

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Thompson O’Brien Kappler & Nasuti PC

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

Proposed Use 324-lot residential development

Size 117.31± acres

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

Location **0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road** | Tax Parcels 15043 000027, 000109, 000128, 000201 & 15044 000035, 000035B, 000043, 000100, and 000127

Commission District One

Planning Commission Date February 5, 2024

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

Planning Commission Recommendation.....**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. Development is approved generally as depicted on the site plan dated January 22, 2024 and as detailed in the project narrative dated January 22, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. The minimum heated floor area (HFA) shall be 1,800 square feet for single-family detached homes and 1,300 square feet for townhomes.
 3. Building elevations shall be composed of a mixture of cement siding, stone, and/or brick façade, with brick or stone accents on the front façade of the homes. The balance of the home may be the same materials 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. The development shall have a 50-foot exterior buffer per the requirements of [17.180.060](#), Planned Residential Development along all exterior boundaries.
 5. The recommendations of the most recent traffic study shall be implemented as part of the development process. Such improvements will be the financial responsibility of the developer.
 6. The development shall be limited to a maximum of three (3) model homes prior to recording of the final plat.
 7. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
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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.C](#) Setbacks
 - Minimum front yard setback from the property line of 25 feet.
 - The applicant has proposed a 20-foot setback for Pods A, B, and C for single-family residences.
 - The applicant has proposed a 10-foot setback for Pod D for multi-family residences.
- [17.180.060\(B\)](#) Recessed Garage Doors
 - Garage doors shall be oriented towards the street. Garage doors shall be positioned between five and 20 feet behind the front wall plane of the residence, extending no more than 40 percent of the width of the residence.
 - The applicant has submitted renderings that do not appear to comply with this standards.
- [17.180.060\(B\)](#) Recessed Garage Doors
 - Garage doors shall constitute no more than 50 percent of the width of the individual townhouse unit. A minimum of 20 feet is required between the garage and the back of sidewalk.
 - The applicant is proposing that garage doors shall not exceed 80% of the width of the individual townhouse façade.
- [17.180.060\(B\)](#) Minimum Lot Area
 - Minimum lot area of 8,000 square feet on sanity sewer.
 - The applicant is proposing a minimum lot area of 5,000 square feet for single-family detached residences.

- [17.180.060\(B\)](#) Minimum lot width
 - Minimum lot width of 50 feet for a single-family detached residence.
 - The applicant is proposing a 40-foot minimum lot width for single-family detached residences.
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11-20-2023 Public Forum:

Bill Doucher, 4789 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were the proximity to subdivision, character, density, water runoff, and townhomes.

Andy Carter, 4430 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were density, sewer connection, traffic, safety, and sewage influx.

Mark Faul, 4567 Stanley Road, Flowery Branch, spoke in opposition. Concerns were mosquitos, wildlife, safety, inconsistency with the comprehensive plan, property value, and land lock.

Jamie Phillips, 4607 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were the entrances, traffic, noise and road widening.

Tommy Channell, 4737 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were sewage connection, septic tanks, and water contamination.

Darlene Long, 4655 Quailwood Drive, Flowery Branch, spoke in opposition. Addressed the 80 signatures signed by her neighborhood in opposition.

Todd Philips, 4526 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were traffic, road widening, and sewage.

2-5-2024 Public Forum:

Janet Myers, 4859 Wildlife Way, Flowery Branch, spoke in opposition. Concerns were long and short term effects like traffic, density, disruption of bridge structures, and inadequate emergency vehicle access.

Bill Doucher, 4789 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were density and inconsistency with the surrounding development.

Peggy Proctor-Matos, 4751 Falling Brooke Drive, Flowery Branch, spoke in opposition. Concerns were location, density, dimensions, storm water management, public safety, schools, and traffic.

Albert Guth, 4589 Guth Road, Flowery Branch, spoke in opposition. Concerns were emergency vehicle access and right of way.

Mark Dunn, 4781 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were surrounding density, sewer system, and safety.

Mark Faul, 4567 Stanley Road, Flowery Branch, spoke in opposition. Concerns were the emergency vehicle entrance, excessive variances requested, inconsistency with the area, devaluing neighboring property, and flooding.

Byron Purvis, 4944 Feather Lane, Flowery Branch, spoke in opposition. Concerns were traffic, density, and development.

Summary Analysis

The applicant is requesting to rezone a combined 117.31± acres of Agricultural Residential (AR-III, [17.110](#)) zoned property to Planned Residential Development (PRD, [17.180.060](#)) for the purpose of constructing a 324-unit residential development. The total density of the development will be 2.80 units per acre, containing a total of 197 detached homes and 127 attached townhomes. An existing residence (4621 Stanley Road, tax parcel 15044 000035D) located on Stanley Road will remain, with shared access through the proposed development. This parcel is not included with the rezoning request.

Per the applicant's letter of intent, and represented in the submitted zoning site plan, the development will be constructed in a series of four pods. Pods A, B, and C will be developed with detached single-family residences with Pod D developed with attached single-family residences (townhomes). Per the letter of intent, each unit "...will have garage and driveway space and will be constructed with a variety of high-end materials consisting of variations of brick, stone, and cement sidings."

Pod A will feature 13 estate-style lots, with each consisting of a minimum of 21,780 square feet (equivalent to half an acre) and a minimum heated floor area of 1,800 square feet. Pods B and C will consist of a total 184 detached single-family homes, with a proposed minimum lot size of 5,000 square feet and a minimum heated floor area of 1,800 square feet. Specifically, Pod B will contain 52 front-entry and 13 rear-entry homes, while all Pod C homes will be front-entry. Lots with front entry garages will be a minimum of 50 feet in width with rear-entry residences having a lot width of 40 feet. Pod D will be exclusively townhomes, with 86 of the units being rear-entry and 41 front-entry. The front-entry units will be 24 feet wide with the rear-entry being 22 feet in width and the minimum townhome size will be 1,300 square feet. As stated previously, overall density for the development is 2.8 dwelling units per acre. The density for the detached single-family residential portion of the development is 1.99 dwelling units per acre while the attached single-family residences are proposed at a density of 8.25 units per acre.

The development will include a minimum of 30% of open space, which will include streams and associated buffers, replanted buffers, pocket/linear parks, and an amenity area. The main amenity site will serve both the single-family attached and detached pods, and is located within Pod C. The site includes the mail kiosk, playing fields, and a pool and clubhouse with adjacent parking. The development will include 5-foot-wide sidewalks on both sides of the street, ensuring pedestrian connectivity within the development.

Access to the subdivision will be provided by reconfiguring where Stanley Road currently intersects with JM Turk Road. Guth Road will be improved and utilized as a gated emergency-only entrance with a cul-de-sac between lots 142 and 142. Pods A, B and C will be served by public streets with 50-foot rights-of-way. The townhomes in Pod D will be served by a series of private streets and alleyways, with one primary entrance connecting to a public street within the new development. The zoning plan notes that the applicant may

choose to place gates at the development entrance, and therefore privatize all proposed streets. The concept plan shows that two existing residences will remain as outparcels within the development, although the site plan proposes a new driveway for access to the homes off of the reconfigured Stanley Road (parcel 15044 000035D and 15044 000034).

A traffic impact study was conducted by Marc R. Acampora Traffic Engineering in May of 2023. The study, which was based on a proposed 216 detached single-family homes and 125 attached townhomes for a total of 341 homes, was slightly higher than what was submitted for the rezoning request. The study found the proposed subdivision will generate 209 trips in the morning peak hour, 276 trips in the evening peak hour, and 2,952 daily trips. The report found that the three studied intersections will continue to operate acceptably when the proposed development is complete. As a result, no off-site mitigation is identified for the future build condition as a result of the proposed subdivision. The study confirms the need for a northbound right turn lane and a southbound left turn lane on JM Turk Road at the proposed project entrance. The applicant has notified staff that a new traffic impact study has been commissioned and the results are expected within the next month.

The 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				
		Overall	Pod A (single-family detached)	Pod B (single-family detached)	Pod C (single-family detached)	Pod D (single-family attached)
Site Area	5 acre minimum	117.31± acres (GIS calculated)	21.4 acres	24.4 acres	53.0 acres	15.3 acres
Number of Units	–	324 units	Total – 13	Front Entry – 52 Rear Entry – 13 Total – 65	Front Entry – 119	Front Entry – 41 Rear Entry – 86 Total – 127
Density (dwelling units per acre)	2 du/a	2.80 du/a*	0.60 du/a	2.66 du/a*	2.24 du/a*	8.25 du/a*
Min. Lot Area	8,000 square feet	–	21,780 sq. ft.	5,000 sq. ft.*	5,000 sq. ft.*	650,000 sq. ft. (35,000 + (5,000 sf/unit x 123))
Min. Lot/Unit Width	50 feet	–	50 feet	40 feet* (Front Entry – 50 feet Rear Entry – 40 feet)	50 feet	Front Entry – 24 ft. Rear Entry – 22 ft.
Front Yard Setback	25 feet	–	20 feet*	20 feet*	20 feet*	10 feet*
Front Side Yard Setback (corner lot)	DSF - 25 feet	–	10 feet*	10 feet*	10 feet*	10 feet*
Side Yard Setback	5 feet	–	5 feet	5 feet	5 feet	–

Rear Yard Setback	20 feet	–	20 feet	20 feet	20 feet	–
Building Separation	–	–	10 feet (foundation to foundation)	10 feet (foundation to foundation)	10 feet (foundation to foundation)	20 feet (side) 40 feet (rear)
Max. Building Height	–	40 feet	–	–	–	–
Exterior Buffer	50 feet	50 feet	–	–	–	–
Min. Open Space	30%	30% (34.23 acres)	–	–	–	–
Parking	2 spaces for each dwelling unit (17.250.020)	2 spaces per each dwelling unit	–	–	–	–
Min. Heated Floor Space	–	–	1,800 sq. ft.	1,800 sq. ft.	1,800 sq. ft.	1,300 sq. ft.
Garage – % of front façade	55% when recessed a minimum of 20 feet behind front wall plan of residence	–	–	–	–	80%* (Front Entry)
*These figures do not meet the standards of 17.180.060 .						

Note: The open space calculation of 34.23 acres is based off the total acreage of 115.6 acres, which deviates from the advertised acreage of 117.31 acres. The site acreage will need to be confirmed to ensure that there is a minimum of 30% of open space, as required by the PRD requirements, ([17.180.060](#)).

Based on the future land-use plan, staff finds the *requested zoning designation is not consistent with the Hall County Comprehensive Plan* future land use designation. Although the proposed use is consistent with the “Residential” designation in general, the Residential designation envisions a maximum density of 2 dwelling unit per acre, similar to the maximum density requirement within a Planned Residential Development (PRD, [17.180.060](#)). The development has proposed a density of 2.80 du/acre, exceeding the recommended maximum. The Residential land use category is characterized by moderate-density residential development and neighborhoods. The intent of this land use category is to preserve established neighborhoods and create new residential development consistent to surrounding suburban densities, which range from low to moderate. Future development will continue to be detached, single family homes at moderate densities.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered by the Planning Commission and the Hall County Commission pursuant to [17.380.060](#):

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The zoning proposal may be suitable given the context of the surrounding area, though the proposed development is more dense than the surrounding developments with an overall density of 2.80 du/acre.**

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed residential use will adversely affect adjacent properties. A traffic study found that the three studied intersections will continue to operate acceptably when the proposed development is complete. As a result, no off-site mitigation is identified for the future build condition as a result of the proposed subdivision. The study confirms the requirement for a northbound right turn lane and a southbound left turn lane on JM Turk Road at the proposed project entrance. Another traffic study has been commissioned by the applicant, but the results are not yet available for review.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. The properties appear to have 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 found that the three study intersections will continue to operate acceptably when the proposed development is complete. As a result, no off-site mitigation is identified for the future build condition as a result of the proposed subdivision. The study does confirm the need for a northbound right turn lane and a southbound left turn lane are required on JM Turk Road at the proposed project entrance. Water service to be provided by the City of Gainesville has been confirmed by a letter dated September 28, 2023 from Nick Swafford, Permitting Services Manager with Gainesville Department of Water Resources.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **Although consistent with the "Residential" land use designation, the proposed use is not consistent with the Comprehensive Plan recommended maximum density of two dwelling units per acre. The proposed development is proposing a density of 2.80 dwelling units per acre.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **Hall County property tax records show the properties are a mixture of vacant and developed parcels, which include a number of residential structures and accessory building that will be removed during the development of the project.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any changing conditions that affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning is a Planned Residential Development (PRD, [17.180.080](#)). Per the Official Code of Hall**

County, Planned Development Districts ([17.180](#)) are to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. That being said, the proposed density is higher than that found on surrounding properties.

12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed density is higher than that found on immediately surrounding properties; however, the use does not appear to be out of scale with the needs of the county as a whole, as there is a need for additional and varied housing types.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are no other properties within the county that are currently zoned to support the type of mixed-use development being proposed without requiring zoning action.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The request could not be handled alternatively as a variance.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and federal regulations. As a result, there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

A Planned Residential Development (PRD, [17.180.080](#)) allows for more flexibility in the design and development of the property. This provides for a mixture of housing types and encourages maximum use of natural features through proper site planning measures. The development should conform to the existing character and development pattern of the surrounding area.

[17.380.050](#). - Submission requirements for a rezoning request

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. Applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**
- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section [17.380.060.C](#) of this section [chapter].

Proposal provides 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 meets the requirement. The applicant has provided a site plan and included the necessary information to properly assess the development.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The proposed development will utilize public sewer and water; as such, this is not applicable.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **Proposal does meet the requirement. The traffic study found that the three study intersections will continue to operate acceptably when the proposed development is complete. As a result, no off-site mitigation is identified for the future build condition as a result of the proposed subdivision. The study does confirm the requirement for a northbound right turn lane and a southbound left turn lane on JM Turk Road at the proposed project entrance.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated January 4, 2024, Emily McGahee stated “The entire development (all pods) must be developed on public sewer or EPD permitted sewage treatment 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 August 31, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated the following:

Hall County Fire Marshal’s comments: Current concept plan will need to be modified to meet the below fire code requirements.

International Fire Code 503.1.1 Buildings and facilities. 2018 Edition

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply

with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the *exterior walls* of the first story of the building as measured by an *approved* route around the exterior of the building or facility. This code requirement applies to the townhome buildings.

Appendix D 107.1, as follows:

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.

Exceptions:

1. Where there are more than 120 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

Appendix D 107.2, as follows:

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated January 5, 2024, Bill Nash, Director, stated the following:

Engineering:

No dead end streets.

Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Traffic:

A left turn lane and decel lane will be required for the entrance.

Any required roadway improvements will be the financial responsibility of the developer

A cul-de-sac should be provided for Guth Road at the proposed end of county maintenance

Utilities:

No sanitary sewer in area.

Hall County Tax Assessor

In an email dated August 24, 2023, Nicole Griffin, Appraisal Systems Coordinator, provided the following comment:

15043 000027- CUVA- starting 2022
15043 000128- CUVA starting 2022
15044 000035- CUVA starting in 2019

The re-zoning application itself would not cause a breach but if the property is sold or developed with the proposed 324 lot residential development after the re-zoning then the conservation covenant could/would be breached and result in a penalty on each parcel.

Georgia Department of Transportation

In an email dated August 25, 2023, Veronica Chavers, D1TO Civil Engineer 3, did not indicate that GDOT coordination would be required for the request.

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

Applicant's Presentation:

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

William Diehl, 1105 West Peachtree Street, Atlanta, presented the request. The applicant described the open space within the development, as well as the intention to connect to county sewer, and the different styles of the homes to be constructed throughout the development including estate, traditional, and townhomes.

Rebuttal

The applicant stated that the development will be consistent with the suburban developments that are in the area including Sterling on the Lake and Royal Lakes. The applicant stated that they will comply with water runoff regulations in place. The applicant explained that the sewer line will connect from J M Turk Road through an easement.

Public Forum:

Bill Doucher, 4789 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were the proximity to subdivision, character, density, water runoff, and townhomes.

Andy Carter, 4430 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were density, sewer connection, traffic, safety, and sewage influx.

Mark Faul, 4567 Stanley Road, Flowery Branch, spoke in opposition. Concerns were mosquitos, wildlife, safety, inconsistency with the comprehensive plan, property value, and land lock.

Jamie Phillips, 4607 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were the entrances, traffic, noise and road widening.

Tommy Channell, 4737 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were sewage connection, septic tanks, and water contamination.

Darlene Long, 4655 Quailwood Drive, Flowery Branch, spoke in opposition. Addressed the 80 signatures signed by her neighborhood in opposition.

Todd Philips, 4526 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were traffic, road widening, and sewage.

Planning Commission Comments:

Mr. Hunt questioned whose property the sewer line would go through to reach J M Turk Road. The applicant stated that there is still no agreement to an easement but there are other ways to get to J M Turk Road. Mr. Braswell stated that there has been a lack of response to Planning staff by the applicants. Mr. Braswell stated that the site plan suggests land-locking property which cannot be done. Mr. Sosebee recommended that the applicant meet with the nearby communities and address their concerns. Mr. Hunt stated his concern with the site plan only having one entrance and not meeting County or Fire Code. Mr. Braswell stated that the Hall County code requires that more than one vehicular entrance needs to be provided when there is a development greater than 150 lots. Ms. Pilcher stated that the elevations presented are not consistent with the neighboring communities as stated earlier. Mr. Hunt stated that the applicant needs to show county access to all detention ponds on the site plan. Mr. Varner stated that there needs to be a better traffic study. Ms. Pilcher stated that this proposal will create an impact on the school system. Mr. Braswell stated the applicant also needs to meet traffic engineer requirements for a decel lane.

Motion: A motion to table to February 5, 2024 was made by Mr. Sosebee and seconded by Ms. Pilcher.
Vote: 5-0

➤ **Excerpts from the minutes of the February 5, 2024 meeting**

Applicant's Presentation:

Beth Garmon, Planning and Zoning Administrator, presented a summary of the request.

William Diehl, 1105 West Peachtree Street, Atlanta, presented the request. The applicant stated that surrounding development is similar to this proposal providing consistency with increased density in the area. The applicant stated that there will be two entrances to the development but one will be for emergency vehicles only and residents would use the entrance at Stanley Road. The applicant stated that the lots backing up to the stream buffers have been removed and will be incorporated as green space.

Rebuttal

The applicant stated that the detention pond will help alleviate the existing storm water conditions. The applicant stated that the density is consistent with the development in the county with the growing population. The applicant stated that the variances requested will help shape the development. The applicant stated that obtaining sewer for the development requires the requested density.

Public Forum:

Janet Myers, 4859 Wildlife Way, Flowery Branch, spoke in opposition. Concerns were long and short term effects like traffic, density, disruption of bridge structures, and inadequate emergency vehicle access.

Bill Doucher, 4789 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were density and inconsistency with the surrounding development.

Peggy Proctor-Matos, 4751 Falling Brooke Drive, Flowery Branch, spoke in opposition. Concerns were location, density, dimensions, storm water management, public safety, schools, and traffic.

Albert Guth, 4589 Guth Road, Flowery Branch, spoke in opposition. Concerns were emergency vehicle access and right of way.

Mark Dunn, 4781 J M Turk Road, Flowery Branch, spoke in opposition. Concerns were surrounding density, sewer system, and safety.

Mark Faul, 4567 Stanley Road, Flowery Branch, spoke in opposition. Concerns were the emergency vehicle entrance, excessive variances requested, inconsistency with the area, devaluing neighboring property, and flooding.

Byron Purvis, 4944 Feather Lane, Flowery Branch, spoke in opposition. Concerns were traffic, density, and development.

Planning Commission Comments:

Mr. Sosebee questioned if the applicant met with the community. The applicant stated that they did and they discussed increasing the landscape buffers with evergreen planting, conducting an updated traffic study, elevations, and quality. Mr. Hunt requested the percentage of brick on homes. The applicant stated that it would be brick up to the first floor and above it will be cement fiber for the front façade. The applicant went over the variances being requested: 1. Section 17.180.060 B.7.—Allow for the development of the property with only one access point to the development, while also conditioning the variance or development on the installation of an emergency-access; 2. Section 17.180.060 B.2.a.—Reduce minimum lot area of single-family detached residences to 5,000 square feet from 8,000 square feet; 3. Section 10.180.060 B.2.b.—Reduce minimum lot width of single-family detached residences to 40 feet from 50 feet; 4. Chapter 10.180.060 B.2.c.i.—Reduce minimum front yard setback to 20 feet for single family detached residences from 25 feet; 5. Chapter 10.180.060 B.9.c.ii.—Increase width of garage door to 80% of the width of the individual townhouse units from 50%; 6. Allow eyebrow cul-de-sacs to be utilized 7. Allow dead-end streets within townhome portion of development (as permitted by fire code), to be conditioned on the property being developed with hammerhead turnarounds. Ms. Pilcher stated that the developments the applicant referred to as similar to this proposal are not relevant because they are off state highways. Mr. Varner questioned if the applicant researched the proposed development's effect on the school system. The applicant stated that the two elementary schools designated to the area still have capacity available. Mr. Sosebee stated his concerns were density, emergency entrance access, storm water management, and traffic.

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