

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Mallard View Homeowners Association

Request Amend conditions of Agricultural Residential IV
(AR-IV, [17.120](#))

Proposed Use Amenity area

Size 8.23± acres

Zoning Agricultural Residential IV (AR-IV, [17.120](#))

Location **8545 Belton Bridge Road** | Tax Parcel 12127
000001

Commission District Three

Planning Commission Date September 18, 2023

Staff Recommendation **Approval with conditions** as the proposed
amendment is consistent with the future land use
classification of Rural in the [Comprehensive Plan](#).

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

Conditions:

1. The development is approved as generally shown on the site plan (Site Plan_Mallard View_LDP plans, dated May 16, 2023) and as described in the project narrative (Updated Narrative, dated August 9, 2023), modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.
2. The applicant shall provide off-street parking on the subject parcel in accordance with the requirements of [17.250](#), off-street parking, storage, and loading requirements.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to amend zoning conditions applied to Mallard View Subdivision, originally approved by the Hall County Board of Commissioners on May 17, 2005. The commission approved with conditions the development of a residential subdivision with an amenity area. The first condition states “Development shall be limited to 75 lots, with the amenity site and temporary sales trailer developed as generally shown on the concept plan submitted”. While minor deviations from the original request may be permissible, it has been determined that the deviation is great enough to warrant an amendment to the amenity area as approved in 2005, resulting in the current request.

The original narrative from 2005 outlines an amenity area containing a walking trail around the existing pond, recreation building, covered pavilion, grassy field, outdoor food preparation (barbeque) area, picnic tables and a designated parking area, which is reflected in the approved 2005 site plan. However the new plan includes only the covered pavilion, the size of which is reduced from 800 square feet to 600 square feet (20’ x 30’), and an 8 foot wide mulch trail which provides connection from the cul-de-sac at Pintail Court to the pavilion, a distance of approximately 325 feet.

The narrative states that users will park their vehicles on the grass, though handicap parking will be provided. The submitted site plan (dated 5/16/23) does not show any designated parking spaces. It should be noted that off-street parking, storage, and loading requirements ([17.250.020](#)) state that “parking facilities shall be constructed of dust-free materials which will have a surface resistant to erosion, drained so as to prevent damage to abutting properties or public streets and periodically maintained by the owner...” Additionally, on-street parking is prohibited by [17.250.020](#) within this district (AR-IV, [17.120](#)).

The application states that no septic or sewer connections will be added to the amenity site, nor is any electricity proposed.

Note: subdivision amenities are listed as a conditional use which requires Planning Commission approval within the AR-IV district, ([17.120.020](#)). Subdivision amenities are also subject to the standards and conditions found in [17.350.150](#), subdivision amenities. These standards would have been assessed during the original conditional use process in 2005, but it is worth noting some of the conditions which are not met with the current proposal:

- Facility lighting shall be of the type that prevents direct view of the light source from adjacent residences.
 - No lighting is proposed.
- Off-street parking in accordance with [17.250](#) shall be provided sufficiently to accommodate projected normal usage during peak outdoor recreation seasons.
 - No off-street parking is proposed.

Based on the future land-use plan, staff finds the *proposed amendment to the conditions of the Mallard View Subdivision consistent* with the future land use classification of Rural in the [Comprehensive Plan](#), however, staff finds the proposed changes to the amenity site are inconsistent with the original intent of the amenity site for the subdivision and careful consideration should be given to the proposed changes.

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 proposed use is suitable as an amenity area for the Mallard View Subdivision, though it is scaled back from what was approved in 2005. This request is an amendment to the conditions of approval and is not a rezoning (amendment to the maps).**
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 use will adversely affect adjacent properties.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Staff is unable to assess the economic impact of an amenity area for a residential development, though there could be considerable social benefits to the community by having an area to gather.**
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 utilities. However, proper parking and vehicular access facilities are needed for the site. This development may bring increased traffic and congestion to Pintail Court in the form of on-street parking, which is not permitted by the zoning ordinance, and increased activity within the cul-de-sac.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **Based on the future land-use plan, staff finds the proposed amendment to the conditions of the Mallard View Subdivision consistent with the future land use classification of Rural in the [Comprehensive Plan](#), however, staff finds the proposed changes to the amenity site are inconsistent with the original intent of the amenity site for the subdivision.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Absent a market study, staff is unable to determine whether 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.**
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; **The site has remained a vacant amenity area since 2006, while nearby lots are used for low-density residential purposes within the Mallard View Subdivision.**
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 amendment to the current Agricultural Residential IV (AR-IV, [17.120](#)) district will not create an isolated district.**
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; **In general, the use does not appear to be out of scale with the needs of the County as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **8545 Belton Bridge Road is the only lot dedicated to amenity use and owned by the Mallard View Homeowners Association.**
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; **Development on this site may have impacts on the nearby existing pond.**
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. This request is an amendment to the conditions of approval and is not a rezoning (amendment to the maps).**

[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. **The proposal meets the requirement. The applicant has paid the appropriate fees and understands that someone must be present at the Hall County Planning Commission.**
- 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 has not explicitly addressed 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 applicant submitted a site plan drawn to scale.**

- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The applicant narrative states that no sewer or septic system will be present.**
- 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. **This criterion is not applicable.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated August 18, 2023, Emily McGahee stated “No comment.”

Hall County Fire Marshal

In an email dated August 15, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated: “The Hall County Fire Marshal’s Office has no comments as proposed.”

Hall County Public Works and Utilities

In a memo dated August 18, 2023, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

No comment.

Utilities

No comment.

Georgia Department of Transportation

In an email dated August 15, 2023, Veronica Chavers, D1TO Traffic Operations Civil Engineer 3, confirmed that no GDOT coordination would be required.

- **Excerpts from the minutes of the September 18, 2023 meeting**

Applicant’s Presentation:

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

Don Williams, 8523 Mallard View Way, Lula, presented the request. The applicant stated that this application would fix the approval of 2005. The applicant stated that handicap parking will be provided and regular parking will be on the grass.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell questioned if the applicant was aware of the proposed conditions. The applicant stated that he was and he would like to avoid using mulch as recommended.

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

Conditions:

1. The development is approved as generally shown on the site plan (Site Plan_Mallard View_LDP plans, dated May 16, 2023) and as described in the project narrative (Updated Narrative, dated August 9, 2023), modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.
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