

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Walker Anderson Homes

Request Rezone Agricultural Residential III (AR-III, [17.110](#))
to Planned Residential Development (PRD,
[17.180.060](#))

Proposed Use 95-unit townhome development

Size 22.88± acres

Zoning Current Agricultural Residential III (AR-III, [17.110](#))
| Proposed Planned Residential Development
(PRD, [17.180.060](#))

Location **6777 and 6804 Spout Springs Road** | Tax Parcels
15042 000018 and 000140 (pt.)

Commission District One

Planning Commission Date October 2, 2023

Staff Recommendation **Denial** as the proposed use exceeds the maximum
density of 2 dwelling units per acre for the
Residential future land use classification in the
[Comprehensive Plan](#).

Planning Commission Recommendation.....**Approval, with conditions**
Vote: 3-2 (Pilcher & Varner opposed)

Conditions:

1. The development shall not exceed a maximum of 95 units and may be 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 minimum heated floor area (HFA) shall be 1,800 square feet.

4. 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 all exterior boundaries.
6. All associated stream buffers shall be contained completely within HOA common areas and shall not be on any individual lot.
7. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
8. The development shall be limited to a maximum of two (2) model homes prior to recording of the final plat.
9. The following variances are granted herein:
 - a. 70% of garage door area shall be allowed.
 - b. The street design as presented in the conceptual plan shall be subject to review and approval of the Hall County Engineering Department.
 - c. The design shall be subject to review and approval of Hall County Fire Marshal.
 - d. Sewer design shall be subject to review and approval of the County Engineer.
 - e. The building elevations shall be reviewed and approved by the Planning Director.

Public Forum:

Joel Bell, 6756 Spout Springs Road, Flowery Branch, spoke in opposition. Concerns were lack of information obtained.

Summary Analysis

The applicant is requesting to rezone a combined 22.88± acres of Agricultural Residential (AR-III, [17.110](#)) and Planned Residential Development (PRD, [17.180.060](#)) property to Planned Residential Development (PRD, [17.180.060](#)). A rezoning request was approved, with conditions, for a 58-unit, detached single-family residential development by the Board of Commissioners on March 10, 2022. An application to amend the original PRD proposals is being considered concurrent to this request.

In 2022, the PRD was approved as a 58-unit, detached single-family residential development. The applicant is requesting to amend the previous approval to develop the site as a 95-unit attached residential development (townhomes) instead. Concurrently, the applicant is requesting to rezone a 2.51± acre parcel from AR-III to PRD to be utilized as open space within this development.

With the addition of the 2.51± parcel (15042 000140) to the project, the overall density of the development will be 4.15 dwelling units per acre, when using the advertised GIS combined acreage of 22.88±. Note: the applicant's site plan shows a combined acreage of 21.46± acres, which would result in a density of 4.43 dwelling units per acre. In both instances, the proposed density of the development exceeds the recommended density of 2.0 units per acre established in the PRD ordinance ([17.180.060](#)) and the Residential future land use classification in the [Comprehensive Plan](#).

The narrative explains that the proposed site layout utilizes the topography of the site, which falls away approximately 100 feet from Spouts Springs Road to the rear of the property. A single entrance is proposed

from Spout Springs Road. The proposed road network is “u-shaped”, with the road extending towards the back, before turning to the left and heading back towards Spout Springs Road, where it ends in a cul-de-sac. The amenity area is located at the end of the cul-de-sac and is proposed to include a cabana, swimming pool and dog park/dog walk area, with a pedestrian path and street crossing connecting the pool and dog park.

The narrative states that internal sidewalks will be installed on both sides of all streets constructed as part of the development. However, the proposed width of the sidewalks is four feet, which is substandard to the five foot wide requirement of the PRD ordinance ([17.180.060](#)). Each household will be provided with four parking spaces: two garage spaces and two driveway spaces. The driveways will be a minimum of 22 feet in length from the back of sidewalk to the front building façade, and 16 feet in width, with individual curb cuts from a public street, according to the site plan. The western portion of the proposal, adjacent to lots 76 and 77, includes eight on-street parallel parking spaces for visitors and to access the centralized mail kiosk; on-street parking is not compliant with the design standards of the PRD ([17.180.060](#)) district.

The rear setback for each townhome will be 15 feet, allowing for a minimum of 30 feet of separation between townhomes with bordering rear yards. There will be a minimum of 20 feet of side building separation between adjacent units. Within lots 17, 18 and 19, the 75-foot impervious setback encroaches on the rear yards and appears to come within a few feet of each of the dwellings proposed on these lots.

The development standards for the project are described in the table below and compared to PRD requirements:

Standard	PRD Requirement (17.180.060)	2022 Approved PRD	Proposed Development
Site Area	5 acre minimum	20.67± acres	22.88± acres
Number of Units	–	58 detached single-family residences**	95 attached single-family residences (townhomes)
Density	2 units per acre	2.85 units per acre	4.15 units per acre*
Min. Lot Area	8,000 sq. ft.	NA – rental development	2,160 sq. ft. (24' x 90')
Max. Building Height	–	–	35 feet
Min. Open Space	30%	30%	61.18%
Exterior Buffer	50 feet	25 feet	50 feet
Front Setback (Internal)	25 feet	–	15 feet from ROW, 10 feet on corner street
Side Setback (Internal)	5 feet	–	10 feet (20 feet side separation between buildings)
Rear Setback (Internal)	20 feet	–	15 feet (30 feet of rear building separation)
Parking	2 spaces for each dwelling unit (17.250.020)	2 on-street parking spaces	4 spaces per each dwelling unit (2 garage, 2 driveway)
Min. Heated Floor Space	–	720 sq. ft. (1-bedroom) 1,080 sq. ft. (2-bedroom)	1,600 square feet

		1,200 sq. ft. (3-bedroom)	
Garage – % of front façade	50% of the width of the townhome unit	No garages	70% (flush with front wall plan of residence) *
Minimum Sidewalk Width	5 feet	5 feet	4 feet*
*These figures do not meet the standards of 17.180.060 .			
**Note: the 2022 PRD request was for a 95-unit development, which was approved with a maximum of 58-units.			

No variances have been submitted as part of this request.

Based on the future land-use plan, staff finds the requested zoning designation is not consistent with the Hall County [Comprehensive Plan](#) future land use designation. Although the proposed use is consistent with the “Residential” designation in general, the Residential designation envisions a maximum density of 2 dwelling unit per acre, similar to the maximum density requirement within a Planned Residential Development (PRD, [17.180.060](#)). The development has proposed a density of 4.15 DU/acre. The Residential 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 to surrounding suburban densities, which range from low to moderate. Future development will continue to be detached, single family homes at moderate densities.

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

The subject property is bordered to the west and south by Lancaster, a 187-lot subdivision which was approved by the Board of Commissioners on October 13, 2016 at a density of 1.84 units per acre. To the north are several developed and undeveloped Agricultural-Residential-III (AR-III) tracts, as well as the open area of Cambridge, a 130-lot subdivision approved by the Board of Commissioners on February 25, 2016 at a density of 2.44 units per acre. Both Cambridge and Lancaster are zoned PRD. The property across Spout Springs Road was approved for rezoning to a 393-unit mixed use development on September 23, 2021.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered by the 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, though the proposed development is more dense than the surrounding developments with an overall density of 4.15 du/acre.

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.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property appears to have 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; **No, the proposed use is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. No letters of service have been provided confirming the availability or capacity to provide water or sewer service to the property. The property falls within the Hall County sewer service district.**
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 4.15 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 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. **The proposed development contains less than 100 residential dwelling units, and as such is exempt from this requirement.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated August 31, 2023, Emily McGahee stated “Public sewer. 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

In an email dated August 31, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated the following:

Current concept plan will need to be modified to meet the below fire code requirement:

International Fire Code 503.1.1 Buildings and facilities. 2018 Edition

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 (45 720 mm) 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.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated August 31, 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 wretched vegetation not centerline of stream.

Current layout provided for zoning does not meet Hall County Road standards.

No on-street parking on public right-of-way.

Floodplain present on site.

Traffic:

Will need to coordinate entrance design and location with Hall County Engineering with regards to Spout Springs Road Phase 2 Widening.

Utilities:

Sewer required off-site easement

Must extend 30 feet sanitary sewer to upstream proposed line.

Georgia Department of Transportation

In an email dated August 25, 2023, Veronica Chavers, D1TO Civil Engineer 3, stated GDOT coordination would not be required for this development.

➤ **Excerpts from the minutes of the October 2, 2023 meeting**

Applicant's Presentation:

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

Steve Gilliam, 340 Jesse Jewell Parkway, Gainesville, presented the request. The applicant stated that the previous approval wasn't viable. The applicant presented renderings of the attached townhomes and went over the site plan. The applicant requested variances to allow the garage to be 70% of the front façade and to allow on-street parking for the kiosk. The applicant is willing to add more fire hydrants to meet fire marshal requirements. The applicant stated that there is no room to build a cul-de-sac on two ends so they would like flexibility to work with the Engineering department to utilize hammerhead road terminations.

Corbitt Woods, 390 Brogdon Road, Suwanee, presented the request. The applicant stated that they are in the process of figuring out sewer with the county. The applicant stated that there will not be any disturbances to the rear of the property.

Public Forum:

Joel Bell, 6756 Spout Springs Road, Flowery Branch, spoke in opposition. Concerns were lack of information obtained.

Planning Commission Comments:

Mr. Braswell questioned the width of the two-car garage. The applicant stated about 16 feet. Mr. Braswell questioned who will be in charge of the HOA. The applicant stated that it will be managed by the applicants up until they are done and it is handed off to the residents.

Motion: A motion to approve, with conditions was made by Mr. Sosebee and seconded by Mr. Hunt. Vote: 3-2 (Pilcher & Varner opposed)

Conditions:

1. The development shall not exceed a maximum of 95 units and may be 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.
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 - a. 70% of garage door area shall be allowed.
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