

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Edge City Properties, Inc.

**Request** ..... Rezone from Agricultural Residential IV (AR-IV, 17.120) and Planned Commercial Development (PCD, 17.180.080) to Planned Residential Development (PRD, 17.180.060)

**Proposed Use** ..... 302-unit residential development

**Size** ..... 68.83± acres

**Zoning** ..... Current: Agricultural Residential IV (AR-IV, 17.120) and Planned Commercial Development (PCD, 17.180.080) | Proposed: Planned Residential Development (PRD, 17.180.060)

**Location** ..... **4336, 4370, & 4420 Benefield Road** | 15028 000014, 000070, & 000090 (pt.)

**Commission District** ..... One

**Planning Commission Date** ..... August 19, 2024

**Staff Recommendation** ..... **Denial**, as the development exceeds the two dwelling unit per acre recommended for the Residential future land use classification in the Comprehensive Plan

**Record Number** ..... HZON24-0014

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

**Vote: 3-2 (Varner and Pilcher opposed)**

**Planning Commission Conditions:**

1. The property shall be developed in accordance with the site plan dated July 23, 2024, and as described in the project narrative submitted April 10, 2024 and the supplemental revisions dated July 23, 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 150 detached single-family residences and 104 townhomes.
3. The minimum lot size for detached single-family residences shall be 7,000 square feet.

4. The minimum heated floor area (HFA) shall be 1,800 square feet for townhomes and single-story detached residences. Two-story detached residences shall have a minimum HFA of 2,000 square feet.
5. The amenity area shall include a recreational open areas, hiking trails, a swimming pool, a cabana, a dog park, central park area, and a mail kiosk with adjacent parking as depicted on the proposed site plan date July 23, 2024 and shall be completed before 30% of the final buildout of the entire project.
6. Both detached single-family homes as well as the townhomes shall include enclosed two-car garages. Front-entry garage orientation may be semi-flush with the garage face positioned a maximum of 8 feet past the front heated square footage plane of the residence as depicted on the renderings submitted April 19, 2024. 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 75% of the front façade of the townhomes.
7. All residential driveways shall measure no less than 22 feet from the garage door to the right-of-way.
8. Townhome buildings shall have no more than 6 units per building and facades shall have a minimum 2 foot offset no less than every 2 units to add to the visual interest of the development.
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 include a left turn lane and deceleration (right) turn lane for both proposed Benefield Road access points.
11. All roadways within the development shall be designed and constructed to Hall County Standards and dedicated to the county for public use.
12. 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.
13. There shall be a mandatory Homeowners' Association (HOA).
14. All designated open space within the development shall be commonly held, and not held by any individual homeowner(s).
15. The completed covenants for the subdivision and the documents establishing the property 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.
16. A 50-foot transitional buffer (planted or undisturbed) shall be maintained along all external property lines, with the exception that the property line adjacent to the racetrack shall remain undisturbed.
17. All stream buffers must be fully within Homeowners' Association common space and shall not encroach onto any individual residential building lot.
18. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.

19. The following statement shall be placed upon the final plat and/or development plans for the property:  
“Owners and users of this property are informed of motor raceway venues nearby and should expect noise, crowds, and other effects associated with such venues.”
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. The existing single-family home at 4420 Benefield Road (part of parcel 15028 000090) shall not be considered part of the zoning request or subject to these conditions.
22. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
23. The residences (townhomes and detached dwellings) shall be composed of brick, masonry, or a combination of the two on the front facade and sides.
24. The construction entrance for the development shall be located at the future access points and shall be clearly marked with room for stacking of vehicles and equipment and washout stations for departing vehicles. The entrance shall be regularly maintained to ensure that vehicles are not tracking mud from the development onto Benefield Road.
25. Construction traffic shall be limited to the section of Benefield Road from its intersection with Winder Highway to the westernmost corner of the subject property. Construction traffic shall only access Benefield Road from Winder Highway and should not turn west on Benefield Road when leaving the development. Only if the intersection of Benefield Road and Winder Highway is inaccessible should any construction traffic use Benefield Road beyond the subject property. Enforcement shall be the developer’s responsibility.
26. Short term rentals shall be prohibited. This restriction shall be included in the HOA covenants.
27. The developer shall provide plans for a sound barrier to be presented for consideration by the Board of Commissioners at their public hearing for the rezoning request.
28. The developer shall make road improvements at the intersection of Benefield Road and Winder Highway (SR 53) as recommended in the traffic study dated March 22, 2024, performed by A&R Engineering Inc. subject to the approval of the Georgia Department of Transportation. Such improvements shall be done at the developer’s expense, and the developer shall be responsible for obtaining all necessary permits and rights-of-way.

### **Excerpts from the August 19, 2024 Planning Commission Meeting**

#### **Applicant’s Presentation:**

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

**Michael Dye, 4280 Dove Point, Duluth**, presented the request. The applicant explained that the development has been reduced by 39 lots to create more greenspace, including a central park area in the northern part of the property. He highlighted plans for 2,000 linear feet of trails as well as various amenities, including a pool cabana, dog park, and additional greenspaces. A second entrance was added

to the project due to the number of units, and the development will be naturally shielded from Benefield Road because of the topography. The applicant also mentioned that 5 acres, situated between Benefield Road and the development, will remain in the property owner's possession, currently platted as an individual lot. He further stated that the starting price for the townhomes will be \$350,000, with a one-story option designed to appeal to seniors who prefer not to live in age-restricted communities. Additionally, the applicant confirmed plans to install two left-turn lanes and deceleration lanes on Benefield Road at both entrances to ease traffic flow.

**Public Forum:**

**Sonny Roshan, 4420 Benefield Road, Braselton,** spoke in favor. He discussed how the development would enhance surrounding property values and beautify the area. He also expressed a preference for this proposed use of the property over the previously approved one.

**David Dell, 5385 Winder Highway, Braselton,** spoke in favor. He expressed a desire to have only one lift system for the development, either on his property or on Road Atlanta's property, due to its central location and ability to serve other properties. Mr. Sosebee inquired about how long Mr. Dell had owned his property, to which Mr. Dell responded that he has owned it for five years.

**Bruce Peifke, 5301 Winder Highway, Braselton,** spoke in favor. He noted that the raceway is very loud and suggested that prospective residents should be made aware of it, adding that the only way to reduce the noise would be by installing a noise barrier. Mr. Varner asked about the frequency of drifting at the raceway, to which Mr. Peifke responded that drifting occurs every Friday, weather permitting.

**Martha Walker 4417 Benefield Road, Braselton,** spoke in opposition. Concerns were raised about increased traffic and zoning regulations. Ms. Walker questioned why the proposed entrance to the development is not located off Highway 53.

**Stephanie Davis, 4337 Benefield Road, Braselton,** spoke in opposition. Concerns were raised regarding the density of the development. Mr. Davis recommended adding several conditions: limiting the project to 137 detached single-family residences with no townhomes permitted, a minimum lot size of 8,000 square feet for a density of 3.82 units per acre, ensuring that garage doors do not exceed 40% of the front façade width, and establishing an HOA with a policy prohibiting short-term rentals within the community.

**Shellie Moreland, 4387 Benefield Road, Braselton,** spoke in opposition. Concerns were raised about the traffic study findings, specifically issues with turning from Benefield Road onto Highway 53, frequent car accidents, the condition of road infrastructure, and the need to install a traffic light or roundabout at the intersection of Winder Highway (53) and Benefield Road.

**Wes Robinson, 200 E E Butler Parkway, Gainesville,** spoke in opposition. Concerns were raised about the residential development's proximity to the raceway, with suggestions to add a noise disclaimer to the plats and a condition to install a sound barrier.

**Chris Campbell, 4324, Benefield Road, Braselton,** spoke in opposition. Concerns were raised about wildlife migrating to his and neighboring farm properties, increased traffic, the safety of children riding the bus, and the location of entrances to the development.

**Joe Ciotti, 4344 Benefield Circle, Braselton**, spoke in opposition. Concerns were raised about the narrow road on Benefield Circle, increased traffic, and safety.

*Rebuttal*

The applicant stated that he was invited to the raceway on a Friday and is of the opinion that the existing vegetation, which will be maintained, helps buffer the noise. Mr. Varner questioned if the applicant does not believe it will be a problem. The applicant stated that he does not believe it to be an issue in this housing market. The applicant stated that adding the turn lanes will assist with the level of traffic coming with the development and the speed limit could change. The applicant also stated that the density pushes planning staff to recommend denial but it is noted in the staff report that the application tackles the housing need in the county.

**Planning Commission Comments:**

Mr. Braswell stated that in the public forum someone requested to not allow short term rentals in the development and asked if the applicant would agree to a condition prohibiting it. The applicant stated he would not be opposed. Mr. Sosebee questioned if the applicant would be willing to add a sound barrier for the development. The applicant stated that he has never had to install a sound barrier, but he will do some research. Ms. Pilcher stated that the noise in the area is very loud and that is a concern for her along with the density. The applicant stated that the townhomes will help decrease the noise traveling in the area and that the 50-foot buffer would be kept undisturbed to help with the noise. Mr. Sosebee questioned the lot size. The applicant stated that the minimum lot size is 6,600 square feet. Mr. Sosebee questioned if the applicant would be willing to set the minimum lot size at 7,000 square feet. The applicant agreed. Mr. Braswell questioned the number of phases for building. The applicant stated it would be built in three phases in the span of three years. Mr. Hunt questioned if the applicant agrees to complete road improvements at the intersection of Benefield Road and Highway 53. The applicant stated that was correct. Mr. Sosebee questioned if this would be at the developer's expense. The applicant agreed. Ms. Pilcher questioned if the right-of-way on Benefield Road would be dedicated from the subject property. The applicant stated that was correct. Mr. Braswell questioned the lift station. The applicant stated that a preliminary plan was already submitted and they are working with the Engineering Department. Mr. Sosebee stated that there have been many concerns from the community but he believes the development can help alleviate the housing concerns in the area.

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

Conditions:

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2. The development shall be limited to 150 detached single-family residences and 104 townhomes.
3. The minimum lot size for detached single-family residences shall be 7,000 square feet.

4. The minimum heated floor area (HFA) shall be 1,800 square feet for townhomes and single-story detached residences. Two-story detached residences shall have a minimum HFA of 2,000 square feet.
5. The amenity area shall include a recreational open areas, hiking trails, a swimming pool, a cabana, a dog park, central park area, and a mail kiosk with adjacent parking as depicted on the proposed site plan date July 23, 2024 and shall be completed before 30% of the final buildout of the entire project.
6. Both detached single-family homes as well as the townhomes shall include enclosed two-car garages. Front-entry garage orientation may be semi-flush with the garage face positioned a maximum of 8 feet past the front heated square footage plane of the residence as depicted on the renderings submitted April 19, 2024. 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 75% of the front façade of the townhomes.
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15. The completed covenants for the subdivision and the documents establishing the property 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.
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18. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.

19. The following statement shall be placed upon the final plat and/or development plans for the property:  
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  21. The existing single-family home at 4420 Benefield Road (part of parcel 15028 000090) shall not be considered part of the zoning request or subject to these conditions.
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**Staff recommends DENIAL of the applicant’s request. However, if the Planning Commission sees fit to approve this applicant, staff recommends the following conditions:**

1. The property shall be developed in accordance with the site plan dated July 23, 2024, and as described in the project narrative submitted April 10, 2024 and the supplemental revisions dated July 23, 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 159 detached single-family residences and 104 townhomes.
3. The minimum lot size for detached single-family residences shall be 8,000 square feet.
4. The minimum heated floor area (HFA) shall be 1,800 square feet for townhomes and single-story detached residences. Two-story detached residences shall have a minimum HFA of 2,000 square feet.
5. The amenity area shall include a recreational open areas, hiking trails, a swimming pool, a cabana, a dog park, central park area, and a mail kiosk with adjacent parking as depicted on the proposed site plan date July 23, 2024 and shall be completed before 50% of the final buildout of the entire project.
6. Both detached single-family homes as well as the townhomes shall include enclosed two-car garages. Front-entry garage orientation may be semi-flush with the garage face positioned a maximum of 8 feet past the front heated square footage plane of the residence as depicted on the renderings submitted April 19, 2024. 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 75% of the front façade of the townhomes.
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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.

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17. All stream buffers must be fully within Homeowners' Association common space and shall not encroach onto any individual residential building lot.
18. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
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"Owners and users of this property are informed of motor raceway venues nearby and should expect noise, crowds, and other effects associated with such venues."
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21. The existing single-family home at 4420 Benefield Road (part of parcel 15028 000090) shall not be considered part of the zoning request or subject to these conditions.
22. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.

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**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 – 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 reduction of the minimum lot area from 8,000 square feet to 6,000 square feet and a density of 3.82 units per acre. **This does not meet the standard.**

17.180.060.B.9. - Architectural Standards

- B) *Single-family or two-family residence garages.* Garage placement shall match one of the following standards for lots less than one acre: (note: garage images provided in the following section are from the Roswell, Georgia Unified Development Code, Article 2. Rules of Interpretation, Section 2.2.19 Residential Garage Parking.)
  - i) *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 detached single-family homes, the applicant proposes front-oriented garage placements, with renderings showing the garage doors positioned to extend past the front heated square footage plane of the residence at a maximum of 8 feet with a maximum garage door width of 55% of the front façade. **This does not meet the standard.**
- C) *Townhouse garages.* Townhouses fronting an arterial or collector street shall be rear-loaded. Townhouses fronting a minor street may be rear-loaded or front-loaded.
  - ii) *Front-loaded.* Garage doors shall constitute no more than 50 percent of the width of the individual townhouse unit. A minimum of 20 feet is required between the garage and edge of right-of-way.
    - For the townhomes, the submitted narrative and renderings showing a maximum garage door width of 75% of the front façade. **This does not meet the standard.**

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**Summary Analysis**

The applicant is requesting to rezone a combined 68.83± acres zoned Agricultural Residential IV (AR-IV, 17.120) and Planned Commercial Development (PCD, 17.180.080) to Planned Residential Development (PRD, 17.180.060) to develop a 263-unit residential subdivision consisting of 159 detached single-family homes and 104 front-entry townhomes at a total density of 3.82 units per acre. The property includes Copper Creek, which runs along the southwestern boundary of the subject property. Further, this area is impacted by the County Studied and FEMA Flood Zones. The property is currently developed with several single-family residences and agricultural buildings. Per the submitted narrative and site plan, the existing residence located on parcel 15028 000090 is the only existing structure to remain and will sit on a separate 4.50± acre tract. This tract will not have internal access to the proposed development and will maintain its existing access to Benefield Road. The existing home is not intended to be included as part of the rezoning request.

Although the subject property does not abut Winder Highway and no access is proposed by the applicant, it should be noted that Road Atlanta occupies nearly 700 acres. Michelin Raceway is used regularly for various automobile races and the property also houses multiple businesses which support the site and industry. The race track has existed since 1970.

Parcels 15028 00070 and 000090 were previously rezoned on August 12, 2021 from Agricultural Residential IV (AR-IV, 17.120) to Planned Commercial Development (PCD, 17.180.080) as part of a larger mixed-use commercial development (HZON2021-00046). This development consists of a total of 137.17 acres and was approved for 21 car condo buildings, which would feature fee simple attached units with garage areas and optional loft living spaces; 16 race day cottages, which were detached or attached cottages primarily for use during race weeks; 34 luxury recreational vehicle parking spaces for rent; 17 single-family lots; an event center and hotel; retail buildings; a commercial center; and the main race track. When comparing the area of the proposed request with the concept plan associated with the previous rezoning, the previous zoning primarily consists of the single-family lots, car condos, race day cottages and luxury recreational vehicle parking spaces. In contrast, the new request proposes only single-family detached homes and attached townhome units. The subject request also includes a portion of an AR-IV zoned tract to the west.

The proposed development will consist of townhomes as well as one and two-story detached homes with two car-garages. Homes will be finished with brick, stone, and/or fiber-cement shake/siding on the front facades. Detached homes will range from a minimum of 1,800 to 2,000 square feet of heated floor space and the townhomes will be a minimum of 1,800 square feet of heated floor space.

The site plan indicates that two access points, with both entrances being on Benefield Road, will serve the development. The project narrative states that internal roads will be constructed according to Hall County’s development standards and acknowledges that the development will not privately own the roads and alleyways. The development also proposes 5-foot-wide sidewalks on both sides of the street for pedestrian connectivity and offers to provide 32.5% open space, which will include stream buffers, planted and undisturbed exterior buffers, stormwater management areas, a dog park, central park, and multiple open areas for passive recreational usage and hiking trails.

The rezoning request suggests that construction will occur in three phases, with approximately 101 residential units in each phase. The applicant states that final completion of the project is anticipated to take four years.

The development standards for the project are described in the table below and are compared with the PRD requirements, (17.180.060):

<b>Standard</b>	<b>PRD Requirement (17.180.060)</b>	<b>Proposed Development</b>
Site Area	5 acre minimum	68.83± acres
Number of Units	–	263 residential units total: 159 single-family detached residences and 104 townhomes
Density	2 units per acre maximum	3.82 units per acre*
Min. Lot Area	8,000 sq. ft. (Single Family) 330,425 (Townhomes)	6,000 sq. ft. *
Max. Building Height	–	35 feet

Min. Open Space	30%	32.5%
Exterior Buffer	50 feet	50-foot planted buffer along the perimeter 50-foot undisturbed buffer along the stream buffers 6 ft. wooden fence along southeast property line
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	–	1,800 square feet
Garage – % of front façade	Single-family residences: 40% when recessed a minimum of 5 to 20 feet behind front wall plane of residence Townhouses: 50% of the width of the individual townhouse unit for front-loaded units	Single-family residence: Maximum of 55% when the garage extends a minimum of 8 feet beyond the front façade * Townhomes: Maximum of 75% *
Sidewalk	5 feet wide sidewalk constructed on both sides of the streets	5 feet wide sidewalk constructed on both side of the streets
Cluster Mailbox Unit (CBU)	CBU with 13 short-term parking spaces	CBU with 17 short-term parking spaces
Note: Items marked with an asterisk (*) do not conform to 17.180.060.		

The applicant has proposed amenity areas to consist of multiple recreational open areas, hiking trails, a swimming pool, a cabana, a dog park, central park, and a mail kiosk with adjacent parking, which will serve both the single-family detached homes and townhomes. Furthermore, the narrative states a mandatory Homeowner Association will be created to govern the development with regards to architectural standards, quality control, and maintenance of the common areas, signage, and amenities. The applicant further states that the subdivision will include monument residential signs that will be limited to 32 square feet each. The applicant has not provided the intended locations of the monument signage or how many signs are intended to be constructed.

A traffic impact study was prepared based on the previously proposed numbers of 186 detached single-family homes and 116 attached townhomes for a total of 302 homes.. The study found the proposed subdivision is expected to generate 186 trips in the morning peak hour, 244 trips in the evening peak hour, and 2,619 daily trips. The study recommends the access configurations for both proposed entrances as well as the intersection of Benefield Road and Winder Highway. The developer is currently proposing 159 detached single-family homes and 104 townhomes for a total of 263 homes. Coordination and approval from both GDOT and Hall County Engineering will be required for implementation of recommendations.

Per the submitted narrative, water services will be provided by City of Gainesville Department of Water Resources, and sanitary sewer services will be provided by Hall County Sewer. The 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 March 26, 2024. The availability of the sanitary sewer services was confirmed in a letter dated March 27, 2024.

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 inconsistent* 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 development 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 3.82 units per acre.

### **Zoning Analysis**

When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The zoning proposal *is inconsistent* with the Hall County Comprehensive Plan future land use designation of Residential, as the proposed development has an overall density of 3.82 units per acre, while the land use designation envisions moderate density at 2 dwelling units per acre. The surrounding area consists of a variety of land uses which include residential, agricultural, industrial, and commercial 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) permits a higher density than that of nearby residential parcels. This development will introduce more vehicular traffic onto Benefield 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 recommended. These include: two turn lanes at access points along Benefield Road, a deceleration lane on Highway 53 accessing Benefield Road, and a right turn lane at the intersection of Benefield Road as it approaches Winder Highway (SR 53). Coordination with GDOT and Hall County Engineering will be required for the implementation of the recommendations.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use is not consistent with the Comprehensive Plan and the “Residential” land use designation. The recommended density for this character area is two dwelling units per acre. The proposed development is proposing a density of 3.82 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 subject properties are currently developed with single-family residences and agricultural buildings. One of the single-family residences was constructed in 1930.**
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 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 and a variety of 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 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, 17.180.060)** 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]. **The proposal provides a narrative outlining the intent of the development; however, the applicant has not prepared a response to each of the criteria listed in 17.380.060.C.**
  2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal meets the requirement. The applicant has provided a site plan and included much of the necessary information to properly assess the development. However, information about adjacent parcels is limited.**
- C. For any application for a slow rate land treatment system (see chapter 17.20), the following additional requirements apply. **The proposed development will utilize public water and sewer; as such, this is not applicable.**

- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **The applicant submitted a traffic study conducted by A&R Engineering, Inc. which recommended two turn lanes at access points along Benefield Road, a deceleration lane on Highway 53 is needed entering into Benefield Road, and a right turn lane on the south of Benefield Roads approach to Highway 53.**

#### **Development Support and Constraints – Departmental / Agency Comments**

##### **Hall County Environmental Health**

In an email dated May 10, 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 May 23, 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 16, 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.

As this subdivision is greater than 6 lots on an existing road, a stormwater management report prepared by a professional engineer will be required.

##### **Traffic:**

Recommend improvements identified in the traffic impact study be required. Some will require GDOT coordination. Per County Code, a left turn lane and decel (right) turn lane will be required for both proposed Benefield Road access points. Recommend this be a condition.

Any design elements that do not meet County Code 16.60 will need a variance this includes proposed off-site guest parking areas, distance between intersections, curve radii, minimum length of a cul-da-sac, etc.

##### **Utilities:**

Nearest sanitary sewer is west access Winder Hwy on Howington Rd. – Hall County sewer.

##### **Hall County Tax Assessor**



In an email dated May 09, 2024, Steve Watson, Director and Chief Appraiser of Hall County Board of Assessors, stated "Tax Parcel #'s 15028 000070 and 15028 000090 are in a conservation use covenant. Rezoning to PRD may potentially breach the covenant. The subdividing of the property into residential lots and homes will certainly breach the covenant. I do not see any notes where we spoke with the current property owner regarding this. The covenant was just renewed in 2022."

**Georgia Department of Transportation**

In an email dated May 20, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that this project will not require GDOT coordination.