

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Grace of Georgia Developments, LLC

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

Proposed Use 125-lot single family development

Size 41.71± acres

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

Location **4363 Sardis Road** | Tax Parcel 10075 000004

Commission District Two

Planning Commission Date January 16, 2024

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

Planning Commission Recommendation.....**Denial**
Vote: 5-0

Staff recommends DENIAL of the applicant’s request. However, if the Planning Commission sees fit to approve this application, staff recommends the following conditions:

1. The property shall be developed in accordance with the site plan dated December 5, 2023, and as described in the project narrative submitted on December 5, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be limited to 125 residential units.
3. All residences and amenities within the development shall connect to Sardis Road right-of-way by internal sidewalks no less than five (5) feet in width constructed on both sides of all internal streets.
4. The minimum heated floor area (HFA) of each residential unit shall be 2,000 square feet.
5. 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.

6. All designated open space within the development shall be commonly held, and not owned by any individual homeowner(s).
7. No less than 75% of the designated Open Space within the development shall be contiguous.
8. The recommendations of the traffic study, subject to the review and approval by Hall County Traffic Engineering, shall be implemented. Any cost associated with these improvements shall be the responsibility of the developer. No variances to traffic standards shall be granted as part of this request.
9. The development shall be served by public sewer, with the obtainment of all required easements and other construction costs such as a lift station and force main to be the responsibility of the developer.
10. All amenities depicted in the site plan submitted on December 5, 2023 are to be constructed within the development. The pocket park shall be constructed before more than 50% of certificates of occupancy are issued for the entire development.
11. The development shall be limited to a maximum of three (3) model homes per phase prior to approval and recording of the final plat.
12. All stream buffers must be fully maintained on homeowners' association common space and shall not encroach onto any individual residential building lot.
13. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County.
14. All conditions of zoning shall be made part of any plats created for the subdivision.

The following should be considered as exceptions to the Official Code of Hall County and shall warrant further determination by the Board, should it choose to approve the submitted narrative and site plan:

- 17.180.060.B.2.a Lot area.
 - Minimum lot area standards of 8,000 square feet for lots served by sanitary sewer.
 - The applicant has proposed a minimum lot size of 4,848 square feet, with an average lot size of 7,019 square feet.
 - The overall gross density not to exceed two units per acre. The minimum lot area for lots without access to sanitary sewer shall be determined by the requirements of the county environmental health department.
 - The applicant has proposed an overall gross density of 2.995 units per acre.
- 17.180.060.B.11.d Parking.
 - Parking shall conform to requirements specified in chapter 17.250, in addition to any parking and loading requirements or accessibility guidelines pertaining to the Americans with Disabilities Act. On-street parking is prohibited in all planned residential developments. Off-street parking areas that make it necessary for vehicles to back out directly into a public road, street, or highway are prohibited in all planned residential developments. The following minimum parking ratios must be met for all cluster mailbox units (CBU's).
 - The applicant has proposed on-street parking spaces to serve the CBU.

Public Forum:

Kelsey Woodard, 220 Eaglewood Court, Athens, spoke in favor. Spoke about the green space, relieving growth, and price range.

Dale Morris, 199 Plus Road, Cleveland, spoke in favor. Spoke about the quality the development will bring to the area.

Barclay Fouts, 4315 Price Road, Gainesville, spoke in opposition. Concerns were character of the area, density, and PRD requirements.

Barron Grant, 4601 Will Wallace Road, Gainesville, spoke in opposition. Concerns were density.

Kylie Cochran, 4359 Sardis Road, Gainesville, spoke in opposition. Concerns were density, traffic, turn lane, and buffers.

Jeff Dale, 5934 Bark Camp Road, Murrayville, spoke in opposition. Concerns were inconsistency with the comprehensive plan, sewer route, and lot sizes.

Todd Clark, 4581 Will Wallace, Gainesville, spoke in opposition. Concerns were traffic and inconsistency with the comprehensive plan.

Summary Analysis

The applicant is requesting to rezone 41.74± acres of Agricultural Residential III (AR-III [17.110](#)) zoned property to Planned Residential Development (PRD, [17.180.060](#)) for the purpose of constructing a 125-lot single-family development with a gross density of 2.995± units per acre.

The submitted site plan and renderings depict two-story residences with footprints no less than 1,320 square feet, including attached garage space. The submitted planning statement notes that housing materials may include cedar shake, wood, brick, and stone, in addition to other materials permitted within Hall County design standards. Based on the three provided renderings, all homes will feature attached, front-entry garages suitable for two vehicles. The garage doors will be recessed from the front wall plane of each residence, and extend approximately 40% of the width of each house, based on staff scaling off the submitted renderings. The Planned Residential Development (PRD, [17.180.060](#)) standards dictate that front-entry garages shall be recessed at least five feet from the front wall plane, and the width of the garage shall be no greater than 40% of the width of the front of the residence ([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.

Based on the submitted survey, the property is currently developed with a storage building, dirt/gravel driveway, and a fence through the middle of the property. Also located on the survey is a wooden building, which encroaches 4.4 feet across the northern property line as well as several encroaching fences to the north. The parcel is predominantly forested, and also features pasture in the eastern portion of the property. The survey also shows a pond contained by a dam on the northwest portion of the property, as well as a stream and associated stream buffers.

The concept plan submitted by the applicant shows a single access point to serve the development from Sardis Road, along which the subject parcel has 180.3 feet of frontage. The Hall County Traffic Engineer has provided comments that the proposed internal streets do not meet the construction standards of [Title 16](#). Additionally, dual cul-de-sacs and on-street parking to serve the cluster mailbox unit (CBU), as depicted in the site plan, are not permitted.

The development will include 5-foot-wide sidewalks on both sides of the street to provide pedestrian connectivity between all residences and Sardis Road. A series of paved walking trails have also been proposed throughout the development as well as a pocket park near the development entrance.

The submitted documents indicate that a monument-type sign for the subdivision will be provided at the entrance. Per county sign regulations, residential sign area is determined by the number of lots within a development. Based on the application materials, the development will be limited to one monument-style entrance sign, not to exceed six feet in height, with a face no greater than 32 square feet in area ([17.270.070\(A\)\(2\)](#)).

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	41.71± acres
Number of Units	–	125 detached single-family residences
Density	2 units per acre maximum	2.995 units per acre*
Min. Lot Area	8,000 sq. ft.	4,848 sq. ft.*
Max. Building Height	–	Not specified
Min. Open Space	30%	32.8% (includes planted buffers)
Exterior Buffer	50 feet	50 feet
Front Setback (Internal)	25 feet	25 feet
Side Setback (Internal)	5 feet	5 feet
Rear Setback (Internal)	20 feet	20 feet
Parking	2 spaces for each dwelling unit (17.250.020)	4 spaces per dwelling unit (2 garage, 2 driveway)
Min. Heated Floor Space	–	Unspecified
Garage – % of front façade	40% when recessed a 5 to 20 feet behind front wall plane of residence	Estimated 40% (in front of the front wall plane of residence)*
Garage – distance recessed from front plane of the house	5 feet	Estimated 3 feet*

Minimum Sidewalk Width	5 feet	5 feet
Cluster Mailbox Unit (CBU)	CBU with 6 off-street parking spaces	CBU with 7 on-street parking spaces*
Note: Items marked with an asterisk (*) do not conform to PRD code (17.180.060).		

Amenities for the community will include the pocket park and walking trails, in addition to accessible open space. The proposed walking trails will be connected by the sidewalks along internal roads.

Per the submitted narrative, sanitary sewer will be provided by the City of Gainesville, and the details of service are still being determined. It is unclear how a physical connection will be facilitated, since the nearest sewer line is located approximately one (1) mile to the east. A water line exists along Sardis Road, providing a nearby water connection.

The existing pond on the subject property is dammed upstream. All natural water features and the associated buffers would be commonly owned according to the submitted site plan.

Several variances have been identified as part of this request. Any deficiencies identified as part of the plan will be required to comply with the requirements of the PRD unless expressly granted by the board 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.” The intent of this character area is to preserve established neighborhoods and create permanent and vacation residences. Future development will continue to be detached, single family homes at low densities. The Lake Area Residential designation envisions a maximum density of one (1) dwelling unit per acre, lower than the maximum density requirement within a Planned Residential Development (PRD, [17.180.060](#)) of two (2) dwelling units per acre. The development has proposed a density of 2.995 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 with respect to the land use, though the proposed development is denser than the surrounding development with an overall density of 2.995± units per acre. The surrounding area consists of low- and medium-density residential and agricultural uses, as well as vacant parcels. Sardis Heights, the residential subdivision directly to the north, has an overall density of 1.90± units per 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, Agricultural Residential III (AR-III [17.110](#)).**
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; **The zoning proposal is not anticipated to result in an excessive or burdensome use of local infrastructure. A traffic study was conducted by Kimley Horn, and the needed improvements to Sardis Road have been identified. The installation of a southbound right turn lane into the development on Sardis Road has been recommended. No additional roadway improvements are recommended.**
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 (1) dwelling unit per acre. The proposed development has an overall density of 2.995± 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. The proposed development includes the removal of the existing wastewater treatment pond at the rear of the property.**
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 parcel [10075 000004](#) appears to be in an extended period of vacancy; the present storage building and driveway are in disrepair.**
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, [17.180.060](#)). 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.**
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 request 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 high-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; **Staff is unable to determine the extent to which ecological and pollution impacts may occur as a result of the applicant's request.**
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, [17.180.060](#)) 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

- 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 provides a detailed 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. **The proposal does meet the requirement. The applicant**

has provided a site plan and included much of the necessary information to properly assess the development. However, information about parcels on the opposite side of Sardis Road is limited.

- 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, as the site development does not include a slow rate land treatment system. The proposed development will be serviced by Gainesville Sewer.**
- 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 Sardis Road in the form of a southbound right turn lanes. No additional roadway improvements are recommended. 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 December 11, Emily McGahee stated “No comment, public sewer.”

Hall County Fire Marshal

In an email dated December 12, John Tucker, Deputy Fire Marshal, stated the following:

“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, 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.

Traffic:

Per Hall County code 16.60.290, a left turn lane (in addition to a decel lane) is required.

Roadways depicted in the site do not meet Hall County subdivision regulations (Hall County Code Title 16). Any variances to these regulations will need to specific, justified and considered/approved during the rezoning process.

Dual cul-de-sacs depicted on one roadway is [sic] not permitted.

No parking spaces along roadways permitted. Mail kiosk site will need to be modified per our typical.

Utilities:

Hall County/ Gainesville Sewer District – no connection within feasible distance.

Georgia Department of Transportation

In an email dated December 14, Veronica Chavers, D1TO Civil Engineer 3, stated “No GDOT coordination required.”

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

Applicant’s Presentation:

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

Artagus Newell, 2727 Paces Ferry Road, Atlanta, presented the request. The applicant stated that the development will utilize sewer from the City of Gainesville and will be constructed to service this development only. The applicant stated it would not establish a potential for other developments. The applicant stated it would be a traditional for-sale development and they will provide a stormwater report.

Dominic Lawson, 2727 Paces Ferry Road, Atlanta, presented the request.

Rebuttal

Mr. Lawson clarified that the development will not consist of townhomes. Mr. Lawson stated that the buffer running along Ms. Cochran’s property will have a 50-foot planted buffer to screen the property and that a decel lane would not disturb their property.

Public Forum:

Kelsey Woodard, 220 Eaglewood Court, Athens, spoke in favor. Spoke about the green space, relieving growth, and price range.

Dale Morris, 199 Plus Road, Cleveland, spoke in favor. Spoke about the quality the development will bring to the area.

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Todd Clark, 4581 Will Wallace, Gainesville, spoke in opposition. Concerns were traffic and inconsistency with the comprehensive plan.

Planning Commission Comments:

Mr. Braswell questioned what the applicants would do to satisfy fire requirements since they will not have a second entrance. Mr. Lawson stated that they will widen the road to 26 feet. Mr. Hunt questioned if there would be a Homeowners Association. Mr. Lawson stated there would be. Ms. Pilcher questioned what the development will do to traffic and pointed out that the sewer line extends very far. Ms. Pilcher stated that the development is out of character for the area. Mr. Lawson stated that the traffic study addressed the traffic concern and proved there would only be a couple of seconds delay. Ms. Pilcher stated that the green space is not usable since it is stream buffers. Mr. Lawson stated that a pervious walking trail was possible for the open space. Mr. Varner questioned if the applicants have reached out to the school district. Mr. Lawson stated they have not. Mr. Varner stated that they are already 1,200 over capacity and there needs to be a balance of resources in the community.

Motion: A motion to deny was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 5-0