

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** .....Candler Real Estate

**Request**..... Planned Commercial Farm District (PCFD, [17.180.100](#)) to Planned Residential Development (PRD, [17.180.060](#))

**Proposed Use**.....12-lot subdivision

**Size**..... 53.98± acres

**Zoning**.....Current Planned Commercial Farm District (PCFD, [17.180.100](#)) | Proposed Planned Residential Development (PRD, [17.180.060](#))

**Location**.....7896 Calvary Cross Road | Tax Parcel 12104 000005

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

**Planning Commission Date**..... August 7, 2023

**Staff Recommendation**..... **Approval of the request to rezone the property to Planned Residential Development (PRD, [17.180.060](#)) as the proposed use is consistent with the future land use classification of Rural in the [Comprehensive Plan](#).**

**Planning Commission Recommendation**.....**Approval, with conditions**  
**Vote: 5-0**

**Planning Commission Conditions:**

1. 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. 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.
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 development is approved for a maximum of 11 lots with a minimum lot size of 2 acres.
4. The parcel identified on the site plan as Tract 2, located at the intersection of Skitts Mountain Road and Lula Road / SR 52, and consisting of 0.49 acres is not approved as a separate building lot.
5. The development shall meet the requirements of the Planned Residential Development (PRD, [17.180.060](#)) zoning district, except as noted below.
6. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
7. Developer shall provide a 50 ft. setback that includes the existing natural features and vegetation along the exterior boundaries. The exception to this standard shall be those lot lines that serve as the boundary between the subject property and parcel 12104 000005A, along which the developer shall install a 25 ft. planted buffer once construction begins on adjacent lots.
8. At time of permit application, at least 30% of open space shall be shown on all site plans submitted for review. Site plan shall also show that a minimum of 2 trees per lot exists or shall be planted per 17.180.060.
9. All driveways shall meet site distance requirements, as well as all other Hall County Traffic and Georgia Department of Transportation requirements.
10. Developer shall not be required to install sidewalks throughout the development.
11. The subdivision of any tract into seven or more lots within a 12-month period from the date of recording of the plat may require a stormwater management report should the proposed development meet thresholds for impervious surfaces and/or disturbed acreage.
12. 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."

---

**Public Forum:**

**Kelley Moore, 4017 Sargent Circle**, spoke in favor.

**Zackery Greer, 7821 Lula Road, Lula**, spoke in opposition. Concerns were surrounding agricultural use, traffic, trash, and farmland preservation.

**Andrew Bateman, 7850 Calvary Cross Road, Lula**, spoke in opposition. Concerns were the runoff to the pond, marine life, and farmland preservation.

**Summary Analysis**

The applicant is requesting to rezone the subject property from Planned Commercial Farm District (PCFD, [17.180.100](#)) to Planned Residential Development (PRD, [17.180.060](#)) for the purpose of developing a 12-lot subdivision. The subdivision will be developed in two phases, with the first phase consisting of 7 lots. The second phase will include the further subdivision of one of the original 7 lots an additional six times, resulting in 12 lots total, as detailed in the table below:

Phase One	Tract	Square Feet	Acres
	1	1,721,038	39.3096
	2	128,864	2.9583
	3	93,948	2.1567
	4	97,622	2.2411
	5	175,042	4.0184
	6	123,982	2.8462
Phase Two	7	446,263	10.2448
	8	415,153	9.5206
	9	206,726	4.7458
	10	274,671	6.3056
	11	195,214	4.4815
	12	182,472	4.1890
*Note, the submitted site plan identifies a 0.49 acre parcel as Tract 2 at the intersection of Skitts Mountain Road and Lula Road / SR 52 and is not one of the 12 proposed lots in this request.			

The property was previously rezoned to Planned Commercial Farm District (PCFD, [17.180.100](#)). Land within the county designated as planned commercial farm district (PCFD) shall be represented by large district areas of at least 35 acres or more that are devoted to intensive agricultural production in the areas of food crops, fiber crops, animal feed, poultry, livestock and commercial timber production. The applicant's narrative states that Tract 1 will continue to be used for the production of pumpkins, and be subdivided into 6 additional tracts as outlined above in the future.

All lots will front along existing right-of-way, with no new roads proposed. The lots which front on Calvary Cross Road will be served by wells and on-site septic systems. The lots with frontage along State Route 52 may have access to municipal water through the City of Gainesville.

The property is currently developed with a mixture of residential and agricultural structures, the majority of which are intended to be demolished if the rezoning request is approved. The applicant's narrative states that the residential lots will be subdivided and sold for development of single-family residences.

Per the requirements of the Planned Residential Development (PRD, [17.180.060](#)) district, if standards are not specifically proposed, then the applicable standards in the Residential I (R-I, [17.60](#)) district shall apply. The applicant has not proposed building setbacks for the property, and as such they will default to the R-I district standards.

The applicant has failed to address the following requirements of the Planned Residential Development (PRD, [17.180.060](#)):

- *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.
- *Landscape requirements.* All requirements shall be met per [chapter 17.280](#), tree protection. In addition, the following special items shall be addressed:
  - 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.
- *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.
- *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.
- *Architectural standards.* The following design guidelines and standards apply to all planned residential developments. Alternatively, detailed architectural design guidelines and standards can be submitted by the applicant to include garage types and placement, elevations of all sides, building materials, etc.
  - *Building materials.* All facades of all residences, including single-family, two-family, and/or multi-family, and any non-residential buildings 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.
  - *Single-family or two-family residence garages.* Garage placement shall match one of the following standards for lots less than one acre: (note: garage images provided in the following section are from the Roswell, Georgia Unified Development Code, Article 2. Rules of Interpretation, Section 2.2.19 Residential Garage Parking.)
  - *Cluster mailbox unit (CBU).* Pursuant to United States Postal Service (USPS) policy, all new subdivisions and new phases of existing subdivisions are required to provide CBU's for regular mail service delivery. A CBU is a structure or shelter housing multiple mailbox units to serve each residential dwelling of the development for the express purpose of regular mail delivery provided by the USPS. The following standards are for construction and maintenance of CBU's for all planned residential developments.

Based on the future land-use plan, staff finds the *requested zoning designation consistent* with the future land use classification of Rural in the [Comprehensive Plan](#). The primary future land uses include agricultural/forestry uses, very low-density detached single-family residential uses, civic benefit uses such as places of worship and parks, greenways and trails.

### Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the planning commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

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, which is developed with a mixture of agricultural and low density single-family development.**
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. The development is low density, with the smallest proposed lot being approximately 2.15± acres in area.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The Planned Commercial Farm District (PCFD, [17.180.100](#)) zoning district is for properties that are devoted to intensive agricultural production and was originally created as a way to identify properties which qualified for House Bill 230, the Preferential Agricultural Assessment. Current regulations related to conservation use properties do not require the PCFD classification to qualify. As such, while the property has reasonable economic use as currently zoned, the zoning classification is restrictive in permissible uses, other than those related to agricultural production. The property cannot be subdivided 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; **No, the proposed use should not 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; **Yes, the requested zoning designation is consistent with the future land use classification of Rural in the [Comprehensive Plan](#). The primary future land uses include agricultural/forestry uses, very low-density detached single-family residential uses, civic benefit uses such as places of worship and parks, greenways and trails.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**
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; **The Planned Commercial Farm District (PCFD, [17.180.100](#)) zoning district is for properties that are devoted to intensive agricultural production and was originally created as a way to identify properties which qualified for House Bill 230, the Preferential Agricultural Assessment. Current regulations related to conservation use properties do not require the PCFD classification to qualify. As such, while the property has reasonable economic use as currently zoned, the zoning classification is restrictive in permissible uses, other than those related to agricultural production. The property cannot be subdivided as 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 aerial imagery shows that the property has been used for agricultural purposes as far back as the early 2000's.**
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; **There are no known changing conditions affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **Adjacent properties are zoned Agricultural-Residential-IV (AR-IV, [17.120](#)). At the intersection of Holly Springs Road and Lula Road / SR 52 is a property zoned Suburban Shopping (S-S, [17.140](#)).**
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 use is not out of scale with the needs of the county as a whole. The subject parcel is located in the northern part of the county, which is still primarily agricultural and low-density single-family residential development.**
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 low-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]; **No, the request could not be handled alternatively as a variance as the requested use is not permitted within the Planned Commercial Farm District (PCFD, [17.180.100](#)) zoning classifications.**
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 evidence to indicate a mistake was made in the original zoning of the property.**

**[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]. **The applicant has submitted a narrative and site plan but did not specifically address the criteria listed in [17.380.060.C](#).**
  - 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **The submitted site plan is drawn to scale and shows the proposed lot configuration.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable as the site will utilize individual on-site septic systems.**
- 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. **As there are not 100 or more residential dwelling units proposed this question is not applicable.**

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

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

In an email dated July 3, 2023, Emily McGahee stated “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.”

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

In an email dated July 5, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

- 1) If approved, site plan will have to be submitted to Hall County for review and approval by the Development Review Committee.
- 2) Additional fire hydrant(s) may be required.
- 3) Improvements to Calvary Cross Rd may be required to meet fire apparatus accessibility requirements.

### **Hall County Public Works and Utilities**

In a memo dated July 6, 2023, Bill Nash, Director of Public Works and Utilities, provided the following comments:

#### **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 wretched vegetation not center line of stream.

#### **Traffic:**

GDOT permit will be required for driveways on Lula Road (SR52).  
Driveways on Calvary Cross Road must meet Hall County requirements.

#### **Utilities**

Hall County sewer district but no feasible sewer connection.

### **Hall County Tax Assessor**

In an email dated July 7, 2023, Tracy Gilreath, Specialized Assessment Manager, confirmed that this parcel is under a conservation use assessment, which was entered in 2022. [Conservation Use Assessment](#) is a favorable tax treatment covenant designed to protect qualified property owners from being pressured by the property tax burden to convert their land from agricultural use to residential or commercial use. In exchange for this favorable tax treatment the qualifying property owner must maintain the property in a qualifying use for a period of ten years. The applicant will need to work with the Tax Assessors office to determine how the proposed rezoning will impact the covenant.

### **Georgia Department of Transportation**

In an email dated July 6, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed that this project will require GDOT coordination.

- **Excerpts from the minutes of the August 7, 2023 meeting**

#### **Applicant's Presentation:**

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

**Lee Hemmer, 3945 Reynolds Road, Gainesville**, presented the request. The applicant stated that the lots will be well over the required lot size. The applicant discussed variance requests: variance from 16.60.040: To allow driveway access to an arterial roadway; variance from 17.180.060.b.5: Exemption from the 50-foot planted buffer, requirement on the exterior of the Planned Residential Development (PRD) due to the existing vegetation acting as a sufficient buffer (No vegetation exists around the chicken house parcel);



variance from 17.180.060.b.5: Exemption from the 50-foot planted buffer requirement on the exterior of the PRD around the property on which the chicken houses are located. Applicant would agree to install a 25' planted buffer once construction begins on those particular lots; variance from 17.180.060.7.b: No sidewalks are proposed in this development; variance from stormwater management requirement; however, applicant agrees to furnish a stormwater study and report.

*Rebuttal*

The applicant stated that they are trying to preserve the area by only building eleven homes. The applicant stated that the smell in the area is inevitable.

**Public Forum:**

**Kelley Moore, 4017 Sargent Circle**, spoke in favor.

**Zackery Greer, 7821 Lula Road, Lula**, spoke in opposition. Concerns were surrounding agricultural use, traffic, trash, and farmland preservation.

**Andrew Bateman, 7850 Calvary Cross Road, Lula**, spoke in opposition. Concerns were the runoff to the pond, marine life, and farmland preservation.

**Planning Commission Comments:**

Mr. Pilcher questioned if the chicken houses will remain. The applicant stated that lot was sold separately. Mr. Sosebee questioned if the lots would be on septic. The applicant stated that was correct. Ms. Pilcher requested clarification on the total number of homes. The applicant stated there would be eleven.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 5-0**

*Conditions:*

1. 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. 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.
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 development is approved for a maximum of 11 lots with a minimum lot size of 2 acres.
4. The parcel identified on the site plan as Tract 2, located at the intersection of Skitts Mountain Road and Lula Road / SR 52, and consisting of 0.49 acres is not approved as a separate building lot.

5. The development shall meet the requirements of the Planned Residential Development (PRD, [17.180.060](#)) zoning district, except as noted below.
6. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
7. Developer shall provide a 50 ft. setback that includes the existing natural features and vegetation along the exterior boundaries. The exception to this standard shall be those lot lines that serve as the boundary between the subject property and parcel 12104 000005A, along which the developer shall install a 25 ft. planted buffer once construction begins on adjacent lots.
8. At time of permit application, at least 30% of open space shall be shown on all site plans submitted for review. Site plan shall also show that a minimum of 2 trees per lot exists or shall be planted per 17.180.060.
9. All driveways shall meet site distance requirements, as well as all other Hall County Traffic and Georgia Department of Transportation requirements.
10. Developer shall not be required to install sidewalks throughout the development.
11. The subdivision of any tract into seven or more lots within a 12-month period from the date of recording of the plat may require a stormwater management report should the proposed development meet thresholds for impervious surfaces and/or disturbed acreage.
12. 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.”