

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Trey Bell

Request Amend Conditions of Zoning

Proposed Use Model homes within a townhome development

Size 42.459± acres

Zoning Planned Residential Development (PRD,
17.180.060)

Location **2522 Lee Land Road** | Tax Parcel 15030
000027A

Commission District Four

Planning Commission Date November 4, 2024

Staff Recommendation **Approval, with conditions**, as the proposed
changes are consistent with previous approvals.

Record Number HZCU24-0044

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

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan and project narrative approved on December 10, 2021, and updated with the site plan dated September 5, 2024, and narrative dated August 29, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The previously approved conditions dated December 10, 2021, as amended shall apply:
 1. The development shall generally occur as described in the site plan project narrative, modified for compliances with zoning conditions, Hall County regulations, and any other regulatory agencies at time of development.
 2. The dwelling units with an overall site density not to exceed 4.1 dwelling units per acre.

3. Townhomes shall have a maximum of two stories.
4. The following standards shall apply to the development:
 - i. Setbacks:
 1. Front – 20 feet between garage and curb
 2. Side – 20 feet from adjacent building
 3. Rear – 20 feet from adjacent building
 - ii. Minimum heated floor area – 1,450 sq. ft.
 - iii. A minimum of 2 off-street parking spaces will be provided per dwelling unit
 - iv. With the exception of required stormwater or utility improvements existing trees and vegetative buffer will remain undisturbed.
 - v. All façades shall be finished with a combination of brick, stone, stucco, or fiber cement type siding. Front facades shall incorporate changes in these materials to alter color or texture. Vinyl siding shall be prohibited
 - vi. Materials and colors for exterior finishes shall be reviewed and approved by the Planning Director or their designee prior to construction
 - vii. Each townhome shall have a single-car garage with a door that is no wider than 50% of the front façade of the individual unit.
 - viii. Garage door shall be located a minimum of 20 ft. from the front edge of the sidewalk nearest the dwelling.
3. The development shall be limited to a maximum of 4 model homes prior to approval and recording of the final plat. Model homes permits may be issued prior to Final Plat recording provided that hard surfaces (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.
4. Amenities including a dog park and playground shall be completed prior to fifty percent (50%) build-out of the development. Additional amenities may be constructed by the developer at the discretion and approval of the Director of Planning and Zoning.
5. 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, Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
7. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”
8. Temporary parking for model homes of no more than six spaces may be located on lots other than those where the model homes are located. Final location is subject to the review and approval of the Director of Planning and Zoning or their designee.

Excerpts from the minutes of the November 4, 2024 meeting

Applicant's Presentation:

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

Trey Bell, 4143 Schubert Road, Flowery Branch, presented the request. The applicant is requesting to amend conditions of a Planned Residential Development (PRD, 17.180.060) to allow for model homes and additional amenity areas on a 42.459± acre tract. The subject property was rezoned on December 10, 2021, from Agricultural Residential-III (AR-III, 17.110) to Planned Residential Development (PRD, 17.180.060) for the development of a 160-unit townhome subdivision with 4 conditions. Mr. Bell stated that he is also requesting that temporary parking and walking paths for the model homes be permitted on nearby non-model home lots.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell asked Ms. Garmon if the offsite parking for model homes could be handled by staff. Ms. Garmon stated that the code requires onsite parking so it would be best for the Planning Commission to acknowledge that part of the request as part of their motion if they wish to vary the requirement. The applicant further stated the request is intended to keep sales traffic off the roadway during construction. Mr. Varner asked the applicant how many parking spaces he would want. The applicant stated six would be sufficient.

***Motion: A motion to approve, with conditions was made by Mr. Varner and seconded by Mr. Sosebee.
Vote: 5-0***

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Staff recommends APPROVAL of the applicant's request with the following conditions:

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 - a. The development shall generally occur as described in the site plan project narrative, modified for compliances with zoning conditions, Hall County regulations, and any other regulatory agencies at time of development.
 - b. The dwelling units with an overall site density not to exceed 4.1 dwelling units per acre.
 - c. Townhomes shall have a maximum of two stories.
 - d. The following standards shall apply to the development:
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5. 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, Fire Marshal, and Hall County Engineering.
 6. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
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Summary Analysis

The applicant is requesting to amend conditions of a Planned Residential Development (PRD, 17.180.060) to allow for model homes and additional amenity areas on a 42.459± acre tract.

The subject property was rezoned on December 10, 2021, from Agricultural Residential-III (AR-III, 17.110) to Planned Residential Development (PRD, 17.180.060) for the development of a 160 unit townhome subdivision with the following 4 conditions:

1. The development shall generally occur as described in the site plan project narrative, modified for compliances with zoning conditions, Hall County regulations, and any other regulatory agencies at time of development.
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 - e. All façades shall be finished with a combination of brick, stone, stucco, or fiber cement type siding. Front facades shall incorporated changes in these materials to alter color or texture. Vinyl siding shall be prohibited
 - f. Materials and colors for exterior finishes shall be reviewed and approved by the Planning Director or their designee prior to construction
 - g. Each townhome shall have a single-car garage with a door that is no wider than 50% of the front façade of the individual unit.
 - h. Garage door shall be located a minimum of 20 ft. from the front edge of the sidewalk nearest the dwelling.

A land disturbance permit (HPW2022-00071) was issued on March 21, 2023, and initial grading work was conducted under this permit. However, the permit expired on March 21, 2024.

Per the narrative, the applicant is requesting to amend the previous conditions to allow for the construction of four model homes prior to final plat. Additionally, the applicant is requesting to add a playground and a dog park as amenities to the development.

The proposed four model homes are located near the east entrance of the development and will face Green Juniper Way. The proposed dog park and playground will be located on the west side of the development off Meadowvale Lane.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the board shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall 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 requested use is consistent with the previous approval for the rezoning of this property on December 10, 2021.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property **No, it is not anticipated that the proposed amendment will adversely affect adjacent properties.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned Planned Residential Development (PRD, 17.180.060).**
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; **If approved, the amendment of conditions is not anticipated to cause an excessive or burdensome use of the existing infrastructure.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The zoning designation has been established by previous board action with the original approval of the development. The requested modification does not affect the designated future land use of the area.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently undeveloped. A land disturbance permit was issued on March 12, 2023; however, the permit is currently expired as of March 21, 2024.**
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 affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The request is to amend zoning conditions of an existing Planned Residential Development (PRD, 17.180.060). Per the Official Code of Hall County, the Planned Residential Development District (PRD, 17.180.060) is 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.**
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 request is not out of scale with the needs of the county as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The existing zoning of the subject site supports the proposed use; however, the proposal to amend the conditions requires approval by the Board of Commissioners.**
15. Whether the need for rezoning could; be handled instead by a variance request to the Planning Commission; **The request could not be handled 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 are no anticipated ecological or pollution impacts 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.**

17.380.050. - Submission requirements

- 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 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 does provide a narrative outlining amendment of conditions requested; however, the applicant has not prepared a response to each of the criteria listed in 17.380.060.C.**
 - 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal meets this requirement. 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. **This standard is not applicable to the applicant's request.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated October 3, 2024, Emily McGahee stated "No comment."

Hall County Fire Marshal

In an email dated October 3, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Public Works and Utilities

In a memo dated October 3, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show stream buffer and impervious setback from wretched vegetation not centerline of stream.

Traffic:

No comment

Utilities

City of Gainesville Sewer Service Area

Georgia Department of Transportation

In an email dated October 1, 2024, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination is not required.