HALL COUNTY PLANNING COMMISSION RECOMMENDATION REPORT

17.110) to Planned Residential Development (PRD, 17.180.060) Zoning Current: Agricultural Residential III (AR-III, 17.110) | Proposed: Planned Residential Development (PRD, 17.180.060) Commission District One Planning Commission DateJuly 1, 2024 Staff Recommendation Approval, with conditions, as the development is consistent with the surrounding zoning districts and the "Residential" future land use classification in the Comprehensive Plan. Record NumberHZON24-0017 Planning Commission Recommendation......Approval, with conditions Vote: 3-2 (Pilcher & Varner opposed)

Planning Commission Conditions:

- 1. The property shall be developed in accordance with the site plan dated June 6, 2024, and as described in the updated project narrative dated June 12, 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 58 single-family homes.
- 3. The minimum heated floor area (HFA) of each residence 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. Homes shall be generally consistent with the submitted renderings. Final review and approval of building elevations is subject to the Assistant Director of Planning and Development, or their designee.
- 5. Front-entry garage orientation may be semi-flush with the front façade, protruding no greater than 20 feet beyond the front façade. Garage door width shall not exceed 56% of the width of the front façade of the residence.
- 6. All residential driveways shall measure no less than 22 feet from the back of right-of-way to the garage door.
- 7. The development shall be served by City of Oakwood public sewer and City of Gainesville water. If access to City of Oakwood sewer cannot be obtained, then the developer shall connect to City of Gainesville public sewer. All costs associated with connecting to public sewer shall be at the developer's cost.
- 8. All existing structures on proposed Tract 1 must be removed from the property prior to any residential building permits being issued.
- 9. The development shall be limited to a maximum of one (1) model home 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.
- 10. A construction trailer may be utilized during construction and shall comply with Section 17.210.020 of the Hall County Code of Ordinances.
- 11. The "community gathering and greenspace area" along with pedestrian access trail shall be completed prior to 50% of occupancy permits being issued. This community gathering area shall include a picnic pavilion, to be a minimum of 20 feet by 20 feet in size and the design shall be approved by the Director of Planning and Zoning or their designee.
- 12. All designated open space within the development shall be commonly held and maintained, and shall not be the responsibility of any individual homeowner(s). This common open space ownership shall be included in the deeds created for each lot.
- 13. All lots shall access internal subdivision roads only. No lot shall have direct access to Bolding Road.
- 14. Internal roads shall meet Hall County Code of Ordinances Chapter 16 for design. Development access at Bolding Road must meet sight distance requirements and is subject to final review and approval by the Hall County Traffic Engineer.
- 15. 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.

- 16. 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."
- 17. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
- 18. There shall be 5 foot sidewalks on both sides of interior roads within the subdivision.
- 19. There shall be a landscape buffer along the boundary adjacent to the right-of-way of Bolding Road, which spans the frontage between parcels 15036B000037 and 15036B000038B. The landscape buffer shall be a minimum of 20 feet and be planted with 6 foot minimum height trees in order to provide sufficient screening of the development. Final review of the landscape plan shall be subject to the approval of the Director of Planning and Zoning or their designee.

Excerpts from the minutes of the June 17, 2024 meeting

Applicant's Presentation:

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

Cameron Grogan, 5875 Pine Brook Road, Atlanta, presented the request. The applicant clarified it would be a 58-unit development.

<u>Public Forum:</u>

Janet Allison, 4014 Bolding Road, Flowery Branch, spoke in opposition. Concerns were the proposed density, increased traffic, children and pedestrian safety, and effect on the school district.

Tyrone Elrod, 3971 Bolding Road, Flowery Branch, spoke in opposition. Concerns were the small lot size, proposed density, the entrance to the proposed subdivision being located in close proximity to 90-degree road curve, increased traffic, and safety.

David Corder, 4148 Schubert Road, Flowery Branch, spoke in opposition. Concerns were increase traffic, the entrance to the proposed subdivision being located in close proximity to 90-degree road curve, safety, the small lot size, and the proposed density.

Cameron Elrod, 4102 Schubert Road, Flowery Branch, spoke in opposition. Concerns were the entrance to the proposed subdivision being located in close proximity to 90-degree road curve, how the lots would accommodate septic system, the small size of homes, decrease in surrounding property value, and effect of the school system.

Donnie Hall, 4040 Sloan Mill Road, Flowery Branch, spoke in opposition. Concerns were increased traffic, the impact of runoff water on neighboring properties, proposed density, safety, and effect on school system.

Rebuttal

The applicant stated that they would address the 90 degree curve by adding stop signs; however, this is not something that they can commit to at this time. The applicant stated that there is an approved development to the northeast of the subject property and the sewer would be provided through this development by increasing the lift station's capacity. The applicant stated that Bolding Road has multiple egress and ingress either leading towards Poplar Springs Road or Winder Highway that will disperse traffic in different directions. The applicant stated that the buffers will be maintained by the HOA and that the lot size is small so that the 50-foot buffer could be maintained as common space rather than be owned by each individual property owner. Further, the applicant stated that the current property owners will be preserving their home next to the development.

Planning Commission Comments:

Mr. Braswell questioned the home sizes and architectural renderings. The applicant stated the homes would be a minimum of 1,800 heated square feet, two stories, and have two-car garages while adhering to setbacks and building material. Mr. Sosebee questioned the sewer availability. The applicant stated that sewer capacity was granted by the City of Oakwood but permitting and design will be through the City of Gainesville. Mr. Sosebee questioned if there is a backup plan in case the City of Gainesville does not permit access to this sewer. The applicant stated that the development hinges on the connection to sewer. Mr. Braswell questioned if the applicant has any preliminary civil designs regarding the size of the detention pond. The applicant stated that they do not. Ms. Pilcher stated that the density with no amenities is not ideal for families. The applicant stated that there will be amenities but not in the form of a clubhouse or pool. Mr. Braswell stated that the proposed entrance is very close to the 90 degree road curve. Mr. Hunt stated that shifting the development's entrance would not be a big issue to the layout. Mr. Varner stated that he could not support the request.

<u>Motion:</u> A motion to approve, with conditions was made by Mr. Sosebee and seconded by Mr. Hunt. Vote: 3-2 (Pilcher and Varner opposed)

Conditions:

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- 5. Front-entry garage orientation may be semi-flush with the front façade, protruding no greater than 20 feet beyond the front façade. Garage door width shall not exceed 56% of the width of the front façade of the residence.
- 6. All residential driveways shall measure no less than 22 feet from the back of right-of-way to the garage door.
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- 8. All existing structures on proposed Tract 1 must be removed from the property prior to any residential building permits being issued.
- 9. The development shall be limited to a maximum of one (1) model home 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.
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trees in order to provide sufficient screening of the development. Final review of the landscape plan shall be subject to the approval of the Director of Planning and Zoning or their designee.

Staff Recommended Conditions:

- The property shall be developed in accordance with the site plan dated June 6, 2024, and as
 described in the updated project narrative dated June 12, 2024, modified as necessary for
 compliance with conditions herein and development standards enforced at the time of site plan
 approval.
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- 11. The "community gathering and greenspace area" along with pedestrian access trail shall be completed prior to 50% of occupancy permits being issued.

- 12. All designated open space within the development shall be commonly held, and not by any individual homeowner(s). This common open space ownership shall be included in the deeds created for each lot.
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- 16. 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."
- 17. All conditions of zoning shall be made a part of any plats or construction plans 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:

- 17.180.060.B.2.a Lot Area
 - Minimum lot area standards of 8,000 square feet for lots served by sanitary sewer.
 The overall gross density not to exceed two 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 proposes a minimum lot area size of 5,000 square feet. This
 does not meet the standard.
- 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 proposed sidewalks only on one side of the internal street. This does
 not meet the standard.

- 17.180.060.B.9.b Architectural Standards
 - Semi-flush. Garage doors shall be oriented towards the street. Garage doors shall be positioned between 5 and 20 feet behind the front wall plane of the residence, extending no more than 40% of the width of the residence.
 - The applicant proposes front-oriented garage placements, with garage doors between 5 and 20 feet behind or in front of the front wall plane of the residence. This **does not** meet the standard.
 - The applicant proposes garage doors that will not extend more than 56% of the width of the residence. This does not meet the standard.

Summary Analysis

The applicant is requesting to rezone 29.65± acres of a 31.12± acre parcel zoned Agricultural Residential III (AR-III, 17.110) to Planned Residential Development (PRD, 17.180.060) for the purpose of constructing a 58-lot single-family residential development with a gross density of 1.96 units per acre.

The property is currently developed with three residential structures and several accessory structures. The single-family residence and accessory structures on the southwest corner of the property (3965 Bolding Road) will be removed prior to any further development. The single-family residences located on the northwest corner of the subject property (3933 Bolding road) will be platted as a separate 2.12± acre parcel; this is identified as "Tract 2" on the conceptual site plan. The northern portion of the subject parcel contains a stream and 75-foot impervious setback associated with the nearby stream. The Hall County Studied Flood Zone also affects the property from the southeast corner to the northwest corner of the parcel, as it follows the stream.

Per the submitted narrative, the applicant is requesting to construct 58 single family residences with a minimum of 1,800 square feet of heated floor area per unit. The submitted conceptual elevations and floor plans illustrate the style of proposed homes. The submitted narrative further states that the homes will be up to two stories with exteriors featuring a combination of asphalt roof shingles and quality siding finishes including, but not limited to, lap-siding, board and batten, brick and shake siding, to comply with Hall County code.

The applicant has included a variance request for semi-flush garage placement ranging from a minimum of 20 feet behind the front wall plane to a maximum of 20 feet in front of the front wall plane of the residence. The application also includes a variance request for garage widths measuring no more than 56 percent of the width of residence.

Per the submitted site plan, the development will be served by one access point along Bolding Road, with a proposed internal road consisting of a 50 foot right-of-way. The site plan appears to show

sidewalks on one side of the street throughout the development to provide internal pedestrian connection; however, no sidewalk width is provided on the site plan.

Per the applicant's narrative and the submitted site plan, the development will provide a total of 14.9± (50.2%) acres of open space, which will include some stream buffers, planted and undisturbed exterior buffers along the side and rear property lines, and conservation and flood plain areas. Some stream buffers are located within individual lots and are not included in the open space calculation. The site plan depicts one proposed sign at the entrance off Bolding Road and the project narrative states that the subdivision signage will meet all applicable sign standards.

The applicant has proposed a pedestrian trail at the north end of the development. The trail will lead past a detention pond and across a pedestrian bridge (to be constructed) to a community gathering and greenspace area on the north side of the stream which runs east to west through the property. The gathering space is proposed to include a gazebo and/or fire pit. A cluster mailbox unit (CBU) with 7 parking spaces is proposed at the start of the pedestrian trail. A 50-foot planted buffer is proposed along the exterior boundaries of the site excluding the boundary abutting the right-of-way of Bolding Road. The common areas and community amenities are proposed to be maintained by a Homeowners' Association.

The proposed 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	29.85± acres
Number of Units	_	58 detached single-family residences
Density	2 units per acre maximum	1.96 units per acre
Min. Lot Area	8,000 sq. ft.	5,000 sq. ft. *
Max. Building Height	-	-
Min. Open Space	30%	50.2%
Exterior Buffer	50 feet	50-foot planted buffer along perimeter
Front Setback (Internal)	25 feet	25 feet
Side Setback (Internal)	5 feet	5 feet
Rear Setback (Internal)	20 feet	20 feet
Parking	2 spaces for each dwelling unit (17.250.020)	Minimum 2 spaces for each dwelling unit
Min. Heated Floor	_	1,800 square feet
Space		
Garage – % of front	55% when recessed a minimum of	56% of the width of residence, recessed a
façade	20 feet	minimum of 20 feet behind and a

	40% when semi-flush between 5	maximum of 20 feet in front of the front
	and 20 feet behind front wall plan	wall plan of residence *
	of residence	
Minimum Sidewalk	5 feet	5 feet
Width		
Cluster Mailbox	CBU with 4 short-term parking	CBU with 7 short-term parking spaces
Unit (CBU)	spaces	
Note: Items marked with an asterisk (*) do not conform to 17.180.060.		

The subject property falls within the City of Oakwood's sewer service district, and the applicant has provided a sewer service application from the City of Oakwood which approves sewer capacity accommodating 248 bedrooms. The applicant has also provided a letter from the City of Gainesville Department of Water Resources that states the developer will be required to coordinate this project's sewer infrastructure with the previously-approved adjacent Poplar Springs Road residential development (located at 15036A000001). If both developments are not able to coordinate their efforts in constructing a lift station and force main, then the developer of the subject property shall be required to construct their own sewer lift station and force main at the developer's expense in order to connect to Gainesville sewer.

Any deficiencies identified as part of the plan will be required to comply with the requirements of a PRD as listed in the Hall County code, 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 <u>consistent</u> with the Hall County <u>Comprehensive Plan</u> future land use designation of "Residential.". The Residential designation envisions moderate density at 2 dwelling units per acre. The development has a proposed density of 1.95 units per acre.

The intent of this character area is to preserve established neighborhoods and create new residential development consistent with surrounding suburban densities. Future development 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, 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 is suitable given the context of the surrounding area and the housing needs of the county. The proposed development has an overall density of 1.95 dwelling units per acre. The surrounding area consists of a recently approved 192 single-family subdivision to the northeast with a density of 2 dwelling unit per acre (HZCU23-0060) and other medium to low-density residential development.

- 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 development 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, Agricultural Residential IV (AR-IV, 17.120)
- 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. Hall County Public Works Department has stated that internal roads must meet Hall County Code Chapter 16 for design and access at Bolding Road must meet sight distance requirements.
- 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 <u>Comprehensive Plan</u> and the "Residential" land use designation, which envisions a maximum density of 2 dwelling units per acre. The proposed development has an overall density of 1.95± 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 three residences. The home located on proposed "Tract 2" will remain, and the two other residences and accessory structures located at the southwest corner of the property will be removed prior to the development of "Tract 1."
- 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 aware of changing conditions that affect the use and development of the property. On December 9, 2021, an adjacent 97.48 acre property to the northeast was rezoned to PRD and approved for 192 single-family lots at a density of 2.0 units/acre (HZCU23-0060). This development includes the construction of a lift station that is intended to be utilized by the subject property developer for sewer connection.

- 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 consistent with a neighboring PRD rezoning approval at 3580 Poplar Springs Road.
- 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 consistent with the approved zoning of an adjacent property and with the future land use designation of "Residential". For the immediately surrounding properties and 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 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 moderate-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 without County Commission approval.
- **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, <u>17.180.080</u>) 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 a representative 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:
 - 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. This proposal does not require a traffic impact study.

Development Support and Constraints

Hall County Environmental Health

In an email dated Thursday, May 30, 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 from Lieutenant Jeff Suggs, NPQ Fire Inspector, Fire Investigator stated the following:

"503.2.1 Dimensions. International Fire Code 2018 Edition

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches."

"507.1 Required Water Supply. International Fire Code 2018 Edition An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings. (Hydrants)"

Hall County Public Works and Utilities

In a memo dated May 31, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

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 FEMA and Hall County studied Flood plains that are present on site Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Traffic:

Internal roads must meet Hall County Code Chapter 16 for design. Access at Bolding Road must meet sight distance requirements.

Utilities:

No Hall County sanitary sewer

Georgia Department of Transportation

In an email dated May 28, 2024, Veronica Chavers, GDOT Civil Engineer 3, stated "GDOT coordination is not required."