by well water and private septic systems, to the best of my knowledge there is no public water source or sewer in the area to use.

Thanks!

John Clouse

678-725-3152

Outlook

HCPC Tentative Agenda 7.21.25

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Wed 6/18/2025 12:14 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Cc Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>

Please find Environmental Health comments below:

Item 1, 5674 Bark Camp Rd, Lean on Me: Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Items 2/3A/3B/4A/4B, 1608 Whiting Drive, Vargas: No comment. Public Sewer.

Item 5, 5019 Cagle Mill, NCP Holdings: No comment. Public Sewer.

Item 6, 4020/3886 Cornelia Hwy: No comment. Public Sewer.

Item 7, A/B, 5684 Bethel Road, Truelove: 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 8, 5979 New Bethany Rd, Brown: 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 9, 4965 Bryant Quarter Rd, Clouse: No comment.

Item 10, 5970 Cleveland Hwy, Academy P1: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 11, County Staff: 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

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.

Outlook

RE: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

From Nembhard, Nakia L <NNembhard@dot.ga.gov>
Date Mon 6/16/2025 8:13 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

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,

Below you will find comments on proposed locations. If you have any questions please let me know.

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | P**roposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**. **(Does Not Require GDOT Coordination)**

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant** **(Does Not Require GDOT Coordination)**

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant** **(Does Not Require GDOT Coordination)**

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant (Will Require GDOT Coordination)**

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant** **(Does Not Require GDOT Coordination)**

Thanks,

Nakia Nembhard
Civil Engineer 3

Georgia Department of Transportation

District 1 Traffic Operations
1475 Jesse Jewell Pkwy Suite 100
Gainesville, GA, 30501

(678) 332-8200 Cell
(770) 533-8496 Office

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, June 12, 2025 12:02 PM
Subject: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

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 **July 21, 2025** Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

PUBLIC WORKS AND
UTILITIES DIRECTOR
Bill Nash, P.E.

Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
PUBLIC WORKS AND UTILITIES

M E M O R A N D U M

To: Beth Garmon, Director of Planning and Zoning

From: Bill Nash, Director of Public Works and Utilities

Date: June 20, 2025

Subject: July 21, 2025 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 21, 2025 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **5674 Bark Camp Road | Special Use** | for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant.**

a. **Engineering**: No comment
b. **Traffic:** No comment.
c. **Utilities:** Septic area. Hall County sewer service but no sewer in area.

2. **1608 Whiting Drive | Rezone** | from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby.

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 &

H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** No sewer in area. Gainesville water

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

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

North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show 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.
North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
(B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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:** Commercial driveway

c. **Utilities:** Hall County sewer area.
No sewer infrastructure in area.

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south

east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

a. **Engineering**: Show stream buffer and impervious setback from wrested vegetation not centerline of stream
b. **Traffic:** Commercial driveway
c. **Utilities:** Buford sewer service area.

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant**

a. **Engineering**: 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:** No comment
c. **Utilities:** Hall County sewer service area
No sewer infrastructure in area.

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b. **Traffic:** G-DOT coordination
Commercial driveway if no access to SR 11
c. **Utilities:** Clermont sewer service area.

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant**

a. **Engineering**: No comment
b. **Traffic:** No comment
c. **Utilities:** No comment

Outlook

Fire Comments

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Fri 6/13/2025 3:50 PM
To Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

July 21, 2025 Hall County Planning Commission Meeting

1. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, 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

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: JOHN CLOUSE
REQUEST: REZONE FROM PCD TO AR-1
FOR USES PERMITTED IN AR-1
PUBLIC HEARINGS WILL BE HELD ON:
Date: JULY 21, 2025
Time: 5:15 PM
8
Date: AUG 28, 2025
Time: 6:00 P.M.
FOR MORE INFORMATION CALL: (770) 531-6809

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.

2. The Planning Department shall send notification by letter of all other property owners within a 500-foot radius of the applicant's property is standard administrative policy of the Planning Department.

3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road, or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN JUNE 13, 2025 AND NO LATER THAN JUNE 22, 2025.

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN JUNE 22, 2025 ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.

Failure to comply will result in a delay of the application.

AFFIDAVIT

By my signature, I, John Clouse **, hereby acknowledge that I have read and understand the sign posting requirements. I further certify that the required public notice sign was posted on** 6/20/25 **for** John Clouse **.**

Please Print Name

Date

(Name application filed as)

Signature John Clouse

(The original document is required)

AGENDA ITEM

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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 491/2025

SUBJECT: **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single-family residence** | Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG

Recommendation:

Approval, with conditions

1. The property shall be developed in accordance with the site plan dated May 7, 2025, and as described in the project narrative dated May 15, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. 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."
3. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.
4. All conditions of zoning shall be made part of any plat or plans created for the property.

Purpose of Request: **History:**

5979 New Bethany Road | Rezone | from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single-family residence** | Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

Facts and Issues: **Options:**

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

Approvals:

Submit	Approve	Attorney	Administration
BG	BG	JL	CR
Clerk			
JR			

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Plat
Maps
Legal Description
Water Availability
Environmental Health Comment
GDOT Comment
Public Works Comment
Fire Comment
Notice Sign

Hall County Government
PLANNING AND ZONING

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

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

To: David Gibbs, 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 11, 2025

Subject: **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract | Zoned PRD; Tax Parcel 07328 004003(pt) **| Proposed Use: Single family residence |The Travis and Herman Brown Family Limited Partnership, applicant**

The request before you is from The Travis and Herman Brown Family Limited Partnership to rezone from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) for a single family residence. This item is located within Commission District 2.

At their July 21, 2025 meeting, the Hall County Planning Commission voted to recommend **approval, with four (4) conditions (4-0).**

Staff recommendation: **Approval, with conditions,** as the proposed zoning and use are consistent with the "Lakeside Residential" future land use classification within the Comprehensive Plan.

There were **no comments submitted** in advance of the Planning Commission meeting and **one (1) person spoke in opposition during the public hearing.**

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated May 7, 2025, and as described in the project narrative dated May 15, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. 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."

3. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.
4. All conditions of zoning shall be made part of any plat or plans created for the property.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... The Travis and Herman Brown Family Limited Partnership

Request ..... **Rezone** | from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1)

Proposed Use ..... Single family residence

Size ..... 5.56± acres

Zoning ..... **Current:** Planned Residential Development (PRD) | **Proposed:** Agricultural Residential 1 (AR-1)

Location ..... **5979 New Bethany Road |** Tax parcel 07328 004003(pt)

Commission District ..... Two

Planning Commission Date ..... July 21, 2025

Staff Recommendation ..... **Approval, with conditions** as the proposed zoning and use are consistent with the "Lakeside Residential" future land use classification within the Comprehensive Plan.

Record Number(s) HZON25-0026

Planning Commission Recommendation ..... Approval, with conditions

Vote: 4-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated May 7, 2025, and as described in the project narrative dated May 15, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. 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."

3. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.

4. All conditions of zoning shall be made part of any plat or plans created for the property.

Excerpts from the minutes of the July 21, 2025 meeting

Applicant’s Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Tyler Lasser, 4525 South Lee Street, Buford, presented the request. The applicant is requesting to rezone a 5.56± acre portion of a tract from Planned Residential Development (PRD) to Agricultural Residential (AR-1) to construct a single-family residence. The subject property is a portion of an existing 35.13± acre tract that operates as a cemetery and is currently wooded and undeveloped. A business license for the cemetery was issued in 1988, and the property was later rezoned in 1994 from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) to accommodate the cemetery and future expansion (ZON1994-00005).

Public Forum:

Reggie Morgan, 6048 New Bethany Road, Buford, spoke in opposition. The concern raised was the location of the driveway in proximity to blind curves.

Planning Commission Comments:

Mr. Braswell asked Beth Garmon, Director of Planning and Zoning, if this lot meets all road frontage requirements. Ms. Garmon confirmed that it did. Mr. Braswell asked the applicant to clarify if the portion of the lot connected to Beards Road was an easement. The applicant stated the connection is part of the property, and is not an easement. The applicant stated GDOT had no comments for the driveway placement.

Motion: A motion to approve, with conditions was made by Shannon Davidson and seconded by Frank Sosebee. Vote: 4-0

Conditions:

1. The property shall be developed in accordance with the site plan dated May 7, 2025, and as described in the project narrative dated May 15, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. 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."

3. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.

4. All conditions of zoning shall be made part of any plat or plans created for the property.

Staff recommends APPROVAL of the applicant’s request with the following conditions:

1. The property shall be developed in accordance with the site plan dated May 7, 2025, and as described in the project narrative dated May 15, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. 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."

3. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.

4. All conditions of zoning shall be made part of any plat or plans created for the property.

Summary Analysis

The applicant is requesting to rezone a 5.56± acre portion of a tract from Planned Residential Development (PRD) to Agricultural Residential (AR-1) to construct a single-family residence.

The subject property is a portion of an existing 35.13± acre tract that operates as a cemetery, and is currently wooded and undeveloped. A business license for the cemetery was issued in 1988, and the

property was later rezoned in 1994 from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) to accommodate the cemetery and future expansion (ZON1994-00005).

The surrounding properties are zoned and developed as outlined below:

North: Planned Industrial Development (PID) - Undeveloped
South: Planned Residential Development (PRD) - Broadlawn Memorial Gardens cemetery
East: Agricultural Residential 1(AR-1) - Developed with single-family residences
West: Planned Residential Development (PRD) - Broadlawn Memorial Gardens cemetery

Per the submitted site plan and narrative, the applicant is requesting to rezone a portion of the Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) to establish a single-family residence.

Water service will be provided by a well and sanitary sewer services will be provided by an on-site septic system.

Based on the future land use plan, staff finds the requested rezoning *is consistent* with the Hall County Comprehensive Plan future land use designations of Lakeside Residential. These areas are located near and adjacent to the edges of Lake Lanier and can range from low-density residential to resort-style multifamily. Lakeside Residential is intended to preserve established lakefront neighborhoods and create opportunities for permanent and vacation residences along and adjacent to the lake. While some of these areas are not located directly on the lake, they have a development pattern similar to their lakeside neighbors or are likely to see a style of development that is denser than Rural Neighborhood or slightly less dense than Suburban Neighborhood, Low Density. Depending on the character area and what zoning districts they allow, residential densities may be limited to 0.75 dwellings per acre or up to 8 dwellings per acre.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

a) 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 Agricultural Residential 1 (AR-1) zoning district for a single-family residence is suitable in view of the use, development and zoning of adjacent and nearby property. The surrounding area consists of a variety of land uses which include residential, agricultural, industrial, and commercial uses.**

b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning is not anticipated to adversely affect the existing use or usability of adjacent residential properties.**

c) 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; however, the applicant cannot develop the property as proposed without approval by the Board of Commissioners.**

d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed rezoning is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property will be served by a well and on-site septic system.**

e) 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 intent of the Lakeside Residential future land use designations in the Comprehensive Plan.**

f) 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 affected by the existing zoning restrictions.**

g) 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.**

h) 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.**

i) 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 subject portion of property is currently undeveloped and forested.**

j) 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.**

k) Whether the change would create an isolated district unrelated to the surrounding districts; **The surrounding parcels consist of Agricultural Residential 1 (AR-1), Planned Industrial Development (PID) and Planned Residential Development (PRD). An isolated zoning district would not be created if approved.**

l) 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.**

m) Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed development does not appear to be out of scale with the needs of the surrounding area or county as a whole.**

n) 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 are zoned Agricultural Residential 1 (AR-1) and support single-family development; however, the existing zoning restrictions associated with the Planned Residential Development (PRD) do not support the single-family residence as proposed.**

o) 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.**

p) 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.**

q) 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.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

    a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

    b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district**. The proposal meets the requirement.**

c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request.**

d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated June 18, 2025, 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."

Georgia Department of Transportation
In an email dated June 16, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities
In a memo dated June 20, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:
Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Traffic:
Commercial driveway.

Utilities
Buford sewer service area.

Hall County Fire Marshal

In an email dated June 24, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated “The Hall County Fire Marshal’s Office has no comments as proposed.”

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

HALL COUNTY
GEORGIA
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ZONING APPLICATION

Applicant (Name & Mailing Address)

The Travis and Herman Brown Family Limited Partnership

PO Box 563 Buford, Ga 30515

Phone [redacted]

Email Address [redacted]

Property Owner (Name & Mailing Address)

The Travis and Herman Brown Family Limited Partnership

PO Box 563 Buford, Ga 30515

Phone [redacted]

Email Address [redacted]

Proposed Use

Contact Person (Name & Mailing Address)

Tyler Lasser

299 S. Main Street, Alpharetta, GA 30092

Phone [redacted]

Email Address tlasser@lja.com

Status of Applicant

- [X] Owner
- [ ] Option to Purchase
- [ ] Area Resident
- [ ] Other

Requested Action

Existing Zoning: PRD

Rezone to: AR-1

Fee:$

Receipt #:

Check #:

Tax Parcel Number 07328 004003

Acreage 5.556

Location Address 5979 New Bethany Road

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

Sign Sheila Braun Croft Manager Date: 4/14/2025

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

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

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

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

County Commission District: _____

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HALL COUNTY PLANNING AND DEVELOPMENT
AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) CEMETERY MANAGEMENT OF GEORGIA, LLC

Address 5979 NEW BETHANY RD
BUFORD, GA 30518

Phone Number 770-945-7651

Name of applicant(s) The Travis and Herman Brown Family Limited Partnership

Address PO Box 563 Buford, GA 30515

Phone Number [redacted]

Purpose of Permit Rezoning

Site Address 5979 NEW BETHANY RD, BUFORD, GA 3058

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 permit as described above for the subject property.

Signature of Owner(s)

Personally appeared before me

Notary Public (Print Name)

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

PAMELA RODRIGUEZ NOTARY PUBLIC GWINNETT COUNTY, GEORGIA COMMISSION EXPIRES 07/06/2026

Notary Public Signature

May 14, 2025
Date

The Travis and Herman Brown Family Limited Partnership

General Partner: Gunter Pharr Properties, LLC

I, Sheila Brown Croft, is the Manager of Gunter Pharr Properties in which is the General Manager of The Travis and Herman Brown Family Limited Partnership.

I am authorized to sign all documents pertaining to The Travis and Herman Brown Family Limited Partnership, as well as Gunter Pharr Properties, LLC

Sheila Brown Croft, Manager

Sheila Brown Croft 5/21/2025

Witness

Cathy Beard 5/21/2025

Notary

Henry Andrews 5/21/2025

Control Number : 0201496

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF AMENDMENT

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

CEMETERY MANAGEMENT OF GEORGIA, LLC

a Domestic Limited Liability Company

has filed articles/certificate of amendment in the Office of the Secretary of State on 08/29/2019 and has paid the required fees as provided by Title 14 of the Official Code of Georgia Annotated. Attached hereto is a true and correct copy of said articles/certificate of amendment.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on **09/03/2019**.

Brad Raffensperger

Brad Raffensperger
Secretary of State

Articles of Amendment
Of
Cemetery Management of Georgia, LLC

(Georgia Control Number 0201496)

Article 1.

The name of the limited liability company is Cemetery Management of Georgia, L.L.C.

Article 2.

Management of the limited liability company is vested in one or more managers whose names, addresses and telephone numbers are as follows:

General Manager	Donald N. Nadeau 11145 Crosshaven Drive Roswell, GA 30075 770/993-8649
Secretary/Treasurer	Sherri B. Nadeau 346 Antebellum Place Woodstock, GA 30188 770/654-7556
Executive Director	Sheila C. Nadeau 11145 Crosshaven Drive Roswell, GA 30075 770/993-8649
Assistant General Manager	Paul B. Nadeau 196 Joshua Way Hoschton, GA 30548 678/873-5244

(Articles of Amendment continues on page 2)

19 AUG 29 [illegible] 10

Article 3.

Ownership in the limited liability company is as follows:

Ninety percent (90%)	Donald N. Nadeau
Ten percent (10%)	Sheila C. Nadeau

IN WITNESS WHEREOF, the undersigned has executed these Amended Articles of Organization originally filed on 12/31/2001.

This 5th day of August ,2019

Donald N. Nadeau
General Manager

Sherri B. Nadeau
Secretary/Treasurer

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

HALL COUNTY
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**____ I have not X

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

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

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Sheila Brown Croft **Date:** 4/14/2025

Applicant's/Owner's Name (Printed): Sheila Brown Croft Manager

PLANNING AND DEVELOPMENT DEPARTMENT
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Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Donald N. Nadeau **Date:** 5-22-25

Applicant's/Owner's Name (Printed): DONALD N. NADEAU

770.225.4730
www.LJA.com
4525 South Lee Street, Buford, Georgia 30518

May 15, 2025

Applicant's Letter of Intent
Rezoning Request – PRD to AR-1
Beards Road, Hall County, GA

The Applicant, The Travis and Herman Brown Family Limited Partnership, requests to rezone a portion of the property located at the corner of Beards Road and New Bethany Road. The full tract is approximately 35 acres in size and includes the existing Broadlawn Memorial Gardens Cemetery.

The applicant is requesting to subdivide approximately 5.556 acres from the larger parcel and rezone this portion from Planned Residential Development (PRD) to Agricultural-Residential-I (AR-1) in order to develop a single-family house. The area proposed for rezoning primarily lies east of the active cemetery grounds and has remained undisturbed and underutilized, with no existing or planned burial activity. It is physically and functionally separate from the cemetery's operations. The proposed residence will be served by municipal water and an on-site septic system, consistent with surrounding rural residential properties. Access will be provided via Beards Road, where the parcel will have approximately 60 feet of public road frontage, satisfying Hall County's minimum access requirements for AR-1 zoning.

This request is in alignment with the Hall County Comprehensive Plan and the Future Land Use Map, which identify this area as part of the "Lakeside Residential" character area. The proposed AR-1 zoning supports the plan's intent to encourage low-density, single-family residential development with a development pattern like that directly on the lake. The proposed single-family home represents a modest, compatible use of an otherwise unused portion of the property, without altering the function or character of the existing cemetery or the surrounding community. The remainder of the property will continue to operate as Broadlawn Memorial Gardens Cemetery.

We respectfully request your favorable consideration of this rezoning application and look forward to working collaboratively with Hall County staff and the Planning Commission through the process.

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

A TRIMBLE S-7 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 68,145 FEET AND AN ANGULAR ERROR OF 04" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

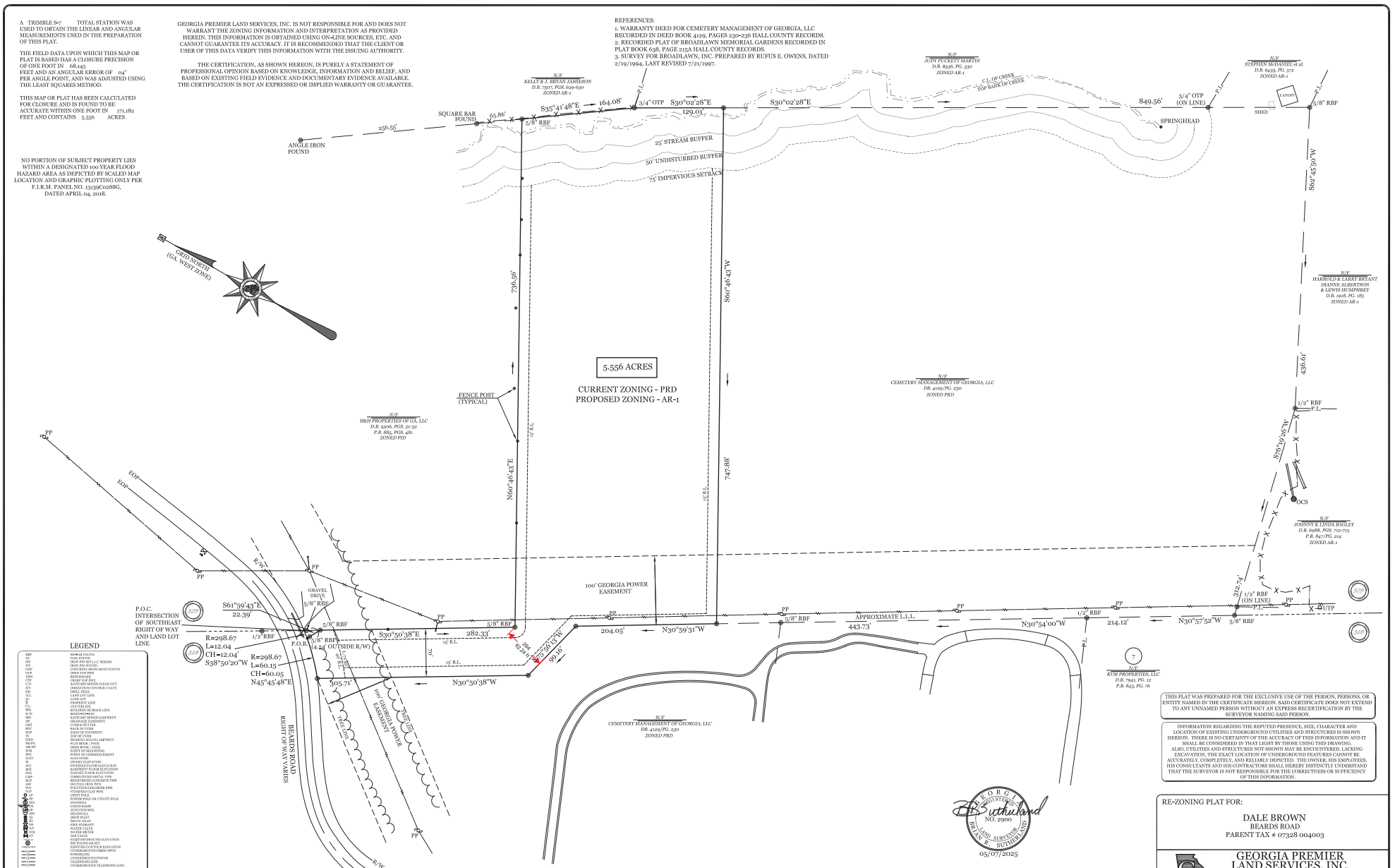
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 171,182 FEET AND CONTAINS 5.556 ACRES.

NO PORTION OF SUBJECT PROPERTY LIES WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA AS DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY PER F.I.R.M. PANEL NO. 13139C0288G, DATED APRIL 04, 2018.

GEORGIA PREMIER LAND SERVICES, INC. IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.

THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.

REFERENCES:
1. WARRANTY DEED FOR CEMETERY MANAGEMENT OF GEORGIA, LLC RECORDED IN DEED BOOK 4129, PAGES 230-236 HALL COUNTY RECORDS.
2. RECORDED PLAT OF BROADLAWN MEMORIAL GARDENS RECORDED IN PLAT BOOK 638, PAGE 215A HALL COUNTY RECORDS.
3. SURVEY FOR BROADLAWN, INC. PREPARED BY RUFUS E. OWENS, DATED 2/19/1994, LAST REVISED 7/21/1997.



LEGEND

REBF	5/8"rf IRON FOUND
SN	NAIL FOUND
IFS	IRON PIN SET 1/2" REBARO
IFF	IRON PIN FOUND
CMF	CONCRETE MONUMENT FOUND
OTP	OPEN TOP PIPE
TBM	BENCHMARK
SSE	SANITARY SEWER EASEMENT
CO	SANITARY SEWER CLEAN OUT
ICV	IRRIGATION CONTROL VALVE
DH	DRILL HOLE
LL	LAND LOT LINE
L	LAND LOT
L	PROPERTY LINE
CL	CENTERLINE
BSL	BUILDING SETBACK LINE
R/W	RIGHT-OF-WAY
SBE	SANITARY SEWER EASEMENT
DE	DRAINAGE EASEMENT
C&G	CURB & GUTTER
EOP	EDGE OF PAVEMENT
TOP	TOP OF CURB
HCID	HALL COUNTY UTILITIES DISTRICT
PB/PG	PLAT BOOK / PAGE
DB/PG	DEED BOOK / PAGE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP/UC	POWER POLE
EI	ENTRANCE ELEVATION
FFE	FINISHED FLOOR ELEVATION
BFE	BASEMENT FLOOR ELEVATION
GAG	GARAGE FLOOR ELEVATION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYL CHLORIDE PIPE
VCP	VITRIFIED CLAY PIPE
LP	LIGHT POLE
PP/LP	POWER POLE OR UTILITY POLE
MH/SAN	MANHOLE
CB/GI	CATCH BASIN
JB	JUNCTION BOX
HW	HEADWALL
YI	YARD INLET
DI	DROP INLET
FH	FIRE HYDRANT
WV	WATER VALVE
WM	WATER METER
GV	GAS VALVE
EI	EXISTING GROUND ELEVATION
FD	FD FOUND OR SET
TF	TOP OF FOUNDATION ELEVATION
UGF	UNDERGROUND FIBER OPTIC
UGP	POWERLINE
OHP	OVERHEAD POWER
UGT	TELEPHONE LINE
UGT	UNDERGROUND TELEPHONE LINE
UGP	UNDERGROUND GAS LINE
CM	CONCRETE DIGITAL MARKER
SAN	SANITARY SEWER LINE W/ MH & LINE
SSE	SANITARY SEWER LINE
SD	STORM SEWER PIPE
CMP	CORRUGATED METAL PIPE
	FENCE LINE
	BRANCH / CREEK / STREAM CENTERLINE
	FLOOD HAZARD ZONE LIMITS
	TREE LINE
	WETLANDS LIMITS
	LIMITED ACCESS
	STATION
	SHOT ON POINT/FLY
	BENCH MARK
	CONTROL POINT

GRAPHIC SCALE
40 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

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

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. SUBJECT AND ADJACENT PROPERTY OWNER'S DEED REFERENCES WERE PROVIDED BY GEORGIA PREMIER LAND SERVICES, INC. AND ARE NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS.

STRUCTURES VISIBLE ON THE DATE OF SURVEY ARE SHOWN HEREON. LOCATIONS ARE ACCURATE ONLY WHERE DIMENSIONED.

GEORGIA REGISTERED NO. 2900 LAND SURVEYOR BRYANT F. SUTHERLAND
05/07/2025

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. ALSO, UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

No.	By	Date	Revision

Cadd File No: 25/25020/BeardsRoad/020Bndy.DWG

RE-ZONING PLAT FOR:

DALE BROWN
BEARDS ROAD
PARENT TAX # 07328 004003

GEORGIA PREMIER LAND SERVICES, INC.
PROFESSIONAL LAND SURVEYING
3010 HAMILTON MILL ROAD
BUFORD, GEORGIA 30519
(770) 614-3004 FAX (770) 614-3036
LAND SURVEY FIRM COA #1177

Date: 5/07/2025	Land Lot: 329	District: 7th	Sheet No.
County: HALL, GEORGIA		Scale: 1" = 60'	1 of 1
Project: 25020		Drawn By: AS	

07.21.2025 - Item 8

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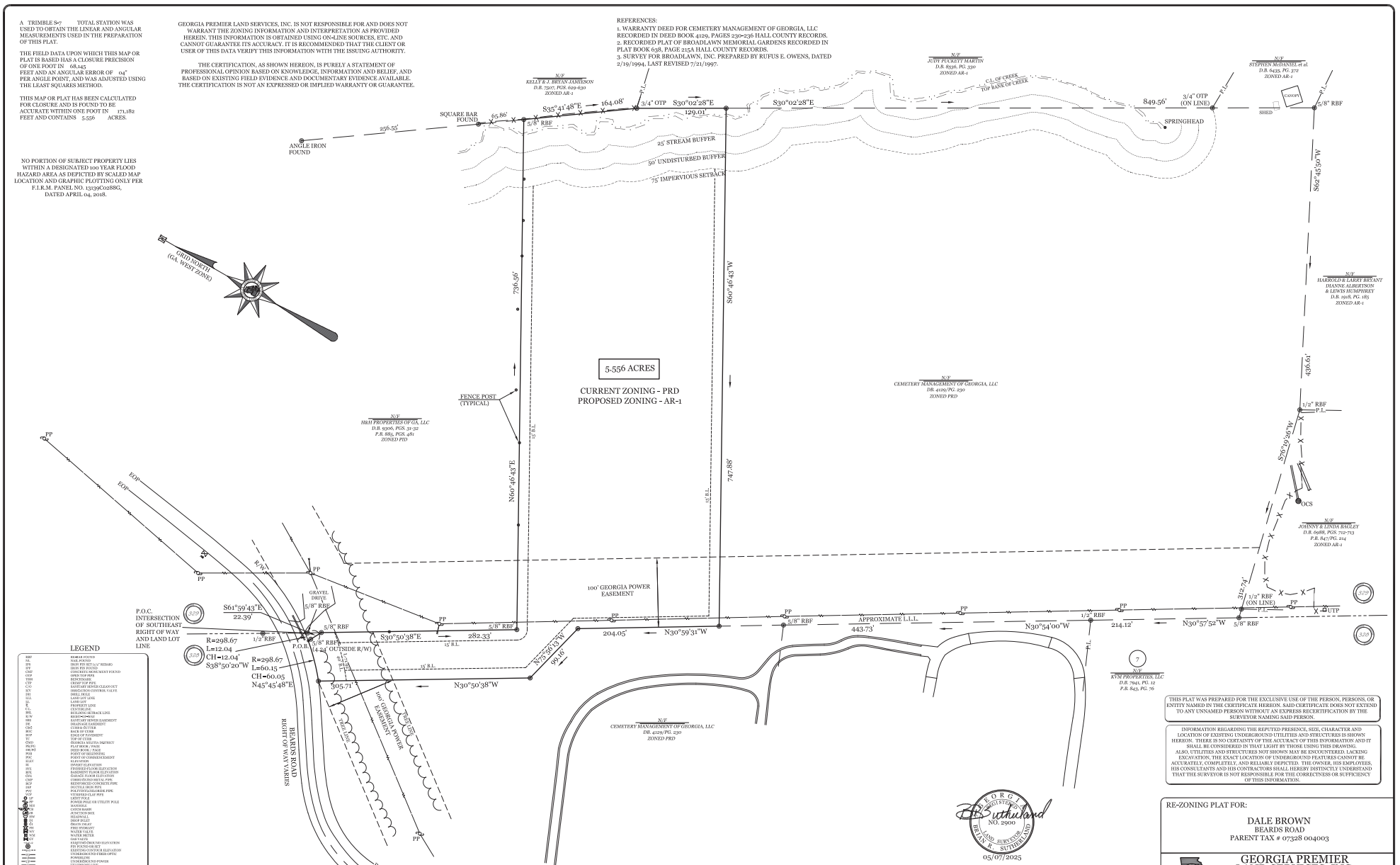
2. RECORDED PLAT OF BROADLAWN MEMORIAL GARDENS RECORDED IN PLAT BOOK 638, PAGE 215A HALL COUNTY RECORDS.
3. SURVEY FOR BROADLAWN, INC. PREPARED BY RUFUS E. OWENS, DATED 2/19/1994, LAST REVISED 7/21/1997.



LEGEND

#4RB	#4 REBAR FOUND
NAIL	NAIL FOUND
IPF	IRON PIN SET (1/2" REBAR)
IPF	IRON PIN FOUND
CMF	CONCRETE MONUMENT FOUND
OTP	OPEN TOP PIPE
TBM	BENCHMARK
SSE	SANITARY SEWER EASEMENT
CO	SANITARY SEWER CLEAN OUT
ICV	IRRIGATION CONTROL VALVE
DH	DRILL HOLE
LL	LAND LOT LINE
L.L.L.	LAND LOT LINE
P.	PROPERTY LINE
C.L.	CENTERLINE
B.L.	BUILDING SETBACK LINE
R/W	RIGHT-OF-WAY
SBE	SANITARY SEWER EASEMENT
DE	DRAINAGE EASEMENT
C&G	CURB & GUTTER
EOP	EDGE OF PAVEMENT
TOP	TOP OF CURB
HCD	HALL COUNTY TAX DISTRICT
PB/PG	PLAT BOOK / PAGE
DB/PG	DEED BOOK / PAGE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP/UC	POWER POLE
EI	ENTRANCE ELEVATION
FFE	FINISHED FLOOR ELEVATION
BFE	BASEMENT FLOOR ELEVATION
GAG	GARAGE FLOOR ELEVATION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYL CHLORIDE PIPE
VCP	VITRIFIED CLAY PIPE
LP	LIGHT POLE
PP/LP	POWER POLE OR UTILITY POLE
MH/SSMH	MANHOLE
CB	CATCH BASIN
JB	JUNCTION BOX
HW	HEADWALL
FD	FIELD DRAIN
DI	DROP INLET
FH	FIRE HYDRANT
WM	WATER METER
WV	WATER VALVE
GV	GAS VALVE
EIP	EXISTING GROUND ELEVATION
FF	FIN FOUND OR SET
TF	TOP OF FOUNDATION ELEVATION
UGT	UNDERGROUND FIBER OPTIC
OHP	POWERLINE
UGP	UNDERGROUND POWER
UGT	TELEPHONE LINE
UGTV	UNDERGROUND TELEPHONE/CABLE LINE
UGP/T	UNDERGROUND POWER/TELEPHONE/CABLE LINE
OHP	OVERHEAD UTILITY LINE
SS	SANITARY SEWER LINE
SD	STORM SEWER PIPE
W	WATER LINE / PIPE
FENCE	FENCE LINE
BRANCH	BRANCH / CREEK / STREAM CENTERLINE
FALCON	FALCON HALAS ZONE LIMITS
TREE	TREE LINE
SHRUBS	SHRUBS / BUSHES
LS	LIMITED ACCESS
STA	STATION
SIGN	SIGN OR POST(S)
BM	BENCH MARK
CP	CONTROL POINT

GRAPHIC SCALE
40 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

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

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. SUBJECT AND ADJACENT PROPERTY OWNER'S DEED REFERENCES WERE PROVIDED BY GEORGIA PREMIER LAND SERVICES, INC. AND ARE NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS.

STRUCTURES VISIBLE ON THE DATE OF SURVEY ARE SHOWN HEREON. LOCATIONS ARE ACCURATE ONLY WHERE DIMENSIONED.

GEORGIA REGISTERED NO. 2900 LAND SURVEYOR BRYAN F. SUTHERLAND
05/07/2025

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. ALSO, UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

No.	By	Date	Revision

Cadd File No: 25/25020/BeardsRoad/020Bndy.DWG

RE-ZONING PLAT FOR:

DALE BROWN
BEARDS ROAD
PARENT TAX # 07328 004003

GEORGIA PREMIER LAND SERVICES, INC.
PROFESSIONAL LAND SURVEYING
3010 HAMILTON MILL ROAD
BUFORD, GEORGIA 30519
(770) 614-3004 FAX (770) 614-3036
LAND SURVEY FIRM COA #1177

Date: 5/07/2025	Land Lot: 329	District: 7th	Sheet No.
County: HALL, GEORGIA		Scale: 1" = 60'	1 of 1
Project: 25020		Drawn By: AS	

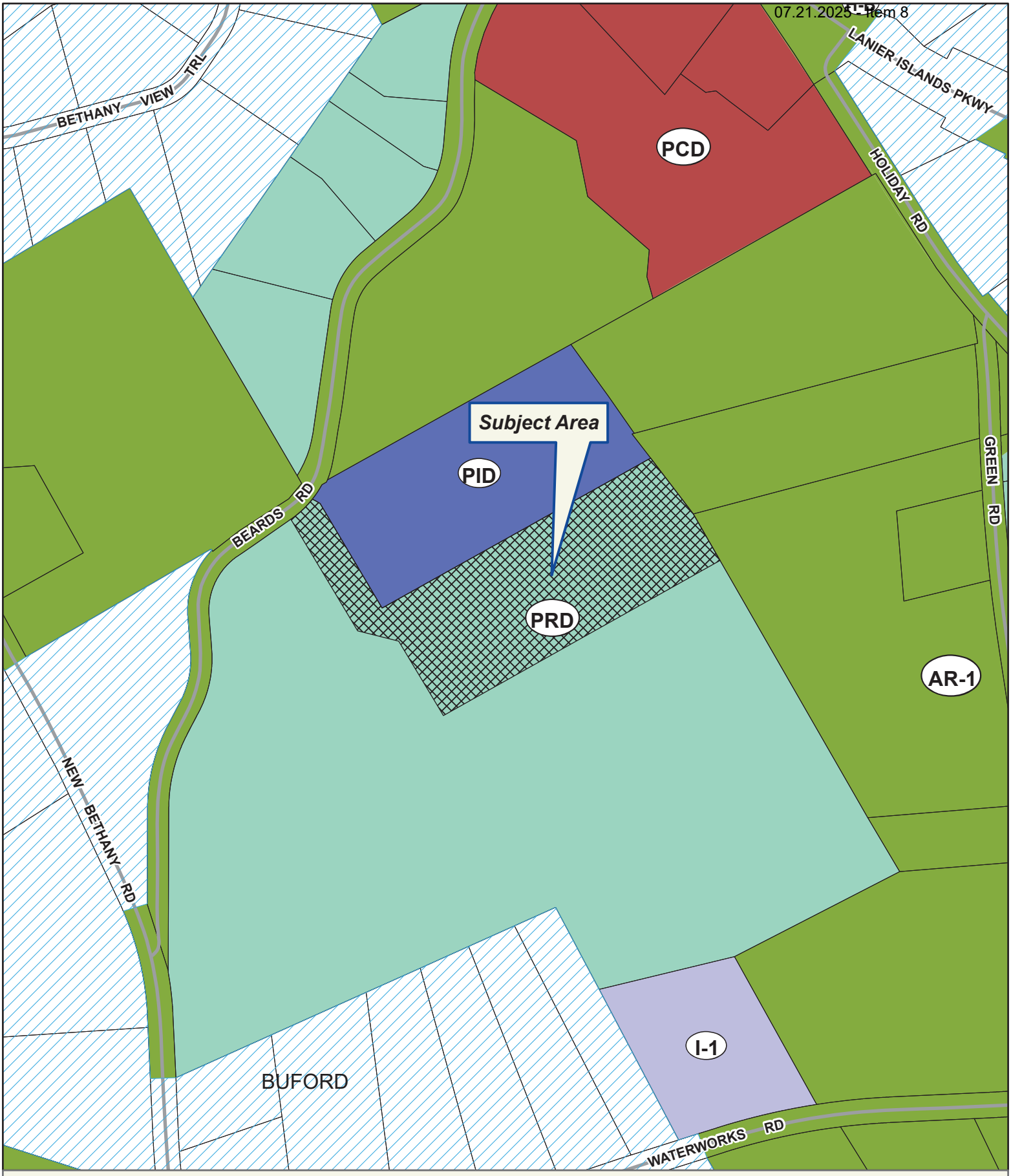
07.21.2025 - Item 8

Applicant: THE TRAVIS AND HERMAN BROWN FAMILY LIMITED PARTNERSHIP
Tax Parcel #: 07328 004003 (PT.)
Location: 5979 NEW BETHANY ROAD, BUFORD, GA 30518
Commission District 2 **PC Mtg. Date: 07/21/2025**

0 300 600 1,200
Feet

- Zoning Boundary
- City Limits
- Subject Area
- Structure

N

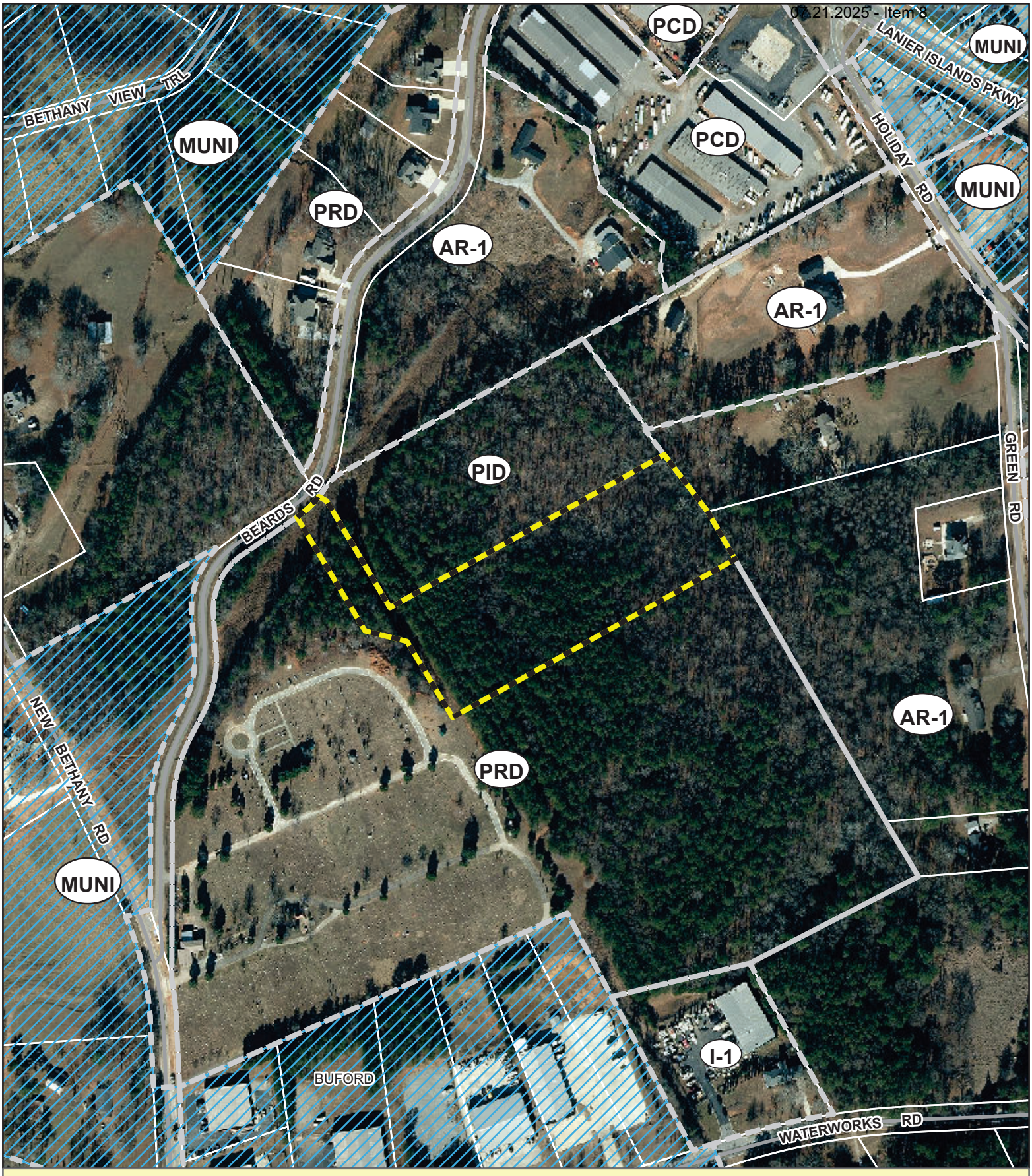


Applicant: THE TRAVIS AND HERMAN BROWN FAMILY LIMITED PARTNERSHIP
Tax Parcel #: 07328 004003 (PT.)
Location: 5979 NEW BETHANY ROAD, BUFORD, GA 30518
Commission District 2 **PC Mtg. Date: 07/21/2025**

0 75 150 300
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: THE TRAVIS AND HERMAN BROWN FAMILY LIMITED PARTNERSHIP

Tax Parcel #: 07328 004003 (PT.)

Location: 5979 NEW BETHANY ROAD, BUFORD, GA 30518

Commission District 2 **PC Mtg. Date: 07/21/2025**

0 75 150 300
Feet

Zoning Boundary
City Limits
Subject Area

N

Beards Road
Portion of Tax Parcel No. 07328 004003

All that tract or parcel of land lying and being in Land Lot 329 of the 7th Land District, Gwinnett County, Georgia and being particularly described as follows:

To find the point of beginning, commence at the intersection of the southeast right of way of Beards Road (right of way varies) and the Land Lot Line common to Land Lots 328 and 329; THENCE traveling on said right of way along a curve to the right having a radius of 298.67 feet and an arc length of 12.04 feet being subtended by a chord bearing of South 38 Degrees 50 Minutes 20 Seconds West and a chord distance of 12.04 feet to a point; THENCE leaving said right of way South 61 Degrees 59 Minutes 43 Seconds East for a distance of 22.39 feet to a point on the Land Lot Line common to Land Lots 328 and 329, said point marked by a 5/8 inch rebar pin found; THENCE continuing on said Land Lot Line South 30 Degrees 50 Minutes 38 Seconds East for a distance of 282.33 feet to a point, said point marked by a 5/8 inch rebar pin found, said point being THE TRUE POINT OF BEGINNING.

THENCE from said point as thus established, leaving said Land Lot Line North 60 Degrees 46 Minutes 43 Seconds East for a distance of 736.56 feet to a point, said point marked by a 5/8 inch rebar pin found; THENCE South 35 Degrees 41 Minutes 48 Seconds East for a distance of 164.08 feet to a point, said point marked by a ¾ inch open top pipe found; THENCE South 30 Degrees 02 Minutes 28 Seconds East for a distance of 129.01 feet to a point; THENCE South 60 Degrees 46 Minutes 43 Seconds West for a distance of 747.88 feet to a point on the Land Lot Line common to Land Lots 328 and 329; THENCE on said Land Lot Line North 30 Degrees 59 Minutes 31 Seconds West for a distance of 204.05 feet to a point; THENCE continuing North 30 Degrees 59 Minutes 31 Seconds West for a distance of 88.13 feet to a point, said point marked by a 5/8 inch rebar pin found, said point being THE TRUE POINT OF BEGINNING.

Said property contains 5.000 Acres as shown on Concept Plan for Dale Brown prepared by Georgia Premier Land Services, Inc., dated 1/31/2025.

Access Tract

All that tract or parcel of land lying and being in Land Lot 328 of the 7th Land District, Gwinnett County, Georgia and being particularly described as follows:

To find the point of beginning, commence at the intersection of the southeast right of way of Beards Road (right of way varies) and the Land Lot Line common to Land Lots 328 and 329; THENCE traveling on said right of way along a curve to the right having a radius of 298.67 feet and an arc length of 12.04 feet being subtended by a chord bearing of South 38 Degrees 50 Minutes 20 Seconds West and a chord distance of 12.04 feet to a point, said point being THE TRUE POINT OF BEGINNING.

THENCE from said point as thus established, leaving said right of way South 61 Degrees 59 Minutes 43 Seconds East for a distance of 22.39 feet to a point on the Land Lot Line common to Land Lots 328 and 329, said point marked by a 5/8 inch rebar pin found; THENCE continuing on said Land Lot Line South 30 Degrees 50 Minutes 38 Seconds East for a distance of 282.33 feet to a point, said point marked by a 5/8 inch rebar pin found; THENCE on said Land Lot Line South 30 Degrees 59 Minutes 31 Seconds East for a distance of 88.13 feet to a point; THENCE leaving said Land Lot Line North 75 Degrees 56 Minutes 13 Seconds West for a distance of 99.16 feet to a point; THENCE North 30 Degrees 50 Minutes 38 Seconds West for a distance of 305.71 feet to a point on the southeast right of way of Beards Road (right of way varies); THENCE on said right of way along a curve to the left having a radius of 298.67 feet and an arc length of 60.15 feet being subtended by a chord bearing of North 45 Degrees 45 Minutes 48 Seconds East and a chord distance of 60.05 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said property contains 0.557 Acres as shown on Concept Plan for Dale Brown prepared by Georgia Premier Land Services, Inc., dated 1/31/2025.

From: Nick Swafford <NSwafford@gainesvillega.gov>
Sent: Thursday, May 22, 2025 9:31 AM
To: Katie L. Greenway (CDI: Planning)
Cc: Tyler Lasser
Subject: 5979 New Bethany 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.
Good morning Katie,

The City of Gainesville currently owns and operates an existing 6-inch water main in the R/W of Beards Road that currently terminates approximately 180' from the subject property. Service of public water by the City of Gainesville is currently not available. In order to connect to Gainesville's public water system, a developer-constructed water main extension would be required. Please let me know if you need anything further.

Thanks,

Nick Swafford
Permitting Services & GIS Manager
Department of Water Resources

O | 770.538.2452
www.gainesville.org

300 Henry Ward Way, Ste. 305
Gainesville, GA 30501

Outlook

HCPC Tentative Agenda 7.21.25

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Wed 6/18/2025 12:14 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Cc Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>

Please find Environmental Health comments below:

Item 1, 5674 Bark Camp Rd, Lean on Me: Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Items 2/3A/3B/4A/4B, 1608 Whiting Drive, Vargas: No comment. Public Sewer.

Item 5, 5019 Cagle Mill, NCP Holdings: No comment. Public Sewer.

Item 6, 4020/3886 Cornelia Hwy: No comment. Public Sewer.

Item 7, A/B, 5684 Bethel Road, Truelove: 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 8, 5979 New Bethany Rd, Brown: 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 9, 4965 Bryant Quarter Rd, Clouse: No comment.

Item 10, 5970 Cleveland Hwy, Academy P1: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 11, County Staff: 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

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.

Outlook

RE: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

From Nembhard, Nakia L <NNembhard@dot.ga.gov>
Date Mon 6/16/2025 8:13 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

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,

Below you will find comments on proposed locations. If you have any questions please let me know.

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | P**roposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**. **(Does Not Require GDOT Coordination)**

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant** **(Does Not Require GDOT Coordination)**

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant** **(Does Not Require GDOT Coordination)**

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant (Will Require GDOT Coordination)**

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant** **(Does Not Require GDOT Coordination)**

Thanks,

Nakia Nembhard
Civil Engineer 3

Georgia Department of Transportation

District 1 Traffic Operations
1475 Jesse Jewell Pkwy Suite 100
Gainesville, GA, 30501

(678) 332-8200 Cell
(770) 533-8496 Office

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, June 12, 2025 12:02 PM
Subject: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

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 **July 21, 2025** Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

PUBLIC WORKS AND
UTILITIES DIRECTOR
Bill Nash, P.E.

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: June 20, 2025

Subject: July 21, 2025 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 21, 2025 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant.**

a. **Engineering**: No comment
b. **Traffic:** No comment.
c. **Utilities:** Septic area. Hall County sewer service but no sewer in area.

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby.

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 &

H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** No sewer in area. Gainesville water

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

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

North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show 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.
North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
(B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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:** Commercial driveway

c. **Utilities:** Hall County sewer area.
No sewer infrastructure in area.

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south

east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

a. **Engineering**: Show stream buffer and impervious setback from wrested vegetation not centerline of stream
b. **Traffic:** Commercial driveway
c. **Utilities:** Buford sewer service area.

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant**

a. **Engineering**: 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:** No comment
c. **Utilities:** Hall County sewer service area
   No sewer infrastructure in area.

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b. **Traffic:** G-DOT coordination
   Commercial driveway if no access to SR 11
c. **Utilities:** Clermont sewer service area.

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant**

a. **Engineering**: No comment
b. **Traffic:** No comment
c. **Utilities:** No comment

Outlook

Fire Comment

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Tue 6/24/2025 1:14 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

July 21, 2025 Hall County Planning Commission Meeting

5979 New Bethany Road | Rezone | from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, 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

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT:
THE TRAVIS AND HERMAN BROWN FAMILY LIMITED PARTNERSHIP
REQUEST:
REZONE FROM PRD TO AR-1 FOR
SINGLE FAMILY RESIDENCE
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JULY 21, 2025
Time: 5:15 P.M.
&
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.

2. The Planning Department shall send notification by letter of all other property owners within a 500-foot radius of the applicant's property is standard administrative policy of the Planning Department.

3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road, or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN JUNE 13, 2025 AND NO LATER THAN JUNE 22, 2025.

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN JUNE 22, 2025 ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.

Failure to comply will result in a delay of the application.

AFFIDAVIT

By my signature, I, Tyler Lasser (Please Print Name)**, hereby acknowledge that I have read and understand the sign posting requirements. I further certify that the required public notice sign was posted on** 6/19/25 (Date) **for** The Travis and Herman Brown Family Limited Partnership (Name application filed as)**.**

Signature Tyler Lasser

(The original document is required)

AGENDA ITEM

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

REPORT TO:	**Work Session (08/25/25)**
REPORT TO:	**Voting Meeting (08/28/25)**
ITEM NO:	493/2025
SUBJECT:	**5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility** | Commission District 3 | **Academy P1 Building, LLC, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG
Recommendation:

Approval, with conditions

1. The property shall be developed in accordance with the site plan and narrative dated no later than August 4, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval with the exception of the following
    a. The development shall provide 30 parking spaces.
    b. The transitional buffer shall be increased to 25 feet on all sides except the right-of-way and include a 6 foot opaque privacy fence
2. Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs with improvements necessary for the development.
3. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal, and Hall County Engineering except when noted in these conditions.
4. All conditions of zoning shall be made a part of any plats created for the property.
5. 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."
6. Hours of operation are restricted to Monday – Saturday 8:00 am to 8:00 pm and Sunday 11:00 am to 5:00 pm.
7. All training activities shall take place inside the facility.
8. All signage shall comply with GCOD standards.
9. The following uses, typically allowed in H-B zoning, shall be prohibited:
    a. Day care centers
    b. Commercial amusement, indoor
    c. Concert hall - auditorium
    d. Theater
    e. Hotel/Motel
    f. Animal Care, Indoor & Outdoor
    g. Funeral home
    h. Laundry & dry cleaning
    i. Boat & recreational vehicle sales, rental, or service
    j. Car wash
    k. Vehicle sales, rental or auction
    l. Vehicle repair, minor
    m. Outdoor storage
    n. Swimming pool, hot tub, spa
    o. Radio, film, recording, and television studios and stations
    p. Indoor shooting range
10. There shall be no alcohol sales on the premises.
11. There shall be no live wresting events or shows on the subject property. Only activities typically associated with an athletic gym and training facility will be allowed.

Purpose of Request:

5970 Cleveland Highway | Rezone | from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility** | Commission District 3 | **Academy P1 Building, LLC, applicant**

History:

Facts and Issues:

Options:

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

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

Approvals:

Submit	Approve	Attorney	Administration
BG	BG	JL	CR
Clerk			
JR			

Attachments:
Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Plat
Deed
Legal Description
Water Availability
Environmental Health Comment
GDOT Comment
Public Works Comment
Fire Comment
GHMPO Comment
Notice Sign
Public Comment - from Melody Marlowe
Public Comment - from Marlena Braddock

Hall County Government
PLANNING AND ZONING

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

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

To: David Gibbs, 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 11, 2025

Subject: **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility | Academy P1 Building, LLC, applicant**

The request before you is from Academy P1 Building, LLC to rezone from Agricultural Residential 1 (AR-1) to Highway Business (H-B) for an indoor recreation facility. This item is located within Commission District 3.

At their July 21, 2025 meeting, the Hall County Planning Commission voted to recommend **approval, with eleven (11) conditions (4-0).**

Staff recommendation: **Approval, with conditions,** as the proposed use is consistent with the "Business Nodes & Corridors" future land use classification within the Comprehensive Plan.

There were **two (2) comments submitted** in advance of the Planning Commission meeting and **one (1) person spoke in opposition during the public hearing.**

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan and narrative dated no later than August 4, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval with the exception of the following

    a. The development shall provide 30 parking spaces.
    b. The transitional buffer shall be increased to 25 feet on all sides except the right-of-way and include a 6 foot opaque privacy fence

2. Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs with improvements necessary for the development.

3. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal, and Hall County Engineering except when noted in these conditions.
4. All conditions of zoning shall be made a part of any plats created for the property.
5. 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."
6. Hours of operation are restricted to Monday – Saturday 8:00 am to 8:00 pm and Sunday 11:00 am to 5:00 pm.
7. All training activities shall take place inside the facility.
8. All signage shall comply with GCOD standards.
9. The following uses, typically allowed in H-B zoning, shall be prohibited:
    a. Day care centers
    b. Commercial amusement, indoor
    c. Concert hall - auditorium
    d. Theater
    e. Hotel/Motel
    f. Animal Care, Indoor & Outdoor
    g. Funeral home
    h. Laundry & dry cleaning
    i. Boat & recreational vehicle sales, rental, or service
    j. Car wash
    k. Vehicle sales, rental or auction
    l. Vehicle repair, minor
    m. Outdoor storage
    n. Swimming pool, hot tub, spa
    o. Radio, film, recording, and television studios and stations
    p. Indoor shooting range
10. There shall be no alcohol sales on the premises.
11. There shall be no live wresting events or shows on the subject property. Only activities typically associated with an athletic gym and training facility will be allowed.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Academy P1 Building, LLC

Request ..... **Rezone** | from Agricultural Residential 1 (AR-1) to Highway Business (H-B)

Proposed Use ..... Indoor recreation facility

Size ..... 2.22± acres

Zoning ..... **Current:** Agricultural Residential 1 (AR-1)
Proposed: Highway Business (H-B)

Location ..... **5970 Cleveland Highway |** Tax Parcel 12064 000012

Commission District ..... Three

Planning Commission Date ..... July 21, 2025

Staff Recommendation ..... **Approval, with conditions,** as the proposed use is consistent with the "Business Nodes & Corridors" future land use classification within the Comprehensive Plan

Record Number..... HZON25-0030

Planning Commission Recommendation ..... Approval, with conditions

Vote: 4-0

Planning Commission Conditions:

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    a. The development shall provide 30 parking spaces.
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    p. Indoor shooting range
10. There shall be no alcohol sales on the premises.
11. There shall be no live wresting events or shows on the subject property. Only activities typically associated with an athletic gym and training facility will be allowed.

Excerpts from the minutes of the July 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Eric Johansen, 3938 Oak Crossing Drive, Suwannee, presented the request. The applicant is requesting to rezone a 2.22+ acre tract from Agricultural Residential 1 (AR-1) to Highway Business (H-B) for an indoor recreation facility to provide training for professional wrestlers. The parcel is vacant and partially forested. The property also falls within the Gateway Corridor Overlay District (GCOD), which requires adherence to additional standards for nonresidential development.

Public Forum:

Lloyd Jackson Campbell, Jr., 6020 Cleveland Highway, Clermont, spoke in opposition. Concerns raised were the possibility of the impact of development on an underground drainage pipe connecting the subject property to Mr. Campbell's property, which could cause flooding on his property. He stated that he does not believe a portion of the land is buildable due to it consistently being wet.

Two comments in opposition were received electronically.

Planning Commission Comments:

Mr. Hunt asked the applicant if they were aware of the water culvert. The applicant stated they were unaware but they were going to review the recently completed surveys and there would be site inspections completed as part of the development process. The applicant stated the lower area of the property would have a detention pond and stated the building inspections' phase would ensure there would not be water runoff. Mr. Hunt asked for clarification regarding the use of the gym. The applicant explained the gym would be used by a professional wrestler to train other wrestlers and for sports rehabilitation, and no membership or public use would be allowed. Mr. Hunt asked the applicant what are the intended hours of operation and the applicant stated Sunday to Saturday 8am to 8pm. Mr. Hunt offered the hours of 11am to 5pm on Sundays and the applicant was agreeable. Mr. Hunt asked how much on-site parking would be needed. The applicant stated approximately half but the design had to meet the UDC requirement for the use. Mr. Hunt and the applicant discussed reducing the layout to 30 parking spaces and increasing the transitional buffers between the surrounding properties from 15 feet to 25 feet plus a 6 foot high fence.

Mr. Braswell explained to the applicant that any required revisions to the concept plan based on the zoning conditions shall be subject to the approval of the Director of Planning and Zoning before the request goes before the Board of Commissioners. The amended site plan must be submitted to the Director for review within 10 business days of the Planning Commission's recommendation.

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 4-0

Conditions:

1. The property shall be developed in accordance with the site plan and narrative dated no later than August 4, 2025, modified as necessary for compliance with conditions herein and

development standards enforced at the time of site plan approval with the exception of the following

a. The development shall provide 30 parking spaces.
b. The transitional buffer shall be increased to 25 feet on all sides except the right-of-way and include a 6 foot opaque privacy fence

2. Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs with improvements necessary for the development.
3. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal, and Hall County Engineering except when noted in these conditions.
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j. Car wash
k. Vehicle sales, rental or auction
l. Vehicle repair, minor
m. Outdoor storage
n. Swimming pool, hot tub, spa
o. Radio, film, recording, and television studios and stations
p. Indoor shooting range

10. There shall be no alcohol sales on the premises.
11. There shall be no live wresting events or shows on the subject property. Only activities typically associated with an athletic gym and training facility will be allowed.

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

1. The property shall be developed in accordance with the site plan and narrative dated May 20, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs with improvements necessary for the development.
3. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal, and Hall County Engineering.
4. All conditions of zoning shall be made a part of any plats created for the property.

Summary Analysis

The applicant is requesting to rezone a 2.22± acre tract from Agricultural Residential 1 (AR-1) to Highway Business (H-B) for an indoor recreation facility. The parcel is vacant and partially forested. The property also falls within the Gateway Corridor Overlay District (GCOD), which requires the adherence to additional standards for nonresidential development.

The surrounding properties are zoned and developed as outlined below:

North:	Agricultural Residential 1 (AR-1): Developed with a single-family home; and Town of Clermont: Developed with Hall County Fire Station 2
East:	Agricultural Residential 1 (AR-1): Developed with a single-family home
South:	Agricultural Residential 1 (AR-1): Developed with a single-family home; and Town of Clermont: Developed with a church
West:	Agricultural Residential 1 (AR-1): Undeveloped; and Highway Business (H-B): Developed with a gas station

Per the submitted narrative and site plan, the applicant is requesting to rezone the subject parcel to Highway Business (H-B) to construct a professional wrestling training academy and gym. The proposed development will include a single-story 10,000± square foot building and 53 parking spaces. The submitted narrative states that the proposed building elevations will meet the GCOD standards.

Per the submitted site plan, a stormwater management pond will be located on the southwest portion of the property furthest away from Cleveland Highway. A 10 foot landscape strip and parking lot landscaping is depicted on the site plan, as well as a 15 foot transitional buffer along neighboring property lines which includes a 6 foot opaque fence.

Per the site plan, a single access point is proposed off Cleveland Highway with a 5 foot sidewalk leading into the development. A septic drain field area is proposed in the northern area of the property.

Water service will be provided by the City of Gainesville Department of Water Resources as confirmed in an email dated May 25, 2025. Sanitary sewer service will be provided by an on-site septic system.

The development standards for the project are identified in the table below compared to the GCOD requirements (6.2):

GCOD Analysis

Standard	**Proposed Work**	**Notes**	Compliance
6.2.5.A.– Transitional buffers	15-foot transitional buffer with a 6-foot opaque fence.	A 25 foot transitional buffer is required adjacent to residential property. Buffers shall comply with GCOD standards. If a 6 foot high solid wood fence or masonry wall is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by no more than 10 feet. The fence or wall must be located on the inside of the vegetation required in Sec. 6.2.5.A.3., with the finished side facing the adjacent property.	Complies
6.2.5.B.1 – Additional Landscape and Screening	The narrative states that the property will fully comply with GCOD standards.	Shrubs must be planted within ten feet of the foundation of the primary structure along each building facade at the rate of at least 20 shrubs per 100 lineal feet of building facade except for sides or rear of building used for loading or service areas.	Complies

		Foundation plantings may be clustered to provide visual interest.	
6.2.5.B.2 – Additional Landscape and Screening	10 foot wide landscape strip along street frontage	Along each street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.	Complies
6.2.5.C.1 – Parking Lot Design -Required # of Parking Spaces	53 parking spaces	Off-street parking space calculations are governed by Sec. 8.1 of the UDC. 52.5 parking spaces are required.	Complies
6.2.5.C.2.e – Parking Lot Design - Location	Parking is located along the side of the proposed building.	Off-street parking must be located to the side or rear of the principal building and may not be located between the building and the street.	Complies
6.2.5.D – Outdoor lighting	The narrative states the property will fully comply with GCOD standards.	Shall comply with GCOD standards.	Complies
6.2.6 - Architectural Standards	The narrative states the property will fully comply with GCOD standards.	Shall comply with GCOD standards	Complies
6.2.7 – Signs	A freestanding sign is identified on the site plan and appears to encroach into the required 15-foot setback.	Signage shall comply with GCOD standards.	Deficient
6.2.7 - Signs	The narrative states the property will fully comply with GCOD standards.	One wall sign is permitted along each facade adjacent to a public right of way.	Complies

Based on the future land use plan, staff finds the special use request *is consistent* with the Comprehensive Plan's future land use classification of Business Nodes & Corridors. The intent of this future land use designation is for new development along these major road corridors and intersections to consist of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate. Site designs should incorporate the Quality Development Principals, particularly natural resource protections and high-quality landscape installations, to the fullest extent possible.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

a. 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 Highway Business (H-B) zoning district is consistent with the use, development, and zoning of adjacent and nearby properties.**

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the use would adversely affect adjacent or nearby property provided required buffers are maintained.**

c. 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.**

d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed rezoning is not expected to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service. The property is served by Hall County sewer and City of Gainesville public water.**

e. 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 Business Nodes & Corridors future land use designation.**

f. 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 affected by the existing zoning restrictions.**

g. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property values including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

h. 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.**

i. 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 vacant and there is no record of past development.**

j. 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.**

k. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning, Highway Business (H-B), would not create an isolated district.**

l. 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.**

m. 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.**

n. 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 Highway Business uses based on the Future Land Use Map; however, the development as proposed requires rezoning approval by the Board of Commissioners.**

o. 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.**

p. 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.**

q. 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.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district**. The proposal meets the requirement.**

c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request**

d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated June 16, 2025, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan."

Georgia Department of Transportation
In an email dated June 16, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is required.

Gainesville-Hall Metropolitan Planning Organization
In an email dated June 12, 2025, Joseph Boyd, MPO Director, provided the following comment:
"This parcel is along US 129, which is expected to be widened with construction scheduled for 2040 (GH-035/PI0014129). Pre-engineering is scheduled for 2035, where further details, including right-of-way impacts, will be established."

Hall County Public Works and Utilities
In a memo dated June 20, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

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

Traffic:
G-DOT coordination
Commercial driveway if no access to SR 11

Utilities:
Clermont sewer service area.

Hall County Fire Marshal
In an email dated June 13, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “If approved the site development plan may require modifications during the development review process.”

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

HALL COUNTY
GEORGIA
We have it all in Hall

ZONING APPLICATION

Applicant (Name & Mailing Address)

Academy P1 Building, LLC
4662 Manor Drive
Gainesville, GA 30506
Phone (678) 925-6904 cell
Email Address johnny@jbfreellc.com

Property Owner (Name & Mailing Address)

** Same as Applicant
Phone
Email Address

Proposed Use Professional wrestling training academy/gym

Contact Person (Name & Mailing Address)

c/o Eric Johansen, RLA
3938 Oak Crossing Drive
Suwanee, GA 30024
Phone (678) 571-4843 cell
Email Address fwj3ventures@gmail.com

Status of Applicant

- ϒ Owner
- ϒ Option to Purchase
- ϒ Area Resident
- ϒ Other

Requested Action

Existing Zoning: AR-1
Rezone to: H-B
Fee:$ 450.00
Receipt #:
Check #:

Tax Parcel Number 12064 000012
Acreage +/- 2.22 acres
Location Address 5970 Cleveland Highway, Clermont, GA 30527

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

Sign Wendy Jones, Manager of Academy P1 Building, LLC Date: 5-22-2025
Wendy Jones, Manager of Academy P1 Building, LLC

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:

Control Number : 25097558

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF ORGANIZATION

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

Academy P1 Building LLC
a **Domestic Limited Liability Company**

has been duly organized under the laws of the State of Georgia on **05/14/2025** by the filing of articles of organization in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on **05/16/2025**.

Brad Raffensperger

Brad Raffensperger
Secretary of State

ARTICLES OF ORGANIZATION

Electronically Filed
Secretary of State
Filing Date: 5/14/2025 10:45:25 AM

BUSINESS INFORMATION

CONTROL NUMBER	25097558
BUSINESS NAME	Academy P1 Building LLC
BUSINESS TYPE	Domestic Limited Liability Company
EFFECTIVE DATE	05/14/2025

PRINCIPAL OFFICE ADDRESS

ADDRESS	4662 Manor Drive, Gainesville, GA, 30506, USA

REGISTERED AGENT

NAME	ADDRESS	COUNTY
Wendy Jones	4662 Manor Drive, Gainesville, GA, 30506, USA	Hall

ORGANIZER(S)

NAME	TITLE	ADDRESS
Wendy Jones	ORGANIZER	4662 Manor Drive, Gainesville, GA, 30506, USA

OPTIONAL PROVISIONS

N/A

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE	Wendy Jones
AUTHORIZER TITLE	Organizer

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

HALL COUNTY
GEORGIA
We have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**_____ I have not XX

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: Wendy Jones, Manager of Academy P1 Building, LLC **Date:** 5-22-2025

Applicant's/Owner's Name (Printed): Wendy Jones, Manager of Academy P1 Building, LLC

May 20, 2025

Academy P1 Building, LLC
4662 Manor Drive
Gainesville, GA 30506

Hall County Board of Commissioners
David Gibbs, Commission Chairman
Kathy Cooper, District 1 Commissioner
Billy Powell, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner
c/o Beth Garmon, Director of Planning & Zoning
2874 Browns Bridge Road
Gainesville, GA 30503

Re: Letter of Intent for the Rezoning of Hall County Tax Parcel 12064 000012
5970 Cleveland Highway, Clermont, GA 30527

Chairman and Commissioners,

Academy P1 Building, LLC, the Applicant and Property Owner of Hall County Tax Parcel 12064 000012 located at 5970 Cleveland Highway, Clermont, GA, proposes to rezone ±2.22 acres from AR-1 (Agricultural Residential) to H-B (Highway Business). The intended use is for a ***Professional Wrestling Training Academy & Gym*** (the "Project"). The Subject Property, adjacent to Clermont city limits, lies along Cleveland Highway (US Highway 129/State Route 11) and is bordered by various land uses and zonings:

North	West	South	East
Town of Clermont (AR-IV in City)	Residence (AR-1)	(3) Residences (AR-1)	(1) Residence (AR-1)
Vacant commercial (H-B)	Church (H-B in City)		
Gas Station (H-B)			
Vacant commercial (AR-IV in city)			

The Project is situated within the Gateway Corridor Overlay District (the "Overlay") and will fully adhere to the regulations of the H-B zoning district as well as the Overlay. The Project will incorporate an on-site septic sewer system for the disposal of sanitary sewer waste generated, along with an above-ground detention pond for storm water management measures. Domestic water and fire protection will be provided by the City of Gainesville with the water mains located within the right of way of Cleveland Highway. Additionally, a reduced re-graded and re-planted transitional buffer, consisting of fifteen (15) feet in width and planted with a mixture of deciduous shade trees and evergreen trees, will be established. A six (6) foot tall opaque wooden fence will be installed inside the common property line where the commercial property borders residential property.

Moreover, the Project will include an asphalt-paved parking lot that meets the minimum standards of the H-B zoning district for the proposed use, a designated area for a screened dumpster, and internal pedestrian sidewalks connecting the parking lot to the building. Signage for the Project will consist of a monument/ground sign along Cleveland Highway and wall signage on the building, as permitted by the current signage ordinance. All parking lot lighting will comply with the Overlay and the current lighting ordinance.

The proposed building will be a single-story structure of approximately ±10,500 square feet. The building will adhere to the architectural standards of the Overlay and the H-B zoning district for commercial buildings. The external architectural features will harmonize with those of Hall County and the Clermont area, while the internal elements of the building will be designed to meet the requirements necessary for professional wrestling training. The business will operate seven (7) days a week, typically from 8am to 8pm. Training may occasionally occur outside of these hours but will be confined within the building and should not cause disruptions to the immediate or surrounding areas of the Subject Property.

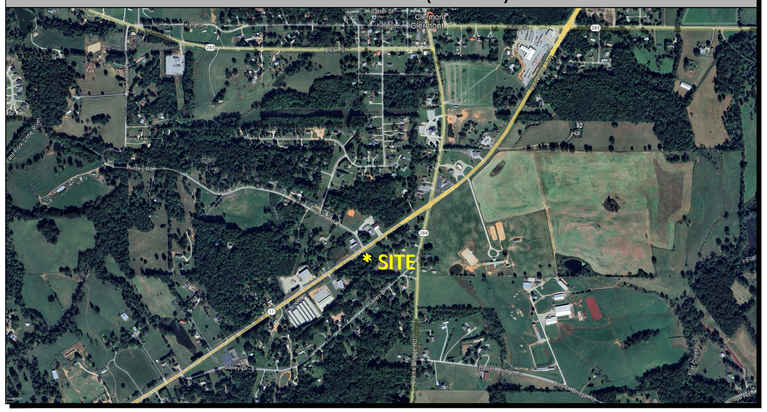
The Applicant does not plan for any live wrestling events or shows on the Subject Property. Only activities typically associated with an athletic gym and training facility will be allowed internal to the building with no outdoor recreation or training planned at the time of this rezoning application.

We respectfully request your approval to rezone from AR-1 to H-B for a ***Professional Wrestling Training Academy & Gym***. If any additional information is required by Hall County, please contact Eric Johansen at fwj3ventures@gmail.com or (678) 571-4843.

Sincerely,

Eric Johansen
Agent for the Property Owner & Applicant

SITE MAP (NTS)



SITE DATA CHART

HALL COUNTY TAX PARCEL	12064 000012
ADDRESS OF PROPERTY	5970 CLEVELAND HIGHWAY
EXISTING ZONING	AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED ZONING	H-B (HIGHWAY BUSINESS)
OVERLAY DISTRICT	GATEWAY CORRIDOR OVERLAY DISTRICT US 129 / SR 11
AREA OF PROPERTY	±2.216 ACRES
PROPOSED USE - TRAINING OFFERED:	SINGLE STORY TRAINING FACILITY PROFESSIONAL WRESTLING, PERSONAL TRAINING & GROUP TRAINING
PROPOSED BUILDING	±10,500 SQUARE FEET
PARKING REQUIRED	5 SPACES / 1,000 SF 10,500 SF / 1,000 x 5 = 52.5 SPACES
PARKING PROVIDED	30 SPACES (PER PC CONDITIONS)
TRANSITIONAL BUFFER	25 FEET **ADDITION OF 6 FOOT FENCE
SETBACKS	
- FRONT YARD	30 FEET
- SIDE YARD (NOT PRESENT WHEN BUFFER EXCEEDS BSL)	20 FEET
- REAR YARD	10 FEET
VARIANCES	NONE

PROJECT CONTACTS

LAND PLANNER	ERIC JOHANSEN, RLA FWJ3 VENTURES, LLC (678) 571-4843 cell / fwj3ventures@gmail.com
APPLICANT & PROPERTY OWNER	ACADEMY P1 BUILDING, LLC c/o JOHNNY FREE (678) 925-6904 cell / johnny@jbfreellc.com

NORTH

DATE: AUGUST 4, 2025

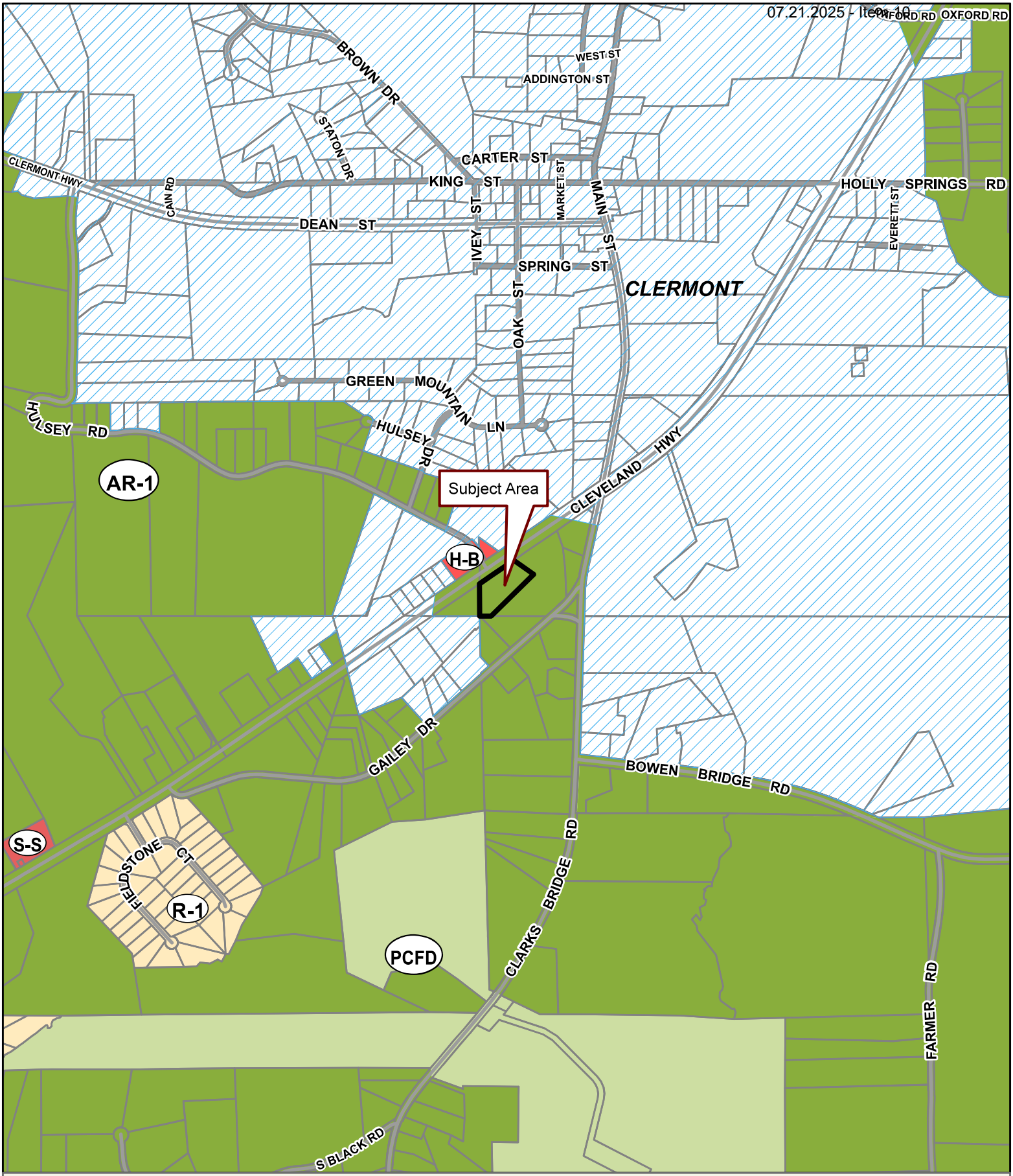
1 INCH = 30 FEET

0 15 30 60 90

GEORGIA REGISTERED No. 001515 PROFESSIONAL LANDSCAPE ARCHITECT ERIC JOHANSEN

REZONING SITE PLAN - 3

5970 CLEVELAND HIGHWAY

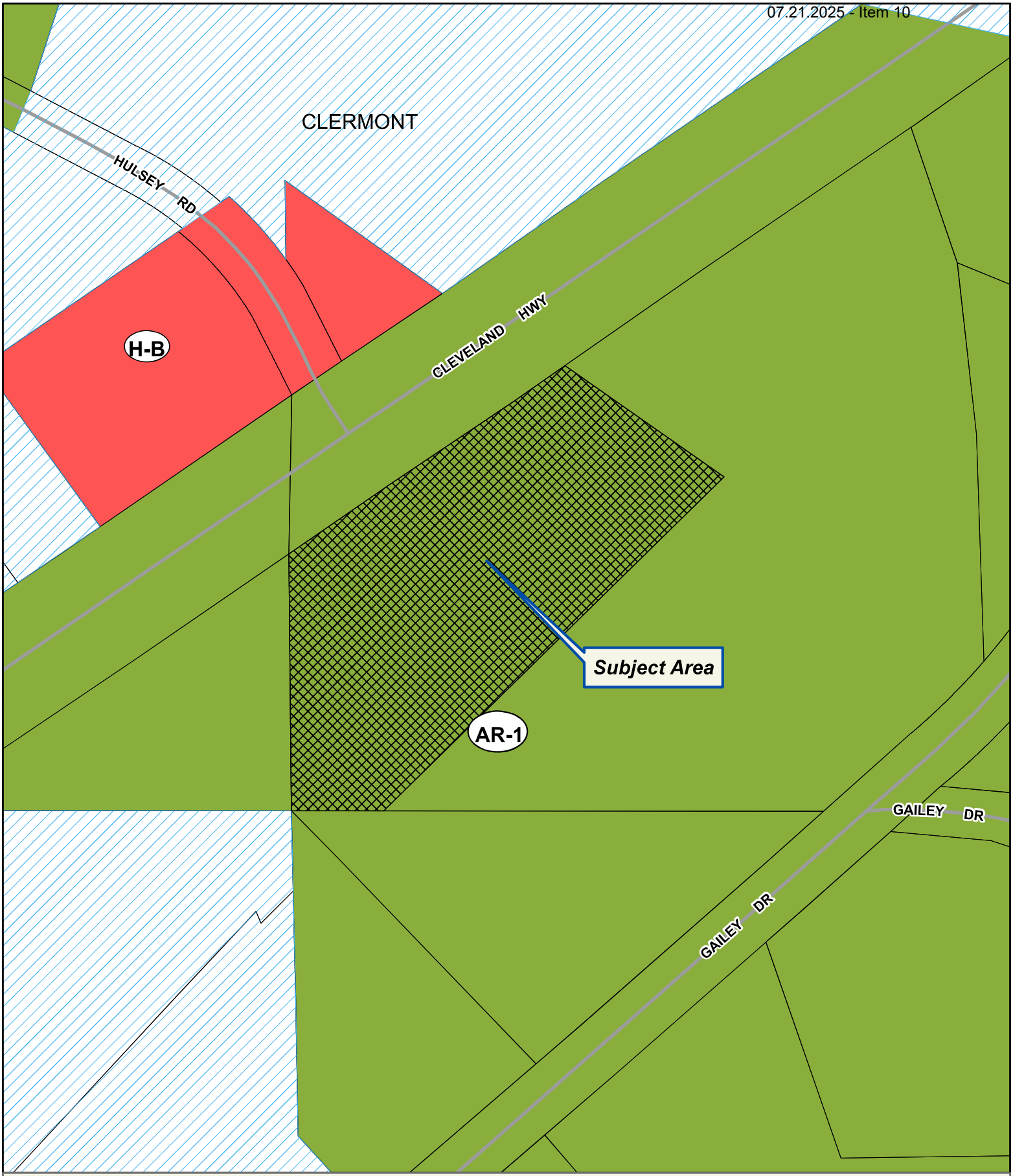


Applicant: ACADEMY P1 BUILDING, LLC
Tax Parcel #: 12064 000012
Location: 5970 CLEVELAND HIGHWAY, CLERMONT, GA 30527
Commission District 3 **PC Mtg. Date: 07/21/2025**

0 200 400 800
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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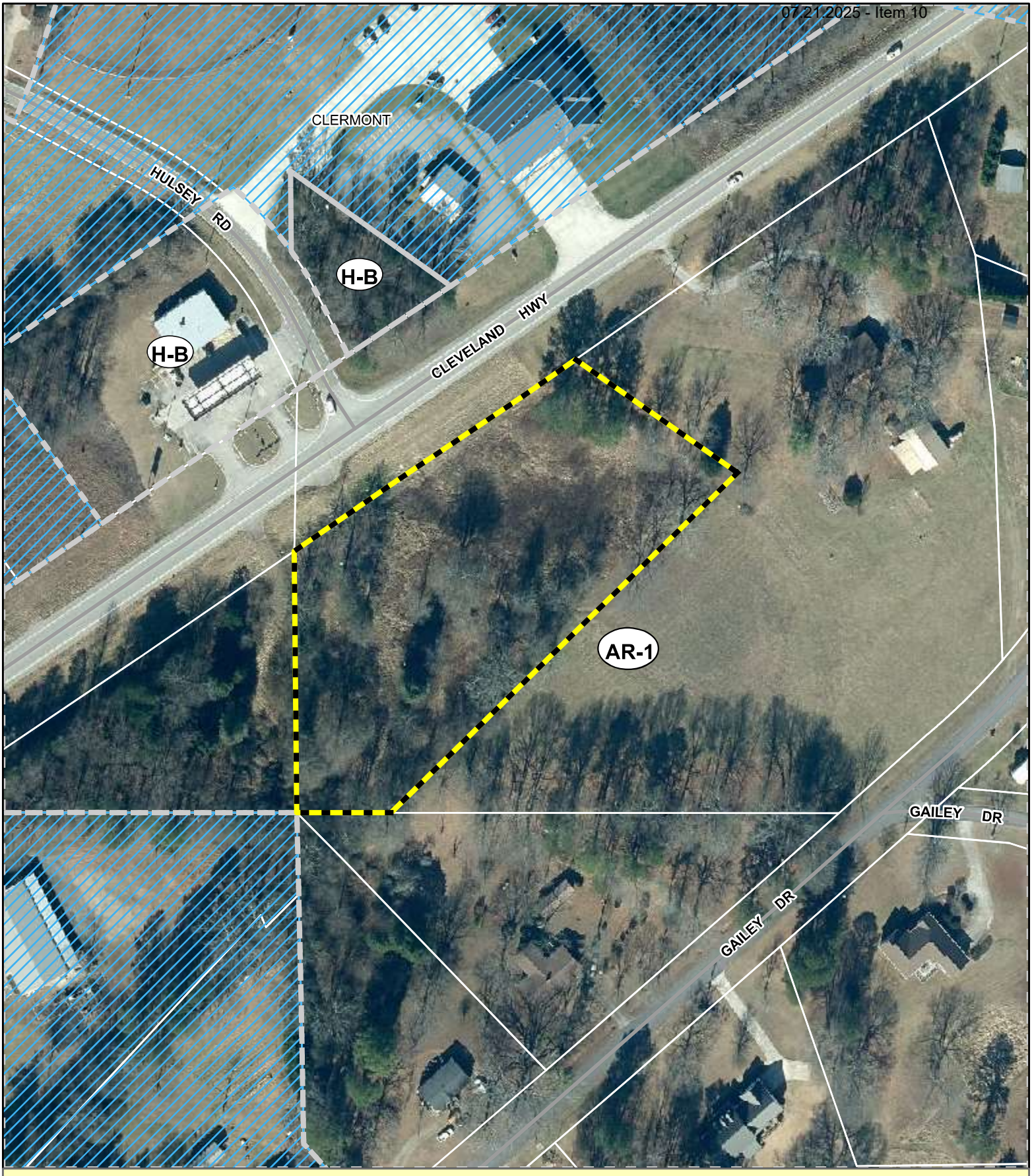
0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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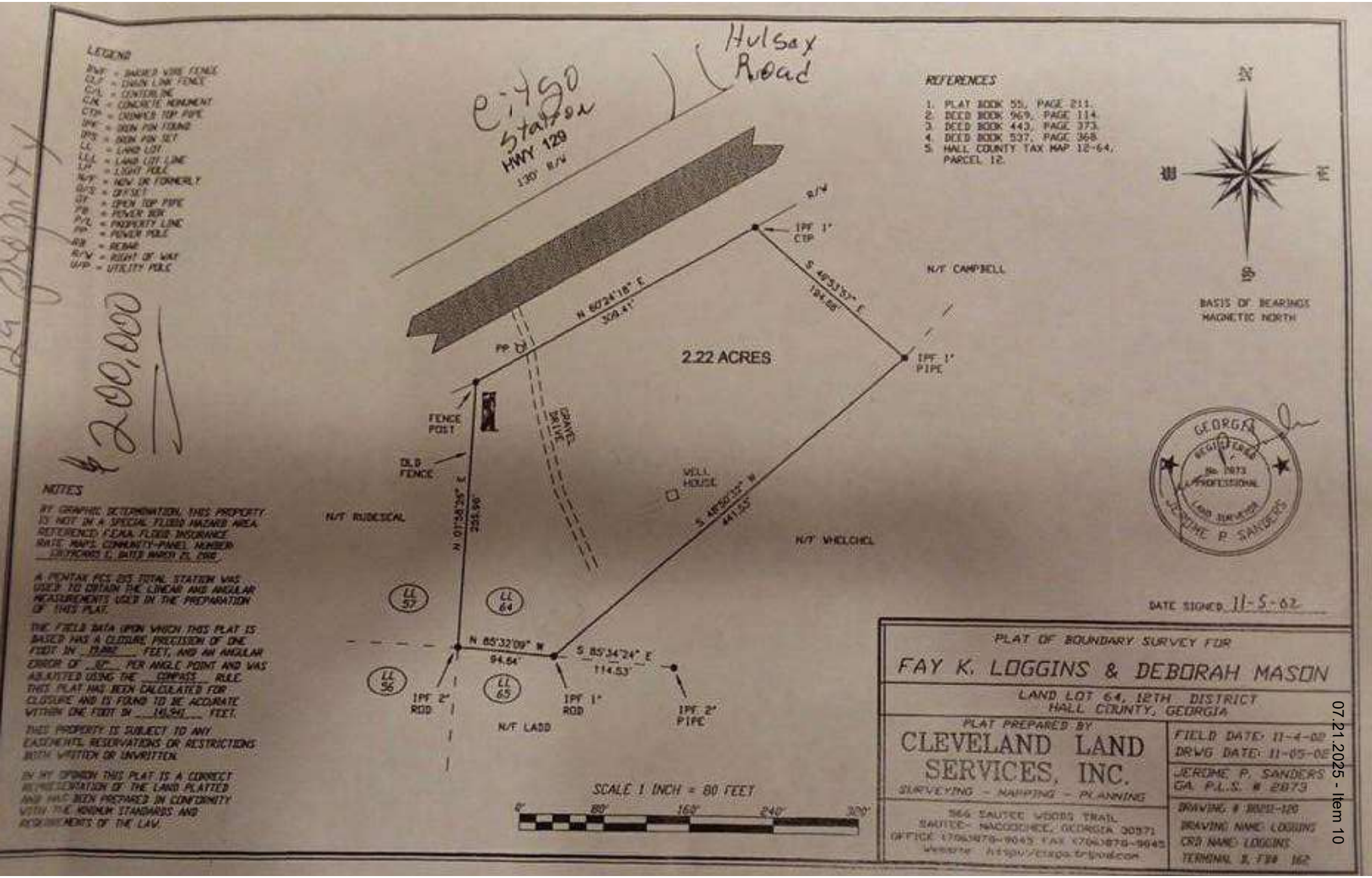
0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area

N



07.21.2025 - Item 10

250186
Russell C Petersen, LLC
P.O. Box 6499
GAINESVILLE, GA 30504

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HALL

THIS INDENTURE made **May 19th, 2025**, between **DIANA P. MEJIA JIMENEZ**, of the County of Gwinnett, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **ACADEMY P1 BUILDING LLC, a Georgia Limited Liability Company**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of TEN AND 00/100 ($10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, together with all improvements located thereon, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

DIANA P. MEJIA JIMENEZ (Seal)

Notary Public

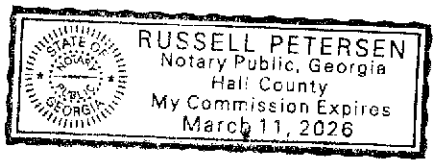


Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 64, 12th Land District of Hall County, Georgia, consisting of 2.22 acres, more or less, as shown on a Plat of Boundary Survey for Fay K. Loggins and Deborah Mason, dated November 4, 2002, prepared by Cleveland Land Services, Inc., Georgia Registered Land Surveyors, and being more particularly described as follows:

Beginning at an iron pin found (2 inch rod) at the intersection of Land Lots 56, 57, 64, and 65, proceed thence North 01 degrees 58 minutes 26 seconds East 255.96 feet to a fence post; thence North 60 degrees 24 minutes 18 seconds East 309.41 feet to an iron pin found (1 inch crimped top pipe); thence South 49 degrees 53 minutes 57 seconds East 194.68 feet to an iron pin found (1 inch pipe); thence South 48 degrees 50 minutes 32 seconds West 441.53 feet to an iron pin found (1 inch rod) located on the land lot line between Land Lots 64 and 65; thence along said land lot line North 85 degrees 32 minutes 09 seconds West 94.54 feet to an iron pin found (2 inch rod) and the True Point of Beginning.

Subject to easements, covenants and/or restrictions of record, if any.

5970 Cleveland Hwy Water Availability

NS

Nick Swafford <NSwafford@gainesvillega.gov>
To eric@inlandllc.com; Katie L. Greenway (CDI: Planning)

Reply | Reply All | Forward

Fri 5/23/2025 12:00 PM

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.

Hi Katie,

Please allow this email to serve as confirmation of water availability for the subject property. The city of Gainesville owns and operates an existing 6-inch water main in the R/W of Cleveland Hwy across from the subject property. There is sufficient domestic water capacity for the proposed fitness facility. If you need anything further, please let me know.

Thanks,

Nick Swafford
Permitting Services & GIS Manager
Gainesville Water Resources

Outlook

HCPC Tentative Agenda 7.21.25

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Wed 6/18/2025 12:14 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Cc Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>

Please find Environmental Health comments below:

Item 1, 5674 Bark Camp Rd, Lean on Me: Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Items 2/3A/3B/4A/4B, 1608 Whiting Drive, Vargas: No comment. Public Sewer.

Item 5, 5019 Cagle Mill, NCP Holdings: No comment. Public Sewer.

Item 6, 4020/3886 Cornelia Hwy: No comment. Public Sewer.

Item 7, A/B, 5684 Bethel Road, Truelove: 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 8, 5979 New Bethany Rd, Brown: 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 9, 4965 Bryant Quarter Rd, Clouse: No comment.

Item 10, 5970 Cleveland Hwy, Academy P1: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 11, County Staff: 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

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.

Outlook

RE: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

From Nembhard, Nakia L <NNembhard@dot.ga.gov>
Date Mon 6/16/2025 8:13 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

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,

Below you will find comments on proposed locations. If you have any questions please let me know.

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | P**roposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**. **(Does Not Require GDOT Coordination)**

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant** **(Does Not Require GDOT Coordination)**

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant** **(Does Not Require GDOT Coordination)**

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant** **(Will Require GDOT Coordination)**

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant** **(Does Not Require GDOT Coordination)**

Thanks,

Nakia Nembhard
Civil Engineer 3

Georgia Department of Transportation

District 1 Traffic Operations
1475 Jesse Jewell Pkwy Suite 100
Gainesville, GA, 30501

(678) 332-8200 Cell
(770) 533-8496 Office

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, June 12, 2025 12:02 PM
Subject: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

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 **July 21, 2025** Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

PUBLIC WORKS AND
UTILITIES DIRECTOR
Bill Nash, P.E.

Hall County Government

COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
PUBLIC WORKS AND UTILITIES

M E M O R A N D U M

To: Beth Garmon, Director of Planning and Zoning

From: Bill Nash, Director of Public Works and Utilities

Date: June 20, 2025

Subject: July 21, 2025 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 21, 2025 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **5674 Bark Camp Road | Special Use** | for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**.

a. **Engineering**: No comment
b. **Traffic:** No comment.
c. **Utilities:** Septic area. Hall County sewer service but no sewer in area.

2. **1608 Whiting Drive | Rezone** | from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby.

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 &

H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**
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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:** Commercial driveway
c. **Utilities:** No sewer in area. Gainesville water

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

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

North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show 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.
North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
(B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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:** Commercial driveway

c. **Utilities:** Hall County sewer area.
No sewer infrastructure in area.

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south

east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

a. **Engineering**: Show stream buffer and impervious setback from wrested vegetation not centerline of stream
b. **Traffic:** Commercial driveway
c. **Utilities:** Buford sewer service area.

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant**

a. **Engineering**: 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:** No comment
c. **Utilities:** Hall County sewer service area
No sewer infrastructure in area.

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b. **Traffic:** G-DOT coordination
Commercial driveway if no access to SR 11
c. **Utilities:** Clermont sewer service area.

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant**

a. **Engineering**: No comment
b. **Traffic:** No comment
c. **Utilities:** No comment

Outlook

Fire Comments

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Fri 6/13/2025 4:15 PM
To Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

July 21, 2025 Hall County Planning Commission Meeting

1. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant**

Hall County Fire Marshal's Office comments:

1. If approved the site development plan 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

Outlook

RE: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

From Joseph Boyd (GHMPO) <jboyd@hallcounty.org>
Date Thu 6/12/2025 2:17 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Cc Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Joseph Boyd (GHMPO) <jboyd@hallcounty.org>

2 attachments (1 MB)
GH-150.pdf; GH-035.pdf;

Hey Kaitlyn – see below for comments from the MPO:

6. NCP Holdings, LLC – 4020 & 3886 Cornelia Highway/4761 Cagle Mille Road
   - These parcels are along State Route 365, which is expected to be widened with construction scheduled for 2035 (GH-150/PI0020731). This project is currently undergoing pre-engineering by GDOT, where further details, including right-of-way impacts, will be established. Applicant should coordinate with GDOT District 1.

10. Academy P1 Building, LLC – 5970 Cleveland Highway
   - This parcel is along US 129, which is expected to be widened with construction scheduled for 2040 (GH-035/PI0014129). Pre-engineering is scheduled for 2035, where further details, including right-of-way impacts, will be established.

Joseph Boyd, AICP
MPO Director
Gainesville-Hall Metropolitan Planning Organization
2875 Browns Bridge Road, Gainesville, GA 30504
(770) 297-5541 | www.ghmpo.org

GAINESVILLE-HALL
Metropolitan Planning Organization

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, June 12, 2025 12:02 PM
Subject: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

Good Afternoon,

Here is the Tentative Agenda and Maps for the **July 21, 2025** 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.

Project Name Widening of US 129/Cleveland Highway north of Nopone Road to State Route 284/Clarks Bridge Road	**GHMPO No.** GH-035	**GDOT No.** 0014129
	County Hall	**City** Clermont
Local Rd. Name Cleveland Highway	**GDOT District** 1	**RC** GMRC
US/State Rd. Name US 129 / State Route 11	**Funding Source** GDOT	

Project Description

The widening from two to four lanes of US 129/Cleveland Highway from Nopone Road to State Route 284/Clarks Bridge Road in Clermont.

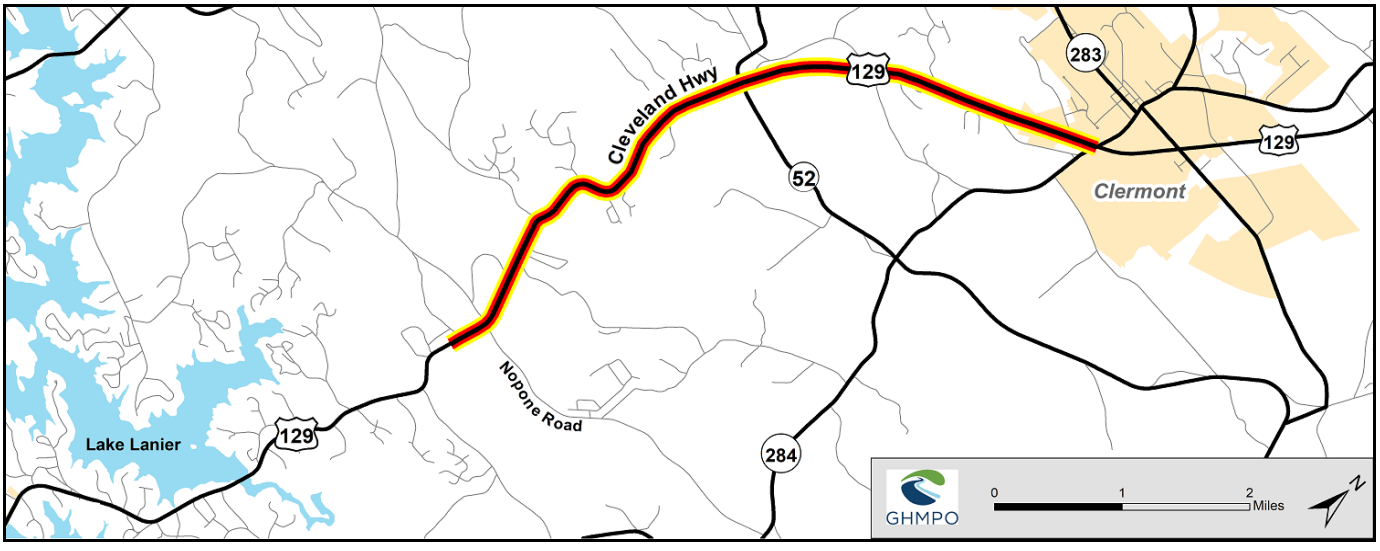
Improvement Type Widening **Capacity Adding** Yes

Project Intent

This project will increase mobility and decrease congestion in northern Hall County.

Project Termini **From** Nopone Road **To** SR 284/Clarks Bridge Road	**Length (miles)** 5.70	
	Exist. Lanes 2	**Future Lanes** 4
Bike / Ped Infrastructure TBD		
Network Year 2050	**MTP Project Band:** Band 2 (2028-2041)	**Open to Traffic Date** 2042

STATUS	PHASE	SOURCE	LOCAL	STATE	FEDERAL	OTHER	TOTAL
2035	Pre-Engineering	HB 170	$0	$4,250,246	$0	$0	$4,250,246
2038	Right-of-Way	HB 170	$0	$13,704,131	$0	$0	$13,704,131
2040	Construction	HB 170	$0	$34,540,777	$0	$0	$34,540,777
		TOTAL	$0	$52,495,154	$0	$0	$52,495,154



ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: ACADEMY P1 BUILDING, LLC
REQUEST: REZONE FROM AR-1 TO H-B (GCOD)
FOR INDOOR RECREATION FACILITY
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JULY 21, 2025
Time: 5:15 P.M.
&
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (30) days and no more than forty-five (45) days prior to the public hearing.

2. The Planning Department shall send notification by letter of all other property owners within a 500-foot radius of the applicant's property is standard administrative policy of the Planning Department.

3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (30) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (30) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road, or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN JUNE 13, 2025 AND NO LATER THAN JUNE 22, 2025.

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN JUNE 22, 2025 ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.

Failure to comply will result in a delay of the application.

AFFIDAVIT

By my signature, I, Eric Johansen, agent **, hereby acknowledge that I have**
Please Print Name

read and understand the sign posting requirements. I further certify that the required

public notice sign was posted on 06/21/2025 **for** Academy P1 Building, LLC
Date (Name application filed as)

Signature _____
(The original document is required)

Revised September 2021

Print

Board of Commissioners Work Session Comments - July 21, 2025 - Submission #120329

Date Submitted: 7/20/2025

Comments completed in the form below will be submitted into the record for the July 21, 2025 Work Session of the Hall County Board of Commissioners.

First Name*

Marlena

Last Name*

Braddock

Address1*

5982 Gailey Dr

Address2

City*

Clermont

State*

GA

Zip*

30527

Your Comments*

The proposed building of an Indoor Recreation Facility (Wrestling Building) will be within 150 yards of our property on Gailey Drive. I fear our small, quiet, peaceful community will have to deal with too many daily and night interruptions to our home environment. I am concerned for several reasons and would like further clarification

1. Hours of Operation
2. Noise Control
3. Lights

All of the above are issues we already deal with from the convenient store directly across the road from the proposed building site. The new facility will be even closer to our homes (within a 150 yards of our front yard). The building of these businesses are invading our privacy and property and taking away our peace and quiet that once existed.

4. Age group and purpose

I am not opposed to facilities being built to promote community togetherness, learning, and support for individual advancements (coaching support, camps, clinics) for young people but IF the facility is for “Masters Wrestling” this is not acceptable in the middle of an established peaceful neighborhood. Issues would pose more even more problems like crowd control, parking, lack of respect for surrounding properties.

5. Effects of the proposed building on our own property values, resale values, and taxes.

I understand change is inevitable and can be good and bad. We need to stop and ask is this the right time and place, who and how will this affect the people already living in the area.

Thank you for considering my concerns regarding the building of this facility.

Marlena Braddock

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Follow-up Communication

[redacted]

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

Print

Board of Commissioners Work Session Comments - July 21, 2025 - Submission #120329

Date Submitted: 7/20/2025

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First Name*

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Last Name*

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Address1*

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Clermont

State*

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30527

Your Comments*

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Marlena Braddock

Please write your comments in the box above.

File Upload

Choose File No file chosen

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

Follow-up Communication

[redacted]

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

AGENDA ITEM

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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 489/2025

SUBJECT: **5684 Bethel Road | Rezone |** from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | Commission District 3 | **Janet Truelove, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG

Recommendation:

Approval, with conditions

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Residential Low Density (R-1-L) zoning district.
2. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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".
3. No variances or development exceptions are granted as part of this request. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.
4. All conditions of zoning shall be made part of any plats created for the property.
5. The future subdivision of the subject property shall comply with the Hall County UDC, with no more than one residence per lot and accessory structures included on a lot with a primary residence. All setbacks must be met in any future configuration.
6. The deeds of the created lots will include a restriction to prohibit manufactured and mobile homes.
7. The heated floor area of all residences will be a minimum of 2,100 square feet.
8. There shall be a 40-foot rear yard setback applied to all properties that adjoin the Avalon Hills community.
9. The keeping of livestock or poultry is prohibited, and general agricultural uses shall not be permitted. Gardening and cutting hay shall be allowed.

Purpose of Request:

5684 Bethel Road | Rezone | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | Commission District 3 | **Janet Truelove, applicant**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
BG	BG	JL	CR
Clerk			
JR			

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Plat
Maps
Deed
Legal Description
Historical PC Letter and Site Plan
Environmental Health Comment
GDOT Comment
Public Works Comment
Fire Comment
Notice Sign

Hall County Government
PLANNING AND ZONING

HALL COUNTY
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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

To: David Gibbs, 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 11, 2025

Subject: **5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision| Janet Truelove, applicant**

The request before you is from Janet Truelove to rezone from Planned Residential Development (PRD) to Residential Low Density (R-1-L) for a minor subdivision. This item is located within Commission District 3.

At their July 21, 2025, meeting, the Hall County Planning Commission voted to recommend **approval, with nine (9) conditions (4-0).**

Staff recommendation: **Approval, with conditions,** as the proposed zoning and use are consistent with the "Rural Neighborhood" future land use classification within the Comprehensive Plan.

There were **no comments submitted** in advance of the Planning Commission meeting and **seven (7) people spoke in opposition and a neighborhood petition was submitted during the public hearing.**

Planning Commission Conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Residential Low Density (R-1-L) zoning district.
2. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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".

3. No variances or development exceptions are granted as part of this request. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.
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5. The future subdivision of the subject property shall comply with the Hall County UDC, with no more than one residence per lot and accessory structures included on a lot with a primary residence. All setbacks must be met in any future configuration.
6. The deeds of the created lots will include a restriction to prohibit manufactured and mobile homes.
7. The heated floor area of all residences will be a minimum of 2,100 square feet.
8. There shall be a 40-foot rear yard setback applied to all properties that adjoin the Avalon Hills community.
9. The keeping of livestock or poultry is prohibited, and general agricultural uses shall not be permitted. Gardening and cutting hay shall be allowed.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant	Janet Truelove
Request	**Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L)
Proposed Use	Minor subdivision
Size	8.30± acres
Zoning	**Current:** Planned Residential Development (PRD) | **Proposed:** Residential Low Density (R-1-L)
Location	**5684 Bethel Road |** Tax parcel 12007 000001
Commission District	Three
Planning Commission Date	July 21, 2025
Staff Recommendation	**Approval, with conditions,** as the proposed zoning and use are consistent with the "Rural Neighborhood" future land use classification within the Comprehensive Plan
Record Number	(A) HZON25-0027
Planning Commission Recommendation	**Approval, with conditions**

Vote: 4-0

Planning Commission Conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Residential Low Density (R-1-L) zoning district.
2. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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".

3. No variances or development exceptions are granted as part of this request. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.
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8. There shall be a 40-foot rear yard setback applied to all properties that adjoin the Avalon Hills community.
9. The keeping of livestock or poultry is prohibited, and general agricultural uses shall not be permitted. Gardening and cutting hay shall be allowed.

Excerpts from the minutes of the July 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Janet Truelove, 5702 Bethel Road, Clermont, presented the request. The applicant is requesting to rezone an 8.30± acre tract from Planned Residential Development (PRD) to Residential Low Density (R-1-L) for a 5-lot subdivision. The overall proposed density for this subdivision is 0.60 dwelling units per acre. The subject parcel is currently developed with a single-family residence constructed in 1970 and two accessory structures constructed in 1980 and 2005.

Public Forum:

Jack Leezy, 5750 Avalon Commons Way, Clermont, spoke in opposition and brought a neighborhood petition opposing the application. Concerns were the minimum square footage of the future homes, the potential for manufactured homes, potential water run off during construction and decrease in nearby home values. Mr. Leezy stated he is not opposed to the property being subdivided but does not want new development to lower Avalon Hills property values.

Rachel Kim Lerma, 5811 Claybrook Court, Clermont, spoke in opposition. Concerns raised were the reduced rear setback distance and the number of structures on each of the new properties.

Elizabeth Harrison, 5626 Stonehaven Court, Clermont, spoke in opposition. Concerns were the potential for neighboring homes to be reduced in value as well as the view from Avalon Hills' amenities into the applicant's property.

Evan Whaley, 5616 Allington Court, Clermont, spoke in opposition. Concerns raised were the development of the applicant's property differing from the current surrounding character, reduction in value for nearby properties, the potential for manufactured homes, the view from nearby properties

and amenities, concern of negative environmental impacts due to water runoff from construction, and increased traffic.

Tim Lambright, 5638 Stonehaven Court, Clermont, spoke in opposition. Concerns raised were a decrease in nearby home values.

Melissa Lykins, 5731 Avalon Commons Way, Clermont, spoke in opposition. Concerns raised were the topography of the applicants' property as it relates to the adjoining properties, water runoff into Avalon Hills' amenities, the possibility for livestock to be close to the neighborhood amenities, the reduced rear setback, and the impact to a natural spring located on a neighboring property.

Gary Gallucci, 5828 Abbey View Court, Clermont, spoke in opposition. Concern raised was a decrease in nearby home values.

Rebuttal

The applicant stated that by following all Hall County codes, development would not increase water runoff between the properties. The applicant stated that there has not been any large decrease in property values in Hall County and that the new lots would be developed at a low density.

Planning Commission Comments:

Mr. Hunt asked what is the minimum square footage for homes in Avalon Hills. Mr. Leezy stated it is a 2,500 square foot minimum. Mr. Hunt clarified a previous condition was to prohibit manufactured homes and asked if the applicant was agreeable to this. The applicant agreed. Mr. Hunt compared the surrounding lot sizes and agreed that by following Hall County codes, the water runoff will be managed. Mr. Hunt asked the applicant to explain why she was opposed to a 2,500 square foot minimum heated floor area standard as recommended by the Planning Commission previously. The applicant explained that she did not want that standard associated with her personal property so she removed her property from the application. Mr. Hunt asked if the applicant was comfortable with a 2,000 square foot requirement for the residences as well as a 40-foot rear yard setback and the applicant agreed. Mr. Davidson commented that he would be supportive of a higher minimum square footage to align future development more closely with the adjacent subdivision.

A
Motion: ***A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 4-0***

Conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Residential Low Density (R-1-L) zoning district.
2. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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".

3. No variances or development exceptions are granted as part of this request. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.
4. All conditions of zoning shall be made part of any plats created for the property.
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8. There shall be a 40-foot rear yard setback applied to all properties that adjoin the Avalon Hills community.
9. The keeping of livestock or poultry is prohibited, and general agricultural uses shall not be permitted. Gardening and cutting hay shall be allowed.

Staff recommends <u>APPROVAL</u> of the applicant's requests with the following conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Residential Low Density (R-1-L) zoning district.

2. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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".

3. No variances or development exceptions are granted as part of this request. 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.

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

<u>Summary Analysis</u>

The applicant is requesting to rezone an 8.30± acre tract from Planned Residential Development (PRD) to Residential Low Density (R-1-L) for a 5-lot subdivision. The overall proposed density for this subdivision is 0.60 dwelling units per acre. The subject parcel is currently developed with a single-family residence constructed in 1970 and two accessory structures constructed in 1980 and 2005.

The surrounding parcels are zoned and developed as outlined below:

North: Planned Residential Development (PRD) – Avalon Hills Subdivision, developed with single-family residences and amenities for the development
South: Agricultural Residential 1 (AR-1) – Developed with single-family residences
Residential 1 (R-1) – Developed with single-family residences
East: Planned Residential Development (PRD)- Avalon Hills Subdivision, developed with single-family residences and amenities for the development
West: Planned Residential Development (PRD) - Developed with a single-family residence

On February 10, 2005, approval was granted to rezone a 144.3± acre tract from Agricultural Residential IV (AR-IV) and Planned Commercial Farm District (PCFD) to Planned Residential Development (PRD) with the following conditions for a 95-lot subdivision (ZON2005-00016).

1. Development shall be limited to 95 lots as generally shown on the concept plan, with homes having no less than 2,500 square feet of heated floor space.
2. All lots, with the exception of lots 94 and 95, will access an internal roadway.
3. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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. All conditions of zoning shall appear on any plats created for the subdivision.

At the time of the rezoning, the subject property was part of the 144.3± acre tract. However, the final plat for Avalon Hills Subdivision did not incorporate the subject parcel, although the Planned Residential Development (PRD) zoning designation remained in effect.

Per the submitted site plan and narrative, the applicant is requesting to rezone and subdivide the subject parcel into five (5) lots ranging in size from 1.501 acres to 2.079 acres. All proposed lots will be served by wells and individual on-site septic systems and will meet the minimum lot area and frontage requirements for the Residential Low Density (R-1-L) zoning district as outlined below:

Residential Low Density (R-1-L) Standards	**Required**
Lot Area	65,340 square feet (1.5 acres)
Lot Frontage (Bethel Road – local road)	50 feet
Lot Width at Building Line	150 feet
Front Yard Setback	30 feet from property line

Side Yard Setback	10 feet
Rear Yard Setback	20 feet

Based on the future land use plan, staff finds the requested rezoning *is consistent* with the Hall County Comprehensive Plan future land use designation of Rural Neighborhood. These areas should consist of active farms and agricultural enterprises and low-density, large-lot single-family residential uses. These areas also consist of undeveloped lands likely to face development pressures for new residential or commercial development. Similar to Rural Agriculture, they should have deep setbacks and incorporate a high percentage of open space. Where it occurs, new development should preserve natural features, including tree canopy, waterways, and waterbodies. The Rural Neighborhood designation envisions a density of less than 0.75 dwelling units per acre, or one dwelling unit per one and a half acres. This development has an overall proposed density of 0.60 units per acre.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

a) 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 Residential Low Density (R-1-L) zoning district for a 5-lot residential subdivision is consistent in view of the use, development and zoning of adjacent and nearby property. The surrounding area consists of residential and agricultural uses.**

b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning does not adversely affect the existing use of adjacent residential properties.**

c) 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; however, the applicant cannot rezone and subdivide the property as proposed without approval by the Board of Commissioners.**

d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed rezoning is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property will be served by individual wells and individual on-site septic systems.**

e) 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 Rural Neighborhood land use designation. The Rural Neighborhood designation envisions a density of less than 0.75 dwelling units per acre. The proposed development has an overall proposed density of 0.60 units per acre.**

f) 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 affected by the existing zoning restrictions.**

g) 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.**

h) The relative gain to the public as compared to the hardship imposed upon the individual property owner; **The inclusion of the subject property in the prior Planned Residential Development (PRD) rezoning, combined with its subsequent exclusion from the subdivision plat, has placed the property in a unique situation that prevents the current owner from subdividing as proposed.**

i) 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 constructed in 1970 and two accessory structures constructed in 1980 and 2005.**

j) 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.**

k) Whether the change would create an isolated district unrelated to the surrounding districts; **The zoning of surrounding parcels consists of Agricultural Residential 1 (AR-1), Residential 1 (R-1) and Planned Residential Development (PRD). In the county's Comprehensive Plan, the Residential Low Density (R-1-L) zoning district is identified as compatible with the Rural Neighborhood future land use designation of this parcel and all surrounding parcels. The R-1-L zoning district is related to the surrounding districts, therefore, no isolated zoning district unrelated to the surrounding districts would be created if approved.**

l) 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.**

m) 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.**

n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **Single-family residential uses are supported by the Comprehensive Plan's future land use designation of Rural Neighborhood; however, the existing zoning of Planned Residential Development (PRD) does not support the 5-lot subdivision as proposed.**

o) 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.**

p) 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.**

q) 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.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

    a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

    b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district**. The proposal meets the requirement.**

    c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request**

    d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County

Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated June 18, 2025, 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 Review Team for review and approval prior to submittal to Clerk of Courts for recordation."

Georgia Department of Transportation
In an email dated June 16, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities
In a memo dated June 20, 2025, 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 stormwater management plan if the total number of lots reaches more than 6.

Traffic:
Commercial driveway.

Utilities:
Hall County sewer area. No sewer infrastructure in area.

Hall County Fire Marshal
In an email dated June 13, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated "The Hall County Fire Marshal's Office has no comments as proposed."

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

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ZONING APPLICATION

Applicant (Name & Mailing Address)

Janet Truelove
5702 Bethel Rd
Clermont, GA 30527
Phone [redacted]
Email Address [redacted]

Property Owner (Name & Mailing Address)

Janet & Joyce Truelove
5702 Bethel Rd.
Clermont, GA 30527
Phone [redacted]
Email Address [redacted]

Proposed Use Rezone from PRD to R-1 for the purpose of dividing property

Contact Person (Name & Mailing Address)

Janet Truelove
5702 Bethel Rd
Clermont, GA 30527
Phone [redacted]
Email Address [redacted]

Status of Applicant

Y (Owner)
Y Option to Purchase
Y Area Resident
Y Other

Requested Action

Existing Zoning: PRD
Rezone to: R-1
Fee:$
Receipt #:
Check #:

Tax Parcel Number 12007000001 Acreage 8.3
Location Address 5684 Bethel Rd., Clermont, GA 30527

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

Sign [signature] Date: 05/16/2025

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

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

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

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

County Commission District: _____

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AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Joyce and Janet Truelove

Address 5702 Bethel Rd.

Clermont, GA 30527

Phone Number [redacted]

Name of applicant(s) Janet Truelove

Address 5702 Bethel Rd.

Clermont, GA 30527

Phone Number [redacted]

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

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

Signature of Owner(s)

Personally appeared before me

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

Notary Public

Date 1-14-2025

MISTI L SHERIFF
NOTARY
EXPIRES
GEORGIA
SEPTEMBER 7, 2025
PUBLIC
HALL COUNTY

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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**_____ I have not__X___

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

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

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 05-14-2025

Applicant's/Owner's Name (Printed): Janet Truelove

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f: 770-531-3902

HALL COUNTY
We Have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**_____ I have not ✓

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: Joyce Truelove **Date:** 05/14/25

Applicant's/Owner's Name(Printed): Joyce Truelove

June 4, 2025

Narrative of Proposed Rezoning

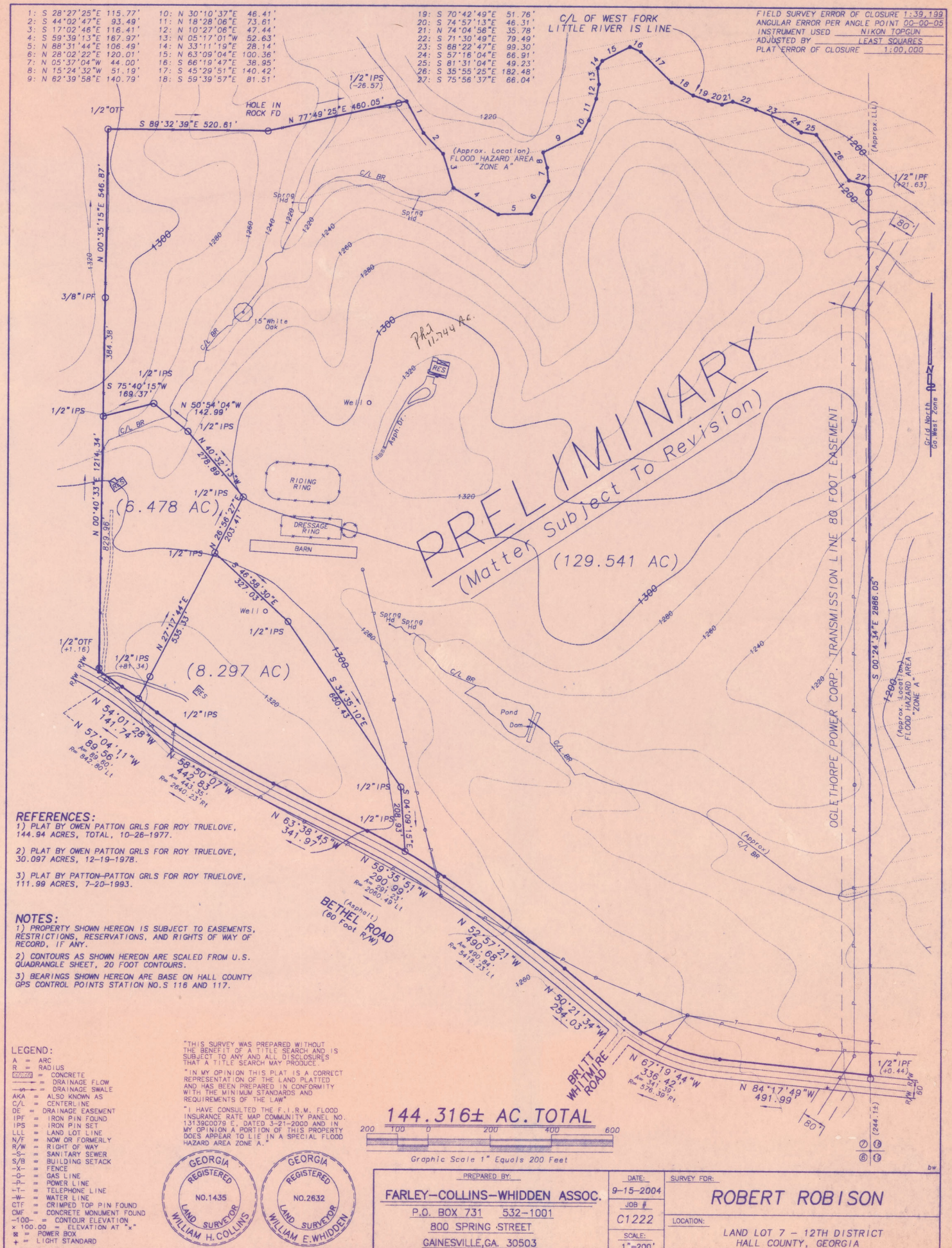
The property at 5684 Bethel Rd. Clermont, GA 30527, Parcel ID: 12007000001, located in District 12, is now zoned PRD. The parcel contains 8.3 acres. I am proposing a rezoning to R-1-L to allow for a division of the property in order to sell some vacant lots for the purpose of building residential homes. These building lots would be serviced by a well, septic tank and public electricity. The entire parcel potentially could be divided into 5 lots in accordance with R-1-L zoning.

This request of rezoning to R-1-L would allow this property to be the same as neighbors. The property was zoned the same as the Avalon Hills subdivision, of which this property is not part of, and thus unable to subdivide.

Janet and Joyce Truelove, the owners, wish to divide the property in order to settle our father's estate as we inherited the property together and selling a portion will satisfy the division we desire.

Finally, we are confirming that the fees for this application be waived per Mr. Gregg Poole's approval at the Board meeting on April 22, 2025, when the prior application was withdrawn.

CANTERBURY WAY
CANTERBURY WAY
CLAYBROOK COURT
FERNDOWN COURT
STONEHAVEN COURT
BETHEL ROAD
161.5
117.9
35
530.2
338.2
1.675 acres
164.7
508.4
2.079 acres
509.7
170.7
1.504 acres
259.2
125.5
415.5
1.501 acres
246.5
170.2
239.5
117.9
137.5
200.4
1.501 acres
208.8
307.1
200 ft
N



REFERENCES:

1) PLAT BY OWEN PATTON GRLS FOR ROY TRUELOVE, 144.94 ACRES, TOTAL, 10-26-1977.

2) PLAT BY OWEN PATTON GRLS FOR ROY TRUELOVE, 30.097 ACRES, 12-19-1978.

3) PLAT BY PATTON-PATTON GRLS FOR ROY TRUELOVE, 111.99 ACRES, 7-20-1993.

NOTES:

1) PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD, IF ANY.

2) CONTOURS AS SHOWN HEREON ARE SCALED FROM U.S. QUADRANGLE SHEET, 20 FOOT CONTOURS.

3) BEARINGS SHOWN HEREON ARE BASE ON HALL COUNTY GPS CONTROL POINTS STATION NO.S 116 AND 117.

LEGEND:

A = ARC
R = RADIUS
CONCRETE
= DRAINAGE FLOW
= DRAINAGE SWALE
AKA = ALSO KNOWN AS
C/L = CENTERLINE
DE = DRAINAGE EASEMENT
IPF = IRON PIN FOUND
IPS = IRON PIN SET
LLL = LAND LOT LINE
N/F = NOW OR FORMERLY
R/W = RIGHT OF WAY
-S- = SANITARY SEWER
S/B = BUILDING SETACK
-X- = FENCE
-G- = GAS LINE
-P- = POWER LINE
-T- = TELEPHONE LINE
-W- = WATER LINE
CTF = CRIMPED TOP PIN FOUND
CMF = CONCRETE MONUMENT FOUND
-100- = CONTOUR ELEVATION
x 100.00 = ELEVATION AT "x"
= POWER BOX
= LIGHT STANDARD

"THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY PRODUCE."

"IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW"

"I HAVE CONSULTED THE F.I.R.M. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 13139C0079 E, DATED 3-21-2000 AND IN MY OPINION A PORTION OF THIS PROPERTY DOES APPEAR TO LIE IN A SPECIAL FLOOD HAZARD AREA ZONE A."

GEORGIA REGISTERED NO.1435 LAND SURVEYOR WILLIAM H.COLLINS

GEORGIA REGISTERED NO.2632 LAND SURVEYOR WILLIAM E.WHIDDEN

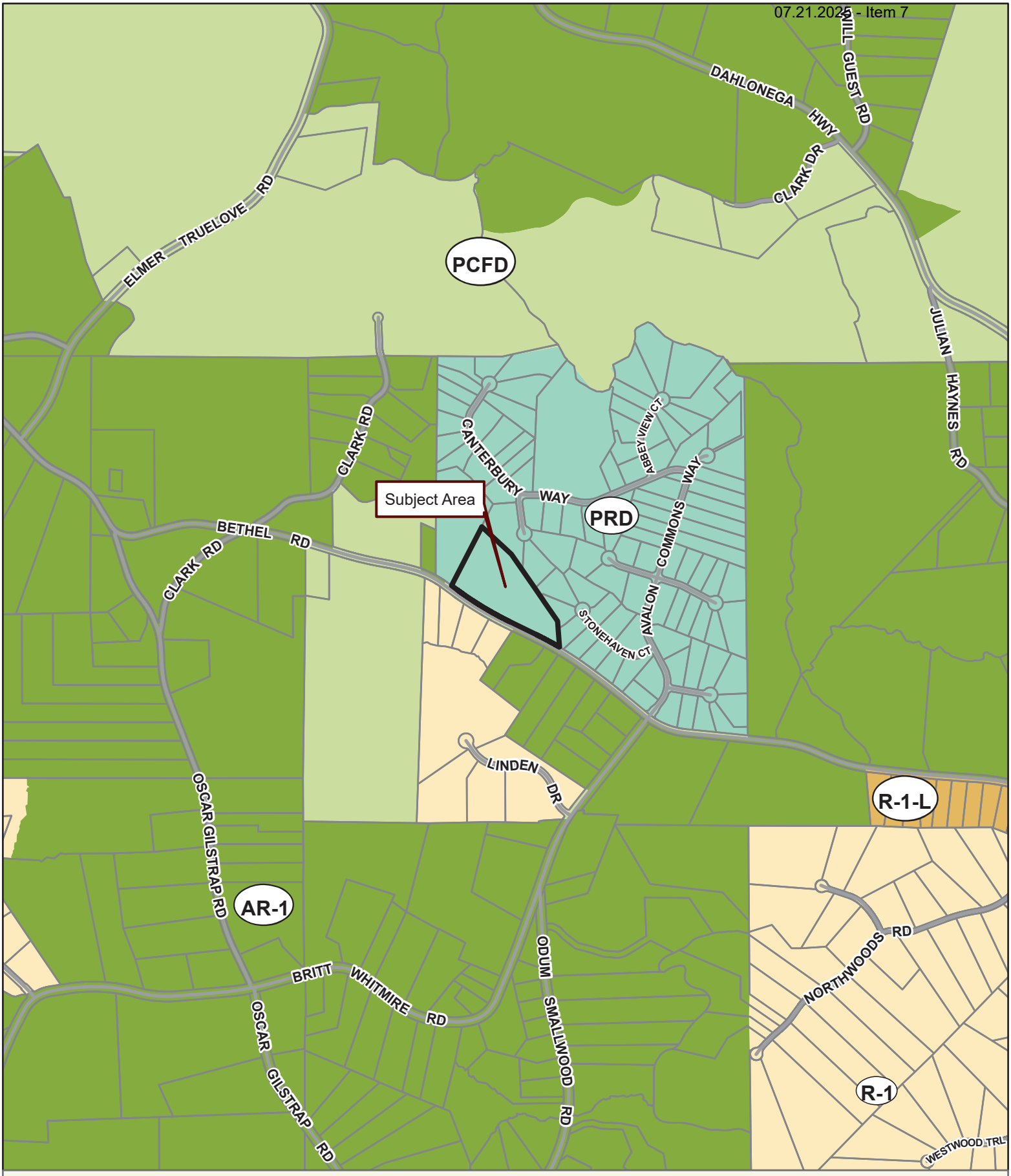
PREPARED BY:
FARLEY-COLLINS-WHIDDEN ASSOC.
P.O. BOX 731 532-1001
800 SPRING STREET
GAINESVILLE,GA. 30503

DATE: 9-15-2004
JOB # C1222
SCALE: 1"=200'

SURVEY FOR: ROBERT ROBISON

LOCATION: LAND LOT 7 - 12TH DISTRICT HALL COUNTY, GEORGIA

bw

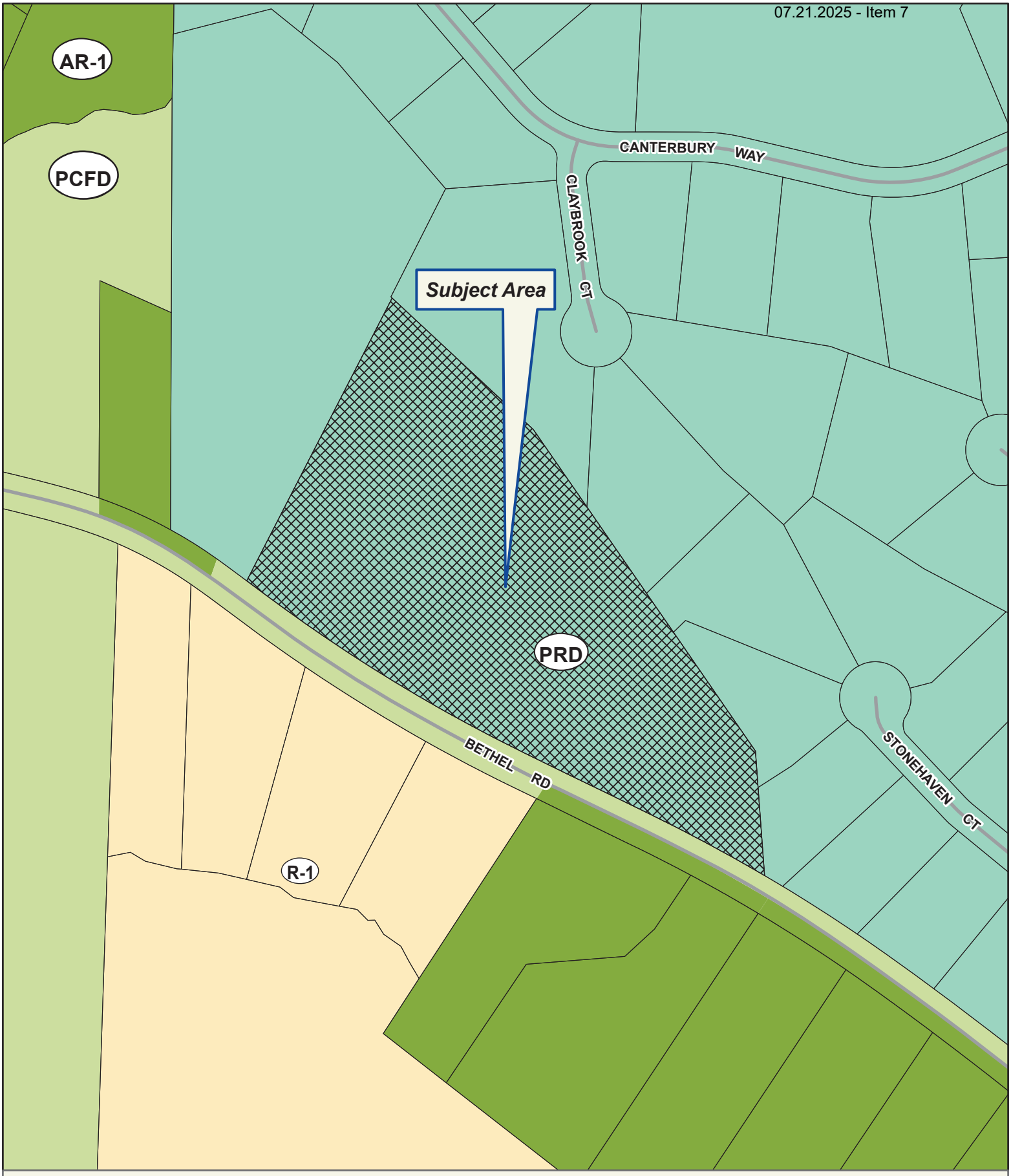


Applicant: JANET TRUELOVE
Tax Parcel #: 12007 000001
Location: 5684 BETHEL ROAD, CLERMONT, GA 30527
Commission District 3 **PC Mtg. Date: 07/21/2025**

0 200 400 800
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: JANET TRUELOVE
Tax Parcel #: 12007 000001
Location: 5684 BETHEL ROAD, CLERMONT, GA 30527
Commission District 3 **PC Mtg. Date: 07/21/2025**

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

Applicant: JANET TRUELOVE
Tax Parcel #: 12007 000001
Location: 5684 BETHEL ROAD, CLERMONT, GA 30527
Commission District 3 **PC Mtg. Date: 07/21/2025**

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

eFiled and eRecorded
DATE: 06/10/2022
TIME: 8:41 AM
DEED BOOK: 9142
PAGE: 664 - 669
FILING FEES: $25.00
TRANSFER TAX: $0.00
PARTICIPANT ID: 8693149885
PT61: 069-2022-005225
RECORDED BY: EAR
CLERK: Charles Baker, C.S.C
Hall County, GA

Jane A. Range
Hulsey, Oliver & Mahar
200 E. E. Butler Parkway
Gainesville, Georgia 30501
(NO TITLE WORK – DEED PREPARATION ONLY)

EXECUTOR'S DEED OF ASSENT

STATE OF GEORGIA,
COUNTY OF HALL.

THIS INDENTURE is made as of the 9th day of June, 2022, between **Joyce Truelove, Janet Truelove and Phil A. Truelove,** as Co-Executors of the Last Will and Testament of **Roy Adcus Truelove** (hereinafter referred to as the "Deceased"), late of Hall County, Georgia (hereinafter referred to as "Grantors") and **Grace S. Truelove, for her life with the remainder, upon the death of Grace S. Truelove, to Joyce Truelove and Janet Truelove** (hereinafter referred to as "Grantee").

W I T N E S S E T H

GRANTORS, acting under and by virtue of the power and authority contained in the Will of the Deceased, it having been duly probated December 28, 2021 in the Hall County Probate Court and recorded in the aforesaid court, does hereby consent to the devise of the following described property to **Grantees** pursuant to Item III of said Will:

SEE EXHIBIT A ATTACHED.

TO HAVE AND TO HOLD said property 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 Grantees forever, *IN FEE SIMPLE* in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

EXHIBIT A

All that certain tract or parcel of land situated, lying and being in the 12th Land District, Hall County, Georgia, and being part of Land Lot No. 7, described as follows:

Beginning at H.P. Hawkins line in center of road leading from the Gainesville- Dahlonega Road to Bethel Church about ¼ mile North of Quillians and running thence in a Northwesterly direction along the center of said road to line of Lot No. 4 of the Eugene Thomas Subdivision; thence North along line of Lot No. 4 of said Subdivision 1761 feet to line of Joe Clark Estate; thence East along line of Joe Clark Estate 517 feet; thence N. 75 E. 440 feet to Little River; thence in a Northeasterly direction down said River to corner with Joe Haynes and Joe Clark Estate on original line; thence South along original line 2879 feet to the beginning corner.

Containing within said boundaries, 115.7 acres, more or less.

The plat of the lands of Eugene Thomas is recorded in the Clerk's Office of Hall Superior Court in Plat Book 9, Page 62, and the property herein conveyed is Lot No. 5 as shown on said plat, and is fully described by metes and bounds on said plat.

Less and Except:

Tract 1:

All that tract or parcel of land together with all improvements thereon, lying and being in Land Lot 7 of the 12th Land District of Hall County, Georgia and being described as 30.097 acres according to a plat entitled Plat for Roy Truelove, prepared by Owen Patton, registered surveyor, dated December 19, 1978; this plat is recorded at Plat Book 74, Page 26 and is incorporated by reference.

This is a portion of the property conveyed by Eugene Thomas to Roy Truelove by Warranty Deed dated February 3, 1950 and recorded at Deed Book 124, Page 176.

Tract 2:

All that tract or parcel of land lying and being in Land Lot 7, 12th Land District, Hall County, Georgia, and being more particularly described as 2.87 acres as shown on a plat prepared by Owen Patton, Registered Land Surveyor, dated November 21, 1989, and recorded in Plat Book 140, Page 45, of the Hall County Plat Records, to which reference is made for a more complete and accurate description.

The Grantor herein reserves the right to use an asphalt driveway shown on said plat for purposes of ingress and egress to property adjoining the property herein conveyed.

Tract 3:

All that tract or parcel of land lying and being in Land Lot 7, 12th District, GMD 434, Hall County, Georgia, being more particularly described as follows:

Commence at the Land Lot Corner common to Land Lots 7,8, 17 and 18, then go in a Southerly direction 375.27 feet along the Land Lot Line common to Land Lots 7 and 18 to a point, which point is the POINT OF BEGINNING; thence South 01°07'08" East 938.88 feet along the Land Lot Line common Land Lots 7 and 18 to a point, marked with an iron pin found and a 26 inch Maple tree; thence South 70°47'25" West 102.66 feet along the boundary line common to the property of Roy Truelove and the property of James D. Simmons and Joyce T. Simmons to a point; thence North 00°12'35" West 827.55 feet to a point; thence North 74°13'18" West 64.57 feet to a point; thence North 15°46'42" East 25.00 feet to a point; thence South 74°13'18" East 64.57 feet to a point; thence North 31°45'58" East 142.16 feet to the POINT OF BEGINNING; said tract or parcel comprising 1.88 acres of land according to a plat of survey entitled "Clermont-Murrayville 115 KV Transmission Line/ Parcel No. 21- Easement Area Plat", dated November 15, 1989, which was prepared by Roland McCann, Georgia Registered Land Surveyor No. 1752, a copy of said plat being affixed to and by this reference made a part of these pleadings.

Tract 4:

All that tract or parcel of land lying and being in Land Lot 7 of the 12th Land District of Hall County, Georgia and

being Tract 2 shown on a Plat of Survey dated September 15, 2004 and last revised February 23, 2005 and prepared for Robert Robison by Farley-Collins-Whidden Assoc., Georgia Registered Land Surveyors, which plat is incorporated herein by reference thereto for a more complete and accurate description of said property. Being more particularly described according to said plat:

To find the TRUE POINT OF BEGINNING commence at the intersection of Land Lot 7, Land Lot 6, Land Lot 18 and Land Lot 19 of the 12th District thence, North along the land lot line a distance of 244.1 feet to a one-half inch pipe found on the northerly right-of-way of Bethel Road (60 foot right-of-way); thence along the right-of-way of Bethel Road the following calls and distances: North 84 degrees, 17 minutes 49 seconds West 491.99 feet; thence a curve to the right with a radius of 576.39 feet, an arc length of 341.39 feet, which arc is subtended by a chord bearing North 67 degrees, 19 minutes, 44 seconds West 336.42 feet; North 50 degrees 21, minutes 34 seconds West 254.03 feet; a curve to the left with a radius of 5418.23 feet, an arc length 490.84 feet which arc is subtended by a chord bearing North 52 degrees, 57 minutes 21 seconds West 490.68 feet; curve to the left with a radius of 2060.49 feet, an arc length of 291.23 feet which arc is subtended by a chord bearing North 59 degrees, 35 minutes 51 seconds West 290.99 feet; North 63 degrees, 38 minutes 45 seconds West 341.97 feet; a curve to the right with a radius of 2640.23 feet an arc length of 443.35 feet which arc is subtended by a chord bearing North 58 degrees, 50 minutes 7 seconds West 442.83 feet; North 5401.28 West 75.87 feet to the TRUE POINT OF BEGINNING; thence continuing along the northerly right-of-way of Bethel Road North 54 degrees, 1 minute 28 seconds West 65.87 feet; thence a curve to the left with a radius of 842.80 feet an arc length of 89.60 feet, which arc is subtended to a chord bearing North 57 degrees, 4 minutes 11 seconds West 89.56 feet to a one-half inch open top pin found; thence leaving the right-of-way North 00 degrees, 40 minutes 33 seconds East 829.96 feet; thence North 75 degrees, 40 minutes 15 seconds East 169.37 feet; thence South 50 degrees, 54 minutes 04 seconds East 142.99 feet to half inch iron pin set; thence South 40 degrees, 32 minutes 13 seconds East 278.89 feet to a half inch iron pin set; thence South 26 degrees, 56 minutes 27 seconds West 203.41 feet to a one-half inch iron pin set; thence South 27 degrees, 17 minutes 44 seconds West 535.33 feet to the TRUE POINT OF BEGINNING.

Less and except all that tract or parcel of land lying and being in Land Lot 7 of the 12 Land District of Hall County, Georgia and being more particularly described as 2.87 acres as shown on a plat of prepared by Owen Patton Registered Land Surveyor, dated November 21, 1989 and recorded in Plat Book 140, page 45 of the Hall County Plat Records, to which reference is made for a more complete and accurate description of the property said 2.87 acres having been previously conveyed to the Grantee hereunder.

Tract 5:

All that tract or parcel of land lying and being in Land Lot 7 of the 12th District of Hall County, Georgia and being 11.744 acres and shown as Tract 3 on a Plat of Survey dated September 15, 2004 and last revised February 23, 2005 and prepared for Robert Robison by Farley-Collins-Whidden Assoc., Georgia Registered Land Surveyors, which plat is incorporated herein by reference and hereby made a part hereof for a more complete and accurate description of the property. Being described according to said plat as follows:

To find the TRUE POINT OF BEGINNING commence at the intersection of Land Lot 7, Land Lot 6, Land Lot 18 and Land Lot 19 of the 12th District thence, North along the land lot line a distance of 244.1 feet to a one-half inch pipe found on the northerly right-of-way of Bethel Road (60 foot right-of-way); thence along the right-of-way of Bethel Road the following calls and distances: North 84 degrees, 17 minutes 49 seconds West 491.99 feet; thence a curve to the right with a radius of 576.39 feet, an arc length of 341.39 feet, which arc is subtended by a chord bearing North 67 degrees, 19 minutes, 44 seconds West 336.42 feet; North 50 degrees 21 minutes 34 seconds West 254.03 feet; a curve to the left with a radius of 5418.23 feet, an arc length 490.84 feet which arc is subtended by a chord bearing North 52 degrees, 57 minutes 21 seconds West 490.64 feet; curve to the left with a radius of 2060.49 feet, an arc length of 291.23 feet which arc is subtended by a chord bearing North 59 degrees, 35 minutes 51 seconds West 290.99 feet; North 63 degrees, 38 minutes 45 seconds West 341.97 feet; a curve to the right with a radius of 2640.23 feet an arc length of 443.35 feet which arc is subtended by a chord bearing North 58 degrees, 50 minutes 7 seconds West 442.83 feet; North 54 degrees, 1 minute 28 seconds West 141.74 feet; a curve to the left with a radius of 842.80 feet an arc length of 89.67 feet which arc is subtended by a chord bearing North 57 degrees, 4 minutes 11 seconds 89.56 feet to a one-half inch open top pin found; thence leaving the right-of-way of Bethel Road North 00 degrees, 40 minutes 33 seconds East 1214.34 feet; thence North 00 degrees, 35 minutes 15 seconds East 546.87 feet to a one- half

inch open top pin found; thence South 89 degrees, 32 minutes 39 seconds East 520.61 feet to a hole in rock found; thence North 77 degrees, 49 minutes 25 seconds East 460.05 feet more or less to centerline of the West fork of the Little River; thence along the centerline of the West fork of the Little River South 28 degrees, 27 minutes 25 seconds East 115.77 feet; thence South 44 degrees, 2 minutes 47 seconds East 28.66 feet to the TRUE POINT OF BEGINNING; thence continuing along the centerline of the West fork of the Little River the following cause in distances South 44 degrees, 2 minutes 47 seconds East 64.83 feet; South 17 degrees, 2 minutes 46 seconds East 116.41 feet; South 59 degrees, 39 minutes 13 seconds East 167.97 feet; North 88 degrees, 31 minutes 44 seconds East 106.49 feet; North 28 degrees, 2 minutes 22 seconds East 32.63 feet; thence leaving the centerline of the Little River South 61 degrees, 57 minutes 38 seconds East 27.51 feet to a nail set; thence South 9 degrees, 4 minutes 52 seconds West 183.87 feet to a nail set; thence South 9 degrees, 34 minutes 44 seconds East 260.36 feet to a nail set; thence South 31 degrees, 17 minutes 26 seconds West 363.88 feet to a nail set; thence South 11 degrees, 46 minutes 52 seconds West 156.44 feet; thence a curve to the right with a radius of 300 feet, an arc length 89.22 feet, which arc is subtended by a chord bearing North 83 degrees, 57 minutes 15 seconds West 88.89 feet; thence North 75 degrees, 26 minutes 05 seconds West 111.13 feet; thence a curve to the right with a radius of 300 feet, an arc length of 284.40 feet, which arc is subtended by a chord bearing North 48 degrees, 16 minutes 34 seconds West 273.87 feet; thence North 21 degrees, 7 minutes 4 seconds West 89.04 feet; North 2 degrees, 46 minutes 28 seconds East 527.37 feet to a nail set thence North 39 degrees, 18 minutes 40 seconds East 384.06 feet, more or less to the centerline of the Little River and the TRUE POINT OF BEGINNING.

Together with an Easement for ingress and egress granted to Grantor under that Easement, Restrictive Covenant and Option to Repurchase of even date herewith over 87.695 acres shown as Tract 4 on the above referenced plat.

Tract 6:

All that tract or parcel of land, together with improvements thereon situate, lying and being in Land Lot 7 of the 12th Land District, Hall County, Georgia, containing 87.695 acres, and shown as Tract 4 on a survey for Robert Robison prepared by Farley-Collins-Whidden Associates, Registered Surveyors, dated September 15, 2004, last revised February 23, 2005 and being more particularly described according to said Farley-Collins-Whidden Associates survey as follows:

TO ARRIVE AT THE TRUE POINT OF BEGINNING COMMENCE at a point where the east land lot line of Land Lot 7 of the aforesaid District intersects the northerly right of way of Bethel Road (60-foot right of way); thence along the northerly right of way of Bethel Road the following courses and distances, to-wit: North 84 degrees 17 minutes 49 seconds West 491.99 feet to a point; thence North 67 degrees 19 minutes 44 seconds West 336.42 feet to a point; thence North 50 degrees 21 minutes 34 seconds West 254.03 feet to a point; thence North 52 degrees 57 minutes 21 seconds West 490.68 feet to a point; thence North 56 degrees 00 minutes 44 seconds West 33.36 feet to a point which is the TRUE POINT OF BEGINNING; thence from said true point of beginning and continuing along the northerly right of way of Bethel Road North 58 degrees 7 minutes 56 seconds West 119.10 feet to a point; thence leaving the northerly right of way of Bethel Road and continuing North 4 degrees 9 minutes 15 seconds West 208.93 feet to a point; thence North 34 degrees 35 minutes 10 seconds West 650.43 feet to an iron pin corner; thence North 46 degrees 58 minutes 30 seconds West 327.03 feet to a point; thence North 26 degrees 56 minutes 27 seconds East 203.41 feet to a point; thence North 40 degrees 32 minutes 13 seconds West 278.89 feet to an iron pin corner; thence North 50 degrees 54 minutes 4 seconds West 142.99 feet to a point; thence South 75 degrees 40 minutes 15 seconds West 169.37 feet to a point; thence North 00 degrees 35 minutes 15 seconds East 546.87 feet to a half-inch OTF; thence South 89 degrees 32 minutes 39 seconds East 520.61 feet to a rock; thence North 77 degrees 49 minutes 25 seconds East 460.05 feet to a point located along the centerline of the west fork of Little River; thence along the centerline of the west fork of Little River the following courses and distances, to-wit: South 28 degrees 27 minutes 25 seconds East 115.77 feet to a point; South 44 degrees 02 minutes 47 seconds East 28.66 feet to a point; thence South 39 degrees 18 minutes 40 seconds West 384.06 feet to a point; thence South 2 degrees 46 minutes 28 seconds West 527.37 feet to a point; thence South 21 degrees 7 minutes 4 seconds East 89.04 feet to a point; thence South 48 degrees 16 minutes 34 seconds East 273.87 feet to a point; thence South 75 degrees 26 minutes 5 seconds East 111.13 feet to a point; thence South 83 degrees 57 minutes 15 seconds East 88.89 feet to a point; thence North 11 degrees 46 minutes 52 seconds East 156.44 feet to a point; thence North 31 degrees 17 minutes 26 seconds East 363.88 feet to a point; thence North 9 degrees 34 minutes 44 seconds West 260.36 feet to a point; thence North 9 degrees 4 minutes 52 seconds East 183.87 feet to a point; thence North 61 degrees 57 minutes 38 seconds West 27.51 feet to the centerline of the river; thence

continuing along the centerline of the west fork of the Little River, North 28 degrees 02 minutes 22 seconds East 87.38 feet to a point; North 05 degrees 37 minutes 04 seconds West 44.00 feet to a point; North 15 degrees 24 minutes 32 seconds West 51.19 feet to a point; North 62 degrees 39 minutes 58 seconds East 140.79 feet to a point; North 30 degrees 10 minutes 37 seconds East 46.41 feet to a point; North 18 degrees 28 minutes 06 seconds East 73.61 feet to a point; North 10 degrees 27 minutes 06 seconds East 47.44 feet to a point; North 05 degrees 17 minutes 01 seconds West 52.63 feet to a point; North 33 degrees 11 minutes 19 seconds East 28.14 feet to a point; North 63 degrees 09 minutes 04 seconds East 100.36 feet to a point; South 66 degrees 19 minutes 47 seconds East 38.95 feet to a point; South 45 degrees 29 minutes 51 seconds East 140.42 feet to a point; South 59 degrees 39 minutes 57 seconds East 81.51 feet to a point; South 70 degrees 42 minutes 49 seconds East 51.76 feet to a point; South 74 degrees 57 minutes 13 seconds East 46.31 feet to a point; North 74 degrees 04 minutes 56 seconds East 35.78 feet to a point; South 71 degrees 30 minutes 49 seconds East 79.49 feet to a point; South 68 degrees 22 minutes 47 seconds East 99.30 feet to a point; South 57 degrees 16 minutes 04 seconds East 66.91 feet to a point; South 81 degrees 31 minutes 04 seconds East 49.23 feet to a point; South 35 degrees 55 minutes 25 seconds East 182.48 feet to a point; South 75 degrees 56 minutes 37 seconds East 66,04 feet to a point on the east land lot line of Land Lot 7; thence South 00 degrees 24 minutes 34 seconds East 1,156.75 feet to a point; thence South 50 degrees 22 minutes 26 seconds West 1,403.86 feet to a point; thence South 64 degrees 45 minutes 26 seconds West 187.43 feet to a point; thence South 84 degrees 8 minutes 26 seconds West 106.98 feet to a point; thence South 33 degrees 41 minutes 26 seconds West 81.95 feet to the true point of beginning.

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE
PLANNING AND ZONING

March 21, 2025

Janet Truelove
5702 Bethel Road
Clermont, GA 30527

Dear Applicant:

On March 17, 2025 the Hall County Planning Commission voted to recommend approval, with conditions of the application for:

5684 & 5702 Bethel Road | **Rezone** | from a Planned Residential Development (PRD) to Agricultural Residential (AR-1) | on a combined 14.79± acre tract located on the north side of Bethel Road approximately 1,554 feet from its intersection with Clark Road | Zoned PRD; Tax Parcels 12007 000001 & 000023 | **Proposed Use: 5-lot subdivision** | Commission District 3 | **Janet Truelove, applicant**

Conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Agricultural-Residential-1.
2. 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."
3. No variances or development exceptions are granted as part of this request. 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.
4. All conditions of zoning shall be made part of any plats created for the property.
5. The future subdivision of the subject property shall comply with the Hall County UDC, with no more than one residence per lot and accessory

structures included on a lot with a primary residence. All setbacks must be met in any future configuration.

6. The deeds of the created lots will include a restriction to prohibit manufactured homes.
7. The heated floor area of all residences will be a minimum of 2,500 square feet.
8. There shall be a 40 foot rear yard setback applied to all properties that adjoin the Avalon Hills community.

The Board of Commissioners will hold a public hearing for final determination of this request at their meeting scheduled for **Tuesday, April 22, 2025 at 6:00 p.m.** at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Please remember that removal of all Public Notice signs posted on the property is your responsibility and should be removed within five (5) working days following the Board of Commissioners' final decision.

It is necessary that either you or your representative attend this meeting.

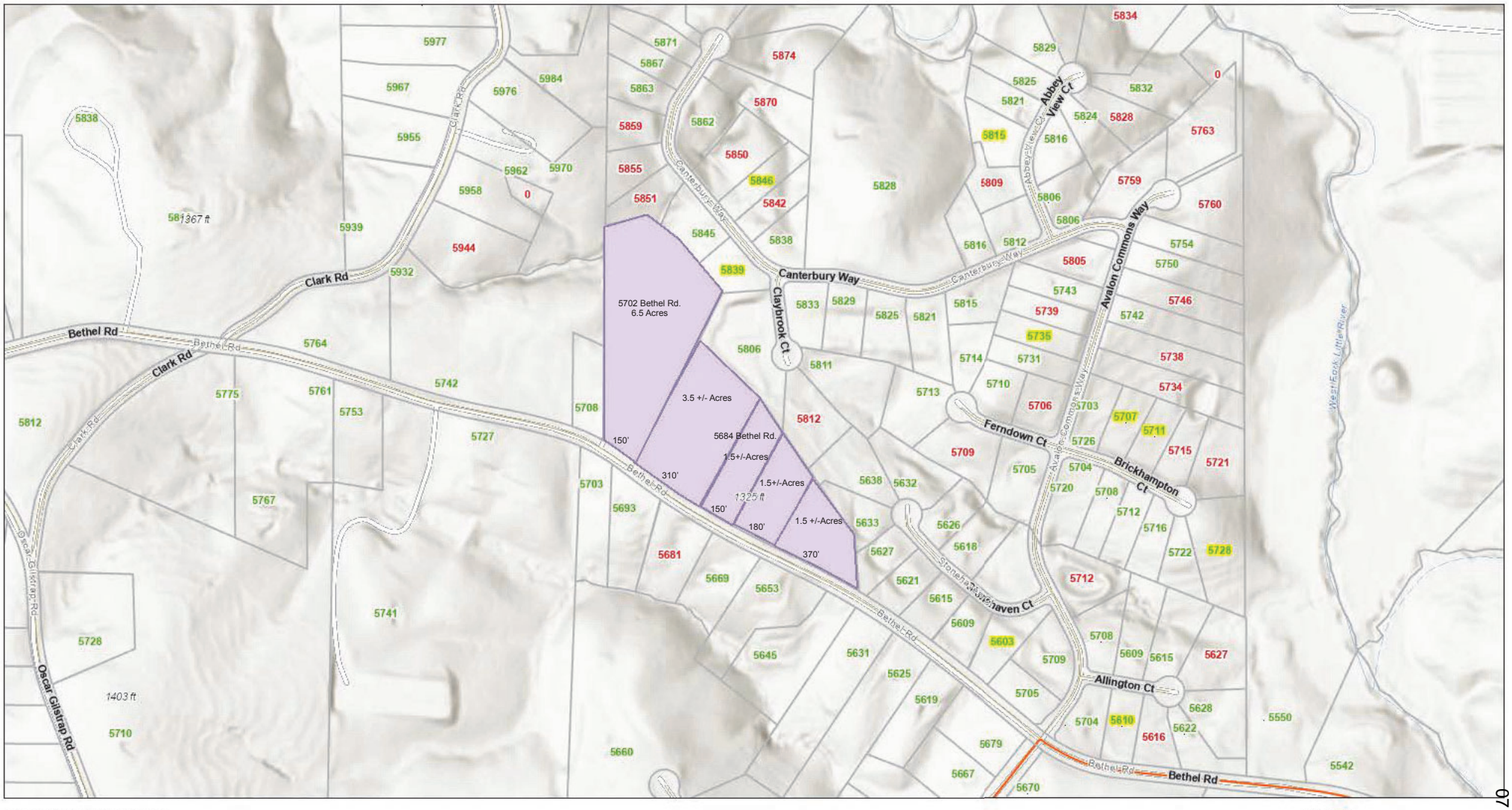
If you have any questions, please call this office.

Sincerely,

Beth Garmon,
Director of Planning and Zoning

/ke

Hall County GIS



1/13/2025, 2:33:50 PM

Parcel Boundary
Street Addresses
Buildings
Roads
Collector
Local
Counties

1:5,394

0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,

Outlook

HCPC Tentative Agenda 7.21.25

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Wed 6/18/2025 12:14 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Cc Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>

Please find Environmental Health comments below:

Item 1, 5674 Bark Camp Rd, Lean on Me: Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Items 2/3A/3B/4A/4B, 1608 Whiting Drive, Vargas: No comment. Public Sewer.

Item 5, 5019 Cagle Mill, NCP Holdings: No comment. Public Sewer.

Item 6, 4020/3886 Cornelia Hwy: No comment. Public Sewer.

Item 7, A/B, 5684 Bethel Road, Truelove: 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 8, 5979 New Bethany Rd, Brown: 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 9, 4965 Bryant Quarter Rd, Clouse: No comment.

Item 10, 5970 Cleveland Hwy, Academy P1: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 11, County Staff: 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

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.

Outlook

RE: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

From Nembhard, Nakia L <NNembhard@dot.ga.gov>
Date Mon 6/16/2025 8:13 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

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,

Below you will find comments on proposed locations. If you have any questions please let me know.

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | P**roposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**. **(Does Not Require GDOT Coordination)**

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant** **(Does Not Require GDOT Coordination)**

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant** **(Does Not Require GDOT Coordination)**

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant (Will Require GDOT Coordination)**

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant** **(Does Not Require GDOT Coordination)**

Thanks,

Nakia Nembhard
Civil Engineer 3

Georgia Department of Transportation

District 1 Traffic Operations
1475 Jesse Jewell Pkwy Suite 100
Gainesville, GA, 30501

(678) 332-8200 Cell
(770) 533-8496 Office

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, June 12, 2025 12:02 PM
Subject: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

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 **July 21, 2025** Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

PUBLIC WORKS AND
UTILITIES DIRECTOR
Bill Nash, P.E.

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: June 20, 2025

Subject: July 21, 2025 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 21, 2025 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **5674 Bark Camp Road | Special Use** | for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**.

a. **Engineering**: No comment
b. **Traffic:** No comment.
c. **Utilities:** Septic area. Hall County sewer service but no sewer in area.

2. **1608 Whiting Drive | Rezone** | from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby.

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 &

H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** No sewer in area. Gainesville water

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

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

North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show 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.
North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
(B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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:** Commercial driveway

c. **Utilities:** Hall County sewer area.
No sewer infrastructure in area.

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south

east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

a. **Engineering**: Show stream buffer and impervious setback from wrested vegetation not centerline of stream
b. **Traffic:** Commercial driveway
c. **Utilities:** Buford sewer service area.

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant**

a. **Engineering**: 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:** No comment
c. **Utilities:** Hall County sewer service area
   No sewer infrastructure in area.

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b. **Traffic:** G-DOT coordination
   Commercial driveway if no access to SR 11
c. **Utilities:** Clermont sewer service area.

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant**

a. **Engineering**: No comment
b. **Traffic:** No comment
c. **Utilities:** No comment

Outlook

Fire Comments

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Fri 6/13/2025 3:27 PM
To Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

July 21, 2025 Hall County Planning Commission Meeting

1. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: JANET TRUELOVE
REQUEST: REZONE FROM PRD TO R-1 L & A SPECIAL USE FOR A MINOR SUBDIVISION
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JULY 21, 2025
Time: 5:15 P.M.
&
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.

2. The Planning Department shall send notification by letter of all other property owners within a 500-foot radius of the applicant's property is standard administrative policy of the Planning Department.

3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road, or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN JUNE 13, 2025 AND NO LATER THAN JUNE 22, 2025.

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN JUNE 22, 2025 ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.

Failure to comply will result in a delay of the application.

AFFIDAVIT

By my signature, I, Janet Truelove **, hereby acknowledge that I have read and understand the sign posting requirements. I further certify that the required public notice sign was posted on** 06/20/2025 (Date) **for** Janet Truelove (Name application filed as).

Signature _____

(The original document is required)

AGENDA ITEM

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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 490/2025

SUBJECT: **5684 Bethel Road | Special Use |** minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | Commission District 3 | **Janet Truelove, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG

Recommendation:

Approval, with conditions

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Residential Low Density (R-1-L) zoning district.
2. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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".
3. No variances or development exceptions are granted as part of this request. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.
4. All conditions of zoning shall be made part of any plats created for the property.
5. The future subdivision of the subject property shall comply with the Hall County UDC, with no more than one residence per lot and accessory structures included on a lot with a primary residence. All setbacks must be met in any future configuration.
6. The deeds of the created lots will include a restriction to prohibit manufactured and mobile homes.
7. The heated floor area of all residences will be a minimum of 2,100 square feet.
8. There shall be a 40-foot rear yard setback applied to all properties that adjoin the Avalon Hills community.
9. The keeping of livestock or poultry is prohibited, and general agricultural uses shall not be permitted. Gardening and cutting hay shall be allowed.

Purpose of Request: **History:**

5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | Commission District 3 | **Janet Truelove, applicant**

Facts and Issues: **Options:**

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

Approvals:

Submit	Approve	Attorney	Administration
BG	BG	JL	CR
Clerk			
JR			

Attachments:
Board Memo
Recommendation Report
Application
Narrative
Site Plan
Plat
Maps
Deed
Legal Description
Historical PC Letter and Site Plan
Environmental Health Comment
GDOT Comment
Public Works Comment
Fire Comment
Notice Sign

Hall County Government
PLANNING AND ZONING

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

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

To: David Gibbs, 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 11, 2025

Subject: **5684 Bethel Road | Special Use |** minor subdivision | on an 8.30± acre tract| Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | **Janet Truelove, applicant**

The request before you is from Janet Truelove for a special use for a minor subdivision. This item is located within Commission District 3.

At their July 21, 2025, meeting, the Hall County Planning Commission voted to recommend **approval, with nine (9) conditions (4-0).**

Staff recommendation: **Approval, with conditions,** as the proposed subdivision is consistent with the density standards of the "Rural Neighborhood" future land use classification within the Comprehensive Plan.

There were **no comments submitted** in advance of the Planning Commission meeting and **seven (7) people spoke in opposition and a neighborhood petition was submitted during the public hearing.**

Planning Commission Conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Residential Low Density (R-1-L) zoning district.
2. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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".

3. No variances or development exceptions are granted as part of this request. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.
4. All conditions of zoning shall be made part of any plats created for the property.
5. The future subdivision of the subject property shall comply with the Hall County UDC, with no more than one residence per lot and accessory structures included on a lot with a primary residence. All setbacks must be met in any future configuration.
6. The deeds of the created lots will include a restriction to prohibit manufactured and mobile homes.
7. The heated floor area of all residences will be a minimum of 2,100 square feet.
8. There shall be a 40-foot rear yard setback applied to all properties that adjoin the Avalon Hills community.
9. The keeping of livestock or poultry is prohibited, and general agricultural uses shall not be permitted. Gardening and cutting hay shall be allowed.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Janet Truelove

Request ..... **Special Use**| Minor subdivision

Proposed Use ..... Minor subdivision

Size ..... 8.30± acres

Zoning ..... **Current:** Planned Residential Development (PRD) | **Proposed:** Residential Low Density (R-1-L)

Location ..... **5684 Bethel Road |** Tax parcel 12007 000001

Commission District ..... Three

Planning Commission Date ..... July 21, 2025

Staff Recommendation ..... **Approval, with conditions,** as the proposed subdivision is consistent with the density standards of the "Rural Neighborhood" future land use classification within the Comprehensive Plan

Record Number HZCU25-0026

Planning Commission Recommendation..... **Approval, with conditions**

Vote: 4-0

Planning Commission Conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Residential Low Density (R-1-L) zoning district.
2. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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".

3. No variances or development exceptions are granted as part of this request. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.
4. All conditions of zoning shall be made part of any plats created for the property.
5. The future subdivision of the subject property shall comply with the Hall County UDC, with no more than one residence per lot and accessory structures included on a lot with a primary residence. All setbacks must be met in any future configuration.
6. The deeds of the created lots will include a restriction to prohibit manufactured and mobile homes.
7. The heated floor area of all residences will be a minimum of 2,100 square feet.
8. There shall be a 40-foot rear yard setback applied to all properties that adjoin the Avalon Hills community.
9. The keeping of livestock or poultry is prohibited, and general agricultural uses shall not be permitted. Gardening and cutting hay shall be allowed.

Excerpts from the minutes of the July 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Janet Truelove, 5702 Bethel Road, Clermont, presented the request. The applicant is requesting to rezone an 8.30± acre tract from Planned Residential Development (PRD) to Residential Low Density (R-1-L) for a 5-lot subdivision. The overall proposed density for this subdivision is 0.60 dwelling units per acre. The subject parcel is currently developed with a single-family residence constructed in 1970 and two accessory structures constructed in 1980 and 2005.

Public Forum:

Jack Leezy, 5750 Avalon Commons Way, Clermont, spoke in opposition and brought a neighborhood petition opposing the application. Concerns were the minimum square footage of the future homes, the potential for manufactured homes, potential water run off during construction and decrease in nearby home values. Mr. Leezy stated he is not opposed to the property being subdivided but does not want new development to lower Avalon Hills property values.

Rachel Kim Lerma, 5811 Claybrook Court, Clermont, spoke in opposition. Concerns raised were the reduced rear setback distance and the number of structures on each of the new properties.

Elizabeth Harrison, 5626 Stonehaven Court, Clermont, spoke in opposition. Concerns were the potential for neighboring homes to be reduced in value as well as the view from Avalon Hills' amenities into the applicant's property.

Evan Whaley, 5616 Allington Court, Clermont, spoke in opposition. Concerns raised were the development of the applicant's property differing from the current surrounding character, reduction in value for nearby properties, the potential for manufactured homes, the view from nearby properties

and amenities, concern of negative environmental impacts due to water runoff from construction, and increased traffic.

Tim Lambright, 5638 Stonehaven Court, Clermont, spoke in opposition. Concerns raised were a decrease in nearby home values.

Melissa Lykins, 5731 Avalon Commons Way, Clermont, spoke in opposition. Concerns raised were the topography of the applicants' property as it relates to the adjoining properties, water runoff into Avalon Hills' amenities, the possibility for livestock to be close to the neighborhood amenities, the reduced rear setback, and the impact to a natural spring located on a neighboring property.

Gary Gallucci, 5828 Abbey View Court, Clermont, spoke in opposition. Concern raised was a decrease in nearby home values.

Rebuttal

The applicant stated that by following all Hall County codes, development would not increase water runoff between the properties. The applicant stated that there has not been any large decrease in property values in Hall County and that the new lots would be developed at a low density.

Planning Commission Comments:

Mr. Hunt asked what is the minimum square footage for homes in Avalon Hills. Mr. Leezy stated it is a 2,500 square foot minimum. Mr. Hunt clarified a previous condition was to prohibit manufactured homes and asked if the applicant was agreeable to this. The applicant agreed. Mr. Hunt compared the surrounding lot sizes and agreed that by following Hall County codes, the water runoff will be managed. Mr. Hunt asked the applicant to explain why she was opposed to a 2,500 square foot minimum heated floor area standard as recommended by the Planning Commission previously. The applicant explained that she did not want that standard associated with her personal property so she removed her property from the application. Mr. Hunt asked if the applicant was comfortable with a 2,000 square foot requirement for the residences as well as a 40-foot rear yard setback and the applicant agreed. Mr. Davidson commented that he would be supportive of a higher minimum square footage to align future development more closely with the adjacent subdivision.

B
***Motion:* A motion to approve, with conditions was made by Stan Hunt and seconded by Shannon Davidson. Vote: 4-0**

Conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Residential Low Density (R-1-L) zoning district.
2. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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".

3. No variances or development exceptions are granted as part of this request. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including Hall County Engineering for driveway placement and compliance.
4. All conditions of zoning shall be made part of any plats created for the property.
5. The future subdivision of the subject property shall comply with the Hall County UDC, with no more than one residence per lot and accessory structures included on a lot with a primary residence. All setbacks must be met in any future configuration.
6. The deeds of the created lots will include a restriction to prohibit manufactured and mobile homes.
7. The heated floor area of all residences will be a minimum of 2,100 square feet.
8. There shall be a 40-foot rear yard setback applied to all properties that adjoin the Avalon Hills community.
9. The keeping of livestock or poultry is prohibited, and general agricultural uses shall not be permitted. Gardening and cutting hay shall be allowed.

Staff recommends <u>APPROVAL</u> of the applicant's requests with the following conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Residential Low Density (R-1-L) zoning district.

2. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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".

3. No variances or development exceptions are granted as part of this request. 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.

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

<u>Summary Analysis</u>

The applicant is requesting to rezone an 8.30± acre tract from Planned Residential Development (PRD) to Residential Low Density (R-1-L) for a 5-lot subdivision. The overall proposed density for this subdivision is 0.60 dwelling units per acre. The subject parcel is currently developed with a single-family residence constructed in 1970 and two accessory structures constructed in 1980 and 2005.

The surrounding parcels are zoned and developed as outlined below:

North: Planned Residential Development (PRD) – Avalon Hills Subdivision, developed with single-family residences and amenities for the development
South: Agricultural Residential 1 (AR-1) – Developed with single-family residences
Residential 1 (R-1) – Developed with single-family residences
East: Planned Residential Development (PRD)- Avalon Hills Subdivision, developed with single-family residences and amenities for the development
West: Planned Residential Development (PRD) - Developed with a single-family residence

On February 10, 2005, approval was granted to rezone a 144.3± acre tract from Agricultural Residential IV (AR-IV) and Planned Commercial Farm District (PCFD) to Planned Residential Development (PRD) with the following conditions for a 95-lot subdivision (ZON2005-00016).

1. Development shall be limited to 95 lots as generally shown on the concept plan, with homes having no less than 2,500 square feet of heated floor space.
2. All lots, with the exception of lots 94 and 95, will access an internal roadway.
3. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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. All conditions of zoning shall appear on any plats created for the subdivision.

At the time of the rezoning, the subject property was part of the 144.3± acre tract. However, the final plat for Avalon Hills Subdivision did not incorporate the subject parcel, although the Planned Residential Development (PRD) zoning designation remained in effect.

Per the submitted site plan and narrative, the applicant is requesting to rezone and subdivide the subject parcel into five (5) lots ranging in size from 1.501 acres to 2.079 acres. All proposed lots will be served by wells and individual on-site septic systems and will meet the minimum lot area and frontage requirements for the Residential Low Density (R-1-L) zoning district as outlined below:

Residential Low Density (R-1-L) Standards	**Required**
Lot Area	65,340 square feet (1.5 acres)
Lot Frontage (Bethel Road – local road)	50 feet
Lot Width at Building Line	150 feet
Front Yard Setback	30 feet from property line

Side Yard Setback	10 feet
Rear Yard Setback	20 feet

Based on the future land use plan, staff finds the requested rezoning *is consistent* with the Hall County Comprehensive Plan future land use designation of Rural Neighborhood. These areas should consist of active farms and agricultural enterprises and low-density, large-lot single-family residential uses. These areas also consist of undeveloped lands likely to face development pressures for new residential or commercial development. Similar to Rural Agriculture, they should have deep setbacks and incorporate a high percentage of open space. Where it occurs, new development should preserve natural features, including tree canopy, waterways, and waterbodies. The Rural Neighborhood designation envisions a density of less than 0.75 dwelling units per acre, or one dwelling unit per one and a half acres. This development has an overall proposed density of 0.60 units per acre.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

a) 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 Residential Low Density (R-1-L) zoning district for a 5-lot residential subdivision is consistent in view of the use, development and zoning of adjacent and nearby property. The surrounding area consists of residential and agricultural uses.**

b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning does not adversely affect the existing use of adjacent residential properties.**

c) 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; however, the applicant cannot rezone and subdivide the property as proposed without approval by the Board of Commissioners.**

d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed rezoning is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property will be served by individual wells and individual on-site septic systems.**

e) 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 Rural Neighborhood land use designation. The Rural Neighborhood designation envisions a density of less than 0.75 dwelling units per acre. The proposed development has an overall proposed density of 0.60 units per acre.**

f) 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 affected by the existing zoning restrictions.**

g) 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.**

h) The relative gain to the public as compared to the hardship imposed upon the individual property owner; **The inclusion of the subject property in the prior Planned Residential Development (PRD) rezoning, combined with its subsequent exclusion from the subdivision plat, has placed the property in a unique situation that prevents the current owner from subdividing as proposed.**

i) 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 constructed in 1970 and two accessory structures constructed in 1980 and 2005.**

j) 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.**

k) Whether the change would create an isolated district unrelated to the surrounding districts; **The zoning of surrounding parcels consists of Agricultural Residential 1 (AR-1), Residential 1 (R-1) and Planned Residential Development (PRD). In the county's Comprehensive Plan, the Residential Low Density (R-1-L) zoning district is identified as compatible with the Rural Neighborhood future land use designation of this parcel and all surrounding parcels. The R-1-L zoning district is related to the surrounding districts, therefore, no isolated zoning district unrelated to the surrounding districts would be created if approved.**

l) 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.**

m) 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.**

n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **Single-family residential uses are supported by the Comprehensive Plan's future land use designation of Rural Neighborhood; however, the existing zoning of Planned Residential Development (PRD) does not support the 5-lot subdivision as proposed.**

o) 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.**

p) 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.**

q) 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.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

    a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

    b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district**. The proposal meets the requirement.**

    c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request**

    d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County

Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated June 18, 2025, 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 Review Team for review and approval prior to submittal to Clerk of Courts for recordation."

Georgia Department of Transportation
In an email dated June 16, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities
In a memo dated June 20, 2025, 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 stormwater management plan if the total number of lots reaches more than 6.

Traffic:
Commercial driveway.

Utilities:
Hall County sewer area. No sewer infrastructure in area.

Hall County Fire Marshal
In an email dated June 13, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated "The Hall County Fire Marshal's Office has no comments as proposed."

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

HALL COUNTY
GEORGIA
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SPECIAL / CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

Janet Truelove
5702 Bethel Rd
Clermont, GA 30527
Phone [redacted]
Email Address [redacted]

Property Owner (Name & Mailing Address)

Janet and Joyce Truelove
5702 Bethel Rd
Clermont, GA 30527
Phone [redacted]
Email Address [redacted]

Proposed Use Divide into 5 lots for residential homes.

Contact Person (Name & Mailing Address)

Janet Truelove
5702 Bethel Rd.
Clermont, GA 30527
Phone [redacted]
Email Address [redacted]

Status of Applicant

X Owner
☐ Option to Purchase
☐ Area Resident
☐ Other

Requested Action

Type of Request:
☐ SU ☐ CUP
Fee:$
Receipt #:
Check #:

Zoning:
Acreage 8.3

Tax Parcel Number 12007000001
Location Address 5684 Bethel Rd. Clermont, GA 30527

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

Print Janet Truelove Date: 05/20/2025
Sign Date: 05/20/2025

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

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

Sign Date:

Staff Use Only

Application Date: Taken by:

Tentative Planning Commission Date: Tentative County Commission Date:

County Commission District:

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

HALL COUNTY
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AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Joyce and Janet Truelove

Address 5702 Bethel Rd.

Clermont, GA 30527

Phone Number [redacted]

Name of applicant(s) Janet Truelove

Address 5702 Bethel Rd.

Clermont, GA 30527

Phone Number [redacted]

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

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

Signature of Owner(s)

Personally appeared before me

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

Notary Public

Date 1-14-2025

MISTI L SHERIFF
NOTARY
EXPIRES
GEORGIA
SEPTEMBER 7, 2025
PUBLIC
HALL COUNTY

PLANNING AND DEVELOPMENT DEPARTMENT 2875
BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504 MAILING
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HALL COUNTY
GEORGIA
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**_____ I have not__X___

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

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

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 05-14-2025

Applicant's/Owner's Name (Printed): Janet Truelove

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

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: Joyce Truelove **Date:** 05/14/25

Applicant's/Owner's Name(Printed): Joyce Truelove

June 4, 2025

Narrative of Proposed Rezoning

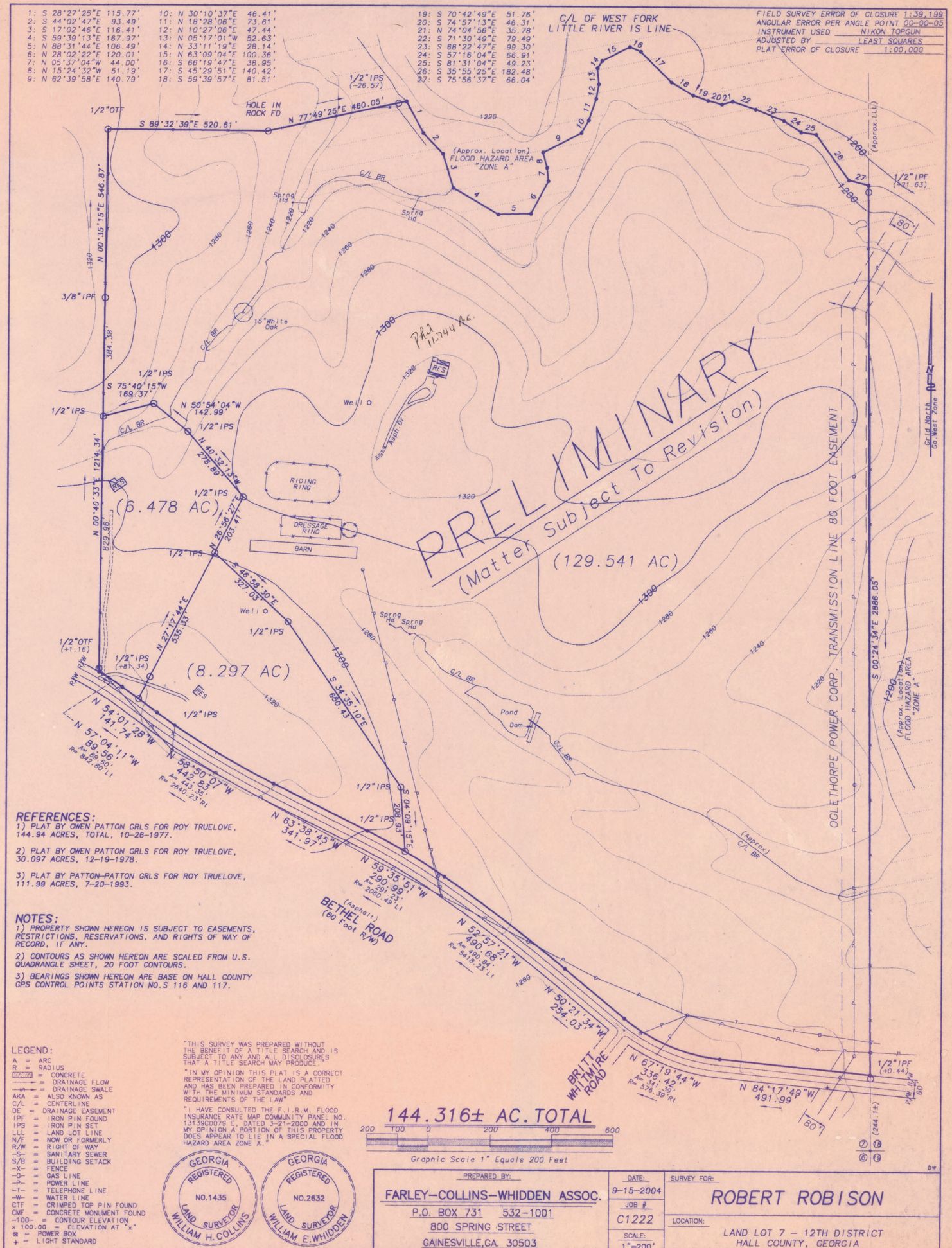
The property at 5684 Bethel Rd. Clermont, GA 30527, Parcel ID: 12007000001, located in District 12, is now zoned PRD. The parcel contains 8.3 acres. I am proposing a rezoning to R-1-L to allow for a division of the property in order to sell some vacant lots for the purpose of building residential homes. These building lots would be serviced by a well, septic tank and public electricity. The entire parcel potentially could be divided into 5 lots in accordance with R-1-L zoning.

This request of rezoning to R-1-L would allow this property to be the same as neighbors. The property was zoned the same as the Avalon Hills subdivision, of which this property is not part of, and thus unable to subdivide.

Janet and Joyce Truelove, the owners, wish to divide the property in order to settle our father's estate as we inherited the property together and selling a portion will satisfy the division we desire.

Finally, we are confirming that the fees for this application be waived per Mr. Gregg Poole's approval at the Board meeting on April 22, 2025, when the prior application was withdrawn.

CANTERBURY WAY
CANTERBURY WAY
CLAYBROOK COURT
FERNDOWN COURT
STONEHAVEN COURT
BETHEL ROAD
161.5
117.9
35
530.2
338.2
1.675 acres
164.7
508.4
2.079 acres
509.7
170.7
1.504 acres
259.2
125.5
415.5
1.501 acres
246.5
170.2
239.5
117.9
137.5
200.4
1.501 acres
208.8
307.1
200 ft
N



REFERENCES:

1) PLAT BY OWEN PATTON GRLS FOR ROY TRUELOVE, 144.94 ACRES, TOTAL, 10-26-1977.

2) PLAT BY OWEN PATTON GRLS FOR ROY TRUELOVE, 30.097 ACRES, 12-19-1978.

3) PLAT BY PATTON-PATTON GRLS FOR ROY TRUELOVE, 111.99 ACRES, 7-20-1993.

NOTES:

1) PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD, IF ANY.

2) CONTOURS AS SHOWN HEREON ARE SCALED FROM U.S. QUADRANGLE SHEET, 20 FOOT CONTOURS.

3) BEARINGS SHOWN HEREON ARE BASE ON HALL COUNTY GPS CONTROL POINTS STATION NO.S 116 AND 117.

LEGEND:

A = ARC
R = RADIUS
CONCRETE
= DRAINAGE FLOW
= DRAINAGE SWALE
AKA = ALSO KNOWN AS
C/L = CENTERLINE
DE = DRAINAGE EASEMENT
IPF = IRON PIN FOUND
IPS = IRON PIN SET
LLL = LAND LOT LINE
N/F = NOW OR FORMERLY
R/W = RIGHT OF WAY
-S- = SANITARY SEWER
S/B = BUILDING SETACK
-X- = FENCE
-G- = GAS LINE
-P- = POWER LINE
-T- = TELEPHONE LINE
-W- = WATER LINE
CTF = CRIMPED TOP PIN FOUND
CMF = CONCRETE MONUMENT FOUND
-100- = CONTOUR ELEVATION
x 100.00 = ELEVATION AT "x"
= POWER BOX
= LIGHT STANDARD

"THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY PRODUCE."

"IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW"

"I HAVE CONSULTED THE F.I.R.M. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 13139C0079 E, DATED 3-21-2000 AND IN MY OPINION A PORTION OF THIS PROPERTY DOES APPEAR TO LIE IN A SPECIAL FLOOD HAZARD AREA ZONE A."

GEORGIA REGISTERED NO.1435 LAND SURVEYOR WILLIAM H.COLLINS

GEORGIA REGISTERED NO.2632 LAND SURVEYOR WILLIAM E.WHIDDEN

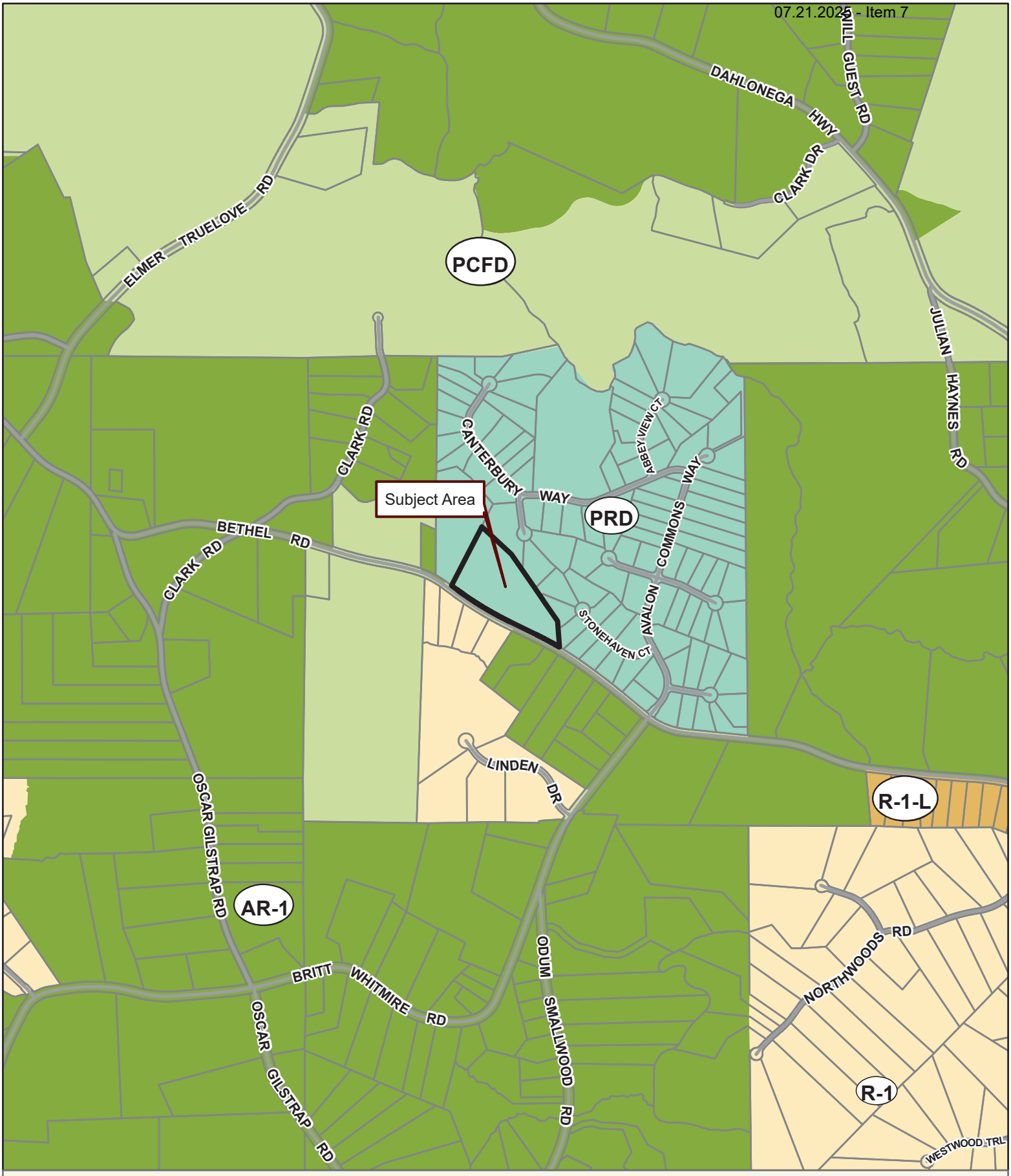
PREPARED BY:
FARLEY-COLLINS-WHIDDEN ASSOC.
P.O. BOX 731 532-1001
800 SPRING STREET
GAINESVILLE,GA. 30503

DATE: 9-15-2004
JOB # C1222
SCALE: 1"=200'

SURVEY FOR: ROBERT ROBISON

LOCATION: LAND LOT 7 - 12TH DISTRICT HALL COUNTY, GEORGIA

bw

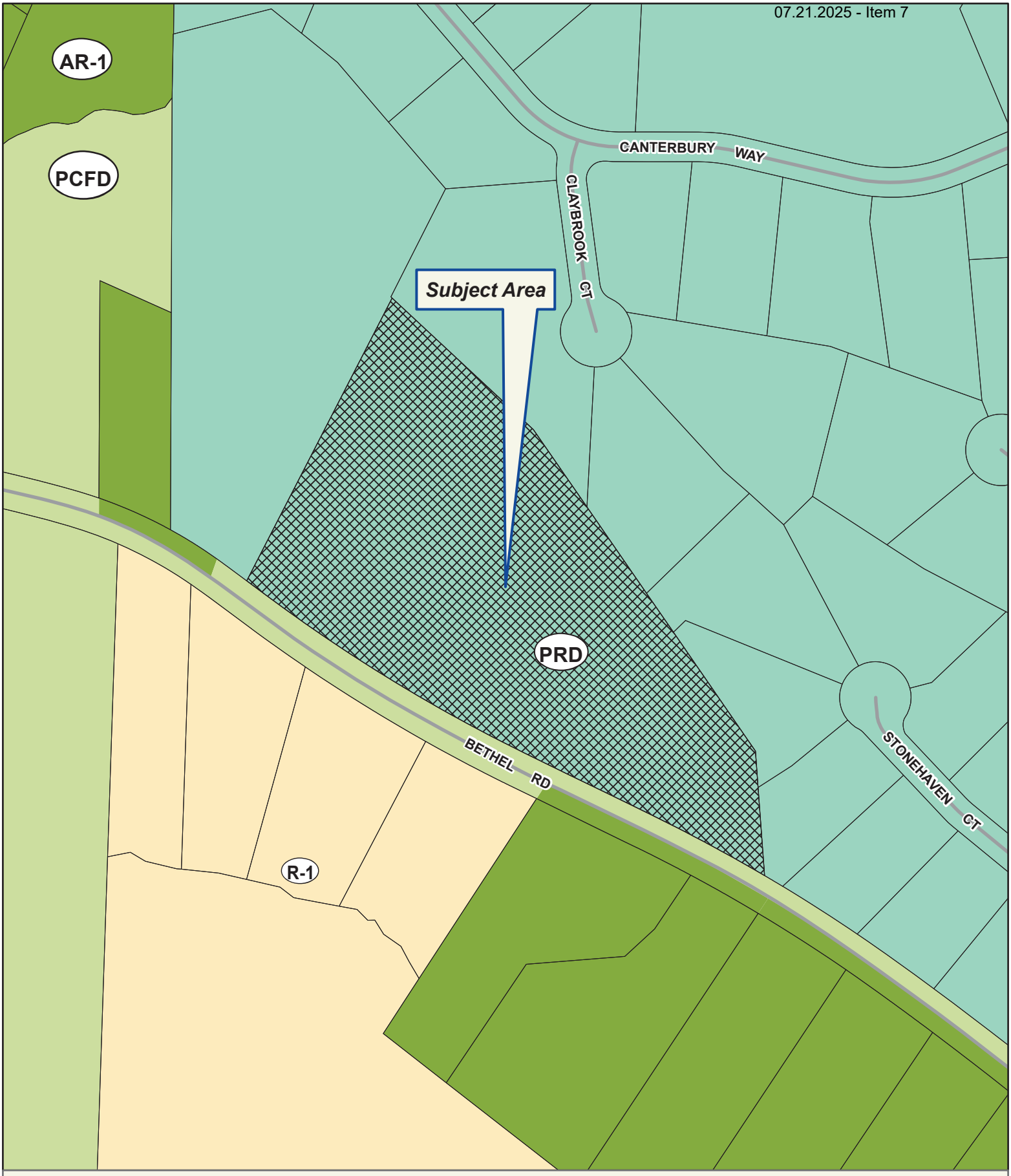


Applicant: JANET TRUELOVE
Tax Parcel #: 12007 000001
Location: 5684 BETHEL ROAD, CLERMONT, GA 30527
Commission District 3 **PC Mtg. Date: 07/21/2025**

0 200 400 800
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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0 50 100 200
Feet

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N

Applicant: JANET TRUELOVE
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Commission District 3 **PC Mtg. Date: 07/21/2025**

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

eFiled and eRecorded
DATE: 06/10/2022
TIME: 8:41 AM
DEED BOOK: 9142
PAGE: 664 - 669
FILING FEES: $25.00
TRANSFER TAX: $0.00
PARTICIPANT ID: 8693149885
PT61: 069-2022-005225
RECORDED BY: EAR
CLERK: Charles Baker, C.S.C
Hall County, GA

Jane A. Range
Hulsey, Oliver & Mahar
200 E. E. Butler Parkway
Gainesville, Georgia 30501
(NO TITLE WORK – DEED PREPARATION ONLY)

EXECUTOR'S DEED OF ASSENT

STATE OF GEORGIA,
COUNTY OF HALL.

THIS INDENTURE is made as of the 9th day of June, 2022, between **Joyce Truelove, Janet Truelove and Phil A. Truelove,** as Co-Executors of the Last Will and Testament of **Roy Adcus Truelove** (hereinafter referred to as the "Deceased"), late of Hall County, Georgia (hereinafter referred to as "Grantors") and **Grace S. Truelove, for her life with the remainder, upon the death of Grace S. Truelove, to Joyce Truelove and Janet Truelove** (hereinafter referred to as "Grantee").

W I T N E S S E T H

GRANTORS, acting under and by virtue of the power and authority contained in the Will of the Deceased, it having been duly probated December 28, 2021 in the Hall County Probate Court and recorded in the aforesaid court, does hereby consent to the devise of the following described property to **Grantees** pursuant to Item III of said Will:

SEE EXHIBIT A ATTACHED.

TO HAVE AND TO HOLD said property 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 Grantees forever, *IN FEE SIMPLE* in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

EXHIBIT A

All that certain tract or parcel of land situated, lying and being in the 12th Land District, Hall County, Georgia, and being part of Land Lot No. 7, described as follows:

Beginning at H.P. Hawkins line in center of road leading from the Gainesville- Dahlonega Road to Bethel Church about ¼ mile North of Quillians and running thence in a Northwesterly direction along the center of said road to line of Lot No. 4 of the Eugene Thomas Subdivision; thence North along line of Lot No. 4 of said Subdivision 1761 feet to line of Joe Clark Estate; thence East along line of Joe Clark Estate 517 feet; thence N. 75 E. 440 feet to Little River; thence in a Northeasterly direction down said River to corner with Joe Haynes and Joe Clark Estate on original line; thence South along original line 2879 feet to the beginning corner.

Containing within said boundaries, 115.7 acres, more or less.

The plat of the lands of Eugene Thomas is recorded in the Clerk's Office of Hall Superior Court in Plat Book 9, Page 62, and the property herein conveyed is Lot No. 5 as shown on said plat, and is fully described by metes and bounds on said plat.

Less and Except:

Tract 1:

All that tract or parcel of land together with all improvements thereon, lying and being in Land Lot 7 of the 12th Land District of Hall County, Georgia and being described as 30.097 acres according to a plat entitled Plat for Roy Truelove, prepared by Owen Patton, registered surveyor, dated December 19, 1978; this plat is recorded at Plat Book 74, Page 26 and is incorporated by reference.

This is a portion of the property conveyed by Eugene Thomas to Roy Truelove by Warranty Deed dated February 3, 1950 and recorded at Deed Book 124, Page 176.

Tract 2:

All that tract or parcel of land lying and being in Land Lot 7, 12th Land District, Hall County, Georgia, and being more particularly described as 2.87 acres as shown on a plat prepared by Owen Patton, Registered Land Surveyor, dated November 21, 1989, and recorded in Plat Book 140, Page 45, of the Hall County Plat Records, to which reference is made for a more complete and accurate description.

The Grantor herein reserves the right to use an asphalt driveway shown on said plat for purposes of ingress and egress to property adjoining the property herein conveyed.

Tract 3:

All that tract or parcel of land lying and being in Land Lot 7, 12th District, GMD 434, Hall County, Georgia, being more particularly described as follows:

Commence at the Land Lot Corner common to Land Lots 7,8, 17 and 18, then go in a Southerly direction 375.27 feet along the Land Lot Line common to Land Lots 7 and 18 to a point, which point is the POINT OF BEGINNING; thence South 01°07'08" East 938.88 feet along the Land Lot Line common Land Lots 7 and 18 to a point, marked with an iron pin found and a 26 inch Maple tree; thence South 70°47'25" West 102.66 feet along the boundary line common to the property of Roy Truelove and the property of James D. Simmons and Joyce T. Simmons to a point; thence North 00°12'35" West 827.55 feet to a point; thence North 74°13'18" West 64.57 feet to a point; thence North 15°46'42" East 25.00 feet to a point; thence South 74°13'18" East 64.57 feet to a point; thence North 31°45'58" East 142.16 feet to the POINT OF BEGINNING; said tract or parcel comprising 1.88 acres of land according to a plat of survey entitled "Clermont-Murrayville 115 KV Transmission Line/ Parcel No. 21- Easement Area Plat", dated November 15, 1989, which was prepared by Roland McCann, Georgia Registered Land Surveyor No. 1752, a copy of said plat being affixed to and by this reference made a part of these pleadings.

Tract 4:

All that tract or parcel of land lying and being in Land Lot 7 of the 12th Land District of Hall County, Georgia and

being Tract 2 shown on a Plat of Survey dated September 15, 2004 and last revised February 23, 2005 and prepared for Robert Robison by Farley-Collins-Whidden Assoc., Georgia Registered Land Surveyors, which plat is incorporated herein by reference thereto for a more complete and accurate description of said property. Being more particularly described according to said plat:

To find the TRUE POINT OF BEGINNING commence at the intersection of Land Lot 7, Land Lot 6, Land Lot 18 and Land Lot 19 of the 12th District thence, North along the land lot line a distance of 244.1 feet to a one-half inch pipe found on the northerly right-of-way of Bethel Road (60 foot right-of-way); thence along the right-of-way of Bethel Road the following calls and distances: North 84 degrees, 17 minutes 49 seconds West 491.99 feet; thence a curve to the right with a radius of 576.39 feet, an arc length of 341.39 feet, which arc is subtended by a chord bearing North 67 degrees, 19 minutes, 44 seconds West 336.42 feet; North 50 degrees 21, minutes 34 seconds West 254.03 feet; a curve to the left with a radius of 5418.23 feet, an arc length 490.84 feet which arc is subtended by a chord bearing North 52 degrees, 57 minutes 21 seconds West 490.68 feet; curve to the left with a radius of 2060.49 feet, an arc length of 291.23 feet which arc is subtended by a chord bearing North 59 degrees, 35 minutes 51 seconds West 290.99 feet; North 63 degrees, 38 minutes 45 seconds West 341.97 feet; a curve to the right with a radius of 2640.23 feet an arc length of 443.35 feet which arc is subtended by a chord bearing North 58 degrees, 50 minutes 7 seconds West 442.83 feet; North 5401.28 West 75.87 feet to the TRUE POINT OF BEGINNING; thence continuing along the northerly right-of-way of Bethel Road North 54 degrees, 1 minute 28 seconds West 65.87 feet; thence a curve to the left with a radius of 842.80 feet an arc length of 89.60 feet, which arc is subtended to a chord bearing North 57 degrees, 4 minutes 11 seconds West 89.56 feet to a one-half inch open top pin found; thence leaving the right-of-way North 00 degrees, 40 minutes 33 seconds East 829.96 feet; thence North 75 degrees, 40 minutes 15 seconds East 169.37 feet; thence South 50 degrees, 54 minutes 04 seconds East 142.99 feet to half inch iron pin set; thence South 40 degrees, 32 minutes 13 seconds East 278.89 feet to a half inch iron pin set; thence South 26 degrees, 56 minutes 27 seconds West 203.41 feet to a one-half inch iron pin set; thence South 27 degrees, 17 minutes 44 seconds West 535.33 feet to the TRUE POINT OF BEGINNING.

Less and except all that tract or parcel of land lying and being in Land Lot 7 of the 12 Land District of Hall County, Georgia and being more particularly described as 2.87 acres as shown on a plat of prepared by Owen Patton Registered Land Surveyor, dated November 21, 1989 and recorded in Plat Book 140, page 45 of the Hall County Plat Records, to which reference is made for a more complete and accurate description of the property said 2.87 acres having been previously conveyed to the Grantee hereunder.

Tract 5:

All that tract or parcel of land lying and being in Land Lot 7 of the 12th District of Hall County, Georgia and being 11.744 acres and shown as Tract 3 on a Plat of Survey dated September 15, 2004 and last revised February 23, 2005 and prepared for Robert Robison by Farley-Collins-Whidden Assoc., Georgia Registered Land Surveyors, which plat is incorporated herein by reference and hereby made a part hereof for a more complete and accurate description of the property. Being described according to said plat as follows:

To find the TRUE POINT OF BEGINNING commence at the intersection of Land Lot 7, Land Lot 6, Land Lot 18 and Land Lot 19 of the 12th District thence, North along the land lot line a distance of 244.1 feet to a one-half inch pipe found on the northerly right-of-way of Bethel Road (60 foot right-of-way); thence along the right-of-way of Bethel Road the following calls and distances: North 84 degrees, 17 minutes 49 seconds West 491.99 feet; thence a curve to the right with a radius of 576.39 feet, an arc length of 341.39 feet, which arc is subtended by a chord bearing North 67 degrees, 19 minutes, 44 seconds West 336.42 feet; North 50 degrees 21 minutes 34 seconds West 254.03 feet; a curve to the left with a radius of 5418.23 feet, an arc length 490.84 feet which arc is subtended by a chord bearing North 52 degrees, 57 minutes 21 seconds West 490.64 feet; curve to the left with a radius of 2060.49 feet, an arc length of 291.23 feet which arc is subtended by a chord bearing North 59 degrees, 35 minutes 51 seconds West 290.99 feet; North 63 degrees, 38 minutes 45 seconds West 341.97 feet; a curve to the right with a radius of 2640.23 feet an arc length of 443.35 feet which arc is subtended by a chord bearing North 58 degrees, 50 minutes 7 seconds West 442.83 feet; North 54 degrees, 1 minute 28 seconds West 141.74 feet; a curve to the left with a radius of 842.80 feet an arc length of 89.67 feet which arc is subtended by a chord bearing North 57 degrees, 4 minutes 11 seconds 89.56 feet to a one-half inch open top pin found; thence leaving the right-of-way of Bethel Road North 00 degrees, 40 minutes 33 seconds East 1214.34 feet; thence North 00 degrees, 35 minutes 15 seconds East 546.87 feet to a one- half

inch open top pin found; thence South 89 degrees, 32 minutes 39 seconds East 520.61 feet to a hole in rock found; thence North 77 degrees, 49 minutes 25 seconds East 460.05 feet more or less to centerline of the West fork of the Little River; thence along the centerline of the West fork of the Little River South 28 degrees, 27 minutes 25 seconds East 115.77 feet; thence South 44 degrees, 2 minutes 47 seconds East 28.66 feet to the TRUE POINT OF BEGINNING; thence continuing along the centerline of the West fork of the Little River the following cause in distances South 44 degrees, 2 minutes 47 seconds East 64.83 feet; South 17 degrees, 2 minutes 46 seconds East 116.41 feet; South 59 degrees, 39 minutes 13 seconds East 167.97 feet; North 88 degrees, 31 minutes 44 seconds East 106.49 feet; North 28 degrees, 2 minutes 22 seconds East 32.63 feet; thence leaving the centerline of the Little River South 61 degrees, 57 minutes 38 seconds East 27.51 feet to a nail set; thence South 9 degrees, 4 minutes 52 seconds West 183.87 feet to a nail set; thence South 9 degrees, 34 minutes 44 seconds East 260.36 feet to a nail set; thence South 31 degrees, 17 minutes 26 seconds West 363.88 feet to a nail set; thence South 11 degrees, 46 minutes 52 seconds West 156.44 feet; thence a curve to the right with a radius of 300 feet, an arc length 89.22 feet, which arc is subtended by a chord bearing North 83 degrees, 57 minutes 15 seconds West 88.89 feet; thence North 75 degrees, 26 minutes 05 seconds West 111.13 feet; thence a curve to the right with a radius of 300 feet, an arc length of 284.40 feet, which arc is subtended by a chord bearing North 48 degrees, 16 minutes 34 seconds West 273.87 feet; thence North 21 degrees, 7 minutes 4 seconds West 89.04 feet; North 2 degrees, 46 minutes 28 seconds East 527.37 feet to a nail set thence North 39 degrees, 18 minutes 40 seconds East 384.06 feet, more or less to the centerline of the Little River and the TRUE POINT OF BEGINNING.

Together with an Easement for ingress and egress granted to Grantor under that Easement, Restrictive Covenant and Option to Repurchase of even date herewith over 87.695 acres shown as Tract 4 on the above referenced plat.

Tract 6:

All that tract or parcel of land, together with improvements thereon situate, lying and being in Land Lot 7 of the 12th Land District, Hall County, Georgia, containing 87.695 acres, and shown as Tract 4 on a survey for Robert Robison prepared by Farley-Collins-Whidden Associates, Registered Surveyors, dated September 15, 2004, last revised February 23, 2005 and being more particularly described according to said Farley-Collins-Whidden Associates survey as follows:

TO ARRIVE AT THE TRUE POINT OF BEGINNING COMMENCE at a point where the east land lot line of Land Lot 7 of the aforesaid District intersects the northerly right of way of Bethel Road (60-foot right of way); thence along the northerly right of way of Bethel Road the following courses and distances, to-wit: North 84 degrees 17 minutes 49 seconds West 491.99 feet to a point; thence North 67 degrees 19 minutes 44 seconds West 336.42 feet to a point; thence North 50 degrees 21 minutes 34 seconds West 254.03 feet to a point; thence North 52 degrees 57 minutes 21 seconds West 490.68 feet to a point; thence North 56 degrees 00 minutes 44 seconds West 33.36 feet to a point which is the TRUE POINT OF BEGINNING; thence from said true point of beginning and continuing along the northerly right of way of Bethel Road North 58 degrees 7 minutes 56 seconds West 119.10 feet to a point; thence leaving the northerly right of way of Bethel Road and continuing North 4 degrees 9 minutes 15 seconds West 208.93 feet to a point; thence North 34 degrees 35 minutes 10 seconds West 650.43 feet to an iron pin corner; thence North 46 degrees 58 minutes 30 seconds West 327.03 feet to a point; thence North 26 degrees 56 minutes 27 seconds East 203.41 feet to a point; thence North 40 degrees 32 minutes 13 seconds West 278.89 feet to an iron pin corner; thence North 50 degrees 54 minutes 4 seconds West 142.99 feet to a point; thence South 75 degrees 40 minutes 15 seconds West 169.37 feet to a point; thence North 00 degrees 35 minutes 15 seconds East 546.87 feet to a half-inch OTF; thence South 89 degrees 32 minutes 39 seconds East 520.61 feet to a rock; thence North 77 degrees 49 minutes 25 seconds East 460.05 feet to a point located along the centerline of the west fork of Little River; thence along the centerline of the west fork of Little River the following courses and distances, to-wit: South 28 degrees 27 minutes 25 seconds East 115.77 feet to a point; South 44 degrees 02 minutes 47 seconds East 28.66 feet to a point; thence South 39 degrees 18 minutes 40 seconds West 384.06 feet to a point; thence South 2 degrees 46 minutes 28 seconds West 527.37 feet to a point; thence South 21 degrees 7 minutes 4 seconds East 89.04 feet to a point; thence South 48 degrees 16 minutes 34 seconds East 273.87 feet to a point; thence South 75 degrees 26 minutes 5 seconds East 111.13 feet to a point; thence South 83 degrees 57 minutes 15 seconds East 88.89 feet to a point; thence North 11 degrees 46 minutes 52 seconds East 156.44 feet to a point; thence North 31 degrees 17 minutes 26 seconds East 363.88 feet to a point; thence North 9 degrees 34 minutes 44 seconds West 260.36 feet to a point; thence North 9 degrees 4 minutes 52 seconds East 183.87 feet to a point; thence North 61 degrees 57 minutes 38 seconds West 27.51 feet to the centerline of the river; thence

continuing along the centerline of the west fork of the Little River, North 28 degrees 02 minutes 22 seconds East 87.38 feet to a point; North 05 degrees 37 minutes 04 seconds West 44.00 feet to a point; North 15 degrees 24 minutes 32 seconds West 51.19 feet to a point; North 62 degrees 39 minutes 58 seconds East 140.79 feet to a point; North 30 degrees 10 minutes 37 seconds East 46.41 feet to a point; North 18 degrees 28 minutes 06 seconds East 73.61 feet to a point; North 10 degrees 27 minutes 06 seconds East 47.44 feet to a point; North 05 degrees 17 minutes 01 seconds West 52.63 feet to a point; North 33 degrees 11 minutes 19 seconds East 28.14 feet to a point; North 63 degrees 09 minutes 04 seconds East 100.36 feet to a point; South 66 degrees 19 minutes 47 seconds East 38.95 feet to a point; South 45 degrees 29 minutes 51 seconds East 140.42 feet to a point; South 59 degrees 39 minutes 57 seconds East 81.51 feet to a point; South 70 degrees 42 minutes 49 seconds East 51.76 feet to a point; South 74 degrees 57 minutes 13 seconds East 46.31 feet to a point; North 74 degrees 04 minutes 56 seconds East 35.78 feet to a point; South 71 degrees 30 minutes 49 seconds East 79.49 feet to a point; South 68 degrees 22 minutes 47 seconds East 99.30 feet to a point; South 57 degrees 16 minutes 04 seconds East 66.91 feet to a point; South 81 degrees 31 minutes 04 seconds East 49.23 feet to a point; South 35 degrees 55 minutes 25 seconds East 182.48 feet to a point; South 75 degrees 56 minutes 37 seconds East 66,04 feet to a point on the east land lot line of Land Lot 7; thence South 00 degrees 24 minutes 34 seconds East 1,156.75 feet to a point; thence South 50 degrees 22 minutes 26 seconds West 1,403.86 feet to a point; thence South 64 degrees 45 minutes 26 seconds West 187.43 feet to a point; thence South 84 degrees 8 minutes 26 seconds West 106.98 feet to a point; thence South 33 degrees 41 minutes 26 seconds West 81.95 feet to the true point of beginning.

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE
PLANNING AND ZONING

March 21, 2025

Janet Truelove
5702 Bethel Road
Clermont, GA 30527

Dear Applicant:

On March 17, 2025 the Hall County Planning Commission voted to recommend approval, with conditions of the application for:

5684 & 5702 Bethel Road | **Rezone** | from a Planned Residential Development (PRD) to Agricultural Residential (AR-1) | on a combined 14.79± acre tract located on the north side of Bethel Road approximately 1,554 feet from its intersection with Clark Road | Zoned PRD; Tax Parcels 12007 000001 & 000023 | **Proposed Use: 5-lot subdivision** | Commission District 3 | **Janet Truelove, applicant**

Conditions:

1. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of the Agricultural-Residential-1.
2. 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."
3. No variances or development exceptions are granted as part of this request. 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.
4. All conditions of zoning shall be made part of any plats created for the property.
5. The future subdivision of the subject property shall comply with the Hall County UDC, with no more than one residence per lot and accessory

structures included on a lot with a primary residence. All setbacks must be met in any future configuration.

6. The deeds of the created lots will include a restriction to prohibit manufactured homes.
7. The heated floor area of all residences will be a minimum of 2,500 square feet.
8. There shall be a 40 foot rear yard setback applied to all properties that adjoin the Avalon Hills community.

The Board of Commissioners will hold a public hearing for final determination of this request at their meeting scheduled for **Tuesday, April 22, 2025 at 6:00 p.m.** at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Please remember that removal of all Public Notice signs posted on the property is your responsibility and should be removed within five (5) working days following the Board of Commissioners' final decision.

It is necessary that either you or your representative attend this meeting.

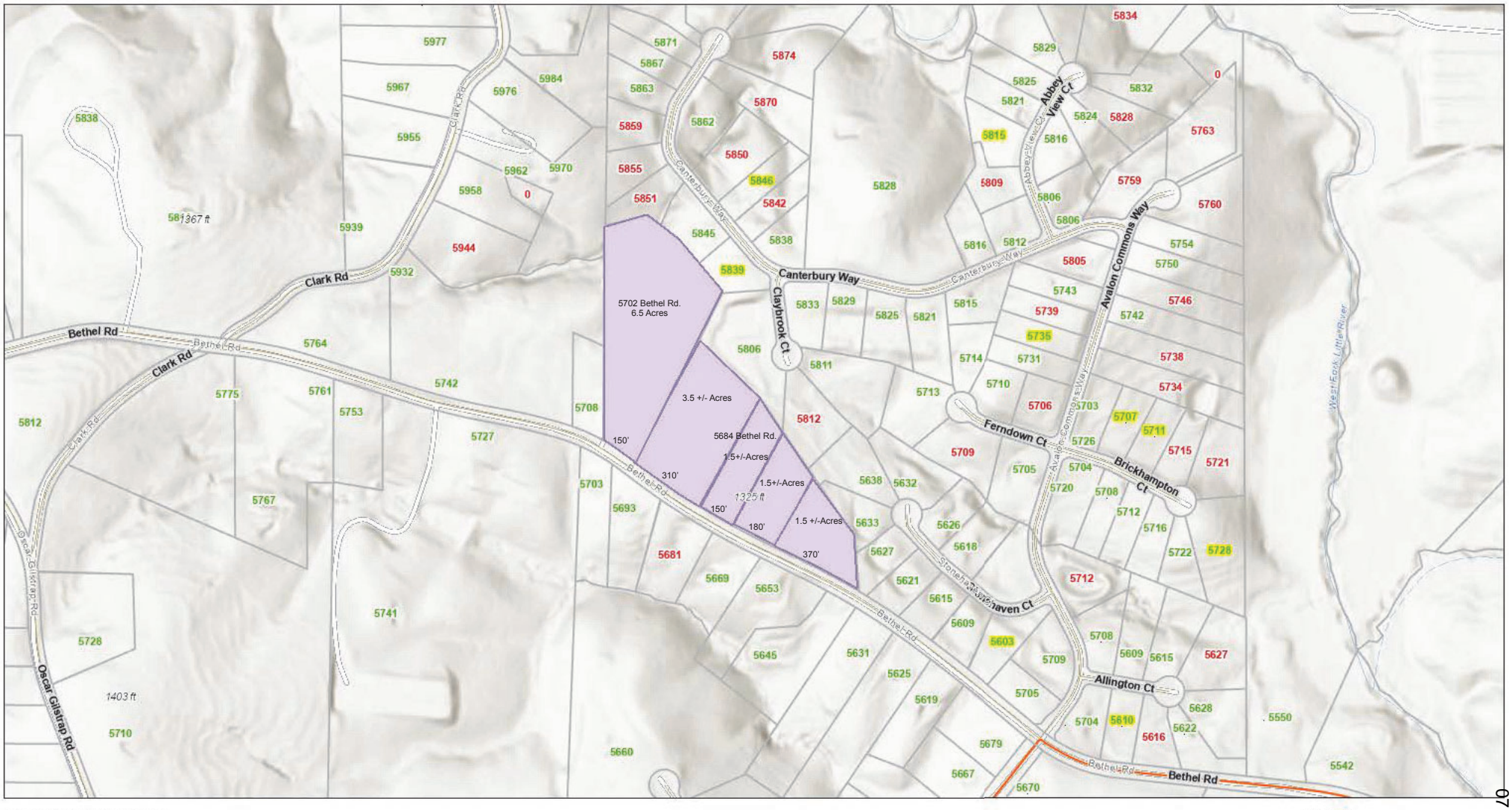
If you have any questions, please call this office.

Sincerely,

Beth Garmon,
Director of Planning and Zoning

/ke

Hall County GIS



1/13/2025, 2:33:50 PM

Parcel Boundary
Street Addresses
Buildings
Roads
Collector
Local
Counties

1:5,394

0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,

Outlook

HCPC Tentative Agenda 7.21.25

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Wed 6/18/2025 12:14 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Cc Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>

Please find Environmental Health comments below:

Item 1, 5674 Bark Camp Rd, Lean on Me: Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Items 2/3A/3B/4A/4B, 1608 Whiting Drive, Vargas: No comment. Public Sewer.

Item 5, 5019 Cagle Mill, NCP Holdings: No comment. Public Sewer.

Item 6, 4020/3886 Cornelia Hwy: No comment. Public Sewer.

Item 7, A/B, 5684 Bethel Road, Truelove: 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 8, 5979 New Bethany Rd, Brown: 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 9, 4965 Bryant Quarter Rd, Clouse: No comment.

Item 10, 5970 Cleveland Hwy, Academy P1: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 11, County Staff: 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

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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Outlook

RE: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

From Nembhard, Nakia L <NNembhard@dot.ga.gov>
Date Mon 6/16/2025 8:13 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

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,

Below you will find comments on proposed locations. If you have any questions please let me know.

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | P**roposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**. **(Does Not Require GDOT Coordination)**

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant** **(Does Not Require GDOT Coordination)**

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant** **(Does Not Require GDOT Coordination)**

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant (Will Require GDOT Coordination)**

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant** **(Does Not Require GDOT Coordination)**

Thanks,

Nakia Nembhard
Civil Engineer 3

Georgia Department of Transportation

District 1 Traffic Operations
1475 Jesse Jewell Pkwy Suite 100
Gainesville, GA, 30501

(678) 332-8200 Cell
(770) 533-8496 Office

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, June 12, 2025 12:02 PM
Subject: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

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 **July 21, 2025** Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

PUBLIC WORKS AND
UTILITIES DIRECTOR
Bill Nash, P.E.

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: June 20, 2025

Subject: July 21, 2025 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 21, 2025 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **5674 Bark Camp Road | Special Use** | for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**.

a. **Engineering**: No comment
b. **Traffic:** No comment.
c. **Utilities:** Septic area. Hall County sewer service but no sewer in area.

2. **1608 Whiting Drive | Rezone** | from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby.

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 &

H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** No sewer in area. Gainesville water

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

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

North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show 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.
North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
(B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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:** Commercial driveway

c. **Utilities:** Hall County sewer area.
No sewer infrastructure in area.

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south

east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

a. **Engineering**: Show stream buffer and impervious setback from wrested vegetation not centerline of stream
b. **Traffic:** Commercial driveway
c. **Utilities:** Buford sewer service area.

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant**

a. **Engineering**: 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:** No comment
c. **Utilities:** Hall County sewer service area
   No sewer infrastructure in area.

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b. **Traffic:** G-DOT coordination
   Commercial driveway if no access to SR 11
c. **Utilities:** Clermont sewer service area.

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant**

a. **Engineering**: No comment
b. **Traffic:** No comment
c. **Utilities:** No comment

Outlook

Fire Comments

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Fri 6/13/2025 3:27 PM
To Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

July 21, 2025 Hall County Planning Commission Meeting

1. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: JANET TRUELOVE
REQUEST: REZONE FROM PRD TO R-1 L & A SPECIAL USE FOR A MINOR SUBDIVISION
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JULY 21, 2025
Time: 5:15 P.M.
&
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.

2. The Planning Department shall send notification by letter of all other property owners within a 500-foot radius of the applicant's property is standard administrative policy of the Planning Department.

3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road, or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN JUNE 13, 2025 AND NO LATER THAN JUNE 22, 2025.

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN JUNE 22, 2025 ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.

Failure to comply will result in a delay of the application.

AFFIDAVIT

By my signature, I, Janet Truelove **, hereby acknowledge that I have read and understand the sign posting requirements. I further certify that the required public notice sign was posted on** 06/20/2025 (Date) **for** Janet Truelove (Name application filed as).

Signature _____

(The original document is required)

AGENDA ITEM

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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 486/2025

SUBJECT: **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | Commission District 4 | **Gerardo Vargas, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG
Recommendation:

Approval, with conditions

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.
4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
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. The existing 8,581 square foot building and existing carport is approved as shown on the submitted site plan; however, any expansion of the existing structures within the building setback lines shall require approval of a setback variance by the Hall County Planning Commission.
8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
9. The proposed 1,445 square foot building addition, as shown on the submitted site plan, shall be required to meet the minimum 30 foot front yard setback along Whiting Drive unless a separate setback variance is applied for and approved by the Planning Commission.
10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.
11. A 10 foot landscape strip shall not be required along Browns Bridge Road as shown on the submitted site plan.
12. Parking may be permitted between Browns Bridge Road and the primary building as shown on the submitted site plan.
13. A reduction in the required parking spaces is granted from 56 spaces to 36 spaces as shown on the submitted site plan.
14. A 6 foot high PVC opaque fence shall be required along Whiting Drive. All other fencing, as shown on the site plan, shall be 6-foot high vinyl coated chain link fencing either black or green in color. The proposed gate along Whiting Drive shall be vinyl coated chain link at minimum.
15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

Purpose of Request:

1608 Whiting Drive | Rezone | from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | Commission District 4 | **Gerardo Vargas, applicant**

History:

Facts and Issues:

Options:

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

Is there a deadline for this item?

Approvals:

Submit	Approve	Attorney	Administration
BG	BG	JL	CR
Clerk			
JR			

Attachments:
Board Memo
Recommendation Report
Application
Narrative
Site Plan
Plat
Maps
Easement Survey
Deed
Legal Description
Water and Sewer Availability
Environmental Health Comment
GDOT Comment
Public Works Comment
Fire Comment
Public Comment
Notice Sign
Site Plan Mark Up

Hall County Government
PLANNING AND ZONING

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

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

To: David Gibbs, 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 11, 2025

Subject: **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract| Zoned R-1; Tax Parcel 00123 007015 **| Proposed use: Vehicle repair, major| Gerardo Vargas, applicant**

The request before you is from Gerardo Vargas to rezone from Residential 1 (R-1) to Highway Business (H-B) for the proposed use of vehicle repair, major. This item is located within Commission District 4.

At their July 21, 2025 meeting, the Hall County Planning Commission voted to recommend **approval, with fifteen (15) conditions (4-0).**

Staff recommendation: **Approval, with conditions,** as the proposed development is consistent with the "Business Nodes & Corridors" future land use designation in the Comprehensive Plan.

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

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.

4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
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. The existing 8,581 square foot building and existing carport is approved as shown on the submitted site plan; however, any expansion of the existing structures within the building setback lines shall require approval of a setback variance by the Hall County Planning Commission.
8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
9. The proposed 1,445 square foot building addition, as shown on the submitted site plan, shall be required to meet the minimum 30 foot front yard setback along Whiting Drive unless a separate setback variance is applied for and approved by the Planning Commission.
10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.
11. A 10 foot landscape strip shall not be required along Browns Bridge Road as shown on the submitted site plan.
12. Parking may be permitted between Browns Bridge Road and the primary building as shown on the submitted site plan.
13. A reduction in the required parking spaces is granted from 56 spaces to 36 spaces as shown on the submitted site plan.
14. A 6 foot high PVC opaque fence shall be required along Whiting Drive. All other fencing, as shown on the site plan, shall be 6-foot high vinyl coated chain link fencing either black or green in color. The proposed gate along Whiting Drive shall be vinyl coated chain link at minimum.
15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Gerardo Vargas

Request ..... **Rezone** | from Residential 1 (R-1) to Highway Business (H-B)

Proposed Use ..... Vehicle repair, major

Size ..... 0.20± acres

Zoning ..... **Current:** Residential 1 (R-1) | **Proposed:** Highway Business (H-B)

Location ..... **1608 Whiting Drive |** Tax parcel 00123 007015

Commission District ..... Four

Planning Commission Date ..... July 21, 2025

Staff Recommendation ..... **Approval, with conditions,** as the proposed development is consistent with the "Business Nodes & Corridors" future land use designation in the Comprehensive Plan.

Record Number..... HZON25-0028

Planning Commission Recommendation ..... Approval, with conditions

Vote: 4-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.

4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
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. The existing 8,581 square foot building and existing carport is approved as shown on the submitted site plan; however, any expansion of the existing structures within the building setback lines shall require approval of a setback variance by the Hall County Planning Commission.
8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
9. The proposed 1,445 square foot building addition, as shown on the submitted site plan, shall be required to meet the minimum 30 foot front yard setback along Whiting Drive unless a separate setback variance is applied for and approved by the Planning Commission.
10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.
11. A 10 foot landscape strip shall not be required along Browns Bridge Road as shown on the submitted site plan.
12. Parking may be permitted between Browns Bridge Road and the primary building as shown on the submitted site plan.
13. A reduction in the required parking spaces is granted from 56 spaces to 36 spaces as shown on the submitted site plan.
14. A 6 foot high PVC opaque fence shall be required along Whiting Drive. All other fencing, as shown on the site plan, shall be 6-foot high vinyl coated chain link fencing either black or green in color. The proposed gate along Whiting Drive shall be vinyl coated chain link at minimum.
15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

Excerpts of the minutes of the July 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Brad Trotter, 164 Professional Drive, Baldwin, presented the request. The applicant is requesting to rezone a 0.20± acre tract from Residential 1 (R-1) to Highway Business (H-B) for vehicle repair, major. The subject parcel is one of four parcels proposed for the development and lies within the Gateway Corridor Overlay District (GCOD) and is currently undeveloped.

Gerardo Vargas, 5016 Arthur Avenue, Oakwood, presented the request.

Public Forum:

Jim Hardman, 3244 Dunlap Drive, Gainesville, spoke in opposition. Mr. Hardman stated that he would withhold his comments until consideration of the other related requests for the subject property (items #3A/B and #4A/B).

***Motion:* A motion to approve, with conditions was made by Stan Hunt and seconded by Shannon Davidson. Vote: 4-0**

***Amended Motion:* A motion to approve, with amended conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: 4-0**

Conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.
4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
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. The existing 8,581 square foot building and existing carport is approved as shown on the submitted site plan; however, any expansion of the existing structures within the building setback lines shall require approval of a setback variance by the Hall County Planning Commission.
8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
9. The proposed 1,445 square foot building addition, as shown on the submitted site plan, shall be required to meet the minimum 30 foot front yard setback along Whiting Drive unless a separate setback variance is applied for and approved by the Planning Commission.
10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.

11. A 10 foot landscape strip shall not be required along Browns Bridge Road as shown on the submitted site plan.
12. Parking may be permitted between Browns Bridge Road and the primary building as shown on the submitted site plan.
13. A reduction in the required parking spaces is granted from 56 spaces to 36 spaces as shown on the submitted site plan.
14. A 6 foot high PVC opaque fence shall be required along Whiting Drive. All other fencing, as shown on the site plan, shall be 6-foot high vinyl coated chain link fencing either black or green in color. The proposed gate along Whiting Drive shall be vinyl coated chain link at minimum.
15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

Staff recommends <u>APPROVAL</u> of the applicant's request with the following conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 20, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.

3. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

<u>Summary Analysis</u>

The applicant is requesting to rezone a 0.20± acre tract from Residential 1 (R-1) to Highway Business (H-B) for vehicle repair, major.

The subject parcel is one of four parcels proposed for the development and lies within the Gateway Corridor Overlay District (GCOD), and is currently undeveloped. There are four concurrent requests as part of the proposed development: special use for vehicle repair, major in GCOD (HZCU25-0027), special use for outdoor storage in GCOD (HZCU25-0032), and variances from GCOD standards and parking requirements (HVAR25-0030).

The surrounding properties are zoned and developed as outlined below:

North: Residential 1 (R-1) – Developed with single-family residences and vacant lots
South: Highway Business (H-B) – Developed with a vacant commercial building
East: Office Institutional (O-I) – Developed with a single family homes;
City of Gainesville – Developed with auto sales lots, carwash and retail

West: Residential (R-1) – Developed with single-family residences;
City of Gainesville – Developed with auto sales lots and retail

The applicant is requesting to rezone the subject parcel for the purpose of combining it with adjacent property zoned Highway Business (H-B) (1604 Whiting Drive and 1790 Browns Bridge Road) in order to establish a vehicle repair shop and a countertop showroom. The site plan shows that the subject parcel will be primarily utilized for parking and buffer the development from the adjacent Residential 1(R-1) zoned property.

Water service and sanitary sewer services will be provided by the City of Gainesville Water Resources Department as confirmed by an email dated June 12, 2025.

Based on the future land use plan, staff finds the requested rezoning *is consistent* with the future land use designation of Business Nodes & Corridors within Hall County's Comprehensive Plan. This land use designation addresses that many of the county's major roadways have strong connections to infrastructure, employment, and housing, making them desirable for larger scale commercial development. New development along these major road corridors and intersections should consist of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate. Site designs should use the Quality Development Principals discussed earlier, particularly natural resource protections and high quality landscape installations, to the fullest extent possible. Where there is residential development, the density may be up to 16 dwellings per acre.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

a) 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 is suitable in view of the use and development of adjacent and nearby property along Browns Bridge Road. The surrounding area consists of a variety of uses which include residential and commercial uses.**

b) 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 rezoning will adversely affect nearby properties.**

c) 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.**

d) 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; **If approved, the use is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**

e) 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 intent of the Business Nodes and Corridors future land use designation in the Comprehensive Plan.**

f) 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 affected by the existing zoning restrictions.**

g) The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property values including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

h) 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.**

i) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently undeveloped.**

j) 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.**

k) Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning district of Highway Business (H-B) would not create an isolated district as adjacent and nearby parcels are zoned Highway Business (H-B).**

l) 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.**

m) Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The request does not appear to be out of scale with the needs of the immediate neighborhood or the county.**

n) 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 vehicle repair.**

o) 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.**

p) 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.

q) 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.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

   a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

   b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal meets the requirement.**

   c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request.**

   d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated June 18, 2025, Emily McGahee stated, “No comment. Public sewer.”

Georgia Department of Transportation
In an email dated June 16, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is required.

Hall County Public Works and Utilities
In a memo dated June 20, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

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

Traffic:
Commercial driveway.

Utilities
Gainesville sewer. No sewer nearby.

Hall County Fire Marshal
In an email dated June 13, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “If approved the site development plan may require modifications during the development review process.”

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

HALL COUNTY
GEORGIA
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ZONING APPLICATION

Applicant (Name & Mailing Address)

GERARDO VARGAS
5016 ARTHUR AVE
OAKWOOD, GA 30566
Phone [redacted]
Email Address [redacted]

Property Owner (Name & Mailing Address)

CAPITAL COLLISION LLC
1790 BROWNS BRIDGE RD
GAINESVILLE, GA 30501
Phone [redacted]
Email Address [redacted]

Proposed Use VEHICLE MAINTENANCE / REPAIR

Contact Person (Name & Mailing Address)

GERARDO VARGAS
5016 ARTHUR AVE
OAKWOOD, GA 30566
Phone [redacted]
Email Address [redacted]

Status of Applicant

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

Requested Action

Existing Zoning: R-1
Rezone to: H-B
Fee:$
Receipt #:
Check #:

Tax Parcel Number 00123 007015
Acreage 0.2
Location Address 1608 WHITING DR

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

Sign Gerardo Vargas (May 15, 2025 08:53 EDT) Date: 05/15/25

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: _____

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

ANNUAL REGISTRATION

Electronically Filed
Secretary of State
Filing Date: 3/22/2024 2:24:42 PM

BUSINESS INFORMATION	
CONTROL NUMBER	21222115
BUSINESS NAME	Capital Collision LLC
BUSINESS TYPE	Domestic Limited Liability Company
EFFECTIVE DATE	03/22/2024
ANNUAL REGISTRATION PERIOD	2024

PRINCIPAL OFFICE ADDRESS	
ADDRESS	1130 EASY ST, SUWANEE, GA, 30024, USA

REGISTERED AGENT		
NAME	**ADDRESS**	**COUNTY**
Financial & Tax Pros Inc	990 Peachtree Industrial Blvd, #3404, Suwanee, GA, 30024, USA	Gwinnett

AUTHORIZER INFORMATION	
AUTHORIZER SIGNATURE	morteza modaber
AUTHORIZER TITLE	Organizer

PLANNING AND DEVELOPMENT DEPARTMENT 2875
BROWNS BRIDGE ROAD GAINESVILLE GA 30504 MAILING
ADDRESS PO BOX 1435 GAINESVILLE GA 30503 T 770-531-6809 I
F 770-531-3902

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AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Morteza Modaber

Address 1130 Easy St
Suwnee GA 30024

Phone Number [redacted]

Name of applicant(s) Gerardo Vargas

Address 5016 Author Ave,
Oakwood, GA 30566

Phone Number [redacted]

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)

M

Personally appeared before me

Morteza modaber

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

Notary Public

May 7th 2025
Date

RAJESH DAYAL
NOTARY PUBLIC
GWINNETT COUNTY
GEORGIA
EXPIRES
April 2, 2026

Revised December 2019

Scanned with CamScanner

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

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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: Gerardo Vargas naranjo (May 7, 2025 08:38 EDT) **Date:** 05/07/25

Applicant's/Owner's Name (Printed): GERARDO VARGAS

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

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Gerardo Vargas Naranjo (May 7, 2025 08:37 EDT) **Date:** 05/07/25

Applicant's/Owner's Name (Printed): CAPITAL COLLISION LLC

foothills land design

NARRATIVE REPORT
REQUEST FOR REZONING & CONDITIONAL USE
HALL COUNTY, GEORGIA

RE: 0.90 acres located at 1790 Browns Bridge Road, Gainesville, GA 30501
Parcel ID 00123 007015, 00123 007016, 00123 007017

Gerardo Vargas (the "applicant") respectfully submits this Narrative Report to the Hall County Board of Commissioners in support of an application for rezoning and conditional use approval. This application and proposed use consist of 3 lots at the corner of Browns Bridge Road and Whiting Drive. Parcels 00123 007016 and 00123 007017 are currently zoned H-B. Parcel 00123 007015 is currently zoned R-1. The applicant requests that this parcel be rezoned to H-B as well. The proposed use is automobile body repair in the Gateway Corridor. The applicant requests that this be allowed as a conditional use for the 3 lots.

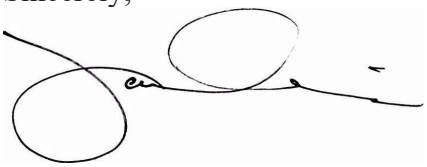
The property currently has an 8,581 sf building which will be used for the automobile repair. There is existing parking in the front of the building for customers. Since the proposed use is for body repair, there is not a need for many customer parking spaces. The accompanying concept plan shows several parking spaces in the back of the building for repaired cars and cars waiting for repair. The majority of this area is already paved with asphalt.

The concept plan adheres to the H-B zoning standards. These include a 30' front setback, 20' side setback, 10' rear setback, a 10' landscape strip along Whiting Drive, and a 15' vegetative buffer adjacent to residential properties on the north and east side of the property. There will be a 6' opaque fence that will be installed along with the buffer.

The City of Gainesville will provide water and the sewer. There is an existing sign; however, this sign will be replaced with one that adheres to Hall County standards. The applicant would like to place the sign where the current sign is located.

The H-B zoning and intended use is consistent with this area on Browns Bridge Road.

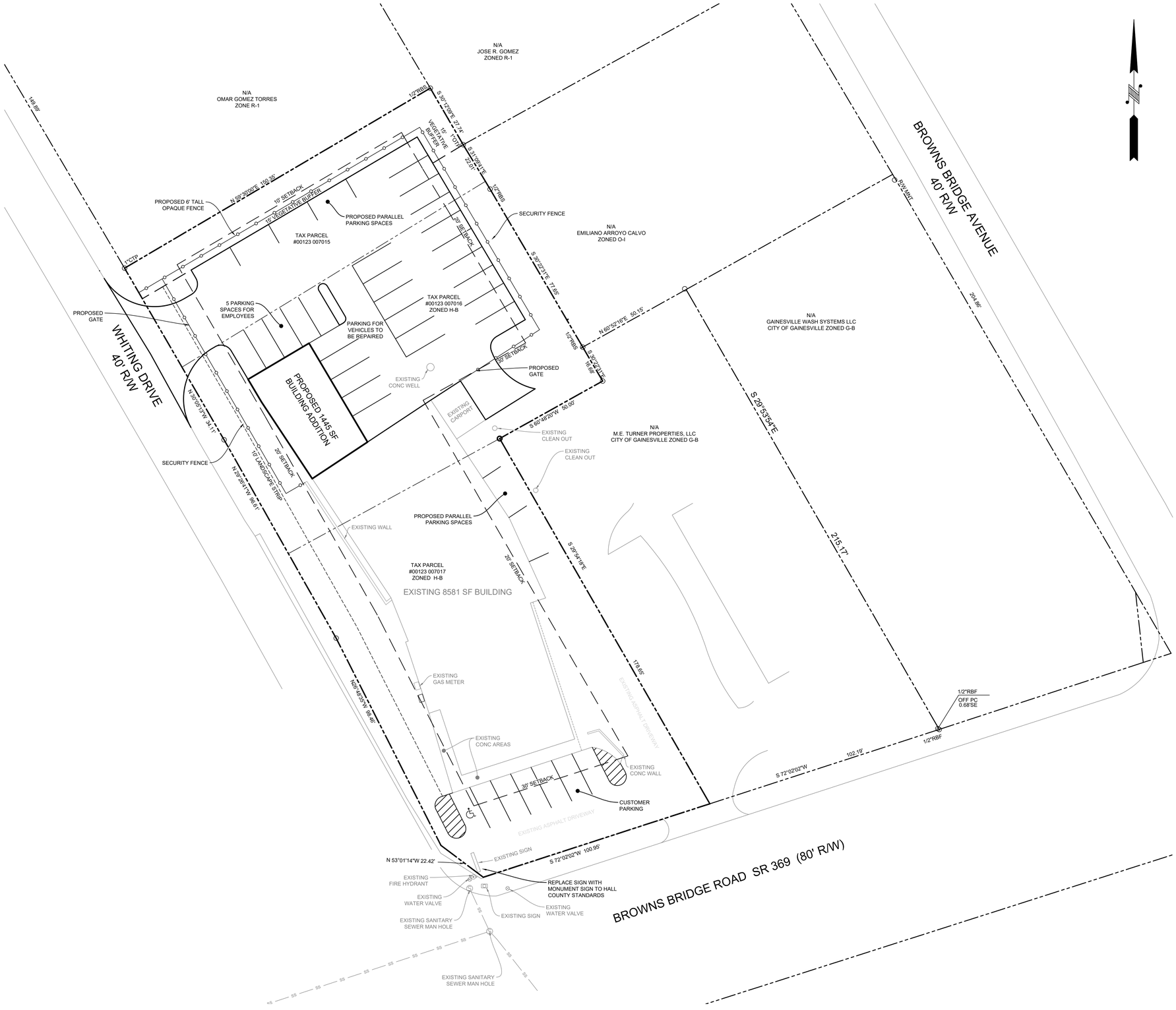
Sincerely,



James Irvin, PE
Engineer for Applicant
Foothills Land Design, LLC

Foothills Land Design, LLC
164 Professional Drive
Baldwin, GA 30511

Ph: 706-778-0067
Fax: 706-778-0069
www.foothillsld.com



foothills land design

164 PROFESSIONAL DRIVE
BALDWIN, GA 30511
PHONE: (706) 778-0067
FAX: (706) 778-0068
www.foothillsld.com

OWNER/ DEVELOPER:
CAPITAL COLLISION, LLC
1790 BROWNS BRIDGE RD
GAINESVILLE, GA 30501

SITE PLAN
VARGAS AUTOMOTIVE
LAND LOT 170, 9TH DISTRICT
HALL COUNTY, GA

REVISIONS: NO.	DESCRIPTION	DATE

GEORGIA REGISTERED No. 25938 PROFESSIONAL ENGINEER JAMES D. IRVIN

GSWCC LEVEL II #9832

DATE: JUNE 20, 2025

SCALE: 1" = 20'

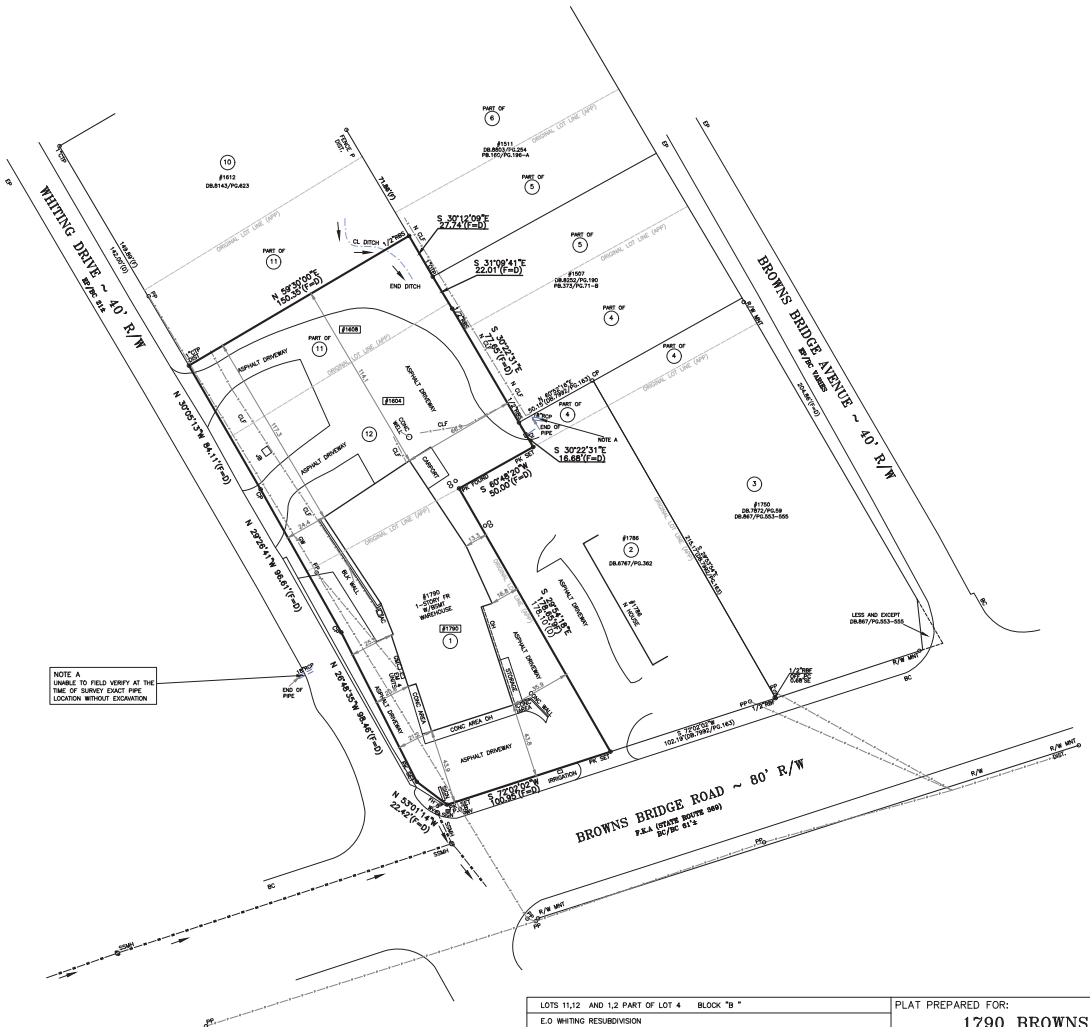
SHEET:
C1
JOB #25002

SURVEY NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED, NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY, MATTERS OF TITLE ARE EXCEPTED, PROPERTY OWNER OR PERSON ORDERING THIS SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY FOR TITLE CONFIRMATION OR A FULL TITLE SEARCH AND EXAMINATION INCLUDING ALL THE EXCEPTION.
5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREON. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

THIS SURVEY PLAT OF THE PROPERTY MUST BE USED AS A SINGLE STAND ALONE DOCUMENT. IT CAN NOT BE SCANNED AND ALTERED, CROPPED OUT COPY/PASTE OR MODIFIED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE. THIS SURVEY PLAT CAN BE ONLY ATTACHED AS A SEPARATE DOCUMENT BY ITSELF TO DEVELOPMENT PROJECTS AND SITEPLANS AND CAN NOT BE INSERTED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE TO SOME OTHER DEVELOPMENT PROJECTS PREPARED BY ANY OTHER PARTY WITHOUT WRITTEN APPROVAL AND ORIGINAL BLUE INK SIGNATURE OF THE SURVEYOR OF RECORD.

CURRENT PROPERTY CONSISTS OF 3 PARCELS.
#1608 = PARCEL ID 00123 007015
#1604 = PARCEL ID 00123 007016
#1790 = PARCEL ID 00123 007017



* L E G E N D *

APD	AS PER DEED
AE	ACCESS EASEMENT
APF	AS PER FIELD
AI	ANGLE IRON FOUND
AIF	ANGLE IRON FOUND
APP	AS PER PLAT
APR	AS PER RECORD
B	BOLLARD
BC	BACK OF CURB
BLK	BLOCK
BL	BUILDING LINE SETBACK
BR	BRICK
CB	CATCH BASIN
CBX	CABLE BOX
CL	CENTER LINE
CLF	CHAIN LINK FENCE
CM	CADASTRAL MAP
CMP	CORRUGATED METAL PIPE
C.G.A.	CITY OF ATLANTA
CO	SAN. SEWER CLEANOUT
CP	CALCULATED POINT
CPT	CARPORT
CTP	CRIMP TOP PIPE FOUND
D	DECK
DE	DRAINAGE EASEMENT
DI	DRAINAGE INLET
EB	ELECTRIC POWER BOX
EM	ELECTRIC METER
EP	EDGE OF PAVEMENT
F	FIELD
FC	FENCE CORNER
FH	FIRE HYDRANT
FP	FENCE POST
FR	FIRE
GL	GAS LINE
GM	GAS METER
GV	GAS VALVE
GW	GUY WIRE
HDW	HEAD WALL
HW	HARDWOOD TREE
IPF	IRON PIN FOUND
IPS	IRON PIN SET
IR	IRON ROD FOUND
IRF	IRON FENCE
IM	IRRIGATION METER
IV	IRRIGATION VALVE
JB	JUNCTION BOX
LP	LIGHT POLE
LL	LAND LOT LINE
MAG	MAGNETIC HEADING
MGN	MAGNOLIA TREE
MH	MANHOLE
MTF	METAL FENCE
N	N'BORS.
OH	OVERHANG
OTP	OPEN TOP PIPE FOUND
OU	OWNERSHIP UNCLEAR
P	PORCH
PC	PROPERTY CORNER
PL	PROPERTY LINE
PN	PINE TREE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER POLE
PW	POWER LINE
(P)	PLAT
R	RECORD
RBF	REINFORCING BAR FOUND
RBS	REINFORCING BAR SET
RCP	REINFORCED CONC. PIPE
R/W	RIGHT-OF-WAY
SN	SIGN
SSL	SANITARY SEWER LINE
SSE	SANITARY SEWER EASEMENT
SP	SCREENED PORCH
TB	TRIP BLANK
TP	TRAFFIC POLE
UE	UTILITY EASEMENT
WD	WOOD
WDF	WOOD FENCE
WDK	WOOD DECK
WL	WATER LINE
WM	WATER METER
WRF	WIRE FENCE
WV	WATER VALVE
WW	WATER WELL
YI	YARD INLET
-X-X	FENCE
	INDICATES STAIRS
	INDICATES BUSHES

* SYMBOLS *

- ELECTRIC PANEL/METER
- AIR CONDITIONER
- GAS METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- TRAFFIC/INFO SIGN
- FIRE HYDRANT
- DRAINAGE INLET

LOTS 11,12 AND 1,2 PART OF LOT 4 BLOCK "B "		PLAT PREPARED FOR: SHEET 1 OF 1
E.O WHITING RESUBDIVISION		1790 BROWNS BRIDGE
LAND LOT 170	9TH DISTRICT	
HALL COUNTY, GEORGIA	PB./PG. DB.7992/PG.163	PROPERTY ADDRESS:
FIELD WORK DATE SEPT 18, 2021	PRINTED/SIGNED NOV 19, 2021	1790 BROWNS BRIDGE ROAD
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	PAPER SIZE: 18" x 24"	GAINESVILLE, GA 30501

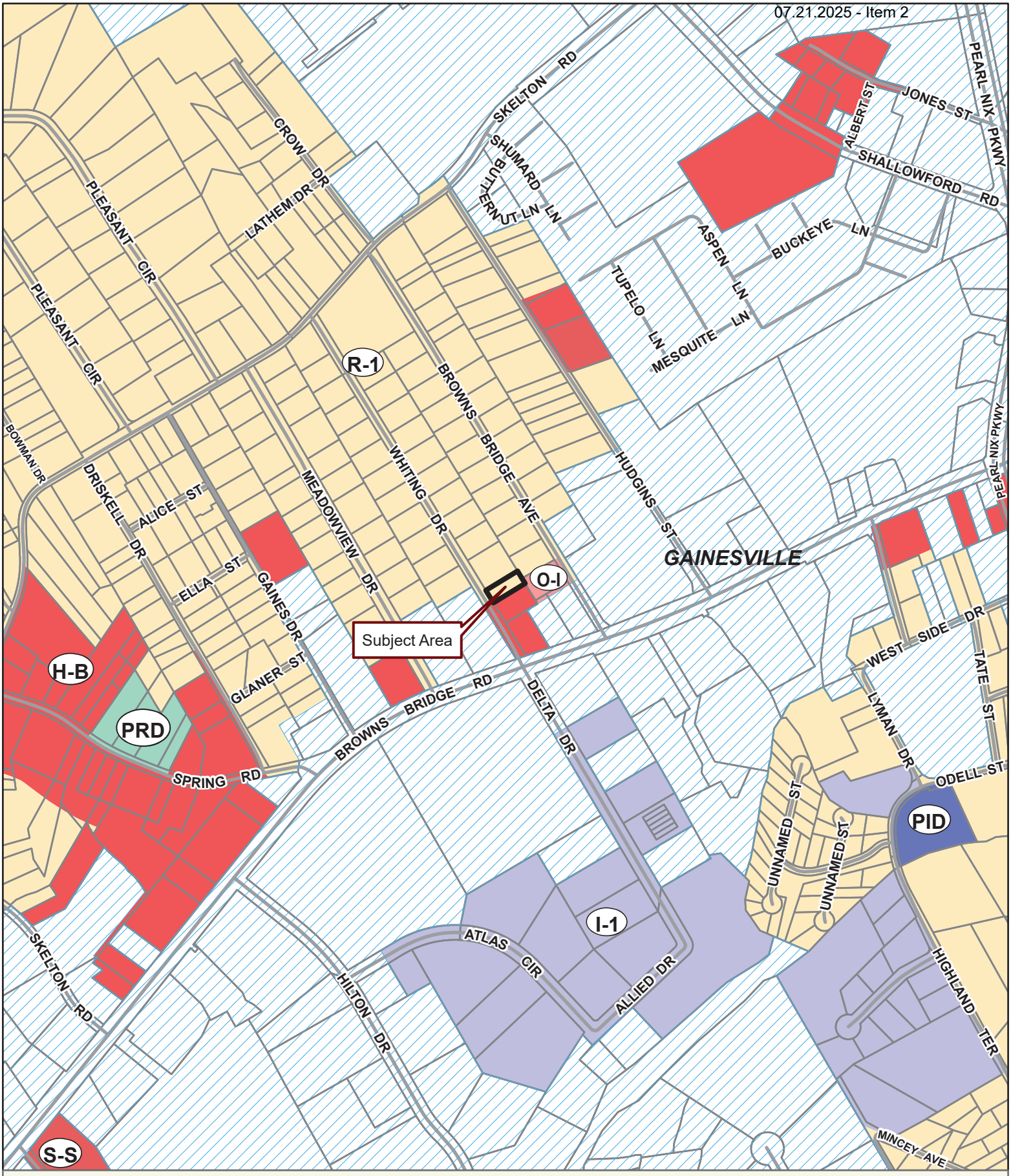
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND, WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

SP/AU
COORD #20211970
DWG #20211970

SURVEY LAND EXPRESS, INC
LAND SURVEYING SERVICES
24 LENOX POINTE
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR EUGENE A. STEPANOV

© COPYRIGHT, THIS PLAT IS A CONCISE REPRESENTATION OF THE LAND BOUNDARIES AND WAS NOT PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

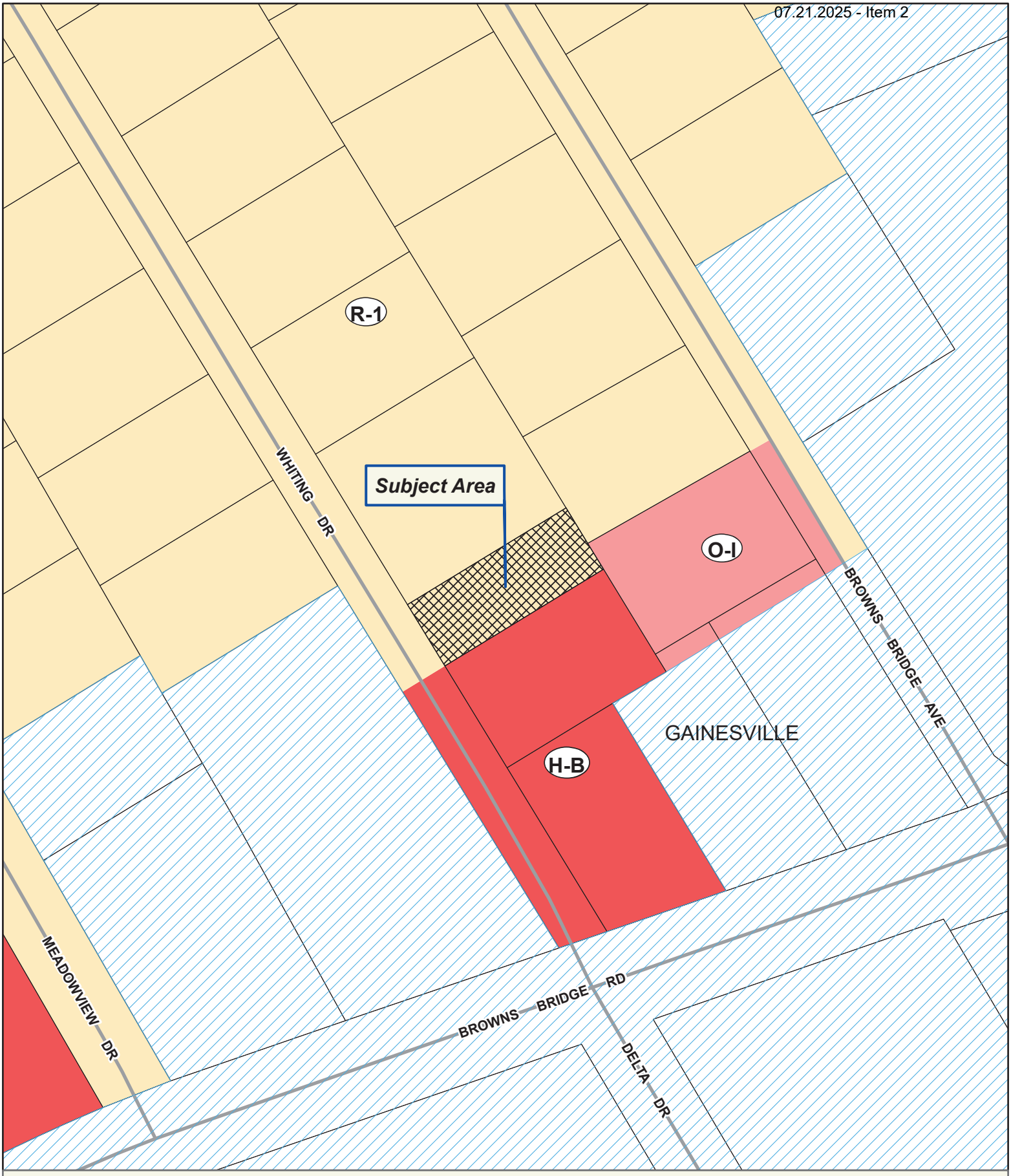


Applicant: GERARDO VARGAS
Tax Parcel #: 00123 007015
Location: 1608 WHITING DRIVE, GAINESVILLE, GA 30504
Commission District 4 **PC Mtg. Date: 07/21/2025**

0 150 300 600
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: GERARDO VARGAS
Tax Parcel #: 00123 007015
Location: 1608 WHITING DRIVE, GAINESVILLE, GA 30504
Commission District 4 **PC Mtg. Date: 07/21/2025**

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

Applicant: GERARDO VARGAS
Tax Parcel #: 00123 007015
Location: 1608 WHITING DRIVE, GAINESVILLE, GA 30504
Commission District 4 **PC Mtg. Date: 07/21/2025**

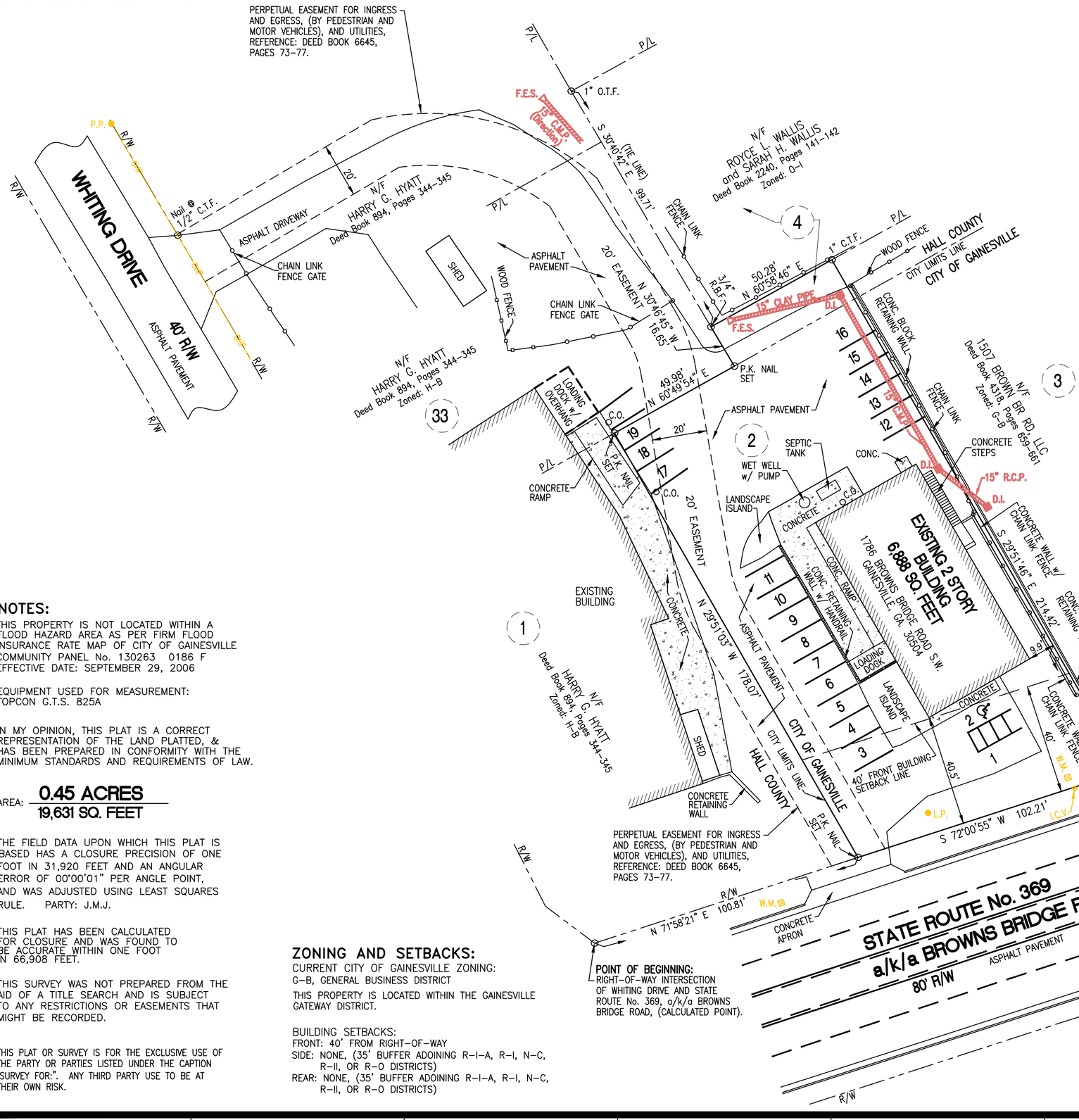
0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area

N

REFERENCES:

1. DEED BOOK 6645, PAGES 73–77
2. PLAT BOOK 21, PAGES 111–112



NOTES:

THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA AS PER FIRM FLOOD INSURANCE RATE MAP OF CITY OF GAINESVILLE COMMUNITY PANEL No. 130263 0186 F EFFECTIVE DATE: SEPTEMBER 29, 2006

EQUIPMENT USED FOR MEASUREMENT: TOPCON G.T.S. 825A

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED, & HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

AREA: **0.45 ACRES** / **19,631 SQ. FEET**

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 31,920 FEET AND AN ANGULAR ERROR OF 00°00'01" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES RULE. PARTY: J.M.J.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 66,908 FEET.

THIS SURVEY WAS NOT PREPARED FROM THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MIGHT BE RECORDED.

THIS PLAT OR SURVEY IS FOR THE EXCLUSIVE USE OF THE PARTY OR PARTIES LISTED UNDER THE CAPTION "SURVEY FOR:". ANY THIRD PARTY USE TO BE AT THEIR OWN RISK.

ZONING AND SETBACKS:

CURRENT CITY OF GAINESVILLE ZONING:
G–B, GENERAL BUSINESS DISTRICT

THIS PROPERTY IS LOCATED WITHIN THE GAINESVILLE GATEWAY DISTRICT.

BUILDING SETBACKS:
FRONT: 40' FROM RIGHT–OF–WAY
SIDE: NONE, (35' BUFFER ADOINING R–I–A, R–I, N–C, R–II, OR R–O DISTRICTS)
REAR: NONE, (35' BUFFER ADOINING R–I–A, R–I, N–C, R–II, OR R–O DISTRICTS)

MAGNETIC

LEGEND:

⊙	I.P.F.	IRON PIN FOUND
⊙	C.T.F.	CRIMPED TOP PIN FOUND
⊙	R.B.F.	REBAR PIN FOUND
⊙	R.B.S.	REBAR PIN SET
⊙	O.T.F.	OPEN TOP FOUND
△	A.I.F.	ANGLE IRON FOUND
⊡	C.M.F.	CONCRETE MONUMENT FOUND
	B.C.	BACK OF CURB
	C/L	CENTER LINE
	C.O.	SEWER CLEAN–OUT
	C.M.P.	CORRUGATED METAL PIPE
■	D.I.	DROP INLET
	-OHP-	OVERHEAD POWER LINE
	F.H.	FIRE HYDRANT
⊗	J.B.	JUNCTION BOX
	L.L.L.	LAND LOT LINE
●	L.P.	LIGHT POLE
	N/F	NOW OR FORMERLY
●	P.P.	POWER POLE
□	P.B.	POWER TRANSFORMER BOX
	P/L	PROPERTY LINE
	R/W	RIGHT OF WAY
	R.C.P.	REINFORCED CONCRETE PIPE
	S/B	SETBACK
	–W–	WATER MAIN
⊠	W.M.	WATER METER
	F.E.S.	METAL FLARED END SECTION

SURVEYOR'S CERTIFICATE

With respect to the survey shown hereon, prepared by the undersigned, the undersigned does hereby certify and represent to ME Turner Properties, LLC; Select's Do It Yourself Pest Control, Inc.; First Citizens Bank of Georgia; Small Business Access Partners, Inc.; U.S. Small Business Administration; and Chicago Title Insurance Company:

1. The survey was actually made on the ground, shows field measurement and the record description of the land and correctly shows the square footage and the location of all buildings, structures and other improvements situated on the Land, the number and layout of all loading docks and parking spaces and facilities, the location of water courses or water bodies, lot lines and monuments. Except as shown on the survey, there are no visible easements benefiting or burdening the premises, or rights–of–way across the Land or any other easements or rights–of–way which the undersigned has been advised, no party walls, no encroachments on adjoining premises, streets or alleys by any of the Land or any encroachments from adjoining premises by buildings, structures or other improvements situated on adjoining premises except as shown.

2. The Land does not fall within a federally designated flood hazard area.

3. All access to and egress from said premises are shown and are provided via the means indicated on the survey. Municipal water, municipal storm sewer, municipal sanitary sewer and private electric, gas and telephone facilities and connections are situated in the locations indicated on the survey.

This _____ day of August, 2010.

SURVEYOR:

_____
Chris M. Patton
Georgia Registered Land Surveyor
No. 2647

SURVEY FOR:

ME TURNER PROPERTIES, LLC and SELECT'S DO IT YOURSELF PEST CONTROL, INC. and FIRST CITIZENS BANK OF GEORGIA and SMALL BUSINESS ACCESS PARTNERS, INC. and CHICAGO TITLE INSURANCE COMPANY

BEING LOT 2 AND A PORTION OF LOT 4 OF THE E.O. WHITING SUBDIVISION.
– L O C A T E D I N –
LAND LOT 170, 9th LAND DISTRICT
CITY OF GAINESVILLE, HALL COUNTY, GEORGIA

REGISTERED PROFESSIONAL LAND SURVEYORS
P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com
PATTON
LAND SURVEYING

SURVEYED BY: J.M.J. | DRAFTED BY: D.D.B. | COMPUTATIONS BY: C.M.P. | CHECKED BY: C.M.P.

GEORGIA REGISTERED PROFESSIONAL No. 2647 LAND SURVEYOR CHRIS M. PATTON
County Surveyor
Hall County, Georgia

SHEET NUMBER: 1 of 1
SCALE: 1' = 30'
SURVEY DATE: 08/19/2010
PLAT DATE: 08/20/2010
10–144.dwg
JN. 10–144

BK7992PG162

Return Recorded Document to:
Thomas H. Beisswenger, P.C.
272 West Hancock Avenue, Suite 300B
Athens, GA 30601
File Number: 1755531

HALL COUNTY, Georgia
Real Estate Transfer Tax
Paid $ 450.00
Date 11-2-17
Charles Baker
Superior Court Clerk
By JP

PT61 069-2017-007916

FILED
HALL CO. GA
17 NOV -2 AM 11:55
CHARLES BAKER, CLERK
SUPERIOR-STATE COURT
BY JP

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CLARKE

THIS INDENTURE, made the **19th day of October, 2017,** between **Wayne Pinnix a/k/a Ronnie W. Pinnix,** as party of the first part, hereinafter called Grantor, and **American IRA, LLC FBO James Tucker Roth IRA (50% undivided interest) and American IRA, LLC FBO John Erik Warm IRA (50% undivided interest),** as parties of the second part, hereinafter called Grantees (the words "Grantor(s)" and "Grantee(s)" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 DOLLARS ($10.00)** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell alien, convey and confirm unto the said Grantee,

See Exhibit "A" attached hereto and made a part hereof, with American IRA, LLC FBO James Tucker Roth IRA receiving a 50% undivided interest and American IRA, LLC FBO John Erik Warm IRA receiving 50% undivided interest in said property

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Jeanette L Scott
Witness

Notary Public Clarke Co Ga.

THOMAS H BEISSWENGER NOTARY PUBLIC CLARKE COUNTY, GEORGIA MY COMMISSION EXPIRES NOVEMBER 19, 2020

Wayne Pinnix (Seal)
Wayne Pinnix a/k/a Ronnie W. Pinnix

EXHIBIT "A"

All those lots, tracts and parcels of land lying situate and being in Land Lot 170, 9th Land District, Hall County, Georgia, being one-half of Lot 11 and all of Lot 12 of the E O Whiting Resubdivision, Block B, together with Lots 1, 2 and a portion of Lot 4, Block B of the E. O. Whiting Subdivision, said Lots forming one contiguous tract on the Northern quadrant of the intersection of Whiting Drive and State Route 369 (Browns Bridge Road). Said tract is more particularly shown by a plat for the E. O. Whiting Estate prepared by Henry Grady Jarrard, Georgia Registered Land Surveyor, dated April 8, 1985, which plat is by reference made a part hereof. As shown by said plat the property is more particularly described as follows

BEGINNING at a point designated by nail at the intersection of the northern most flange of Whiting Drive as the same intersects with the northern right of way of Browns Bridge Road, running thence along said right of way of Whiting Drive North 53 degrees 01 minutes 14 seconds West 22.42 feet to a nail; thence continuing along the northeastern right of way of Whiting Drive North 26 degrees 48 minutes 35 seconds West 98 46 feet to a point, thence North 29 degrees 26 minutes 41 seconds West 96.61 feet to a point; thence North 30 degrees 05 minutes 13 seconds West 84 11 feet to an iron pin corner; running thence through Lot 11 and along the property of Billie C Cain North 59 degrees 30 minutes East 150.35 feet to an iron pin corner, running thence South 30 degrees 12 minutes 09 seconds East 27.74 feet to an iron pin; thence South 31 degrees 09 minutes 41 seconds East 22.01 feet to a point; thence South 30 degrees 22 minutes 31 seconds East 77 65 feet to an iron pin corner; running thence North 60 degrees 52 minutes 16 seconds East 50.15 feet to an iron pin corner; running thence South 29 degrees 53 minutes 54 seconds East 215.17 feet to an iron pin corner on the northern right of way of Browns Bridge Road; running thence along said right of way of Browns Bridge Road South 72 degrees 02 minutes 02 seconds West 203 14 feet to the point of beginning.

LESS AND EXCEPT all that tract or parcel of land lying and being in Land Lot 170 of the 9th District of Hall County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the intersection formed by the northerly right of way line of State Route 369 a/k/a Browns Bridge Road (80-foot right of way) and the southernmost flange of the easterly right of way line of Whiting Drive, thence running easterly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road North 72 degrees 02 minutes 02 seconds East a distance of 100 95 feet to a point, said point also being the southeastern corner of original Lot 1 , Block B of the E. O. Whiting Subdivision and being the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, as thus established, thence leaving the northerly right of way line of State Route 369 a/k/a Browns Bridge Road and running along the original line dividing Lot 1 and Lot 2, E O Whiting Subdivision, North 29 degrees 53 minutes 54 seconds West a distance of 178 10 feet to a point; thence running North 60 degrees 48 minutes 20 seconds East a distance of 50.00 feet to a point; thence running North 30 degrees 22 minutes 31 seconds West a distance of 16.68 feet to a point; thence running North 60 degrees 52 minutes 16 seconds East a distance of 50.15 feet to a point; thence running South 29 degrees 53 minutes 54 seconds East a distance of 214.52 feet to a point on the northerly right of way line of State Route 369 a/k/a Browns Bridge Road; thence running westerly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road South 71 degrees 58 minutes 38 seconds West a distance of 102 19 feet to a point at the TRUE POINT OF BEGINNING, said property being known as Lot 2 and a portion of Lot 4 of the E O. Whiting Subdivision, said courses and distances being taken from a survey dated May 11, 1993, prepared by Farley-Collins Associates, and bearing the seal of William H. Collins, GRLS No. 1435 and the seal of H. P. Farley, Jr., GRLS No. 1301. Being the same property conveyed by Harry G. Hyatt to William T. Mundy, Jr. by Warranty Deed dated August 20, 1993 and recorded in Deed Book 2018, pages 278-280 of the Hall County, Georgia Deed Records.

BK7992PG164

AFTER RECORDING, RETURN TO:
Thomas H. Beisswenger, P.C.
272 W. Hancock Ave. Ste 300B
Athens, GA 30601
File No. 1755531

FILED
HALL CO. GA
17 NOV -2 AM 11:55
CHARLES BAKER, CLERK
SUPERIOR-STATE COURT
BY JP

Georgia Intangible Tax Paid
$ 750.00
11-2-2017
Charles Baker By JP
Charles Baker, Superior Court Clerk

DEED TO SECURE DEBT AND SECURITY AGREEMENT

State of Georgia
County of Clarke

THIS INDENTURE, made this 19th day of October, 2017, between **American IRA, LLC FBO James Tucker Roth IRA (50% undivided interest) and American IRA, LLC FBO John Erik Warm IRA (50% undivided interest)**, individually and jointly Grantor, and **Wayne Pinnix,** 1010 Jesse Jewell Parkway, Gainesville, Ga. 30501, Grantee.

Witnesseth:

That, Whereas, Grantor is justly indebted to Grantee in the sum of **TWO HUNDRED FIFTY THOUSAND AND 00/100 ($250,000.00) Dollars** in lawful money of the United States, and has agreed to pay the same, with interest thereon according to the terms of a certain note (the "Note") given by Grantor to Grantee, bearing even date herewith, with payment of principal and interest on or before the **19th day of December, 2022**, the Note, by reference being made a part hereof;

NOW, Therefore, in consideration of the premises and of the sum hereinabove set forth, Grantor has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee the following property; to-wit:

See Exhibit A attached hereto and incorporated by reference herein.

Together with all buildings, structures and other improvements now or hereafter located on the property hereinbefore described, or any part and parcel thereof, and

Together with all rights, title and interest of Grantor in and to the minerals, flowers, shrubs, crops, trees, timber, and other emblements now or hereafter on said property or above the same or any part or parcel thereof, and

Together with all and singular the tenements, hereditaments, easements and appurtenances thereunto belonging or in any wise appertaining, and the reversion or reversions, remainder and remainders, rents issues and profits thereof, and also all the estate, right, title interest; claim and demand whatsoever of Grantor of, in and to the same and of, in and to every part and parcel thereof; and

Together with all fixtures, whether actually or constructively attached to said property, including, but without limiting the generality of the foregoing, all heating, plumbing, boilers, furnaces, oil burners or units thereof, air-cooling and air-conditioning apparatus, elevators and escalators, together with all building materials and fixtures now or hereafter delivered to the premises and intended to be installed therein, together with all additions thereto and replacements thereof (Grantor hereby agreeing with respect to all additions and replacements to execute and deliver from time to time such further instruments as may be requested by Grantee to confirm the conveyance, transfer and assignment of any of the foregoing); and

Together with any and all rents which are now due or may hereafter become due by reason of the renting, leasing and bailment of property and improvements thereon; and

Together with any and all awards or payments, including interest thereon, and the right to receive the same, as a result of (a) the exercise of the right of eminent domain, (b) the alteration of the grade of any street or (c) any other injury to, taking of, or decrease in the value of, the premises, to the extent of all amounts which may be secured by this deed at the date of receipt of any such award or payment by Grantee and of the reasonable attorney's fees, costs and disbursements incurred by Grantee in connection with the collection of such award or payment.

Reviewed and Approved by:
Reviewed & Approved:

To Have and to Hold all the aforesaid property, property rights, contract rights, Equipment and claims (all of which are collectively referred to herein as the "Premises") to the use, benefit and behoof of the Grantee, forever, in Fee Simple.

Grantor warrants that Grantor has good title to the Premises, and is lawfully seized and possessed of the Premises and every part thereof, and has the right to convey same; that the Premises are unencumbered except as may be herein expressly provided; and that Grantor will forever warrant and defend the title to the Premises unto Grantee against the claims of all persons whomsoever.

This instrument is a deed and security agreement passing legal title pursuant to the laws of the State of Georgia governing loan or security deed and security agreements and is not a mortgage; and is made and intended to secure the payment of the indebtedness of Grantor to Grantee evidenced by the Note in accordance with the terms thereof, together with any and all other indebtedness now owing or which may hereafter be owing by Grantor to Grantee, however incurred, including advances by Grantee or any transferee of Grantee for the purpose of paying taxes or premiums on insurance on the Premises or to repair, maintain or improve the Premises (whether or not Grantor is at that time the owner of the Premises), and all renewal or renewals and extension or extensions and modification or modifications and consolidation or consolidations of the Note or other indebtedness, either in whole or in part (all of which are collectively referred to herein as the "Secured Indebtedness").

1. Grantor shall pay to Grantee the Secured Indebtedness with interest thereon as in the Note and this deed provided, except as otherwise specified herein.

2. Grantor shall pay when due and payable: (a) all taxes, assessments, general or special, and other charges levied on, or assessed, placed or made against the Premises, this instrument or the Secured Indebtedness or any interest of the Grantee in the Premises or the obligations secured hereby; (b) premiums on policies of fire and other hazard insurance covering the Premises, as required in Article 3 herein; (c) premiums on all collaterally pledged life insurance policies, if any; (d) premiums for mortgage insurance, if this deed and the Note are so insured; and (e) ground rents or other lease rentals, if any; payable by Grantor. Grantor shall promptly deliver to Grantee receipts showing payment in full of all the above items. Upon notification from Grantee, Grantor shall pay Grantee, together with and in addition to the payments of principal and interest payable under the terms of the Note secured hereby, on the installment-paying dates of the Note until said Note is fully paid or until notification from Grantee to the contrary, an amount reasonably sufficient (as estimated by Grantee) to provide Grantee with funds to pay said taxes, assessments, insurance premiums, rents and other charges next due so that Grantee will have sufficient funds on hand to pay same thirty (30) days before the date on which they become past due. In no event shall Grantee be liable for any interest on any amount paid to it as herein required, and the money so received may be held and commingled with its own funds, pending payment or application thereof as herein provided. Grantor shall furnish to Grantee, at least thirty (30) days before the date on which the same will become past due, an official statement of the amount of said taxes, assessments, insurance premiums and rents next due, and Grantee shall pay said charges to the amount of the then unused credit therefore as and when they become severally due and payable. An official receipt therefore shall be conclusive evidence of such payment and of the validity of such charges. Grantee may, at its option, pay any of these charges when payable, either before or after they become past due, without notice, or make advances therefore in excess of the then amount of credit for said charges. The excess amount advanced shall become part of the Secured Indebtedness and bear interest at the rate of interest provided in the Note from date of advancement. Grantee may apply credits held by it for the above charges, or any part thereof on account of any delinquent installments of principal or interest or any other payments maturing or due under this instrument, and the amount of credit existing at any time shall be reduced by the amount thereof paid or applied as herein provided. The amount of the existing credit hereunder at the time of any transfer of the Premises shall, without assignment thereof, inure to the benefit of the successor-owner of the Premises and shall be applied under and subject to all of the provisions hereof. Upon payment in full of the Secured Indebtedness, the amount of any unused credit shall be paid over to the person entitled to receive it.

3. Grantor shall maintain the Premises in good condition and repair, shall not commit or suffer any waste to the Premises, and shall comply with, or cause to be complied with, all restrictive covenants, statutes, ordinances and requirements of any governmental authority relating to the Premises and the use thereof or any part thereof. Grantor shall promptly repair, restore, replace or rebuild any part of the Premises, now or hereafter encumbered by this deed, which may be affected by any proceeding of the character referred to in Article 7 herein. No part of the Premises, including, but not limited to, any building, structure, parking lot, driveway, landscape scheme, timber or other ground improvement, equipment or other property, now or hereafter conveyed as security by or pursuant to this deed, shall be removed, demolished or materially altered without the prior written consent of Grantee. Grantor shall

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complete, within a reasonable time, and pay for any building, structure or other improvement at any time in the process of construction on the property herein conveyed. Grantor shall not initiate, join in or consent to any change in any private restrictive covenant, zoning ordinance or other public or private restrictions limiting or defining the uses which may be made of the Premises or any part thereof. Grantee and any persons authorized by Grantee shall have the right to enter and inspect the Premises at all reasonable times and access thereto shall be permitted for that purpose.

4. Grantor shall execute and deliver (and pay the costs of preparation and recording thereof) to Grantee and to any subsequent holder from time to time, upon demand, any further instrument or instruments, including, but not limited to, security deeds, security agreements, financing statements, assignments and renewal and substitution notes, so as to reaffirm, to correct and to perfect the evidence of the obligation hereby secured and the legal security title of Grantee to all or any part of the Premises intended to be hereby conveyed, whether now conveyed, later substituted for, or acquired subsequent to the date of this Deed and extensions or modifications thereof. Grantor, upon request, made either personally or by mail, shall certify by a writing, duly acknowledged, to Grantee or to any proposed assignee of this deed, the amount of principal and interest then owing on the Secured Indebtedness and whether or not any offsets or defenses exist against the Secured Indebtedness, within 6 days in case the request is made personally, or within 10 days after the mailing of such request in case the request is made by mail.

5. Grantee shall be subrogated to all right, lien, or equity of all persons to whom it may have paid moneys in settlement of liens, charges, or in acquisition of title of or for its benefit hereunder, or for the benefit and account of Grantor at the time of making the loan evidenced by this security deed, or subsequently under any of the provisions herein.

6. Notwithstanding any taking of any property, herein conveyed and agreed to be conveyed, by eminent domain, alteration of the grade of any street or other injury to, or decrease in value of, the Premises by any public or quasi-public authority or corporation, Grantor shall continue to pay principal and interest on the Secured Indebtedness, and any reduction in the Secured Indebtedness resulting from the application by Grantee of any award or payment for such taking, alteration, injury or decrease in value of Premises, as hereinafter set forth, shall be deemed to take effect only on the date of such receipt; and said award or payment may, at the option of Grantee, be retained and applied by Grantee toward payment of the Secured Indebtedness, or be paid over, wholly or in part, to Grantor for the purpose of altering, restoring or rebuilding any part of the Premises which may have been altered, damaged or destroyed as a result of any such taking, alteration of grade, or other injury to the Premises, or for any other purpose or object satisfactory to Grantee, but Grantee shall not be obligated to see to the application of any amount paid over to Grantor. If, prior to the receipt by Grantee of such award or payment, the Premises shall have been sold on foreclosure of this deed, Grantee shall have the right to receive said award or payment to the extent of any deficiency found to be due upon such sale, with legal interest thereon, whether or not a deficiency judgement on this deed shall have been sought or recovered or denied, and of the reasonable counsel fees, costs and disbursements incurred by Grantee in connection with the collection of such award or payment.

7. Grantor shall deliver to Grantee, at any time within 30 days after notice and demand by Grantee but not more frequently than once per month, a statement in such reasonable detail as Grantee may request, certified by the Grantor or an executive officer of a corporate Grantor, of the leases relating to the Premises, and (ii) a statement in such reasonable detail as Grantee may request, certified by a certified public accountant or, at the option of Grantee, by the Grantor or an executive officer or treasurer of a corporate Grantor, of the income from and expenses of any one or more of the following: (a) the conduct of any business on the Premises (b) the operation of the Premises; or (c) the leasing of the Premises or any part thereof, for the last 12 months calendar period prior to the giving of such notice, and, on demand, Grantor shall furnish to Grantee executed counterparts of any such leases at convenient facilities for the audit and verification of any such statement.

8. Each of the following events shall constitute an "Event of Default" under this deed:

(i) should Grantor fail to pay the Secured Indebtedness or any part thereof, when and as the same shall become due and payable;

(ii) should any warranty or representation of Grantor herein contained, or contained in any instrument, transfer, certificate, statement, conveyance, assignment or loan agreement given with respect to the Secured Indebtedness, prove untrue or misleading in any material aspect;

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(iii) should the Premises be subject to actual or threatened waste, or any part thereof be removed, demolished or materially altered so that the value of the Premises be diminished except as provided for in Article 6 herein;

(iv) should any federal tax lien or claim of lien for labor or material be filed of record against Grantor or the Premises and not be removed by payment or bond within 30 days from date of recording;

(v) should any claim of priority to this deed by title, lien or otherwise be asserted in any legal or equitable proceeding;

(vi) should Grantor, if a corporation, be liquidated or dissolved or its charter expire or be revoked, or, if a partnership or business association, be dissolved or partitioned, or, if a trust, be terminated or expire;

(vii) should the Grantor make an assignment for the benefit of creditors, file or have filed against Grantor a petition for relief under any chapter of the Bankruptcy Code, or should any custodian, receiver, or trustee be appointed for it or any part of its assets or should any proceeding under any bankruptcy, reorganization, arrangements, readjustment of debt, dissolution or liquidation law or statute of any jurisdiction, whether or not hereafter in effect, be commenced by or against Grantor;

(viii) should Grantor fail to keep, observe, perform, carry out and execute in every particular the covenants, agreements, obligations and conditions set out in this deed, or in the Note, or in any instrument, transfer, conveyance, assignment or loan agreement given with respect to the Secured Indebtedness; (ix) should any event occur under any instrument, deed or agreement, given or made by Grantor to or with any third party, which would authorize the acceleration of any debt to any such third party the acceleration of which would materially affect Grantor's ability to pay when due any amounts owed to Grantee;

(x) should Grantor fail to perform any agreement or promise to Grantee or to pay any obligation whatsoever to Grantee when due.

(xi) it is specifically understood and agreed by the parties herein that any sale, change of ownership, change in possession or transfer of any interest in the above-described property without the consent of the Grantee hereof shall, at the option of the Grantee, constitute a default hereunder (see Article 12 herein).

9. If an Event of Default occurs and remains uncured, Grantee may do any one or more of the following:

(i) enter upon and take possession of the Premises without the appointment of a receiver, or an application therefor, employ a managing agent of the Premises and let the same, either in its own name, or in the name of Grantor, and receive the rents, incomes, issues and profits of the Premises and apply the same, after payment of all necessary charges and expenses, on account of the Secured Indebtedness, and Grantor will transfer and assign to Grantee, in form satisfactory to Grantee, Grantor's lessor interest in any lease now or hereafter affecting the whole or any part of the Premises;

(ii) pay any sums in any form or manner deemed expedient by Grantee to protect the security of this instrument or to cure any event of default other than payment of interest and principal on Secured Indebtedness; make any payment hereby authorized to be made according to any bill, statement or estimate furnished or procured from the appropriate public officer or the party claiming payment without inquiry into the accuracy or validity thereof, and the receipt of any such public officer or party in the hands of Grantee shall be conclusive evidence of the validity and amount of items so paid, in which event the amounts so paid, with interest thereon from the date of such payment at the rate of interest stated in the Note shall be added to and become a part of the Secured Indebtedness and be immediately due and payable to Grantee; and Grantee shall be subrogated to any encumbrance, lien, claim or demand, and to all the rights and securities for the payment thereof, paid or discharged with the principal sum secured hereby or by Grantee under the provisions hereof, and any such subrogation rights shall be additional and cumulative security to this instrument;

(iii) declare the entire Secured Indebtedness immediately due, payable and collectible, without notice to Grantor, regardless of maturity, and in that event, the entire Secured Indebtedness shall become immediately due, payable and collectible; and thereupon, Grantee may sell and dispose of the Premises at public auction, at the usual place for conducting sales at the courthouse in the county where the Premises or any part thereof may be, to the highest bidder for cash, first advertising the time, terms and place of such sale by publishing a notice thereof once a week for four consecutive weeks in a newspaper in which sheriff's advertisements are published in said county, and after giving such other notice required by law; and Grantee may thereupon execute and deliver to the purchaser at said sale a sufficient conveyance of the Premises in fee simple, which conveyance may contain recitals as to the happening of the default upon which the execution of the power of sale, herein granted, depends, and said recitals shall be presumptive evidence that all preliminary acts prerequisite to said sale and deed were in all things duly complied with; and Grantee, its agents, representatives, successors or assigns, may bid and

purchase at such sale; and Grantor hereby constitutes and appoints grantee or its assigns agent and attorney in fact to make such recitals, sale and conveyance, and all of the acts of such attorney in fact are hereby ratified, and Grantor agrees that such recitals shall be binding and conclusive upon Grantor and that the conveyance to be made by Grantee, or its assigns, (and in the event of a deed in lieu of foreclosure, then as to such conveyance) shall be effectual to bar all right, title and interest, equity of redemption, including all statutory redemption, homestead, dower, courtesy, and all other exemptions of Grantor, or its successors in interest, in and to said Premises; and Grantee, or its assigns, shall collect the proceeds of such sale, reserving therefrom all unpaid Secured Indebtedness with interest then due thereon, and all amounts advanced by Grantee for taxes, assessments, fire insurance premiums and other charges, with interest at the rate of interest stated in the Note thereon from date of payment, together with all costs and charges for advertising, and commissions for selling the Premises, and fifteen percent (15%) of the aggregate amount due, as attorney's fees, and pay over any surplus to Grantor (in the event of deficiency Grantor shall immediately on demand from Grantee pay over to Grantee, or its nominee, such deficiency); and Grantor agrees that possession of the Premises during the existence of the Secured Indebtedness by Grantor, or any person claiming under Grantor, shall be that of tenant under Grantee, or its assigns, and, in case of a sale, as herein provided, Grantor or any person in possession under Grantor shall then become and be tenants holding over, and shall forthwith deliver possession to the purchaser at such sale, or be summarily dispossessed in accordance with the provisions of law applicable to tenants holding over; the power and agency hereby granted are coupled with an interest and are irrevocable by death or otherwise, and are in addition to any and all other remedies which Grantee may have at law or in equity.

Grantee, in any action to foreclose this deed, or upon any event of default, shall be at liberty to apply for the appointment of a receiver of the rents and profits or of the Premises or both without notice, and shall be entitled to the appointment of such a receiver as a matter of right, without consideration of the value of the Premises as security for the amounts due the Grantee, or the solvency of any person or corporation liable for the payment of such amounts.

In case of any sale under this deed by virtue of the exercise of the power herein granted, or pursuant to any order in any judicial proceedings or otherwise, at the election of Grantee the Premises or any part thereof may be sold in one parcel and as an entirety, or in such parcels, manner or order as Grantee in its sole discretion may elect, and one or more exercises of the powers herein granted shall not extinguish or exhaust the power unless the entire Premises are sold or the Secured Indebtedness paid in full.

10. Grantor agrees that where, by the terms of the conveyance or the Note secured hereby, a day is named or a time fixed for the payment of any sum of money or the performance of any agreement, the time stated enters into the consideration and is of the essence of the whole contract.

11. If all or any part of the Premises is sold, conveyed or otherwise transferred without obtaining the prior written consent of Grantee, Grantee may declare an AEvent of Default@ except as prohibited by law. Grantee may, in its sole discretion, consent to such sale or transfer. Should Grantee consent to such sale or transfer, it will be deemed to have waived its right to accelerate the Secured Indebtedness only if prior to such sale or transfer (a) Grantee determines that the credit of any purchaser or transferee is satisfactory; (b) the purchaser or transferee agrees to pay interest on the amount owed to Grantee under the Note and under this Deed to Secure Debt at whatever rate Grantee requires; (c) the purchaser or transferee executes an assumption agreement that is acceptable to Grantee that obligates the purchaser or transferee to keep all the promises and agreements made in the Note and in this Deed to Secure Debt whether according to their original terms or as amended pursuant to the assumption agreement and (d) the purchaser or transferee pays the transfer fee required by Grantee. The foregoing provisions will apply to each and every sale and transfer whether or not the Grantee has consented to any previous sale or transfer.

12. Grantee shall have the right from time to time to sue for any sums, whether interest, principal or any installment of either or both, taxes, penalties, or any other sums required to be paid under the terms of this deed, as the same become due, without regard to whether or not all of the Secured Indebtedness shall be due on demand, and without prejudice to the right of Grantee thereafter to enforce any appropriate remedy against the Grantor, including an action of foreclosure, or any other action, for a default or defaults by Grantor existing at the time such earlier action was commenced.

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13. The rights of Grantee, granted and arising under the clauses and covenants contained in this deed and the Note, shall be separate, distinct and cumulative of other powers and rights herein granted and all other rights which Grantee may have in law or equity, and none of them shall be in exclusion of the others; and all of them are cumulative to the remedies for collection of indebtedness, enforcement of rights under security deeds, and preservation of security as provided at law. No act of Grantee shall be construed as an election to proceed under any one provision herein or under the Note to the exclusion of any other provision, or an election of remedies to the bar of any other remedy allowed at law or in equity, anything herein or otherwise to the contrary notwithstanding.

14. Every provision for notice and demand or request shall be deemed fulfilled by written notice and demand or request personally served on one or more of the persons who shall at the time hold the record title to the Premises, or on their heirs or successors, or mailed by depositing it in any post office station or letter box, enclosed in a postpaid envelope (a) addressed to such person or persons, or their heirs or successors, at his, their or its address last known to Grantee, or (b) addressed to the street address of the Premises hereby conveyed.

15. Any indulgence or departure at any time by the Grantee from any of the provisions hereof, or any obligation hereby secured, shall not modify the same or relate to the future or waive future compliance therewith by the Grantor.

16. The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, (and if a corporation, its officers, employees, agents or attorneys) and any and all other persons or entities, and the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the word "Note" shall also include one or more notes and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed, the term "Grantor" shall mean all parties signing, and each of them, and each agreement, obligation and Secured Indebtedness of the Grantor shall be and means the several as well as joint undertaking of each of them.

17. By execution hereof by the Grantor and acceptance hereof by the Grantee, the parties hereto hereby affirmatively state that they intend to create and establish a perpetual or indefinite security interest in favor of the Grantee in the Premises pursuant to O.C.G.A. '44-14-80(a)(1) or '44-14-80(a)(2), as applicable, and agree that title to the Premises conveyed hereby shall not revert to Grantor until the expiration of the longest period of time permitted under whichever of such subsections as shall be applicable to this conveyance, or, if later, the date determined in accordance with O.C.G.A. '44-14-80(b) or (c), as applicable, if any portion or all of the indebtedness evidenced by the Guarantee is extended or renewed.

18. Any other provision of this Deed to the contrary notwithstanding, Lender, by acceptance hereof, expressly agrees that: (a) Borrower shall be liable upon the Secured Indebtedness to the full extent (but only and limited to the extent) of the security or collateral given to secure the payment hereof, the same being the property described in Exhibit "A" attached hereto; (b) if default occurs in the timely and proper payment of all or any part of such indebtedness, sums or amounts, any proceedings, judicial or otherwise, brought by Lender against Borrower shall be limited to the preservation, enforcement and foreclosure, or any thereof, of the liens, security titles, estates, assignments, property rights and security interests now or at any time hereafter acquired in the said property securing the payment of the Secured Indebtedness, and no attachment, execution, judgment or other writ of process shall be sought, issued or levied upon any assets, properties or funds of Borrower other than said property; and (c) in the event of a foreclosure of such liens, security titles, estates, assignments, property rights and security interests securing the payment of the Secured Indebtedness, whether by judicial proceedings or exercise of power of sale, or otherwise, no judgment for any deficiency upon such indebtedness, sums and amounts shall be sought or obtained by Lender against Borrower; provided, however, that, notwithstanding the foregoing provisions of this paragraph, Borrower shall be fully liable (a) for fraud or misrepresentations, (b) for the misapplication of (i) proceeds paid prior to any such foreclosure under any insurance policies by reason of damage, loss or destruction to any portion of the said property to the full extent of such proceeds so misapplied, (ii) proceeds or awards resulting from the condemnation, or other taking in lieu of condemnation, prior to any such foreclosure, of any portion of the said property to the full extent of such proceeds or awards so misapplied, (iii) rents, issues, profits and revenues received or applicable to a period subsequent to the occurrence of a default under the Loan Documents, but prior to such foreclosure. Nothing contained in this paragraph shall (i) be deemed to constitute a release or impairment

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of the Secured Indebtedness or the lien and validity of this Deed upon the property described herein, or (ii) preclude Lender from foreclosing this Deed in case of any default or enforcing any of the other rights of Lender except as expressly stated in this paragraph.

In Witness Whereof, this deed has been duly executed and sealed by Grantor the day and year first above written.

AMERICAN IRA, LLC FBO JAMES TUCKER
ROTH IRA (50% undivided interest)

BY: _____(SEAL)
AMERICAN IRA, LLC, Third Party Administrator
for James Tucker Roth IRA Only

By Erika Wilson, Senior Investment Coord.

AMERICAN IRA, LLC FBO JOHN ERIK WARM
IRA (50% undivided interest)

BY: _____(SEAL)
AMERICAN IRA, LLC, Third Party Administrator
for John Erik Warm IRA Only

By Erika Wilson, Senior Investment Coord.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public

This instrument is hereby canceled and the Clerk of the Superior Court of Athens-Clarke County, Georgia, is hereby authorized and directed to mark it satisfied of record.

MICHELLE D RUBIO
Notary Public, North Carolina
Buncombe County
My Commission Expires
10-13-15

Reviewed and Approved by:

Reviewed & Approved:

Escrow File No.: 1755531

BK7992PG171

EXHIBIT "A"

All those lots, tracts and parcels of land lying situate and being in Land Lot 170, 9th Land District, Hall County, Georgia, being one-half of Lot 11 and all of Lot 12 of the E O Whiting Resubdivision, Block B, together with Lots 1, 2 and a portion of Lot 4, Block B of the E. O. Whiting Subdivision, said Lots forming one contiguous tract on the Northern quadrant of the intersection of Whiting Drive and State Route 369 (Browns Bridge Road). Said tract is more particularly shown by a plat for the E. O. Whiting Estate prepared by Henry Grady Jarrard, Georgia Registered Land Surveyor, dated April 8, 1985, which plat is by reference made a part hereof. As shown by said plat the property is more particularly described as follows

BEGINNING at a point designated by nail at the intersection of the northern most flange of Whiting Drive as the same intersects with the northern right of way of Browns Bridge Road, running thence along said right of way of Whiting Drive North 53 degrees 01 minutes 14 seconds West 22.42 feet to a nail; thence continuing along the northeastern right of way of Whiting Drive North 26 degrees 48 minutes 35 seconds West 98 46 feet to a point, thence North 29 degrees 26 minutes 41 seconds West 96.61 feet to a point; thence North 30 degrees 05 minutes 13 seconds West 84 11 feet to an iron pin corner; running thence through Lot 11 and along the property of Billie C Cain North 59 degrees 30 minutes East 150.35 feet to an iron pin corner, running thence South 30 degrees 12 minutes 09 seconds East 27.74 feet to an iron pin; thence South 31 degrees 09 minutes 41 seconds East 22.01 feet to a point; thence South 30 degrees 22 minutes 31 seconds East 77 65 feet to an iron pin corner; running thence North 60 degrees 52 minutes 16 seconds East 50.15 feet to an iron pin corner; running thence South 29 degrees 53 minutes 54 seconds East 215.17 feet to an iron pin corner on the northern right of way of Browns Bridge Road; running thence along said right of way of Browns Bridge Road South 72 degrees 02 minutes 02 seconds West 203 14 feet to the point of beginning.

LESS AND EXCEPT all that tract or parcel of land lying and being in Land Lot 170 of the 9th District of Hall County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the intersection formed by the northerly right of way line of State Route 369 a/k/a Browns Bridge Road (80-foot right of way) and the southernmost flange of the easterly right of way line of Whiting Drive, thence running easterly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road North 72 degrees 02 minutes 02 seconds East a distance of 100 95 feet to a point, said point also being the southeastern corner of original Lot 1 , Block B of the E. O. Whiting Subdivision and being the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, as thus established, thence leaving the northerly right of way line of State Route 369 a/k/a Browns Bridge Road and running along the original line dividing Lot 1 and Lot 2, E O Whiting Subdivision, North 29 degrees 53 minutes 54 seconds West a distance of 178 10 feet to a point; thence running North 60 degrees 48 minutes 20 seconds East a distance of 50.00 feet to a point; thence running North 30 degrees 22 minutes 31 seconds West a distance of 16.68 feet to a point; thence running North 60 degrees 52 minutes 16 seconds East a distance of 50.15 feet to a point; thence running South 29 degrees 53 minutes 54 seconds East a distance of 214.52 feet to a point on the northerly right of way line of State Route 369 a/k/a Browns Bridge Road; thence running westerly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road South 71 degrees 58 minutes 38 seconds West a distance of 102 19 feet to a point at the TRUE POINT OF BEGINNING, said property being known as Lot 2 and a portion of Lot 4 of the E O. Whiting Subdivision, said courses and distances being taken from a survey dated May 11, 1993, prepared by Farley-Collins Associates, and bearing the seal of William H. Collins, GRLS No. 1435 and the seal of H. P. Farley, Jr., GRLS No. 1301. Being the same property conveyed by Harry G. Hyatt to William T. Mundy, Jr. by Warranty Deed dated August 20, 1993 and recorded in Deed Book 2018, pages 278-280 of the Hall County, Georgia Deed Records.

Reviewed and Approved by:

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Outlook

1604, 1608 Whiting Drive and 1790 Browns Bridge Road

From Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Date Thu 6/12/2025 9:05 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

From: Nick Swafford <NSwafford@gainesvillega.gov>
Sent: Thursday, June 12, 2025 8:14:19 AM
To: Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Brittany Passmore (CDI: Planning) <bawalker@hallcounty.org>
Cc: 'James Irvin' <jirvin@foothillsld.com>
Subject: 1604, 1608 Whiting Drive and 1790 Browns Bridge 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.

Good morning,

Please allow this email to serve as confirmation of water and sanitary sewer availability for the subject addresses. If you need anything further, please let me know.

Thanks,

Nick Swafford
Permitting Services & GIS Manager
Department of Water Resources

GAINESVILLE

O | 770.538.2452
www.gainesville.org

300 Henry Ward Way, Ste. 305
Gainesville, GA 30501

Outlook

HCPC Tentative Agenda 7.21.25

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Wed 6/18/2025 12:14 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Cc Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>

Please find Environmental Health comments below:

Item 1, 5674 Bark Camp Rd, Lean on Me: Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Items 2/3A/3B/4A/4B, 1608 Whiting Drive, Vargas: No comment. Public Sewer.

Item 5, 5019 Cagle Mill, NCP Holdings: No comment. Public Sewer.

Item 6, 4020/3886 Cornelia Hwy: No comment. Public Sewer.

Item 7, A/B, 5684 Bethel Road, Truelove: 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 8, 5979 New Bethany Rd, Brown: 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 9, 4965 Bryant Quarter Rd, Clouse: No comment.

Item 10, 5970 Cleveland Hwy, Academy P1: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 11, County Staff: 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

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.

Outlook

RE: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

From Nembhard, Nakia L <NNembhard@dot.ga.gov>
Date Mon 6/16/2025 8:13 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

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,

Below you will find comments on proposed locations. If you have any questions please let me know.

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | P**roposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**. **(Does Not Require GDOT Coordination)**

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant** **(Does Not Require GDOT Coordination)**

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant** **(Does Not Require GDOT Coordination)**

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant** **(Will Require GDOT Coordination)**

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant** **(Does Not Require GDOT Coordination)**

Thanks,

Nakia Nembhard
Civil Engineer 3

Georgia Department of Transportation

District 1 Traffic Operations
1475 Jesse Jewell Pkwy Suite 100
Gainesville, GA, 30501

(678) 332-8200 Cell
(770) 533-8496 Office

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, June 12, 2025 12:02 PM
Subject: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

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 **July 21, 2025** Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

PUBLIC WORKS AND
UTILITIES DIRECTOR
Bill Nash, P.E.

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: June 20, 2025

Subject: July 21, 2025 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 21, 2025 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **5674 Bark Camp Road | Special Use** | for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**.

a. **Engineering**: No comment
b. **Traffic:** No comment.
c. **Utilities:** Septic area. Hall County sewer service but no sewer in area.

2. **1608 Whiting Drive | Rezone** | from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby.

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 &

H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** No sewer in area. Gainesville water

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

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

North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
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Show FEMA and Hall County studied Flood plains that are present on site.
North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
(B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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:** Commercial driveway

c. **Utilities:** Hall County sewer area.
No sewer infrastructure in area.

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south

east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

a. **Engineering**: Show stream buffer and impervious setback from wrested vegetation not centerline of stream
b. **Traffic:** Commercial driveway
c. **Utilities:** Buford sewer service area.

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant**

a. **Engineering**: 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:** No comment
c. **Utilities:** Hall County sewer service area
   No sewer infrastructure in area.

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b. **Traffic:** G-DOT coordination
   Commercial driveway if no access to SR 11
c. **Utilities:** Clermont sewer service area.

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant**

a. **Engineering**: No comment
b. **Traffic:** No comment
c. **Utilities:** No comment

Outlook

Fire Comment

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Fri 6/13/2025 2:02 PM
To Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

July 21, 2025 Hall County Planning Commission Meeting

1. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
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   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant**
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   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**

Hall County Fire Marshal's Office comments:

1. If approved the site development plan 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

HALL COUNTY
GEORGIA
We have it all in Hall

HALL COUNTY
HIGHLANDS
EST. 1970
ISLANDS
FIRE
RESCUE

Outlook

1786 Browns bridge rd.

From Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Date Wed 7/23/2025 11:51 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

From: Mark Turner
Sent:
To: Beth Garmon (CDI: Planning)
Subject: Fw: 1786 Browns bridge rd.

You don't often get email from [redacted] 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.

Download full resolution imagesAvailable until Aug 22, 2025

Hello Beth, this is Mark Turner the owner of Select pest control at 1786 Browns Bridge Rd. this is what I'm dealing with less than 24 hours after the planning zoning meeting. I will be sending you other emails as I have a recording with me and the owner disputing property lines already
Thanks for your help Mark Turner

TUE 22
5:44
8:44PM 2HR 59MIN

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: GERARDO VARGAS
REQUEST: SPECIAL USE FOR OUTDOOR STORAGE AND VEHICLE REPAIR, MAJOR WITH VARIANCES TO STANDARDS
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JULY 21, 2025
Time: 5:15 P.M.
&
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809
ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: GERARDO VARGAS
REQUEST: REZONE FROM R-1 TO H-B FOR VEHICLE REPAIR, MAJOR
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JULY 21, 2025
Time: 5:15 P.M.
&
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.
2. The Planning Department shall send notification by letter of all other property owners within a 500-foot radius of the applicant's property is standard administrative policy of the Planning Department.
3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road; or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN JUNE 13, 2025 AND NO LATER THAN JUNE 22, 2025.

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN JUNE 22, 2025 ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.

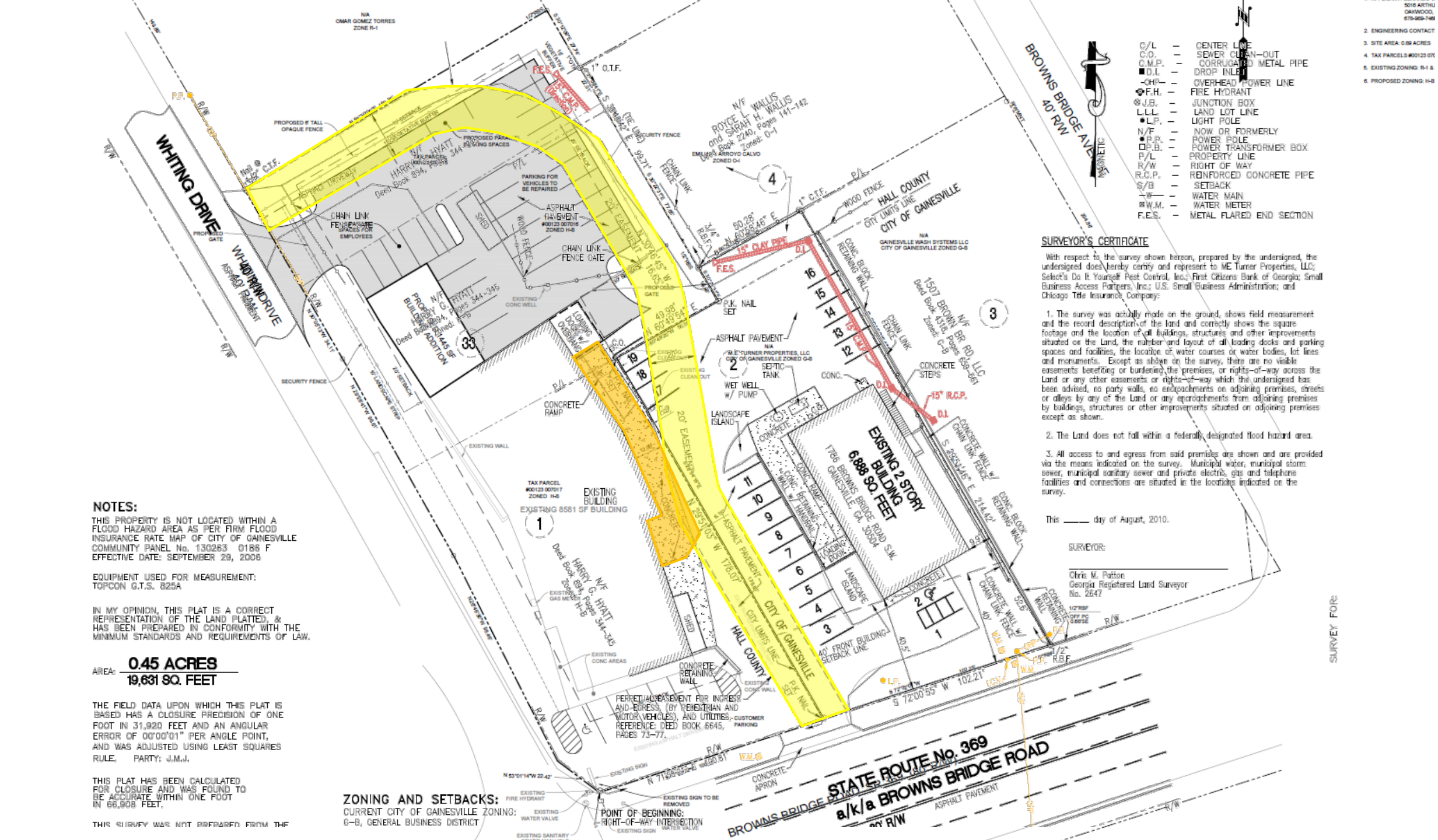
Failure to comply will result in a delay of the application.

AFFIDAVIT

By my signature, I, Gerardo Vargas (Please Print Name)**, hereby acknowledge that I have read and understand the sign posting requirements. I further certify that the required public notice sign was posted on** June 17, 2025 (Date) **for** _____ (Name application filed as).

Signature Gerardo Vargas (The original document is required)

Revised September 2021


WHITING DRIVE
WHITING DRIVE
ASPHALT PAVEMENT
BROWNS BRIDGE AVE.
40' R/W
STATE ROUTE No. 369
a/k/a BROWNS BRIDGE ROAD
BROWNS BRIDGE ROAD 80' R/W
HALL COUNTY
CITY OF GAINESVILLE
CITY LIMITS LINE
EXISTING 2 STORY
6,888 SQ. FEET
BUILDING
1786 BROWNS BRIDGE ROAD S.W.
GAINESVILLE, GA. 30504
EXISTING
BUILDING
EXISTING 8581 SF BUILDING
PROPOSED
BUILDING
6,445 SF
20' EASEMENT
15" CLAY PIPE
15" R.C.P.
CONCRETE RAMP
CONCRETE STEPS
CONCRETE RETAINING WALL
CHAIN LINK FENCE
CHAIN LINK FENCE GATE
WOOD FENCE
SEPTIC TANK
WET WELL
W/ PUMP
LANDSCAPE ISLAND
ASPHALT PAVEMENT
PARKING FOR VEHICLES TO BE REPAIRED
PROPOSED PARKING SPACES
SHED
EXISTING CONC WELL
EXISTING GAS METER
EXISTING CONC AREAS
EXISTING WALL
SECURITY FENCE
PROPOSED 6' TALL OPAQUE FENCE
PROPOSED GATE
EXISTING SIGN TO BE REMOVED
EXISTING FIRE HYDRANT
EXISTING WATER VALVE
EXISTING SANITARY
EXISTING SIGN
CONCRETE APRON
CONCRETE RETAINING WALL
PERPETUAL EASEMENT FOR INGRESS AND EGRESS, (BY PEDESTRIAN AND MOTOR VEHICLES), AND UTILITIES.
REFERENCE: DEED BOOK 6645, PAGES 73-77.
CUSTOMER PARKING
40' FRONT BUILDING SETBACK LINE
POINT OF BEGINNING:
RIGHT-OF-WAY INTERSECTION
N/A
OMAR GOMEZ TORRES
ZONE R-1
HARRY G. HYATT
Deed Book 894, Pages 344-345
Zoned: H-B
TAX PARCELS
#00123 007016
#00123 007017
ZONED H-B
ROYCE L. WALLIS
and SARAH H. WALLIS
Book 2240, Pages 141-142
Zoned: O-I
EMILIO ARROYO CALVO
ZONED O-I
1507 BROWN BR. RD. LLC
Deed Book 4316, Pages 859-861
Zoned: G-B
M.E. TURNER PROPERTIES, LLC
CITY OF GAINESVILLE ZONED G-B
GAINESVILLE WASH SYSTEMS LLC
CITY OF GAINESVILLE ZONED G-B
1" O.T.F.
1" C.T.F.
P.K. NAIL SET
P.K. NAIL FOUND
1/2" RBF
OFF PC 0.69'SE
1/2" RBF
OFF PC 0.69'SE
1/2" RBF
OFF PC 0.69'SE
W.M.
L.P.
S.P.
C.O.
D.I.
F.E.S.
R.C.P.
S 72°00'55" W 102.21'
N 72°00'55" E 214.42'
S 29°54'45" E 214.42'
N 29°54'45" W 94.6'
N 29°54'45" W 94.6'
N 29°54'45" W 178.07'
S 29°54'45" E 178.07'
N 53°01'14" W 22.42'
N 71°58'46" E 99.81'
S 60°58'46" E 50.28'
N 40°58'46" W 16.65'
N 49°01'14" E 99.71'
S 49°01'14" W 99.71'
N 40°58'46" W 16.65'
N 60°49'54" E 49.96'
S 60°49'54" W 49.96'
S 29°54'45" E 214.42'
S 29°54'45" E 214.42'
S 29°54'45" E 214.42

AGENDA ITEM

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

REPORT TO:	**Work Session (08/25/25)**
REPORT TO:	**Voting Meeting (08/28/25)**
ITEM NO:	487/2025
SUBJECT:	**1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use |** on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | Commission District 4 | **Gerardo Vargas, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG
Recommendation:

Approval, with conditions

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.
4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
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. The existing 8,581 square foot building and existing carport is approved as shown on the submitted site plan; however, any expansion of the existing structures within the building setback lines shall require approval of a setback variance by the Hall County Planning Commission.
8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
9. The proposed 1,445 square foot building addition, as shown on the submitted site plan, shall be required to meet the minimum 30 foot front yard setback along Whiting Drive unless a separate setback variance is applied for and approved by the Planning Commission.
10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.
11. A 10 foot landscape strip shall not be required along Browns Bridge Road as shown on the submitted site plan.
12. Parking may be permitted between Browns Bridge Road and the primary building as shown on the submitted site plan.
13. A reduction in the required parking spaces is granted from 56 spaces to 36 spaces as shown on the submitted site plan.
14. A 6 foot high PVC opaque fence shall be required along Whiting Drive. All other fencing, as shown on the site plan, shall be 6-foot high vinyl coated chain link fencing either black or green in color. The proposed gate along Whiting Drive shall be vinyl coated chain link at minimum.
15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

Purpose of Request:

1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | Commission District 4 | **Gerardo Vargas, applicant**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
BG	BG	JL	CR
Clerk			
JR			

Attachments:
Board Memo
Recommendation Report
Application
Narrative
Site Plan
Plat
Maps
Easement Survey
Deed
Legal Description
Water and Sewer Availability
Environmental Health Comment
GDOT Comment
Public Works Comment
Fire Comment
Public Comment
Notice Sign
Site Plan Mark Up

HALL COUNTY
GEORGIA
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GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

Hall County Government
PLANNING AND ZONING

To: David Gibbs, 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 11, 2025

Subject: **1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major**| **Gerardo Vargas, applicant**

The request before you is from Gerardo Vargas for a special use for vehicle repair, major within the Gateway Corridor Overlay District (GCOD). This item is located within Commission District 4.

At their July 21, 2025, the Hall County Planning Commission voted to recommend **approval, with fifteen (15) conditions (4-0).**

Staff recommendation: **Approval, with conditions,** as the proposed use is consistent with the "Business Nodes and Corridors" Future Land Use designation in the Comprehensive Plan.

There were **no comments submitted** in advance of the Planning Commission meeting and **two (2) people spoke in opposition during the public hearing.**

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening

of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.

4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
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. The existing 8,581 square foot building and existing carport is approved as shown on the submitted site plan; however, any expansion of the existing structures within the building setback lines shall require approval of a setback variance by the Hall County Planning Commission.
8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
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15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Gerardo Vargas

Request ..... **Special Use** | Vehicle repair, major

Proposed Use ..... Vehicle repair, major

Size ..... 0.90± acres

Zoning ..... Residential 1 (R-1) & Highway Business (H-B, GCOD)

Location ..... **1604 & 1608 Whiting Drive and 1790 Browns Bridge Road |** Tax Parcels 00123 007016, 007015 & 007017

Commission District ..... Four

Planning Commission Date ..... July 21, 2025

Staff Recommendation ..... **Approval, with conditions,** as the proposed use is consistent with the "Business Nodes and Corridors" Future Land Use designation in the Comprehensive Plan

Record Number(s) HZCU25-0027

Planning Commission Recommendation ..... Approval with conditions

Vote: 4-0

Planning Commission Conditions:

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Excerpts from the minutes of the July 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Brad Trotter, 164 Professional Drive, Baldwin, presented the request. The applicant is requesting approval of two separate special uses on a 0.90± acre tract zoned Residential 1 (R-1) and Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD) for (A) vehicle repair, major, and (B) outdoor storage. The subject parcels consist of a vacant lot and a vacant commercial building that was constructed in 1964 and 1989, per Hall County tax records.

Gerardo Vargas, 5016 Arthur Avenue, Oakwood, presented the request.

Public Forum:

Jim Hardman, 3244 Dunlap Drive, Gainesville, spoke in opposition. Mr. Hardman explained the history of several properties on Browns Bridge Road and stated that too much of Browns Bridge Road is changing from residential zoning to commercial and that this property should remain zoned residential. Mr. Hunt asked if Mr. Hardman repairs vehicles at his business and Mr. Hardman stated that he does.

Mark Turner, 1786 Browns Bridge Road, Gainesville, spoke in opposition. Concerns raised were increased pests due to storage of vehicles on site, concerns regarding cars parking on his property, maintaining the shared easement between his and the applicant's business, and that the applicant's property is not currently adhering to GCOD (Gateway Corridor Overlay District) standards. Additionally, Mr. Turner stated that due to the sloping topography, a 6 foot tall fence will not provide proper screening for the property from the roadway.

Planning Commission Comments:

Mr. Braswell explained that the GCOD standards in the Unified Development Code apply to new and altered structures but do not apply to buildings constructed before these conditions were adopted into Hall County code. Mr. Hunt asked the applicant if the storage at the rear of the property would be storage of cars for sale or if the storage would consist of cars in need of repairs. The applicant stated the storage is for cars being repaired while waiting for parts and after repair awaiting pickup. Mr. Hunt further discussed the number of parking spaces that would be for storage as well as for employee parking. Mr. Vargas stated the business will have 10 employees. Mr. Braswell explained the parking in front of the business would be for customer parking and not employees or vehicles awaiting repairs. The applicant understood but asked if the spaces could be used for cars that customers drop off outside of business hours. Mr. Braswell stated that the parking spaces in front of the building would be for customer use only. Mr. Braswell asked the applicant if they understood that the easement shared with the neighboring property cannot be blocked. The applicant stated they understood. Mr. Hunt asked how long cars waiting for repairs would be stored. Mr. Vargas stated up to 2 weeks due to the repairs being delayed until a specific part can be found and delivered. Mr. Hunt asked for clarification on the type of repairs the business would be doing. Mr. Vargas stated their volume of car repairs depends on what insurance companies approve to send to their autobody shop with light mechanic work as required by the insurance companies such as suspension and alignments. No engine repair would be conducted.

A
Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: 3-1 (Davidson opposed)

Amended A

***Motion:** A motion to approve, with amended conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: 4-0*

Conditions:

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2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
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4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
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15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

(A) & (B) Staff recommends <u>APPROVAL</u> of the applicant's requests with the following conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.

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4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.

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.

<u>Summary Analysis</u>

The applicant is requesting approval of two separate special uses on a 0.90± acre tract zoned Residential 1 (R-1) and Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD) for (A) vehicle repair, major, and (B) outdoor storage. There are two concurrent requests as part of this development: a request to rezone from Residential 1(R-1) to Highway Business (H-B) (HZON25-0028) and variances from the GCOD standards and parking requirements (HVAR25-0030).

The subject parcels consist of a vacant lot and a vacant commercial building that was constructed in 1964 and 1989, per Hall County tax records.

On November 30, 2021, a use subject to county commission was approved for an auto repair and body shop; however, the site was never developed as proposed and the approval expired (ZON2021-00083).

The surrounding properties are zoned and developed as outlined below:

North:	Residential 1 (R-1)- Developed with single-family residences and vacant lots
South:	City of Gainesville- Developed with convenience store, restaurants and warehouse
East:	Office Institutional (O-I) – Developed with a single-family residence; City of Gainesville – Developed with auto sales lots, carwash and retail
West:	Residential 1 (R-1): Developed with a single-family residences; City of Gainesville – Developed with auto sales lots and retail

The applicant is requesting two special uses: (A) vehicle repair, major within the H-B zoning district, and (B) outdoor storage within GCOD. The proposed development includes an existing 8,581 square foot building, a proposed 1,445 square foot building, and 39 parking spaces. The narrative also states that the existing building will serve as a showroom for a countertop business.

The submitted site plan shows that both the existing structure and the proposed addition encroach into the 30 foot front setback along Browns Bridge Road as well as the 30 foot front setback along Whiting Drive. Per the submitted narrative, should this special use be approved, a variance will be applied for to bring the existing structure into compliance. Also, the location of the proposed addition will either comply with setbacks or a variance will be required.

The hours of operation are proposed to be Monday through Friday 8:00 a.m.- 6:00 p.m. and Saturday 8:00 a.m. - 1:30 p.m.

The site will be served by public water and sanitary sewer provided by the City of Gainesville Water Resources Department as confirmed in an email dated June 12, 2025.

The development standards for the project are identified in the table below and compared to the GCOD requirements (6.2):

GCOD Analysis

Standard	Proposed Work	Notes	Compliance
5.3.1. – Highway Business	The existing structure encroaches into the setback along Browns Bridge Road and Whiting Drive.	The required setback along right-of-way in the Highway Business zoning district is 30 feet from property line.	Deficient – If these special uses are approved, the applicant will submit a variance request to bring the existing structure into compliance.

6.2.5.A.– Transitional buffers	A 15 foot transitional buffer and supplemental 6 foot high opaque fence is proposed along the property line abutting the R-1 zoning districts.	A 25 foot transitional buffer is required adjacent to residential property; however, the buffer may be reduced by 10 feet if a 6 foot high solid wood fence or masonry wall is incorporated into the design of the transitional buffer.	Complies
6.2.5.B.2.– Additional Landscape and Screening	No landscape strip is proposed along Browns Bridge Road or Whiting Drive. 7 parking spaces are located within the required 10 foot landscape strip.	Along each street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
6.2.5.C.2.e – Parking Lot Design - Location	Parking spaces are proposed between the principal building and Browns Bridge Road and Whiting Drive.	Off-street parking must be located to the side or rear of the principal building and may not be located between the building and the street.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
6.2.6.B.3.g. – Building Materials	A 1,445 square feet metal building is proposed.	Architectural metal panels are restricted to no more than 50 percent of the surface area of each side of a building.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
8.1.1 – Required parking	39 parking spaces proposed.	Off-street parking space calculations are governed by Sec. 8.1 of the UDC. 53 parking spaces are required.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
8.1.3.B.2. – Parking Lot Landscaping	Parking is proposed within the 10 feet landscape strip along Browns Bridge Road	Such landscape strips may not contain any structures, parking areas, patios, stormwater detention facilities, or any other accessory uses except for: a. Retaining walls or earthen berms constructed as part of an overall landscape design.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)

		b. Pedestrian-oriented facilities such as sidewalks and bus stops. c. Underground utilities. d. Driveways required to access the property. e. Signs otherwise permitted by this UDC.	

Based on the future land use plan, staff finds the requested zoning designation *is consistent* with the Hall County Comprehensive Plan future land use designation of "Business Nodes and Corridors" The intent of this future land use designation is for new development along these major road corridors and intersections to consist of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate.

(A) & (B) Zoning Analysis - Special Use

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

a. 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 special uses are consistent with the use, development, and zoning of adjacent and nearby properties.**

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed special uses should not adversely affect the existing use or usability of adjacent properties.**

c. 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.**

d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed special uses are not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property is served by City of Gainesville public water and sanitary sewer.**

e. 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 uses are consistent with the future land use designation of "Business Nodes and Corridors" which consists of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate.**

f. 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.**

g. 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.**

h. 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.**

i. 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 vacant commercial building that was established in 1969 and 1984 per Hall County tax records.**

j. 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.**

k. Whether the change would create an isolated district unrelated to the surrounding districts; **As the request is for special uses within an existing Highway Business (H-B, GCOD) property, this would not create an isolated district**.

l. 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.**

m. 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.**

n. 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 permitted uses within the Highway Business zoning district and Future Land Use designations; however, the development lies within the Gateway Corridor Overlay District therefore it requires special use approval by the Board of Commissioners.**

o. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request for special uses could not be handled alternatively as a variance.**

p. 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.**

q. 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.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

    a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

    b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district**. The proposal meets the requirement.**

    c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request**

    d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the

County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated June 18, 2025, Emily McGahee stated, "No comment. Public sewer."

Georgia Department of Transportation
In an email dated June 16, 2025, Nakia Nembhard, E.I.T., GDOT Civil Engineer 3, stated that GDOT coordination is required.

Hall County Public Works and Utilities
In a memo dated June 20, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

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

Traffic:
Commercial driveway.

Utilities
Gainesville sewer. No sewer nearby.

Hall County Fire Marshal
In an email dated June 13, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "If approved the site development plan may require modifications during the development review process."

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

HALL COUNTY
GEORGIA
We have it all in Hall

SPECIAL / CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

GERARDO VARGAS
5016 ARTHUR AVE
OAKWOOD, GA 30566
Phone [redacted]
Email Address [redacted]

Property Owner (Name & Mailing Address)

CAPITAL COLLISION, LLC
1790 BROWNS BRIDGE ROAD
GAINESVILLE, GA 30501
Phone
Email Address

Proposed Use VEHICLE MAINTENANCE / REPAIR; OUTDOOR STORAGE IN GCOD

Contact Person (Name & Mailing Address)

GERARDO VARGAS
5016 ARTHUR AVE
OAKWOOD, GA 30566
Phone [redacted]
Email Address [redacted]

Status of Applicant

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

Requested Action

Type of Request: ☑ SU ☐ CUP
Fee:$
Receipt #:
Check #:

Zoning: H-B
Acreage 0.20, 0.38, AND 0.32

Tax Parcel Number 00123 007015, 00123 007016, 00123 007017
Location Address 1608 WHITING ROAD, GAINESVILLE, GA 30501

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

Sign Gerardo Vargas (Jun 9, 2025 22:15 EDT) Date: 06/09/25

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

HALL COUNTY
GEORGIA
Where it all is Hall

AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Morteza Modaber

Address 1130 Easy St
Suwnee GA 30024

Phone Number [redacted]

Name of applicant(s) Gerardo Vargas

Address 5016 Author Ave,
Oakwood, GA 30566

Phone Number [redacted]

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)

M

Personally appeared before me

Morteza modaber

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

Notary Public

May 7th 2025
Date

RAJESH DAYAL
NOTARY PUBLIC
GWINNETT COUNTY
GEORGIA
EXPIRES
April 2, 2026

Revised December 2019

Scanned with CamScanner

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

ANNUAL REGISTRATION

Electronically Filed
Secretary of State
Filing Date: 3/22/2024 2:24:42 PM

BUSINESS INFORMATION	
CONTROL NUMBER	21222115
BUSINESS NAME	Capital Collision LLC
BUSINESS TYPE	Domestic Limited Liability Company
EFFECTIVE DATE	03/22/2024
ANNUAL REGISTRATION PERIOD	2024

PRINCIPAL OFFICE ADDRESS	
ADDRESS	1130 EASY ST, SUWANEE, GA, 30024, USA

REGISTERED AGENT		
NAME	**ADDRESS**	**COUNTY**
Financial & Tax Pros Inc	990 Peachtree Industrial Blvd, #3404, Suwanee, GA, 30024, USA	Gwinnett

AUTHORIZER INFORMATION	
AUTHORIZER SIGNATURE	morteza modaber
AUTHORIZER TITLE	Organizer

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
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HALL COUNTY
GEORGIA
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**____ I have not ✔

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

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

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Gerardo Vargas Naranjo (May 7, 2025 08:37 EDT) **Date:** 05/07/25

Applicant's/Owner's Name (Printed): CAPITAL COLLISION LLC

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
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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: Gerardo Vargas naranjo (May 7, 2025 08:38 EDT) **Date:** 05/07/25

Applicant's/Owner's Name (Printed): GERARDO VARGAS

foothills land design

NARRATIVE REPORT
REQUEST FOR REZONING & CONDITIONAL USE
HALL COUNTY, GEORGIA

RE: 0.90 acres located at 1790 Browns Bridge Road, Gainesville, GA 30501
Parcel ID 00123 007015, 00123 007016, 00123 007017

Gerardo Vargas (the "applicant") respectfully submits this Narrative Report to the Hall County Board of Commissioners in support of an application for rezoning and conditional use approval. This application and proposed use consist of 3 lots at the corner of Browns Bridge Road and Whiting Drive. Parcels 00123 007016 and 00123 007017 are currently zoned H-B. Parcel 00123 007015 is currently zoned R-1. The applicant requests that this parcel be rezoned to H-B as well. The proposed use is automobile body repair in the Gateway Corridor. The applicant requests that this be allowed as a conditional use for the 3 lots.

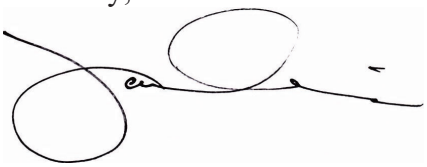
The property currently has an 8,581 sf building which will be used for the automobile repair. There is existing parking in the front of the building for customers. Since the proposed use is for body repair, there is not a need for many customer parking spaces. The accompanying concept plan shows several parking spaces in the back of the building for repaired cars and cars waiting for repair. The majority of this area is already paved with asphalt.

The concept plan adheres to the H-B zoning standards. These include a 30' front setback, 20' side setback, 10' rear setback, a 10' landscape strip along Whiting Drive, and a 15' vegetative buffer adjacent to residential properties on the north and east side of the property. There will be a 6' opaque fence that will be installed along with the buffer.

The City of Gainesville will provide water and the sewer. There is an existing sign; however, this sign will be replaced with one that adheres to Hall County standards. The applicant would like to place the sign where the current sign is located. The business operation hours will be from 8am to 6pm, Monday through Friday and there will be 30-35 vehicles on-site.

The H-B zoning and intended use is consistent with this area on Browns Bridge Road.

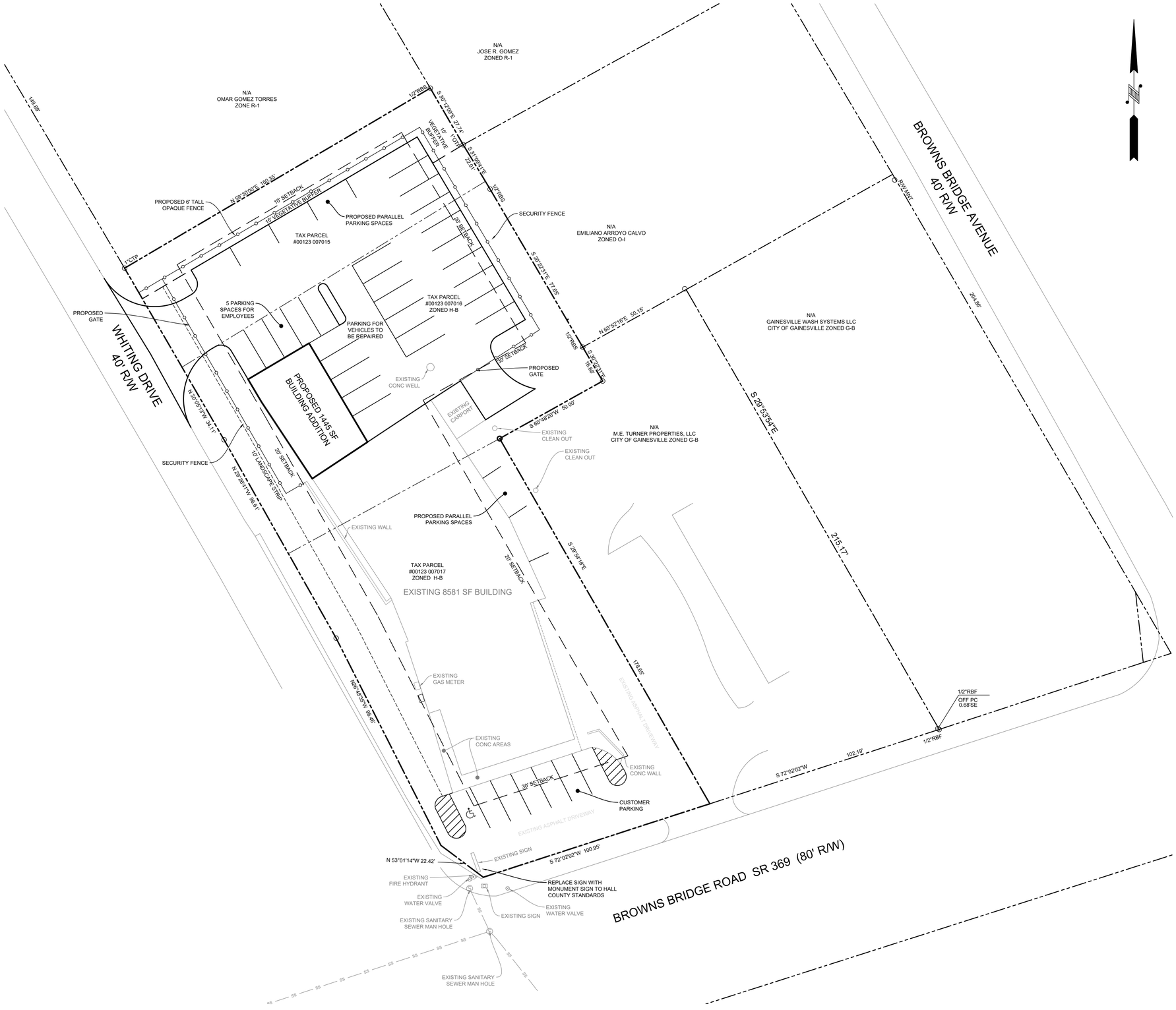
Sincerely,



James Irvin, PE
Engineer for Applicant
Foothills Land Design, LLC

Foothills Land Design, LLC
164 Professional Drive
Baldwin, GA 30511

Ph: 706-778-0067
Fax: 706-778-0069
www.foothillsld.com



foothills land design

164 PROFESSIONAL DRIVE
BALDWIN, GA 30511
PHONE: (706) 778-0067
FAX: (706) 778-0068
www.foothillsld.com

OWNER/ DEVELOPER:
CAPITAL COLLISION, LLC
1790 BROWNS BRIDGE RD
GAINESVILLE, GA 30501

SITE PLAN
VARGAS AUTOMOTIVE
LAND LOT 170, 9TH DISTRICT
HALL COUNTY, GA

REVISIONS: NO.	DESCRIPTION	DATE

GEORGIA REGISTERED No. 25938 PROFESSIONAL ENGINEER JAMES D. IRVIN

GSWCC LEVEL II #9832

DATE: JUNE 20, 2025

SCALE: 1" = 20'

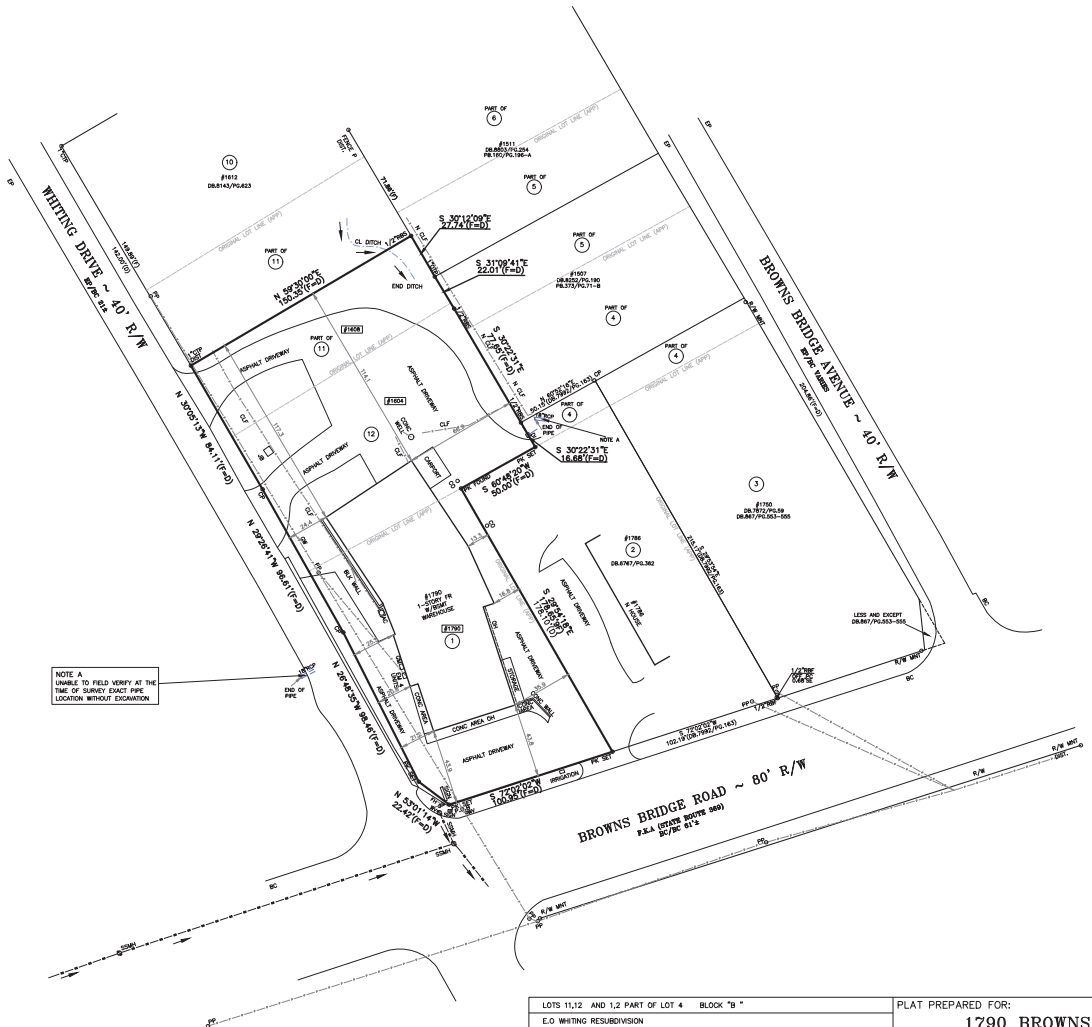
SHEET:
C1
JOB #25002

SURVEY NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED, NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY, MATTERS OF TITLE ARE EXCEPTED, PROPERTY OWNER OR PERSON ORDERING THIS SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY FOR TITLE CONFIRMATION OR A FULL TITLE SEARCH AND EXAMINATION INCLUDING ALL THE EXCEPTION.
5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREON. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

THIS SURVEY PLAT OF THE PROPERTY MUST BE USED AS A SINGLE STAND ALONE DOCUMENT. IT CAN NOT BE SCANNED AND ALTERED, CROPPED OUT COPY/PASTE OR MODIFIED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE. THIS SURVEY PLAT CAN BE ONLY ATTACHED AS A SEPARATE DOCUMENT BY ITSELF TO DEVELOPMENT PROJECTS AND SITEPLANS AND CAN NOT BE INSERTED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE TO SOME OTHER DEVELOPMENT PROJECTS PREPARED BY ANY OTHER PARTY WITHOUT WRITTEN APPROVAL AND ORIGINAL BLUE INK SIGNATURE OF THE SURVEYOR OF RECORD.

CURRENT PROPERTY CONSISTS OF 3 PARCELS.
#1608 = PARCEL ID 00123 007015
#1604 = PARCEL ID 00123 007016
#1790 = PARCEL ID 00123 007017



0 40
SCALE 1" = 40'

* L E G E N D *

APD	AS PER DEED
AE	ACCESS EASEMENT
APF	AS PER FIELD
AI	ANGLE IRON FOUND
AIF	ANGLE IRON FOUND
APP	AS PER PLAT
APR	AS PER RECORD
B	BOLLARD
BC	BACK OF CURB
BLK	BLOCK
BL	BUILDING LINE SETBACK
BR	BRICK
CB	CATCH BASIN
CBX	CABLE BOX
CL	CENTER LINE
CLF	CHAIN LINK FENCE
CM	CADASTRAL MAP
CMP	CORRUGATED METAL PIPE
C.G.A.	CITY OF ATLANTA
CO	SAN. SEWER CLEANOUT
CP	CALCULATED POINT
CPT	CARPORT
CTP	CRIMP TOP PIPE FOUND
D	DEED
DE	DRAINAGE EASEMENT
DI	DRAINAGE INLET
EB	ELECTRIC POWER BOX
EM	ELECTRIC METER
EP	EDGE OF PAVEMENT
F	FIELD
FC	FENCE CORNER
FH	FIRE HYDRANT
FP	FENCE POST
FR	FIRE
GL	GAS LINE
GM	GAS METER
GV	GAS VALVE
GW	GUY WIRE
HDW	HEAD WALL
HW	HARDWOOD TREE
IPF	IRON PIN FOUND
IPS	IRON PIN SET
IR	IRON ROD FOUND
IRF	IRON FENCE
IM	IRRIGATION METER
IV	IRRIGATION VALVE
JB	JUNCTION BOX
LP	LIGHT POLE
LL	LAND LOT LINE
MAG	MAGNETIC HEADING
MGN	MAGNOLIA TREE
MH	MANHOLE
MT	METAL FENCE
N	N'BORS.
OH	OVERHANG
OTP	OPEN TOP PIPE FOUND
OU	OWNERSHIP UNCLEAR
P	PORCH
PC	PROPERTY CORNER
PL	PROPERTY LINE
PN	PINE TREE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER POLE
PW	POWER LINE
(P)	PLAT
R	RECORD
RBF	REINFORCING BAR FOUND
RBS	REINFORCING BAR SET
RCP	REINFORCED CONC. PIPE
R/W	RIGHT-OF-WAY
SN	SIGN
SSL	SANITARY SEWER LINE
SSE	SANITARY SEWER EASEMENT
SP	SCREENED PORCH
TB	TRIP BLANK
TP	TRAFFIC POLE
UE	UTILITY EASEMENT
WD	WOOD
WDF	WOOD FENCE
WDK	WOOD DECK
WL	WATER LINE
WM	WATER METER
WRF	WIRE FENCE
WV	WATER VALVE
WW	WOOD WALKER
YI	YARD INLET
-X-X	FENCE
	INDICATES STAIRS
	INDICATES BUSHES

* SYMBOLS *

- ELECTRIC PANEL/METER
- AIR CONDITIONER
- GAS METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- TRAFFIC/INFO SIGN
- FIRE HYDRANT
- DRAINAGE INLET

LOTS 11,12 AND 1,2 PART OF LOT 4 BLOCK "B "		PLAT PREPARED FOR: SHEET 1 OF 1
E.O WHITING RESUBDIVISION		1790 BROWNS BRIDGE
LAND LOT 170	9TH DISTRICT	
HALL COUNTY, GEORGIA	PB./PG. DB.7992/PG.163	PROPERTY ADDRESS:
FIELD WORK DATE SEPT 18, 2021	PRINTED/SIGNED NOV 19, 2021	1790 BROWNS BRIDGE ROAD
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	PAPER SIZE: 18" x 24"	GAINESVILLE, GA 30501

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND, WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

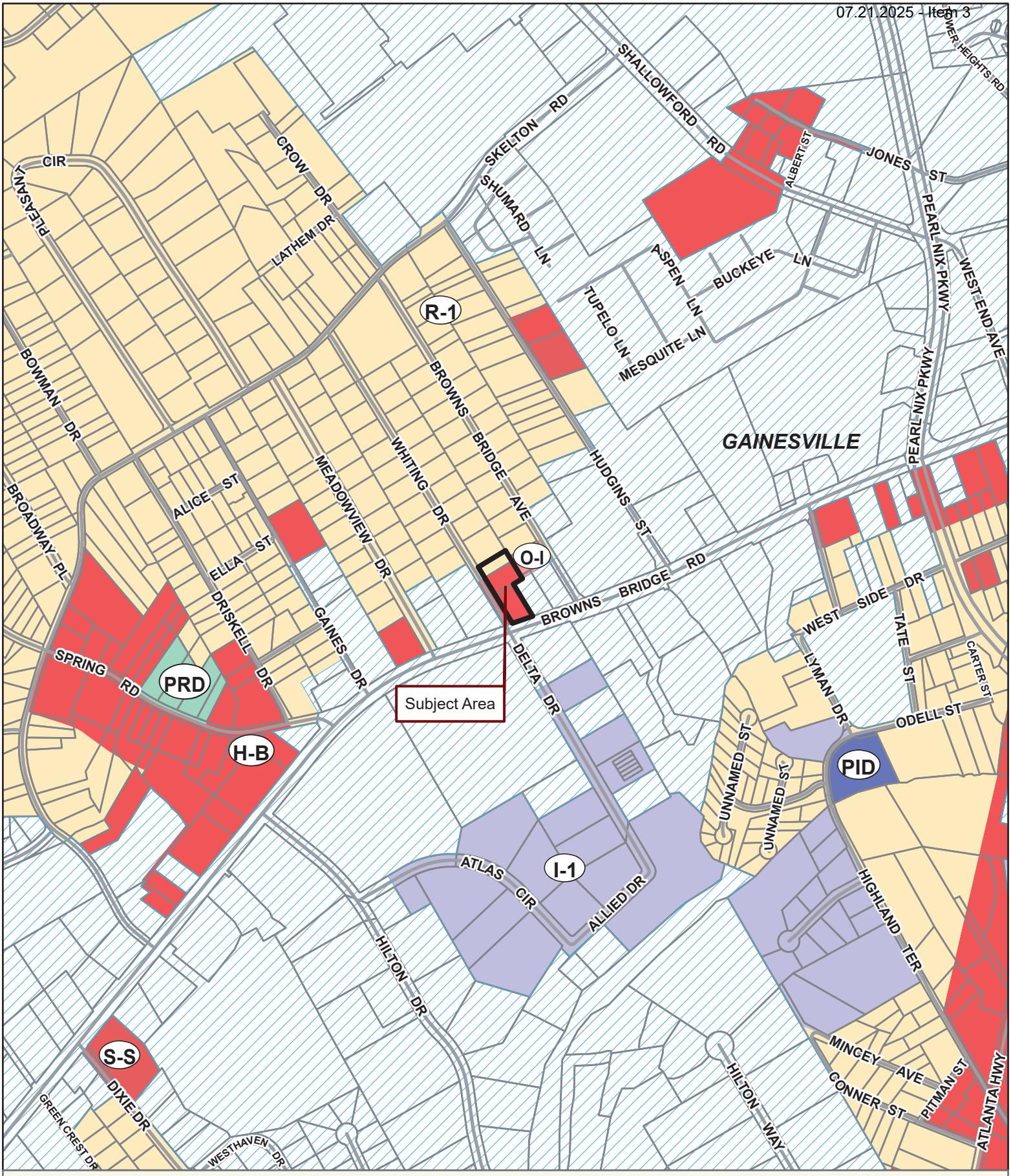
SP/AU
COORD #20211970
DWG #20211970

SURVEY LAND EXPRESS, INC
LAND SURVEYING SERVICES

24 LENOX POINTE
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR EUGENE A. STEPANOV

BY APPROVAL THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

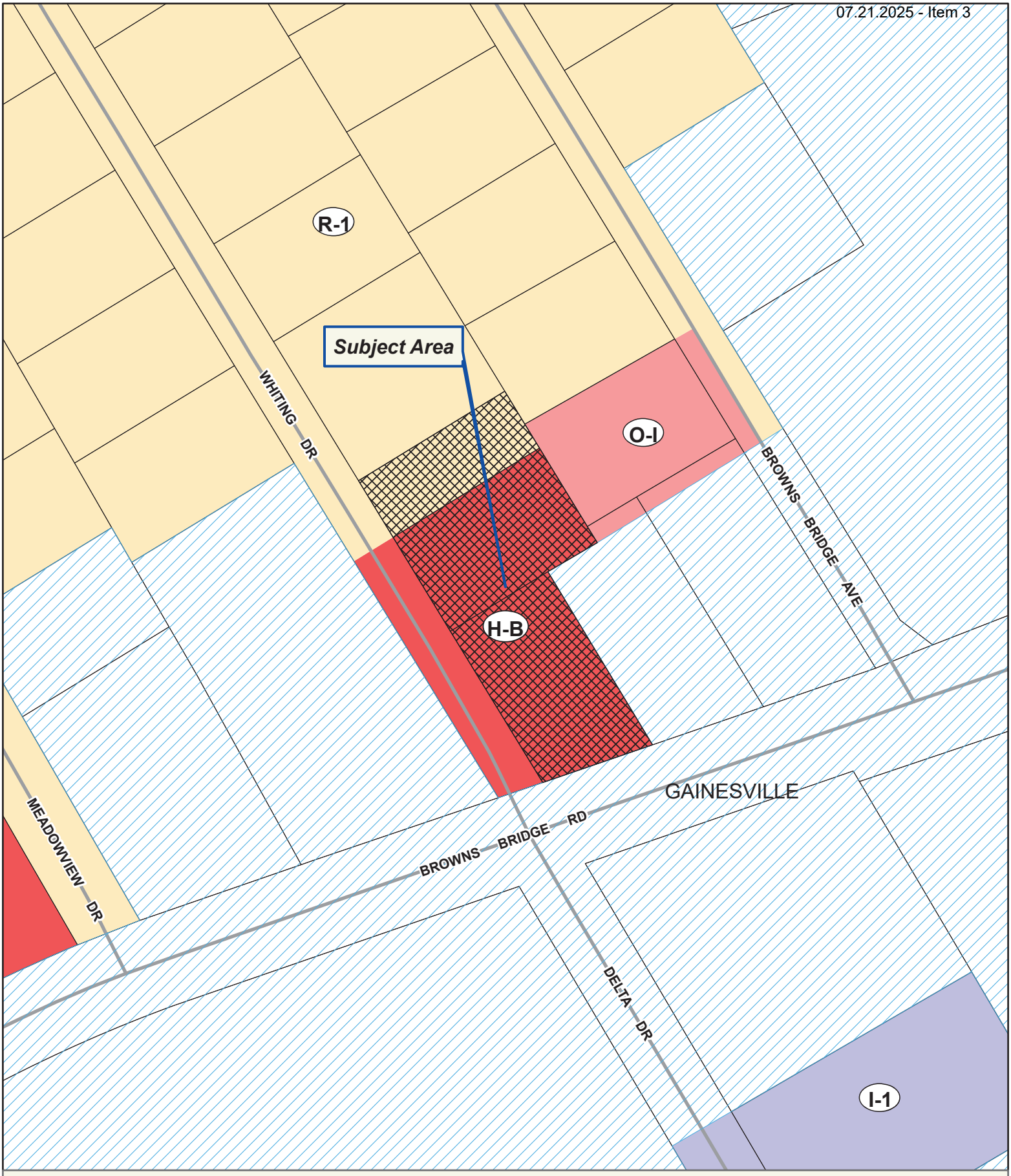


Applicant: GERARDO VARGAS
Tax Parcel #: 00123 007016, 007015, 007017
Location: 1604 & 1608 WHITING DRIVE & 1790 BROWNS BRIDGE ROAD, GAINESVILLE, GA 30504
Commission District 4 **PC Mtg. Date: 07/21/2025**

0 175 350 700
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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Commission District 4 **PC Mtg. Date: 07/21/2025**

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

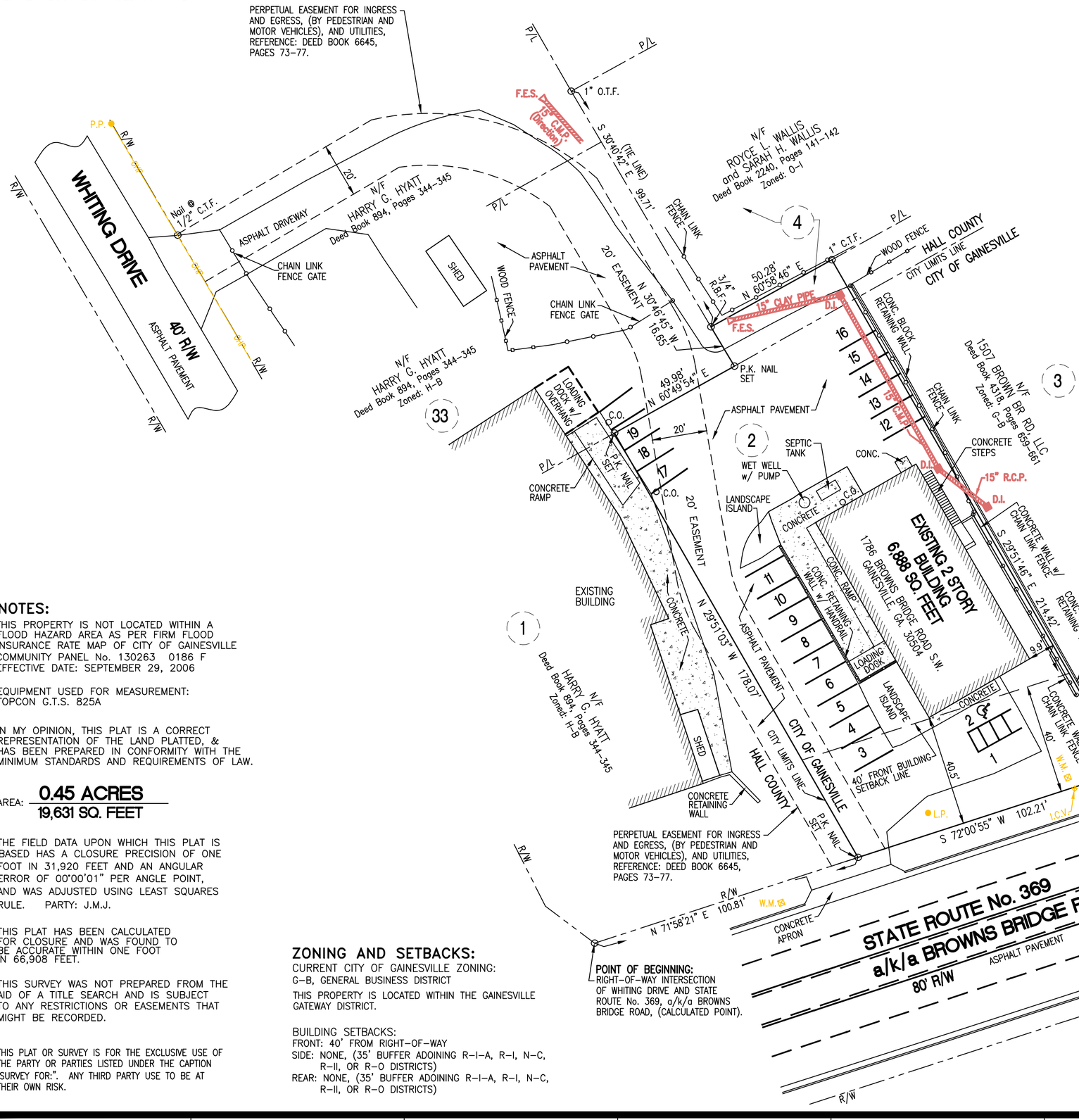
Applicant: GERARDO VARGAS
Tax Parcel #: 00123 007016, 007015, 007017
Location: 1604 & 1608 WHITING DRIVE & 1790 BROWNS BRIDGE ROAD, GAINESVILLE, GA 30504
Commission District 4 **PC Mtg. Date: 07/21/2025**

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
N

REFERENCES:

1. DEED BOOK 6645, PAGES 73–77
2. PLAT BOOK 21, PAGES 111–112



NOTES:

THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA AS PER FIRM FLOOD INSURANCE RATE MAP OF CITY OF GAINESVILLE COMMUNITY PANEL No. 130263 0186 F EFFECTIVE DATE: SEPTEMBER 29, 2006

EQUIPMENT USED FOR MEASUREMENT: TOPCON G.T.S. 825A

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED, & HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

AREA: **0.45 ACRES** / **19,631 SQ. FEET**

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 31,920 FEET AND AN ANGULAR ERROR OF 00°00'01" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES RULE. PARTY: J.M.J.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 66,908 FEET.

THIS SURVEY WAS NOT PREPARED FROM THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MIGHT BE RECORDED.

THIS PLAT OR SURVEY IS FOR THE EXCLUSIVE USE OF THE PARTY OR PARTIES LISTED UNDER THE CAPTION "SURVEY FOR:". ANY THIRD PARTY USE TO BE AT THEIR OWN RISK.

ZONING AND SETBACKS:

CURRENT CITY OF GAINESVILLE ZONING:
G–B, GENERAL BUSINESS DISTRICT

THIS PROPERTY IS LOCATED WITHIN THE GAINESVILLE GATEWAY DISTRICT.

BUILDING SETBACKS:
FRONT: 40' FROM RIGHT–OF–WAY
SIDE: NONE, (35' BUFFER ADOINING R–I–A, R–I, N–C, R–II, OR R–O DISTRICTS)
REAR: NONE, (35' BUFFER ADOINING R–I–A, R–I, N–C, R–II, OR R–O DISTRICTS)

MAGNETIC

LEGEND:

⊙	I.P.F.	IRON PIN FOUND
⊙	C.T.F.	CRIMPED TOP PIN FOUND
⊙	R.B.F.	REBAR PIN FOUND
⊙	R.B.S.	REBAR PIN SET
⊙	O.T.F.	OPEN TOP FOUND
△	A.I.F.	ANGLE IRON FOUND
⊡	C.M.F.	CONCRETE MONUMENT FOUND
	B.C.	BACK OF CURB
	C/L	CENTER LINE
	C.O.	SEWER CLEAN–OUT
	C.M.P.	CORRUGATED METAL PIPE
■	D.I.	DROP INLET
	-OHP-	OVERHEAD POWER LINE
	F.H.	FIRE HYDRANT
⊗	J.B.	JUNCTION BOX
	L.L.L.	LAND LOT LINE
●	L.P.	LIGHT POLE
	N/F	NOW OR FORMERLY
●	P.P.	POWER POLE
□	P.B.	POWER TRANSFORMER BOX
	P/L	PROPERTY LINE
	R/W	RIGHT OF WAY
	R.C.P.	REINFORCED CONCRETE PIPE
	S/B	SETBACK
	–W–	WATER MAIN
⊠	W.M.	WATER METER
	F.E.S.	METAL FLARED END SECTION

SURVEYOR'S CERTIFICATE

With respect to the survey shown hereon, prepared by the undersigned, the undersigned does hereby certify and represent to ME Turner Properties, LLC; Select's Do It Yourself Pest Control, Inc.; First Citizens Bank of Georgia; Small Business Access Partners, Inc.; U.S. Small Business Administration; and Chicago Title Insurance Company:

1. The survey was actually made on the ground, shows field measurement and the record description of the land and correctly shows the square footage and the location of all buildings, structures and other improvements situated on the Land, the number and layout of all loading docks and parking spaces and facilities, the location of water courses or water bodies, lot lines and monuments. Except as shown on the survey, there are no visible easements benefiting or burdening the premises, or rights–of–way across the Land or any other easements or rights–of–way which the undersigned has been advised, no party walls, no encroachments on adjoining premises, streets or alleys by any of the Land or any encroachments from adjoining premises by buildings, structures or other improvements situated on adjoining premises except as shown.

2. The Land does not fall within a federally designated flood hazard area.

3. All access to and egress from said premises are shown and are provided via the means indicated on the survey. Municipal water, municipal storm sewer, municipal sanitary sewer and private electric, gas and telephone facilities and connections are situated in the locations indicated on the survey.

This _____ day of August, 2010.

SURVEYOR:

_____
Chris M. Patton
Georgia Registered Land Surveyor
No. 2647

SURVEY FOR:

ME TURNER PROPERTIES, LLC and SELECT'S DO IT YOURSELF PEST CONTROL, INC. and FIRST CITIZENS BANK OF GEORGIA and SMALL BUSINESS ACCESS PARTNERS, INC. and CHICAGO TITLE INSURANCE COMPANY

BEING LOT 2 AND A PORTION OF LOT 4 OF THE E.O. WHITING SUBDIVISION.
– L O C A T E D I N –
LAND LOT 170, 9th LAND DISTRICT
CITY OF GAINESVILLE, HALL COUNTY, GEORGIA

REGISTERED PROFESSIONAL LAND SURVEYORS
P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com
PATTON
LAND SURVEYING

SURVEYED BY: J.M.J. | DRAFTED BY: D.D.B. | COMPUTATIONS BY: C.M.P. | CHECKED BY: C.M.P.

GEORGIA REGISTERED PROFESSIONAL No. 2647 LAND SURVEYOR CHRIS M. PATTON
County Surveyor
Hall County, Georgia

SHEET NUMBER: 1 of 1
SCALE: 1' = 30'
SURVEY DATE: 08/19/2010
PLAT DATE: 08/20/2010
10–144.dwg
JN. 10–144

BK7992PG162

Return Recorded Document to:
Thomas H. Beisswenger, P.C.
272 West Hancock Avenue, Suite 300B
Athens, GA 30601
File Number: 1755531

HALL COUNTY, Georgia
Real Estate Transfer Tax
Paid $ 450.00
Date 11-2-17
Charles Baker
Superior Court Clerk
By JP

PT61 069-2017-007916

FILED
HALL CO. GA
17 NOV -2 AM 11:55
CHARLES BAKER, CLERK
SUPERIOR-STATE COURT
BY JP

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CLARKE

THIS INDENTURE, made the **19th day of October, 2017,** between **Wayne Pinnix a/k/a Ronnie W. Pinnix,** as party of the first part, hereinafter called Grantor, and **American IRA, LLC FBO James Tucker Roth IRA (50% undivided interest) and American IRA, LLC FBO John Erik Warm IRA (50% undivided interest),** as parties of the second part, hereinafter called Grantees (the words "Grantor(s)" and "Grantee(s)" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 DOLLARS ($10.00)** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell alien, convey and confirm unto the said Grantee,

See Exhibit "A" attached hereto and made a part hereof, with American IRA, LLC FBO James Tucker Roth IRA receiving a 50% undivided interest and American IRA, LLC FBO John Erik Warm IRA receiving 50% undivided interest in said property

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Jeanette L Scott
Witness

Notary Public Clarke Co Ga.

THOMAS H BEISSWENGER NOTARY PUBLIC CLARKE COUNTY, GEORGIA MY COMMISSION EXPIRES NOVEMBER 19, 2020

Wayne Pinnix (Seal)
Wayne Pinnix a/k/a Ronnie W. Pinnix

EXHIBIT "A"

All those lots, tracts and parcels of land lying situate and being in Land Lot 170, 9th Land District, Hall County, Georgia, being one-half of Lot 11 and all of Lot 12 of the E O Whiting Resubdivision, Block B, together with Lots 1, 2 and a portion of Lot 4, Block B of the E. O. Whiting Subdivision, said Lots forming one contiguous tract on the Northern quadrant of the intersection of Whiting Drive and State Route 369 (Browns Bridge Road). Said tract is more particularly shown by a plat for the E. O. Whiting Estate prepared by Henry Grady Jarrard, Georgia Registered Land Surveyor, dated April 8, 1985, which plat is by reference made a part hereof. As shown by said plat the property is more particularly described as follows

BEGINNING at a point designated by nail at the intersection of the northern most flange of Whiting Drive as the same intersects with the northern right of way of Browns Bridge Road, running thence along said right of way of Whiting Drive North 53 degrees 01 minutes 14 seconds West 22.42 feet to a nail; thence continuing along the northeastern right of way of Whiting Drive North 26 degrees 48 minutes 35 seconds West 98 46 feet to a point, thence North 29 degrees 26 minutes 41 seconds West 96.61 feet to a point; thence North 30 degrees 05 minutes 13 seconds West 84 11 feet to an iron pin corner; running thence through Lot 11 and along the property of Billie C Cain North 59 degrees 30 minutes East 150.35 feet to an iron pin corner, running thence South 30 degrees 12 minutes 09 seconds East 27.74 feet to an iron pin; thence South 31 degrees 09 minutes 41 seconds East 22.01 feet to a point; thence South 30 degrees 22 minutes 31 seconds East 77 65 feet to an iron pin corner; running thence North 60 degrees 52 minutes 16 seconds East 50.15 feet to an iron pin corner; running thence South 29 degrees 53 minutes 54 seconds East 215.17 feet to an iron pin corner on the northern right of way of Browns Bridge Road; running thence along said right of way of Browns Bridge Road South 72 degrees 02 minutes 02 seconds West 203 14 feet to the point of beginning.

LESS AND EXCEPT all that tract or parcel of land lying and being in Land Lot 170 of the 9th District of Hall County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the intersection formed by the northerly right of way line of State Route 369 a/k/a Browns Bridge Road (80-foot right of way) and the southernmost flange of the easterly right of way line of Whiting Drive, thence running easterly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road North 72 degrees 02 minutes 02 seconds East a distance of 100 95 feet to a point, said point also being the southeastern corner of original Lot 1 , Block B of the E. O. Whiting Subdivision and being the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, as thus established, thence leaving the northerly right of way line of State Route 369 a/k/a Browns Bridge Road and running along the original line dividing Lot 1 and Lot 2, E O Whiting Subdivision, North 29 degrees 53 minutes 54 seconds West a distance of 178 10 feet to a point; thence running North 60 degrees 48 minutes 20 seconds East a distance of 50.00 feet to a point; thence running North 30 degrees 22 minutes 31 seconds West a distance of 16.68 feet to a point; thence running North 60 degrees 52 minutes 16 seconds East a distance of 50.15 feet to a point; thence running South 29 degrees 53 minutes 54 seconds East a distance of 214.52 feet to a point on the northerly right of way line of State Route 369 a/k/a Browns Bridge Road; thence running westerly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road South 71 degrees 58 minutes 38 seconds West a distance of 102 19 feet to a point at the TRUE POINT OF BEGINNING, said property being known as Lot 2 and a portion of Lot 4 of the E O. Whiting Subdivision, said courses and distances being taken from a survey dated May 11, 1993, prepared by Farley-Collins Associates, and bearing the seal of William H. Collins, GRLS No. 1435 and the seal of H. P. Farley, Jr., GRLS No. 1301. Being the same property conveyed by Harry G. Hyatt to William T. Mundy, Jr. by Warranty Deed dated August 20, 1993 and recorded in Deed Book 2018, pages 278-280 of the Hall County, Georgia Deed Records.

BK7992PG164

AFTER RECORDING, RETURN TO:
Thomas H. Beisswenger, P.C.
272 W. Hancock Ave. Ste 300B
Athens, GA 30601
File No. 1755531

FILED
HALL CO. GA
17 NOV -2 AM 11:55
CHARLES BAKER, CLERK
SUPERIOR-STATE COURT
BY JP

Georgia Intangible Tax Paid
$ 750.00
11-2-2017
Charles Baker By JP
Charles Baker, Superior Court Clerk

DEED TO SECURE DEBT AND SECURITY AGREEMENT

State of Georgia
County of Clarke

THIS INDENTURE, made this 19th day of October, 2017, between **American IRA, LLC FBO James Tucker Roth IRA (50% undivided interest) and American IRA, LLC FBO John Erik Warm IRA (50% undivided interest)**, individually and jointly Grantor, and **Wayne Pinnix,** 1010 Jesse Jewell Parkway, Gainesville, Ga. 30501, Grantee.

Witnesseth:

That, Whereas, Grantor is justly indebted to Grantee in the sum of **TWO HUNDRED FIFTY THOUSAND AND 00/100 ($250,000.00) Dollars** in lawful money of the United States, and has agreed to pay the same, with interest thereon according to the terms of a certain note (the "Note") given by Grantor to Grantee, bearing even date herewith, with payment of principal and interest on or before the **19th day of December, 2022**, the Note, by reference being made a part hereof;

NOW, Therefore, in consideration of the premises and of the sum hereinabove set forth, Grantor has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee the following property; to-wit:

See Exhibit A attached hereto and incorporated by reference herein.

Together with all buildings, structures and other improvements now or hereafter located on the property hereinbefore described, or any part and parcel thereof, and

Together with all rights, title and interest of Grantor in and to the minerals, flowers, shrubs, crops, trees, timber, and other emblements now or hereafter on said property or above the same or any part or parcel thereof, and

Together with all and singular the tenements, hereditaments, easements and appurtenances thereunto belonging or in any wise appertaining, and the reversion or reversions, remainder and remainders, rents issues and profits thereof, and also all the estate, right, title interest; claim and demand whatsoever of Grantor of, in and to the same and of, in and to every part and parcel thereof; and

Together with all fixtures, whether actually or constructively attached to said property, including, but without limiting the generality of the foregoing, all heating, plumbing, boilers, furnaces, oil burners or units thereof, air-cooling and air-conditioning apparatus, elevators and escalators, together with all building materials and fixtures now or hereafter delivered to the premises and intended to be installed therein, together with all additions thereto and replacements thereof (Grantor hereby agreeing with respect to all additions and replacements to execute and deliver from time to time such further instruments as may be requested by Grantee to confirm the conveyance, transfer and assignment of any of the foregoing); and

Together with any and all rents which are now due or may hereafter become due by reason of the renting, leasing and bailment of property and improvements thereon; and

Together with any and all awards or payments, including interest thereon, and the right to receive the same, as a result of (a) the exercise of the right of eminent domain, (b) the alteration of the grade of any street or (c) any other injury to, taking of, or decrease in the value of, the premises, to the extent of all amounts which may be secured by this deed at the date of receipt of any such award or payment by Grantee and of the reasonable attorney's fees, costs and disbursements incurred by Grantee in connection with the collection of such award or payment.

Reviewed and Approved by: Reviewed & Approved:

To Have and to Hold all the aforesaid property, property rights, contract rights, Equipment and claims (all of which are collectively referred to herein as the "Premises") to the use, benefit and behoof of the Grantee, forever, in Fee Simple.

Grantor warrants that Grantor has good title to the Premises, and is lawfully seized and possessed of the Premises and every part thereof, and has the right to convey same; that the Premises are unencumbered except as may be herein expressly provided; and that Grantor will forever warrant and defend the title to the Premises unto Grantee against the claims of all persons whomsoever.

This instrument is a deed and security agreement passing legal title pursuant to the laws of the State of Georgia governing loan or security deed and security agreements and is not a mortgage; and is made and intended to secure the payment of the indebtedness of Grantor to Grantee evidenced by the Note in accordance with the terms thereof, together with any and all other indebtedness now owing or which may hereafter be owing by Grantor to Grantee, however incurred, including advances by Grantee or any transferee of Grantee for the purpose of paying taxes or premiums on insurance on the Premises or to repair, maintain or improve the Premises (whether or not Grantor is at that time the owner of the Premises), and all renewal or renewals and extension or extensions and modification or modifications and consolidation or consolidations of the Note or other indebtedness, either in whole or in part (all of which are collectively referred to herein as the "Secured Indebtedness").

1. Grantor shall pay to Grantee the Secured Indebtedness with interest thereon as in the Note and this deed provided, except as otherwise specified herein.

2. Grantor shall pay when due and payable: (a) all taxes, assessments, general or special, and other charges levied on, or assessed, placed or made against the Premises, this instrument or the Secured Indebtedness or any interest of the Grantee in the Premises or the obligations secured hereby; (b) premiums on policies of fire and other hazard insurance covering the Premises, as required in Article 3 herein; (c) premiums on all collaterally pledged life insurance policies, if any; (d) premiums for mortgage insurance, if this deed and the Note are so insured; and (e) ground rents or other lease rentals, if any; payable by Grantor. Grantor shall promptly deliver to Grantee receipts showing payment in full of all the above items. Upon notification from Grantee, Grantor shall pay Grantee, together with and in addition to the payments of principal and interest payable under the terms of the Note secured hereby, on the installment-paying dates of the Note until said Note is fully paid or until notification from Grantee to the contrary, an amount reasonably sufficient (as estimated by Grantee) to provide Grantee with funds to pay said taxes, assessments, insurance premiums, rents and other charges next due so that Grantee will have sufficient funds on hand to pay same thirty (30) days before the date on which they become past due. In no event shall Grantee be liable for any interest on any amount paid to it as herein required, and the money so received may be held and commingled with its own funds, pending payment or application thereof as herein provided. Grantor shall furnish to Grantee, at least thirty (30) days before the date on which the same will become past due, an official statement of the amount of said taxes, assessments, insurance premiums and rents next due, and Grantee shall pay said charges to the amount of the then unused credit therefore as and when they become severally due and payable. An official receipt therefore shall be conclusive evidence of such payment and of the validity of such charges. Grantee may, at its option, pay any of these charges when payable, either before or after they become past due, without notice, or make advances therefore in excess of the then amount of credit for said charges. The excess amount advanced shall become part of the Secured Indebtedness and bear interest at the rate of interest provided in the Note from date of advancement. Grantee may apply credits held by it for the above charges, or any part thereof on account of any delinquent installments of principal or interest or any other payments maturing or due under this instrument, and the amount of credit existing at any time shall be reduced by the amount thereof paid or applied as herein provided. The amount of the existing credit hereunder at the time of any transfer of the Premises shall, without assignment thereof, inure to the benefit of the successor-owner of the Premises and shall be applied under and subject to all of the provisions hereof. Upon payment in full of the Secured Indebtedness, the amount of any unused credit shall be paid over to the person entitled to receive it.

3. Grantor shall maintain the Premises in good condition and repair, shall not commit or suffer any waste to the Premises, and shall comply with, or cause to be complied with, all restrictive covenants, statutes, ordinances and requirements of any governmental authority relating to the Premises and the use thereof or any part thereof. Grantor shall promptly repair, restore, replace or rebuild any part of the Premises, now or hereafter encumbered by this deed, which may be affected by any proceeding of the character referred to in Article 7 herein. No part of the Premises, including, but not limited to, any building, structure, parking lot, driveway, landscape scheme, timber or other ground improvement, equipment or other property, now or hereafter conveyed as security by or pursuant to this deed, shall be removed, demolished or materially altered without the prior written consent of Grantee. Grantor shall

Reviewed and Approved by: Reviewed & Approved:

complete, within a reasonable time, and pay for any building, structure or other improvement at any time in the process of construction on the property herein conveyed. Grantor shall not initiate, join in or consent to any change in any private restrictive covenant, zoning ordinance or other public or private restrictions limiting or defining the uses which may be made of the Premises or any part thereof. Grantee and any persons authorized by Grantee shall have the right to enter and inspect the Premises at all reasonable times and access thereto shall be permitted for that purpose.

4. Grantor shall execute and deliver (and pay the costs of preparation and recording thereof) to Grantee and to any subsequent holder from time to time, upon demand, any further instrument or instruments, including, but not limited to, security deeds, security agreements, financing statements, assignments and renewal and substitution notes, so as to reaffirm, to correct and to perfect the evidence of the obligation hereby secured and the legal security title of Grantee to all or any part of the Premises intended to be hereby conveyed, whether now conveyed, later substituted for, or acquired subsequent to the date of this Deed and extensions or modifications thereof. Grantor, upon request, made either personally or by mail, shall certify by a writing, duly acknowledged, to Grantee or to any proposed assignee of this deed, the amount of principal and interest then owing on the Secured Indebtedness and whether or not any offsets or defenses exist against the Secured Indebtedness, within 6 days in case the request is made personally, or within 10 days after the mailing of such request in case the request is made by mail.

5. Grantee shall be subrogated to all right, lien, or equity of all persons to whom it may have paid moneys in settlement of liens, charges, or in acquisition of title of or for its benefit hereunder, or for the benefit and account of Grantor at the time of making the loan evidenced by this security deed, or subsequently under any of the provisions herein.

6. Notwithstanding any taking of any property, herein conveyed and agreed to be conveyed, by eminent domain, alteration of the grade of any street or other injury to, or decrease in value of, the Premises by any public or quasi-public authority or corporation, Grantor shall continue to pay principal and interest on the Secured Indebtedness, and any reduction in the Secured Indebtedness resulting from the application by Grantee of any award or payment for such taking, alteration, injury or decrease in value of Premises, as hereinafter set forth, shall be deemed to take effect only on the date of such receipt; and said award or payment may, at the option of Grantee, be retained and applied by Grantee toward payment of the Secured Indebtedness, or be paid over, wholly or in part, to Grantor for the purpose of altering, restoring or rebuilding any part of the Premises which may have been altered, damaged or destroyed as a result of any such taking, alteration of grade, or other injury to the Premises, or for any other purpose or object satisfactory to Grantee, but Grantee shall not be obligated to see to the application of any amount paid over to Grantor. If, prior to the receipt by Grantee of such award or payment, the Premises shall have been sold on foreclosure of this deed, Grantee shall have the right to receive said award or payment to the extent of any deficiency found to be due upon such sale, with legal interest thereon, whether or not a deficiency judgement on this deed shall have been sought or recovered or denied, and of the reasonable counsel fees, costs and disbursements incurred by Grantee in connection with the collection of such award or payment.

7. Grantor shall deliver to Grantee, at any time within 30 days after notice and demand by Grantee but not more frequently than once per month, a statement in such reasonable detail as Grantee may request, certified by the Grantor or an executive officer of a corporate Grantor, of the leases relating to the Premises, and (ii) a statement in such reasonable detail as Grantee may request, certified by a certified public accountant or, at the option of Grantee, by the Grantor or an executive officer or treasurer of a corporate Grantor, of the income from and expenses of any one or more of the following: (a) the conduct of any business on the Premises (b) the operation of the Premises; or (c) the leasing of the Premises or any part thereof, for the last 12 months calendar period prior to the giving of such notice, and, on demand, Grantor shall furnish to Grantee executed counterparts of any such leases at convenient facilities for the audit and verification of any such statement.

8. Each of the following events shall constitute an "Event of Default" under this deed:

(i) should Grantor fail to pay the Secured Indebtedness or any part thereof, when and as the same shall become due and payable;

(ii) should any warranty or representation of Grantor herein contained, or contained in any instrument, transfer, certificate, statement, conveyance, assignment or loan agreement given with respect to the Secured Indebtedness, prove untrue or misleading in any material aspect;

Reviewed and Approved by:

Reviewed & Approved:

(iii) should the Premises be subject to actual or threatened waste, or any part thereof be removed, demolished or materially altered so that the value of the Premises be diminished except as provided for in Article 6 herein;

(iv) should any federal tax lien or claim of lien for labor or material be filed of record against Grantor or the Premises and not be removed by payment or bond within 30 days from date of recording;

(v) should any claim of priority to this deed by title, lien or otherwise be asserted in any legal or equitable proceeding;

(vi) should Grantor, if a corporation, be liquidated or dissolved or its charter expire or be revoked, or, if a partnership or business association, be dissolved or partitioned, or, if a trust, be terminated or expire;

(vii) should the Grantor make an assignment for the benefit of creditors, file or have filed against Grantor a petition for relief under any chapter of the Bankruptcy Code, or should any custodian, receiver, or trustee be appointed for it or any part of its assets or should any proceeding under any bankruptcy, reorganization, arrangements, readjustment of debt, dissolution or liquidation law or statute of any jurisdiction, whether or not hereafter in effect, be commenced by or against Grantor;

(viii) should Grantor fail to keep, observe, perform, carry out and execute in every particular the covenants, agreements, obligations and conditions set out in this deed, or in the Note, or in any instrument, transfer, conveyance, assignment or loan agreement given with respect to the Secured Indebtedness; (ix) should any event occur under any instrument, deed or agreement, given or made by Grantor to or with any third party, which would authorize the acceleration of any debt to any such third party the acceleration of which would materially affect Grantor's ability to pay when due any amounts owed to Grantee;

(x) should Grantor fail to perform any agreement or promise to Grantee or to pay any obligation whatsoever to Grantee when due.

(xi) it is specifically understood and agreed by the parties herein that any sale, change of ownership, change in possession or transfer of any interest in the above-described property without the consent of the Grantee hereof shall, at the option of the Grantee, constitute a default hereunder (see Article 12 herein).

9. If an Event of Default occurs and remains uncured, Grantee may do any one or more of the following:

(i) enter upon and take possession of the Premises without the appointment of a receiver, or an application therefor, employ a managing agent of the Premises and let the same, either in its own name, or in the name of Grantor, and receive the rents, incomes, issues and profits of the Premises and apply the same, after payment of all necessary charges and expenses, on account of the Secured Indebtedness, and Grantor will transfer and assign to Grantee, in form satisfactory to Grantee, Grantor's lessor interest in any lease now or hereafter affecting the whole or any part of the Premises;

(ii) pay any sums in any form or manner deemed expedient by Grantee to protect the security of this instrument or to cure any event of default other than payment of interest and principal on Secured Indebtedness; make any payment hereby authorized to be made according to any bill, statement or estimate furnished or procured from the appropriate public officer or the party claiming payment without inquiry into the accuracy or validity thereof, and the receipt of any such public officer or party in the hands of Grantee shall be conclusive evidence of the validity and amount of items so paid, in which event the amounts so paid, with interest thereon from the date of such payment at the rate of interest stated in the Note shall be added to and become a part of the Secured Indebtedness and be immediately due and payable to Grantee; and Grantee shall be subrogated to any encumbrance, lien, claim or demand, and to all the rights and securities for the payment thereof, paid or discharged with the principal sum secured hereby or by Grantee under the provisions hereof, and any such subrogation rights shall be additional and cumulative security to this instrument;

(iii) declare the entire Secured Indebtedness immediately due, payable and collectible, without notice to Grantor, regardless of maturity, and in that event, the entire Secured Indebtedness shall become immediately due, payable and collectible; and thereupon, Grantee may sell and dispose of the Premises at public auction, at the usual place for conducting sales at the courthouse in the county where the Premises or any part thereof may be, to the highest bidder for cash, first advertising the time, terms and place of such sale by publishing a notice thereof once a week for four consecutive weeks in a newspaper in which sheriff's advertisements are published in said county, and after giving such other notice required by law; and Grantee may thereupon execute and deliver to the purchaser at said sale a sufficient conveyance of the Premises in fee simple, which conveyance may contain recitals as to the happening of the default upon which the execution of the power of sale, herein granted, depends, and said recitals shall be presumptive evidence that all preliminary acts prerequisite to said sale and deed were in all things duly complied with; and Grantee, its agents, representatives, successors or assigns, may bid and

purchase at such sale; and Grantor hereby constitutes and appoints grantee or its assigns agent and attorney in fact to make such recitals, sale and conveyance, and all of the acts of such attorney in fact are hereby ratified, and Grantor agrees that such recitals shall be binding and conclusive upon Grantor and that the conveyance to be made by Grantee, or its assigns, (and in the event of a deed in lieu of foreclosure, then as to such conveyance) shall be effectual to bar all right, title and interest, equity of redemption, including all statutory redemption, homestead, dower, courtesy, and all other exemptions of Grantor, or its successors in interest, in and to said Premises; and Grantee, or its assigns, shall collect the proceeds of such sale, reserving therefrom all unpaid Secured Indebtedness with interest then due thereon, and all amounts advanced by Grantee for taxes, assessments, fire insurance premiums and other charges, with interest at the rate of interest stated in the Note thereon from date of payment, together with all costs and charges for advertising, and commissions for selling the Premises, and fifteen percent (15%) of the aggregate amount due, as attorney's fees, and pay over any surplus to Grantor (in the event of deficiency Grantor shall immediately on demand from Grantee pay over to Grantee, or its nominee, such deficiency); and Grantor agrees that possession of the Premises during the existence of the Secured Indebtedness by Grantor, or any person claiming under Grantor, shall be that of tenant under Grantee, or its assigns, and, in case of a sale, as herein provided, Grantor or any person in possession under Grantor shall then become and be tenants holding over, and shall forthwith deliver possession to the purchaser at such sale, or be summarily dispossessed in accordance with the provisions of law applicable to tenants holding over; the power and agency hereby granted are coupled with an interest and are irrevocable by death or otherwise, and are in addition to any and all other remedies which Grantee may have at law or in equity.

Grantee, in any action to foreclose this deed, or upon any event of default, shall be at liberty to apply for the appointment of a receiver of the rents and profits or of the Premises or both without notice, and shall be entitled to the appointment of such a receiver as a matter of right, without consideration of the value of the Premises as security for the amounts due the Grantee, or the solvency of any person or corporation liable for the payment of such amounts.

In case of any sale under this deed by virtue of the exercise of the power herein granted, or pursuant to any order in any judicial proceedings or otherwise, at the election of Grantee the Premises or any part thereof may be sold in one parcel and as an entirety, or in such parcels, manner or order as Grantee in its sole discretion may elect, and one or more exercises of the powers herein granted shall not extinguish or exhaust the power unless the entire Premises are sold or the Secured Indebtedness paid in full.

10. Grantor agrees that where, by the terms of the conveyance or the Note secured hereby, a day is named or a time fixed for the payment of any sum of money or the performance of any agreement, the time stated enters into the consideration and is of the essence of the whole contract.

11. If all or any part of the Premises is sold, conveyed or otherwise transferred without obtaining the prior written consent of Grantee, Grantee may declare an AEvent of Default@ except as prohibited by law. Grantee may, in its sole discretion, consent to such sale or transfer. Should Grantee consent to such sale or transfer, it will be deemed to have waived its right to accelerate the Secured Indebtedness only if prior to such sale or transfer (a) Grantee determines that the credit of any purchaser or transferee is satisfactory; (b) the purchaser or transferee agrees to pay interest on the amount owed to Grantee under the Note and under this Deed to Secure Debt at whatever rate Grantee requires; (c) the purchaser or transferee executes an assumption agreement that is acceptable to Grantee that obligates the purchaser or transferee to keep all the promises and agreements made in the Note and in this Deed to Secure Debt whether according to their original terms or as amended pursuant to the assumption agreement and (d) the purchaser or transferee pays the transfer fee required by Grantee. The foregoing provisions will apply to each and every sale and transfer whether or not the Grantee has consented to any previous sale or transfer.

12. Grantee shall have the right from time to time to sue for any sums, whether interest, principal or any installment of either or both, taxes, penalties, or any other sums required to be paid under the terms of this deed, as the same become due, without regard to whether or not all of the Secured Indebtedness shall be due on demand, and without prejudice to the right of Grantee thereafter to enforce any appropriate remedy against the Grantor, including an action of foreclosure, or any other action, for a default or defaults by Grantor existing at the time such earlier action was commenced.

Reviewed and Approved by:

Reviewed & Approved:

13. The rights of Grantee, granted and arising under the clauses and covenants contained in this deed and the Note, shall be separate, distinct and cumulative of other powers and rights herein granted and all other rights which Grantee may have in law or equity, and none of them shall be in exclusion of the others; and all of them are cumulative to the remedies for collection of indebtedness, enforcement of rights under security deeds, and preservation of security as provided at law. No act of Grantee shall be construed as an election to proceed under any one provision herein or under the Note to the exclusion of any other provision, or an election of remedies to the bar of any other remedy allowed at law or in equity, anything herein or otherwise to the contrary notwithstanding.

14. Every provision for notice and demand or request shall be deemed fulfilled by written notice and demand or request personally served on one or more of the persons who shall at the time hold the record title to the Premises, or on their heirs or successors, or mailed by depositing it in any post office station or letter box, enclosed in a postpaid envelope (a) addressed to such person or persons, or their heirs or successors, at his, their or its address last known to Grantee, or (b) addressed to the street address of the Premises hereby conveyed.

15. Any indulgence or departure at any time by the Grantee from any of the provisions hereof, or any obligation hereby secured, shall not modify the same or relate to the future or waive future compliance therewith by the Grantor.

16. The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, (and if a corporation, its officers, employees, agents or attorneys) and any and all other persons or entities, and the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the word "Note" shall also include one or more notes and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed, the term "Grantor" shall mean all parties signing, and each of them, and each agreement, obligation and Secured Indebtedness of the Grantor shall be and means the several as well as joint undertaking of each of them.

17. By execution hereof by the Grantor and acceptance hereof by the Grantee, the parties hereto hereby affirmatively state that they intend to create and establish a perpetual or indefinite security interest in favor of the Grantee in the Premises pursuant to O.C.G.A. '44-14-80(a)(1) or '44-14-80(a)(2), as applicable, and agree that title to the Premises conveyed hereby shall not revert to Grantor until the expiration of the longest period of time permitted under whichever of such subsections as shall be applicable to this conveyance, or, if later, the date determined in accordance with O.C.G.A. '44-14-80(b) or (c), as applicable, if any portion or all of the indebtedness evidenced by the Guarantee is extended or renewed.

18. Any other provision of this Deed to the contrary notwithstanding, Lender, by acceptance hereof, expressly agrees that: (a) Borrower shall be liable upon the Secured Indebtedness to the full extent (but only and limited to the extent) of the security or collateral given to secure the payment hereof, the same being the property described in Exhibit "A" attached hereto; (b) if default occurs in the timely and proper payment of all or any part of such indebtedness, sums or amounts, any proceedings, judicial or otherwise, brought by Lender against Borrower shall be limited to the preservation, enforcement and foreclosure, or any thereof, of the liens, security titles, estates, assignments, property rights and security interests now or at any time hereafter acquired in the said property securing the payment of the Secured Indebtedness, and no attachment, execution, judgment or other writ of process shall be sought, issued or levied upon any assets, properties or funds of Borrower other than said property; and (c) in the event of a foreclosure of such liens, security titles, estates, assignments, property rights and security interests securing the payment of the Secured Indebtedness, whether by judicial proceedings or exercise of power of sale, or otherwise, no judgment for any deficiency upon such indebtedness, sums and amounts shall be sought or obtained by Lender against Borrower; provided, however, that, notwithstanding the foregoing provisions of this paragraph, Borrower shall be fully liable (a) for fraud or misrepresentations, (b) for the misapplication of (i) proceeds paid prior to any such foreclosure under any insurance policies by reason of damage, loss or destruction to any portion of the said property to the full extent of such proceeds so misapplied, (ii) proceeds or awards resulting from the condemnation, or other taking in lieu of condemnation, prior to any such foreclosure, of any portion of the said property to the full extent of such proceeds or awards so misapplied, (iii) rents, issues, profits and revenues received or applicable to a period subsequent to the occurrence of a default under the Loan Documents, but prior to such foreclosure. Nothing contained in this paragraph shall (i) be deemed to constitute a release or impairment

Reviewed and Approved by: Reviewed & Approved:

of the Secured Indebtedness or the lien and validity of this Deed upon the property described herein, or (ii) preclude Lender from foreclosing this Deed in case of any default or enforcing any of the other rights of Lender except as expressly stated in this paragraph.

In Witness Whereof, this deed has been duly executed and sealed by Grantor the day and year first above written.

AMERICAN IRA, LLC FBO JAMES TUCKER
ROTH IRA (50% undivided interest)

BY: _____(SEAL)
AMERICAN IRA, LLC, Third Party Administrator
for James Tucker Roth IRA Only

By Erika Wilson, Senior Investment Coord.

AMERICAN IRA, LLC FBO JOHN ERIK WARM
IRA (50% undivided interest)

BY: _____(SEAL)
AMERICAN IRA, LLC, Third Party Administrator
for John Erik Warm IRA Only

By Erika Wilson, Senior Investment Coord.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public

This instrument is hereby canceled and the Clerk of the Superior Court of Athens-Clarke County, Georgia, is hereby authorized and directed to mark it satisfied of record.

MICHELLE D RUBIO
Notary Public, North Carolina
Buncombe County
My Commission Expires
10-13-15

Reviewed and Approved by:

Reviewed & Approved:

Escrow File No.: 1755531

BK7992PG171

EXHIBIT "A"

All those lots, tracts and parcels of land lying situate and being in Land Lot 170, 9th Land District, Hall County, Georgia, being one-half of Lot 11 and all of Lot 12 of the E O Whiting Resubdivision, Block B, together with Lots 1, 2 and a portion of Lot 4, Block B of the E. O. Whiting Subdivision, said Lots forming one contiguous tract on the Northern quadrant of the intersection of Whiting Drive and State Route 369 (Browns Bridge Road). Said tract is more particularly shown by a plat for the E. O. Whiting Estate prepared by Henry Grady Jarrard, Georgia Registered Land Surveyor, dated April 8, 1985, which plat is by reference made a part hereof. As shown by said plat the property is more particularly described as follows

BEGINNING at a point designated by nail at the intersection of the northern most flange of Whiting Drive as the same intersects with the northern right of way of Browns Bridge Road, running thence along said right of way of Whiting Drive North 53 degrees 01 minutes 14 seconds West 22.42 feet to a nail; thence continuing along the northeastern right of way of Whiting Drive North 26 degrees 48 minutes 35 seconds West 98 46 feet to a point, thence North 29 degrees 26 minutes 41 seconds West 96.61 feet to a point; thence North 30 degrees 05 minutes 13 seconds West 84 11 feet to an iron pin corner; running thence through Lot 11 and along the property of Billie C Cain North 59 degrees 30 minutes East 150.35 feet to an iron pin corner, running thence South 30 degrees 12 minutes 09 seconds East 27.74 feet to an iron pin; thence South 31 degrees 09 minutes 41 seconds East 22.01 feet to a point; thence South 30 degrees 22 minutes 31 seconds East 77 65 feet to an iron pin corner; running thence North 60 degrees 52 minutes 16 seconds East 50.15 feet to an iron pin corner; running thence South 29 degrees 53 minutes 54 seconds East 215.17 feet to an iron pin corner on the northern right of way of Browns Bridge Road; running thence along said right of way of Browns Bridge Road South 72 degrees 02 minutes 02 seconds West 203 14 feet to the point of beginning.

LESS AND EXCEPT all that tract or parcel of land lying and being in Land Lot 170 of the 9th District of Hall County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the intersection formed by the northerly right of way line of State Route 369 a/k/a Browns Bridge Road (80-foot right of way) and the southernmost flange of the easterly right of way line of Whiting Drive, thence running easterly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road North 72 degrees 02 minutes 02 seconds East a distance of 100 95 feet to a point, said point also being the southeastern corner of original Lot 1 , Block B of the E. O. Whiting Subdivision and being the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, as thus established, thence leaving the northerly right of way line of State Route 369 a/k/a Browns Bridge Road and running along the original line dividing Lot 1 and Lot 2, E O Whiting Subdivision, North 29 degrees 53 minutes 54 seconds West a distance of 178 10 feet to a point; thence running North 60 degrees 48 minutes 20 seconds East a distance of 50.00 feet to a point; thence running North 30 degrees 22 minutes 31 seconds West a distance of 16.68 feet to a point; thence running North 60 degrees 52 minutes 16 seconds East a distance of 50.15 feet to a point; thence running South 29 degrees 53 minutes 54 seconds East a distance of 214.52 feet to a point on the northerly right of way line of State Route 369 a/k/a Browns Bridge Road; thence running westerly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road South 71 degrees 58 minutes 38 seconds West a distance of 102 19 feet to a point at the TRUE POINT OF BEGINNING, said property being known as Lot 2 and a portion of Lot 4 of the E O. Whiting Subdivision, said courses and distances being taken from a survey dated May 11, 1993, prepared by Farley-Collins Associates, and bearing the seal of William H. Collins, GRLS No. 1435 and the seal of H. P. Farley, Jr., GRLS No. 1301. Being the same property conveyed by Harry G. Hyatt to William T. Mundy, Jr. by Warranty Deed dated August 20, 1993 and recorded in Deed Book 2018, pages 278-280 of the Hall County, Georgia Deed Records.

Reviewed and Approved by:

Reviewed & Approved:

Outlook

1604, 1608 Whiting Drive and 1790 Browns Bridge Road

From Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Date Thu 6/12/2025 9:05 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

From: Nick Swafford <NSwafford@gainesvillega.gov>
Sent: Thursday, June 12, 2025 8:14:19 AM
To: Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Brittany Passmore (CDI: Planning) <bawalker@hallcounty.org>
Cc: 'James Irvin' <jirvin@foothillsld.com>
Subject: 1604, 1608 Whiting Drive and 1790 Browns Bridge 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.

Good morning,

Please allow this email to serve as confirmation of water and sanitary sewer availability for the subject addresses. If you need anything further, please let me know.

Thanks,

Nick Swafford
Permitting Services & GIS Manager
Department of Water Resources

GAINESVILLE

O | 770.538.2452
www.gainesville.org

300 Henry Ward Way, Ste. 305
Gainesville, GA 30501

Outlook

HCPC Tentative Agenda 7.21.25

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Wed 6/18/2025 12:14 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Cc Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>

Please find Environmental Health comments below:

Item 1, 5674 Bark Camp Rd, Lean on Me: Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Items 2/3A/3B/4A/4B, 1608 Whiting Drive, Vargas: No comment. Public Sewer.

Item 5, 5019 Cagle Mill, NCP Holdings: No comment. Public Sewer.

Item 6, 4020/3886 Cornelia Hwy: No comment. Public Sewer.

Item 7, A/B, 5684 Bethel Road, Truelove: 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 8, 5979 New Bethany Rd, Brown: 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 9, 4965 Bryant Quarter Rd, Clouse: No comment.

Item 10, 5970 Cleveland Hwy, Academy P1: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 11, County Staff: 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

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.

Outlook

RE: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

From Nembhard, Nakia L <NNembhard@dot.ga.gov>
Date Mon 6/16/2025 8:13 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

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,

Below you will find comments on proposed locations. If you have any questions please let me know.

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | P**roposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**. **(Does Not Require GDOT Coordination)**

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant** **(Does Not Require GDOT Coordination)**

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant** **(Does Not Require GDOT Coordination)**

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant (Will Require GDOT Coordination)**

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant** **(Does Not Require GDOT Coordination)**

Thanks,

Nakia Nembhard
Civil Engineer 3

GDOT Georgia Department of Transportation

District 1 Traffic Operations
1475 Jesse Jewell Pkwy Suite 100
Gainesville, GA, 30501

(678) 332-8200 Cell
(770) 533-8496 Office

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, June 12, 2025 12:02 PM
Subject: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

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 **July 21, 2025** Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

PUBLIC WORKS AND
UTILITIES DIRECTOR
Bill Nash, P.E.

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: June 20, 2025

Subject: July 21, 2025 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 21, 2025 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **5674 Bark Camp Road | Special Use** | for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant.**

a. **Engineering**: No comment
b. **Traffic:** No comment.
c. **Utilities:** Septic area. Hall County sewer service but no sewer in area.

2. **1608 Whiting Drive | Rezone** | from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby.

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 &

H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** No sewer in area. Gainesville water

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

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

North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show 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.
North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
(B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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:** Commercial driveway

c. **Utilities:** Hall County sewer area.
No sewer infrastructure in area.

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south

east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

a. **Engineering**: Show stream buffer and impervious setback from wrested vegetation not centerline of stream
b. **Traffic:** Commercial driveway
c. **Utilities:** Buford sewer service area.

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant**

a. **Engineering**: 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:** No comment
c. **Utilities:** Hall County sewer service area
No sewer infrastructure in area.

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b. **Traffic:** G-DOT coordination
Commercial driveway if no access to SR 11
c. **Utilities:** Clermont sewer service area.

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant**

a. **Engineering**: No comment
b. **Traffic:** No comment
c. **Utilities:** No comment

Outlook

Fire Comment

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Fri 6/13/2025 2:02 PM
To Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

July 21, 2025 Hall County Planning Commission Meeting

1. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
2. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant**
3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**
   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**

Hall County Fire Marshal's Office comments:

1. If approved the site development plan 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

HALL COUNTY
GEORGIA

HALL COUNTY
HIGHLANDS
EST.
1970
ISLANDS
FIRE
RESCUE

Outlook

1786 Browns bridge rd.

From Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Date Wed 7/23/2025 11:51 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

From: Mark Turner
Sent:
To: Beth Garmon (CDI: Planning)
Subject: Fw: 1786 Browns bridge rd.

You don't often get email from [redacted] 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.

Download full resolution imagesAvailable until Aug 22, 2025

Hello Beth, this is Mark Turner the owner of Select pest control at 1786 Browns Bridge Rd. this is what I'm dealing with less than 24 hours after the planning zoning meeting. I will be sending you other emails as I have a recording with me and the owner disputing property lines already
Thanks for your help Mark Turner

TUE 22
5:44
8:44PM 2HR 59MIN

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: GERARDO VARGAS
REQUEST: SPECIAL USE FOR OUTDOOR STORAGE AND VEHICLE REPAIR, MAJOR WITH VARIANCES TO STANDARDS
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JULY 21, 2025
Time: 5:15 P.M.
&
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.
2. The Planning Department shall send notification by letter of all other property owners within a 500-foot radius of the applicant's property is standard administrative policy of the Planning Department.
3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road; or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN JUNE 13, 2025 AND NO LATER THAN JUNE 22, 2025.

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN JUNE 22, 2025 ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.

Failure to comply will result in a delay of the application.

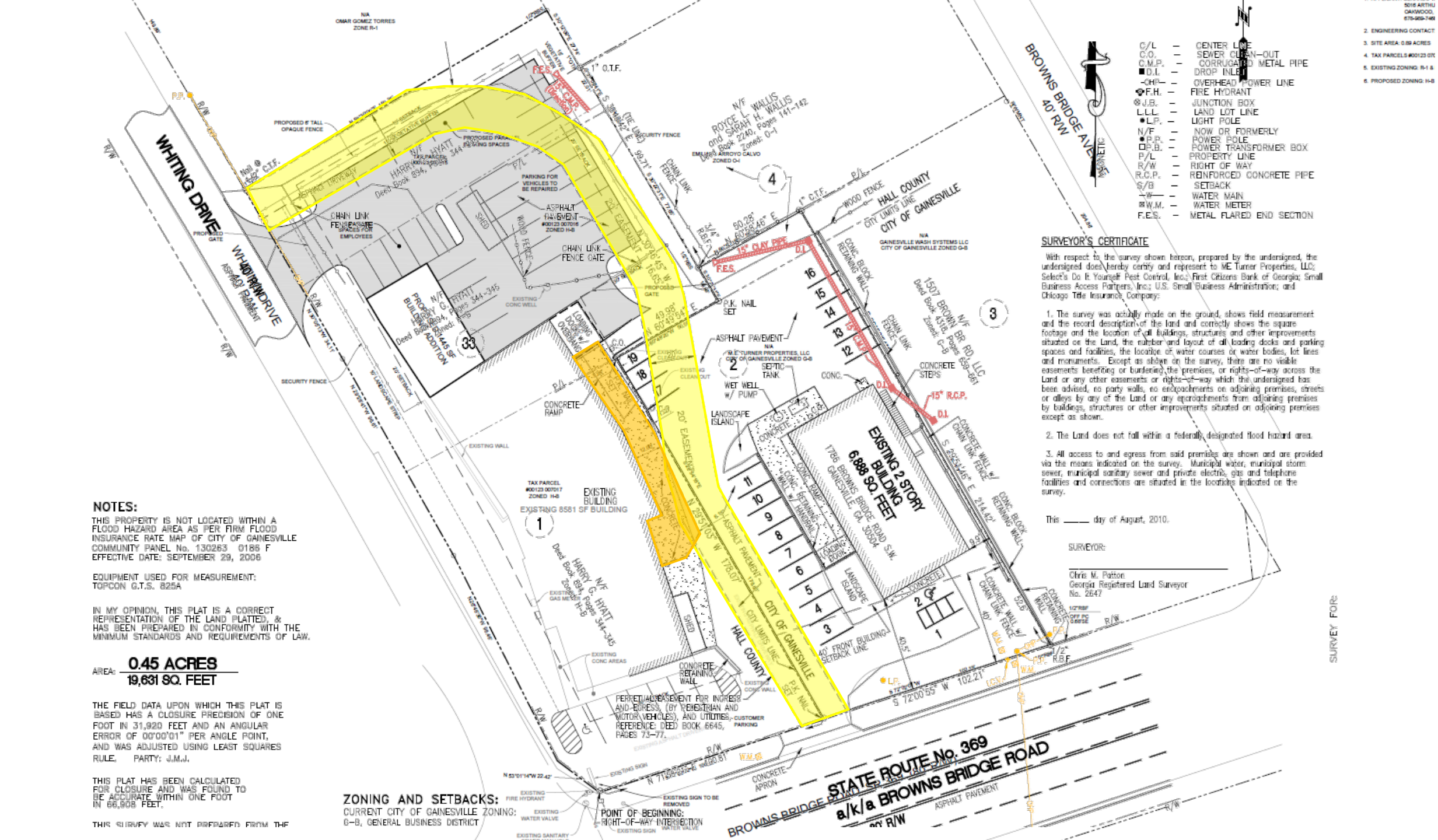
AFFIDAVIT

By my signature, I, Gerardo Vargas (Please Print Name)**, hereby acknowledge that I have read and understand the sign posting requirements. I further certify that the required public notice sign was posted on** June 17, 2025 (Date) **for** _____ (Name application filed as).

Signature Gerardo Vargas

(The original document is required)

Revised September 2021


WHITING DRIVE
WHITING DRIVE
ASPHALT PAVEMENT
BROWNS BRIDGE AVE.
40' R/W
STATE ROUTE No. 369
a/k/a BROWNS BRIDGE ROAD
BROWNS BRIDGE ROAD 80' R/W
HALL COUNTY
CITY OF GAINESVILLE
CITY LIMITS LINE
EXISTING 2 STORY
6,888 SQ. FEET
BUILDING
1786 BROWNS BRIDGE ROAD S.W.
GAINESVILLE, GA. 30504
EXISTING
BUILDING
EXISTING 8581 SF BUILDING
PROPOSED
BUILDING
6,445 SF
20' EASEMENT
15" CLAY PIPE
15" R.C.P.
CONCRETE RAMP
CONCRETE STEPS
CONCRETE RETAINING WALL
CHAIN LINK FENCE
CHAIN LINK FENCE GATE
WOOD FENCE
SEPTIC TANK
WET WELL
W/ PUMP
LANDSCAPE ISLAND
ASPHALT PAVEMENT
PARKING FOR VEHICLES TO BE REPAIRED
PROPOSED PARKING SPACES
SHED
EXISTING CONC WELL
EXISTING GAS METER
EXISTING CONC AREAS
EXISTING WALL
SECURITY FENCE
PROPOSED 6' TALL OPAQUE FENCE
PROPOSED GATE
EXISTING SIGN TO BE REMOVED
EXISTING FIRE HYDRANT
EXISTING WATER VALVE
EXISTING SANITARY
EXISTING SIGN
CONCRETE APRON
CONCRETE RETAINING WALL
PERPETUAL EASEMENT FOR INGRESS AND EGRESS, (BY PEDESTRIAN AND MOTOR VEHICLES), AND UTILITIES.
REFERENCE: DEED BOOK 6645, PAGES 73-77.
CUSTOMER PARKING
40' FRONT BUILDING SETBACK LINE
POINT OF BEGINNING:
RIGHT-OF-WAY INTERSECTION
N/A
OMAR GOMEZ TORRES
ZONE R-1
HARRY G. HYATT
Deed Book 894, Pages 344-345
Zoned: H-B
TAX PARCELS
#00123 007016
#00123 007017
ZONED H-B
ROYCE L. WALLIS
and SARAH H. WALLIS
Book 2240, Pages 141-142
Zoned: O-I
EMILIO ARROYO CALVO
ZONED O-I
1507 BROWN BR. RD. LLC
Deed Book 4316, Pages 859-861
Zoned: G-B
M.E. TURNER PROPERTIES, LLC
CITY OF GAINESVILLE ZONED G-B
GAINESVILLE WASH SYSTEMS LLC
CITY OF GAINESVILLE ZONED G-B
1" O.T.F.
1" C.T.F.
P.K. NAIL SET
P.K. NAIL FOUND
1/2" RBF
OFF PC 0.69'SE
1/2" RBF
OFF PC 0.69'SE
1/2" RBF
OFF PC 0.69'SE
W.M.
L.P.
S.P.
C.O.
D.I.
F.E.S.
R.C.P.
S 72°00'55" W 102.21'
N 72°00'55" E 214.42'
S 29°54'45" E 214.42'
N 29°54'45" W 94.6'
N 29°54'45" W 94.6'
N 29°54'45" W 178.07'
S 29°54'45" E 178.07'
N 53°01'14" W 22.42'
N 71°58'46" E 99.81'
S 60°58'46" E 50.28'
N 40°58'46" W 16.65'
N 49°01'14" E 99.71'
S 49°01'14" W 99.71'
N 40°58'46" W 16.65'
N 60°49'54" E 49.96'
S 60°49'54" W 49.96'
S 29°54'45" E 214.42'
S 29°54'45" E 214.42'
S 29°54'45" E 214.42

AGENDA ITEM

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

REPORT TO: **Work Session (08/25/25)**

REPORT TO: **Voting Meeting (08/28/25)**

ITEM NO: 488/2025

SUBJECT: **1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use |** for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | Commission District 4 | **Gerardo Vargas, applicant**

Meetings:

Work Session Date: 08/25/25 **Voting Meeting Date:** 08/28/25

Executive Summary:

Presenter: BG
Recommendation:

Approval, with conditions

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.
4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
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. The existing 8,581 square foot building and existing carport is approved as shown on the submitted site plan; however, any expansion of the existing structures within the building setback lines shall require approval of a setback variance by the Hall County Planning Commission.
8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
9. The proposed 1,445 square foot building addition, as shown on the submitted site plan, shall be required to meet the minimum 30 foot front yard setback along Whiting Drive unless a separate setback variance is applied for and approved by the Planning Commission.
10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.
11. A 10 foot landscape strip shall not be required along Browns Bridge Road as shown on the submitted site plan.
12. Parking may be permitted between Browns Bridge Road and the primary building as shown on the submitted site plan.
13. A reduction in the required parking spaces is granted from 56 spaces to 36 spaces as shown on the submitted site plan.
14. A 6 foot high PVC opaque fence shall be required along Whiting Drive. All other fencing, as shown on the site plan, shall be 6-foot high vinyl coated chain link fencing either black or green in color. The proposed gate along Whiting Drive shall be vinyl coated chain link at minimum.
15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

Purpose of Request:

1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | Commission District 4 | **Gerardo Vargas, applicant**

History:

Facts and Issues:

Options:

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

Approvals:

Submit	Approve	Attorney	Administration
JR	BG	JL	CR
Clerk			

Clerk
JR

Attachments:
Board Memo
Recommendation Report
Application
Narrative
Site Plan
Plat
Maps
Easement Survey
Deed
Legal Description
Water and Sewer Availability
Environmental Health Comment
GDOT Comment
Public Works Comment
Fire Comment
Public Comment
Notice Sign
Site Plan Mark Up

HALL COUNTY
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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

Hall County Government
PLANNING AND ZONING

To: David Gibbs, 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 11, 2025

Subject: **1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | Proposed use: Outdoor storage| Gerardo Vargas, applicant**

The request before you is from Gerardo Vargas for a special use for outdoor storage within the Gateway Corridor Overlay District (GCOD). This item is located within Commission District 4.

At their July 21, 2025, the Hall County Planning Commission voted to recommend **approval, with fifteen (15) conditions (4-0).**

Staff recommendation: **Approval, with conditions,** as the proposed use is consistent with the "Business Nodes and Corridors" Future Land Use designation in the Comprehensive Plan.

There were **no comments submitted** in advance of the Planning Commission meeting and **two (2) people spoke in opposition during the public hearing.**

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening

of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.

4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
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. The existing 8,581 square foot building and existing carport is approved as shown on the submitted site plan; however, any expansion of the existing structures within the building setback lines shall require approval of a setback variance by the Hall County Planning Commission.
8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
9. The proposed 1,445 square foot building addition, as shown on the submitted site plan, shall be required to meet the minimum 30 foot front yard setback along Whiting Drive unless a separate setback variance is applied for and approved by the Planning Commission.
10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.
11. A 10 foot landscape strip shall not be required along Browns Bridge Road as shown on the submitted site plan.
12. Parking may be permitted between Browns Bridge Road and the primary building as shown on the submitted site plan.
13. A reduction in the required parking spaces is granted from 56 spaces to 36 spaces as shown on the submitted site plan.
14. A 6 foot high PVC opaque fence shall be required along Whiting Drive. All other fencing, as shown on the site plan, shall be 6-foot high vinyl coated chain link fencing either black or green in color. The proposed gate along Whiting Drive shall be vinyl coated chain link at minimum.
15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Gerardo Vargas

Request ..... **Special Use** | Outdoor storage

Proposed Use ..... Vehicle repair, major

Size ..... 0.90± acres

Zoning ..... Residential 1 (R-1) & Highway Business (H-B, GCOD)

Location ..... **1604 & 1608 Whiting Drive and 1790 Browns Bridge Road |** Tax Parcels 00123 007016, 007015 & 007017

Commission District ..... Four

Planning Commission Date ..... July 21, 2025

Staff Recommendation ..... **Approval, with conditions,** as the proposed use is consistent with the "Business Nodes and Corridors" Future Land Use designation in the Comprehensive Plan

Record Number(s) HZCU25-0032

Planning Commission Recommendation ..... Approval, with conditions

Vote: 4-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.

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10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.
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15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

Excerpts from the minutes of the July 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Brad Trotter, 164 Professional Drive, Baldwin, presented the request. The applicant is requesting approval of two separate special uses on a 0.90± acre tract zoned Residential 1 (R-1) and Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD) for (A) vehicle repair, major, and (B) outdoor storage. The subject parcels consist of a vacant lot and a vacant commercial building that was constructed in 1964 and 1989, per Hall County tax records.

Gerardo Vargas, 5016 Arthur Avenue, Oakwood, presented the request.

Public Forum:

Jim Hardman, 3244 Dunlap Drive, Gainesville, spoke in opposition. Mr. Hardman explained the history of several properties on Browns Bridge Road and stated that too much of Browns Bridge Road is changing from residential zoning to commercial and that this property should remain zoned residential. Mr. Hunt asked if Mr. Hardman repairs vehicles at his business and Mr. Hardman stated that he does.

Mark Turner, 1786 Browns Bridge Road, Gainesville, spoke in opposition. Concerns raised were increased pests due to storage of vehicles on site, concerns regarding cars parking on his property, maintaining the shared easement between his and the applicant's business, and that the applicant's property is not currently adhering to GCOD (Gateway Corridor Overlay District) standards. Additionally, Mr. Turner stated that due to the sloping topography, a 6 foot tall fence will not provide proper screening for the property from the roadway.

Planning Commission Comments:

Mr. Braswell explained that the GCOD standards in the Unified Development Code apply to new and altered structures but do not apply to buildings constructed before these conditions were adopted into Hall County code. Mr. Hunt asked the applicant if the storage at the rear of the property would be storage of cars for sale or if the storage would consist of cars in need of repairs. The applicant stated the storage is for cars being repaired while waiting for parts and after repair awaiting pickup. Mr. Hunt further discussed the number of parking spaces that would be for storage as well as for employee parking. Mr. Vargas stated the business will have 10 employees. Mr. Braswell explained the parking in front of the business would be for customer parking and not employees or vehicles awaiting repairs. The applicant understood but asked if the spaces could be used for cars that customers drop off outside of business hours. Mr. Braswell stated that the parking spaces in front of the building would be for customer use only. Mr. Braswell asked the applicant if they understood that the easement shared with the neighboring property cannot be blocked. The applicant stated they understood. Mr. Hunt asked how long cars waiting for repairs would be stored. Mr. Vargas stated up to 2 weeks due to the repairs being delayed until a specific part can be found and delivered. Mr. Hunt asked for clarification on the type of repairs the business would be doing. Mr. Vargas stated their volume of car repairs depends on what insurance companies approve to send to their autobody shop with light mechanic work as required by the insurance companies such as suspension and alignments. No engine repair would be conducted.

B
Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: 3-1 (Davidson opposed)

Amended B

***Motion:** A motion to approve, with amended conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: 4-0*

Conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.
4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
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.
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8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
9. The proposed 1,445 square foot building addition, as shown on the submitted site plan, shall be required to meet the minimum 30 foot front yard setback along Whiting Drive unless a separate setback variance is applied for and approved by the Planning Commission.
10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.
11. A 10 foot landscape strip shall not be required along Browns Bridge Road as shown on the submitted site plan.
12. Parking may be permitted between Browns Bridge Road and the primary building as shown on the submitted site plan.
13. A reduction in the required parking spaces is granted from 56 spaces to 36 spaces as shown on the submitted site plan.

14. A 6 foot high PVC opaque fence shall be required along Whiting Drive. All other fencing, as shown on the site plan, shall be 6-foot high vinyl coated chain link fencing either black or green in color. The proposed gate along Whiting Drive shall be vinyl coated chain link at minimum.
15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

(A) & (B) Staff recommends <u>APPROVAL</u> of the applicant's requests with the following conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.

3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.

4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.

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.

<u>Summary Analysis</u>

The applicant is requesting approval of two separate special uses on a 0.90± acre tract zoned Residential 1 (R-1) and Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD) for (A) vehicle repair, major, and (B) outdoor storage. There are two concurrent requests as part of this development: a request to rezone from Residential 1(R-1) to Highway Business (H-B) (HZON25-0028) and variances from the GCOD standards and parking requirements (HVAR25-0030).

The subject parcels consist of a vacant lot and a vacant commercial building that was constructed in 1964 and 1989, per Hall County tax records.

On November 30, 2021, a use subject to county commission was approved for an auto repair and body shop; however, the site was never developed as proposed and the approval expired (ZON2021-00083).

The surrounding properties are zoned and developed as outlined below:

North:	Residential 1 (R-1)- Developed with single-family residences and vacant lots
South:	City of Gainesville- Developed with convenience store, restaurants and warehouse
East:	Office Institutional (O-I) – Developed with a single-family residence; City of Gainesville – Developed with auto sales lots, carwash and retail
West:	Residential 1 (R-1): Developed with a single-family residences; City of Gainesville – Developed with auto sales lots and retail

The applicant is requesting two special uses: (A) vehicle repair, major within the H-B zoning district, and (B) outdoor storage within GCOD. The proposed development includes an existing 8,581 square foot building, a proposed 1,445 square foot building, and 39 parking spaces. The narrative also states that the existing building will serve as a showroom for a countertop business.

The submitted site plan shows that both the existing structure and the proposed addition encroach into the 30 foot front setback along Browns Bridge Road as well as the 30 foot front setback along Whiting Drive. Per the submitted narrative, should this special use be approved, a variance will be applied for to bring the existing structure into compliance. Also, the location of the proposed addition will either comply with setbacks or a variance will be required.

The hours of operation are proposed to be Monday through Friday 8:00 a.m.- 6:00 p.m. and Saturday 8:00 a.m. - 1:30 p.m.

The site will be served by public water and sanitary sewer provided by the City of Gainesville Water Resources Department as confirmed in an email dated June 12, 2025.

The development standards for the project are identified in the table below and compared to the GCOD requirements (6.2):

GCOD Analysis

Standard	Proposed Work	Notes	Compliance
5.3.1. – Highway Business	The existing structure encroaches into the setback along Browns Bridge Road and Whiting Drive.	The required setback along right-of-way in the Highway Business zoning district is 30 feet from property line.	Deficient – If these special uses are approved, the applicant will submit a variance request to bring the existing structure into compliance.

6.2.5.A.– Transitional buffers	A 15 foot transitional buffer and supplemental 6 foot high opaque fence is proposed along the property line abutting the R-1 zoning districts.	A 25 foot transitional buffer is required adjacent to residential property; however, the buffer may be reduced by 10 feet if a 6 foot high solid wood fence or masonry wall is incorporated into the design of the transitional buffer.	Complies
6.2.5.B.2.– Additional Landscape and Screening	No landscape strip is proposed along Browns Bridge Road or Whiting Drive. 7 parking spaces are located within the required 10 foot landscape strip.	Along each street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
6.2.5.C.2.e – Parking Lot Design - Location	Parking spaces are proposed between the principal building and Browns Bridge Road and Whiting Drive.	Off-street parking must be located to the side or rear of the principal building and may not be located between the building and the street.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
6.2.6.B.3.g. – Building Materials	A 1,445 square feet metal building is proposed.	Architectural metal panels are restricted to no more than 50 percent of the surface area of each side of a building.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
8.1.1 – Required parking	39 parking spaces proposed.	Off-street parking space calculations are governed by Sec. 8.1 of the UDC. 53 parking spaces are required.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
8.1.3.B.2. – Parking Lot Landscaping	Parking is proposed within the 10 feet landscape strip along Browns Bridge Road	Such landscape strips may not contain any structures, parking areas, patios, stormwater detention facilities, or any other accessory uses except for: a. Retaining walls or earthen berms constructed as part of an overall landscape design.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)

		b. Pedestrian-oriented facilities such as sidewalks and bus stops. c. Underground utilities. d. Driveways required to access the property. e. Signs otherwise permitted by this UDC.	

Based on the future land use plan, staff finds the requested zoning designation *is consistent* with the Hall County Comprehensive Plan future land use designation of "Business Nodes and Corridors" The intent of this future land use designation is for new development along these major road corridors and intersections to consist of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate.

(A) & (B) Zoning Analysis - Special Use

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

a. 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 special uses are consistent with the use, development, and zoning of adjacent and nearby properties.**

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed special uses should not adversely affect the existing use or usability of adjacent properties.**

c. 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.**

d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed special uses are not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property is served by City of Gainesville public water and sanitary sewer.**

e. 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 uses are consistent with the future land use designation of "Business Nodes and Corridors" which consists of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate.**

f. 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.**

g. 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.**

h. 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.**

i. 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 vacant commercial building that was established in 1969 and 1984 per Hall County tax records.**

j. 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.**

k. Whether the change would create an isolated district unrelated to the surrounding districts; **As the request is for special uses within an existing Highway Business (H-B, GCOD) property, this would not create an isolated district**.

l. 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.**

m. 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.**

n. 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 permitted uses within the Highway Business zoning district and Future Land Use designations; however, the development lies within the Gateway Corridor Overlay District therefore it requires special use approval by the Board of Commissioners.**

o. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request for special uses could not be handled alternatively as a variance.**

p. 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.**

q. 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.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:

    a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The 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 11.2.6.E.2.**

    b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district**. The proposal meets the requirement.**

    c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request**

    d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the

County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health
In an email dated June 18, 2025, Emily McGahee stated, "No comment. Public sewer."

Georgia Department of Transportation
In an email dated June 16, 2025, Nakia Nembhard, E.I.T., GDOT Civil Engineer 3, stated that GDOT coordination is required.

Hall County Public Works and Utilities
In a memo dated June 20, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

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

Traffic:
Commercial driveway.

Utilities
Gainesville sewer. No sewer nearby.

Hall County Fire Marshal
In an email dated June 13, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "If approved the site development plan may require modifications during the development review process."

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

HALL COUNTY
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SPECIAL / CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)

GERARDO VARGAS
5016 ARTHUR AVE
OAKWOOD, GA 30566
Phone [redacted]
Email Address [redacted]

Property Owner (Name & Mailing Address)

CAPITAL COLLISION, LLC
1790 BROWNS BRIDGE ROAD
GAINESVILLE, GA 30501
Phone
Email Address

Proposed Use VEHICLE MAINTENANCE / REPAIR; OUTDOOR STORAGE IN GCOD

Contact Person (Name & Mailing Address)

GERARDO VARGAS
5016 ARTHUR AVE
OAKWOOD, GA 30566
Phone [redacted]
Email Address [redacted]

Status of Applicant

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

Requested Action

Type of Request: ☑ SU ☐ CUP
Fee:$
Receipt #:
Check #:

Zoning: H-B
Acreage 0.20, 0.38, AND 0.32

Tax Parcel Number 00123 007015, 00123 007016, 00123 007017
Location Address 1608 WHITING ROAD, GAINESVILLE, GA 30501

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

Sign Gerardo Vargas (Jun 9, 2025 22:15 EDT) Date: 06/09/25

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

HALL COUNTY
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AUTHORIZATION OF PROPERTY OWNERS

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

Name of owner(s) Morteza Modaber

Address 1130 Easy St
Suwnee GA 30024

Phone Number [redacted]

Name of applicant(s) Gerardo Vargas

Address 5016 Author Ave,
Oakwood, GA 30566

Phone Number [redacted]

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)

M

Personally appeared before me

Morteza modaber

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

Notary Public

May 7th 2025
Date

RAJESH DAYAL
NOTARY PUBLIC
GWINNETT COUNTY
GEORGIA
EXPIRES
April 2, 2026

Revised December 2019

Scanned with CamScanner

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

ANNUAL REGISTRATION

Electronically Filed
Secretary of State
Filing Date: 3/22/2024 2:24:42 PM

BUSINESS INFORMATION	
CONTROL NUMBER	21222115
BUSINESS NAME	Capital Collision LLC
BUSINESS TYPE	Domestic Limited Liability Company
EFFECTIVE DATE	03/22/2024
ANNUAL REGISTRATION PERIOD	2024

PRINCIPAL OFFICE ADDRESS	
ADDRESS	1130 EASY ST, SUWANEE, GA, 30024, USA

REGISTERED AGENT		
NAME	**ADDRESS**	**COUNTY**
Financial & Tax Pros Inc	990 Peachtree Industrial Blvd, #3404, Suwanee, GA, 30024, USA	Gwinnett

AUTHORIZER INFORMATION	
AUTHORIZER SIGNATURE	morteza modaber
AUTHORIZER TITLE	Organizer

PLANNING AND DEVELOPMENT DEPARTMENT
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

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

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

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

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

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

I have**____ I have not ✔

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

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

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Gerardo Vargas Naranjo (May 7, 2025 08:37 EDT) **Date:** 05/07/25

Applicant's/Owner's Name (Printed): CAPITAL COLLISION LLC

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

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Gerardo Vargas naranjo (May 7, 2025 08:38 EDT) **Date:** 05/07/25

Applicant's/Owner's Name (Printed): GERARDO VARGAS

foothills land design

NARRATIVE REPORT
REQUEST FOR REZONING & CONDITIONAL USE
HALL COUNTY, GEORGIA

RE: 0.90 acres located at 1790 Browns Bridge Road, Gainesville, GA 30501
Parcel ID 00123 007015, 00123 007016, 00123 007017

Gerardo Vargas (the "applicant") respectfully submits this Narrative Report to the Hall County Board of Commissioners in support of an application for rezoning and conditional use approval. This application and proposed use consist of 3 lots at the corner of Browns Bridge Road and Whiting Drive. Parcels 00123 007016 and 00123 007017 are currently zoned H-B. Parcel 00123 007015 is currently zoned R-1. The applicant requests that this parcel be rezoned to H-B as well. The proposed use is automobile body repair in the Gateway Corridor. The applicant requests that this be allowed as a conditional use for the 3 lots.

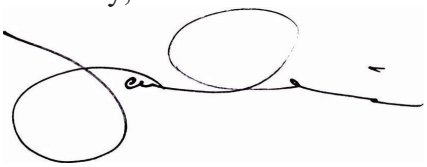
The property currently has an 8,581 sf building which will be used for the automobile repair. There is existing parking in the front of the building for customers. Since the proposed use is for body repair, there is not a need for many customer parking spaces. The accompanying concept plan shows several parking spaces in the back of the building for repaired cars and cars waiting for repair. The majority of this area is already paved with asphalt.

The concept plan adheres to the H-B zoning standards. These include a 30' front setback, 20' side setback, 10' rear setback, a 10' landscape strip along Whiting Drive, and a 15' vegetative buffer adjacent to residential properties on the north and east side of the property. There will be a 6' opaque fence that will be installed along with the buffer.

The City of Gainesville will provide water and the sewer. There is an existing sign; however, this sign will be replaced with one that adheres to Hall County standards. The applicant would like to place the sign where the current sign is located. The business operation hours will be from 8am to 6pm, Monday through Friday and there will be 30-35 vehicles on-site.

The H-B zoning and intended use is consistent with this area on Browns Bridge Road.

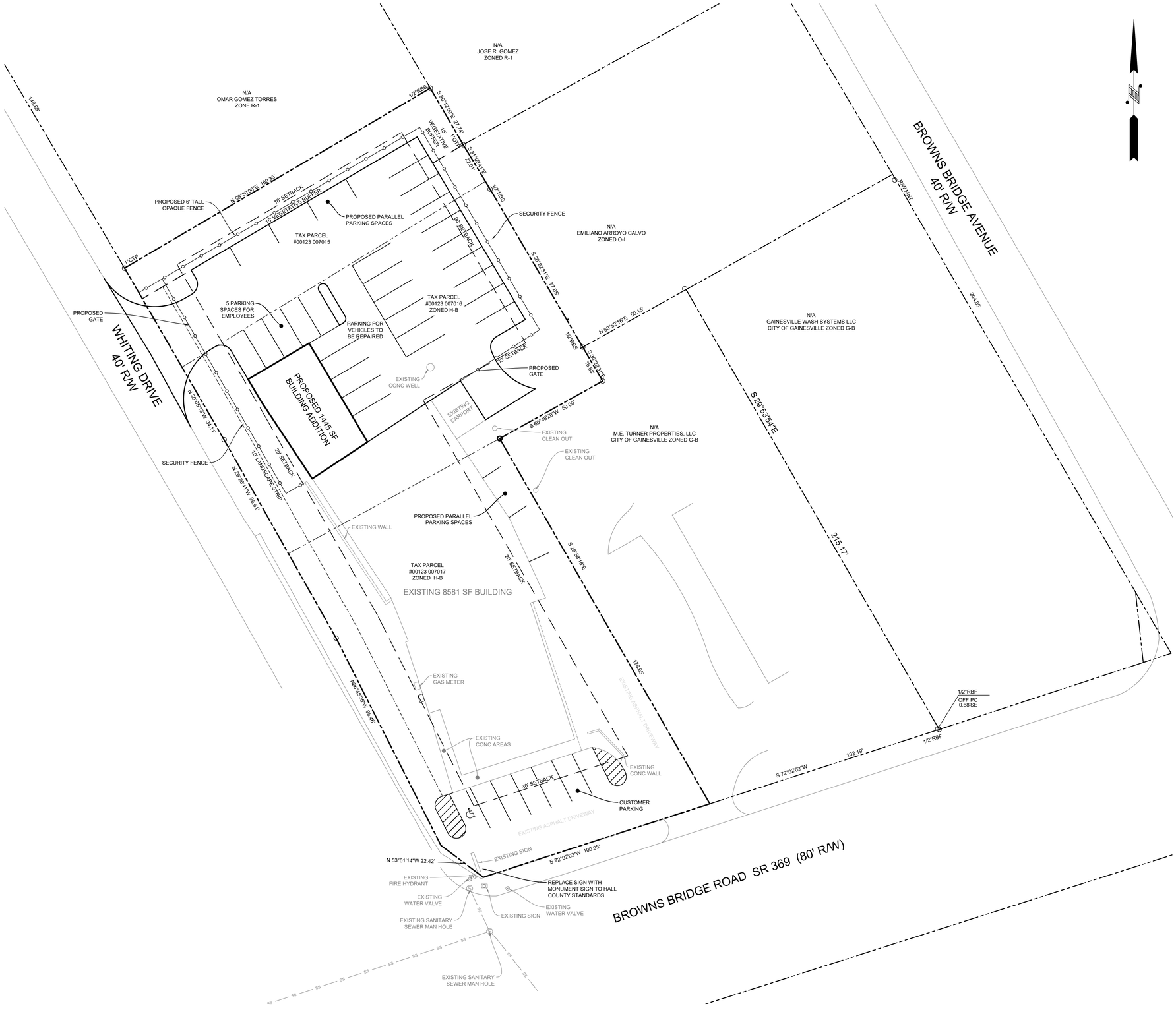
Sincerely,



James Irvin, PE
Engineer for Applicant
Foothills Land Design, LLC

Foothills Land Design, LLC
164 Professional Drive
Baldwin, GA 30511

Ph: 706-778-0067
Fax: 706-778-0069
www.foothillsld.com



foothills land design

164 PROFESSIONAL DRIVE
BALDWIN, GA 30511
PHONE: (706) 778-0067
FAX: (706) 778-0068
www.foothillsld.com

OWNER/ DEVELOPER:
CAPITAL COLLISION, LLC
1790 BROWNS BRIDGE RD
GAINESVILLE, GA 30501

SITE PLAN
VARGAS AUTOMOTIVE
LAND LOT 170, 9TH DISTRICT
HALL COUNTY, GA

REVISIONS: NO.	DESCRIPTION	DATE

GEORGIA REGISTERED No. 25938 PROFESSIONAL ENGINEER JAMES D. IRVIN

GSWCC LEVEL II #9832

DATE: JUNE 20, 2025

SCALE: 1" = 20'

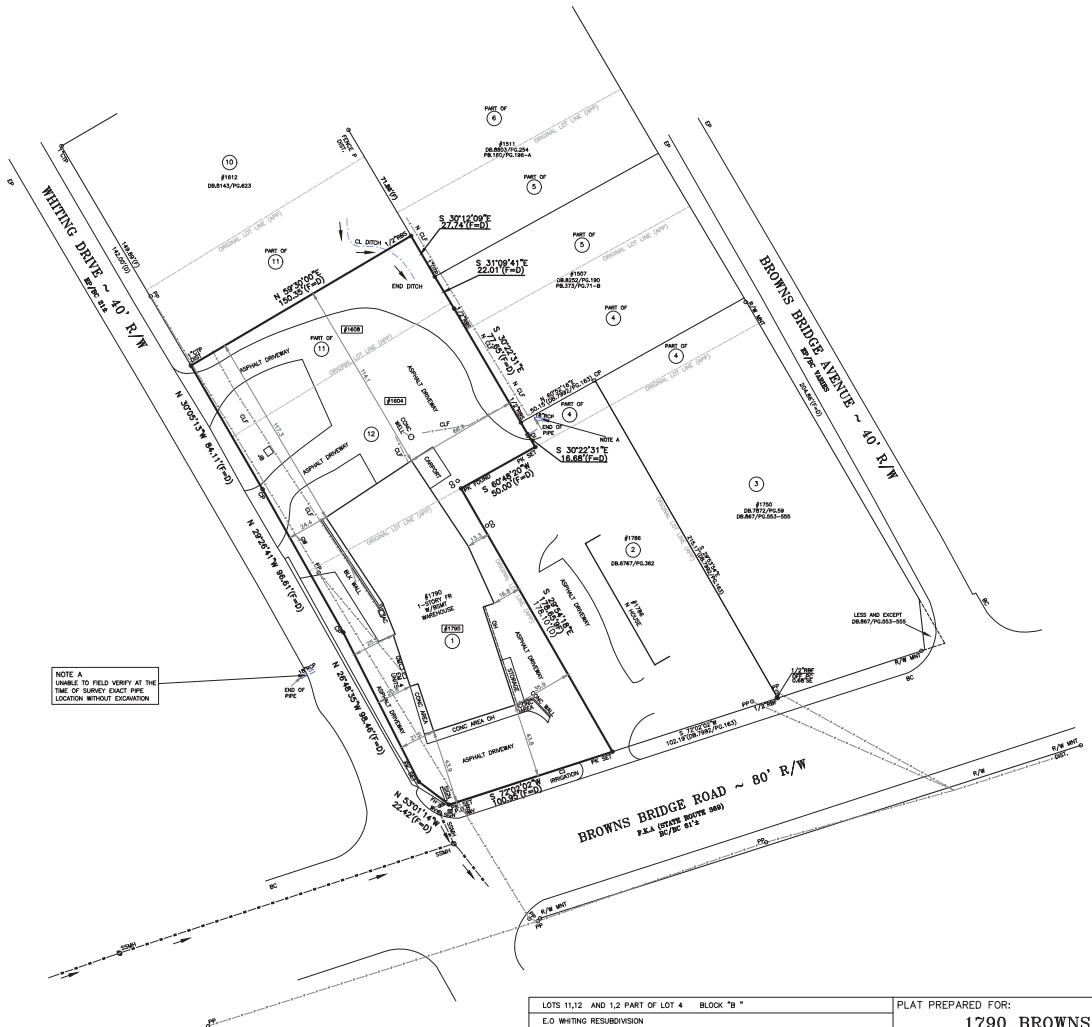
SHEET:
C1
JOB #25002

SURVEY NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED, NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY, MATTERS OF TITLE ARE EXCEPTED, PROPERTY OWNER OR PERSON ORDERING THIS SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY FOR TITLE CONFIRMATION OR A FULL TITLE SEARCH AND EXAMINATION INCLUDING ALL THE EXCEPTION.
5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREON. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

THIS SURVEY PLAT OF THE PROPERTY MUST BE USED AS A SINGLE STAND ALONE DOCUMENT. IT CAN NOT BE SCANNED AND ALTERED, CROPPED OUT COPY/PASTE OR MODIFIED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE. THIS SURVEY PLAT CAN BE ONLY ATTACHED AS A SEPARATE DOCUMENT BY ITSELF TO DEVELOPMENT PROJECTS AND SITEPLANS AND CAN NOT BE INSERTED WITH SURVEY LAND EXPRESS TITLE BLOCK, SURVEYOR'S STAMP AND SIGNATURE TO SOME OTHER DEVELOPMENT PROJECTS PREPARED BY ANY OTHER PARTY WITHOUT WRITTEN APPROVAL AND ORIGINAL BLUE INK SIGNATURE OF THE SURVEYOR OF RECORD.

CURRENT PROPERTY CONSISTS OF 3 PARCELS.
#1608 = PARCEL ID 00123 007015
#1604 = PARCEL ID 00123 007016
#1790 = PARCEL ID 00123 007017



0 40
SCALE 1" = 40'

* L E G E N D *

APD	AS PER DEED
AE	ACCESS EASEMENT
APF	AS PER FIELD
AI	ANGLE IRON FOUND
AIF	ANGLE IRON FOUND
APP	AS PER PLAT
APR	AS PER RECORD
B	BOLLARD
BC	BACK OF CURB
BLK	BLOCK
BL	BUILDING LINE SETBACK
BR	BRICK
CB	CATCH BASIN
CBX	CABLE BOX
CL	CENTER LINE
CLF	CHAIN LINK FENCE
CM	CADASTRAL MAP
CMP	CORRUGATED METAL PIPE
C.G.A.	CITY OF ATLANTA
CO	SAN. SEWER CLEANOUT
CP	CALCULATED POINT
CPT	CARPORT
CTP	CRIMP TOP PIPE FOUND
D	DEED
DE	DRAINAGE EASEMENT
DI	DRAINAGE INLET
EB	ELECTRIC POWER BOX
EM	ELECTRIC METER
EP	EDGE OF PAVEMENT
F	FIELD
FC	FENCE CORNER
FH	FIRE HYDRANT
FP	FENCE POST
FR	FIRE
GL	GAS LINE
GM	GAS METER
GV	GAS VALVE
GW	GUY WIRE
HDW	HEAD WALL
HW	HARDWOOD TREE
IPF	IRON PIN FOUND
IPS	IRON PIN SET
IR	IRON ROD FOUND
IRF	IRON FENCE
IM	IRRIGATION METER
IV	IRRIGATION VALVE
JB	JUNCTION BOX
LP	LIGHT POLE
LL	LAND LOT LINE
MAG	MAGNETIC HEADING
MGN	MAGNOLIA TREE
MH	MANHOLE
MT	METAL FENCE
N	N'BORS.
OH	OVERHANG
OTP	OPEN TOP PIPE FOUND
OU	OWNERSHIP UNCLEAR
P	PORCH
PC	PROPERTY CORNER
PL	PROPERTY LINE
PN	PINE TREE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER POLE
PW	POWER LINE
(P)	PLAT
R	RECORD
RBF	REINFORCING BAR FOUND
RBS	REINFORCING BAR SET
RCP	REINFORCED CONC. PIPE
R/W	RIGHT-OF-WAY
SN	SIGN
SSL	SANITARY SEWER LINE
SSE	SANITARY SEWER EASEMENT
SP	SCREENED PORCH
TB	TRIP BLANK
TP	TRAFFIC POLE
UE	UTILITY EASEMENT
WD	WOOD
WDF	WOOD FENCE
WDK	WOOD DECK
WL	WATER LINE
WM	WATER METER
WRF	WIRE FENCE
WV	WATER VALVE
WW	WOOD WALKER
YI	YARD INLET
-X-X	FENCE
	INDICATES STAIRS
	INDICATES BUSHES

* SYMBOLS *

- ELECTRIC PANEL/METER
- AIR CONDITIONER
- GAS METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- TRAFFIC/INFO SIGN
- FIRE HYDRANT
- DRAINAGE INLET

LOTS 11,12 AND 1,2 PART OF LOT 4 BLOCK "B "		PLAT PREPARED FOR: SHEET 1 OF 1
E.O WHITING RESUBDIVISION		1790 BROWNS BRIDGE
LAND LOT 170	9TH DISTRICT	
HALL COUNTY, GEORGIA	PB./PG. DB.7992/PG.163	PROPERTY ADDRESS:
FIELD WORK DATE SEPT 18, 2021	PRINTED/SIGNED NOV 19, 2021	1790 BROWNS BRIDGE ROAD
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	PAPER SIZE: 18" x 24"	GAINESVILLE, GA 30501

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND, WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

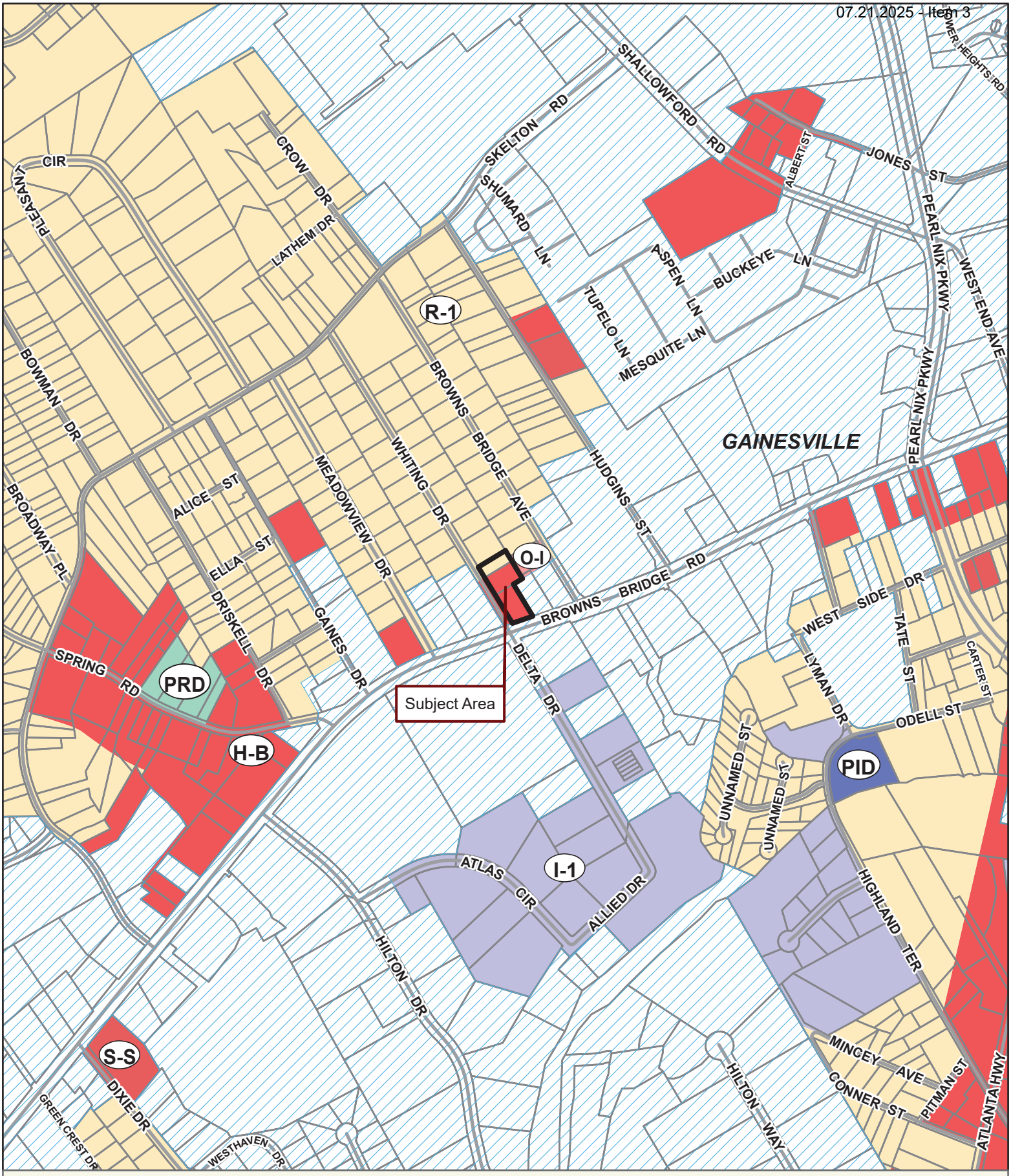
SP/AU
COORD #20211970
DWG #20211970

SURVEY LAND EXPRESS, INC
LAND SURVEYING SERVICES

24 LENOX POINTE
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR EUGENE A. STEPANOV

BY APPROVAL THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

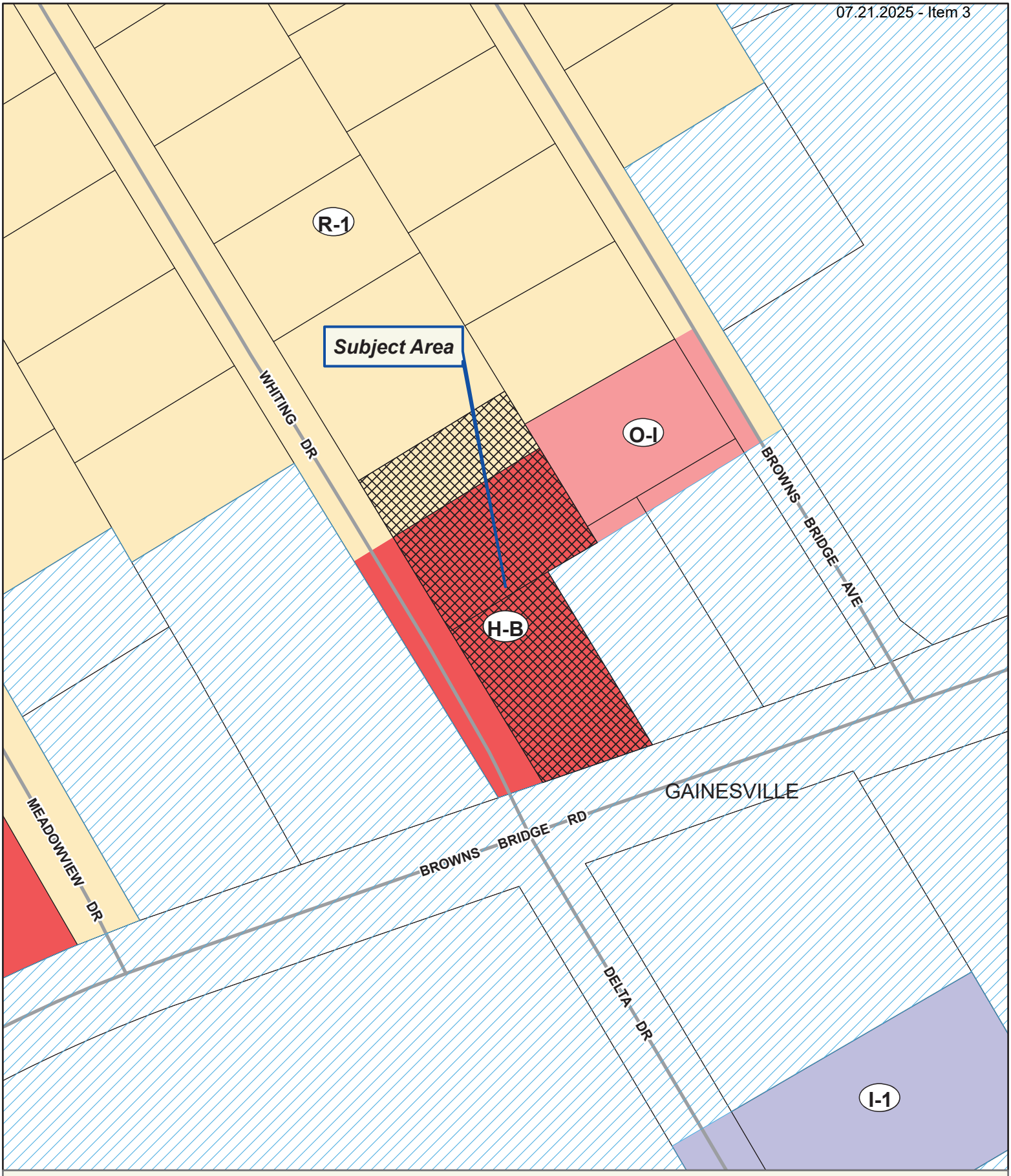


Applicant: GERARDO VARGAS
Tax Parcel #: 00123 007016, 007015, 007017
Location: 1604 & 1608 WHITING DRIVE & 1790 BROWNS BRIDGE ROAD, GAINESVILLE, GA 30504
Commission District 4 **PC Mtg. Date: 07/21/2025**

0 175 350 700
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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Commission District 4 **PC Mtg. Date: 07/21/2025**

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

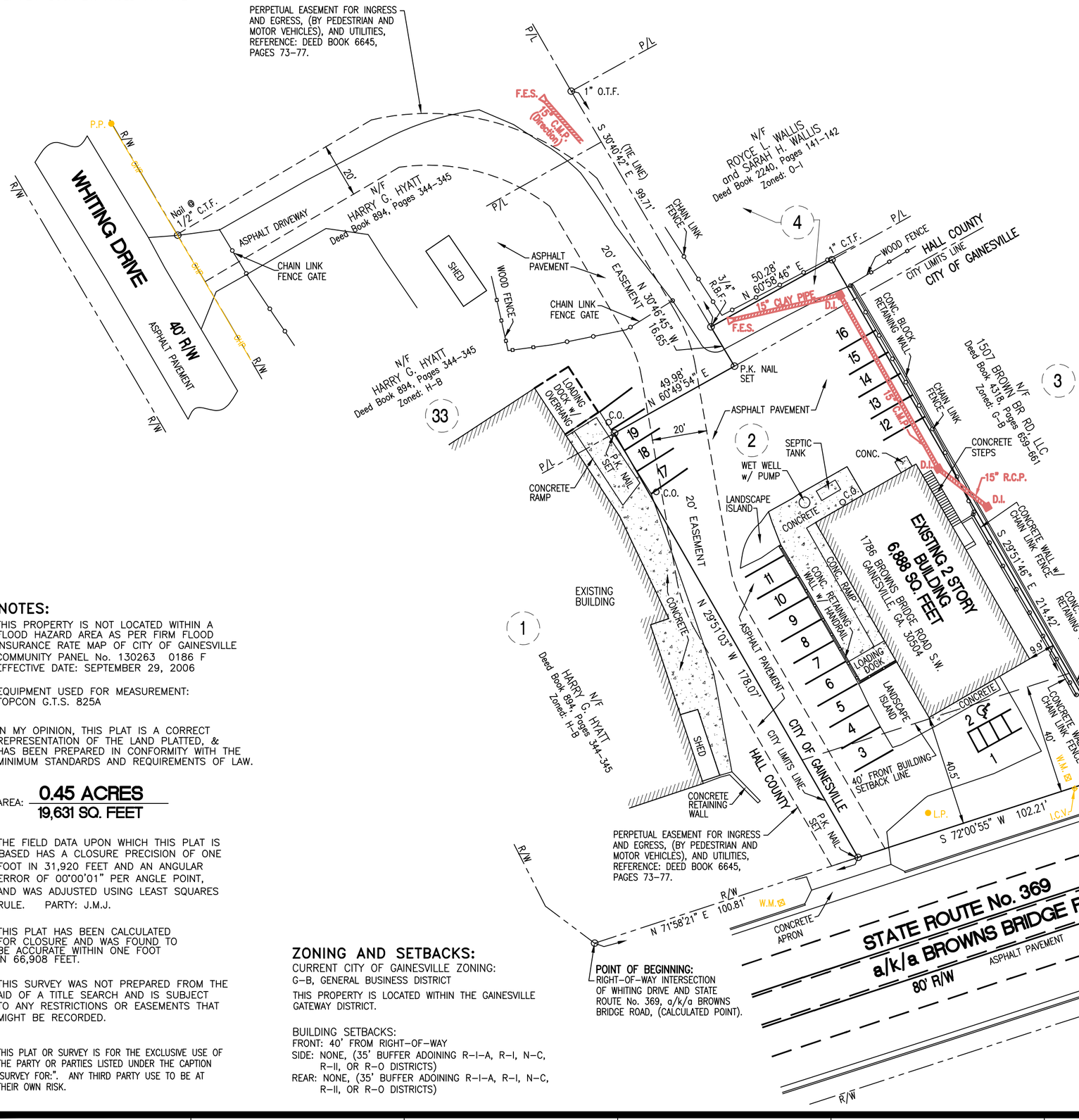
Applicant: GERARDO VARGAS
Tax Parcel #: 00123 007016, 007015, 007017
Location: 1604 & 1608 WHITING DRIVE & 1790 BROWNS BRIDGE ROAD, GAINESVILLE, GA 30504
Commission District 4 **PC Mtg. Date: 07/21/2025**

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
N

REFERENCES:

1. DEED BOOK 6645, PAGES 73–77
2. PLAT BOOK 21, PAGES 111–112



NOTES:

THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA AS PER FIRM FLOOD INSURANCE RATE MAP OF CITY OF GAINESVILLE COMMUNITY PANEL No. 130263 0186 F EFFECTIVE DATE: SEPTEMBER 29, 2006

EQUIPMENT USED FOR MEASUREMENT: TOPCON G.T.S. 825A

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED, & HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

AREA: **0.45 ACRES** / **19,631 SQ. FEET**

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 31,920 FEET AND AN ANGULAR ERROR OF 00°00'01" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES RULE. PARTY: J.M.J.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 66,908 FEET.

THIS SURVEY WAS NOT PREPARED FROM THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MIGHT BE RECORDED.

THIS PLAT OR SURVEY IS FOR THE EXCLUSIVE USE OF THE PARTY OR PARTIES LISTED UNDER THE CAPTION "SURVEY FOR:". ANY THIRD PARTY USE TO BE AT THEIR OWN RISK.

ZONING AND SETBACKS:

CURRENT CITY OF GAINESVILLE ZONING:
G–B, GENERAL BUSINESS DISTRICT

THIS PROPERTY IS LOCATED WITHIN THE GAINESVILLE GATEWAY DISTRICT.

BUILDING SETBACKS:
FRONT: 40' FROM RIGHT–OF–WAY
SIDE: NONE, (35' BUFFER ADOINING R–I–A, R–I, N–C, R–II, OR R–O DISTRICTS)
REAR: NONE, (35' BUFFER ADOINING R–I–A, R–I, N–C, R–II, OR R–O DISTRICTS)

MAGNETIC

LEGEND:

⊙	I.P.F.	IRON PIN FOUND
⊙	C.T.F.	CRIMPED TOP PIN FOUND
⊙	R.B.F.	REBAR PIN FOUND
⊙	R.B.S.	REBAR PIN SET
⊙	O.T.F.	OPEN TOP FOUND
△	A.I.F.	ANGLE IRON FOUND
⊡	C.M.F.	CONCRETE MONUMENT FOUND
	B.C.	BACK OF CURB
	C/L	CENTER LINE
	C.O.	SEWER CLEAN–OUT
	C.M.P.	CORRUGATED METAL PIPE
■	D.I.	DROP INLET
	-OHP-	OVERHEAD POWER LINE
	F.H.	FIRE HYDRANT
⊗	J.B.	JUNCTION BOX
	L.L.L.	LAND LOT LINE
●	L.P.	LIGHT POLE
	N/F	NOW OR FORMERLY
●	P.P.	POWER POLE
□	P.B.	POWER TRANSFORMER BOX
	P/L	PROPERTY LINE
	R/W	RIGHT OF WAY
	R.C.P.	REINFORCED CONCRETE PIPE
	S/B	SETBACK
	–W–	WATER MAIN
⊠	W.M.	WATER METER
	F.E.S.	METAL FLARED END SECTION

SURVEYOR'S CERTIFICATE

With respect to the survey shown hereon, prepared by the undersigned, the undersigned does hereby certify and represent to ME Turner Properties, LLC; Select's Do It Yourself Pest Control, Inc.; First Citizens Bank of Georgia; Small Business Access Partners, Inc.; U.S. Small Business Administration; and Chicago Title Insurance Company:

1. The survey was actually made on the ground, shows field measurement and the record description of the land and correctly shows the square footage and the location of all buildings, structures and other improvements situated on the Land, the number and layout of all loading docks and parking spaces and facilities, the location of water courses or water bodies, lot lines and monuments. Except as shown on the survey, there are no visible easements benefiting or burdening the premises, or rights–of–way across the Land or any other easements or rights–of–way which the undersigned has been advised, no party walls, no encroachments on adjoining premises, streets or alleys by any of the Land or any encroachments from adjoining premises by buildings, structures or other improvements situated on adjoining premises except as shown.

2. The Land does not fall within a federally designated flood hazard area.

3. All access to and egress from said premises are shown and are provided via the means indicated on the survey. Municipal water, municipal storm sewer, municipal sanitary sewer and private electric, gas and telephone facilities and connections are situated in the locations indicated on the survey.

This _____ day of August, 2010.

SURVEYOR:

_____
Chris M. Patton
Georgia Registered Land Surveyor
No. 2647

SURVEY FOR:

ME TURNER PROPERTIES, LLC and SELECT'S DO IT YOURSELF PEST CONTROL, INC. and FIRST CITIZENS BANK OF GEORGIA and SMALL BUSINESS ACCESS PARTNERS, INC. and CHICAGO TITLE INSURANCE COMPANY

BEING LOT 2 AND A PORTION OF LOT 4 OF THE E.O. WHITING SUBDIVISION.
– L O C A T E D I N –
LAND LOT 170, 9th LAND DISTRICT
CITY OF GAINESVILLE, HALL COUNTY, GEORGIA

REGISTERED PROFESSIONAL LAND SURVEYORS
P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532-6492
FAX: (770) 532-1995
www.pattonsurveying.com
PATTON
LAND SURVEYING

SURVEYED BY: J.M.J. | DRAFTED BY: D.D.B. | COMPUTATIONS BY: C.M.P. | CHECKED BY: C.M.P.

GEORGIA REGISTERED PROFESSIONAL No. 2647 LAND SURVEYOR CHRIS M. PATTON
County Surveyor
Hall County, Georgia

SHEET NUMBER: 1 of 1
SCALE: 1' = 30'
SURVEY DATE: 08/19/2010
PLAT DATE: 08/20/2010
10–144.dwg
JN. 10–144

BK7992PG162

Return Recorded Document to:
Thomas H. Beisswenger, P.C.
272 West Hancock Avenue, Suite 300B
Athens, GA 30601
File Number: 1755531

HALL COUNTY, Georgia
Real Estate Transfer Tax
Paid $ 450.00
Date 11-2-17
Charles Baker
Superior Court Clerk
By JP

PT61 069-2017-007916

FILED
HALL CO. GA
17 NOV -2 AM 11:55
CHARLES BAKER, CLERK
SUPERIOR-STATE COURT
BY JP

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CLARKE

THIS INDENTURE, made the **19th day of October, 2017,** between **Wayne Pinnix a/k/a Ronnie W. Pinnix,** as party of the first part, hereinafter called Grantor, and **American IRA, LLC FBO James Tucker Roth IRA (50% undivided interest) and American IRA, LLC FBO John Erik Warm IRA (50% undivided interest),** as parties of the second part, hereinafter called Grantees (the words "Grantor(s)" and "Grantee(s)" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 DOLLARS ($10.00)** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell alien, convey and confirm unto the said Grantee,

See Exhibit "A" attached hereto and made a part hereof, with American IRA, LLC FBO James Tucker Roth IRA receiving a 50% undivided interest and American IRA, LLC FBO John Erik Warm IRA receiving 50% undivided interest in said property

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Jeanette L Scott
Witness

Notary Public Clarke Co Ga.

THOMAS H BEISSWENGER NOTARY PUBLIC CLARKE COUNTY, GEORGIA MY COMMISSION EXPIRES NOVEMBER 19, 2020

Wayne Pinnix (Seal)
Wayne Pinnix a/k/a Ronnie W. Pinnix

EXHIBIT "A"

All those lots, tracts and parcels of land lying situate and being in Land Lot 170, 9th Land District, Hall County, Georgia, being one-half of Lot 11 and all of Lot 12 of the E O Whiting Resubdivision, Block B, together with Lots 1, 2 and a portion of Lot 4, Block B of the E. O. Whiting Subdivision, said Lots forming one contiguous tract on the Northern quadrant of the intersection of Whiting Drive and State Route 369 (Browns Bridge Road). Said tract is more particularly shown by a plat for the E. O. Whiting Estate prepared by Henry Grady Jarrard, Georgia Registered Land Surveyor, dated April 8, 1985, which plat is by reference made a part hereof. As shown by said plat the property is more particularly described as follows

BEGINNING at a point designated by nail at the intersection of the northern most flange of Whiting Drive as the same intersects with the northern right of way of Browns Bridge Road, running thence along said right of way of Whiting Drive North 53 degrees 01 minutes 14 seconds West 22.42 feet to a nail; thence continuing along the northeastern right of way of Whiting Drive North 26 degrees 48 minutes 35 seconds West 98 46 feet to a point, thence North 29 degrees 26 minutes 41 seconds West 96.61 feet to a point; thence North 30 degrees 05 minutes 13 seconds West 84 11 feet to an iron pin corner; running thence through Lot 11 and along the property of Billie C Cain North 59 degrees 30 minutes East 150.35 feet to an iron pin corner, running thence South 30 degrees 12 minutes 09 seconds East 27.74 feet to an iron pin; thence South 31 degrees 09 minutes 41 seconds East 22.01 feet to a point; thence South 30 degrees 22 minutes 31 seconds East 77 65 feet to an iron pin corner; running thence North 60 degrees 52 minutes 16 seconds East 50.15 feet to an iron pin corner; running thence South 29 degrees 53 minutes 54 seconds East 215.17 feet to an iron pin corner on the northern right of way of Browns Bridge Road; running thence along said right of way of Browns Bridge Road South 72 degrees 02 minutes 02 seconds West 203 14 feet to the point of beginning.

LESS AND EXCEPT all that tract or parcel of land lying and being in Land Lot 170 of the 9th District of Hall County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the intersection formed by the northerly right of way line of State Route 369 a/k/a Browns Bridge Road (80-foot right of way) and the southernmost flange of the easterly right of way line of Whiting Drive, thence running easterly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road North 72 degrees 02 minutes 02 seconds East a distance of 100 95 feet to a point, said point also being the southeastern corner of original Lot 1 , Block B of the E. O. Whiting Subdivision and being the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, as thus established, thence leaving the northerly right of way line of State Route 369 a/k/a Browns Bridge Road and running along the original line dividing Lot 1 and Lot 2, E O Whiting Subdivision, North 29 degrees 53 minutes 54 seconds West a distance of 178 10 feet to a point; thence running North 60 degrees 48 minutes 20 seconds East a distance of 50.00 feet to a point; thence running North 30 degrees 22 minutes 31 seconds West a distance of 16.68 feet to a point; thence running North 60 degrees 52 minutes 16 seconds East a distance of 50.15 feet to a point; thence running South 29 degrees 53 minutes 54 seconds East a distance of 214.52 feet to a point on the northerly right of way line of State Route 369 a/k/a Browns Bridge Road; thence running westerly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road South 71 degrees 58 minutes 38 seconds West a distance of 102 19 feet to a point at the TRUE POINT OF BEGINNING, said property being known as Lot 2 and a portion of Lot 4 of the E O. Whiting Subdivision, said courses and distances being taken from a survey dated May 11, 1993, prepared by Farley-Collins Associates, and bearing the seal of William H. Collins, GRLS No. 1435 and the seal of H. P. Farley, Jr., GRLS No. 1301. Being the same property conveyed by Harry G. Hyatt to William T. Mundy, Jr. by Warranty Deed dated August 20, 1993 and recorded in Deed Book 2018, pages 278-280 of the Hall County, Georgia Deed Records.

BK7992PG164

AFTER RECORDING, RETURN TO:
Thomas H. Beisswenger, P.C.
272 W. Hancock Ave. Ste 300B
Athens, GA 30601
File No. 1755531

FILED
HALL CO. GA
17 NOV -2 AM 11:55
CHARLES BAKER, CLERK
SUPERIOR-STATE COURT
BY JP

Georgia Intangible Tax Paid
$ 750.00
11-2-2017
Charles Baker By JP
Charles Baker, Superior Court Clerk

DEED TO SECURE DEBT AND SECURITY AGREEMENT

State of Georgia
County of Clarke

THIS INDENTURE, made this 19th day of October, 2017, between **American IRA, LLC FBO James Tucker Roth IRA (50% undivided interest) and American IRA, LLC FBO John Erik Warm IRA (50% undivided interest)**, individually and jointly Grantor, and **Wayne Pinnix,** 1010 Jesse Jewell Parkway, Gainesville, Ga. 30501, Grantee.

Witnesseth:

That, Whereas, Grantor is justly indebted to Grantee in the sum of **TWO HUNDRED FIFTY THOUSAND AND 00/100 ($250,000.00) Dollars** in lawful money of the United States, and has agreed to pay the same, with interest thereon according to the terms of a certain note (the "Note") given by Grantor to Grantee, bearing even date herewith, with payment of principal and interest on or before the **19th day of December, 2022**, the Note, by reference being made a part hereof;

NOW, Therefore, in consideration of the premises and of the sum hereinabove set forth, Grantor has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee the following property; to-wit:

See Exhibit A attached hereto and incorporated by reference herein.

Together with all buildings, structures and other improvements now or hereafter located on the property hereinbefore described, or any part and parcel thereof, and

Together with all rights, title and interest of Grantor in and to the minerals, flowers, shrubs, crops, trees, timber, and other emblements now or hereafter on said property or above the same or any part or parcel thereof, and

Together with all and singular the tenements, hereditaments, easements and appurtenances thereunto belonging or in any wise appertaining, and the reversion or reversions, remainder and remainders, rents issues and profits thereof, and also all the estate, right, title interest; claim and demand whatsoever of Grantor of, in and to the same and of, in and to every part and parcel thereof; and

Together with all fixtures, whether actually or constructively attached to said property, including, but without limiting the generality of the foregoing, all heating, plumbing, boilers, furnaces, oil burners or units thereof, air-cooling and air-conditioning apparatus, elevators and escalators, together with all building materials and fixtures now or hereafter delivered to the premises and intended to be installed therein, together with all additions thereto and replacements thereof (Grantor hereby agreeing with respect to all additions and replacements to execute and deliver from time to time such further instruments as may be requested by Grantee to confirm the conveyance, transfer and assignment of any of the foregoing); and

Together with any and all rents which are now due or may hereafter become due by reason of the renting, leasing and bailment of property and improvements thereon; and

Together with any and all awards or payments, including interest thereon, and the right to receive the same, as a result of (a) the exercise of the right of eminent domain, (b) the alteration of the grade of any street or (c) any other injury to, taking of, or decrease in the value of, the premises, to the extent of all amounts which may be secured by this deed at the date of receipt of any such award or payment by Grantee and of the reasonable attorney's fees, costs and disbursements incurred by Grantee in connection with the collection of such award or payment.

Reviewed and Approved by: Reviewed & Approved:

To Have and to Hold all the aforesaid property, property rights, contract rights, Equipment and claims (all of which are collectively referred to herein as the "Premises") to the use, benefit and behoof of the Grantee, forever, in Fee Simple.

Grantor warrants that Grantor has good title to the Premises, and is lawfully seized and possessed of the Premises and every part thereof, and has the right to convey same; that the Premises are unencumbered except as may be herein expressly provided; and that Grantor will forever warrant and defend the title to the Premises unto Grantee against the claims of all persons whomsoever.

This instrument is a deed and security agreement passing legal title pursuant to the laws of the State of Georgia governing loan or security deed and security agreements and is not a mortgage; and is made and intended to secure the payment of the indebtedness of Grantor to Grantee evidenced by the Note in accordance with the terms thereof, together with any and all other indebtedness now owing or which may hereafter be owing by Grantor to Grantee, however incurred, including advances by Grantee or any transferee of Grantee for the purpose of paying taxes or premiums on insurance on the Premises or to repair, maintain or improve the Premises (whether or not Grantor is at that time the owner of the Premises), and all renewal or renewals and extension or extensions and modification or modifications and consolidation or consolidations of the Note or other indebtedness, either in whole or in part (all of which are collectively referred to herein as the "Secured Indebtedness").

1. Grantor shall pay to Grantee the Secured Indebtedness with interest thereon as in the Note and this deed provided, except as otherwise specified herein.

2. Grantor shall pay when due and payable: (a) all taxes, assessments, general or special, and other charges levied on, or assessed, placed or made against the Premises, this instrument or the Secured Indebtedness or any interest of the Grantee in the Premises or the obligations secured hereby; (b) premiums on policies of fire and other hazard insurance covering the Premises, as required in Article 3 herein; (c) premiums on all collaterally pledged life insurance policies, if any; (d) premiums for mortgage insurance, if this deed and the Note are so insured; and (e) ground rents or other lease rentals, if any; payable by Grantor. Grantor shall promptly deliver to Grantee receipts showing payment in full of all the above items. Upon notification from Grantee, Grantor shall pay Grantee, together with and in addition to the payments of principal and interest payable under the terms of the Note secured hereby, on the installment-paying dates of the Note until said Note is fully paid or until notification from Grantee to the contrary, an amount reasonably sufficient (as estimated by Grantee) to provide Grantee with funds to pay said taxes, assessments, insurance premiums, rents and other charges next due so that Grantee will have sufficient funds on hand to pay same thirty (30) days before the date on which they become past due. In no event shall Grantee be liable for any interest on any amount paid to it as herein required, and the money so received may be held and commingled with its own funds, pending payment or application thereof as herein provided. Grantor shall furnish to Grantee, at least thirty (30) days before the date on which the same will become past due, an official statement of the amount of said taxes, assessments, insurance premiums and rents next due, and Grantee shall pay said charges to the amount of the then unused credit therefore as and when they become severally due and payable. An official receipt therefore shall be conclusive evidence of such payment and of the validity of such charges. Grantee may, at its option, pay any of these charges when payable, either before or after they become past due, without notice, or make advances therefore in excess of the then amount of credit for said charges. The excess amount advanced shall become part of the Secured Indebtedness and bear interest at the rate of interest provided in the Note from date of advancement. Grantee may apply credits held by it for the above charges, or any part thereof on account of any delinquent installments of principal or interest or any other payments maturing or due under this instrument, and the amount of credit existing at any time shall be reduced by the amount thereof paid or applied as herein provided. The amount of the existing credit hereunder at the time of any transfer of the Premises shall, without assignment thereof, inure to the benefit of the successor-owner of the Premises and shall be applied under and subject to all of the provisions hereof. Upon payment in full of the Secured Indebtedness, the amount of any unused credit shall be paid over to the person entitled to receive it.

3. Grantor shall maintain the Premises in good condition and repair, shall not commit or suffer any waste to the Premises, and shall comply with, or cause to be complied with, all restrictive covenants, statutes, ordinances and requirements of any governmental authority relating to the Premises and the use thereof or any part thereof. Grantor shall promptly repair, restore, replace or rebuild any part of the Premises, now or hereafter encumbered by this deed, which may be affected by any proceeding of the character referred to in Article 7 herein. No part of the Premises, including, but not limited to, any building, structure, parking lot, driveway, landscape scheme, timber or other ground improvement, equipment or other property, now or hereafter conveyed as security by or pursuant to this deed, shall be removed, demolished or materially altered without the prior written consent of Grantee. Grantor shall

Reviewed and Approved by: Reviewed & Approved:

complete, within a reasonable time, and pay for any building, structure or other improvement at any time in the process of construction on the property herein conveyed. Grantor shall not initiate, join in or consent to any change in any private restrictive covenant, zoning ordinance or other public or private restrictions limiting or defining the uses which may be made of the Premises or any part thereof. Grantee and any persons authorized by Grantee shall have the right to enter and inspect the Premises at all reasonable times and access thereto shall be permitted for that purpose.

4. Grantor shall execute and deliver (and pay the costs of preparation and recording thereof) to Grantee and to any subsequent holder from time to time, upon demand, any further instrument or instruments, including, but not limited to, security deeds, security agreements, financing statements, assignments and renewal and substitution notes, so as to reaffirm, to correct and to perfect the evidence of the obligation hereby secured and the legal security title of Grantee to all or any part of the Premises intended to be hereby conveyed, whether now conveyed, later substituted for, or acquired subsequent to the date of this Deed and extensions or modifications thereof. Grantor, upon request, made either personally or by mail, shall certify by a writing, duly acknowledged, to Grantee or to any proposed assignee of this deed, the amount of principal and interest then owing on the Secured Indebtedness and whether or not any offsets or defenses exist against the Secured Indebtedness, within 6 days in case the request is made personally, or within 10 days after the mailing of such request in case the request is made by mail.

5. Grantee shall be subrogated to all right, lien, or equity of all persons to whom it may have paid moneys in settlement of liens, charges, or in acquisition of title of or for its benefit hereunder, or for the benefit and account of Grantor at the time of making the loan evidenced by this security deed, or subsequently under any of the provisions herein.

6. Notwithstanding any taking of any property, herein conveyed and agreed to be conveyed, by eminent domain, alteration of the grade of any street or other injury to, or decrease in value of, the Premises by any public or quasi-public authority or corporation, Grantor shall continue to pay principal and interest on the Secured Indebtedness, and any reduction in the Secured Indebtedness resulting from the application by Grantee of any award or payment for such taking, alteration, injury or decrease in value of Premises, as hereinafter set forth, shall be deemed to take effect only on the date of such receipt; and said award or payment may, at the option of Grantee, be retained and applied by Grantee toward payment of the Secured Indebtedness, or be paid over, wholly or in part, to Grantor for the purpose of altering, restoring or rebuilding any part of the Premises which may have been altered, damaged or destroyed as a result of any such taking, alteration of grade, or other injury to the Premises, or for any other purpose or object satisfactory to Grantee, but Grantee shall not be obligated to see to the application of any amount paid over to Grantor. If, prior to the receipt by Grantee of such award or payment, the Premises shall have been sold on foreclosure of this deed, Grantee shall have the right to receive said award or payment to the extent of any deficiency found to be due upon such sale, with legal interest thereon, whether or not a deficiency judgement on this deed shall have been sought or recovered or denied, and of the reasonable counsel fees, costs and disbursements incurred by Grantee in connection with the collection of such award or payment.

7. Grantor shall deliver to Grantee, at any time within 30 days after notice and demand by Grantee but not more frequently than once per month, a statement in such reasonable detail as Grantee may request, certified by the Grantor or an executive officer of a corporate Grantor, of the leases relating to the Premises, and (ii) a statement in such reasonable detail as Grantee may request, certified by a certified public accountant or, at the option of Grantee, by the Grantor or an executive officer or treasurer of a corporate Grantor, of the income from and expenses of any one or more of the following: (a) the conduct of any business on the Premises (b) the operation of the Premises; or (c) the leasing of the Premises or any part thereof, for the last 12 months calendar period prior to the giving of such notice, and, on demand, Grantor shall furnish to Grantee executed counterparts of any such leases at convenient facilities for the audit and verification of any such statement.

8. Each of the following events shall constitute an "Event of Default" under this deed:

(i) should Grantor fail to pay the Secured Indebtedness or any part thereof, when and as the same shall become due and payable;

(ii) should any warranty or representation of Grantor herein contained, or contained in any instrument, transfer, certificate, statement, conveyance, assignment or loan agreement given with respect to the Secured Indebtedness, prove untrue or misleading in any material aspect;

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Reviewed & Approved:

(iii) should the Premises be subject to actual or threatened waste, or any part thereof be removed, demolished or materially altered so that the value of the Premises be diminished except as provided for in Article 6 herein;

(iv) should any federal tax lien or claim of lien for labor or material be filed of record against Grantor or the Premises and not be removed by payment or bond within 30 days from date of recording;

(v) should any claim of priority to this deed by title, lien or otherwise be asserted in any legal or equitable proceeding;

(vi) should Grantor, if a corporation, be liquidated or dissolved or its charter expire or be revoked, or, if a partnership or business association, be dissolved or partitioned, or, if a trust, be terminated or expire;

(vii) should the Grantor make an assignment for the benefit of creditors, file or have filed against Grantor a petition for relief under any chapter of the Bankruptcy Code, or should any custodian, receiver, or trustee be appointed for it or any part of its assets or should any proceeding under any bankruptcy, reorganization, arrangements, readjustment of debt, dissolution or liquidation law or statute of any jurisdiction, whether or not hereafter in effect, be commenced by or against Grantor;

(viii) should Grantor fail to keep, observe, perform, carry out and execute in every particular the covenants, agreements, obligations and conditions set out in this deed, or in the Note, or in any instrument, transfer, conveyance, assignment or loan agreement given with respect to the Secured Indebtedness; (ix) should any event occur under any instrument, deed or agreement, given or made by Grantor to or with any third party, which would authorize the acceleration of any debt to any such third party the acceleration of which would materially affect Grantor's ability to pay when due any amounts owed to Grantee;

(x) should Grantor fail to perform any agreement or promise to Grantee or to pay any obligation whatsoever to Grantee when due.

(xi) it is specifically understood and agreed by the parties herein that any sale, change of ownership, change in possession or transfer of any interest in the above-described property without the consent of the Grantee hereof shall, at the option of the Grantee, constitute a default hereunder (see Article 12 herein).

9. If an Event of Default occurs and remains uncured, Grantee may do any one or more of the following:

(i) enter upon and take possession of the Premises without the appointment of a receiver, or an application therefor, employ a managing agent of the Premises and let the same, either in its own name, or in the name of Grantor, and receive the rents, incomes, issues and profits of the Premises and apply the same, after payment of all necessary charges and expenses, on account of the Secured Indebtedness, and Grantor will transfer and assign to Grantee, in form satisfactory to Grantee, Grantor's lessor interest in any lease now or hereafter affecting the whole or any part of the Premises;

(ii) pay any sums in any form or manner deemed expedient by Grantee to protect the security of this instrument or to cure any event of default other than payment of interest and principal on Secured Indebtedness; make any payment hereby authorized to be made according to any bill, statement or estimate furnished or procured from the appropriate public officer or the party claiming payment without inquiry into the accuracy or validity thereof, and the receipt of any such public officer or party in the hands of Grantee shall be conclusive evidence of the validity and amount of items so paid, in which event the amounts so paid, with interest thereon from the date of such payment at the rate of interest stated in the Note shall be added to and become a part of the Secured Indebtedness and be immediately due and payable to Grantee; and Grantee shall be subrogated to any encumbrance, lien, claim or demand, and to all the rights and securities for the payment thereof, paid or discharged with the principal sum secured hereby or by Grantee under the provisions hereof, and any such subrogation rights shall be additional and cumulative security to this instrument;

(iii) declare the entire Secured Indebtedness immediately due, payable and collectible, without notice to Grantor, regardless of maturity, and in that event, the entire Secured Indebtedness shall become immediately due, payable and collectible; and thereupon, Grantee may sell and dispose of the Premises at public auction, at the usual place for conducting sales at the courthouse in the county where the Premises or any part thereof may be, to the highest bidder for cash, first advertising the time, terms and place of such sale by publishing a notice thereof once a week for four consecutive weeks in a newspaper in which sheriff's advertisements are published in said county, and after giving such other notice required by law; and Grantee may thereupon execute and deliver to the purchaser at said sale a sufficient conveyance of the Premises in fee simple, which conveyance may contain recitals as to the happening of the default upon which the execution of the power of sale, herein granted, depends, and said recitals shall be presumptive evidence that all preliminary acts prerequisite to said sale and deed were in all things duly complied with; and Grantee, its agents, representatives, successors or assigns, may bid and

purchase at such sale; and Grantor hereby constitutes and appoints grantee or its assigns agent and attorney in fact to make such recitals, sale and conveyance, and all of the acts of such attorney in fact are hereby ratified, and Grantor agrees that such recitals shall be binding and conclusive upon Grantor and that the conveyance to be made by Grantee, or its assigns, (and in the event of a deed in lieu of foreclosure, then as to such conveyance) shall be effectual to bar all right, title and interest, equity of redemption, including all statutory redemption, homestead, dower, courtesy, and all other exemptions of Grantor, or its successors in interest, in and to said Premises; and Grantee, or its assigns, shall collect the proceeds of such sale, reserving therefrom all unpaid Secured Indebtedness with interest then due thereon, and all amounts advanced by Grantee for taxes, assessments, fire insurance premiums and other charges, with interest at the rate of interest stated in the Note thereon from date of payment, together with all costs and charges for advertising, and commissions for selling the Premises, and fifteen percent (15%) of the aggregate amount due, as attorney's fees, and pay over any surplus to Grantor (in the event of deficiency Grantor shall immediately on demand from Grantee pay over to Grantee, or its nominee, such deficiency); and Grantor agrees that possession of the Premises during the existence of the Secured Indebtedness by Grantor, or any person claiming under Grantor, shall be that of tenant under Grantee, or its assigns, and, in case of a sale, as herein provided, Grantor or any person in possession under Grantor shall then become and be tenants holding over, and shall forthwith deliver possession to the purchaser at such sale, or be summarily dispossessed in accordance with the provisions of law applicable to tenants holding over; the power and agency hereby granted are coupled with an interest and are irrevocable by death or otherwise, and are in addition to any and all other remedies which Grantee may have at law or in equity.

Grantee, in any action to foreclose this deed, or upon any event of default, shall be at liberty to apply for the appointment of a receiver of the rents and profits or of the Premises or both without notice, and shall be entitled to the appointment of such a receiver as a matter of right, without consideration of the value of the Premises as security for the amounts due the Grantee, or the solvency of any person or corporation liable for the payment of such amounts.

In case of any sale under this deed by virtue of the exercise of the power herein granted, or pursuant to any order in any judicial proceedings or otherwise, at the election of Grantee the Premises or any part thereof may be sold in one parcel and as an entirety, or in such parcels, manner or order as Grantee in its sole discretion may elect, and one or more exercises of the powers herein granted shall not extinguish or exhaust the power unless the entire Premises are sold or the Secured Indebtedness paid in full.

10. Grantor agrees that where, by the terms of the conveyance or the Note secured hereby, a day is named or a time fixed for the payment of any sum of money or the performance of any agreement, the time stated enters into the consideration and is of the essence of the whole contract.

11. If all or any part of the Premises is sold, conveyed or otherwise transferred without obtaining the prior written consent of Grantee, Grantee may declare an AEvent of Default@ except as prohibited by law. Grantee may, in its sole discretion, consent to such sale or transfer. Should Grantee consent to such sale or transfer, it will be deemed to have waived its right to accelerate the Secured Indebtedness only if prior to such sale or transfer (a) Grantee determines that the credit of any purchaser or transferee is satisfactory; (b) the purchaser or transferee agrees to pay interest on the amount owed to Grantee under the Note and under this Deed to Secure Debt at whatever rate Grantee requires; (c) the purchaser or transferee executes an assumption agreement that is acceptable to Grantee that obligates the purchaser or transferee to keep all the promises and agreements made in the Note and in this Deed to Secure Debt whether according to their original terms or as amended pursuant to the assumption agreement and (d) the purchaser or transferee pays the transfer fee required by Grantee. The foregoing provisions will apply to each and every sale and transfer whether or not the Grantee has consented to any previous sale or transfer.

12. Grantee shall have the right from time to time to sue for any sums, whether interest, principal or any installment of either or both, taxes, penalties, or any other sums required to be paid under the terms of this deed, as the same become due, without regard to whether or not all of the Secured Indebtedness shall be due on demand, and without prejudice to the right of Grantee thereafter to enforce any appropriate remedy against the Grantor, including an action of foreclosure, or any other action, for a default or defaults by Grantor existing at the time such earlier action was commenced.

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13. The rights of Grantee, granted and arising under the clauses and covenants contained in this deed and the Note, shall be separate, distinct and cumulative of other powers and rights herein granted and all other rights which Grantee may have in law or equity, and none of them shall be in exclusion of the others; and all of them are cumulative to the remedies for collection of indebtedness, enforcement of rights under security deeds, and preservation of security as provided at law. No act of Grantee shall be construed as an election to proceed under any one provision herein or under the Note to the exclusion of any other provision, or an election of remedies to the bar of any other remedy allowed at law or in equity, anything herein or otherwise to the contrary notwithstanding.

14. Every provision for notice and demand or request shall be deemed fulfilled by written notice and demand or request personally served on one or more of the persons who shall at the time hold the record title to the Premises, or on their heirs or successors, or mailed by depositing it in any post office station or letter box, enclosed in a postpaid envelope (a) addressed to such person or persons, or their heirs or successors, at his, their or its address last known to Grantee, or (b) addressed to the street address of the Premises hereby conveyed.

15. Any indulgence or departure at any time by the Grantee from any of the provisions hereof, or any obligation hereby secured, shall not modify the same or relate to the future or waive future compliance therewith by the Grantor.

16. The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, (and if a corporation, its officers, employees, agents or attorneys) and any and all other persons or entities, and the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the word "Note" shall also include one or more notes and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed, the term "Grantor" shall mean all parties signing, and each of them, and each agreement, obligation and Secured Indebtedness of the Grantor shall be and means the several as well as joint undertaking of each of them.

17. By execution hereof by the Grantor and acceptance hereof by the Grantee, the parties hereto hereby affirmatively state that they intend to create and establish a perpetual or indefinite security interest in favor of the Grantee in the Premises pursuant to O.C.G.A. '44-14-80(a)(1) or '44-14-80(a)(2), as applicable, and agree that title to the Premises conveyed hereby shall not revert to Grantor until the expiration of the longest period of time permitted under whichever of such subsections as shall be applicable to this conveyance, or, if later, the date determined in accordance with O.C.G.A. '44-14-80(b) or (c), as applicable, if any portion or all of the indebtedness evidenced by the Guarantee is extended or renewed.

18. Any other provision of this Deed to the contrary notwithstanding, Lender, by acceptance hereof, expressly agrees that: (a) Borrower shall be liable upon the Secured Indebtedness to the full extent (but only and limited to the extent) of the security or collateral given to secure the payment hereof, the same being the property described in Exhibit "A" attached hereto; (b) if default occurs in the timely and proper payment of all or any part of such indebtedness, sums or amounts, any proceedings, judicial or otherwise, brought by Lender against Borrower shall be limited to the preservation, enforcement and foreclosure, or any thereof, of the liens, security titles, estates, assignments, property rights and security interests now or at any time hereafter acquired in the said property securing the payment of the Secured Indebtedness, and no attachment, execution, judgment or other writ of process shall be sought, issued or levied upon any assets, properties or funds of Borrower other than said property; and (c) in the event of a foreclosure of such liens, security titles, estates, assignments, property rights and security interests securing the payment of the Secured Indebtedness, whether by judicial proceedings or exercise of power of sale, or otherwise, no judgment for any deficiency upon such indebtedness, sums and amounts shall be sought or obtained by Lender against Borrower; provided, however, that, notwithstanding the foregoing provisions of this paragraph, Borrower shall be fully liable (a) for fraud or misrepresentations, (b) for the misapplication of (i) proceeds paid prior to any such foreclosure under any insurance policies by reason of damage, loss or destruction to any portion of the said property to the full extent of such proceeds so misapplied, (ii) proceeds or awards resulting from the condemnation, or other taking in lieu of condemnation, prior to any such foreclosure, of any portion of the said property to the full extent of such proceeds or awards so misapplied, (iii) rents, issues, profits and revenues received or applicable to a period subsequent to the occurrence of a default under the Loan Documents, but prior to such foreclosure. Nothing contained in this paragraph shall (i) be deemed to constitute a release or impairment

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of the Secured Indebtedness or the lien and validity of this Deed upon the property described herein, or (ii) preclude Lender from foreclosing this Deed in case of any default or enforcing any of the other rights of Lender except as expressly stated in this paragraph.

In Witness Whereof, this deed has been duly executed and sealed by Grantor the day and year first above written.

AMERICAN IRA, LLC FBO JAMES TUCKER
ROTH IRA (50% undivided interest)

BY: _____(SEAL)
AMERICAN IRA, LLC, Third Party Administrator
for James Tucker Roth IRA Only

By Erika Wilson, Senior Investment Coord.

AMERICAN IRA, LLC FBO JOHN ERIK WARM
IRA (50% undivided interest)

BY: _____(SEAL)
AMERICAN IRA, LLC, Third Party Administrator
for John Erik Warm IRA Only

By Erika Wilson, Senior Investment Coord.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public

This instrument is hereby canceled and the Clerk of the Superior Court of Athens-Clarke County, Georgia, is hereby authorized and directed to mark it satisfied of record.

MICHELLE D RUBIO
Notary Public, North Carolina
Buncombe County
My Commission Expires
10-13-15

Reviewed and Approved by:

Reviewed & Approved:

Escrow File No.: 1755531

BK7992PG171

EXHIBIT "A"

All those lots, tracts and parcels of land lying situate and being in Land Lot 170, 9th Land District, Hall County, Georgia, being one-half of Lot 11 and all of Lot 12 of the E O Whiting Resubdivision, Block B, together with Lots 1, 2 and a portion of Lot 4, Block B of the E. O. Whiting Subdivision, said Lots forming one contiguous tract on the Northern quadrant of the intersection of Whiting Drive and State Route 369 (Browns Bridge Road). Said tract is more particularly shown by a plat for the E. O. Whiting Estate prepared by Henry Grady Jarrard, Georgia Registered Land Surveyor, dated April 8, 1985, which plat is by reference made a part hereof. As shown by said plat the property is more particularly described as follows

BEGINNING at a point designated by nail at the intersection of the northern most flange of Whiting Drive as the same intersects with the northern right of way of Browns Bridge Road, running thence along said right of way of Whiting Drive North 53 degrees 01 minutes 14 seconds West 22.42 feet to a nail; thence continuing along the northeastern right of way of Whiting Drive North 26 degrees 48 minutes 35 seconds West 98 46 feet to a point, thence North 29 degrees 26 minutes 41 seconds West 96.61 feet to a point; thence North 30 degrees 05 minutes 13 seconds West 84 11 feet to an iron pin corner; running thence through Lot 11 and along the property of Billie C Cain North 59 degrees 30 minutes East 150.35 feet to an iron pin corner, running thence South 30 degrees 12 minutes 09 seconds East 27.74 feet to an iron pin; thence South 31 degrees 09 minutes 41 seconds East 22.01 feet to a point; thence South 30 degrees 22 minutes 31 seconds East 77 65 feet to an iron pin corner; running thence North 60 degrees 52 minutes 16 seconds East 50.15 feet to an iron pin corner; running thence South 29 degrees 53 minutes 54 seconds East 215.17 feet to an iron pin corner on the northern right of way of Browns Bridge Road; running thence along said right of way of Browns Bridge Road South 72 degrees 02 minutes 02 seconds West 203 14 feet to the point of beginning.

LESS AND EXCEPT all that tract or parcel of land lying and being in Land Lot 170 of the 9th District of Hall County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the intersection formed by the northerly right of way line of State Route 369 a/k/a Browns Bridge Road (80-foot right of way) and the southernmost flange of the easterly right of way line of Whiting Drive, thence running easterly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road North 72 degrees 02 minutes 02 seconds East a distance of 100 95 feet to a point, said point also being the southeastern corner of original Lot 1 , Block B of the E. O. Whiting Subdivision and being the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, as thus established, thence leaving the northerly right of way line of State Route 369 a/k/a Browns Bridge Road and running along the original line dividing Lot 1 and Lot 2, E O Whiting Subdivision, North 29 degrees 53 minutes 54 seconds West a distance of 178 10 feet to a point; thence running North 60 degrees 48 minutes 20 seconds East a distance of 50.00 feet to a point; thence running North 30 degrees 22 minutes 31 seconds West a distance of 16.68 feet to a point; thence running North 60 degrees 52 minutes 16 seconds East a distance of 50.15 feet to a point; thence running South 29 degrees 53 minutes 54 seconds East a distance of 214.52 feet to a point on the northerly right of way line of State Route 369 a/k/a Browns Bridge Road; thence running westerly along the northerly right of way line of State Route 369 a/k/a Browns Bridge Road South 71 degrees 58 minutes 38 seconds West a distance of 102 19 feet to a point at the TRUE POINT OF BEGINNING, said property being known as Lot 2 and a portion of Lot 4 of the E O. Whiting Subdivision, said courses and distances being taken from a survey dated May 11, 1993, prepared by Farley-Collins Associates, and bearing the seal of William H. Collins, GRLS No. 1435 and the seal of H. P. Farley, Jr., GRLS No. 1301. Being the same property conveyed by Harry G. Hyatt to William T. Mundy, Jr. by Warranty Deed dated August 20, 1993 and recorded in Deed Book 2018, pages 278-280 of the Hall County, Georgia Deed Records.

Reviewed and Approved by:

Reviewed & Approved:

Outlook

1604, 1608 Whiting Drive and 1790 Browns Bridge Road

From Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Date Thu 6/12/2025 9:05 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

From: Nick Swafford <NSwafford@gainesvillega.gov>
Sent: Thursday, June 12, 2025 8:14:19 AM
To: Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Brittany Passmore (CDI: Planning) <bawalker@hallcounty.org>
Cc: 'James Irvin' <jirvin@foothillsld.com>
Subject: 1604, 1608 Whiting Drive and 1790 Browns Bridge Road

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Good morning,

Please allow this email to serve as confirmation of water and sanitary sewer availability for the subject addresses. If you need anything further, please let me know.

Thanks,

Nick Swafford
Permitting Services & GIS Manager
Department of Water Resources

GAINESVILLE

O | 770.538.2452
www.gainesville.org

300 Henry Ward Way, Ste. 305
Gainesville, GA 30501

Outlook

HCPC Tentative Agenda 7.21.25

From Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>
Date Wed 6/18/2025 12:14 PM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>
Cc Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>

Please find Environmental Health comments below:

Item 1, 5674 Bark Camp Rd, Lean on Me: Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.

Items 2/3A/3B/4A/4B, 1608 Whiting Drive, Vargas: No comment. Public Sewer.

Item 5, 5019 Cagle Mill, NCP Holdings: No comment. Public Sewer.

Item 6, 4020/3886 Cornelia Hwy: No comment. Public Sewer.

Item 7, A/B, 5684 Bethel Road, Truelove: 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 8, 5979 New Bethany Rd, Brown: 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 9, 4965 Bryant Quarter Rd, Clouse: No comment.

Item 10, 5970 Cleveland Hwy, Academy P1: Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.

Item 11, County Staff: 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

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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Outlook

RE: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

From Nembhard, Nakia L <NNembhard@dot.ga.gov>
Date Mon 6/16/2025 8:13 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

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,

Below you will find comments on proposed locations. If you have any questions please let me know.

1. **5674 Bark Camp Road | Special Use |** for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | P**roposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant**. **(Does Not Require GDOT Coordination)**

2. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant** **(Will Require GDOT Coordination)**

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant** **(Will Require GDOT Coordination)**

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

   (B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant** **(Does Not Require GDOT Coordination)**

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant** **(Does Not Require GDOT Coordination)**

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant** **(Does Not Require GDOT Coordination)**

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 **| Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant (Will Require GDOT Coordination)**

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant** **(Does Not Require GDOT Coordination)**

Thanks,

Nakia Nembhard
Civil Engineer 3

GDOT Georgia Department of Transportation

District 1 Traffic Operations
1475 Jesse Jewell Pkwy Suite 100
Gainesville, GA, 30501

(678) 332-8200 Cell
(770) 533-8496 Office

From: Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Sent: Thursday, June 12, 2025 12:02 PM
Subject: Tentative Agenda July 21, 2025 Hall County Planning Commission Meeting

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 **July 21, 2025** Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

PUBLIC WORKS AND
UTILITIES DIRECTOR
Bill Nash, P.E.

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: June 20, 2025

Subject: July 21, 2025 - Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the July 21, 2025 meeting. Upon review, we provide the following comments.

NEW BUSINESS

1. **5674 Bark Camp Road | Special Use** | for a group home | on a 0.72± acre tract located on the northwest side of Bark Camp Road, approximately 1,362 feet from its intersection with Bark Camp Drive | Zoned AR-1; Tax Parcel 11083 002001 | **Proposed use: Group home** | ** Commission District 2 | **Lean On Me Recovery Residences, applicant.**

a. **Engineering**: No comment
b. **Traffic:** No comment.
c. **Utilities:** Septic area. Hall County sewer service but no sewer in area.

2. **1608 Whiting Drive | Rezone** | from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby.

3. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use** | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 &

H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Special Use | for outdoor storage in GCOD | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Outdoor storage** | ** Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** Gainesville sewer. No sewer nearby

4. **(A) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 6.2** | GCOD standards | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Development standards for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**
(B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, 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:** Commercial driveway
c. **Utilities:** No sewer in area. Gainesville water

5. **5019 Cagle Mill Road | Rezone |** from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Light Industrial (I-1) | on an 84.35± acre tract located on the northwest side of Cagle Mill Road, approximately 1,890 feet from its intersection with Julian Baugh Road | Zoned AR-1 & R-1; Tax Parcel 15007 000206A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

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

North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

6. **4020 & 3886 Cornelia Highway, 4761 Cagle Mill Road | Special Use |** to amend conditions of zoning | on a combined 134.76 acre tract located on the southeast side of Cornelia Highway, approximately 800 feet from its intersection with Cagle Road | Zoned I-1 (GCOD); Tax Parcels 15007 000129, 000270, 000027A | **Proposed use: Uses permitted in I-1** | ** Commission District 3 | **NCP Holdings, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show 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.
North Oconee Reservoir Watershed Protection District requires 100-foot stream buffers with a 150-foot impervious set back on both sides of the stream as measured from the stream banks.

b. **Traffic:** Commercial driveway
Traffic study
Signiant roadway improvements

c. **Utilities:** Hall County sewer service area.
Sewer infrastructure is available along Cornelia Highway.

7. **(A) 5684 Bethel Road | Rezone** | from Planned Residential Development (PRD) to Residential Low Density (R-1-L) | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, applicant**
(B) 5684 Bethel Road | Special Use | minor subdivision | on an 8.30± acre tract located on the northeast side of Bethel Road, approximately 907 feet from its intersection with Avalon Commons Way | Zoned PRD; Tax Parcel 12007 000001 | **Proposed use: Minor subdivision** | ** Commission District 3 | **Janet Truelove, 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:** Commercial driveway

c. **Utilities:** Hall County sewer area.
No sewer infrastructure in area.

8. **5979 New Bethany Road | Rezone |** from Planned Residential Development (PRD) to Agricultural Residential 1 (AR-1) | on a 5.56± acre portion of a tract located on the south

east of Beards Road approximately 1,096 feet from its intersection with New Bethany Road | Zoned PRD; Tax Parcel 07328 004003(pt) | **Proposed Use: Single family residence** | ** Commission District 2 | **The Travis and Herman Brown Family Limited Partnership, applicant**

a. **Engineering**: Show stream buffer and impervious setback from wrested vegetation not centerline of stream
b. **Traffic:** Commercial driveway
c. **Utilities:** Buford sewer service area.

9. **4965 Bryant Quarter Road | Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1) | on a 3.30± acre portion of a tract located on the northwest side of Bryant Quarter Road, approximately 2,030 feet from its intersection with Emory Griffin Road | Zoned PCD; Tax Parcel 15003 000015G(pt) | **Proposed use: Uses permitted in AR-1** | ** Commission District 3 | **John Clouse, applicant**

a. **Engineering**: 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:** No comment
c. **Utilities:** Hall County sewer service area
No sewer infrastructure in area.

10. **5970 Cleveland Highway | Rezone |** from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD) | on a 2.22± acre tract located on the southeast side of Cleveland Highway at its intersection with Hulsey Road | Zoned AR-1; Tax Parcel 12064 000012 | **Proposed use: Indoor recreation facility |** ** Commission District 3 **| Academy P1 Building, LLC, applicant**

a. **Engineering**: This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b. **Traffic:** G-DOT coordination
Commercial driveway if no access to SR 11
c. **Utilities:** Clermont sewer service area.

11. Public Hearing to change the name of an approximately 0.60 mile segment of roadway from White Sulphur Road to Cagle Road beginning south of Sargent Road to Big Oak Road | ** Commission District 3 | **County staff, applicant**

a. **Engineering**: No comment
b. **Traffic:** No comment
c. **Utilities:** No comment

Outlook

Fire Comment

From John Hornick (Fire Services) <jhornick@hallcounty.org>
Date Fri 6/13/2025 2:02 PM
To Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>
Cc Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

July 21, 2025 Hall County Planning Commission Meeting

1. **1608 Whiting Drive | Rezone |** from Residential 1 (R-1) to Highway Business (H-B) | on a 0.20± acre tract located on the northeast side of Whiting Road, approximately 282 feet from its intersection with Browns Bridge Road | Zoned R-1; Tax Parcel 00123 007015 | **Proposed use: Vehicle repair, major** | ** Commission District 4 | **Gerardo Vargas, applicant**
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   (B) 1604 & 1608 Whiting Drive, & 1790 Browns Bridge Road | Variance to Section 8.1 | off street parking requirements | on a combined 0.90± acre tract located on the northeast side of Whiting Road at its intersection with Browns Bridge Road | Zoned R-1 & H-B (GCOD); Tax Parcels 00123 007016, 007015 & 007017 | **Proposed use: Parking for vehicle repair, major** | * Commission District 4 | **Gerardo Vargas, applicant**

Hall County Fire Marshal's Office comments:

1. If approved the site development plan 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

HALL COUNTY
GEORGIA

HALL COUNTY
HIGHLANDS
EST.
1970
ISLANDS
FIRE
RESCUE

Outlook

1786 Browns bridge rd.

From Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>
Date Wed 7/23/2025 11:51 AM
To Kaitlyn Elliott (Planning) <kelliott@hallcounty.org>

From: Mark Turner
Sent:
To: Beth Garmon (CDI: Planning)
Subject: Fw: 1786 Browns bridge rd.

You don't often get email from [redacted] 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.

Download full resolution imagesAvailable until Aug 22, 2025

Hello Beth, this is Mark Turner the owner of Select pest control at 1786 Browns Bridge Rd. this is what I'm dealing with less than 24 hours after the planning zoning meeting. I will be sending you other emails as I have a recording with me and the owner disputing property lines already
Thanks for your help Mark Turner

TUE 22
5:44
8:44PM 2HR 59MIN

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: GERARDO VARGAS
REQUEST: SPECIAL USE FOR OUTDOOR STORAGE AND VEHICLE REPAIR, MAJOR WITH VARIANCES TO STANDARDS
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: JULY 21, 2025
Time: 5:15 P.M.
&
COUNTY COMMISSION
Date: AUG 28, 2025
Time: 6:00 P.M.
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6809

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

HALL COUNTY
GEORGIA
We have it all in Hall

PUBLIC NOTICE REQUIREMENTS

Zoning regulations require that public notice must be given prior to all zoning hearings as follows:

1. The Planning Department shall publish a legal advertisement no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing.
2. The Planning Department shall send notification by letter of all other property owners within a 500-foot radius of the applicant's property is standard administrative policy of the Planning Department.
3. The applicant/property owner shall place the public notice sign in a conspicuous location on the property not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing.

The Planning Department shall post the legal advertisement and notify property owners within a 500ft radius to the subject property.

The applicant is required to post the public notice sign not less than fifteen (15) days and not more than forty-five (45) days prior to the public hearing. A photo of the sign placed at the location is required and must be sent to the Planning Department.

Multiple sign postings on a site may be required as determined by the Planning Department. The sign must be in a location where it is clearly visible from the roadway. The sign cannot be obstructed in any manner, placed too far from the road; or placed in such manner as would cause it to blend into the landscape.

Should you find the sign missing or vandalized in any manner, contact the Planning Department for a replacement sign. When the proceeding is complete and final Board action has occurred, the sign shall then be removed from the property by the applicant.

THE ZONING SIGN MUST BE POSTED NO EARLIER THAN JUNE 13, 2025 AND NO LATER THAN JUNE 22, 2025.

THE ORGINAL SIGNED AFFIDAVIT MUST BE AND RETURNED TO THE PLANNING DEPARTMENT NO LATER THAN JUNE 22, 2025 ALONG WITH A MINIMUM OF ONE PHOTO SHOWING THE SIGN POSTED AT THE SUBJECT PROPERTY.

Failure to comply will result in a delay of the application.

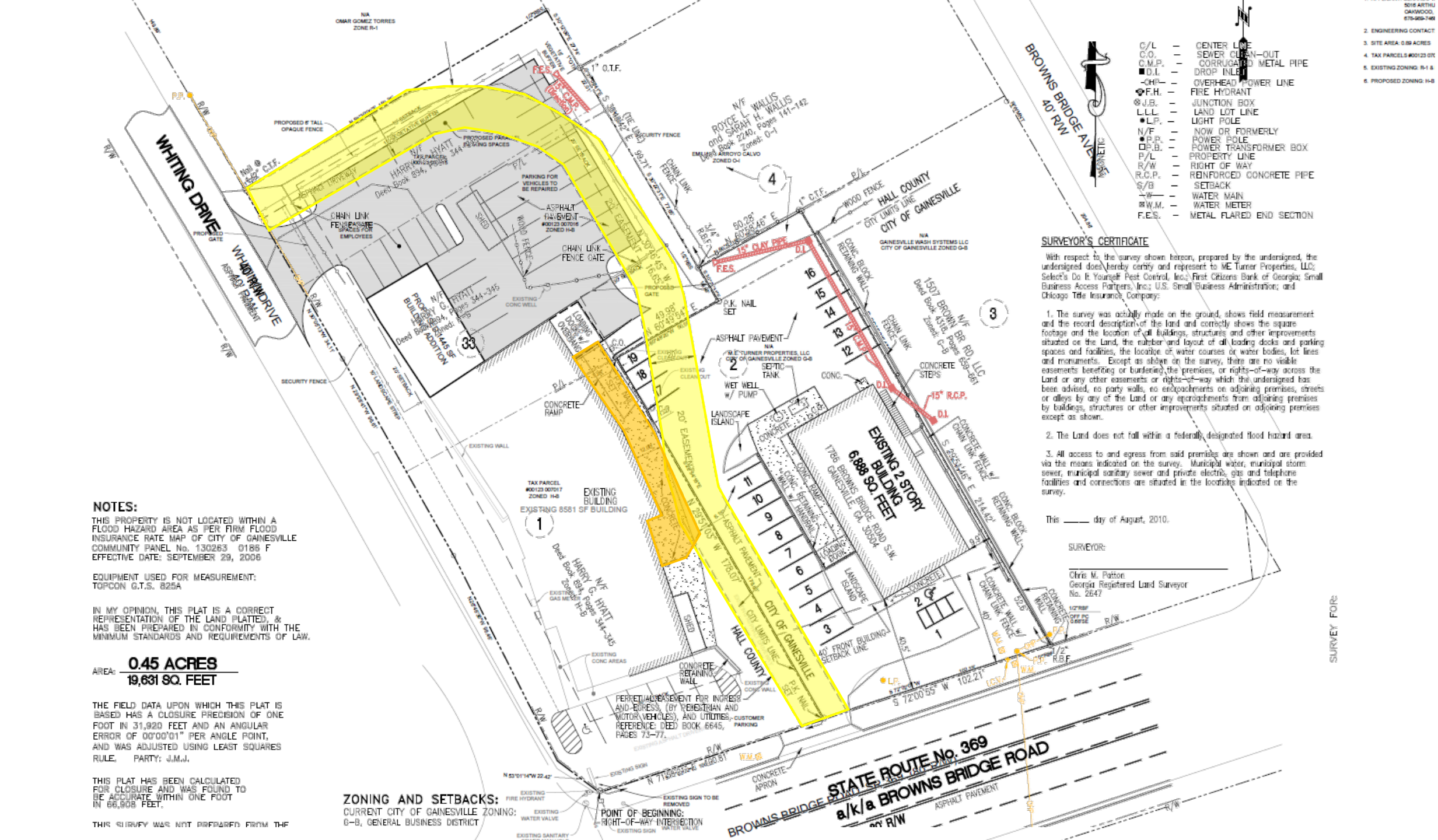
AFFIDAVIT

By my signature, I, Gerardo Vargas (Please Print Name)**, hereby acknowledge that I have read and understand the sign posting requirements. I further certify that the required public notice sign was posted on** June 17, 2025 (Date) **for** _____ (Name application filed as).

Signature Gerardo Vargas

(The original document is required)

Revised September 2021


WHITING DRIVE
WHITING DRIVE
ASPHALT PAVEMENT
BROWNS BRIDGE AVE.
40' R/W
STATE ROUTE No. 369
a/k/a BROWNS BRIDGE ROAD
BROWNS BRIDGE ROAD 80' R/W
HALL COUNTY
CITY OF GAINESVILLE
CITY LIMITS LINE
EXISTING 2 STORY
6,888 SQ. FEET
BUILDING
1786 BROWNS BRIDGE ROAD S.W.
GAINESVILLE, GA. 30504
EXISTING
BUILDING
EXISTING 8581 SF BUILDING
PROPOSED
BUILDING
6,445 SF
20' EASEMENT
15" CLAY PIPE
15" R.C.P.
CONCRETE RAMP
CONCRETE STEPS
CONCRETE RETAINING WALL
CHAIN LINK FENCE
CHAIN LINK FENCE GATE
WOOD FENCE
SEPTIC TANK
WET WELL
W/ PUMP
LANDSCAPE ISLAND
ASPHALT PAVEMENT
PARKING FOR VEHICLES TO BE REPAIRED
PROPOSED PARKING SPACES
SHED
EXISTING CONC WELL
EXISTING GAS METER
EXISTING CONC AREAS
EXISTING WALL
SECURITY FENCE
PROPOSED 6' TALL OPAQUE FENCE
PROPOSED GATE
EXISTING SIGN TO BE REMOVED
EXISTING FIRE HYDRANT
EXISTING WATER VALVE
EXISTING SANITARY
EXISTING SIGN
CONCRETE APRON
CONCRETE RETAINING WALL
PERPETUAL EASEMENT FOR INGRESS AND EGRESS, (BY PEDESTRIAN AND MOTOR VEHICLES), AND UTILITIES.
REFERENCE: DEED BOOK 6645, PAGES 73-77.
CUSTOMER PARKING
40' FRONT BUILDING SETBACK LINE
POINT OF BEGINNING:
RIGHT-OF-WAY INTERSECTION
N/A
OMAR GOMEZ TORRES
ZONE R-1
HARRY G. HYATT
Deed Book 894, Pages 344-345
Zoned: H-B
TAX PARCELS
#00123 007016
#00123 007017
ZONED H-B
ROYCE L. WALLIS
and SARAH H. WALLIS
Book 2240, Pages 141-142
Zoned: O-I
EMILIO ARROYO CALVO
ZONED O-I
1507 BROWN BR. RD. LLC
Deed Book 4316, Pages 859-861
Zoned: G-B
M.E. TURNER PROPERTIES, LLC
CITY OF GAINESVILLE ZONED G-B
GAINESVILLE WASH SYSTEMS LLC
CITY OF GAINESVILLE ZONED G-B
1" O.T.F.
1" C.T.F.
P.K. NAIL SET
P.K. NAIL FOUND
1/2" RBF
OFF PC 0.69'SE
1/2" RBF
OFF PC 0.69'SE
1/2" RBF
OFF PC 0.69'SE
W.M.
L.P.
S.P.
C.O.
D.I.
F.E.S.
R.C.P.
S 72°00'55" W 102.21'
N 72°00'55" E 214.42'
S 29°54'45" E 214.42'
N 29°54'45" W 94.6'
N 29°54'45" W 94.6'
N 29°54'45" W 178.07'
S 29°54'45" E 178.07'
N 53°01'14" W 22.42'
N 71°58'46" E 99.81'
S 60°58'46" E 50.28'
N 40°58'46" W 16.65'
N 49°01'14" E 99.71'
S 49°01'14" W 99.71'
N 40°58'46" W 16.65'
N 60°49'54" E 49.96'
S 60°49'54" W 49.96'
S 29°54'45" E 214.42'
S 29°54'45" E 214.42'
S 29°54'45" E 214.42