

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Shadow Stone Partners, LLC

Request Rezone from Agricultural Residential III (AR-III, [17.110](#)) and Residential-I (R-I, [17.60](#)) to Planned Residential Development (PRD, [17.180.060](#))

Proposed Use 307-lot detached single-family development

Size 174.44± acres

Zoning Current Agricultural Residential III (AR-III [17.110](#)) and Residential-I (R-I, [17.60](#)) | Proposed Planned Residential Development (PRD, [17.180.060](#))

Location **3955 & 4035 Leach Road** | Tax Parcels 10033 000001 & 10050 000008

Commission District Two

Planning Commission Date November 20, 2023

Staff Recommendation **Denial**, as the development exceeds the 1 dwelling unit per acre recommended for the Lake Area Residential future land use classification in the [Comprehensive Plan](#).

Planning Commission Recommendation.....**Approval, with conditions**

Vote: 5-0

Planning Commission Conditions:

1. Development is approved with a maximum density limited to 1.76 dwelling units per acre and as described in the project narrative, modified as necessary for compliance with development standards enforced at the time of site plan approval. The total number of lots in all phases shall not exceed 307. Minor changes can be approved by the Planning Director of Community Development and Infrastructure, or their designee, 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 1,900 square feet. 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. Final review and approval is subject to the Director of Community Development and Infrastructure, or their designee.
4. All lots shall access internal subdivision roads only. No lot shall have direct access to Leach Road, with the exception of lots designated as amenity site, drip fields, and open space.
5. Each phase of the development shall meet minimum access requirements, subject to review and approval by the Hall County Fire Marshals.
6. An access easement at a minimum of 10 feet in width shall be reserved for off-street pedestrian, bicycle, or similar modes of transportation to accommodate connectivity between the phases. Access easements are required to be recorded prior to the sale of any home sites adjacent to the proposed points of access. Prior to the sale of any home sites in the project, it shall be clearly stated the intent to make the connection so potential buyers are made aware. The easement shall be owned and maintained by the Developer and then transferred to the HOA once one is established.
7. The recommendations of the traffic study conducted by Southeastern Engineering in August of 2023 shall be implemented as part of the development process. These improvements include those listed as the proposed driveway intersection improvements for Driveways A, B, and C as described in the application materials. All improvements shall be at the Developer's cost.
8. The development shall be limited to a maximum of three (3) model homes per phase prior to approval and recording of the final plat.
9. All amenities described in the submitted letter of intent are to be constructed within the development. The main amenity area shall be constructed before the final certificate of occupancy in the first phase is issued. Each phase is required to internally feature at least one of the following amenities, which shall be installed before 50% of the certificates of occupancy are issued for each respective phase:
 - a. Playground
 - b. Pocket Park
 - c. Walking trail/path connective to the rest of the development, separate from the five-foot sidewalk required adjacent to internal streets ([17.180.060\(B\)\(7\)](#)).
10. The 25-foot and 50-foot undisturbed stream buffers must be fully maintained on HOA common space and shall not encroach onto any individual residential building lot. However, individual residential lots may include the 75-foot impervious setback limits associated with state waters.
11. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
12. No variances or development exceptions not specifically listed in these conditions of approval are granted. Relief is granted from the following requirement:
 - a. [17.180.060\(B\)](#). Setbacks. The front yard setback may be reduced from 25 feet to 20 feet for single family detached residences per the submitted site plan, no garage shall be closer than 25 feet from the back of sidewalk.
 - b. Density and Minimum Lot Size. The development shall have a maximum density of 1.76 units per acre, and a minimum lot area of 7,200 square foot.
 - c. Garages. The garage of each residence within the development shall not exceed 55% of the front façade of the home. The garage shall not be required to be a recessed design.
 - d. The required 50-foot PRD transitional buffer allow for grading and replanting if needed.
13. Developer/HOA will maintain the Land Application System (LAS) and any conveyances to the Private Wastewater system. Perpendicular crossings within existing right-of-way shall be allowed, where necessary for required road crossings for installation/conveyance purposes. Should any portion of the system encroach into any proposed right-of-way within the

development, all proposed rights-of-way within the development shall be privately owned and maintained.

14. 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:

Susan Doyle-Potrillo, 3721 Leach Road, Gainesville, spoke in favor. Spoke about developers meeting with the community and bringing city water to the area.

Lauren Brock, 3747 Leach Road, Gainesville, spoke in opposition. Concerns were construction, health, wildlife, noise, environmental impact, school system, and safety.

Michael Webb, 3840 Leach Road, Gainesville, spoke in opposition. Concerns were traffic, school system, amenities, and proximity to property.

Virginia Martin, 5355 Elliot Crossing, Gainesville, spoke in opposition. Concerns were wetland, buildable space, nearby farms, traffic, and school system.

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Teresa England, 4123 Leach Road, Gainesville, spoke in opposition. Concerns were amount of homes, traffic, and safety.

Jane Lawson, 4989 Willie Robinson Road, Gainesville, spoke in opposition. Concerns were runoff water, privacy, farm disruption, traffic, and wildlife.

Dean Tripp, 4680 Giddon Martin Road, Gainesville, spoke in opposition. Concerns were property lines.

Summary Analysis

The applicant is requesting to rezone a combined 174.44± acres of property zoned Agricultural Residential III (AR-III [17.110](#)) and Residential-I (R-I, [17.60](#)) to Planned Residential Development (PRD, [17.180.060](#)) for the purpose of constructing a three (3) phase 307-lot single-family subdivision with a gross density of the development of 1.76± units per acre. Most of the subject property is contiguous, except for 24.12± acres to the east of Leach Road, belonging to tax parcel 10033 000001 and proposed to be utilized as an amenity area and a portion of the regional septic system.

The property is currently vacant and forested, and features a 125-foot-wide power line easement running east to west through the northern area of the property. A series of streams are also present on the property, which are protected with undisturbed buffers and impervious surface setbacks.

The project narrative states that the proposed residences will range from 1,900 square feet to 2,600 square feet. As part of the application materials, the applicant provided eight (8) different renderings to illustrate the style of homes proposed for the development. The dwelling units will feature board and batten and Hardie plank siding with varying accents of stone/brick. It should be noted that Section [\(17.180.060\(B\)\(9\)\)](#) of the PRD code requires that all homes have accents of brick or stone on the front of the homes, at a minimum; however, not all of the proposed renderings meet this requirement. Eight different home styles have been submitted as part of the proposal; seven styles feature front-entry garages and the eighth does not specify the garage orientation. Several of these home styles do not meet the garage recession and width requirements of the Planned Residential Development (PRD, [17.180.060](#)) district, as they depict front-entry garages extending up to 55% of the width of the residence that are recessed less than 20 feet behind the front plane of the home ([17.180.060\(B\)\(9\)](#)). The applicant has not identified this as a variance from the PRD standards; therefore, without further action, either a variance is needed or the homes must comply with this provision at the time of permitting.

The preliminary site plan submitted by the applicant shows three separate access points to serve the three (3) proposed phases of the development. Phase one will feature 126 residential lots and the master amenity area. Phase one will feature 95 lots, and phase three, 86 lots. The Hall County Fire Marshal has provided comments regarding the lack of second entry which is required for a residential development of more than 120 units.

The development will include 5-foot-wide sidewalks on both sides of the street, addressing pedestrian connectivity within each phase independently. Pedestrian access between phases, and to the master amenity area, will be provided with mulch paths, according to supporting documents. No location or layout proposals for pocket parks or walking paths/trails have been included in the submitted plans.

The narrative indicates that a monument-type sign with landscaping for the subdivision will be provided at each entrance to the development on Leach Road. Per county sign regulations, residential sign area is determined by the number of lots within a development. Based on the application materials, Phase 1 will be limited to 32 square feet in area, while Phases 2 and 3 are limited to 20 square feet in area. No signage for the entrance of the amenity area has been proposed at this time.

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

Standard	PRD Requirement (17.180.060)	Proposed Development
Site Area	5 acre minimum	174.44± acres
Number of Units	–	307 detached single-family residences
Density	2 units per acre maximum	1.78 units per acre
Min. Lot Area	8,000 sq. ft.	7,200 sq. ft. (60 ft. x 120 ft.) *

Max. Building Height	–	30 feet
Min. Open Space	30%	40% (including drip-fields)
Exterior Buffer	50 feet	50 feet
Front Setback (Internal)	25 feet	20 feet*
Side Setback (Internal)	5 feet	5 feet
Rear Setback (Internal)	20 feet	25 feet
Parking	2 spaces for each dwelling unit (17.250.020)	4 spaces per dwelling unit (2 garage, 2 driveway)
Min. Heated Floor Space	–	1,900 square feet
Garage – % of front façade	55% when recessed a minimum of 20 feet behind front wall plan of residence	55% (flush with front wall plan of residence) *
Minimum Sidewalk Width	5 feet	5 feet
Cluster Mailbox Unit (CBU)	CBU with 13 short-term parking spaces	No CBU shown, 0 short-term parking spaces*
Note: Items marked with an asterisk (*) do not conform to 17.180.060 .		

Amenities for the community will include a swimming pool, playground, covered gathering area such as a pavilion or gazebo, pickleball courts and a 70-space parking lot. The amenity area will be located on the east side of Leach Road, while all 307 homes will be constructed to the west of Leach Road, requiring residents to cross Leach Road, or travel to the main amenity area by car. The applicant proposes to construct the amenity area after Phase 1 residences are completed. Phases 2 and 3 will be constructed afterwards.

Per the submitted narrative, sanitary sewer will be provided onsite through the use of onsite septic tanks and a shared community sub-surface drip field that will be permitted through the Environmental Protection Division.

No variances have been submitted as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the requirements of the PRD unless granted in the conditions of approval.

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 of “Lake Area Residential”. This land use category is characterized by low-density residential development and neighborhoods. The intent of land use category is to preserve established neighborhoods and create new permanent and vacation residential development. Future development will continue to be detached, single family homes at low densities. The Lake Area Residential designation envisions a maximum density of 1 dwelling unit per acre, lower than the

maximum density requirement within a Planned Residential Development (PRD, [17.180.060](#)) of 2 dwelling units per acre. The development has proposed a density of 1.76 units per acre.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered:

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 denser than the surrounding developments with an overall density of 1.76 du/acre. The surrounding area consist of vacant land, low-density residential, and agricultural uses.**
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 has been conducted, and the needed improvements to Leach Road have been identified. Right turn lanes are recommended into all three entrances, while left turn lanes are recommended for entry into phases one and two. No additional roadway improvements are recommended. As a result, no off-site mitigation is identified for the future build condition because of the proposed subdivision.**
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; **A traffic study has been conducted, and the needed improvements to Leach Road have been identified. Right turn lanes are recommended into all three entrances, while left turn lanes are recommended for entry into phases one and two. No additional roadway improvements are recommended. As a result, no off-site mitigation is identified for the future build condition because of the proposed subdivision. The development will utilize an on-site sewer system. Water service will be provided by the City of Gainesville, if available with adequate capacity.**
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 "Lake Area Residential" land use designation. Density is envisioned to be a maximum of one dwelling unit per acre. The proposed development is proposing a density of 1.76 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; **Tax parcels [10033 000001](#) and [10050 000008](#) are currently undeveloped, with no record of past improvements upon the land.**
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. 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 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 other properties within the County that support a moderate-density single-family residential uses based on the Future Land Use Map, though the development as proposed cannot be developed in any of the existing residential or multi-family districts.**
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. **The proposal meets the requirement. The 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 water and a private sewer system, subject to EPD approval.**
- 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 proposal does meet the requirement. A traffic study has been conducted, identifying the needed improvements to Leach Road in the form of a series of left and right turn lanes. No additional roadway improvements are recommended. As a result, no off-site mitigation is identified for the future build condition as a result of the proposed subdivision.**

Development Support and Constraints

Hall County Environmental Health

In an email dated October 17, 2023, Emily McGahee stated “The entire development (all pods) must be developed on public or EPD permitted sewer/septic system. No onsite sewage management systems to be permitted by Environmental Health. 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 October 19, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated the following:

IFC 2018 Edition add a new section, Appendix D 107.1, as follows: 120-3-3 Rules & Regulations For The State Minimum Fire Safety Standards.

Developments of one- or two-family dwellings where the number of dwelling units exceeds 120 shall be provided with two separate and approved fire apparatus access roads.

Phase 1 exceeds the above International Fire Code requirement by proposing 126 dwellings and would be required to add an additional fire apparatus access.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated October 19, 2023, Bill Nash, Director, 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 wretched vegetation not centerline of stream.

Show FEMA and Hall County studied Flood plains that are present on site.

Traffic:

Recommend a condition that requires the recommendations outlined in the traffic impact study be implemented and all costs associated with the improvements be the financial responsibility of the applicant/ developer.

Utilities:

Gainesville/ Hall sewer district: no sewer connection within feasible distance.

Georgia Department of Transportation

In an email dated October 16, 2023, Veronica Chavers, D1TO Civil Engineer 3, stated “No GDOT coordination required.”

Tax Assessor

In an email dated October 12, 2023, Steve Watson, Director/Chief Appraiser of Hall County Board of Assessors, stated the following:

On #5. 10033 000001 is currently under Conservation Use covenant. Will be okay to rezone, however, penalty would be pending any activity during calendar year 2023. Covenant expires 12/31/2023.

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

Applicant’s Presentation:

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

Erin Moore, 3120 Frontage Road, Gainesville, presented the request. The applicant stated that Fire Marshal comments were taken into consideration and they will be bumping six lots to another phase but still be no greater than 307 lots.

Rebuttal

The applicant stated that they arranged a meeting inviting the nearby property owners to attend and speak about the development and six people showed up along with one phone call. The applicant stated that due to the meeting, they will be bringing city water and high speed internet to the community.

Public Forum:

Susan Doyle-Potrillo, 3721 Leach Road, Gainesville, spoke in favor. Spoke about developers meeting with the community and bringing city water to the area.

Lauren Brock, 3747 Leach Road, Gainesville, spoke in opposition. Concerns were construction, health, wildlife, noise, environmental impact, school system, and safety.

Michael Webb, 3840 Leach Road, Gainesville, spoke in opposition. Concerns were traffic, school system, amenities, and proximity to property.

Virginia Martin, 5355 Elliot Crossing, Gainesville, spoke in opposition. Concerns were wetland, buildable space, nearby farms, traffic, and school system.

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Dean Tripp, 4680 Giddon Martin Road, Gainesville, spoke in opposition. Concerns were property lines.

Planning Commission Comments:

Mr. Braswell questioned if the phased construction would be staggered. The applicant stated that was correct. Mr. Varner questioned if there would be fencing around the development. The applicant stated they would comply with the requirements.

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

Conditions:

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“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.”