

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Cameron Henderson

Request Rezone | from Agricultural Residential 1 (AR-1)
to Residential I (R-1)

Proposed Use 5-lot residential subdivision

Size 4.07± acres

Zoning Current: Agricultural Residential 1 (AR-1) |
Proposed: Residential 1 (R-1)

Location **4767 E Reed Road** | Tax Parcel 15029 00100

Commission District One

Planning Commission Date December 16, 2024

Staff Recommendation **Approval, with conditions**, as the proposed rezoning is consistent with the “Suburban Neighborhood Medium Density” future land use designation within the Comprehensive Plan

Record Number.....HZON24-0041

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

Vote: 3-0 (Hunt and Sosebee absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated August 12, 2024, and as described in the project narrative received October 18, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of five (5) single-family residential lots in accordance with the requirements of Residential 1 (R-1) zoning district as detailed in Section 4.3 and Table 4.9.1 of the Unified Development Code of Hall County.
3. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs.
4. 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.”

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 the regulations of any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
6. All conditions of zoning shall be made part of any plats or construction plans created for the property.
7. A permanent access easement shall be granted and recorded to Hall County to allow for the continued public access to Platt Park, and the area where the monument sign is currently located as shown on the site plan dated August 12, 2024, and should also include access for the owner of tax parcel 15029 000017.
8. There shall be no more than two driveways for the development along E. Reed Road.
9. E Reed Road shall be improved to a 20 foot asphalt surface along the frontage of the subject property. Any right of way required for these improvements shall come from the subject property. Final design for road improvements shall be reviewed and approved by Hall County Engineering.

Excerpts from the minutes of the December 16, 2024 meeting

Applicant's Presentation:

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

Steven Gilliam, 340 Jesse Jewel Parkway, Suite 300, Gainesville, presented the request. The applicant is requesting to (A) rezone a 4.07± acre tract from Agricultural Residential 1 (AR-1, 3.2), to Residential 1 (R-1, 4.3). Concurrent to this request, the applicant is requesting the approval of a (B) Special Use for a 5-lot residential subdivision. The development is proposed at a density of 1.23 units per acre. The property is currently developed with a single-family residence constructed in 1960.

Public Forum:

Carla Henderson, 5125 Ponderosa Farm Road, Gainesville, spoke in opposition. Concerns were the condition of the E Reed Road and how it would be further impacted by traffic as it currently is not large enough for two lanes.

Juan Rodriguez, 4761 E Reed Road, Gainesville, spoke in opposition. Concerns raised were the increased traffic and the current road conditions. Relating to his property, he raised concerns regarding privacy, stormwater draining from the subdivided property, and how access to his driveway would be impacted.

Mike Henderson, 5125 Ponderosa Farm Road, Gainesville, spoke in opposition on behalf of Susan Fekkers (5003 Strickland Road). Concerns raised were the density of the development, which he stated is in contrast to the surrounding area. He also raised concerns regarding the condition of E Reed Road.

Planning Commission Comments:

Mr. Braswell mentioned the unrecorded easement on the plat to the applicant. The applicant stated they were aware of this. Mr. Braswell asked the applicant if they are in favor of this easement remaining for Platt Park as well as Mr. Rodriguez’s property. The applicant confirmed that they were in agreement. The applicant followed up on the concerns about the road’s condition by highlighting staff condition #3, which requires the development access to be approved by Hall County Engineering. The applicant also addresses concerns about the development’s density stating the proposed density is 1.23 units per acre while up to 2.5 units per acre is allowed in the requested zoning district. The applicant stated they would also follow all guidelines set forth for the Land Disturbance Permit. The Planning Commission discussed with Beth Garmon, Director of Planning and Zoning, about creating additional conditions to limit the number of driveways for the development and any potential improvements by the developer to E Reed Road.

(A)

Motion: A motion to approve, with conditions was made by Gina Pilcher and seconded by Johnny Varner. Vote: 3-0 (Hunt and Sosebee absent)

(B)

Motion: A motion to approve, with conditions was made by Johnny Varner and seconded by Gina Pilcher. Vote: 3-0 (Hunt and Sosebee absent)

(A) and (B)

Conditions:

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(A) & (B) Staff recommends APPROVAL of the applicant’s request with the following conditions:

1. The property shall be developed in accordance with the site plan dated August 12, 2024, and as described in the project narrative received October 18, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
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6. All conditions of zoning shall be made part of any plats or construction plans created for the property.

Summary Analysis

The applicant is requesting to (A) rezone a 4.07± acre tract from Agricultural Residential 1 (AR-1, 3.2), to Residential 1 (R-1, 4.3). Concurrent to this request, the applicant is requesting the approval of (B) a Special Use for a 5-lot residential subdivision. The development is proposed at a density of 1.23 units per acre. The property is currently developed with a single-family residence constructed in 1960.

Per the submitted narrative, the applicant is requesting to split the parcel into five (5) single-family residential lots. The applicant has submitted renderings that show a mixture of one and two-story residences with two-car garages and an optional third garage. Facades of the homes will be a combination of masonry, fiber cement siding, or shake siding. The proposed lots comply with the minimum lot area and frontage requirements for Residential 1 (R-1) as outlined in Table 4.3.1 of the Unified Development Code.

Additionally, the northern corner of Lot 5 shows an asphalt driveway accessing Platt Park, a neighborhood park managed by Hall County Parks & Leisure Services. A sign for Platt Park is also located within the boundaries of the subject property, depicted on the site plan near the right-of-way in the northern corner of Lot 5. The submitted narrative states that an easement shall be granted to Hall County for both the ingress/egress and the sign.

The individual lots will be served by onsite septic systems. Water service will be provided by the City of Gainesville, as confirmed in a letter dated October 30, 2024.

No variances have been requested or identified as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the respective zoning districts of the parcels.

The proposed site plan and narrative submitted reflects the desired layout of Lots 1 through 5 as follows:

| Residential 1 (R-1, 4.3) standards | Required | Proposed |
|------------------------------------|----------|----------|
|------------------------------------|----------|----------|

| | | |
|------------------------------------|----------------------------|---|
| Minimum Lot Area | 35,000 square feet | Lot 1: 35,873 sq ft Lot 2: 35,928 sq ft Lot 3: 36,655 sq ft Lot 4: 35,087 sq ft Lot 5: 35,163 sq ft |
| Minimum Lot Frontage | Local Road: 50 feet | Lot 1: 95.12 ft Lot 2: 100 ft Lot 3: 100.03 ft Lot 4: 100.1 ft Lot 5: 133.02 ft |
| Minimum Lot Width at Building Line | 75 feet | Not provided |
| Front Yard Setback | 30 feet from property line | 65 feet from centerline of road OR 40 feet from property line. Whichever is greater. |
| Side Yard Setback | 10 feet from property line | 10 feet from property line |
| Rear Yard Setback | 20 feet from property line | 20 feet from property line |

Based on the future land-use plan, staff finds the request *is consistent* with the Hall County Comprehensive Plan and future land use designation of Suburban Neighborhood, Medium-Density. The intent of this land use category is to support medium-density, single-family housing (attached or detached). These developments should be located where there is existing water and sewer infrastructure, or where future infrastructure is expected to be located. Depending on the character area and what zoning districts they allow, residential densities can be up to 2.5 dwellings per acre. The development has an overall proposed density of 1.23 units per acre.

Zoning Analysis – Rezone and Conditional Use

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

(A) Rezone from Agricultural Residential 1 (AR-1) to Residential 1 (R-1)

(B) Special Use approval for a 5-lot residential subdivision

- a) 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 proposed Residential 1 zoning district and Special Use for a 5-lot residential subdivision is consistent with the use, development, and zoning of adjacent and nearby properties.****

- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning and special use of a 5-lot residential subdivision does not adversely affect the existing use or usability of adjacent residential properties.**
- c) Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has reasonable economic use as currently zoned; however, the applicant cannot rezone and subdivide the property without approval by the Board of Commissioners.**
- d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed rezoning and special use is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property will be served by an onsite septic system. A water availability letter was provided by the City of Gainesville.**
- e) 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 consistent with the Comprehensive Plan and the Suburban Neighborhood, Medium-Density land use designation. This land use designation envisions a maximum density of 2.5 dwellings per acre or up to 8 units per acre. In some cases, maximum density may be up to the discretion of the Board of Commissioners. The proposed development has a proposed density of 1.23 units per acre.**
- f) 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.**
- g) 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.**
- h) 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.**
- i) 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 site is currently developed with a single-family residence established in 1960.**
- j) 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; **No existing or changing conditions have been identified that affect the use or development of**

the property which give supporting grounds for either approval or disapproval of the zoning proposal.

- k) Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning would not create an isolated district.**
- l) 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.**
- m) Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the request is not out of scale with the needs of the county as a whole.**
- n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **While other sites may be available in the county, the subdivision of property within the Residential 1 (R-1) zoning district requires Board of Commissioner approval.**
- o) Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request for rezoning and a special use to subdivide the property into a 5-lot residential subdivision could not be handled alternatively as a variance.**
- p) 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. There should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
- q) 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.**

11.2.6.E. - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec. 11.2. to cover administrative and advertising costs, in the Planning and Zoning 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.**
2. All applications for a change of zoning classification or use subject to approval of the County Commission shall include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 11.2. **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 11.2.6.E.2.

- b. 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.**
- c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, 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 must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated November 12, 2024, Emily McGahee stated "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination and review of proposed subdivision will be made during the plat review process and not during Zoning application/approval. All proposed property corners/lines must be staked (with lot numbers labeled) at time of plat submittal to Hall County Plat Review Team for review. Additional requirements/revisions may apply after initial review during Plat Review Team review."

Hall County Fire Marshal

In an email dated November 8, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, Lieutenant stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Public Works and Utilities

In a memo dated November 14, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

An access easement for the existing access to Platt Park across lot 5 to be provided to Hall County.

Driveways will need to meet Hall County driveway regulations

Recommend a shared driveway for proposed lots 4 and 5 so as to not interfere with access to Platt Park

Applicant should verify that required sight distance can be achieved along all lot frontages for future driveways.

Utilities:

Hall County Sewer District.

No Sewer Service infrastructure nearby.

Georgia Department of Transportation

In an email dated November 14, 2024, Henry Stevens, GDOT Civil Engineer II, stated that GDOT coordination is not required.