

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Clint Dixon for Clayton Properties Group, Inc.

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

Proposed Use 192-lot single-family development

Size 97.48± acres

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

Location **3580 and 3526 Poplar Springs Road and 3601 Pierce Drive** | Tax Parcels 15036A000001, 000003 & 000011

Commission District One

Planning Commission Date January 16, 2024

Staff Recommendation **Approval**, as the proposed amendment does not represent a substantial deviation from the Planned Residential Development (PRD, [17.180.060](#)) requirements.

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

Planning Commission Conditions:

1. All previous conditions of zoning included herein shall apply as listed below:
 - a) There shall be no more than 192 single-family units in the development.
 - b) All costs associated with any required right-of-way improvements shall be the Developer's responsibility.
 - c) Access to the development shall be approved by Hall County Traffic and/or the Georgia Department of Transportation, whichever applies.

- d) Any necessary access modifications must be approved and permitted by the Georgia Department of Transportation (GDOT). All costs associated with any required improvements shall be the developer's responsibility.
 - e) 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."
 - f) All conditions of zoning shall be made part of any new plat created for the property.
 - g) The development shall adhere to the Hall County Erosion Control Ordinance Best Management Practices for Large Developments, which include the 3 BMPs from the County-approved list, even if the phase of development is less than 20 acres.
 - h) The development shall connect to a public sewer system.
 - i) Any yard runoff that would possibly flow into the creek, shall be sodded. If runoff flows to a different detention pond, it is not a requirement to have the yard sodded.
 - j) No back yards shall abut Poplar Springs Road.
2. The property shall be developed in accordance with the original concept plan which shows two full-access entrances per 17.180.060, and as described in the project narrative submitted on November 15, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
 3. 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. Final review and approval of building elevations is subject to the Director of Community Development and Infrastructure, or their designee.
 4. A garage shall not extend more than 10 feet 6 inches further toward the front yard property line than the façade of the habitable area of the first story.
 5. The width of the garage wall shall not exceed 56% for a two-car garage of the front façade of the dwelling.

Staff Recommended Conditions:

1. All previous conditions of zoning included herein shall apply as listed below:
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 - c) Access to the development shall be approved by Hall County Traffic and/or the Georgia Department of Transportation, whichever applies.
 - d) Any necessary access modifications must be approved and permitted by the Georgia Department of Transportation (GDOT). All costs associated with any required improvements shall be the developer's responsibility.

- e) 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:
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 - h) The development shall connect to a public sewer system.
 - i) Any yard runoff that would possibly flow into the creek, shall be sodded. If runoff flows to a different detention pond, it is not a requirement to have the yard sodded.
 - j) No back yards shall abut Poplar Springs Road.
2. The property shall be developed in accordance with the site plan dated 04/04/2022, and as described in the project narrative submitted on 11/15/2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
 3. 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. Final review and approval of building elevations is subject to the Director of Community Development and Infrastructure, or their designee.
 4. A garage shall not extend more than 10 feet 6 inches further toward the front yard property line than the façade of the habitable area of the first story.
 5. The width of the garage wall shall not exceed 56% for a two-car garage of the front façade of the dwelling.

Public Forum:

Wes Robinson, 200 E.E. Butler Parkway, Gainesville, spoke in opposition. Concerns were the agreement with neighboring property owners when rezoning was approved.

Summary Analysis

The applicant is requesting to amend conditions of a Planned Residential Development (PRD, [17.180.060](#)) on a combined 97.48± acres. The subject parcels were rezoned from Agricultural Residential-III (AR-III, [17.110](#)) to Planned Residential Development (PRD, [17.180.060](#)) on December 9, 2021 for a 195 lot single family development.

Per the submitted narrative and renderings, the applicant is requesting to allow for garages that extend up to 10 feet and 6 inches further than the habitable area of the first story toward the front property line and for the width of the garages to increase from the previously approved maximum width of 45% to 56%.

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

Standard	PRD Requirement (17.180.060)	2021 Condition	Proposed Amendment
Garage – % of front façade	40% of the width of the residence (semi-flush front entry)	Garage doors shall be positioned between 5 and 20 feet behind the front wall plane of the residence, extending no more than 45% of the width of the residence.	Garage doors shall not extend more than 10 feet 6 inches further toward the front yard property line than the façade of the habitable area of the first story, and the width of the garage wall shall not exceed 56% for a two-car garage of the front façade of the dwelling.*
Note: Items marked with an asterisk (*) do not conform to 17.180.060 .			

No other modifications to the originally approved zoning conditions were requested.

Based on the future land-use plan, staff finds the requested zoning designation is consistent with the Hall County [Comprehensive Plan](#). The [Comprehensive Plan’s](#) future land use designation for the subject parcels is “Residential.” The intent of this land use category is to preserve established neighborhoods and create new residential development consistent with surrounding suburban densities. Future development is envisioned to consist of detached single-family homes at a density of no greater than two 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.**
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 amendment will adversely affect adjacent properties.**
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](#)).**

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 amendment of conditions 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 is consistent with the [Comprehensive Plan's](#) future land use classification of Residential. In this land use classification, development is envisioned to consist of detached, single-family residences at a moderate density, not to exceed 2 dwelling units per acre. The applicant is proposing single-family residences at a density of 2 dwelling units per acre; however, the requested amendment is unrelated to approved density.**
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 15036A000001, 15036A000003 & 15036A000011 are currently developed with a single residence, with no record of improvements upon the land. The subject parcels were rezoned from Agricultural Residential-III (AR-III, [17.110](#)) to Planned Residential Development (PRD, [17.180.060](#)) in 2021, for the purpose of developing a 192 single-family development**
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.**
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; **There are no other properties within the county that are currently zoned to support the specific development being proposed without requiring zoning action.**
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

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

- 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]. **The proposal does provide a narrative outlining the intent of condition amendments; 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 as submitted a scaled site and construction plans.**
- 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. **A traffic study was conducted for the original proposed development in 2021. Suggested improvements have been included in the conditions of approval.**

Development Support and Constraints

Hall County Environmental Health

In an email dated December 11, 2023, Emily McGahee stated "No comment, public sewer."

Hall County Fire Marshal

In an email dated December 12, 2023, from John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, "There are too many sites for a single access road. 120-3-3 appendix D. There are no proposed hydrants in the subdivision".

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated December 15, 2023, Director Bill Nash stated the following:

Engineering:

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

GDOT permit for access off Poplar Spring Rd

Utilities:

City of Oakwood

Georgia Department of Transportation

In an email dated December 7, 2023, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination is required for driveway access on Poplar Springs Road.

➤ **Excerpts from the minutes of the January 16, 2024 meeting**

Applicant's Presentation:

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

Clint Dixon, 5230 Bellewood Court, Buford, presented the request.

Public Forum:

Wes Robinson, 200 E.E. Butler Parkway, Gainesville, spoke in opposition. Concerns were the agreement with neighboring property owners when rezoning was approved.

Planning Commission Comments:

Mr. Sosebee questioned the square footage of the units. The applicant stated he wasn't sure but he would provide the accurate number later. Mr. Sosebee questioned the number of entrances to the development. The applicant stated that there would only be one accessible to residents and a second entrance for emergency access. Mr. Sosebee questioned if the emergency entrance would be gated. The applicant stated it would be. Mr. Braswell stated that there needs to be a second entrance for residents added to the site plan as a requirement. Mr. Sosebee questioned the location of the mailbox kiosk. The applicant stated it would be located in the rear of the subdivision. Mr. Braswell reminded the applicant that they need to submit an updated site plan with the two full-access entrances to Planning staff.

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

Conditions:

1. All previous conditions of zoning included herein shall apply as listed below:
 - a) There shall be no more than 192 single-family units in the development.
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