

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Alex Petry

Request Rezone from Residential-II (R-II, [17.80](#)) to Planned Residential Development (PRD, [17.180.060](#))

Proposed Use 10-unit residential development

Size 1.08± acres

Zoning Current Residential-II (R-II, [17.80](#)) | Proposed Planned Residential Development (PRD, [17.180.060](#))

Location **17, 20, 21 and 24 Spring Street** | Tax Parcels 00063 008022, 008023, and 008024

Commission District Four

Planning Commission Date February 19, 2024

Staff Recommendation **Denial**, as the development exceeds the one dwelling unit per acre recommended for the Lake Area Residential future land use classification in the [Comprehensive Plan](#) and substantially deviates from the standards of the PRD code listed in section [17.180.060](#).

Planning Commission Recommendation.....Approval, with conditions
Vote: 4-1 (Pilcher opposed)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan submitted on November 17, 2023 and as described in the project narrative submitted on December 11, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The encroachment of the existing carport which crosses over the southwestern property line shall be resolved by either removal or modification of the structure, or the property line shall be modified in such a way to eliminate the encroachment. Any changes to property boundaries shall be reviewed and approved by the county’s standard plat review process.
3. The development shall be limited to a total of 10 dwelling units.
4. The minimum heated floor area (HFA) shall be 512 square feet.

- 5. There shall be no more than five (5) parking spaces along Spring Street as noted on the site plan dated November 17, 2023, and there shall be no less than eighteen (18) parking spaces total provided for the development.
- 6. Architectural style and materials shall be consistent with the submitted renderings. Final review and approval of building elevations is subject to the Planning and Zoning Administrator, or their designee.
- 7. 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.
- 8. All conditions of zoning shall be made part of any plats created for the subdivision.

Staff Recommended Conditions:

- 1. The property shall be developed in accordance with the site plan submitted on 11/17/2023 and as described in the project narrative submitted on 12/11/2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
- 2. The encroachment of the existing carport which crosses over the southwestern property line shall be resolved by either removal or modification of the structure, or the property line shall be modified in such a way to eliminate the encroachment. Any changes to property boundaries shall be reviewed and approved by the county’s standard plat review process.
- 3. The development shall be limited to a total of 10 dwelling units.
- 4. The minimum heated floor area (HFA) shall be 512 square feet.
- 5. All parking areas shall be accessed via internal drives and roads only. On-street parking is prohibited and no parking shall be accessed directly from Spring Street. There shall be no less than 20 spaces total provided for the development.
- 6. Architectural style and materials 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.
- 7. 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.
- 8. 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:

- [17.180.030.A](#) Special Requirements

- With the exception of the PCFD classification (see 17.180.060.A [17.180.100.A] for PCFD area requirements), 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. No tract of land shall be considered for a planned development classification which has an area less than one acre except when such tract abuts a nonresidential zoning district or abuts a district with the same zoning classification as that for which the application is filed. In no case shall the minimum tract size be less than the minimum lot area requirements for the comparable conventional district (see [17.240.010](#) for area requirements) as specified for each planned development classification in this chapter. (Note: The comparable conventional zoning districts listed in the regulations are R-I for a PRD, O-I for a POD, S-S for a PCD and I-I for a PID.)
 - The proposed site area is 1.04± acres.
- [17.180.060.B.2.A](#) Lot area.
 - The minimum lot area for lots with access to sanitary sewer shall be 8,000 square feet. The overall gross density is not to exceed 2 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 a gross density of 9.62 units per acre, which exceeds the recommended 2 units per acre.
- [17.180.060.B.2.C](#) Setbacks
 - Minimum front yard setback from the property line of 25 feet.
 - The applicant has proposed a 15-foot front yard setback for new structures; the existing structures to remain on the property appear to be located as close as 10 feet from the front property line.
 - Minimum side yard setback from the property line of 5 feet.
 - The applicant has proposed a 15-foot side yard setback for new structures; however, an existing carport encroaches 1.3 feet over the southwestern property line.
 - Minimum rear yard setback from the property line of 20 feet.
 - The applicant has proposed a 15-foot rear yard setback.
- [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. The planted buffers shall conform to the requirements as described in section [17.260.020](#) titled vegetation buffers and vision clearance. In conditions where required stream buffers exist along a perimeter property boundary, the planning director may grant exemptions from the 50 foot planted buffer if a stream buffer meets or exceeds the 50 foot planted buffer width.
 - The applicant is proposing that a 15-foot vegetative buffer is to be maintained at the rear property line only.

- [17.180.060.B.8](#) Open Space
 - The development shall conform to all open space requirements of sections [17.430.100](#) through [17.430.150](#), as shown under the conservation subdivision design option chapter. The only open space requirement that may differ from those standards set forth in [section 17.430.110](#) is the open space shall comprise at least 30 percent of the gross tract area.
 - The applicant does not specifically label any open space on the submitted site plan, but lists the open space to be 15% in a development chart included with the application.

- [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 elevation provided in the application indicates that the townhomes and bungalows will not incorporate changes in building material, texture, and/or color, which deviates from the standard.

- [17.250.020](#) Off-Street Parking
 - All off-street parking areas that make it necessary for vehicles to back out directly into a public road, street or highway are prohibited except for single-family residential units and, if approved by the Hall County engineering department, duplexes and multi-family units.
 - The submitted site plan shows five off-street parking spaces that will make it necessary for vehicles to back out directly into Spring Street.
 - The existing gravel drive and carport may require cars to back directly into Spring Street. The applicant intends to maintain this parking area.
 - Single-family and duplexes must have 2 spaces for each dwelling unit.
 - The development has proposed 1.8 spaces per dwelling unit.

Public Forum:

Allen Reynolds, 18 Spring Street, Gainesville, spoke in opposition. Concerns were excessive development and stormwater.

Sharon Vandiver, 39 Spring Street, Gainesville, spoke in opposition. Concerns were wildlife, destruction of green space, and spot zoning.

Jeff Archer, 1693 Fairview Drive, Gainesville, spoke in opposition. Concerns were increased density, character, traffic, and inconsistency with comprehensive plan.

Henry Edge, 22 Spring Street, Gainesville, spoke in opposition. Concerns were narrow streets and pond.

Summary Analysis

The applicant is requesting to rezone 1.04± acres of property zoned Residential-II (R-II, [17.80](#)) to Planned Residential Development (PRD, [17.180.060](#)) for the purpose of constructing a 10-unit residential development with a gross density of 9.62± units per acre. The proposed development includes combining three existing parcels into a single parcel. The property is currently developed with two residences. The project narrative states that the proposed residences will utilize the two existing structures as part of the development. The whole development would consist of two residences currently utilized as duplexes, two new detached townhomes, and four new detached bungalows. The proposed townhomes have a minimum size of 700 square feet and the proposed bungalows have a minimum size of 512 square feet for each unit.

The applicant has provided renderings to illustrate the proposed structures as well as a description of building materials. The residences will feature Hardi plank siding, architectural shingle roof, and LVT flooring throughout. It should be noted that Section [17.180.060\(B\)\(9\)](#) of the PRD code requires that all homes have accents of brick or stone on the front of the homes, at a minimum; the proposed renderings do not meet this requirement. The applicant has not identified this as a variance request from the PRD standards; however, a variance must be granted or the homes must comply with [17.180.060\(B\)\(9\)](#) at the time of permitting. The proposed bungalows and townhome units will each feature a front porch, but do not include garages. The townhomes will also feature a rear porch. The number of bedrooms for each unit has not been provided. The narrative states that this development would specifically exclude short term rentals of less than 30 days.

The circulation shown on the site plan includes a main access point off Spring Street located between the two existing duplexes, a separate parking area directly off Spring Street to serve the two townhomes at the north of the property, and an existing gravel drive, which provides access to a carport located at the southwestern most portion of the property. Per the submitted survey, the detached carport crosses over the southwest property line approximately 1.3 feet into the neighboring property. The applicant has not provided any comments addressing the encroachment such as through a property line adjustment, or by relocation or removal of the structure, but did state their plan to retain the carport as a parking area. Additionally, the Hall County Traffic Department has commented that parking that requires vehicles to back out into an active roadway is prohibited. This parking design would require approval of a variance.

The submitted site plan also depicts an enclosed trash bin, a mail kiosk, eighteen parking spaces with one being an ADA parking space, and a proposed chipped slate walkway in front of each of the proposed bungalows. There are no proposed amenities, signage, or a landscape plan included in the application.

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	1.04± acres*
Number of Units	–	10 residential units
Density	2 units per acre maximum	9.62 units per acre*
Max. Building Height	-	32 feet
Min. Lot Area	8,000 sq. ft.	1.04± acres
Min. Open Space	30%	15%*

Exterior Buffer	50 feet	15 feet*
Front Setback (Internal)	25 feet	15 feet*
Side Setback	5 feet	15 feet
Rear Setback (Internal)	20 feet	15 feet*
Parking	2 spaces for each dwelling unit (17.250.020)	1.8 spaces per each dwelling unit*
Min. Heated Floor Space	–	512 square feet
Minimum Sidewalk Width	5 feet	–*
Cluster Mailbox Unit (CBU)	CBU with 3 short-term parking spaces	CBU without designated parking spaces*
Note: Items marked with an asterisk (*) do not conform to 17.180.060 .		

Water and sanitary sewer will be provided by the City of Gainesville, with a letter dated December 12, 2023 confirming the availability of these services. Additionally, the Hall County Engineering Department has provided comments regarding the need for a stormwater management report to be prepared and submitted for review. The narrative states that the development will include required management of stormwater runoff and water quality to meet the requirements of Hall County.

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 specially 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”. This future land use category is characterized by low-density single-family residences and agricultural uses. The intent of the land use category is to preserve established neighborhoods and create new permanent and vacation residential development. Future development will continue to be detached, single family homes at low densities. The Lake Area Residential designation envisions a maximum density of 1 dwelling unit per acre, lower than the maximum density requirement within a Planned Residential Development (PRD, [17.180.060](#)) of 2 dwelling units per acre. The development has proposed a density of 9.62 units per acre.

Zoning Analysis

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

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The zoning proposal may be suitable given the context of the surrounding area, though the proposed development is denser than the surrounding development with an overall density of 9.62± units per acre. The surrounding area consists primarily of low- and**

medium-density residential uses. However, located approximately 400 feet away from the parcel is a Planned Residential Development district which includes a multi-family building and several detached cottage-style homes.

- 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, Residential-II (R-II, [17.80](#)), and is developed with two residences which would be classified as duplexes.**
- 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; No, it is not anticipated that the proposed zoning use will result in an excessive or burdensome use of local infrastructure. The proposal states that the development 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. Density is envisioned to be a maximum of one dwelling unit per 1 acre. The proposed development has an overall density of 9.62± 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 property is currently developed with two duplexes.**
- 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.**
- 12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; There is no evidence that the present zoning district boundaries are illogically drawn.**

- 13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed density is higher than that found on immediately surrounding properties, but in general the use does not appear to be out of scale with the needs of the County as a whole, as there is a need for additional and varied housing.**
- 14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the County that support a 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; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and federal regulations. As a result, there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
- 17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

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

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

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **The proposal meets the requirement. The applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**
- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 - 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **Proposal 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 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 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 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. **The proposed development contains less than 100 residential dwelling units, and as such is exempt from this requirement.**

Development Support and Constraints

Hall County Environmental Health

In an email dated January 4, 2024, Emily McGahee stated, “No comment. Public sewer.”

Hall County Fire Marshal

In an email dated January 5, 2024, from John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”

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:

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:

Parking spaces that require vehicles to back out into the roadway not permitted.
Driveways will need to meet Hall County Code 12.40.

Utilities:

City of Gainesville Sewer District.

Georgia Department of Transportation

In an email dated January 5, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated “No GDOT coordination required.”

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

Applicant’s Presentation:

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

Alex Petry, 434 Green Street, Gainesville, presented the request. The applicant stated that there are two existing duplexes, and they wish to add two townhouses and four bungalows which will have front porches, stainless steel appliances, granite countertops, and LVT flooring.

Frank Norton, 434 Green Street, Gainesville, presented the request.

Rebuttal

Mr. Norton stated that they have restored various homes in the area to help maintain the character. Mr. Norton stated that the pond abutting Mr. Reynolds property was placed in that specific area by the City of Gainesville but he is trying to landscape it. Mr. Norton stated that there won’t be much traffic added to the area since there were existing duplexes in its spot.

Public Forum:

Allen Reynolds, 18 Spring Street, Gainesville, spoke in opposition. Concerns were excessive development and stormwater.

Sharon Vandiver, 39 Spring Street, Gainesville, spoke in opposition. Concerns were wildlife, destruction of green space, and spot zoning.

Jeff Archer, 1693 Fairview Drive, Gainesville, spoke in opposition. Concerns were increased density, character, traffic, and inconsistency with comprehensive plan.

Henry Edge, 22 Spring Street, Gainesville, spoke in opposition. Concerns were narrow streets and pond.

Planning Commission Comments:

Ms. Pilcher questioned the number of parking spaces for the development. The applicant stated he would like to reduce it from 20 to 16. Ms. Pilcher stated residents could have company visit and not enough parking. Mr. Petry stated the homes are not built for entertaining.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-1 (Pilcher opposed)

Conditions:

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modified in such a way to eliminate the encroachment. Any changes to property boundaries shall be reviewed and approved by the county’s standard plat review process.

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- 6. Architectural style and materials shall be consistent with the submitted renderings. Final review and approval of building elevations is subject to the Planning and Zoning Administrator, or their designee.
- 7. 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.
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