

HALL COUNTY PLANNING COMMISSION
STAFF REPORT

Applicant Crawford Creek Communities c/o Dean Conn

Request **Rezone** | from Agricultural Residential 1 (AR-1)
to Planned Residential Development (PRD)

Proposed Use 123-lot subdivision

Size 61.67± acres

Zoning **Current:** Agricultural Residential 1 (AR-1) |
Proposed: Planned Residential Development (PRD)

Location **5031 Union Church Road** | Tax parcel 15038
000029

Commission District One

Planning Commission Date March 17, 2025

Staff Recommendation **Approval, with conditions**, as the proposed
zoning and use are consistent with the
“Suburban Neighborhood, Medium Density”
future land use classification within the
Comprehensive Plan

Record Number(s) HZON25-0003

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

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated January 16, 2025, and as described in the project narrative dated January 16, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval. Corner lot setbacks shall be 25 feet on both frontages.

2. The development shall be limited to 123 detached single-family residences.
3. The minimum heated floor area (HFA) of each residence shall be 1,800 square feet.
4. All single-family homes shall provide two car garages in addition to driveways that accommodate two parked cars. Driveways shall measure no less than 22 feet from back of right-of-way to the front of the garage door.
5. The amenity area shall include a clubhouse, swimming pool, two pickleball courts, dog park, and a mail kiosk with adjacent parking as depicted on the proposed site plan dated January 16, 2025. Amenities shall be completed prior to the issuance of fifty percent (50%) of the certificates of occupancy. Additional amenities may be constructed by the developer subject to the review and approval of the Director of Planning and Zoning, or their designee.
6. All designated open space within the development shall be commonly held and maintained and shall not be the responsibility of any individual homeowner(s). This common open space ownership shall be included in the deeds created for each lot.
7. The completed covenants for the subdivision and the documents establishing the property owners 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.
8. All traffic engineering standards shall be met, and associated costs shall be the sole responsibility of the developer.
9. Access to the development shall be approved by Hall County Engineering and/or the Georgia Department of Transportation, as applicable. The recommendations of the traffic study, subject to final review and approval by both Hall County Engineering and the Georgia Department of Transportation, shall be implemented. Any costs associated with the improvements shall be the responsibility of the developer.
10. 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.
11. The development shall be limited to a maximum of ten (10) model homes prior to approval and recording of the final plat, provided that the standards of section 7.9.5.C. of the Hall County Unified Development Code are met.
12. One sales office and one construction trailer shall be permitted, provided that the conditions of Section 7.9.4.B. & C. of the Hall County Unified Development Code are met.
13. 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.”

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 Unified Development 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. Where there are discrepancies between the proposed standards and County regulations, the County regulations shall overrule unless otherwise approved herein.
15. All conditions of zoning shall be made part of any plats created for the property.

Excerpts from the minutes of the March 17, 2025 meeting

Applicant's Presentation:

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

Bradley Dunckel, 425 Oak Street, Gainesville, presented the request with presentation graphics. He stated that he wished to withdraw the requested variance of reducing the secondary frontage for corner lots to 5 feet.

Public Forum:

Shaun Crane, 5018 Union Church Road, Flowery Branch, spoke in opposition. Concerns raised were the lot density in the property, road erosion at embankments, and the traffic increase.

Mr. Braswell stated a comment in opposition was received by staff prior to the meeting.

Planning Commission Comments:

Mr. Braswell asked the applicant how the developer planned to handle water flow on the property. Mr. Dunckel indicated on the site plan where the proposed detention pond would be and that grading would direct stormwater to flow to the detention pond. Mr. Sosebee asked for clarification of the timeline for the beginning of home construction and whether it would be phased. Mr. Dunckel stated it was anticipated to be in the fourth quarter of 2026 and it would be phased.

Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Shannon Davidson. Vote: 5-0

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15. All conditions of zoning shall be made part of any plats created for the property.

Staff recommends APPROVAL of the applicant’s requests with the following conditions:

1. The property shall be developed in accordance with the site plan dated January 16, 2025, and as described in the project narrative dated January 16, 2025, 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 123 detached single-family residences.
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15. All conditions of zoning shall be made part of any plats created for the property.

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:

1. **Section 2.1.4.5 – Yard, Corner lot** - On corner lots, the side yard adjacent to the street must be at least 30 feet from the property line or same as the front yard setback as indicated in Sec. 2.1.4.5. also shown in fig. 2-3
 - The narrative proposes a 5 foot setback for side yards adjacent to the street on corner lots.

Summary Analysis

The applicant is requesting to rezone a 61.67± acre tract from Agricultural Residential 1 (AR-1) to Planned Residential Development (PRD) for a 123-lot residential subdivision. The proposed development includes 123 single-family detached residences along with various amenity features. The overall proposed density for the development is 2 dwelling units per acre. The property is currently developed with a single-family residence and two barns.

The surrounding properties are zoned and developed as outlined below:

- North: Planned Residential Development (PRD): Approved for an 86 lot subdivision on December 11, 2008, and has a pending land disturbance permit application in review (ZON2008-00095; HDEV24-0083).
- East: Agricultural Residential 1 (AR-1) – Currently undeveloped.
- South: Residential 1 (R-1) – Developed in 1986 - Clinchem Woods Subdivision - 29 single-family residences.
Agricultural Residential 1 (AR-1) – Currently undeveloped.
Planned Commercial Farm District (PCFD) – Currently undeveloped.
- West: Agricultural Residential 1 (AR-1) – Developed with single-family residences.

Per the narrative, the single-family detached homes will be a minimum of 1,800 square feet of heated floor space and facades will feature a combination of masonry, Hardie-plank materials, and shake siding. However, no elevations have been provided.

Per the submitted narrative and site plan, the development will have one primary access from Union Church Road and inter-parcel access with the adjacent subdivision to the north (ZON2008-00095, HDEV24-0083). The site plan shows an adjustment to the perimeter buffer that would be required to accommodate the interparcel access design. The internal roads are proposed to be public and will be designed with a 50 foot wide right-of-way as well as a landscape strip and five foot wide sidewalks on both sides for pedestrian connectivity.

Per the narrative and site plan, 30% of the total site area will be maintained as open space and the following amenities will be offered: a clubhouse, pool, two pickle ball courts, a dog park and a parking lot. Additional amenities such as walking trails, tennis courts, playground, passive pocket parks, fire pit and a multi-use court may be included at the discretion of the developer. A cluster mailbox unit (CBU) will be installed at the clubhouse and a homeowners association will be established to maintain the development.

Per the submitted narrative, the applicant requests approval for a maximum of ten (10) model home permits prior to recording of a final plat. Additionally, the application includes a request for one sales trailer and one construction trailer to serve the subdivision during development.

Water service will be provided by the City of Gainesville Department of Water Resources as confirmed by an availability letter dated January 23, 2025. Sanitary sewer services will be provided by Hall County as confirmed by an availability letter on December 30, 2024

The applicant submitted a traffic impact study conducted by A&R Engineering Inc. This report includes the 86-lot residential development to the north and the subject property for a total of 206 new detached homes, and includes the following recommendations:

- Site Driveway 1: Full access driveway on Union Church Road north of Oak Farm Way, this entrance will have one entering lane, one exiting lane, a right-turn lane for entering traffic, and stop-sign control on the driveway approach with Union Church Rd remaining free flow, with adequate sight distance as per AASHTO standards.
- Site Driveway 2: Full access driveway on Union Church Road south of Old Mulberry Road, this entrance will have one entering lane, one exiting lane, a right-turn lane for entering traffic, and stop-sign control on the driveway approach with Union Church Rd remaining free flow, with adequate sight distance as per AASHTO standards.

The development standards for the project are described in the table below:

Development Standard	Proposed Development	Required	Compliance
Site Area	61.67 acres	5 acres min.	Complies
Density	2.00 U/A	2.5 U/A max.	Complies
Open Space	32%	30% min.	Complies
Exterior Buffer	50 feet	50 feet	Complies
Sidewalks	5 feet on both sides of street	5 feet	Complies
Number of Units	123	N/A	N/A
Minimum Lot Area	8,000 sq. ft.	8,000 sq. ft.	Complies
Minimum Lot Frontage	50 feet	50 feet	Complies
Maximum Height	35 feet	50 feet max.	Complies
Minimum Heated Floor Area	1,800 sq. ft	N/A	N/A
Front Yard	25 feet	25 feet	Complies
Corner Lot (Non-Front Side)	5 feet*	25 feet	Deficient
Side Yard	5 feet	5 feet	Complies
Rear Yard	20 feet	20 feet	Complies
Parking	2 spaces/dwelling	2 spaces/dwelling	Complies
Cluster Mailbox Unit (CBU)	CBU with parking spaces	CBU with 6 short-term parking spaces	Complies

Based on the future land use plan, staff finds the requested rezoning is consistent with the Hall County Comprehensive Plan future land use designation of Suburban Neighborhood, Medium Density. These areas consist of medium-density, single-family housing (attached or detached). They should be located where there is existing water and sewer infrastructure, or where future infrastructure is expected to be located. Future infrastructure may be driven by the Sewer System Master Plan & Rate Study or by developers willing to fund access where it isn't already planned. Depending on the character area and what zoning districts they allow, residential densities can be up to 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 BOC. The development has an overall proposed density of 2.00 units per acre.

Zoning Analysis

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) 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 Planned Residential Development (PRD) zoning district for a 123-lot residential subdivision is consistent with the future land use designation of Suburban Neighborhood, Medium Density, as the proposed development has an overall density of 2.00 units per acre. The surrounding area consists of residential and agricultural land uses.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning does not appear to adversely affect the existing use or usability of adjacent residential properties.**
- c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned; however, the applicant cannot develop the property as proposed 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 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 Hall County Sewer and City of Gainesville public water.**
- 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. The Suburban Neighborhood, Medium Density designation envisions a density of 2.5 dwelling units per acre or up to 8 dwelling units per acre. This development has an overall proposed density of 2.00 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 affected 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.

- 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 property is currently developed with one single-family residence and two barn structures.**
- 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; **Staff is not aware of any changing conditions affecting the use or development of the property.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning is a Planned Residential Development (PRD). Per the Official Code of Hall County, Planned Development Districts are 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.**
- 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; **The proposed development 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 options.**
- n) 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 a medium-density single-family residential uses based on the Future Land Use Map; however, the development as proposed cannot be developed in any of the existing residential zoning categories without approval by the Board of Commissioners.**
- o) Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request 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. As a result, there are no anticipated ecological or pollution impacts 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 must 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 must include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 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 may 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. **The applicant submitted a traffic study conducted by A&R Engineering Inc. This report includes the 86-lot residential development to the north and the subject property for a total of 206 new detached homes, which includes the following recommendations:**

- **Site Driveway 1:** Full access driveway on Union Church Road north of Oak Farm Way, this entrance will have one entering lane, one exiting lane, a right-turn lane for entering traffic, and stop-sign control on the driveway approach with Union Church Rd remaining free flow, with adequate sight distance as per AASHTO standards.
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Development Support and Constraints

Hall County Environmental Health

In an email dated February 12, 2025, Emily McGahee stated, “Public Sewer. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.”

Hall County Fire Marshal

In an email dated February 11, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated,

“The Hall County Fire Marshal’s Office has no comments as proposed.”

Hall County Public Works and Utilities

In a memo dated February 13, 2025, 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 wrested vegetation not centerline of stream.

Traffic:

Code requires both a decel and left turn lane on Union Church Road at development access.

Secondary access to Union Church Road must be gated emergency access only or improvements will also be required.

Utilities

No sewer in area- closest sewer is 0.5 miles south at Union Heights Way

Georgia Department of Transportation

In an email dated February 6, 2025, Henry Stevens, E.I.T., GDOT Civil Engineer 2, stated that GDOT coordination is not required.

Hall County Tax Assessors

In an email dated February 7, 2025, Cher Melendez confirmed that the subject property was entered into a conservation covenant in 2016.