



Hall County Government

COMMUNITY DEVELOPMENT & INFRASTRUCTURE
PLANNING AND ZONING

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

PLANNING AND ZONING
DIRECTOR
Beth Garmon

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: September 9, 2024

Subject: **4336, 4370, & 4420 Benefield Road | Rezone | on a combined 68.83± acre tract | Proposed Use: 302-unit residential development | Edge City Properties, Inc., applicant**

The request before you is the request of Edge City Properties, Inc. for a use subject to County Commission approval to allow a 302-unit residential development. This item is located within Commission District 1.

At their August 19, 2024 meeting, the Hall County Planning Commission voted to recommend approval, with twenty eight (28) conditions **(3-2, Varner and Pilcher opposed)**.

Staff recommendation: **Approval, with conditions**, as the proposed request is consistent with the Lake Area Residential future land use classification within the Comprehensive Plan.

There were **four (4) comments submitted** in advance of the meeting, and **three (3) people spoke in favor and six (6) people spoke in opposition during the public hearing.**

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 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 dated 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.