

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Rochester/DCCM

Request Rezone from Agricultural Residential IV (AR-IV, [17.120](#)) to Planned Residential Development (PRD, [17.180.060](#))

Proposed Use 133 unit rental community

Size 13.976 ± acres

Zoning Current Agricultural Residential IV (AR-IV, [17.120](#))
| Proposed Planned Residential Development (PRD, [17.180.060](#))

Location 5354, 5352, 5350, 5342, and 0 Thompsons Mill Road | Tax Parcels 15041 000054, 000055, 000080, 000091, 000092, 000106, and 000122

Commission District One

Planning Commission Date September 5, 2023

Staff Recommendation **Denial as the proposed use is inconsistent with the Residential future land use classification in the [Comprehensive Plan](#).**

Planning Commission Recommendation.....**Approval, with conditions**
Vote: 4-1 (Pilcher opposed)

Conditions:

1. Development is approved for lots as generally shown on the concept plan dated June 6, 2023 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. The development is approved for a maximum of 129 dwelling units, as described in the project narrative and detailed on the site plan.

4. The minimum heated floor area (HFA) shall be 690 square feet for individual units within a duplex, 984 square feet for 2 bedroom cottage units and 1,265 square feet for 3 bedroom cottage units. Building elevations shall be composed of 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. Homes shall be consistent with the submitted renderings.
5. The development shall have a 50 foot exterior buffer per the requirement of [17.180.060](#), Planned Residential Development along Thompsons Mill Road. There shall be a 15 foot re-vegetated buffer along the east and west property lines. The development shall delete units 73, 74, 78 and 79 from the plan, however the total number of units shall not exceed 129. Along Friendship Road, there shall be a re-vegetated buffer within the property of 100 feet from the back of the multi-use trail or 15 feet from the property line, whichever is greater. The development shall install decorative fencing or columns along the Thompsons Mill right-of-way and Friendship Road.
6. The recommendations of the traffic study shall be implemented as part of the development process.
7. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
8. No variances or development exceptions not specifically listed in these conditions of approval are granted. Relief is granted from the following requirements:
 - a. [17.180.060\(B\)\(8\)](#) – **Open Space** – Open Space shall be required at 30% of the gross acreage
 - b. [Table 17.270\(A\)](#) – **Signs** – Free standing permanent signs shall be allowed within 5 feet of the right-of-way
 - c. 17.180.060.6 – **Landscape Requirements** – The requirement for two trees per lot shall be modified to one tree per unit (133) plus any trees necessary to satisfy the development’s tree density requirements.
9. Upon final approval by Hall County Planning & Engineering, Applicant shall construct a 6 foot wide pedestrian path, within the right-of-way of Thompson Mill Road, for the full frontage width.
10. Detached garages, in approximate locations shown on the rezoning plan dated July 6, 2023 shall be allowed.

Public Forum:

Marlon McKinney, 7010 Grand Reunion, Hoschton, spoke in opposition. Concerns were traffic and excess of rentals properties in the area.

Tom McDermott, 7250 Grand Reunion Drive, Hoschton, spoke in opposition. Concerns were traffic, density, egress/ingress, and zoning.

Gary Hodges, 7316 Grand Reunion Drive, Hoschton, spoke in opposition. Concerns were excess of development, buffers, commercial use, land use plan, and road congestion.

Summary Analysis

The subject request is to rezone 13.976± acres from Agricultural Residential IV (AR-IV, [17.120](#)) to Planned Residential Development (PRD, [17.180.060](#)) for the purpose of developing a 133 unit rental community. The development will include a mixture of one (1) bedroom duplexes, and two (2) and three (3) bedroom cottages for an overall density of 9.52 dwelling units per acre.

The project narrative states “the community will be designed specifically as a rental community with no fee-simple ownership of any individual homes. Professional on-site management for the community will be

provided by the Developer/Owner and will be responsible for all building and landscape maintenance.” The residences will be single-story homes (both the cottage and duplex housing types) and consistent with the architectural renderings submitted as part of the application materials.

The unit breakdown and development standards are detailed in the chart below:

Unit Type	Quantity	Unit Floor Area
Duplex	40 units / 30%	690 sq. ft. (1,380 sq. ft. building footprint)
Cottage – 3 bedroom	55 units / 41%	984 sq. ft.
Cottage – 2 bedroom	38 units / 29 %	1,265 sq. ft.

The development standards for the project are described in the table below:

Standard	PRD Requirement (17.180.060)	Proposed Development
Site Area	5 acre minimum	13.97 acres
Number of Units	–	133 units
Maximum Density	2 units per acre	9.52 units per acre
Building Separation	–	10 feet (foundation to foundation)
Max. Building Height	–	35 feet
Exterior Buffer	<ul style="list-style-type: none"> 50 foot exterior buffer along the perimeter of the property 	<ul style="list-style-type: none"> No exterior buffer proposed. The following are proposed instead <ul style="list-style-type: none"> Front setback (Thompson Mill Road): 50 foot building setback Side setback (Duncan Crossing): 15 foot buffer / building line Side setback (GDOT ROW): 15 foot buffer / building line Rear setback (Friendship Road): 15 foot buffer / building line
Min. Open Space	30%	30% (4.19 acres)
Parking	2 spaces for each dwelling unit (17.250.020)	<ul style="list-style-type: none"> 2 spaces for each dwelling unit 267 total provided <ul style="list-style-type: none"> 235 surface parking spaces 32 garage spaces

Amenities for the community will include “a grill pavilion, fire pit, resort style pool, a dog park and outdoor gathering areas.” Parking for the residents will include limited garage parking and surface parking will serve the majority of units, similar to other multi-family communities. There will be an on-site leasing center located adjacent to the amenity area.

A traffic study has been completed and is attached for reference. The report recommends the entrance align with the existing entrance to the Oaks at Braselton Senior Living community on the south side of Thompson

Mill Road and utilize the previously installed left turn lane (re-striping required). Additionally, a deceleration lane will be added for westbound traffic entering the site. A gated entrance will provide access control into the property.

The applicant is requesting relief from the following requirements of section [17.180.060](#), PRD:

- [17.180.060\(B\)\(5\)](#) – **Buffers** – Exterior buffers shall be reduced to 15’, except along the R/W of Thompson Mill Road where a 50’ buffer and building setback will be maintained. Applicant may substitute a structural buffer where the adjacent land use is more intense.
 - Note: The site plan shows the proposed dog parks encroaching into the 15 foot buffer on both the north and south property lines.
- [17.180.060\(B\)\(6\)](#) – **Landscape Requirements** – The requirement for two trees per lot shall be modified to one tree per unit (133) plus any trees necessary to satisfy the development’s tree density requirements.
- [17.180.060\(B\)\(8\)](#) – **Open Space** – Open space shall be required at 30% of the gross acreage
- [Table 17.270\(A\)](#) – **Signs** – Free standing permanent signs shall be allowed within 5 feet of the right-of-way.

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 “Residential.” This land use category is characterized by moderate-density residential development and neighborhoods. The intent of this land use category is to preserve established neighborhoods and create new residential development consistent with surrounding suburban densities. The Residential designation envisions a maximum density of 2 dwelling units per acre which is consistent with the maximum density requirement of 2 units per acre within a Planned Residential Development (PRD, [17.180.060](#)). The development has proposed a density of 9.52 dwelling units per acre. The table below provides the density of several approved multi-family developments at nearby properties as outlined below:

The Wren	11.2 units/acre
Harrison at Braselton (City Limits of Braselton)	20.2 units/acre
Phoenix (City Limits of Gainesville)	11.1 units/acre
Chateau Senior Living	26.34 units/acres

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 may be suitable given the context of the surrounding area. There are some nearby developments within the City of Braselton and unincorporated Hall County which have been approved at densities greater than 2 dwelling units per**

acre. **NOTE: The Phoenix at Braselton is zoned Planned Commercial Development (PCD, [17.180.080](#)), exempting it from the density requirements of the PRD regulations.**

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. A traffic study found that "... all study intersections will continue to operate at satisfactory levels of service "C" or better in both peak hours of "No-Build" and "Build" conditions. The impact of the site generated traffic on the operations of study intersections will be minimal."**
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; **A traffic study found that "... all study intersections will continue to operate at satisfactory levels of service "C" or better in both peak hours of "No-Build" and "Build" conditions. The impact of the site generated traffic on the operations of study intersections will be minimal." A letter of service has been provided from the City of Braselton confirming the property is within the Braselton sewer service district and that capacity may be available, but it is not guaranteed until purchased. Additionally, the City of Gainesville provided a letter confirming the availability and adequate capacity to provide water service to the property.**
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 "Residential" land use designation. Density is envisioned to be a maximum of two dwelling units per acre. The proposed development is proposing a density of 9.52 dwelling units per acre.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
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 show the properties are a mixture of vacant and developed parcels, which include a number of residential structures and accessory building, to be removed as part of the development process.**
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 Districts ([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 immediately 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 varied 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 no other properties within the county that are currently zoned to support the type of mixed-use development being proposed without requiring zoning action.**
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.

[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 development 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 a site plan and included the necessary information to properly assess the development.**
- 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. A traffic study found that "... all study intersections will continue to operate at satisfactory levels of service "C" or better in both peak hours of "No-Build" and "Build" conditions. The impact of the site generated traffic on the operations of study intersections will be minimal."**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated August 3, 2023, Emily McGahee stated "Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled."

Hall County Fire Marshal

An email dated August 4, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated the following:

503.1.1 Buildings and facilities.

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the *exterior walls* of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Site plan does not meet the International Fire Code requirement of Section 503.1 as proposed. If approved plan submittal will require a fire hose lay distance analysis that meets the requirements of section 503.1.1.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated August 3, 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

Traffic:

No comment.

Utilities:

No comment.

Georgia Department of Transportation

In an email dated August 1, 2023, Veronica Chavers, D1TO Civil Engineer 3, stated GDOT coordination/permit would be required for this development.

- **Excerpts from the minutes of the September 5, 2023 meeting**

Applicant's Presentation:

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

Jason Florey, 277 Hwy 74 N, Peachtree City, presented the request. The applicant stated that the residential needs will be maintained by the management company both inside and outside the homes. The applicant stated that there is an extensive screening process that requires tenants to make three times the rent. The four main demographics attracted to this model are professional millennials, mid-life singles, dual income couples and empty nesters with only 20% of households with children.

Bradley Dunckel, 425 Oak Street, Gainesville, presented the request. The applicant stated that he was aware staff recommended denial but they believe they fall within the mixed use corridor category of the comprehensive plan which allows higher density residential where compatible with surrounding uses.

Rebuttal

Mr. Dunckel stated that a traffic study was conducted and showed there would be at an acceptable grade of traffic per GDOT conditions. Mr. Dunckel stated the development would also promote walkability with the trail connecting to Friendship Road. Mr. Dunckel stated that commercial uses would only create more traffic than the proposed use. Mr. Flowery stated that the development will provide great transitional buffer use. Mr. Dunckel stated that GDOT has deemed Friendship Road to be a limited access state route so no one will get direct access unless already existing.

Public Forum:

Marlon McKinney, 7010 Grand Reunion, Hoschton, spoke in opposition. Concerns were traffic and excess of rentals properties in the area.

Tom McDermott, 7250 Grand Reunion Drive, Hoschton, spoke in opposition. Concerns were traffic, density, egress/ingress, and zoning.

Gary Hodges, 7316 Grand Reunion Drive, Hoschton, spoke in opposition. Concerns were excess of development, buffers, commercial use, land use plan, and road congestion.

Planning Commission Comments:

Mr. Braswell questioned if the egress/ingress would only be from Thompson Mill Road. Mr. Dunkel stated that was correct. Mr. Braswell stated that there have been various public comments submitted in advance of the meeting. Mr. Sosebee questioned if the applicant would be willing to remove units 73, 74, 78, and 79 to provide an increased buffer by Friendship Road. The applicants agreed to eliminate the units. Ms. Pilcher questioned the number of parking lots provided per unit. The applicant stated that they have tracked parking and their management team doesn't allow them to go under 2 spots unlike the counties 1.5 requirement. Mr. Braswell questioned if the community would be gated. Mr. Florey stated that was correct.

Motion: A motion to approve, with conditions was made by Mr. Sosebee and seconded by Mr. Hunt. Vote: 4-1 (Pilcher opposed)

Conditions:

1. Development is approved for lots as generally shown on the concept plan dated June 6, 2023 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. The development is approved for a maximum of 129 dwelling units, as described in the project narrative and detailed on the site plan.
4. The minimum heated floor area (HFA) shall be 690 square feet for individual units within a duplex, 984 square feet for 2 bedroom cottage units and 1,265 square feet for 3 bedroom cottage units. Building elevations shall be composed of 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. Homes shall be consistent with the submitted renderings.
5. The development shall have a 50 foot exterior buffer per the requirement of [17.180.060](#), Planned Residential Development along Thompsons Mill Road. There shall be a 15 foot re-vegetated buffer along the east and west property lines. The development shall delete units 73, 74, 78 and 79 from the plan, however the total number of units shall not exceed 129. Along Friendship Road, there shall be a re-vegetated buffer within the property of 100 feet from the back of the multi-use trail or 15 feet from the property line, whichever is greater. The

development shall install decorative fencing or columns along the Thompsons Mill right-of-way and Friendship Road.

6. The recommendations of the traffic study shall be implemented as part of the development process.
7. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
8. No variances or development exceptions not specifically listed in these conditions of approval are granted. Relief is granted from the following requirements:
 - a. [17.180.060\(B\)\(8\)](#) – **Open Space** – Open Space shall be required at 30% of the gross acreage
 - b. [Table 17.270\(A\)](#) – **Signs** – Free standing permanent signs shall be allowed within 5 feet of the right-of-way
 - c. 17.180.060.6 – **Landscape Requirements** – The requirement for two trees per lot shall be modified to one tree per unit (133) plus any trees necessary to satisfy the development’s tree density requirements.
9. Upon final approval by Hall County Planning & Engineering, Applicant shall construct a 6 foot wide pedestrian path, within the right-of-way of Thompson Mill Road, for the full frontage width.
10. Detached garages, in approximate locations shown on the rezoning plan dated July 6, 2023 shall be allowed.