

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Steven P. Gilliam

Request Rezone from Residential I (R-I,17.60) to Planned Residential Development (PRD, 17.180.060)

Proposed Use 105-unit townhome development

Size 20.02± acres

Zoning Current Residential I (R-I, 17.60) | Proposed Planned Residential Development (PRD, 17.180.060)

Location **5079 Old Winder Highway** | Tax Parcels 15038 000059

Commission District One

Planning Commission Date May 20, 2024

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

Record Number.....HZON24-0002

Planning Commission Recommendation.....**Denial**
Vote: 5-0

Excerpts from the minutes of the May 20, 2024 meeting

Applicant's Presentation:

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

Steven Gilliam, 340 Jesse Jewell Parkway, Gainesville, presented the request. The applicant discussed comparable developments previously approved by the Board of Commissioners. The applicant discussed the changes to the amended narrative.

Public Forum:

Luis Rodriguez, 5055 Old Winder Highway, Braselton, spoke in opposition. Concerns were increased traffic, too much development leading to congestion, emergency vehicle access, and decrease in home value and increase in crime.

Nancy Reaves, 5065 Old Winder Highway, Braselton, spoke in opposition. Concerns were increased noise, congestion, traffic, degradation of existing environmental life, buffers, and quality of life.

Kim Newell, 5150 Old Winder Highway, Braselton, spoke in opposition. Concerns were increased traffic, congestion, degradation of existing environmental life, and she questioned where the sewer would come from.

Herschel Reaves, 5065 Old Winder Highway, Braselton, spoke in opposition. Concerns were increased noise and traffic, the location of the development, safety, and density.

Rebuttal

Mr. Gilliam stated that a traffic study was completed and that Ms. Reaves would have a total of a 125 foot buffer due to the stream buffers and the planted buffer provided by the development. Mr. Gilliam stated that the additional parking was for guest parking, not for residents.

Cameron Henderson, 554 West Main Street, Buford, presented the request. The applicant stated that there is a gravity flow connection for sewer.

Planning Commission Comments:

Mr. Sosebee questioned if the applicant was set on the number of units. Mr. Henderson stated he was not necessarily fixed on the number, and that the grading for the site does have substantial issues along with the existing restrictions from the stream. Ms. Pilcher stated that the stream will be affected once grading begins. Mr. Sosebee and Mr. Braswell stated that the road is very dangerous and adding more vehicles might make it worse. Mr. Varner stated that it is a very dark road at night and more dangerous when it rains. Mr. Hunt stated the site plan is very dense.

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

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated January 19, 2024, and as described in the project narrative submitted on February 29, 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 105 townhome units.
3. The minimum heated floor area (HFA) of each residential unit shall be 1,800 square feet.
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 Assistant Director of Planning and Development, or their designee.

5. All units shall be designed with a two-car garage. Garage doors shall constitute no more than 70 percent of the width of the individual townhouse unit.
6. All residential driveways shall measure no less than 22 feet from the edge of right of way.
7. Garage door width shall not exceed 70% of the width of the front façade of the residence.
8. The development shall feature internal sidewalks no less than five (5) feet in width constructed on both sides of all internal streets.
9. 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.
10. The development shall be limited to a maximum of two (2) model homes prior to approval and recording of the final plat. Model home permits may be issued prior to Final Plat recording provided that hard surface (crusher run) access is provided and fire protection (functioning hydrant) is located within 500 feet of any structure under construction. No certificate of occupancy permits shall be issued prior to Final Plat recording.
11. There shall be a mandatory Homeowners' Association (HOA).
12. All designated open space within the development shall be commonly held, and not held by any individual homeowner(s).
13. All roadways within the development shall be designated as private and shall be privately maintained by a Homeowners' Association (HOA). All roads shall be designed and constructed to Hall County standards.
14. The developer shall be responsible for all obtaining the necessary permits as well as all costs associated with the construction of a left and right turn lane on state route 211 (aka Old Winder Highway) per the traffic impact study recommendations.
15. All stream buffers must be fully within the Homeowners' Association (HOA) common space and shall not be included on any individual residential building lot.
16. Vehicle parking for guests 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.
17. The cluster mailbox unit shall have no less than 5 parking spaces.
18. 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.
19. 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.”

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

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.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.
- 17.180.060.B.9.b Single-family or two-family residence garages.
 - ii. *Front-loaded*. 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 submitted narrative request that the garage width be permitted to not exceed 70 percent of the townhome front façade
- 17.180.060.B.11.d Parking
 - For 105 or more mailboxes, 5 parking spaces are required plus 1 per each additional 26 mailboxes.
 - The site plan shows 4 parking spaces being provided. This is deficient of the 5 spaces required for this development.

Summary Analysis

The applicant is requesting to rezone 20.02± acres of property zoned Residential I (R-I, 17.60) to Planned Residential Development (PRD, 17.180.060) for the purpose of constructing a 105-unit townhome development with a gross density of 5.24± units per acre. The development site consists of a single parcel with a stream running along the northeastern portion of the property. The subject property was originally rezoned from Agricultural Residential IV (AR-IV, 17.120) to Residential I (R-I, 17.60) on October

10, 2002 for a 24-lot subdivision subject to 6 conditions, with an overall density of 1.20± dwelling units per acre. The current applicant for the zoning request is not the same as the previous applicant.

Per the submitted site plan and renderings, the dimensions of each townhome will be either 24 feet or 20 feet wide and 50 feet in depth, with a minimum of 1,800 square feet of heated floor area per unit. Each townhome will include a front-entry two-car garage and a rear patio. Two-car driveways will front each residence, measuring 14 to 18 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 four sides of masonry siding. The elevations do not incorporate changes in building material, texture, and/or color; this does not meet the architectural standards within a Planned Residential Development (17.180.060.B.9).

The site plan provided by the applicant shows a single access point to serve the development from Old Winder Highway. Sidewalks measuring 5 feet in width are provided on both sides of the streets throughout the development to provide internal pedestrian connection. The site plan depicts open space to be established throughout the development and the developer intends to dedicate 30% of the total site area to open space, some of which will include the planted buffer along the side and rear property lines.

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 | 20.02± acres |
| Number of Units | - | 105 attached townhouse units |
| Density | 2 units per acre maximum | 5.24 units per acre |
| Min. Lot Area (Townhomes) | 855,000 sq. ft. | 872,071.2 sq. ft. |
| Max. Building Height | - | Two stories, 35 feet |
| Min. Open Space | 30% | 30% |
| Exterior Buffer | 50 feet | 50 feet |
| Front Setback (internal) | 25 feet | 15 feet* |
| Side Setback | 5 feet | 0 feet* |
| Rear Setback (Internal) | 20 feet | 15 feet* |
| Parking | 2 spaces for each dwelling unit (17.250.020) | 2.04 spaces per each dwelling unit |
| Min. Heated Floor Space | - | 1,800 sq. ft. |
| Garage – % of front façade | 50% of the width of the townhome unit | 70% of the width of the townhome unit* |
| Minimum Sidewalk Width | 5 feet | 5 feet |
| Cluster Mailbox Unit (CBU) | CBU with 5 short-term parking spaces | CBU with 4 short-term parking spaces* |

Note: Items marked with an asterisk (*) do not conform to PRD standards (17.180.060).

The applicant has proposed three separate dog park/picnic areas to provide as an amenity within the development. A cluster mailbox unit (CBU) will be installed at the rear of the development with 4 parking spaces proposed. Parking standards require at least five short-term parking spaces be designated for CBU users (17.180.060(B)(11)).

Per the submitted narrative, water services will be provided by City of Gainesville Department of Water Resources, and sanitary sewer services will be provided by Hall County Sewer. The availability of the water service was confirmed in a letter dated February 28, 2024. The availability of the sanitary sewer services was confirmed in a letter dated March 13, 2024. The letter also mentions the connection to the sewer tie-in is required to be performed by the developer at their cost. Hall County Public Works Department has provided comments stating that a stormwater management report may be required. They also recommended internal roadways be private and maintained by a Homeowners' Association or property management company as the proposed roadways do not meet Hall County Standards.

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 "Residential." The intent of this character area is to preserve established neighborhoods and create new residential development consistent with surrounding suburban densities. This land use designation envisions moderate density at 2 dwelling units per acre. The development has a proposed density of 5.24 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.**
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, Residential I (R-I, 17.60) and is currently undeveloped.**
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 has received availability letters for both water and sewer to service this development.**
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 "Residential" land use**

designation, which envisions a maximum density of 2 dwelling unit per acre. The proposed development has an overall density of 5.24± 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 undeveloped.**
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. 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 low-density residential development.**
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. **The applicant submitted a traffic study conducted by Southeastern Engineering, Inc. which recommended that both a left and right-turn lane be constructed on state route 211 (aka Old Winder Highway).**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated April 17, 2024, Emily McGahee stated “No comment. Public sewer.”

Hall County Fire Marshal

In an email dated April 18, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, “The Hall County Fire Marshal’s Office considers the plan 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 April 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. Show stream buffer and impervious setback from wrested vegetation not centerline of stream. Roads should be private.

Traffic:

GDOT approval / permit required for Old Winder Hwy (SR211)

Internal roadways shown on site plan will not meet county standards and no variances were requested. If approved as shown, recommend roadways be private and not county maintained.

Unit driveways are shown as 22 feet in length to the sidewalk. Parked vehicles may protrude onto the right-of-way. Larger vehicles may protrude over the sidewalk. Recommend a minimum of 22 feet driveways to proposed right-of-way and not to the sidewalk.

Utilities:

No sanitary sewer adjacent to site.

Georgia Department of Transportation

In an email dated April 18, 2024, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination will be required for driveway access to state route.