

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Josh Boling

Request Rezone from Agricultural Residential (AR-III, 17.110 and AR-IV, 17.120) to Planned Residential Development (PRD, 17.180.060)

Proposed Use 349-lot residential development

Size 130.84± acres

Zoning Current Agricultural Residential (AR-III, 17.110 and AR-IV, 17.120) | Proposed Planned Residential Development (PRD, 17.180.060)

Location **4745 Cagle Mill Road, 4673 & 4691 Noah Martin Drive** | 15007 000254 (pt.), 15019 000043 and 000114

Commission District Three

Planning Commission Date August 19, 2024

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

Record Number HZON24-0006

Planning Commission Recommendation..... **Withdrawal**

Vote: 5-0

Excerpts from the minutes of the August 19, 2024 meeting

Applicant’s Presentation:

Katie Greenway, Planning and Zoning Administrator, stated the applicant has requested withdrawal.

Motion: *A motion to withdraw was made by Mr. Hunt and seconded by Mr. Sosebee. Vote: 5-0*

Staff recommends **DENIAL** of the applicant’s request. However, if the Planning Commission sees fit to approve this application, staff recommends the following conditions:

1. The property shall be developed in accordance with the site plan dated March 22, 2024, and as described in the project narrative dated March 22, 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 297 single-family homes and 52 rear-entry townhomes.
3. The minimum heated floor area (HFA) shall be 2,000 square feet for all residential units.
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 consistent with the submitted renderings.
5. The amenity area shall include a recreational area, sports field, swimming pool, mail kiosk, clubhouse, and parking and shall be completed before 50% of the final buildout of the entire project.
6. All residential driveways shall measure no less than 28 feet from the back of sidewalk to the garage door as shown on site plan submitted on March 22, 2024.
7. Front entry garage orientation may be semi-flush with the garage face positioned a minimum of 5 feet behind the front plane/porch or the residence as depicted on the renderings submitted April 29, 2024. Garage door width shall not exceed 55% of the width of the front façade.
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 six (6) model homes prior to the 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 privately maintained by the Homeowners' Association.
14. A 50-foot buffer (planted or undisturbed) should be maintained along all property lines excluding road frontage.

15. All stream buffers must be fully within Homeowners' Association common space and shall not encroach onto 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. County-maintained roads shall end at the edge of the right-of-way of Cornelia Highway (SR 365) and shall not include any portion of the roadway within the development.
18. Coordination and approval from both GDOT and Hall County Engineering shall be required for implementation of traffic study recommendations as part of the development process. Such improvements will be the financial responsibility of the developer.
19. 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.
20. 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."
21. 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:

12.20.070. - Developments with private roads.

- Any residential development or subdivision which includes private streets, either designated as such on the development plat or otherwise, and which seeks approval and permitting by the county must demonstrate the formation of a homeowners' association which will be responsible for the maintenance and upkeep of all private streets therein. The county shall not approve the plat for any residential subdivision or development containing private streets which does not sufficiently demonstrate to the county's administrative officials that a homeowners' association has been created and that the association has been given the full power and responsibility for future maintenance of all private streets within the development. All such private roads shall comply with the existing road standards adopted by Hall County.
 - The applicant is requesting a variance from the requirements of section 12.20.070. However, the narrative and site plan state that the roads and alleyways are proposed

to be privately-owned and maintained. Clarity is required from the applicant regarding this variance request.

16.60.070. - Street jogs.

- Street jogs or centerline offsets in the horizontal alignment of streets across intersections of less than 200 feet shall be prohibited.
 - The applicant is requesting a variance from the requirements of section 16.60.070. The narrative and site plan request a reduction from the standard and state that the reduction will reduce the total impervious area. The applicant did not provide specific dimensions.

16.60.200. - Design standards for streets. - A. *Design standard chart.*

- Minimum cul-de-sac length (feet) (centerline to center of turnaround) 150
 - The applicant is requesting a variance from the requirements of section 16.60.200. The narrative and site plan request the use of eyebrow cul-de-sacs as an alternative design and proposes internal alleyways.

17.180.060.B.2 – Dimensional Standards for Single Family Residences

- 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 is requesting a variance from the requirements of sections 17.180.060.B.2.a. The narrative and site plan request a reduction of the minimum lot area from 8,000 square feet to 6,000 square feet and a density of 2.76 units per acre.
- B) - Lot width. Minimum lot width of 50 feet.
 - The applicant is requesting a variance from the requirements of sections 17.180.060.B.2.b. The narrative and site plan request a reduction of the minimum lot width from 50' to 40' for 241 lots.
- C) – Setbacks.
 - i. Minimum front yard setback from the property line of 25 feet.
 - ii. Minimum side yard setback from the property line of five feet.
 - iii. Minimum rear yard setback from the property line of 20 feet.
 - The applicant is proposing 0-foot lot lines to allow for condominium style ownership of the proposed townhomes. The single-family detached lots meet the listed setback standards.

17.180.060.B.5 - Buffers

- A minimum 50-foot planted buffer shall be established along the perimeter of all property boundaries adjacent to residential and/or non-residential zoning districts to ensure that the

planned residential development is appropriately screened. The planted buffers shall conform to the requirements as described in section 17.260.020 titled vegetation buffers and vision clearance. In conditions where required stream buffers exist along a perimeter property boundary, the planning director may grant exemptions from the 50-foot planted buffer if a stream buffer meets or exceeds the 50-foot planted buffer width. 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 a combination of undisturbed and planted buffers surrounding the development; however, several sections within the development are deficient of this buffer. A 50-foot buffer (planted or undisturbed) should be maintained along all property lines excluding road frontage.

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.
 - For the single-family homes, the applicant proposes front-oriented garage placements, with renderings showing the garage doors positioned flush with the front wall plane and a maximum garage door width of 54% of the front façade. The applicant proposes a minimum 28' setback from sidewalk.

17.180.060.B.11.d - Cluster mailbox unit (CBU).

- Parking. Parking shall conform to requirements specified in chapter 17.250, in addition to any parking and loading requirements or accessibility guidelines pertaining to the Americans with Disabilities Act. On-street parking is prohibited in all planned residential developments. Off-street parking areas that make it necessary for vehicles to back out directly into a public road, street, or highway are prohibited in all planned residential developments. The following minimum parking ratios must be met for all CBU's
 - The applicant is requesting a variance from the requirements of sections 17.180.060.B.11.d. The narrative and site plan request perpendicular, angled, and parallel parking in the areas of the mail kiosk, amenity area, and townhomes.

Summary Analysis

The applicant is requesting to rezone a combined 130.84± acres zoned Agricultural Residential (AR-III, 17.110 & AR-IV, 17.120) to Planned Residential Development (PRD, 17.180.060) for the purpose of developing a 349-unit residential subdivision consisting of 297 detached homes and 52 rear-entry townhomes. The total density of the development would be 2.67 units per acre. Per the narrative, the property is currently developed with a manmade off-line pond and a small residential building. The applicant has also submitted a concurrent request to rezone a 10.59± acre portion of tax parcel 15007 000254 to a Planned Industrial Development (HZON24-0006). This staff report will focus on the PRD zoning request.

Per the applicant's narrative and the submitted site plan, the development will be constructed in a series of four phases. Phase 1 will be developed with 63 detached single-family residences, Phase 2 will be 80 detached single-family residences and 52 attached single-family townhomes, Phase 3 will be 68 detached single-family residences, and Phase 4 will be 86 detached single-family homes.

The development will provide a total of 59% open space, which will include stream buffers, planted and undisturbed exterior buffers, undisturbed areas, access/utility easements, and wetlands. The eastern portion of the parcel is within the North Oconee Reservoir Watershed Protection District and is bisected by the North Oconee River, which requires a 100-foot undisturbed buffer and a 150-foot impervious setback along the identified state waters (17.225.040). This area is also impacted by the County Studied Flood and FEMA Flood Zones.

The amenity area includes a recreational area, sports field, swimming pool, mail kiosk and clubhouse with adjacent parking, which will serve both the single-family detached homes and townhomes. The development will also include 5-foot-wide sidewalks on both sides of the street, ensuring pedestrian connectivity within the development.

The site plan indicated that the development will be served by two access points. The east access will be along Cagle Mill Road and the west access will be along Cornelia Highway (SR 365). There is an additional gated fire access proposed along Whitehall Road. The project narrative states that the subdivision roads will be gated on both the east and west sides and acknowledges that the roads and alleyways will be privately owned and maintained. Internal road widths will be designed with 50-foot right-of-ways.

A traffic impact study was prepared based on a proposed 297 detached single-family homes and 51 attached townhomes for a total of 348 homes. The study found the proposed subdivision is expected to generate 240 trips in the morning peak hour, 318 trips in the evening peak hour, and 3,149 daily trips. Recommendations were made for access improvements from Cornelia Highway (SR 365), Cagle Mill Road, and Whitehall Road. Coordination and approval from both GDOT and Hall County Engineering will be required for implementation of recommendations.

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	130.84± acres
Number of Units	–	349 detached and attached single-family residences
Density	2 units per acre maximum	2.67 units per acre*
Min. Lot Area	8,000 sq. ft.	6,000 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

		Some areas are deficient of the required buffer*
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)	2 spaces for each dwelling unit
Min. Heated Floor Space	–	2,000 square feet
Garage – % of front façade	40% when recessed a minimum of 5 to 20 feet behind front wall plan of residence	Maximum of 54% *
Minimum Sidewalk Width	5 feet	5 feet
Cluster Mailbox Unit (CBU)	CBU with 14 short-term parking spaces	CBU with 44 short-term parking spaces
Note: Items marked with an asterisk (*) do not conform to 17.180.060.		

**Note: Although the site plan and building layout meet the PRD setbacks, the applicant states that the single-family lots and townhomes will be condominium-style ownership with the option to lot out units at the building line. The applicant has proposed selling the units with a 0-foot setback with the remaining property to be joint-owned by the individual property owners and maintained by the Homeowners' Association.

Per the submitted narrative, the property will be served by Hall County sanitary sewer, and the developer will connect to utilities in the area via an onsite pump-station, with an existing force main located within the proposed industrial parcel frontage along Cornelia Highway (SR 365).

The narrative states that the subdivision will include freestanding residential signs along each frontage and will be limited to 25 square feet each and identify the name of the subdivision only.

Several variances have been identified as part of this request. 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 not 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 2.67 dwelling unit acre, exceeding the recommended maximum by less than 1 dwelling unit per 1.5 acres.

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 may be suitable given the context of the surrounding area and the housing needs of the county, though the proposed development has an overall density of 2.67 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 zoning classification of Planned Residential Development (PRD, 17.180.060) will permit more intense uses than that of most adjacent or nearby parcels. This development will introduce more vehicular traffic onto Cagle Mill Road, which is a rural local road.**
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; **Per the submitted traffic study, improvements are warranted to turn lanes on access points along Cornelia Highway (SR 365), Cagle Mill Road, and Whitehall Road. Coordination with GDOT and Hall County Engineering will be required for the implementation of the recommendations. Currently, Cagle Mill Road north of the intersection with Noah Martin Drive consists of a narrowly paved road and a portion south of Noah Martin Drive towards the intersection with Whitehall Road consists of unimproved gravel road.**
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 "Rural" land use designation. The recommended density for this character area is one dwelling unit per 1.5 acres. The proposed development is proposing a density of 2.67 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 developed with a small manmade pond and small residential building.**

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; **The ongoing growth of industrial development in this area, most notably attributed to existing industrial uses such as Kubota as well as the upcoming Blue Ridge Connector, supports additional commercial and industrial development. This growth may also lead to an increased need for housing options.**
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 proposed density is higher than that found on immediately surrounding properties but 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, 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. 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 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. **Proposal 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 will utilize public water and public sewer 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. **The proposal does meet the requirement. A traffic study has been conducted. Improvements are recommended but require the coordination of GDOT and Hall County Engineering.**

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:

Property is in major flood area
Show FEMA and Hall County studied Flood plains that are present on site
Property is in north Oconee WPD
Show N. Oconee WPD buffers
No rise study required for construction in flood zone
Roads should be private

Traffic:

Roadways are shown as private; however, this should be required.
Access from Cornelia Hwy (SR 365) is shown as private, however, Label indicates “end of county-maintained right-of-way” internally. Clarify. Additional comments may be necessary after clarification.
Fire only access on White Hall Road must be gated and no ability for internal traffic to turn around is provided.
Recommend the gravel section of Cagle Mill Road be improved to county paved standards to White Hall Road in order to facilitate site traffic to and from Old Cornelia Hwy.
Site plan indicates a fire only access on Cagle Mill Road labeled as “Gated fire only entrance with Knox Box” However no access is shown. Clarify.
GDOT permit required for Cornelia Hwy (SR 365) access.

Utilities:

Hall County lift station on GA 365

Hall County Tax Assessor

No Comments

Georgia Department of Transportation

In an email dated April 18, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that this project will require GDOT coordination for driveway access to SR 365/ Cornelia Hwy.