

**HALL COUNTY PLANNING
COMMISSION RECOMMENDATION
REPORT**

Applicant Steven P. Gilliam

Request..... **Rezone** | from Agricultural Residential III (AR-III, 17.110) to Planned Residential Development (PRD, 17.180.060)

Proposed Use 256-lot residential development

Size 114.147± acres

Zoning..... Current: Agricultural Residential III (AR-III, 17.110)
| Proposed: Planned Residential Development (PRD, 17.180.060)

Location **0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road** | Tax Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100

Commission District One

Planning Commission Date..... September 3, 2024

Staff Recommendation **Denial** as the proposed use exceeds the maximum density of 2 dwelling units per acre for the Residential future land use classification in the Comprehensive Plan.

Record **HZON24-0020**

Planning Commission Recommendation..... **Denial**
Vote: 4-1 (Braswell opposed)

Excerpts from the minutes of the September 16, 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 is requesting to rezone a combined 114.147± acre tract zoned Agricultural Residential (AR-III, 17.110) to Planned Residential Development (PRD, 17.180.060) for the purpose of constructing a 256-unit residential development. The total density of the development will be 2.24 units per acre, containing a total of 198 detached single-family homes and 58 attached

townhomes. An existing residence (4621 Stanley Road, tax parcel 15044 000035D) located on Stanley Road will remain, and will be provided with access through the proposed development. This parcel is not included as part of the rezoning request.

Public Forum:

Mark Faul, 4567 Stanley Road, Flowery Branch spoke in opposition. Concerns raised were a missing hydrology report, density, traffic, negative impact on property values, and the entrances proximity to each other.

Albert Guth, 4589 Guth Road, Flowery Branch, spoke in opposition. Concerns were the construction entrance being located on the road where he lives and the possible impact on his well.

Tommy Channell, 4737 JM Turk Road, Flowery Branch, spoke in opposition. Concerns were stormwater runoff and the impact to nearby bridges, garage façade percentages, density being too high, and the possibility of new septic systems contaminating water.

Penni Ganyard, 2175 Silver Circle, Gainesville, spoke in opposition. She expressed the need for smart growth for the county. Concerns were overcrowding in schools, and the importance of following current rules.

Robert Payton, 5184 Stately Oaks Drive, Flowery Branch, spoke in opposition. Concerns were the amount of traffic for winding roads, the growth versus road capacity, and overcrowding in schools.

Janet Myers, 4859 Wildlife Way, Flowery Branch, spoke in opposition. Concerns were high density, decreased property values of surrounding areas due to incompatibility with the development, decreased quality of life, the incompatibility with the County's comprehensive plan, increased stormwater runoff, and overcrowding in schools.

William Doucher, 4789 JM Turk Road, Flowery Branch, spoke in opposition. Concerns were the application not matching the comprehensive plan, high density, and stormwater runoff. Mr. Doucher brought up how this applicant was denied last time they applied and despite the changes to their application, they should be denied again.

Rebuttal

The applicant clarified that the total density of the development is 2.25 units per acre as calculated by the engineers but the townhome density is 4.64 units per acre and 1.95 units per acre for the detached single-family homes. The applicant cited the traffic study which proposed northbound and southbound turn lanes on JM Turk Road. The applicant stated, if approved, they would go through the process of receiving a land development permit which ensures following all state and federal regulations.

Planning Commission Comments:

Mr. Hunt clarified that the garage would be 55% of the townhome front coverage. The applicant stated that was correct. Mr. Sosebee asked for the applicant to show where the construction and emergency access points would be. The applicant showed the main entrance would be off of JM Turk Road, the emergency access would be through Guth Road, and the construction entrance would be through an easement depicted on the site plan off of JM Turk Road. Ms. Pilcher wanted clarification that the 22 foot setback was from the back of the sidewalk and not the curb as mentioned in previous paperwork. The applicant acknowledge the

error and confirmed it would be from the back of the sidewalk. Mr. Braswell asked about the sewer location. The applicant indicated the planned location of the lift station.

Bret Clark, 129 Woodlake Drive, Gainesville, showed on the map that the lift station would be at the rear of the development. Mr. Hunt asked if the construction entrances would be through Guth Road and off of JM Turk Road. The applicant explained that the proposed turnaround at the end of Guth Road would be used as a staging area for workers to park vehicles and the entrance would be through an easement off of JM Turk Road. Mr. Hunt asked if the easement off JM Turk Road was recorded for the applicant's use. The applicant was unsure. Mr. Braswell asked about the construction phases. The applicant stated two phases of site work and three to four phases of vertical construction with the stormwater ponds being built first. Mr. Hunt asked the applicant to explain the improvements they intend to do on Guth Road to meet fire and county codes. The applicant stated they would follow the necessary requirements to gain the land development permit. Mr. Hunt asked if the applicant intended to keep Guth Road gravel which the applicant confirmed they would. Mr. Braswell asked if the emergency access entrance would only allow emergency personnel which the applicant confirmed it would be gated and stated that is why the cul-de-sac would be created on Guth Road. Ms. Pilcher expressed concern about the hammerheads on the townhome plans which the applicant stated were normal for townhome developments. Mr. Hunt asked the length of the hammerheads and the applicant stated that they are roughly 120 feet long. Mr. Braswell asked when the construction of the amenities would begin in relation to the whole development construction. The applicant stated that they would be constructed first, starting with the pool, cabana, and pickleball courts. Mr. Braswell asked for an explanation of the community garden. The applicant stated in other areas these were popular and it would be managed by the HOA but the homeowners would be planting and caring for the garden.

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 4-1 (Braswell opposed)

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. Development is approved as generally depicted on the site plan dated August 20, 2024, and as detailed in the project narrative dated August 20, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The minimum heated floor area (HFA) shall be 1,800 square feet for single-family detached homes and 1,300 square feet for townhomes.

3. A 50-foot transitional buffer (planted or undisturbed) shall be maintained along all external property lines.
4. All single-family homes and townhomes shall provide two car garages and driveways to accommodate two cars for parking. Garage door width shall not exceed 55% of the width of the front façade of the single-family residences and a maximum garage door width of 55% of the front façade of the townhomes.
5. Residential driveways shall measure no less than 22 feet in length from the right-of-way to the front of the garage door. All other parking must meet the standards listed in 17.250 of the Official Code of Hall County.
6. The amenity area shall include a swimming pool, a dog park, and four (4) mail kiosks with adjacent parking as depicted on the proposed site plan date August 20, 2024, and shall be completed before 50% of the final buildout of the development.
7. The Declaration of Covenants, Conditions, and Restrictions for the subdivision and the documents establishing the home owner's association shall be submitted for review. These documents shall include a provision that would assure maintenance of the amenity package through adequate assessment of the subdivision property and would provide for establishing a lien against any property failing to pay said assessment. These documents shall be recorded simultaneously with the final plat and/or prior to the sale of any lots within the subdivision.
8. 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.
9. Access to the development shall be approved by the Hall County Engineering Department. Access to the property from Guth Road shall be limited to emergency vehicles only. The developer shall implement all recommendations of the traffic study, subject to final review and approval by both Hall County Engineering. The developer shall be responsible for any costs associated with these improvements.
10. The development shall be limited to a maximum of four (4) 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. The proposed lift station shall be located on its own lot.
12. 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, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.

13. 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.”

14. 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:

- Townhome Garage Doors
 - Garage doors shall constitute no more than 50 percent of the width of the individual townhouse unit.
 - The applicant is proposing that garage doors shall not exceed 55% of the width of the individual townhouse façade.
- Single Family Garage Doors
 - Garage doors shall constitute no more than 40 percent of the width of the individual townhouse unit.
 - The applicant is proposing that garage doors shall not exceed 55% of the width of the individual townhouse façade.
- 16.60.160. Width of right-of-way.
 - C. Standard cul-de-sac. The right-of-way shall extend to a minimum 60-foot radius measured from the center of the cul-de-sac, and the total width shall be evenly divisible by ten feet.
 - The applicant is proposing three eyebrow cul-de-sacs in Pods A & B.
 - The applicant is proposing four hammerhead cul-de-sacs in Pod C.

Summary Analysis

The applicant is requesting to rezone a combined 114.147± acre tract zoned Agricultural Residential (AR-III, 17.110) to Planned Residential Development (PRD, 17.180.060) for the purpose of constructing a 256-unit residential development. The total density of the development will be 2.24 units per acre, containing a total of 198 detached single-family homes and 58 attached townhomes. An existing residence (4621 Stanley Road, tax parcel 15044 000035D) located on Stanley Road will remain, and will be provided with access through the proposed development. This parcel is not included as part of the rezoning request.

Per the letter of intent and concept plan, the development will be composed of three pods. Pods A and B will be developed with detached single-family residences and Pod C will be developed with townhomes. It should be noted, the narrative refers to the townhomes as “cottages” as well; for the purpose of this report, the term “townhome” shall be used for Pod C. Per the narrative, the facades of all the residences will be finished with a combination of masonry, fiber cement and/or shake siding materials.

Pods A and B will consist of a total 198 detached single-family homes, with a proposed minimum lot size of 8,000 square feet and a minimum heated floor area of 1,800 square feet. Pod C will consist of 58 townhomes with a minimum heated floor area of 1,300 square feet. The overall density for the development is 2.25 dwelling units per acre.

The development will include a minimum of 32.3% of open space, which will include streams and associated buffers, planted buffers, a dog park, and a swimming pool. The site includes four mail kiosks located throughout, and an amenity site located within Pod B which will serve both the single-family residences and townhomes. It should be noted that any impervious area is not to be counted towards open space, including the pool as shown as open space on the submitted concept pool. The development will include 5-foot-wide sidewalks on both sides of the street, ensuring pedestrian connectivity within the development.

Access to the subdivision will be provided by reconfiguring where Stanley Road intersects with JM Turk Road. Stanley Road will also continue to provide access to outparcels 15044 00034 and 15044 000035D. Guth Road will be improved and utilized as a gated emergency-only entrance with a cul-de-sac.

A traffic impact study was conducted by SEI Engineering, Inc and Acampora Traffic LLC on May 23, 2023, and revised January 24, 2024. The study was based on 196 proposed detached single-family homes and 128 attached townhomes for a total of 324 homes. The study found the proposed subdivision will generate 188 trips in the morning peak hour, 260 trips in the evening peak hour, and 2,800 daily trips. The report found that the three studied intersections are expected to continue to operate acceptably after the proposed development is complete. As a result, no off-site mitigation is identified for the future build condition as a result of the proposed subdivision. The study confirms the need for a northbound right turn lane and a southbound left turn lane onto JM Turk Road at the proposed project entrance.

Per the narrative, water service will be provided by the City of Gainesville Department of Water Resources, and sanitary sewer services will be provided by Hall County Sewer. The developer intends to connect to utilities in the area via an onsite lift station. The availability of the water service was confirmed in a letter dated July 3, 2024. The availability of the sanitary sewer services was confirmed in a letter dated June 27, 2024.

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	114.147± acres
Number of Units	–	256 single-family residences and townhomes
Density	2 units per acre maximum	2.24 units per acre*
Minimum Lot Area (single-family residences)	8,000 sq. ft.	8,000 sq. ft.
Maximum Building Height	–	40 feet
Minimum Open Space	30%	32.3%
Exterior Buffer	50 feet	50-foot planted buffer along the perimeter 50-foot undisturbed buffer along the stream buffers
Front Setback (Internal) - Detached	25 feet	25 feet – detached SFR
Side Setback (Internal) – Detached	5 feet	5 feet 10 feet - Side Corner*
Rear Setback (Internal) - Detached	20 feet	20 feet - detached SFR
Front Setback (Internal) – Attached	25 feet	22’ feet from back of sidewalk*
Side Setback (Internal) - Attached	5 feet	20 feet between buildings
Rear Setback (Internal) Attached	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 - Detached	–	1,800 square feet
Min. Heated Floor Space – Attached	–	1,300 square feet
Garage – % of front façade - Detached	40% when recessed a minimum of 5 to 20 feet behind front wall plan of residence	Maximum of 55% *
Garage – % of front façade – Attached	50% of the width of the townhome unit	Maximum of 55% *
Minimum Sidewalk Width	5 feet	5 feet

Cluster Mailbox Unit (CBU)	CBU with 14 short-term parking spaces	4 CBU with 94 short-term parking spaces
Note: Items marked with an asterisk (*) do not conform to 17.180.060.		

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 “Residential”. The intent of this land use category is to preserve established neighborhoods and create new residential developments consistent with surrounding suburban densities. This land use designation envisions moderate density at 2 dwelling units per acre. The proposed development has an overall density of 2.24 units per acre.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered by the Planning Commission and the Hall County Commission pursuant to 17.380.060:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The zoning proposal for residential development is suitable given the established residential uses of the surrounding area. The proposed development has an overall density of 2.24 dwelling units per acre which exceeds the typical density of surrounding development.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal for residential development is compatible with the established residential uses of the surrounding area, although the proposed zoning classification of Planned Residential Development (PRD, 17.180.060) permits a higher density than that of nearby residential development.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. The properties appear to have 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; **A traffic impact study found that the three study intersections are expected to continue to operate acceptably when the proposed development is complete. The study does confirm the need for a northbound right turn lane and a southbound left turn lane onto JM Turk Road at the proposed project entrance.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **Although consistent with the “Residential” land use designation, the proposed use is not consistent with the Comprehensive Plan recommended maximum density of two dwelling units per acre. The proposed development is proposing a density of 2.24 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; **Hall County property tax records show the properties are a mixture of vacant and developed parcels, which include a number of residential structures and accessory buildings that will be removed during the development of the project. The historic 1880's barn adjacent to JM Turk Road will remain on the property.**
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. That being said, 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; however, 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 types.**
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 Board of Commissioner 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, 17.180.080) 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.

17.380.50. - Submission requirements for a rezoning request

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in chapter 17.30 to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. 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 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. **Proposal meets the requirement. The applicant has provided a site plan and included the necessary information to properly assess the development.**

- 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 sewer and water; 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. **Proposal does meet the requirement. The traffic study found that the three study intersections are expected to continue to operate acceptably when the proposed development is complete. The study does confirm the requirement for a northbound right turn lane and a southbound left turn lane onto JM Turk Road at the proposed project entrance.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated July 31, 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 dated August 2, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, 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 August 1, 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. Show FEMA and Hall County studied Flood plains that are present on site.

Traffic: A left turn lane and decel lane will be required for the entrance. Any required roadway improvements will be the financial responsibility of the developer. A cul-de-sac should be provided for Guth Road at the proposed end of county maintenance.

Utilities: No sanitary sewer in area. 76,800 gallons per day residential this is in the Hall County service area.

Hall County Tax Assessor

In an email dated July 25, 2024, Cher Melendez, Specialized Assessment Manager stated, "Parcels 15043 000027 are in conservation use. Sending intent to breach letter on 08-9-24."

Georgia Department of Transportation

In an email dated July 30, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is not required.