

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Sabina Chowdhury

Request Rezone | from Agricultural Residential-IV (AR-IV, 17.120) to Planned Residential Development (PRD, 17.180.060)

Proposed Use 20-lot residential subdivision

Size 30.78± acres

Zoning Current: Agricultural Residential-IV (AR-IV, 17.120) | Proposed: Planned Residential Development (PRD, 17.180.060)

Location **0 & 3454 Gillsville Highway** | Tax parcels 15016 000158A & 000028C

Commission District Three

Planning Commission Date Tabled from June 28, 2024 to August 5, 2024

Staff Recommendation **Approval**, with conditions, as the proposed use is consistent with the “Rural” future land use classification in the Comprehensive Plan.

Record Number HZON24-0011

Planning Commission Recommendation..... **Approval, with conditions**

Vote: 3-1 (Pilcher opposed and Varner absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated June 7, 2024, and as described in the project narrative dated May 15, 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 no more than 20 single-family lots.
3. The minimum heated floor area (HFA) shall be 2,400 square feet for all residential units.
4. Each lot within the development shall be served by individual on-site septic systems. Each lot must follow Environmental Health regulations.
5. There shall be a mandatory Homeowners’ Association (HOA).

6. All designated open space within the development shall be commonly held, and not held by any individual homeowner(s).
7. All interior roads shall be designed and constructed to Hall County standards. Coordination and approval from Hall County Engineering shall be required. The developer shall be responsible for all costs associated with improvements necessary for access to the development and the entrance from Gillsville Highway. The entrance shall be designed and constructed according to Georgia Department of Transportation (GDOT) standards and requirements.
8. All stream buffers must be fully within Homeowners' Association common space and shall not encroach onto any individual residential building lot.
9. No variances or development exceptions are granted as part of this request unless explicitly listed herein. The development shall be compliant with the Official Code of Hall County.
10. The following statement regarding the potential impacts of agricultural operation 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."
11. All conditions of zoning shall be made a part of any plats or development plans created for the subdivision.

Excerpts from the minutes of the August 5, 2024 meeting

Applicant's Presentation:

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

Steve Gilliam, 640 Jesse Jewell Parkway, Gainesville, presented the request. The applicant stated that traffic recommendations are to install a 200-foot deceleration lane or a 100-foot passing lane. The applicant stated that if the development is reduced from 20 lots to 18 lots, there is a chance that the passing lane may not be required by GDOT; therefore, they are requesting an amendment in the recommended condition. He requested that the condition be less specific and changed to state "The entrance shall be designed and constructed to GDOT standards and requirements" so that if they propose a reduction in lots from 20 to 18, they will only have to make the improvements required by GDOT.

Public Forum:

Doug Stephens, 4124 Campground Road, Gillsville, spoke in opposition. Concerns were the design of the East Hall Road intersection, traffic, and safety.

Lynn Marrietta, 3941 Gillsville Highway, Gillsville, spoke in opposition. Concerns were line of sight, the road curve that leads into a hill creating high speeds, and safety.

Anna Hewell, 3396 Gillsville Highway, Gainesville, spoke in opposition. Concerns were increased traffic, traffic safety, and septic tank impact on wells.

Rebuttal

The applicant stated that the GDOT requirements will be followed and that the septic tanks will be installed based on EPD standards and requirements.

Planning Commission Comments:

Mr. Hunt stated that the road will have to follow GDOT since it is a state road. Mr. Hunt questioned the speed limit on the road. The applicant stated that he has heard 45 and 50 mph but that the recommendation in speed will have to be made by GDOT. Mr. Hunt questioned whether there is a 500 foot line of sight with the 45 mph speed limit. The applicant confirmed this. Mr. Hunt asked if the left hand turn lane would not be required if the development was reduced from 20 to 18 lot. The applicant stated that it may or may not be required by GDOT if there are only 18 lots. Mr. Hunt clarified if the applicant was requesting 20 or 18 lots. The applicant stated that they are still requesting 20 lots, but it could be reduced to 18 lots and GDOT may not require the left hand turn lane. Mr. Hunt stated that with the line of sight being addressed he is comfortable approving the request.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Sosebee.

Vote: 3-1 (Pilcher opposed and Varner absent)

Conditions:

1. The property shall be developed in accordance with the site plan dated June 7, 2024, and as described in the project narrative dated May 15, 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 no more than 20 single-family lots.
3. The minimum heated floor area (HFA) shall be 2,400 square feet for all residential units.
4. Each lot within the development shall be served by individual on-site septic systems. Each lot must follow Environmental Health regulations.
5. There shall be a mandatory Homeowners' Association (HOA).
6. All designated open space within the development shall be commonly held, and not held by any individual homeowner(s).
7. All interior roads shall be designed and constructed to Hall County standards. Coordination and approval from Hall County Engineering shall be required. The developer shall be responsible for all costs associated with improvements necessary for access to the development and the entrance from Gillsville Highway. The entrance shall be designed and constructed according to Georgia Department of Transportation (GDOT) standards and requirements.
8. All stream buffers must be fully within Homeowners' Association common space and shall not encroach onto any individual residential building lot.
9. No variances or development exceptions are granted as part of this request unless explicitly listed herein. The development shall be compliant with the Official Code of Hall County.

10. The following statement regarding the potential impacts of agricultural operation 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.”
11. All conditions of zoning shall be made a part of any plats or development plans created for the subdivision.

Excerpts from the minutes of the June 3, 2024 meeting

Applicant's Presentation:

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

Tyler Smith, 340 Jesse Jewell Parkway, Gainesville, presented the request. The applicant discussed the proposed lots as shown on the site plan and further described the development proposal as detailed in the narrative including minimum heated floor area, building materials, open space, amenities, and signage. The applicant stated that the variance they are requesting is for the garage doors facing the street to be allowed to be flush to two feet beyond the front façade of the home. The applicant stated that each home would have private septic systems. Further, the applicant stated that there will be a 50 foot landscape buffer surrounding the property, and all stream buffers will be located outside of all individual lots.

Public Forum:

Jacqueline Parks, 3618 Lebanon Church Road, Gillsville, spoke in opposition. Concerns were contamination to private wells and creek from septic systems, heavy traffic, the dangerous turn on East Hall Road, and the proximity of the proposed entrance to a blind curb after Tadmire Elementary.

Sandra Thompson, 3847 Gillsville Highway, Gillsville, spoke in opposition. Concerns were nearby creek contamination from proposed septic tanks, dangerous turn on East Hall Road, and semi-truck traffic.

Doug Stephens, 4124 Campground Drive, Gillsville, spoke in opposition. Concerns were dangerous intersections, safety, lack of road widening, and wildlife displacement.

Anna Hewell, 3396 Gillsville Highway, Gillsville, spoke in opposition. Concerns were safety, dangerous intersections, impact to existing wells, and the impact to the nearby schools.

Jennifer Marlow, 3630 Lebanon Church Road, Gillsville, spoke in opposition. Concerns were contamination of the creek and wells, stormwater runoff causing erosion, the dangerous intersection, and cut-through traffic making the roadway busy and dangerous.

Deborah Stephens, 4124 Campground Drive, Gillsville, spoke in opposition. Concerns were traffic safety.

Rebuttal

The applicant stated that the property will be served by public water and will not require wells. The applicant stated that the traffic concern will be addressed with Hall County Engineering and GDOT to make sure traffic requirements are met. Furthermore, the applicant states that the development only consists of 20 lots and that Staff did not mention any negative impacts to the immediate area in their analysis.

Planning Commission Comments:

Mr. Hunt questioned if the applicant has been in contact with GDOT. The applicant stated they have not. Mr. Braswell addressed receiving written public comments regarding the request over the weekend by Tara Vandiver, Joanne LaCourse, Donald Snare, Anna Hewell, Gregory & Rhett Marlow, Jennifer Marlow, Jack & Virginia Watson, Amy Cruse, and Jacqueline Parks. The commission expressed their concern for safety due to line of sight. Mr. Braswell requested that the applicant consult with GDOT and Hall County Engineering to make sure the entrance will not cause a hazard and will be able to meet site distance requirements.

Motion: A motion to table to August 5, 2024 was made by Mr. Hunt and seconded by Mr. Varner.

Vote: 5-0

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated May 17, 2024, and as described in the project narrative submitted on May 17, 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 20 single-family homes.
3. The minimum heated floor area (HFA) shall be 2,400 square feet for all residential units.
4. Each lot within the development shall be served by individual on-site septic systems.
5. There shall be a mandatory Homeowners' Association (HOA).
6. All designated open space within the development shall be commonly held, and not held by any individual homeowner(s).
7. All roads shall be designed and constructed to Hall County standards. Coordination and approval from both GDOT and Hall County Engineering shall be required. The developer shall be responsible for all costs associated with improvements necessary for access to the development.
8. All stream buffers must be fully within Homeowners' Association common space and shall not encroach onto any individual residential building lot.
9. No variances or development exceptions are granted as part of this request unless explicitly listed herein. The development shall be compliant with the Official Code of Hall County.

10. The following statement regarding the potential impacts of agricultural operation 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.”
11. All conditions of zoning shall be made a part of any plats or development 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.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 percent of the width of the residence.
 - The applicant proposes garage doors oriented towards the street, with renderings showing the garage doors positioned both flush and a minimum of 2 feet in front of the front wall plane and a maximum garage door width of 47% of the front façade. This does not meet the standard.

Summary Analysis

The applicant is requesting to rezone a combined 30.87± acres zoned Agricultural Residential-IV (AR-IV, 17.120) to Planned Residential Development (PRD, 17.180.060) for the purpose of developing a 20-lot residential subdivision consisting of single-family detached homes. The total density of the development would be 0.65 units per acre. The property is currently vacant and forested.

The applicant has provided floor plans and elevations for the single-family homes with 2-car and 3-car garage options. The proposed residences will feature a combination of masonry, fiber cement siding materials, and shake siding, with changes in color and building materials on all facades. The submitted site plan states that the proposed residences will be minimum of 2,400 square feet.

The applicant has included a variance request for semi-flush garage placement, with the garage doors placement ranging from a minimum of 2 feet behind the front wall plane to a maximum of 8 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 47 percent of the width of residence.

Per the applicant’s narrative and the submitted site plan, the development will provide a total of 11.02 acres of open space, which will include stream buffers, planted and undisturbed exterior buffers, undisturbed areas, access/utility easements, and wetlands. All stream buffers are located outside individual lots.

Per the submitted site plan, the development will be served by one access point, along Gillsville Highway (SR-323), with a proposed internal road consisting of a 50 foot right-of-way. The project narrative states that the subdivision will have one entry monument sign.

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	30.87± acres
Number of Units	–	20 detached single-family residences
Density	2 units per acre maximum	0.65 units per acre
Min. Lot Area	8,000 sq. ft.	26,015 sq. ft.
Max. Building Height	–	35 feet
Min. Open Space	30%	45.8%
Exterior Buffer	50 feet	50-foot planted buffer along a majority of the perimeter 50-foot undisturbed buffer along the stream buffers
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 single family (17.250.020)	Minimum 2 spaces for each dwelling unit
Min. Heated Floor Space	–	2,400 square feet
Garage – % of front façade	40% when recessed a minimum of 5 to 20 feet behind front wall plan of residence	47% of the width of residence, recessed a minimum of 2 feet behind and a maximum of 8 feet in front of the front wall plan of residence *
Minimum Sidewalk Width	5 feet	5 feet
Cluster Mailbox Unit (CBU)	CBU with 3 short-term parking spaces	CBU with 4 short-term parking spaces
Note: Items marked with an asterisk (*) do not conform to 17.180.060.		

Per the submitted narrative, the lots will be served by individual septic systems and water service will be provided by the City of Gainesville. The availability of the water service was confirmed in a letter from the City of Gainesville Water Resources Department dated March 29, 2024.

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 consistent* with the Hall County Comprehensive Plan future land use designation of Rural. The Rural designation envisions low density single-family residential uses. The development has proposed a density of 0.65 dwelling unit per acre, which is less than the recommended maximum of 0.67 dwellings units per acre when served by individual on-site septic systems.

The Rural land use category is characterized by low-density residential development and neighborhoods. 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.

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 0.65 dwelling units per acre. The surrounding area consists of vacant land and low-density residential and agricultural uses.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed subdivision will not adversely affect the existing use or usability of adjacent and nearby property.**
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.**
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 includes that the City of Gainesville water will serve the development.**
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 "Rural" land use designation. The recommended density for this character area is 0.67 units per acre (or one dwelling unit per 1.5 acres). The density of the proposed development 0.65 dwelling 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, with no record of past improvements upon the land.**
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, 17.180.060). 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 higher than that found on surrounding properties.**
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 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 moderate-density single-family residential uses based on the Future Land Use Map.**
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, 17.180.060) 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, and the applicant 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 request; 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 this requirement.**
- C. For any application for a slow rate land treatment system (see chapter 17.20), the following additional requirements apply. **This standard is not applicable to the applicant's request**
- 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 April 30, 2024, Emily McGahee stated “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process.”

Hall County Fire Marshal

In an email dated May 1, 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 May 2, 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 FEMA and Hall County studied Flood plains that are present on site show stream buffer and impervious setback from wretched vegetation not centerline of stream.

Traffic:

GDOT permit required for proposed access on SR323.

Utilities:

No Sewer System.

Georgia Department of Transportation

In an email dated May 2, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated, that GDOT coordination is required for access on Gillsville Highway (SR 323).