

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant RyRoMa Properties, LLC

Request Use Subject to County Commission Approval |
Amend Condition of Planned Residential
Development (PRD [17.180.060](#))

Proposed Use 9-unit townhome development

Size 3.89± acres

Zoning Planned Residential Development (PRD,
[17.180.060](#))

Location **4549, 4555, 4561, 4567, 4571, 4601, 4607, and
4611 Candlestick Lane** | Tax Parcels 08067 000045,
000044, 000043, 000042, 000041, 000039,
000038, and 000037

Commission District Two

Planning Commission Date November 20, 2023

Staff Recommendation **Approval, with conditions** as the proposed use is
consistent with surrounding development.

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

Planning Commission Conditions:

1. The property shall be developed in accordance with the project narrative submitted on September 8, 2023 and site plan dated October 6, 2023 noting 16-foot wide drives on Building One.
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. All new residential building constructed within the subject area must adhere to the surrounding architectural styles, and shall be subject to final review and approval by the Director of Community Development and Infrastructure, or their designee. This includes the allowance of vinyl siding.
4. Only one (1) driveway access point shall serve a single building and all parking shall be properly maintained outside of the right-of-way, with the exception of Building One which may have separate driveways per unit or three if it's a triplex.

5. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
6. Upon completion of construction as described in the submitted plans dated October 6, 2023, an as-built survey shall be submitted prior to issuance of certificates of occupancy for units in each respective building.
7. 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:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to amend conditions of a Planned Residential Development (PRD, [17.180.060](#)) to allow for the construction of triplex-style townhouse units on a combined 3.89± acres. The subject parcels were rezoned from Residential-II (R-II, [17.80](#)) to Planned Residential Development (PRD, [17.180.060](#)) on 01/17/1996 for single-family and two-family (duplex) dwelling units. The applicant is seeking to amend the existing conditions to construct three residential buildings, with each proposed to contain three one-story, attached dwelling units.

The property was rezoned from R-II to PRD due to a 1989 change in regulations that removed duplexes from the permitted uses within the R-II zoning district. The request to rezone the property to PRD was in order to allow the property to be developed consistently with the surrounding development.

The submitted site plan, dated 10/06/2023, depicts three townhome buildings, identified as Buildings 1, 2, and 3, each containing three units, for a total of nine units. The three westernmost parcels will be combined and include Building 1, the two middle parcels will be combined for Building 2, and the three easternmost parcels (not contiguous to the rest of the development) will be combined for Building 3. The properties along Candlestick Lane are predominantly developed with duplexes and incorporated into the City of Oakwood.

All proposed buildings will be accessed solely from Candlestick Lane. Building 1 shows an individual driveway for each unit; however, only one driveway access point will be allowed by the Hall County Public Works Department. The site plan shows Buildings 2 and 3 with one driveway each to serve their respective units, ending in a 6-space parking lot directly in front of each building. This allows two spaces for each unit. The portion of Candlestick Lane fronting the proposed development is within the Residential-II (R-II, [17.80](#)) district, in which on-street parking is prohibited ([17.250.020](#)), as is also true for the Planned Residential Development (PRD, [17.180.060](#)) district. It should be noted that the portion of the parking area for building 3 that extends into the Candlestick Lane right-of-way will have to be relocated, per Hall County Traffic Engineering comments.

The rear of the property is traversed by a stream that runs roughly parallel to Candlestick Lane. This limits development to the front of the property in order to abide by the 75-foot impervious stream buffer. Four of the nine proposed patios extend directly to, and potentially encroach upon, this buffer. The submitted plans

do not designate any specific areas as open space; however, with the presence of the stream and the associated 75-foot impervious buffer, the proposed development will include additional open space.

The development standards for the project are described in the table below and are compared with the current PRD requirements, ([17.180.060](#)):

Standard	PRD Requirement (17.180.060)	Proposed Development
Site Area	5 acre minimum	3.89± acres*
Number of Units	–	9 attached townhome units
Density	2 units per acre	2.31 units per acre*
Min. Lot Area	35,000 sq. ft.	35,000 sq. ft.
Max. Building Height	–	Not specified
Min. Open Space	30%	Not specified
Exterior Buffer	50 feet	Not specified
Front Setback	25 feet	Building 1: 45 feet from centerline of road Building 2: 65 feet from centerline of road Building 3: 40 feet from property lines
Side Setback	5 feet	10 feet
Rear Setback	20 feet	20 feet
Parking	2 spaces per dwelling unit (17.250.020)	2 spaces per dwelling unit
Min. Heated Floor Space	–	Not specified
Garage – % of front façade	50% of the width of the townhome unit	Not specified
Minimum Sidewalk Width	5 feet	Not specified
Note: Items marked with an asterisk (*) do not conform to 17.180.060 .		

No variances to the PRD code have been submitted as part of this request; however, the applicant is requesting to amend conditions of a PRD that was established prior to the current version of the PRD ordinance enforced today for new residential developments. The original approval allowed for single-family houses and duplexes, however, triplexes were not included. Additionally, the narrative and site plan indicate a 45-foot front yard setback and 10-foot side yard setbacks; lot 34 was approved to be developed at a 35-foot front yard setback and 7-foot side yard setback between lots 33 and 34.

The proposed development is requesting to allow for 3 attached single story townhome units in contrast to five (5) 4-bedroom duplexes with a modified layout to accommodate septic systems. Additionally, Building 1 is proposed to be located 45 feet from centerline of road, Building 2 is 65 feet from centerline of road, and Building 3 is shown located 40 feet from front property line. No other modifications to the originally-approved zoning conditions are being requested.

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 parcels is "Lake Area Residential." The intent of this land use category is to preserve established neighborhoods and create opportunities for permanent and vacation residences. Future development is envisioned to consist of detached single-family homes at a density of no greater than one unit per acre.

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, development and zoning of adjacent and nearby property; **The proposed use associated with the requested amendment to the Planned Residential Development (PRD [17.180.060](#)) is similar in use, development and zoning of adjacent and nearby properties; however, higher in density. Most of the nearby properties developed with attached housing units, similar to the proposal, are within the City of Oakwood. Nearby land uses within unincorporated Hall County consist of a mixture of agriculture, detached housing and attached housing.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use of 9 townhouse units will not adversely affect nearby properties. The predominant use of nearby properties along Candlestick Lane is duplex residences.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, Planned Residential Development (PRD [17.180.060](#)). The submitted rezoning site plan depicts the intent to construct three townhome buildings, each with three dwelling units, for a total of nine residences.**
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, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The development of three townhome buildings, each with three dwelling units, should not cause an excessive or burdensome use of the existing streets, utilities or public services.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed use of a townhome development is not consistent with the [Comprehensive Plan's](#) future land use classification of Lake Area Residential. In this land use classification, development is envisioned to consist of detached, single-family homes at a low density, not to exceed 1 dwelling unit per acre. The applicant is proposing attached residences at a density of 2.31 dwelling units per acre.**
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. 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; **Tax parcels [08067 000045](#), [000044](#), [000043](#), [000042](#), [000041](#), [000039](#), [000038](#), and [000037](#) are currently undeveloped, with no record of past improvements upon the land. The subject parcels were rezoned from Residential-II (R-II, [17.80](#)) to Planned Residential Development (PRD, [17.180.060](#)) in 1996.**
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; however, existing stream buffers limit the space for development of these lots.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The current request is a conditional use request, and is intended to amend conditions of an existing PRD. Per the Official Code of Hall County, the Planned Development District ([17.180](#)) is 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.**
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; **No, the request is not out of scale with the needs of the neighborhood or the county.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The Residential- Multi-Family (R-MF, [17.100](#)) district permits the proposed use; however, utilizing the current Planned Residential Development (PRD [17.180.060](#)) district may be more appropriate.**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **No, the request could not be handled instead by 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 are no anticipated ecological or pollution impacts 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.

[17.350.040.](#) - Submission requirements for a conditional use request

An application shall be submitted to the planning department at least 30 working days prior to the date of the planning commission meeting or zoning board of adjustment meeting at which the application is to be considered. The completed application shall be accompanied by payment of such fee prescribed in [chapter 17.30](#) hereof to cover administrative and advertising costs. The following items of information shall be supplied by the applicant as set forth in [chapter 17.350](#). **The applicant submitted to the planning department more than 30 days prior to the meeting date and has paid the application fee.**

[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 master sign plan; 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. **The applicant has submitted a rezoning site plan; however, information about adjacent properties has not been provided.**

- 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 to the applicant’s request.**
- 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 standard is not applicable to the applicant’s request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated October 17, 2023, Emily McGahee stated “Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. Submittal of required items to Environmental Health does not guarantee approval.”

Hall County Fire Marshal

In an email dated October 19, 2023, from 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 memorandum from Public Works and Utilities dated October 19, 2023, Director Bill Nash stated the following:

Engineering:

This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Traffic:

No parking on right-of-way permitted. A portion of the parking lot for building 3 is shown on the right-of-way and will need to be relocated. As shown, driveways for building 1 do not appear to meet driveway regulations (code 12.40).

Utilities:

City of Oakwood sewer district.
Health department approval required for on-site septic.

Georgia Department of Transportation

In an email dated October 16, 2023, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination would not be required for this request.

- **Excerpts from the minutes of the November 20, 2023 meeting**

Applicant’s Presentation:

Katie Greenway, Principal Planner, presented a summary of the request.

Reid Irwin, 945 Island Bluff Lane, Buford, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned whether the driveway standards are being met on Building 1. Ms. Garmon stated the application would have to go through Development Review and all regulations must be met.

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

Conditions:

1. The property shall be developed in accordance with the project narrative submitted on September 8, 2023 and site plan dated October 6, 2023 noting 16-foot wide drives on Building One.
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