

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Rochester/DCCM

Request Amend Conditions of a Planned Residential Development (PRD, [17.180.060](#))

Proposed Use 38-unit residential rental community

Size 5.95± acres

Zoning Planned Residential Development (PRD, [17.180.060](#))

Location **3055 Tumbling Creek Road** | Tax Parcel 08026 000005 (pt.)

Commission District Two

Planning Commission Date January 3, 2023

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

Planning Commission Conditions:

1. The conditions of zoning approved on January 28, 2021 shall apply as listed below, modified to be consistent with the current request:
 - A. The development shall generally occur as depicted on the site plan dated 10-19-2022, as modified, and described in the revised project narrative dated 11-16-2022 and site plan, modified for compliance with zoning conditions, and Hall County regulations.
 - B. The proposed residential development shall conform to [17.180.060](#) Planned Residential Development (PRD) standards, except for where variances are approved as part of this application.
 - C. The following standards shall apply to the development:
 - I. Use: Rental Cottages
 - i. 38 total units not exceeding 114 total bedrooms
 - ii. Density shall not exceed of 6.4 units per acre
 - II. Setbacks:
 - i. From right-of-way: 30 feet
 - ii. Side: 5 feet
 - iii. Rear: 20 feet
 - III. No less that Parking: 114 spaces, subject to Hall County regulations
 - IV. Open Space: minimum of 1.53 acres (30%)
 - V. Buffers: No buffers will be required against adjacent property retained by the foundation.

- VI. Where the development is adjacent to a right-of-way there shall be a 10 foot plated landscape strip to be installed no later than six months from the development of the proposed Tommy Creek connector.
 - VII. Architectural standards: All facades of all residences, shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non-residential buildings shall be prohibited.
 - D. An updated traffic study shall not be required.
 - E. Tenancy shall be not be restricted to University of North Georgia (UNG) faculty or students.
 - F. The following language shall be placed upon the Final Plat of the PRD as defined by 17.20.830 of the Hall County Code and it will read, "Owners and users of this property are informed of industrial uses nearby and should expect noise, odors, and other effects associated with such industrial properties."
 - G. The applicant, in developing the property, shall cooperate with Hall County regarding connectivity and development of the Highlands to Islands trail network.
2. No buffer shall be required along the perimeter of the property where the seller owns the adjacent property. A 10 foot landscape strip shall be required along the rights-of-way of Tumbling Creek Road and the proposed Tumbling Creek Connector.
 3. Minimum of one tree shall be provided for each unit in addition to the planted landscape buffer. Trees shall be maintained by the owner and any diseased or dead trees shall be replaced by the owner.
 4. Sidewalks will be provided adjacent to each parking bay with connecting sidewalks to the right-of-way of Tumbling Creek Road.
 5. Open space shall be provided at a ratio of 30% of the site area and not subject to the requirements of the conservation subdivision design.
 6. The commission shall approve there are no proposed lots for the developments rental community.
 7. There are no proposed garages instead the development will be served by the community parking areas, which shall be allowed.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to amend conditions of a 2021 rezoning for a proposed 5.95± acre parcel zoned Planned Residential Development (PRD, [17.180.060](#)) for the purpose of developing a 38-unit residential rental community. This parcel is a portion of a 21.39± acre parcel which was rezoned to Planned Residential Development (PRD, [17.180.060](#)), with conditions, on January 28, 2021.

The conditions of zoning placed on the property in 2021 are as follows:

1. The development shall generally occur as depicted on the site plan, dated December 7, 2020 and described in the project narrative, modified for compliance with zoning conditions, and Hall County regulations.

2. The proposed residential development shall conform to [17.180.060](#), Planned Residential Development (PRD) standards, except for where variances are approved as part of this application.
3. The following standards shall apply to the development:
 - a. Use: Apartments (Student Housing)
 1. 164 total units/582 total bedrooms
 2. Density of 7.67 units per acre
 - b. Setbacks:
 1. Front: 55 feet from center line of road OR 30 feet from property line, whichever is greater.
 2. Side: 10 feet
 3. Rear: 20 feet
 - c. Parking: 447 spaces, subject to Hall County regulations
 - d. Open Space: 11.9 acres (55.6%)
 - e. Buffers: A minimum 50 foot planted buffer shall be established along the perimeter of all property boundaries adjacent to residential and/or non-residential zoning districts to ensure that the planned residential development is appropriately screened. The planted buffers shall conform to the requirements as described in section 17.260.020 titled Vegetation Buffers and Vision Clearance. In conditions where required stream buffers exist along a perimeter property boundary, the Planning Director may grant exemptions from the 50 foot planted buffer if a stream buffer meets or exceeds the 50 foot planted buffer width.
 - f. Where the development is adjacent to a right-of-way there shall be a 10 foot plated landscape strip.
 - g. Architectural standards: All facades of all residences, shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non-residential buildings shall be prohibited.
4. An updated traffic study may be required prior to the issuance of a land disturbance permit. The developer shall work with Hall County Engineering and/or the Georgia Department of Transportation (GDOT) in determining the road improvements necessary to serve this development.
5. It is the intent of the applicant that this development shall serve the student of the University of North Georgia's Gainesville Campus.
6. The following language shall be placed upon the Final Plat of the PRD and PCD as defined by 17.20.830 of the Hall County Code and it will read, "Owners and users of this property are informed of industrial uses nearby and should expect noise, odors, and other effects associated with such industrial properties."
7. The applicant, in developing the property, shall cooperate with Hall County regarding connectivity and development of the Highlands to Islands trail network.

The application proposes to remove the 5.95± acre parcel from the larger tract to develop as a 38-unit rental housing development, with a focus towards the student population of the University of North Georgia (which has a campus adjacent to the subject parcel), but the units would also be available to the general population. The site has approximately 450 feet of linear frontage along Tumbling Creek Road and is rectangular in shape, being approximately 575 linear feet in depth. The site is currently wooded, with a small intermittent stream running parallel to Tumbling Creek Road. The site will be served by City of Gainesville water and sanitary sewer.

The applicant’s narrative details the development standards for the project, which proposes narrow, 2-story, 3-bedroom cottages. The structures are proposed to be 18 feet in width and 45 feet in depth. The cottages will be similar with a minimum of 3 front elevation architectural modifications. All will include:

- Front porches
- Front facades with a combination of masonry and hardi-plank materials
- Side and rear facades with hardi-plank or shake siding
- Architectural weight shingles

The site design depicts a central community lawn with 15 cottages along the northern and southern sides of the lawn. The community lawn also includes a mail kiosk as well as some benches and a bike rack. The remaining cottages border the western, southern, and eastern property lines. The northern portion of the parcel shows a proposed nature park and walking trail, as well as the proposed stormwater management facility. Access will be provided via private drives from both Tumbling Creek Road and a proposed connector road to Tumbling Creek Road.

The narrative describes the proposed site improvements to include:

- Ground mounted project identification signage at both entrances
- 2-board fencing along Tumbling Creek Road (outside of floodplain)
- Illuminated signage in accordance with the Hall County Sign Ordinance
- 10 foot landscape strip along Tumbling Creek Road and the proposed Tumbling Creek Connector with a single row of evergreen plant materials.
- Parking lot and individual unit landscaping and irrigation.
- Sodded yards (4 sides)
- Street trees in parking lot islands (minimum 2 ½ caliper)
- Amenities will include:
 - Sidewalk entry to all cottages from the parking lot
 - Community lawn area
 - Benches and bike racks
 - Walking trail with a tie to the proposed Tumbling Creek Preserve Trail

The narrative states that the development will have a professional manager who will administer the covenants, conditions, and restrictions placed on the property by the developer. This manager will also manage the leasing and maintenance of the property.

The narrative also requests up to three (3) model home permits to be issued prior to final plat recording, provided that hard surface (crusher run) access is provided and fire protection (function hydrant) is located within 500 feet of any structure under construction. However, no certificate of occupancy (CO) will be issued prior to final plat recording. Model homes may be used as temporary leasing offices. In addition to the model home permits the developer is requesting permission to install one sales trailer and one construction trailer with associated parking area. These locations will be determined at time of street paving and possibly ahead of final plat approval.

The applicant is proposing the following changes to the zoning conditions placed on the property:

Current 2021 Conditions	Proposed Conditions
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<p>1. The development shall generally occur as depicted on the site plan, dated December 7, 2020 and described in the project narrative, modified for compliance with zoning conditions, and Hall County regulations.</p>	<p>1. The development shall generally occur as depicted on the site plan, as modified, and described in the revised project narrative, modified for compliance with zoning conditions, and Hall County regulations.</p>
<p>2. The proposed residential development shall conform to 17.180.060 Planned Residential Development (PRD) standards, except for where variances are approved as part of this application.</p>	<p>2. No change.</p>
<p>3. The following standards shall apply to the development:</p> <ul style="list-style-type: none"> a. Use: Apartments (Student Housing) <ul style="list-style-type: none"> i. 164 total units/582 total bedrooms ii. Density of 7.67 units per acre b. Setbacks: <ul style="list-style-type: none"> i. Front: 55 feet from center line of road OR 30 feet from property line, whichever is greater. ii. Side: 10 feet iii. Rear: 20 feet c. Parking: 447 spaces, subject to Hall County regulations d. Open Space: 11.9 acres (55.6%) e. Buffers: A minimum 50 foot planted buffer shall be established along the perimeter of all property boundaries adjacent to residential and/or non-residential zoning districts to ensure that the planned residential development is appropriately screened. The planted buffers shall conform to the requirements as described in section 17.260.020 titled Vegetation Buffers and Vision Clearance. In conditions where required stream buffers exist along a perimeter property boundary, the Planning Director may grant exemptions from the 50 foot planted buffer if a stream buffer meets or exceeds the 50 foot planted buffer width. f. Where the development is adjacent to a right-of-way there shall be a 10 foot plated landscape strip. g. Architectural standards: All facades of all residences, shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. The front facades shall 	<p>3. The following standards shall apply to the development:</p> <ul style="list-style-type: none"> a. Use: Rental Cottages <ul style="list-style-type: none"> i. 38 total units/114 total bedrooms ii. Density of 6.4 units per acre b. Setbacks: <ul style="list-style-type: none"> i. From right-of-way: 30 feet ii. Side: 5 feet iii. Rear: 20 feet c. Parking: 114 spaces, subject to Hall County regulations d. Open Space: 1.53 acres (30%) e. Buffers: No buffers will be required against adjacent property retained by the Seller. f. Where the development is adjacent to a right-of-way there shall be a 10 foot plated landscape strip. g. Architectural standards: All facades of all residences, shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non-residential buildings shall be prohibited.

incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non-residential buildings shall be prohibited.	
4. An updated traffic study may be required prior to the issuance of a land disturbance permit. The developer shall work with Hall County Engineering and/or the Georgia Department of Transportation (GDOT) in determining the road improvements necessary to serve this development.	4. An updated traffic study will not be required for this project due to the unit count falling below the threshold of 100 units.
5. It is the intent of the applicant that this development shall serve the student of the University of North Georgia’s Gainesville Campus.	5. It is the intent of the applicant that this development shall serve the student, faculty, staff of the University of North Georgia’s Gainesville Campus, but tenancy will not be limited to these users.
6. The following language shall be placed upon the Final Plat of the PRD and PCD as defined by 17.20.830 of the Hall County Code and it will read, “Owners and users of this property are informed of industrial uses nearby and should expect noise, odors, and other effects associated with such industrial properties.”	6. The following language shall be placed upon the Final Plat of the PRD and PCD as defined by 17.20.830 of the Hall County Code and it will read, “Owners and users of this property are informed of industrial uses nearby and should expect noise, odors, and other effects associated with such industrial properties.”
7. The applicant, in developing the property, shall cooperate with Hall County regarding connectivity and development of the Highlands to Islands trail network.	7. No Change

The applicant has requested the following variances to the Planned Residential Development (PRD, [17.180.060](#)) requirements. **A separate variance report is provided related to these standards.**

Code Section	Standard	Applicant’s Proposed Standard
17.180.060.B.5 - Buffers	A minimum 50 foot planted buffer shall be established along the perimeter of all property boundaries adjacent to residential and/or non-residential zoning districts to ensure that the planned residential development is appropriately screened. The planted buffers shall conform to the requirements as described in section 17.260.020 titled vegetation buffers and vision clearance. In conditions where required stream buffers exist along a perimeter property boundary, the planning director may	No buffer shall be required along the perimeter of the property where the seller owns the adjacent property. A 10 foot landscape strip shall be required along the rights-of-way of Tumbling Creek Road and the proposed Tumbling Creek Connector.

	grant exemptions from the 50 foot planted buffer if a stream buffer meets or exceeds the 50 foot planted buffer width.	
17.180.060.B.6.a - Landscape Requirements	A minimum of two trees per lot shall be provided or preserved in the front, side, or rear yard. Trees shall not be counted if they are located in utility easements, drainage easements, or septic drain fields. The homebuilder shall be responsible for planting or preserving the individual lot trees prior to the issuance of a certificate of occupancy. Trees that are provided or preserved to meet the two trees per lot may not be counted toward the overall development's tree density unit requirements.	Minimum of one tree shall be provided for each unit.
17.180.060.B.7.b - Sidewalks	In addition to the sidewalk requirements that shall be met per chapter 16.70 , street construction requirements, all planned residential developments shall construct sidewalks on both sides of the streets that are a minimum of five feet wide.	Sidewalks will be provided adjacent to each parking bay with connecting sidewalks to the right-of-way of Tumbling Creek Road
17.180.060.B.8 - Open Space	The development shall conform to all open space requirements of sections 17.430.100 through 17.430.150 , as shown under the conservation subdivision design option chapter. The only open space requirement that may differ from those standards set forth in section 17.430.110 is the open space shall comprise at least 30 percent of the gross tract area.	Open space shall be provided at a ratio of 30% of the site area and not subject to the requirements of the conservation subdivision design.

Staff has identified the following sections of the Planned Residential Development (PRD, [17.180.060](#)) requirements from which a variance is also needed:

Code Section	Standard	Applicant's Proposed Standard
17.180.060.B.2.a - Lot area	Minimum lot area standards of 8,000 square feet for lots served by sanitary sewer. The overall gross density not to exceed two units per acre. The minimum lot area for lots without access to	There are no proposed lots for the development as it is a rental community.

	sanitary sewer shall be determined by the requirements of the county environmental health department.	
17.180.060.B.2.b - Lot width	Minimum lot width of 50 feet	There are no proposed individual lots.
17.180.060.B.9.b - Single-family or two-family residence garages	Garage placement shall match one of the following standards for lots less than one acre	There are no proposed garages, instead the development will be served by communal parking areas.

Based on the future land-use plan, staff finds the **requested to amend conditions of an existing Planned Residential Development (PRD, 17.180.060) consistent with the Residential future land use classification in the Comprehensive Plan.** The Hall County [Comprehensive Plan](#) recommends a maximum density of 2 units per acre for properties within the Residential land use classification. This classification tends to be oriented to single-family residential development at moderate densities. Future development will continue to be detached, single-family homes at moderate densities, with opportunities for variations in housing size and types through the Planned Development District ([17.180](#)) zoning classification. The proposed development is adjacent to the University of North Georgia, whose students, faculty, and staff it intends to serve. The proposed development is an appropriate use of the Planned Residential Development (PRD, [17.180.060](#)) zoning classification.

Zoning Analysis

The proposed development of a 38-unit single-family residential rental community adjacent to the University of North Georgia, whose students, faculty, and staff it intends to serve, is consistent with the [Comprehensive Plan](#). The proposed development is an appropriate use of the Planned Residential Development (PRD, [17.180.060](#)) zoning classification.

When considering a zoning amendment to the zoning maps, the following items must be considered ([17.380.060](#)):

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The proposed development of a 38-unit rental home community is consistent with adjacent and nearby property. The development is intended to serve the students, faculty, and staff of the University of North Georgia, which is adjacent to the site.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not have an adverse effect on the existing use or usability of adjacent or nearby property. The adjacent property is operated by the University of North Georgia, whose real estate foundation is the seller of the property.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The site has reasonable economic use as currently zoned, which is part of a larger Planned Residential Development (PRD, [17.180.060](#)) approved for a multi-family development, which was rezoned in January 2021. The current request is not a rezoning but a request to amend the previous conditions of the 2021 rezoning.**

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **The proposal is to amend a previously approved Planned Residential Development (PRD, [17.180.060](#)). The amendment should not cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. The overall density is reduced from the original approved density for the property.**
5. 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; **The proposed amendment to the Planned Residential Development (PRD, [17.180.060](#)) will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service.**
6. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The request does not appear to be out of scale with the needs of the County as a whole, as a variety of housing options for different target audiences.**
7. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The proposed use could not be handled alternatively as a variance.**

A **Planned Development District ([17.180](#))**, such as a **Planned Residential Development (PRD, [17.180.060](#))** is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment.

[17.380.050](#) - Submission requirements for a rezoning request have been used to analyze the request.

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

An email dated December 13, 2022 from Emily McGahee states “No comment. Public sewer.”

Hall County Fire Marshal

An email dated December 15, 2022 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant states, “The Hall County Fire Marshal’s Office has no comments as proposed.”

Hall County Public Works and Utilities

In a memo dated December 14, 2022, from Srikanth Yamala, 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 surface and/or disturbed acreage.

Show buffer and impervious setback from wretched vegetation, not centerline of creek.

Buffer change requested does not include stream buffers

Show 75’ impervious setback or request a variance.

Traffic:

No comment.

Utilities

City of Gainesville Sewer District

City of Gainesville Water Resources

In a letter dated September 27, 2022, Nick Swafford, Permitting Services Manager, provided a letter confirming availability of water and sanitary sewer service for the property. Specifically, the letter states that:

“The City of Gainesville owns and operates an existing 12-inch DIP water main in the northeast right-of-way of Tumbling Creek Road along the subject property frontage. The City also owns and operates existing 10-inch gravity sanitary sewers located in the right-of-way of Tumbling Creek Road as well as within the subject property. Also, a 15-inch gravity sanitary sewer is located within the subject property.

The City of Gainesville has adequate capacity for your proposed housing development, which we understand will consist of approximately 38 units with an anticipated average sewage flow of 9,500 GPO and a peak flow of 23,750 GPO.

This confirmation of water and sewer availability is good for one year from the date of this letter at which time, it will become null and void unless engineered plans have been submitted for issuance of a development permit.”

Georgia Department of Transportation

No GDOT comments for this item.

University of North Georgia Real Estate Foundation

In a letter dated September 28, 2022, Gerald M. Sullivan, Associate Vice President of Real Estate & Auxiliary Services, provided the following comments in a letter of support:

“The University of North Georgia Real Estate Foundation supports the development of housing at this location as it will provide affordable housing opportunities to UNG students, faculty, staff, and others in close proximity to the UNG campus, and will provide a catalyst for other property improvements on adjoin property. The community as conceived by Stark Properties will begin to address demand from UNG students for safe, student focused housing that is walking distance to classrooms and student activities.”

➤ **Excerpts from the minutes of the January 3, 2023 meeting**

Applicant's Presentation:

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

Bradley Dunkel, 425 Oak Street, Gainesville, presented the request. The applicant stated that the request will be geared towards University of North Georgia students, staff, and faculty but not exclusive to. The applicant stated that they have support from the University of North Georgia. The applicant stated they would only like to build cottage type of rentals rather than the originally proposed apartments. The applicant discussed the proffered conditions: 1. the development shall generally occur as depicted on the site plan, as modified, and described in the revised project narrative, modified for compliance with zoning conditions and Hall County regulations. 2. The proposed residential

development shall conform to §17.180.060 Planned Residential Development (PRD) standards, except for where variances are approved as part of this application. 3. The following standards shall apply to the development: a. Use: Rental Cottages 1. 38 total units/114 total bedrooms 2. Density of 6.4 units per acre b. Setbacks: 1. From R/W: 30 feet 2. Side: 5 feet 3. Rear: 20 feet c. parking: 114 spaces, subject to Hall County regulations. d. Open Space: 1.53 acres (30%) e. Buffers: No buffers will be required against adjacent property retained by the Seller. f. Where the development is adjacent to the right-of-way there shall be a 10-foot planted landscape strip required. 4. An updated traffic study will not be required for this project due to the unit count falling below the threshold of 100 units. 5. It is the intent of the applicant that his development shall serve the students, faculty, staff of the University of North Georgia's Gainesville Campus, but tenancy will not be limited to these users. The applicant stated that there will be sidewalks in the development. The applicant stated that there are no proposed garages.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Ms. Pilcher questioned if the development would be built where Lanier Tech was previously located. The applicant stated that was correct. Ms. Pilcher questioned the distance from the site to the retention pond. The applicant stated that they would be far enough from it. Mr. Braswell wanted to clear up that the stream buffer denial by Engineering would need to be appealed to the Board of Commission, it is not something that can be appealed to the Planning Commission.

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

Conditions:

1. *The conditions of zoning approved on January 28, 2021 shall apply as listed below, modified to be consistent with the current request:*
 - A. *The development shall generally occur as depicted on the site plan dated 10-19-2022, as modified, and described in the revised project narrative dated 11-16-2022 and site plan, modified for compliance with zoning conditions, and Hall County regulations.*
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 - iii. *Rear: 20 feet*
 - III. *No less that Parking: 114 spaces, subject to Hall County regulations*
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- V. *Buffers: No buffers will be required against adjacent property retained by the foundation.*
- VI. *Where the development is adjacent to a right-of-way there shall be a 10 foot plated landscape strip to be installed no later than six months from the development of the proposed Tommy Creek connector.*
- VII. *Architectural standards: All facades of all residences, shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non-residential buildings shall be prohibited.*
- D. *An updated traffic study shall not be required.*
- E. *Tenancy shall be not be restricted to University of North Georgia (UNG) faculty or students.*
- F. *The following language shall be placed upon the Final Plat of the PRD as defined by 17.20.830 of the Hall County Code and it will read, "Owners and users of this property are informed of industrial uses nearby and should expect noise, odors, and other effects associated with such industrial properties."*
- G. *The applicant, in developing the property, shall cooperate with Hall County regarding connectivity and development of the Highlands to Islands trail network.*
- 8. *No buffer shall be required along the perimeter of the property where the seller owns the adjacent property. A 10 foot landscape strip shall be required along the rights-of-way of Tumbling Creek Road and the proposed Tumbling Creek Connector.*
- 9. *Minimum of one tree shall be provided for each unit in addition to the planted landscape buffer. Trees shall be maintained by the owner and any diseased or dead trees shall be replaced by the owner.*
- 10. *Sidewalks will be provided adjacent to each parking bay with connecting sidewalks to the right-of-way of Tumbling Creek Road.*
- 11. *Open space shall be provided at a ratio of 30% of the site area and not subject to the requirements of the conservation subdivision design.*
- 12. *The commission shall approve there are no proposed lots for the developments rental community.*
- 13. *There are no proposed garages instead the development will be served by the community parking areas, which shall be allowed.*