

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Mallard View Homeowners Association

Request Use Subject to County Commission Approval |
Amend Conditions of Zoning for an Amenity Area

Proposed Use Amenity area

Size 8.23± acres

Zoning Agricultural Residential IV (AR-IV, [17.120](#))

Location **8545 Belton Bridge Road** | Tax Parcel 12127
000001

Commission District Three

Planning Commission Date March 18, 2024

Staff Recommendation **Approval, with conditions**, as the proposed use is
consistent with the future land use classification
of Rural in 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 February 21, 2024, and as described in the project narrative received February 21, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval, to include grass parking as specified on the site plan.
2. The developer shall coordinate with Hall County Engineering to obtain the necessary driveway permits for access off Pintail Court.
3. The approval of these zoning condition amendments shall only apply to the subject parcel, 12127 000001.
4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to,

noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

5. All amended conditions and previous conditions of original zoning dated May 12, 2005, and October 26, 2023, shall appear on any plats or building plans created for the subject property.

Excerpts from the minutes of the March 18, 2024 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Don Williams, 8523 Mallard View Way, Gainesville, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell questioned if the amendment was to allow grass parking. The applicant stated that was correct.

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

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated February 21, 2024, and as described in the project narrative received February 21, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The developer shall coordinate with Hall County Engineering to obtain the necessary driveway permits for access off Pintail Court.
3. The approval of these zoning condition amendments shall only apply to the subject parcel, 12127 000001.
4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the

application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

5. All amended conditions and previous conditions of original zoning dated May 12, 2005, and October 26, 2023, shall appear on any plats or building plans created for the subject property.

Summary Analysis

The applicant is requesting to amend the conditions of a residential subdivision to allow for the development of an amenity area on the subject property, which is an 8.23± acre common area lot located in the Mallard View subdivision. The subdivision was established in 2005 with seven conditions of approval from the Board of Commissioners and is zoned Agricultural Residential IV (AR-IV, [17.120](#)). In October 2023, a request to amend the existing conditions of the 2005 zoning to modify the amenity area was approved with two conditions:

1. The development is approved as generally shown on the site plan (dated May 16, 2023) and as described in the project narrative (dated August 9, 2023), modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.
2. The applicant shall provide off-street parking on the subject parcel in accordance with the requirements of 17.250, off-street parking, storage, and loading requirements.

The submitted site plan shows a proposed 12-foot wide drive with access from Pintail Court. The first 80 feet of the drive will be paved with concrete and the remaining 270 feet will be a grass drive. Additionally, the submitted site plan includes 21 parking spaces, with 19 parking spaces being grass parking and the remaining two being a concrete pad for ADA accessible parking spaces. The drive and parking spaces are to serve the 20-foot by 30-foot pavilion that is proposed to be centrally-located on the parcel.

The submitted narrative states that the proposed pavilion will be constructed with six pressure-treated posts on a concrete slab, wood truss roof structure, asphalt shingles, and cement board siding on the gable ends to closely match the colors of nearby residences. The applicant also stated in the submitted narrative that the proposed pavilion will not utilize utilities such as water, sewer, or electric service and will be maintained by the Mallard View's Homeowner Association.

Based on the future land-use plan, staff finds the requested zoning designation is *consistent* with the Hall County [Comprehensive Plan](#). The [Comprehensive Plan's](#) future land use designation for the subject parcels is "Rural." The intent of this land use category is to preserve the existing rural character, including agricultural uses and large-lot residential uses, as well as natural and historic features. Future development is envisioned to consist of agricultural activities and low-density detached single-family homes. The proposed use is considered an accessory to the existing residential development.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the board shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed use is suitable as an amenity area for the residential development, Mallard View Subdivision.**
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 use will adversely affect adjacent properties.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Staff is unable to assess the economic impact of an amenity area for a residential development, though there could be considerable social benefits to the community by having an area to gather.**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed amenity area should not cause an excessive or burdensome use of the existing streets, utilities, or public services.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **Based on the future land-use plan, staff finds the proposed amendment to the conditions of the Mallard View Subdivision consistent with the future land use classification of Rural in the [Comprehensive Plan](#).**
6. The extent to which property values are diminished by the existing zoning restrictions; **Absent a market study, staff is unable to determine whether property values are diminished by the existing zoning restrictions.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The site has remained a vacant amenity area since 2006, while nearby lots are approved for residences within the Mallard View Subdivision.**
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 amendment to the current Agricultural Residential IV (AR-IV, [17.120](#)) district will not create an isolated district.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the request is not out of scale with the needs of the immediate neighborhood or the county as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **8545 Belton Bridge Road is the only lot dedicated to amenity use and owned by the Mallard View Homeowners Association.**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **No, the request could not be handled instead by a variance.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process, and as a result are subject to local, state, and federal regulations. As a result, there are no anticipated ecological or pollution impacts resulting from any modification to the land if the request is granted.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

[17.350.040.](#) - Submission requirements for a conditional use request

An application shall be submitted to the planning department at least 30 working days prior to the date of the Planning Commission meeting at which the application is to be considered. The completed application shall be accompanied by payment of such fee prescribed in [chapter 17.30](#) hereof to cover administrative and advertising costs. The following items of information shall be supplied by the applicant as set forth in [chapter 17.350](#). **The applicant submitted to the planning department more than 30 days prior to the meeting date and has paid the application fee.**

[17.380.050.](#) - Submission requirements

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **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]. **The applicant has submitted a narrative and site plan but has not explicitly addressed the criteria listed in [17.380.060.C](#).**
 - 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **The applicant has submitted a site plan drawn to scale.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The applicant narrative states that no sewer or septic system will be present.**
- 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. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated February 13, 2024, Emily McGahee stated “No comment.”

Hall County Fire Marshal

In an email dated February 13, 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 February 15, 2024, Director Bill Nash stated the following:

Engineering:

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

Traffic:

No comments.

Utilities:

Hall County sewer – No sewer connection within feasible distance.

Georgia Department of Transportation

In an email dated February 12, 2024, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination would not be required for this request.