

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Georgia South Development, LLC

Request Use Subject to County Commission Approval |
Amend Conditions of Planned Residential
Development (PRD, 17.180.060)

Proposed Use 88-unit townhome development

Size 31.64± acres

Zoning Planned Residential Development (PRD,
17.180.060)

Location **4610 & 4616 Winder Highway** | Tax Parcels
15037A000070 & 15037A000001

Commission District One

Planning Commission Date May 20, 2024

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

Record Number.....HZON24-0002

Planning Commission Recommendation.....**Approval, with conditions**
Vote: 3-2 (Varner & Pilcher opposed)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan received on May 20, 2024, and as described in the project narrative received on May 17, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be limited to 80 townhome units.
3. The minimum heated floor area (HFA) of each residential unit shall be 1,800 square feet.
4. All front and side facades of each townhome pod shall be composed of brick, stone, or a combination of the two, excluding gables which shall be composed of a masonry product. Vinyl siding is prohibited. Homes shall be consistent with the submitted renderings. Final review and approval of building elevations is subject to the Assistant Director of Planning and Development, or their designee.

5. All units shall be designed with a two-car garage. Garage doors shall constitute no more than 70 percent of the width of the individual townhouse unit.
6. All residential driveways shall measure no less than 22 feet from the right-of-way to the front of the garage door.
7. The development shall feature internal sidewalks no less than five (5) feet in width constructed on both sides of all internal streets, and shall also connect to the existing sidewalks along Winder Highway.
8. 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.
9. The development shall be limited to a maximum of one (1) townhome building 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.
10. There shall be a mandatory Homeowners' Association (HOA).
11. All roadways within the development shall meet all county standards and be developed for public use.
12. All stream buffers must be fully within the Homeowners' Association (HOA) common space and shall not be included on any individual residential building lot.
13. Vehicle parking for guests shall be no less than the 25 spaces and mail kiosk parking shall be no less than 17 spaces as shown on the site plan received May 20, 2024. All roadway design and parking configurations shall meet Hall County Traffic standards.
14. The amenity area shall include guest parking, outdoor pavilion, picnic area, playground and open area (natural) with pedestrian bridge, and a mail kiosk. The amenity area shall be completed by 50% of final buildout.
15. 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.
16. 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.”

17. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision
18. The Open Space and lot configuration shall be designed to meet §17.430.110.E and §17.430.110.F, including the requirement that "F. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space." The designed lot layout shall be approved by the Planning Director prior to submission of the application for a Preliminary Plat/LDP application
19. A minimum 50 foot transitional buffer will be required along all property boundaries, as shown on the site plan received on May 20, 2024. A fence shall be installed along the northern boundary from Winder Highway to the 50 foot stream buffer and then south to the 50-foot stream buffer of the opposite stream running along the southern property line. The fence shall be installed at 6 feet tall and shall be installed 8 feet inside of the transitional buffer into the subdivision. The remaining 42 feet shall be landscaped and shall include vegetation of 6 foot at planting. Along Winder Highway, the 6 feet fence shall be installed on the inside of the 10 feet and the landscaping buffer would be on the roadside. Full landscaped with plan submitted to and approved by the Planning and Development Director. The planted buffers shall conform to the requirements as described in section 17.260.020 Vegetation Buffers and Vision Clearance.
20. The proposed Stormwater BMP (pond) shall be on a separate "utility" lot that is not a part of the open space.
21. The proposed sewer lift station shall be on a separate "utility" lot with design, ownership and access to be determined by Hall County Public Works prior to submission of the Preliminary Plat/LDP application.
22. The development shall be designed so that all state waters and required buffers (50' and 75') do not encroach on any individual townhome lot.
23. Townhome facades shall have a minimum 2-foot offset no less than every 2 units to add to the visual interest of the development.
24. All designated open space within the development shall be commonly held, and not held by any individual homeowner(s).
25. There shall be a 50 foot buffer along the access easement which exists on the subject property from Winder Highway to tax parcel 15037A000002_.

Excerpts from the minutes of the May 20, 2024 meeting

Applicant's Presentation:

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

Steven Gilliam, 340 Jesse Jewell Parkway, Gainesville, presented the request. The applicant stated the property was previously approved for a 53 single-family home development; however, after attempting to begin development, they realized it was not viable due to the 50-foot buffer being encompassed within several lots and a required deceleration lane required by Georgia DOT. The applicant stated the

new development would feature townhome units that are 24 feet wide with an amenity area maintained by a Homeowners Association (HOA) as well as 67% open space. The applicant presented comparable developments recently approved by the Board of Commissioners. The applicant stated that the townhome model is more affordable for future homeowners. The applicant presented the updated site plan with additional guest parking in the cul-de-sacs. The applicant went over the requested specific design elements associated with the development such as a variance request to allow for a garage width of no more than 70% of the façade, incorporation of a 50-foot transitional buffer maintained by the HOA, and 17 guest parking spaces throughout the development.

Cameron Henderson, 554 West Main Street, Buford, further presented the request.

Public Forum:

Russell Dye, 3138 Marthasville Court, Gainesville, spoke in opposition. Concerns were PRD zoning and townhome plan.

Terrell Strickland, 4606 Winder Highway, Flowery Branch, spoke in opposition. Concerns were the townhome product and increased traffic. Mr. Strickland requested that the Planning Commission require a 50 foot buffer with a 6 foot wooden fence, remove the deceleration lane on Winder Highway and the buffer from the driveway where he has an easement, require the buffer and wooden fence to be installed 30 days after grading first commences on the property, and to condition the maintenance of buffer and fencing.

Ryan Smith, 3926 Ellison Farm Road, Gainesville, spoke in opposition. Concerns were increased traffic, high density, overcrowding schools, square footage of units not complying with the adopted comprehensive plan, and requesting that the recommended conditions match the original zoning request.

Jerry Hagan, 4951 Harvest Court, Flowery Branch, spoke in opposition. Concerns were high density, lack of amenities, and increased traffic.

Craig Henderson, 4615 Plantation Drive, Flowery Branch, spoke in opposition. Concerns were that the lack of a pool in the proposed development would increase usage of the pool in the neighboring development, and high density.

Planning Commission Comments:

Mr. Sosebee questioned why there was no pool included in the amenities. Mr. Henderson stated it was difficult to maintain a pool for the size of the development so instead they are providing grilling areas, playgrounds and cabanas. Ms. Pilcher questioned the square footage of the homes. Mr. Henderson stated they would be about 1,800 heated square feet. Ms. Pilcher questioned the price of the units. Mr. Henderson stated they would be about \$400,000. Mr. Hunt questioned if the homes would have a brick façade. Mr. Henderson stated that they are prepared to do 70% brick façade and would prefer that the balance be board and batten. Mr. Henderson stated that there will be a 50 foot replanted buffer along Mr. Strickland's property. Mr. Henderson stated that they are aware of the driveway easement and they will keep it in mind when coordinating with GDOT. Mr. Hunt suggested that the corner of the buffer next to Mr. Strickland's easement be curved instead of having a 90 degree angle to avoid the buffer being within this easement. Mr. Henderson agreed. Ms. Pilcher stated that the development is fairly close to

the schools and can cause an issue with car-rider lines. Mr. Sosebee questioned if there was any flexibility on density. Mr. Henderson stated the quality of the homes calls for the amount of units. Mr. Varner stated that he does not see the infrastructure to support the development, especially traffic. Mr. Braswell questioned the number of bedrooms. Mr. Henderson stated they would be 3 bedroom and 2 baths per unit. Mr. Braswell questioned if the applicant would agree on 2.5 units per acre. Mr. Henderson stated it would be on the lower end of previously approved densities.

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

Conditions:

1. The property shall be developed in accordance with the site plan received on May 20, 2024, and as described in the project narrative received on May 17, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be limited to 80 townhome units.
3. The minimum heated floor area (HFA) of each residential unit shall be 1,800 square feet.
4. All front and side facades of each townhome pod shall be composed of brick, stone, or a combination of the two, excluding gables which shall be composed of a masonry product. Vinyl siding is prohibited. Homes shall be consistent with the submitted renderings. Final review and approval of building elevations is subject to the Assistant Director of Planning and Development, or their designee.
5. All units shall be designed with a two-car garage. Garage doors shall constitute no more than 70 percent of the width of the individual townhouse unit.
6. All residential driveways shall measure no less than 22 feet from the right-of-way to the front of the garage door.
7. The development shall feature internal sidewalks no less than five (5) feet in width constructed on both sides of all internal streets, and shall also connect to the existing sidewalks along Winder Highway.
8. 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.
9. The development shall be limited to a maximum of one (1) townhome building 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.
10. There shall be a mandatory Homeowners' Association (HOA).
11. All roadways within the development shall meet all county standards and be developed for public use.
12. All stream buffers must be fully within the Homeowners' Association (HOA) common space and shall not be included on any individual residential building lot.
13. Vehicle parking for guests shall be no less than the 25 spaces and mail kiosk parking shall be no less than 17 spaces as shown on the site plan received May 20, 2024. All roadway design and parking configurations shall meet Hall County Traffic standards.
14. The amenity area shall include guest parking, outdoor pavilion, picnic area, playground and open area (natural) with pedestrian bridge, and a mail kiosk. The amenity area shall be completed by 50% of final buildout.

15. 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.
16. 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."
17. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision
18. The Open Space and lot configuration shall be designed to meet §17.430.110.E and §17.430.110.F, including the requirement that "F. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space." The designed lot layout shall be approved by the Planning Director prior to submission of the application for a Preliminary Plat/LDP application
19. A minimum 50 foot transitional buffer will be required along all property boundaries, as shown on the site plan received on May 20, 2024. A fence shall be installed along the northern boundary from Winder Highway to the 50 foot stream buffer and then south to the 50-foot stream buffer of the opposite stream running along the southern property line. The fence shall be installed at 6 feet tall and shall be installed 8 feet inside of the transitional buffer into the subdivision. The remaining 42 feet shall be landscaped and shall include vegetation of 6 foot at planting. Along Winder Highway, the 6 feet fence shall be installed on the inside of the 10 feet and the landscaping buffer would be on the roadside. Full landscaped with plan submitted to and approved by the Planning and Development Director. The planted buffers shall conform to the requirements as described in section 17.260.020 Vegetation Buffers and Vision Clearance.
20. The proposed Stormwater BMP (pond) shall be on a separate "utility" lot that is not a part of the open space.
21. The proposed sewer lift station shall be on a separate "utility" lot with design, ownership and access to be determined by Hall County Public Works prior to submission of the Preliminary Plat/LDP application.
22. The development shall be designed so that all state waters and required buffers (50' and 75') do not encroach on any individual townhome lot.
23. Townhome facades shall have a minimum 2-foot offset no less than every 2 units to add to the visual interest of the development.
24. All designated open space within the development shall be commonly held, and not held by any individual homeowner(s).
25. There shall be a 50 foot buffer along the access easement which exists on the subject property from Winder Highway to tax parcel 15037A000002_.

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated February 21, 2024, and as described in the project narrative submitted on March 25, 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 88 townhome units.
3. The minimum heated floor area (HFA) of each residential unit shall be 1,800 square feet.
4. Building elevations shall be composed of a mixture of masonry and fiber cement on the front of the homes. The balance of the home may be the same material or of shake siding material. Vinyl siding is prohibited. Homes shall be consistent with the submitted renderings. Final review and approval of building elevations is subject to the Assistant Director of Planning and Development, or their designee.
5. All units shall be designed with a two-car garage. Garage doors shall constitute no more than 70 percent of the width of the individual townhouse unit.
6. All residential driveways shall measure no less than 22 feet from the right-of-way to the front of the garage door.
7. The development shall feature internal sidewalks no less than five (5) feet in width constructed on both sides of all internal streets, and shall also connect to the existing sidewalks along Winder Highway.
8. 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.
9. The development shall be limited to a maximum of two (2) 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.
10. There shall be a mandatory Homeowners' Association (HOA).
11. All roadways within the development shall be designated as private and shall be privately maintained by a Homeowners' Association (HOA). All roads shall be designed and constructed to Hall County standards.
12. All stream buffers must be fully within the Homeowners' Association (HOA) common space and shall not be included on any individual residential building lot.
13. Vehicle parking for guests shall be provided at a ratio of 1 parking space per 2 units. These parking spaces may also serve the cluster mailbox unit. All roadway design and parking configurations shall meet Hall County Traffic standards.
14. The amenity area shall include parking, a swimming pool, restrooms, and a mail kiosk. The amenity area shall be completed by 50% of final buildout.

15. 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.
16. 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:
17. "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."
18. 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:

- 17.180.060.B.4. Setbacks.
 - The development controls for the development shall be detailed (lot coverage, setbacks, building heights, lot area, etc.). The proposed location of all multi-family residences or zero lot line attached single-family residences shall be indicated. If standards are not specifically proposed then the applicable standards in the residential multi-family (R-MF) district shall apply.
 - 17.240.010. minimum setbacks for residential multi-family (R-MF); front yard, 65 feet from centerline of road or 40 feet from property line whichever is greater; side yard, 10 feet; and rear yard, 20 feet
 - The submitted narrative indicates the front setback to be 15 feet and 10 feet from the right-of-way on corner streets, side setback to be 0 feet, rear setback to be 15 feet, and the side separation to be 20 feet between buildings.
- 17.180.060.B.9.c. Townhouse garages.
 - 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 the back of sidewalk.
 - The submitted narrative indicates that some garages will measure 70 percent of the width of each individual townhouse unit.

Summary Analysis

The applicant is requesting to amend conditions of a Planned Residential Development (PRD, 17.180.060). The subject property was originally rezoned from Agricultural Residential-III (AR-III, 17.110) and Residential-I (R-I, 17.60) to Planned Residential Development (PRD, 17.180.060) on August 11, 2022, for a 52-lot detached single-family development subject to 14 conditions, with an overall density of 1.64 dwelling units per acre. The current applicant for the zoning request is not the same as the previous applicant.

Per the submitted site plan and narrative, the applicant is requesting to amend conditions to allow for the development of an 88-unit fee simple townhome development with a density of 2.77 units per acre, ranging from 3-8 units per building. The narrative states that the attached dwelling units will have a combination of masonry and fiber cement siding materials for the front façade and masonry, fiber cement or shake siding for the side & rear façade. Furthermore, the narrative states that each townhome unit will have a two-car garage with a width not to exceed 70% of each individual unit’s front facade width.

The submitted site plan shows one access point to serve the development connecting to Winder Highway. The development proposes a 50 foot transitional buffer along the perimeter of the property, 5 foot wide sidewalks on both sides of internal roads, an amenity package to include an outdoor pavilion, picnic area, and playground, open area with pedestrian bridge, and a cluster mailbox unit (CBU) with 13 parking spaces.

Per the submitted narrative, the applicant is requesting an entry monument sign with a sign size of approximately 42 square feet, internal directional signs, and a temporary marketing and sales sign not exceeding 32 square feet. The applicant is also requesting two model home permits and the ability to install a sales and construction trailers with associated parking spaces.

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

Standard	PRD Requirement (17.180.060)	Proposed Development
Site Area	5 acre minimum	31.64± acres
Number of Units	–	88 attached townhome units
Density	2 units per acre maximum	2.77 units per acre*
Min. Lot Area (Townhomes)	740,000 sq. ft.	1,377,367.2 sq. ft.
Max. Building Height	–	Two stories, 35 feet
Min. Open Space	30%	30%
Exterior Buffer	50 feet	50 feet
Front Setback (Internal)	25 feet	15 feet, 10 feet on corner street*
Side Setback	5 feet	20 feet between buildings
Rear Setback (Internal)	20 feet	15 feet*

Parking	2 spaces for each unit (17.250.020)	2 spaces per unit
Min. Heated Floor Space	–	1,800 sq. ft.
Garage – % of front façade	50% of the width of the townhome unit	70% of the width of the townhome unit, garage will be flush with front wall plane*
Minimum Sidewalk Width	5 feet	5 feet
Cluster Mailbox Unit (CBU)	CBU with 5 short-term parking spaces	CBU with 13 short-term parking spaces
Note: Items marked with an asterisk (*) do not conform to PRD code (17.180.060).		

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 availability of the water service was confirmed in a letter dated March 6, 2024. The availability of the sanitary sewer services was confirmed in a letter dated March 13, 2024. The letter also mentions the connection to the sewer tie-in is required to be performed by the developer at their cost. Hall County Public Works Department has provided comments stating that a stormwater management report may be required. They also recommended internal roadways be private and maintained by a Homeowners’ Association or property management company.

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 development consistent with surrounding suburban densities. This land use designation envisions moderate density at 2 dwelling units per acre. The development has a proposed density of 2.77 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, development and zoning of adjacent and nearby property; **The zoning proposal appears to be unsuitable given the context of the surrounding area; which consists primarily of low to medium density single-family detached residential units.**
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 residential use will adversely affect adjacent properties.**

3. Whether the property to be affected by the zoning proposal has a 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; **It is not anticipated that the proposed zoning use will result in an excessive or burdensome use of existing infrastructure. The proposal has received availability letters for both water and sewer to service this development.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed use is not consistent with the Comprehensive Plan and the "Residential" land use designation. This land use designation envisions a maximum density of 2 dwelling unit per acre. The proposed development has an overall density of 2.77± units per acre units.**
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; **Per tax records, tax parcel 15037A 000070 is currently developed with a barn constructed in 1940 and tax parcel 15037A 000001 is currently developed with three single-family detached dwellings constructed in 1940 and 1950.**
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 current request is to amend conditions of an existing PRD. Per the Official Code of Hall County, the Planned Development District (17.180) 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 proposed density is higher than that found on immediately surrounding properties. 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 varied housing. Within the immediate neighborhood, the proposal represents a shift away from historically low-density residential development.**
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 higher density, attached 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 a rezoning request.**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **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 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.**

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.

17.350.040. - Submission requirements for a conditional use request

An application shall be submitted to the planning department at least 30 working days prior to the date of the planning commission meeting at which the application is to be considered. The completed application shall be accompanied by payment of such fee prescribed in chapter 17.30 hereof to cover administrative and advertising costs. The following items of information shall be supplied by the applicant as set forth in chapter 17.350. **The applicant submitted to the planning department more than 30 days prior to the meeting date and has paid the application fee.**

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 and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**

- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 - 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **Proposal does provide a narrative outlining amendment of conditions request; however, the applicant has not prepared a response to each of the criteria listed in 17.380.060.C.**
 - 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal does meet 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 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. **The proposed development contains less than 100 residential dwelling units and is exempt from this requirement.**

Development Support and Constraints

Hall County Environmental Health

In an email dated April 17, 2024, Emily McGahee stated “No comment, public sewer.”

Hall County Fire Marshal

In an email dated April 17, 2024, John Tucker with Fire Services stated the following:

“The Hall County Fire Marshal’s Office considers the plan conceptual in nature, and if approved may require modifications during the development review process.”

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated April 18, 2024, Bill Nash, Director, stated the following:

Engineering:

- This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
- Show FEMA and Hall County studied Flood plains that are present on site
- Roads should be private

Traffic:

- GDOT access permit required.
- Recommend internal roadways be private and maintained by an HOA or property management company.
- Unit driveways are shown as 22 feet in length to the sidewalk – parked vehicles may protrude onto the right-of-way. Larger vehicles may protrude over the sidewalk. Recommend a minimum of 22 feet driveways to the proposed right-of-way and not to the sidewalk.

Utilities:

Sanitary sewer located adjacent to site.

Georgia Department of Transportation

In an email dated April 18, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination will be required for driveway access to SR 53/Winder Hwy.