

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Tim Ferguson

Request Rezone from Highway Business (H-B, [17.150](#)) to
Planned Residential Development (PRD,
[17.180.060](#))

Proposed Use 13-unit townhome development

Size 1.99± acres

Zoning Current Highway Business (H-B, [17.150](#)) |
Proposed Planned Residential Development (PRD,
[17.180.060](#))

Location **2030, 2034, 2036, 2038, and 2040 Spring Road** |
Tax Parcels 00122 002013, 14, 15 & 16

Commission District Four

Planning Commission Date February 19, 2024

Staff Recommendation **Denial**, as the proposed use is inconsistent with
surrounding zoning districts and the
[Comprehensive Plan](#).

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

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated January 4, 2024, and as described in the project narrative submitted on January 2, 2024, 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 13 townhome units.
3. A variance shall be granted relieving the developer from including sidewalks within the development.
4. Building elevations shall substantially adhere to the submitted renderings. Final review and approval of building elevations is subject to the Planning and Zoning Administrator, or their designee.
5. All units shall include a minimum one-car garage.

6. Guest vehicle parking shall be provided at a ratio of 1 parking space per 2 units. These parking spaces may also serve the cluster mailbox unit. All roadway design and parking configurations shall meet Hall County Traffic standards.
7. All residential driveways shall measure no less than 20 feet from the internal drive aisle of the development to the garage door.
8. 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.
9. 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.
10. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
11. A 6-foot opaque fence shall be installed along all external boundaries of the development, excluding where adjacent to Spring Road Right of Way.
12. Detention pond design shall incorporate a bioswale style or similar aesthetic and function if located adjacent to the Spring Road right-of-way. Final review and approval is subject to the Planning and Zoning Administrator, or their designee.
13. The development shall be one owner and all rental.

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated December 20, 2023, and as described in the project narrative submitted on January 2, 2024, 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 13 townhome units.
3. Sidewalks within the development shall be no less than five (5) feet in width and connect to the right-of-way of Spring Road. Sidewalks shall be constructed on both sides of all internal streets of the development.
4. 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 of building elevations is subject to the Director of Community Development and Infrastructure, or their designee
5. All units shall include a two-car garage.
6. Guest vehicle parking shall be provided at a ratio of 1 parking spaces per 2 units. These parking spaces may also serve the cluster mailbox unit. All roadway design and parking configurations shall meet Hall County Traffic standards.
7. All residential driveways shall measure no less than 20 feet from the back of sidewalk to the garage door.
8. 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.

9. 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.
 10. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
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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:

- [17.180.030.A](#) Special Requirements
 - With the exception of the Planning Commercial Farm District classification (PCFD, [17.180.100.A](#)), the site proposed for planned development district classification must contain an area of five acres or more unless specifically approved by the county commission due to special and unusual circumstances.
 - Applicant has proposed a Planned Residential Development (PRD, [17.180.060](#)) development consisting of four existing parcels (00122 [002013](#), [14](#), [15](#) & [16](#)) with a total area of 1.99± acres, deficient of the five-acre requirement.
- [17.180.060.B.4.a](#). Lot Area
 - For a one-story multi-family residence and/or townhouse with the minimum three attached single-family units, the minimum lot area standard of 35,000 square feet will apply.
 - For each additional unit in a one-story multi-family residence and/or townhouse over three units, the minimum additional lot area standard of 5,000 square feet will apply.
 - The applicant has proposed 13 townhomes; 6 attached units and 7 attached units, which would require a total of 105,000 square feet. The applicant has proposed this development on a total of 82,360 square feet.
- [17.180.060.B.5](#) Buffers
 - A minimum 50 foot planted buffer shall be established along the perimeter of all property boundaries adjacent to residential and/or non-residential zoning districts to ensure that the planned residential development is appropriately screened.
 - Applicant has requested relief from this requirement and proposes a buffer width of 20 feet along the side and rear property lines. Additionally, the applicant has proposed to encroach into the 20-foot buffer to install a retaining wall on the north portion of the property.
- [17.180.060.B.7.b](#) Sidewalks
 - In addition to the sidewalk requirements that shall be met per chapter 16.70, street construction requirements, all planned residential developments shall construct sidewalks on both sides of the streets that are a minimum of five feet wide.
 - Applicant has not proposed the construction of any sidewalks.
- [17.180.060.B.9.a](#) Building materials.
 - All facades of all residences, including single-family, two-family, and/or multi-family, and any non-residential buildings shall be finished with brick, stone, stucco, wood siding, wood

shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non-residential buildings shall be prohibited.

- The sample elevations of the townhome styles provided in the application indicate that the townhome design does not incorporate changes in building material, texture, and/or color, which deviates from the standard.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to rezone 1.99± acres of property zoned Highway Business (H-B, [17.150](#)) to Planned Residential Development (PRD, [17.180.060](#)) for the purpose of constructing a 13-unit townhome development with a gross density of 6.53± units per acre. The development site consists of four parcels, two of which are developed with a total of three single-family residences. The remaining two parcels are vacant. All existing improvements on the site will be removed if the development, as proposed, is constructed.

Per the submitted site plan, the dimensions of each townhome will be 22 feet wide and 50 feet in depth, with a footprint of 1,100 square feet per unit. Each townhome will provide two stories of living space, a front-entry one-car garage, and a rear patio. Two-car driveways will front each residence, measuring 17 feet wide. These specifications meet architectural standards within a Planned Residential Development ([17.180.060.B.9](#)). Per the submitted renderings, the townhomes appear to feature cementitious siding with wooden accents. The elevations do not incorporate changes in building material, texture, and/or color, which does not meet the architectural standards within a Planned Residential Development ([17.180.060.B.9](#)).

The site plan provided by the applicant shows two separate access points to serve the development from Spring Road, along which the subject parcels have a combined 337 feet of frontage. The access points will measure 24 feet in pavement width. No sidewalks have been proposed within the development which is deficient of the requirement to construct five-foot wide sidewalks along all internal roadways ([17.180.060\(B\)\(7\)](#)).

The site plan depicts open space to be accessible to the rear or side of all townhomes within the development. The applicant intends to dedicate 40% of the total site area to open space, some of which will make up the planted buffer along the side and rear property lines. The applicant has requested exceptions from buffering requirements ([17.180.060\(B\)\(5\)](#)) to reduce the buffer width from 50 feet to 20 feet along all property lines and may encroach up to 10 feet into the planted buffer to install a retaining wall at the north portion of the property.

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
Site Area	5 acre minimum	1.99± acres*
Number of Units	See Density and Min. Lot Area	13 attached townhouse units
Density	5.39 units per acre	6.53 units per acre*
Min. Lot Area (Townhomes) *35,000 sqft per 3 attached + 5,000 sqft for each additional unit	105,000 sq. ft.	82,360 sq. ft.*
Max. Building Height	–	Two stories
Min. Open Space	30%	40%
Exterior Buffer	50 feet	20 feet*
Front Setback	25 feet	40 feet
Side Setback	5 feet	24 feet
Rear Setback	20 feet	22 feet
Parking	2 spaces for each dwelling unit (17.250.020)	3.31 spaces per each dwelling unit
Garage – % of front façade	50% of the width of the townhome unit	41% of the width of the townhome unit
Minimum Sidewalk Width	5 feet	No sidewalks proposed*
Cluster Mailbox Unit (CBU)	CBU with 3 short-term parking spaces	CBU with 7 short-term parking spaces
Note: Items marked with an asterisk (*) do not conform to PRD standards (17.180.060).		

The applicant has not proposed any amenities for the development. Open space will be designated and accessible, but it is unclear if it will be landscaped or otherwise developed for residents' use. A cluster mailbox unit (CBU) will be installed near the center of the development, next to which seven parking spaces are proposed. Parking standards require at least three short-term parking spaces be designated for CBU users ([17.180.060\(B\)\(11\)](#)). This parking area is intended to accommodate "overflow," per the narrative statement, and appears to meet the requirements for CBU parking as proposed.

Per the submitted narrative, water and sanitary sewer will be provided by the City of Gainesville. The availability of these services was confirmed in a Gainesville Water Resources letter dated January 4, 2024, with the contingency that the property shall obtain an annexation agreement in order to connect to these utilities. Additionally, the Hall County Engineering Department has provided comments regarding the potential need for a stormwater management report to be conducted.

Based on the future land-use plan, staff finds the requested zoning designation *inconsistent* 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 opportunities for permanent and vacation residences similar in land use patterns to Residential Areas but at lower residential densities than the maximum permitted within a Planned Residential Development (PRD, [17.180.060](#)) of 5.39 dwelling units per acre as regulated by minimum lot area.. The development has a proposed density of 6.53 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 appears to be unsuitable given the context of the surrounding area; which consists mostly of detached, single-family residences and commercial and industrial enterprises. However, at a proposed 6.53 units per acre, the development is not significantly denser than the 4 to 5 unit per acre density that prevails in the greater surrounding area.**
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 has reasonable economic use as currently zoned, Highway Business (H-B, [17.150](#)) and is developed with 3 single-family homes currently.**
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; **It is not anticipated that the proposed zoning use will result in an excessive or burdensome use of existing infrastructure. The proposal includes the installation of updated infrastructure and represents a net increase of 10 residential units upon the subject parcels, which will be served by City of Gainesville sewer.**
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, which envisions a maximum density of one dwelling unit per acre. The proposed development has an overall density of 6.53± units per acre. However, the subject property is in a commercialized and dense neighborhood in which residential densities average 4 to 5 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; **The eastern portion of the property is currently developed with three single-family residences, the newest of which was constructed in 2020, according to property tax records. The western two parcels are currently vacant.**
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 somewhat higher than that found on immediate 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 somewhat higher than that found on immediately surrounding properties. 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 and varied housing. Within the immediate neighborhood, the proposal represents a shift away from historically commercial uses towards residential uses.**
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 an attached, single-family residential use 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 without a rezone to PRD.**
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. 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

- 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 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 meets the requirement. The applicant has provided a site plan and included much of the necessary information to properly assess the development. However, information about adjacent parcels is limited.**
- 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 sewer; 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. **As there are not 100 or more residential dwelling units proposed, this criterion is not applicable.**

Development Support and Constraints

Hall County Environmental Health

In an email dated January 16, 2024, Emily McGahee stated “Public sewer. 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 January 18, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, “The Hall County Fire Marshal’s Office considers the plan as proposed conceptual in nature and if approved may require modifications during the development review process.”

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated January 18, 2024, 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.

Traffic:

No comment

Utilities:

City of Gainesville Sewer District.

Georgia Department of Transportation

In an email dated January 22, 2024, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination would not be required.

➤ **Excerpts from the minutes of the February 19, 2024 meeting**

Applicant's Presentation:

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

Carla Walker, 340 Jesse Jewell Parkway, Gainesville, presented the request. The applicant stated that the owners of the property are locals and they live in the surrounding area. The applicant stated that the drainage pond was placed in the front of the property due to the topography. The applicant requested a variance for a 20 foot buffer, mixed façades, no sidewalks, and one-car garages.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated it would be important to know if the homes would be rented or sold. Mr. Hunt stated that there was no space for sidewalks. Mr. Varner agreed.

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

Conditions:

1. The property shall be developed in accordance with the site plan dated January 2, 2024, and as described in the project narrative submitted on January 2, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
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