

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Priority Personal Care Home, LLC

Request Use Subject to County Commission Approval
(Community Residences that fail to meet all requirements for an administrative occupancy permit, [17.110.040.O](#))

Proposed Use Community residence

Size 0.97 ± acres

Zoning Current | Agricultural Residential III (AR-III, [17.110](#))

Location **6305 Garden Lane** | Tax Parcel 15046C000003

Commission District One

Planning Commission Date April 15, 2024

Staff Recommendation **Approval**, as the proposed use is consistent with the Residential future land use classification within the [Comprehensive Plan](#).

Record Number..... HZCU24-0007

Planning Commission Recommendation..... **Approval**
Vote: 4-0 (Varner absent)

Excerpts from the minutes of the April 15, 2024 meeting

Applicant’s Presentation:

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

Daniel Stancea, 1119 Dee Kennedy Road, Auburn, presented the request. The applicant stated that the facility has four current residents. The applicant stated that the neighboring personal care home is not accessible through the property, it’s a six minute drive away.

Mary Stancea, 1119 Dee Kennedy Road, Auburn, presented the request.

Rebuttal

Ms. Stancea stated that they have had a fire inspection recently. Ms. Stancea stated they will cook meals and assist with medication for the residents. Ms. Stancea stated that most of the residents are on hospice. Mr. Stancea stated that new septic lines were installed in 2019 and most of the patients utilize diapers and get sponge baths so it will not create a toll on the septic system.

Public Forum:

William Cutlip, 6311 Garden Lane, Flowery Branch, spoke in opposition. Concerns were septic system, business operation, and traffic.

Jeff Cochran, 6315 Garden Lane, Flowery Branch, spoke in opposition. Concerns were plans with the home, traffic, narrow road, business operation, and property value.

Planning Commission Comments:

Mr. Braswell stated that the applicants have gone through proper licensing and inspections for operation.

Motion: A motion to approve was made by Mr. Sosebee and seconded by Mr. Hunt. Vote: 4-0 (Varner absent)

Staff recommends **APPROVAL** of the applicant's request.

The following should be considered as an exception 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:

- **17.210.020 Community Residence**
 - Within Agricultural Residential-III (AR-III, [17.110.010.N](#)), Community residences are to be located at least 2,000 feet from any existing community residence.
 - The proposed community residence is located approximately 1,100 feet from an existing community residence, Labor of Love Adult Care, LLC.

Summary Analysis

The applicant is requesting County Commission approval on a 0.97+ acres tract currently zoned Agricultural Residential III (AR-III, [17.110](#)) for the use of a community residence that would provide care for elderly adults. Per [17.210.020](#), within AR-III, community residences shall be located at least 2,000 feet from any existing community residence. The applicant recently purchased the subject property, and during the business license application review it was determined that another community residence, located at 5606 Wooded Valley Way, is located approximately 1,100 feet from the subject property. Approval of this business license would require County Commission approval to encroach approximately 900 feet into the distance requirement.

The existing single-family home located on the subject property has been utilized as a community residence since 2019; however, no Hall County business license was ever obtained. Since purchasing the property, the

applicant has added lighting for the parking area for visibility to parking spaces and the rear of the home for the wheelchair and stretcher accessibility ramp.

The community residence located at 5606 Wooded Valley Way has been in operation since 2012.

The narrative states that four (4) of the five (5) available beds are currently occupied, and that the home will accommodate a maximum of five (5) residents in addition to a caretaker who also resides full time in the residence.

Community Residence standards ([17.210.020](#)) are listed below:

Standard	Compliance	Notes
17.210.020(1) - Distance to other community residence(s) – 2,000 feet separation required in AR-III or AR-IV zoning districts	Deficient	The proposed community residence is located approximately 1,100 feet from the nearest community residence.
17.210.020(2) – State Licensing requirement	Deficient	The applicant has provided a state license application. Proof of obtaining this state license will be required prior to issuance of the County business license.
17.20.300 – Community Residence residents	Complies	Maximum of 5 residents allowed (not to include staff).

Based on the future land use plan, staff finds the request **consistent** with the [Comprehensive Plan's](#) future land use designation of "Residential". The intent of this land use category is to preserve established neighborhoods and create new residential development consistent with surrounding suburban densities. Future land uses will continue to be detached, single-family homes at moderate densities, with opportunities for variations in housing size and types through the Planned Development District zoning classification.

Zoning Analysis

When considering a zoning amendment to the zoning maps or a use subject to approval of the county commission, the following items must be considered by the Planning Commission and the 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; **A community residence is a permitted use within the current Agricultural Residential-III zoning district; however, due to the proximity of an existing community residence which is located less than 2,000 feet away from the subject property, this applicant requires County Commission approval.**
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 reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned, Agricultural Residential-III (AR-III, 17.110). However, the proposed use would not be permitted on this site without County Commission approval due to the proximity of an existing community residence.**
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 traffic study was submitted as part of this request. The code does not require a traffic study for this type of request.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use is consistent with the Comprehensive Plan and the "Residential" future land use designation. The Comprehensive Plan identifies "detached, single-family homes at moderate densities" as appropriate future land uses in this area.**
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.**
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 is developed with one single-family dwelling which is consistent with the surrounding properties.**
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; **There is no change to the zoning as part of this request.**
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; **In general, the use does not appear to be out of scale with the needs of the immediate neighborhood of 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; **The proposal is a permitted use in the current zoning; however, due to proximity of an existing community residence, County Commission approval is required.**
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 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.**

The **Agricultural Residential-III (AR-III, 17.110)** allows for a variety of residential uses, providing support to the local community and broader region. This includes community residences.

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. 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 does provide a narrative outlining the intent of the change; 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 application meets this requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The proposed development does not propose the use of a slow rate land treatment system.**
- 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. **A traffic study was not submitted as part of this request.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated March 8, 2024, Emily McGahee stated: “This home is served by onsite sewage management system adequate for 6 residents (including staff).”

Hall County Fire Marshal

In an email dated March 13, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated: “The Hall County Fire Marshal’s Office has no comments as proposed. Personal Care Home passed annual Life Safety Inspection on 2/6/24.”

Hall County Public Works and Utilities

In a memo dated March 13, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

No comment.

Utilities

No comment.

Georgia Department of Transportation

In an email dated March 14, 2024, Veronica Chavers, D1TO Traffic Operations Civil Engineer 3, provided the following comments: “No GDOT coordination required.”