

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Arabella Capital, LLC

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

**Proposed Use** ..... 121-lot subdivision

**Size** ..... 55.54 ± acres

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

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

**Commission District** ..... Three

**Planning Commission Date** ..... July 17, 2023

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

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

**Planning Commission Conditions:**

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

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

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**Public Forum:**

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

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

**Summary Analysis**

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

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

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

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

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

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

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

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

**Zoning Analysis**

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

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

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

3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **It is unclear whether the property has reasonable economic use as currently zoned.**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **Staff does not find that the proposed development will cause an excessive or burdensome use of existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use is not consistent with the Comprehensive Plan and the “Lake Area Residential” land use designation. Density is envisioned to be less than one unit per acre, and the proposed development exceeds that minimum.**
6. The extent to which property values are diminished by the existing zoning restrictions; **The proposed density is greater than the current zoning, so it is likely the value of the property is increased with the added density.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **Hall County property tax records shows that [tax parcel 09106 000001A](#) is developed with a single-family residence constructed in 1941. [Tax parcel 09106 000005](#) is undeveloped.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any changing conditions that affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning is a Planned Residential Development (PRD, [17.180.080](#)). Per the Official Code of Hall County, Planned Development District ([17.180](#)) are to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. That being said, the proposed density is higher than that found on surrounding properties.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**

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

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

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

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

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

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

#### **Development Support and Constraints – Departmental / Agency Comments**

##### **Hall County Environmental Health**

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

##### **Hall County Fire Marshal**

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

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

##### **503.2.2 Authority.**

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

##### **Georgia State Modifications Below:**

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

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

##### **Exceptions:**

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

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

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

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

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

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

**503.2.5 Dead ends.**

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

**503.6 Security gates.**

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

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

**507.5.1 Where required.**

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

**Hall County Public Works and Utilities**

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

**Engineering:**

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

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

All lots to be accessed by internal roads.

Phase #3 comments already on package.

**Traffic:**



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

**Utilities:**

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

**Georgia Department of Transportation**

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

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

**Applicant's Presentation:**

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

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

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

*Rebuttal*

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

**Public Forum:**

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

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

**Planning Commission Comments:**

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

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

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

*Conditions:*

1. *Development is approved for lots as generally shown on the concept plan and typical lot layout (sheet 200) dated March 27, 2023, and as described in the project narrative, and as described in the final conditions of zoning, modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards. Any conflict in development standards between the concept plans, project narrative, and conditions of zoning shall be determined by the final conditions of zoning.*
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5. *All homes shall be constructed with a garage with a minimum of two-car capacity.*
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7. *A maximum of 19 lots shall be permitted driveway access from Buffington Farm Road per the conceptual site plan dated March 27, 2023.*
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9. *All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.*

10. *The development shall be limited to a maximum of three (3) model homes prior to approval and recording of the final plat.*
11. *No variances or development exceptions not specifically listed in these conditions of approval are granted.*
12. *A 50 foot undisturbed buffer shall be maintained along the eastern boundary of the subject property from Buffington Farm Road to the U.S.A.C.E. property.*