



Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE PLANNING AND ZONING

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PLANNING AND ZONING
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To: Richard Higgins, Chairman
Kathy Cooper, District 1 Commissioner
Billy Powell, District 2 Commissioner
Gregg Poole, District 3 Commissioner
Jeff Stowe, District 4 Commissioner

From: Beth Garmon, Director of Planning & Zoning

Date: December 23, 2024

Subject: **5111 Old Winder Highway | Rezone |** from Agricultural Residential (AR-IV) to Planned Residential Development (PRD) | on a 10± acre tract | Zoned AR-IV, Tax Parcel 15038 000076 (pt.) | **Proposed Use: Addition of 38 townhomes to a PRD | Steven P. Gilliam, applicant**

The request before you is from Steven P. Gilliam to rezone from Agricultural Residential IV (AR-IV) to Planned Residential Development (PRD) for the addition of 38 townhomes to a previously-approved development. This item is located within Commission District 1.

At their December 2, 2024 meeting, the Hall County Planning Commission voted to recommend **approval, with twenty-seven (27) conditions (4-0, Johnny Varner absent).**

Staff recommendation: **Approval, with conditions**, as the proposed rezoning is consistent with the expansion of the adjacent Planned Residential Development (PRD) requirements.

There were **no comments submitted** in advance of the Planning Commission meeting and **one (1) person spoke in opposition during the public hearing.**

Planning Commission Conditions:

1. Approval of the amended conditions is contingent upon the approval of the Special Use request of 5079 Old Winder Highway (HZCU24-0039).
2. The property shall be developed in accordance with the site plan dated August 23, 2024, and as described in the project narrative submitted on October 18, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
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 cement siding, stone, and/or brick façade, with a minimum of brick or stone accents on the front of the homes. The balance of the home may be the same material or of fiber-cement material. Vinyl siding is prohibited. Final review and approval of building elevations is subject to the 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. The development shall feature sidewalks no less than five (5) feet in width constructed on both sides of all internal streets.
7. 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.
8. 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.
9. There shall be a mandatory Homeowners' Association (HOA).
10. All designated open space within the development shall be commonly held, and not held by any individual homeowner(s).
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. The developer shall be responsible for all obtaining the necessary permits as well as all costs associated with the construction of a left and right turn lane on State Route 211 (aka Old Winder Highway) per the traffic impact study recommendations.
13. All stream buffers must be fully within the Homeowners' Association (HOA) common space and shall not be included on any individual residential building lot.
14. 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.
15. 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.”

16. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
17. Buildings shall have no more than 6 units per building. Each building shall be staggered a minimum of 4 feet from the front setback of adjacent buildings.
18. The development shall be limited to 120 total townhome units.
19. All residential driveways shall measure no less than 20 feet from back of right-of-way.
20. There shall be a total of 51 guest parking spaces provided as shown on the site plan dated August 23, 2024.
21. The cluster mailbox unit shall have no less than 6 parking spaces.
22. Developer is allowed a maximum of one sales office. Office shall be removed at time of sale of last unit.
23. One construction trailer is permitted, provided the conditions of the Hall County Unified Development Code are met.
24. The development shall be subject to all townhome standards as listed in section 7.3.1.F. of the Hall County Unified Development Code.
25. A 50 foot undisturbed buffer shall be maintained along the property line of tax parcel 15038 000010.
26. The developer shall install and maintain a 6 foot high privacy fence or a 6 foot high vinyl coated chain link fence adjacent to the required 50 foot undisturbed buffer. The fence shall be located along the interior edge of the undisturbed buffer.
27. The detention pond at the rear of the property shall be designed to avoid directing stormwater runoff towards tax parcel 15038 000010.