

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Denise R. Jackson

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

Proposed Use Permitted uses in AR-1

Size 1.20± acres

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

Location **0 Reservoir Drive** | Tax Parcel 15018 000123

Commission District Three

Planning Commission Date May 19, 2025

Staff Recommendation **Approval, with conditions** as the proposed
zoning is consistent with the “Rural
Neighborhood” future land use classification
within the Comprehensive Plan

Record Number(s) HZON25-0017

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

Vote: 3-1 (Davidson opposed, Varner absent)

Planning Commission Conditions:

1. 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.
2. 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."

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

Excerpts from the minutes of the May 19, 2025 meeting

Applicant's Presentation:

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

Denise Jackson, 3774 Old Cornelia Highway, Gainesville, presented the request.

Public Forum:

Marie Steckbauer, 3770 Stone Creek Court, Gainesville, spoke in opposition. Ms. Steckbauer gave a brief history of the common area property and explained that the community wants this property to continue to function as a common area for neighborhood beauty and natural preservation.

Planning Commission Comments:

Mr. Hunt asked if the applicant closed on the property. The applicant stated they closed on August 25, 2023. Mr. Braswell stated neither the Board nor the County can enforce neighborhood covenants.

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 3-1 (Davidson opposed and Varner absent)

Conditions:

1. 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.
2. 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."
3. 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:

4. 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.
5. 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."
6. All conditions of zoning shall be made part of any plats created for the property.

Summary Analysis

The applicant is requesting to rezone a 1.20± acre tract from Residential-1 (R-1) to Agricultural Residential (AR-1) to allow for uses permitted in the AR-1 zoning district.

In 2001, the Board of Commissioners approved a 295-lot single-family subdivision and daycare center for a tract of land that includes the subject parcel. In 2004, the final subdivision plat for Stoney Creek at the Reservoir was recorded, designating the parcel at 0 Reservoir Drive (tax parcel 15018 000123) as common area (DEV2004-00073). In 2005, the zoning conditions were amended, reducing the subdivision to 137 lots (ZON2005-00046). The following are the current conditions which are applicable to Stoney Creek at the Reservoir subdivision:

1. The development shall be limited to stick-built homes with a minimum of 1,400 square feet of heated floor space, with an overall average of 1,600 square feet minimum of heated floor space, and all lots bordering the reservoir shall have 1,800 square feet of heated floor space.
2. All septic tanks shall have dual inspection tubes at the inlet and outlet.
3. There shall also be a substitute site selected at preliminary platting to serve as an alternative to the thirty-acre site, not requiring Planning Commission review.
4. The developer's project shall have access to the property being dedicated to the county and the reservoir site.
5. The county will pay for a construction easement across the developer's undeveloped property for construction access road to the reservoir site.
 - a) The county will pay fourteen hundred dollars (\$1,400.00) per acre for the access easement.
 - b) The easement will start at end of Phase I of the development and be fifty feet (50') wide.

- c) The developer will design the road and the county will construct (reservoir contractor) the road to county standards. The county will clear and grade the road, provide all stream crossings, install water line as designed by county, not paving the road but providing a year round surface that will not erode.
 - d) County will provide all soil erosion control measures required.
 - e) County will provide gate valves and pipe reducers as required by the developer for future phases.
- 6. Developer will design the waterline in the subdivision and the county will design and construct the waterline to access the subdivision and through the subdivision to the reservoir site.
 - 7. Developer will pay \$20.00 per foot for the waterline and \$1.00 per foot for design, for all line installed by the county to and through his property.
 - 8. The county will assist the developer in acquiring right-of-way as needed by the development.
 - 9. Water meter fees are to be \$1,100.00 per lot for five years.
 - 10. Turn lane will have to be constructed during the initial phase of the project.
 - 11. The required design and construction activities by the county will be incorporated into the Reservoir Construction Contract.
 - 12. The center turn lane at the entrance shall be completed along with the 100th lot of this subdivision, based on the future additional development accessed through this project and the level of traffic on Old Cornelia Highway and said turn lane improvements shall be added to the existing road bond for the project.
 - 13. The 30 acre site that was to be deeded to the Hall County School Board / Hall County Government shall be incorporated into the overall acreage of the development.
 - 14. Development shall be limited to a maximum of 145 lots, with each lot being a minimum of 1.25 acres in size.
 - 15. A statement shall be placed on plans and any plat created for development that indicates future development of the adjoining property will be accessed through this subdivision.
 - 16. All other conditions of zoning not in conflict with the above shall remain in effect.

Currently, the subject property remains undeveloped and wooded.

The surrounding properties are zoned and developed as outlined below:

- North: Agricultural Residential 1 (AR-1): Developed with single-family residences.
- South: Residential 1 (R-1): Stoney Creek at the Reservoir subdivision, developed with single-family residences.
- East: Agricultural Residential 1 (AR-1): Developed with single-family residences.
- West: Agricultural Residential 1 (AR-1): Developed with single-family residences.

According to the submitted narrative, the applicant purchased the property located at 3774 Old Cornelia Highway (tax parcel 15018 000045), which borders the subject property identified as 0 Reservoir Drive to the north. After acquiring 3774 Old Cornelia Highway, the applicant discovered an additional tract—0 Reservoir Drive—situated between her property and the Stoney Creek at the Reservoir subdivision. She subsequently purchased both tracts to maintain continuity between them. The applicant is now

requesting to rezone the subject parcel to align the zoning of both properties and to preserve the option of installing driveways from Reservoir Drive. She notes that the deed for 0 Reservoir Drive includes provisions permitting the installation of two driveways. In a letter sent to neighboring property owners, the applicant stated her intention to maintain a buffer of existing trees, shrubs, and grass between Reservoir Drive and the properties.

Water is provided by the City of Gainesville and sanitary sewer services will be provided by on-site septic systems.

Comprehensive Plan Land Use Designation

Based on the future land use plan, staff finds the requested zoning designation is consistent with the Hall County Comprehensive Plan future land use designation of “Rural Neighborhood” within the East Hall Character Area. These areas should consist of active farms and agricultural enterprises and low-density, large-lot single-family residential uses. These areas also consist of undeveloped lands likely to face development pressures for new residential or commercial development. Similar to Rural Agriculture, they should have deep setbacks and incorporate a high percentage of open space. Where it occurs, new development should preserve natural features, including tree canopy, waterways, and waterbodies. The Rural Neighborhood designation envisions a density of up to 0.75 dwelling units per acre, or one dwelling unit per one and a half acres. This development has an overall proposed density of 0.34 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 rezoning is suitable in view of 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; **No, it is not anticipated that the proposed rezoning will adversely affect nearby 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 construct additional driveways as listed as permissions within the subject properties’ deed provisions without rezoning to Agricultural Residential (AR-1).**
- 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; **If approved, the use is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**

- 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 “Rural Neighborhood” land use designation.**
- 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 property is currently undeveloped.**
- 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 change in zoning would align the subject property with the current zoning of adjacent parcels adjacent to the subdivision.**
- 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; **There are other properties within the County that support agricultural uses based on the Future Land Use Map.**
- 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. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated April 17, 2025, Emily McGahee stated, "Subject parcel is not recognized as a separate building lot as it was designated as Open Space for subdivision approval."

Georgia Department of Transportation

In an email dated April 21, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities

In a memo dated April 18, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

No comment.

Utilities

Hall County service area. No sewer in vicinity.

Hall County Fire Marshal

In an email dated April 15, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments regarding the rezoning request."