

**HALL COUNTY PLANNING COMMISSION  
STAFF REPORT**

**Applicant** ..... Cool Springs, LLC

**Request** ..... Rezone from AR-III and V-C to PRD; and  
to amend conditions of an existing PRD  
zoning

**Proposed Use** ..... 99 Lot Subdivision

**Size** ..... 48.34± acres

**Location** ..... On the west side of Cool Springs Road,  
700± ft. from its intersection with  
Chestatee Road; a.k.a. 5904 Cool Springs  
Road and 0 Cool Springs Road; Tax  
Parcels 10024 000008 and 054

**Commission District** ..... Two

**Planning Commission Date** ..... December 7, 2015

**Staff Recommendation** ..... **Approval, with conditions**

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**Applicant Proposal**

The applicant is seeking to rezone 48.34± acres from Agricultural-Residential-III (AR-III) and Vacation-Cottage (V-C) to Planned Residential Development (PRD) for a subdivision consisting of 99 building lots for a residential subdivision. The applicant's site plan designates 30.04± towards the building area and 19.44± acres towards open space areas.

The applicant is requesting an overall density of 2 lots per acre with the following setbacks:

- Front: 20 ft.
- Side: 10 ft. (20 foot minimum between buildings)
- Rear: 20 ft.

The applicants proposal states that Cool Springs, LLC is the developer of the adjoining Marina Bay Subdivision and are proposing this new development identical to that of Marina Bay, but without the large amenity areas. All property will be subject to a Declaration of Restrictive Covenants similar to that in Marina Bay and there will be a mandatory owner's association.

The applicant proposes that the terms of conditions of the original Marina Bay rezoning from May 9, 2003, as subsequently amended, would be applied to all of the property to create a similar PRD.

The applicant states that the new development will be connected to municipal water and connected to the sanitary sewer system in the adjacent Marina Bay development. The applicant's site plan depicts access to the proposed development from Cool Springs Road and also to the Marina Bay Subdivision through a connection to Grand Marina Circle.

### **History and Existing Land Use**

The undeveloped 12.93± acre parcel is landlocked and already zoned PRD through a previous rezoning request for the Marina Bay Subdivision. On March 26, 2009 the Hall County Board of Commissions voted to approve the application of Cool Springs, LLC to rezone from AR-III to PRD and amend the existing PRD conditions of existing PRD zoning, with the following conditions:

1. The development of the site shall occur as generally depicted and described in the concept plan and project narrative.
2. A maximum of 399 dwelling units may be constructed within the Marina Bay Subdivision.
3. Any variation that does not meet the intent of the development proposal upon review by the Planning Director shall require an amendment to the PRD zoning.
4. All prior conditions of approval for Cool Springs, LLC approved on May 8, 2003, remain in effect for app properties. The subject property is also bound by these same conditions.
5. All conditions of zoning shall appear on any plats created for the subdivision.

The May 8, 2003 zoning conditions are as follows:

1. The project is limited to 393 residential units, to be developed in substantial conformance with the site and concept plans submitted. A 100 foot vegetated buffer will be provided between the storage area on Tract 3 and Cool Springs Road, and a 50 foot buffer will be provided between the storage and the property line.
2. The project is approved according to the terms outlined in the application narrative dated March 7, 2003, with the exception of those terms of item (2) modified below, and with the dollar figure and last paragraph of item (3). This includes retaining of the previously approved conditions for Lake Lanier Country Club, where no in conflict with the terms of this approval.
3. Approval of the plans and specifications, and necessary agreements by Hall County for the construction, operation and maintenance of the wastewater facility, while the county agrees to the terms of item (2) in the application narrative, it does not waive its power of eminent domain to acquire the plant in the future.
4. The developer shall be required to post a letter of credit in favor of Hall County for the off-site road improvements to Cool Springs and Chestatee Roads in the amount of \$244,634.16, as outlined in the memo from Rob Rivers dated March 3, 2003. This letter of credit shall be drawn down as the improvements are made and per the pro-rata contribution concluded by Hall County (i.e., developer pays 53% of costs and Hall County pays 47%. Developers total obligation is capped at \$244,634.16 for the Chestatee and Cool Springs improvements.) The letter of credit shall be posted prior to any permits being issued for the project, and shall be renewed as necessary for up to five year from the date of this approval. If the road improvements are not completed within five years, the letter of credit may be allowed to expire and any remaining funds shall return to the developer.

5. The developer shall be required to design and construct improvements at the intersection of Cool Springs Road and Stratford Drive as outlined in the letter of Rob Rivers dated May 6, 2003, prior to the final platting of any more than 175 lots within Tract 1 Phases 1 through 11. The developer will proceed as soon as practical with the design and construction of these improvements as a part of its initial construction phases, and the county will diligently assist with the property acquisition as outlined, if necessary, and consider an extension of the above deadline if justified by unforeseeable circumstances of the acquisition.

The remaining 35.41 acres is vacant land and zoned both Agricultural-Residential-III (AR-III) and Vacation-Cottage (V-C). The parcel is developed with 1,040 square foot home, constructed in 1945, and poultry house constructed in 1970, and various other accessory structures. The applicant states that the property is vacant at this time. This parcel has road frontage along Cool Springs Road and also connects to an existing section of the Mariana Bay Subdivision.

The land uses surrounding the subject parcels are a mixture of residential subdivision and rural agricultural land. Properties to the north, northeast, and east of the subject parcels are zoned both AR-III and Residential-I. The properties to the west and south are zoned PRD. The U.S. Army Corps of Engineers property is zoned V-C.

#### **Comprehensive Plan Land Use Designation**

The subject property has “Residential” and “Park/Recreation/Conservation” land use designations. The applicant’s proposal is consistent with the Comprehensive Plan.

This proposed subdivision is in an area where medium density suburban lot patterns are being established where it once was rural agricultural land.

#### **Development Support and Constraints**

##### *Environmental*

Existing surveys identify a creek as a portion of the property line between the two subject parcels. Hall County requires a 75 ft. buffer from the top of the bank of any creeks.

##### *Water and Sewer Service*

The development will operate on public water provided by the City of Gainesville and utilize sanitary sewer from the Marina Bay Subdivision. The sanitary sewer system is permitted by the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources. To utilize the system a permit from the EPD must be received to confirm availability for the additional capacity.

##### *Hall County Fire Service*

The subject property is located approximately 5 miles from Hall County Fire Station 3.

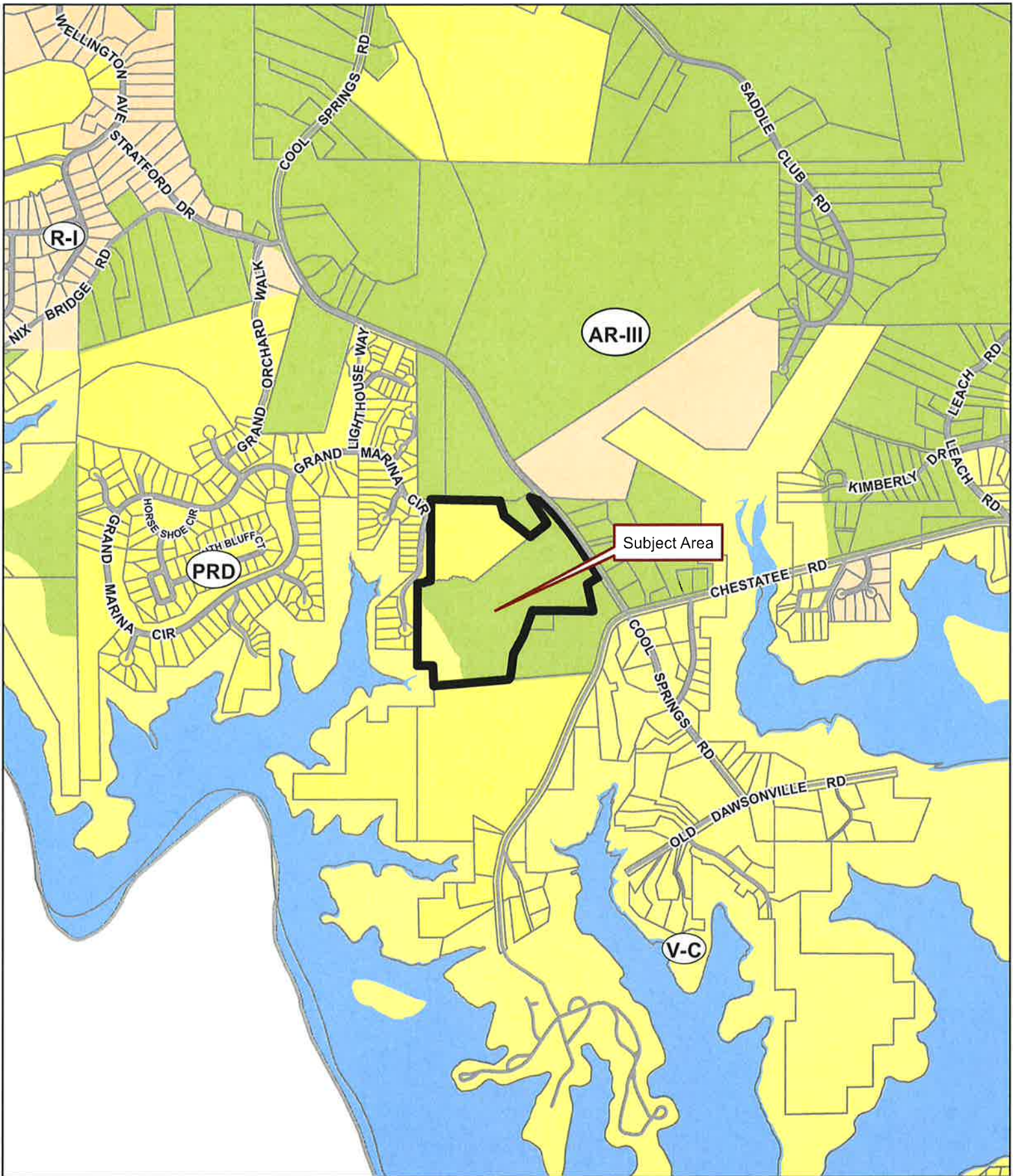
### Land Use Analysis

- The proposal is consistent with the Comprehensive Plan. The applicant proposes 99 lots on a total of 48.34± acres which equates to a density of 2 units per acre.
- The proposed lot configuration depicted on the site plan shows a typical lot layout as having a lot width of 75 ft., with a minimum separation between dwellings of 20 feet. This is similar to the lots in Marina Bay and suitable for the area. Any proposed lots on a cul-de-sac shall have a minimum frontage of 40 feet measured on the chord, per section 17.240.140 of the Hall County Code of Ordinances.
- The site plan depicts 19.44± acres of open space, some of which has some significant topographic challenges. Except for the portion of open space along Cool Springs Road the remaining areas are land locked and not accessible through any public right-of-way. The narrative does not define any uses within the open space, and if the intension is it to be used recreationally by the residents of the community public access will need to be provided.
- Existing surveys identify a creek as a portion of the property line between the two subject parcels. Hall County requires a 75 ft. buffer from the top of the bank of any creeks. Any development would be required to be outside the 75 ft. buffer, unless variances are sought from Hall County Engineering or the Environmental Protection Division.
- The applicant has requested that the conditions from previous zoning applications for the Marina Bay Subdivision be applied to this development. Many of those conditions are not applicable to the current zoning request and may only cause confusion for future permitting. None of the Marina Bay conditions specify architectural or lot design requirements and only refers to the proposed development being in accordance with submitted site plans and/or narratives. Since this is to be a separate subdivision from Marina Bay the conditions applied to that development do not need to apply this proposal.

### Staff Recommendation

Staff recommends **approval** for the applicants request with the following conditions:

1. The development is approved for lots as generally shown on the concept plan and described in the project narrative modified as necessary for compliance with development standards enforced at the time of site plan approval.
2. Development is approved for a maximum of 99 lots.
3. Lot standards for development shall be as follows:
  - a. Minimum of 20 feet from the front and rear yard property line
  - b. Minimum of 20 feet between dwellings
  - c. Minimum lot width of 75 feet at the building line
4. All grassed areas on the dwelling lots shall be sodded.
5. Homes shall be constructed primarily or brick or stacked stone on three sides. The balance of the home may be the same or of fiber-cement siding. Vinyl siding is prohibited.
6. All homes shall be constructed with a garage with a minimum of a two-car capacity.
7. All lots must be accessed via internal roadways.
8. All utilities shall be installed underground throughout the development.
9. All conditions of zoning shall be made a part of any plat created for the property.
10. All conditions of zoning shall be made a part of any plats created for the subdivision.



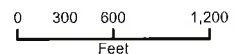
**Applicant:** COOL SPRINGS, LLC

**Request:** REZONE FROM AR-III AND V-C TO PRD AND TO AMEND EXISTING PRD CONDITIONS

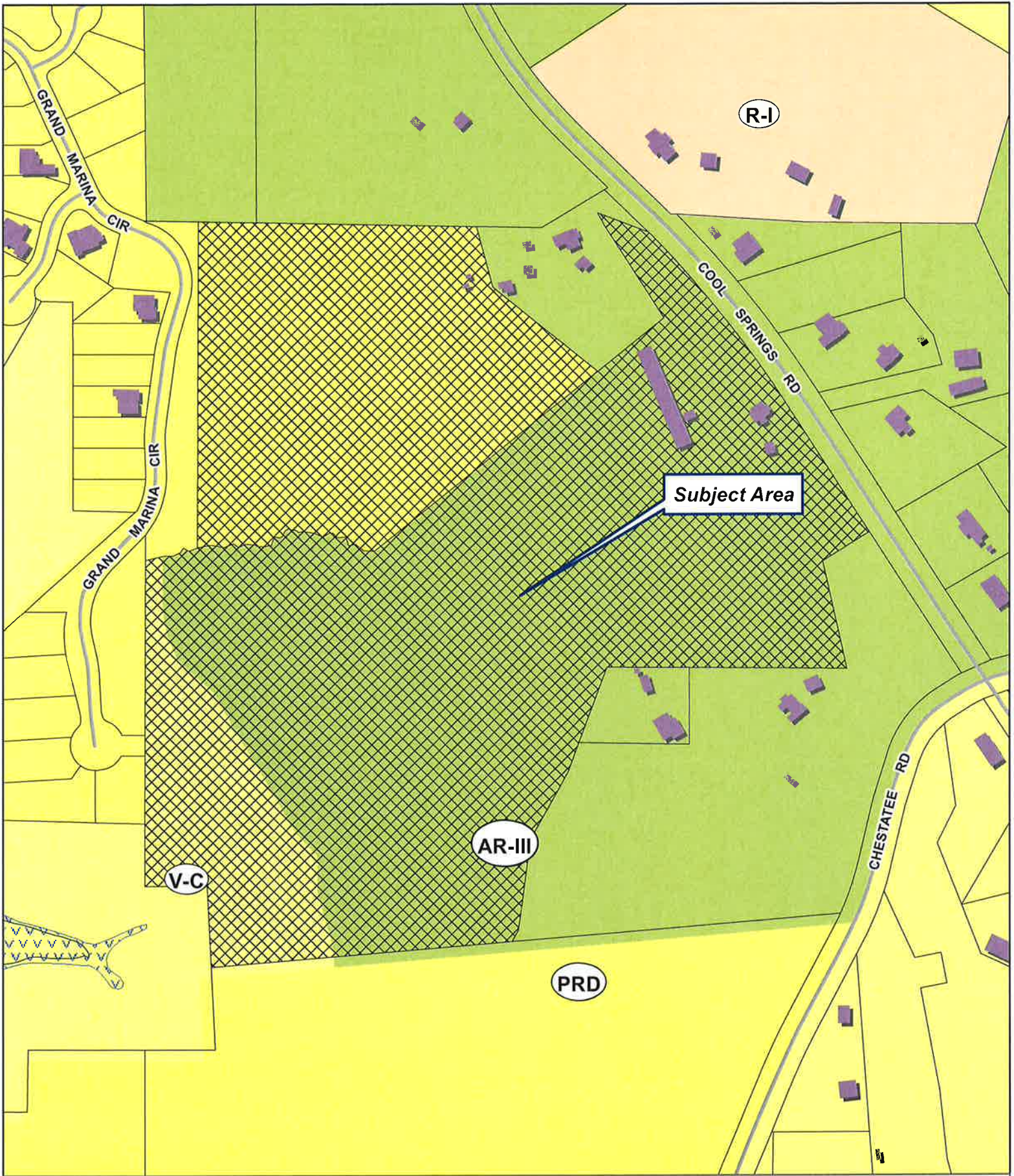
**Tax Parcel #:** 10024 000008 & 10024 000054

**Location:** 5904 COOL SPRINGS ROAD, GAINESVILLE, GA 30506

**Commission District 2      PC Mtg. Date:** 12/7/2015



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



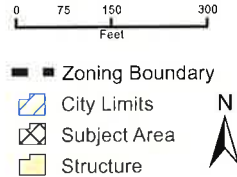
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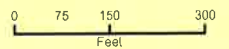
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**Commission District 2**      **PC Mtg. Date:** 12/7/2015



-  Zoning Boundary
-  City Limits
-  Subject Area



## **NARRATIVE IN SUPPORT OF APPLICATION TO AMEND EXISTING ZONING CONDITIONS**

Parcel No.: 10024 000008  
Acreage: 35.41

Parcel No.: 10024 000054  
Acreage: 12.93

The Applicant, Cool Springs, LLC, has filed an Application to amend the existing zoning conditions on Parcel 10024 000054 and rezone Parcel 10024 000008 from AR-III and V-C to PRD.

### **Existing Site Description**

Both Parcels in issue are located off Cool Springs Road in North Hall County. Parcel 10024 000008 is currently zoned AR-III and V-C and fronts on Cool Springs Road. Parcel 10024 000054 is already zoned PRD as a part of the Marina Bay Development and has no independent road frontage, but adjoins both Parcel 10024 000008 and other property of Cool Springs, LLC.

The current use of Parcel 10024 000008 is vacant land. There is an old home place located on the property currently that is not occupied. The current property fronts on Cool Springs Road.

Parcel 10024 000054 was rezoned from AR-III to PRD in 2009. That Parcel was incorporated at that time into the Marina Bay development. However, the property is currently undeveloped property and is not being actively utilized and has not been developed as a part of that development. The terms and conditions of the Marina Bay (formerly known as The Retreat on Lake Lanier) zoning application dated March 7, 2003, as approved by Hall County on May 9, 2003, were applied to the property in 2009.

Cool Springs is the developer of the adjoining Marina Bay Subdivision. Cool Springs proposes to develop the parcels 10024 000008 and 10024 000054 as a similar PRD subdivision with similar restrictions, but without the large amenity areas of Marina Bay.

### **Proposed Use**

Applicant proposes to develop the subject property (Hall County Tax Parcels 10024 000054 and 10024 000008) as residential lots. Applicant proposes to rezone the subject property from V-C and AR-III to PRD and amend the conditions on the existing PRD to reflect the change to a new development accessed off of Cool Springs Road as shown on the conceptual site plan submitted with the application. All property will be



subjected to a Declaration of Restrictive Covenants similar to that in Marina Bay and there will be a mandatory owner's association.

Applicant proposes that a total of 99 residential lots would be developed over the two tracts along with open space generally as depicted on the conceptual site plan attached to this Narrative. Applicant proposes that the applicable terms and conditions of the original Marina Bay rezoning from May 9, 2003, as subsequently amended, would be applied to all of the property to create a similar PRD.

All lots would be accessed via subdivision roads with no lots accessing directly onto Cool Springs Road.

Water would be provided by the City of Gainesville. A letter confirming the availability of City water from Meredith Norris, the Meter Sales Representative of the City of Gainesville, dated October 15, 2015 is attached to this Narrative.

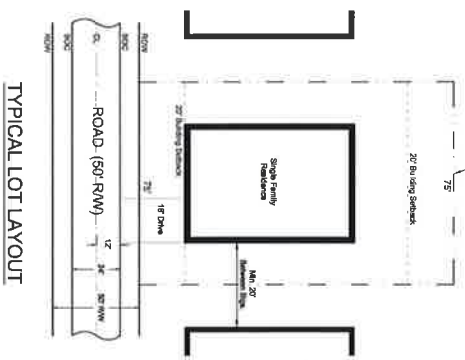
Sewer would be provided by a sanitary sewer system connected to the existing system within the Marina Bay development. A letter from W. J. Matthews, Vice President of Operations at Piedmont Water Company, who currently operates this system, confirms that additional capacity sufficient to service 99 additional residential lots is available. As noted, additional drip disposal areas will have to be designated and constructed by the developer to support the additional capacity. The 4.7 acres indicated in Mr. Matthews' letter is available on adjacent property owned by Cool Springs.

Applicant requests that the existing conditions of the PRD zoning for Parcel 10024 000054 be amended as set forth above to permit 99 lots on this property and that Parcel 10024 000008 be rezoned from AR-III and V-C to PRD with the same conditions.



**Quality Civil Designs**  
 Planner - Edgemoor - Shenandoah  
 2114 Edgemoor Hwy  
 Bedford, VA 22818  
 Phone: 540.526.0222  
 www.qualitycivil.com

Quality Civil Designs, LLC  
 The Designer/Planner shall not be held responsible for the accuracy of the information provided herein. The Designer/Planner shall not be held responsible for the accuracy of the information provided herein. The Designer/Planner shall not be held responsible for the accuracy of the information provided herein.



TYPICAL LOT LAYOUT

- General Site Notes:**
1. Site is a proposed subdivision of 100 lots, 100' x 100', 100' x 100'
  2. Total proposed area is 10,000 sq. ft.
  3. Total proposed area is 10,000 sq. ft.
  4. Lot area is 100' x 100' = 10,000 sq. ft.
  5. Open spaces are 10' x 10'.



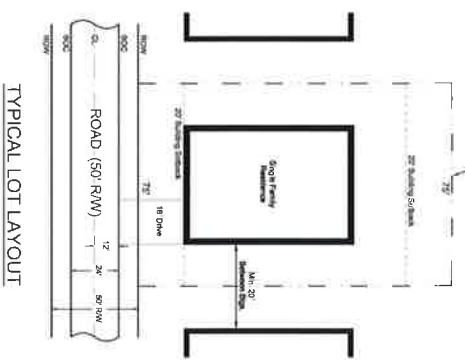
Marina Bay Village  
 Overall Concept Plan







**CD**  
 Quality Civil Designs  
 7144 Market Hwy  
 Raleigh, NC 27615  
 Phone: 919.488.7273  
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 Quality Civil Designs, LLC  
 7144 Market Hwy  
 Raleigh, NC 27615  
 Phone: 919.488.7273  
 www.cdquality.com  
 Quality Civil Designs, LLC



TYPICAL LOT LAYOUT

**Figure 2: Notes**  
 1. Parcel 2: 100024 000054  
 2. Site Area: 1157' cover  
 3. Site Address: 100024 000054  
 4. Proposed Zoning: RPO  
 5. Proposed Zoning: RPO  
 6. Proposed Zoning: RPO  
 Scale: 1" = 20' Between Buildings  
 Date: 08/20/2015



Marina Bay Village  
 Parcel 2 Rezoning Exhibit









**CITY OF GAINESVILLE**

**DEPARTMENT OF  
WATER RESOURCES**

757 Queen City Parkway, SW  
Gainesville, Georgia 30501-4358

Telephone: 770.538.2466

Fax: 770.535.5634

Web Site: [www.gainesville.org](http://www.gainesville.org)

October 15, 2015

RE: 5904 Cool Springs Road  
10024 000008

In compliance with your request, this letter will serve as notice of water for the above referenced property but no meter has been purchased. Although the City of Gainesville does own and operate a water main in front of the property on Cool Springs Road, we have no law or ordinance requiring property owners to connect to the service.

Regards,

Meredith Norris  
Meter Sales Representative  
City Of Gainesville



**CITY OF GAINESVILLE**

•  
**DEPARTMENT OF  
WATER RESOURCES**

•  
757 Queen City Parkway, SW  
Gainesville, Georgia 30501-4358

Telephone: 770.538.2466

Fax: 770.535.5634

Web Site: [www.gainesville.org](http://www.gainesville.org)

October 15, 2015

RE: Cool Springs Road  
10024 000054

In compliance with your request, this letter will serve as notice of water for the above referenced property but no meter has been purchased. Although the City of Gainesville does own and operate a water main in front of the property on Cool Springs Road, we have no law or ordinance requiring property owners to connect to the service.

Regards,

Meredith Norris  
Meter Sales Representative  
City Of Gainesville





Mr. Mac McCain  
Main & Main Development  
4038 Chestatee Road  
Gainesville, Georgia 30506

Subj: Treatment Plant Capacity

Mr. McCain:

The sewer treatment plant serving the Marina Bay community is currently permitted for 400 units with a total flow of 120,000 gallons per day (gpd). The design basis for the plant is 150,000 gpd, which would equate to an additional 100 residential units, assuming historical usage is at or below the 300 gpd per home.

The Design Development Report for the plant will have to be resubmitted and approved by the Georgia Environmental Division to increase the permit to 150,000. Additionally, additional drip disposal areas will have to be designed and constructed by the developer to support this additional capacity. An initial review suggests that approximately 4.7 acres of land will be required. Please note, however, that this figure is dependent on the soil analysis at prospective drip disposal sites.

Please feel free to contact me with further questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Matthews", with a long horizontal flourish extending to the right.

W. J. Matthews  
Vice President of Operations



## HALL COUNTY PLANNING COMMISSION ZONING APPLICATION

|   |  |
|---|--|
| <b>Applicant (Name and mailing address)</b> | <b>Property Owner (Name and mailing address)</b> |
| Cool Springs, LLC, C/o Wes Robinson, Atty.  | Cool Springs, LLC                                |
| Hulsey, Oliver & Mahar, LLP                 | 4038 Chestatee Road                              |
| PO Box 1457, Gainesville, GA 30503          | Gainesville, GA 30506                            |
| Phone 770-532-6312                          | Phone 404-229-7769                               |
| Email address twr@homlaw.com                | Email address wendell.starke@gmail.com           |

Proposed Use Residential lots and open space within existing PRD development.

| <u>Status of Applicant</u>   | <u>Requested Action</u>  | <u>Supporting Documentation</u>   |
|--|--|---|
| <input checked="" type="checkbox"/> Owner<br><input type="checkbox"/> Option to purchase<br><input type="checkbox"/> Area resident<br><input type="checkbox"/> Other | PRD and<br>Existing zoning: <u>AR-III and V-C</u><br>Rezone to: <u>PRD</u><br>Permissive Use: <input type="checkbox"/> HCPC <input type="checkbox"/> HCC<br>Fee \$ _____ | <input checked="" type="checkbox"/> Plat/site plan<br><input checked="" type="checkbox"/> Written report<br><input checked="" type="checkbox"/> Deed<br><input checked="" type="checkbox"/> Other |

Tax Parcel Number 10024 000008 and 10024 000054 Acreage 35.41 acres and 12.93 acres  
 Location Address 5904 Cool Springs Road and 0 Cool Springs Road

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

(Signed) Wendell M. Starke Date 10-26-2015  
 Cool Springs, LLC, By: Wendell M. Starke, Manager

**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.

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

\*\*\*\*\*  
**Staff Use Only**

Application Date: 10-26-15 Taken by: (SW)  
 Tentative Planning Commission Date: DEC 7, 2015 Tentative County Commission Date: JAN 14, 2016  
 County Commission District: \_\_\_\_\_  
 Location of property (legal ad): \_\_\_\_\_



# Hall County Planning Department

## 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 with 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 Signature

\_\_\_\_\_  
Date

Cool Springs, LLC  
By: Wendell M. Starke, Manager

## Sarah McQuade (Planning)

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**From:** Kelly Hairston (Environmental Health)  
**Sent:** Thursday, November 19, 2015 9:19 AM  
**To:** Chris Chavis (Planning); Sarah McQuade (Planning)  
**Subject:** 5904 & 0 Cool Springs Rd

Chris & Sarah,

This is in regards to the Agenda for the Planning Commission Meeting scheduled for 12-7-15 and the application of Cool Springs, LLC regarding the above properties. Currently, the Marina Bay development is serviced by a wastewater treatment & disposal system approved and permitted by the Environmental Protection Division (EPD) of the GA Department of Natural Resources. This system is sized and approved for a certain gallons per day (gpd) flow. This applicant must submit plans, obtain approval and make any modifications required to the existing system by the EPD. Please feel free to contact me if you have any questions.

Kelly Hairston  
Hall County Environmental Health  
2875 Browns Bridge Rd, 3<sup>rd</sup> Floor  
Gainesville, GA 30504  
Ph: 770-531-3973 Fax: 770-531-6767