

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Cook Communities

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

Proposed Use 253-lot residential development

Size 253.58± acres

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

Location **6266 Yellow Creek Road** | Tax Parcel 11112
000004 (pt.)

Commission District Two

Planning Commission Date June 16, 2025
May 19, 2025
May 5, 2025

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

Record Number(s) HZON25-0016

Planning Commission Recommendation..... **Denial**

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

Excerpts from the minutes of the June 16, 2025 meeting

Applicant’s Presentation:

Vamsee Polamarasetty, Planner, presented a summary of the request.

Erin Moore, 3120 Frontage Road, Gainesville, presented the request. The applicant is requesting to rezone a portion of a 253.58± acre tract from Agricultural Residential 1 (AR-1) to Planned Residential Development (PRD) for a 191-lot residential subdivision. The proposed development includes 191 single-

family detached residences along with various amenity features. The overall proposed density for the development is 0.75 dwelling unit per acre.

Public Forum:

Greg Rutledge, 7724 Barkers Bend, Murrayville, spoke in opposition. Concerns raised included that the development contrasts with the current community character and the future land use classification, the design includes insufficient buffers and the missing reference in the staff report to the greenspace overlay.

Dr. Courtney St. John-Wacker, 7719 Elm Circle, Murrayville, spoke in opposition. Concerns raised were the small lot sizes, and the development's inconsistency with the current local character and the future land use classification.

Chuck Andrews, 6329 Yellow Creek Road, Murrayville, spoke in opposition. Concerns raised were the negative environmental impacts to the Yellow Creek area, and the observance of construction equipment that was operating on-site earlier that day. Beth Garmon, Director of Planning and Zoning, stated that an inspector from the Hall County Engineering Department went out to the site and verified that the path clearing authorized by the applicant was allowed and did not require a grading permit.

Katie Boyle, 7126 Barkers Bend, Murrayville, spoke in opposition. Concerns raised were negative environmental and ecological impacts, potential of flooding from increased impervious surface, increased traffic, and the safety of the Yellow Creek community as wildlife would relocate closer to homes when their habitats were disturbed.

Rebuttal

The applicant spoke about the multiple community meetings and how the input was used to alter the project such as a reduction in the number of lots as well as an increase of the buffers with neighboring property owners. The applicant stated that these standards would be welcome as zoning conditions. The applicant went on to explain the commitment to maintaining greenspace within the development.

Planning Commission Comments:

Mr. Braswell thanked the applicant and opposing community members for working well with each other.

Motion: A motion to deny was made by Stan Hunt and seconded by Shannon Davidson Vote: 3-1 (Sosebee opposed, Varner absent)

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. Ms. Greenway stated the site plan presented shows a reduction to 191 lots from the originally submitted plan, which showed 253 lots.

Erin Moore, 3120 Frontage Road, Gainesville, requested to table the request to the June 16, 2025 Planning Commission meeting to allow more time for further discussion with the Yellow Creek community.

Planning Commission Comments:

Mr. Braswell stated that the applicant would be expected to give their presentation or request to withdraw at the June 16th meeting.

Motion: *A motion to table to June 16, 2025 was made by Stan Hunt and seconded by Frank Sosebee.*
Vote: *4-0 (Varner absent)*

Excerpts from the minutes of the May 5, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request. Ms. Greenway stated the site plan presented shows a reduction of lots to 191 from the plan originally submitted with the application, which showed 253 lots.

Beth Garmon, Planning and Zoning Director, stated staff recommendations take into consideration multiple resources, including the Comprehensive Plan, Unified Development Code, as well as analyzing the surrounding area. She further acknowledged that this interpretation may be different than that of the board.

Erin Moore, 3120 Frontage Road, Gainesville, requested to table to allow for further discussion with the Yellow Creek community.

Motion: *A motion to table to May 19, 2025 was made by Stan Hunt and seconded by Frank Sosebee.*
Vote: *5-0*

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 February 7, 2025, and as described in the project narrative dated March 7, 2025, and supplemental narratives dated April 4, 2025 and April 21, 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 a total of 191 lots.
3. The minimum heated floor area (HFA) of each residence shall be 1,800 square feet

4. All residences shall include two-car garages in addition to driveways that accommodate two parked cars. Driveways shall measure no less than 22 feet from back of sidewalk to the front of the garage door.
5. Amenities shall include a clubhouse, community swimming pool, pickleball courts, walking trails, playgrounds, pocket parks, and a mail kiosk with adjacent parking as depicted on the proposed site plan dated February 7, 2025. Amenities shall be completed prior to the issuance of thirty percent (30%) 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. A minimum of 75 acres shall be placed in permanent conservation with a land trust. Property preserved within the conservation agreement shall be separate from open space or common areas held by the HOA, and shall not be developed for residential use.
9. All traffic engineering standards shall be met, and associated costs shall be the sole responsibility of the developer.
10. 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 these improvements shall be the responsibility of the developer.
11. Developer/HOA will maintain the Land Application System (LAS) and any conveyances to the Private Wastewater system. Perpendicular crossings within existing right-of-way shall be allowed where necessary for required road crossings for installation/conveyance purposes, and shall be cased in accordance with DOT standards. The collection system shall be installed in easements adjacent to the right-of-way. The Land Application/Drip System will be permitted through the Georgia Environmental Protection Division.
12. The development shall be limited to a maximum of three (3) 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.
13. 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.

14. 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."
 15. 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.
 16. All conditions of zoning shall be made part of any plats created for the property.
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Summary Analysis

The applicant is requesting to rezone a portion of a 253.58± acre tract from Agricultural Residential 1 (AR-1) to Planned Residential Development (PRD) for a 191-lot residential subdivision. The proposed development includes 191 single-family detached residences along with various amenity features. The overall proposed density for the development is 0.75 dwelling unit per acre.

The property is currently undeveloped. Yellow Creek runs north to south along the northeastern property line and bisects a portion of the eastern side of the parcel. This area is also within a FEMA flood zone. Surrounding properties are zoned and developed as follows:

- **North:** Agricultural Residential 1 (AR-1), Mix of undeveloped and agricultural uses including a horse farm (tax parcel 11128 000001A)
- **East:** Agricultural Residential 1 (AR-1), Developed with single-family residences and agricultural uses
- **South:** Vacation Cottage (V-C) and Agricultural Residential 1 (AR-1), Developed with single-family residences
- **West:** Agricultural Residential 1 (AR-1), Developed with single-family residences and agricultural uses including a chicken farm (tax parcel 11128 000001A)

Per the narrative, the proposed homes will be a minimum of 1,800 square feet of heated floor area and include at least three bedrooms, two bathrooms, and a two-car garage. Three lot sizes are proposed, with varying minimum frontages — ranging from 10,230 to 13,200 square feet, and 60 to 80 feet minimum lot widths —and will include a variety of architectural styles. Facades will feature architectural elements such as shake siding, board and batten siding, and stone or brick accents; architectural elevations were not provided to illustrate the home designs.

The development will have two access points from Yellow Creek Road, with the primary entrance designed as a parkway-style access with a landscaped median and a full access secondary entrance to the north. Community amenities will include a clubhouse/pavilion, swimming pool, pickleball courts, playgrounds,

pocket parks, sidewalks with connected walking trails, and a cluster mailbox unit (CBU) with associated parking located near the clubhouse.

The applicant proposes to maintain a total of 63.58 acres as secondary conservation area and a total of 69.4 acres of primary conservation area consisting of required vegetative buffers along property lines and stream buffers. Per the supplemental narrative dated April 21, 2025, the developer is in discussions with the North Georgia Land Trust to place these undeveloped portions of the property into permanent conservation.

The applicant held a community participation meeting on April 14, 2025 at the Hall County Public Library Murrayville Branch. Following community input, the applicant revised the plan to reduce the total number of lots from 253 to 191. In response to specific concerns:

- The LAS drip field was relocated 150–200 feet away from a neighboring chicken farm (tax parcel 11128 000001A), with fencing proposed.
- A portion of the site adjacent to an existing horse farm (tax parcel 11114 000003A), was removed from the development area and placed into conservation.
- The applicant is working with other adjacent landowners on specific requests including additional fencing and space for a potential American Chestnut tree orchard.

Per a separate supplemental narrative dated April 4, 2025, the applicant requests approval for three model homes prior to final plat approval. One sales trailer and one construction trailer are also proposed during the development period.

Water service will be provided by the City of Gainesville (confirmed March 27, 2025). Sanitary sewer service will be provided by on-site septic tanks and a shared community subsurface drip field system permitted by the Georgia Environmental Protection Division (EPD).

A traffic memo prepared by Southeastern Engineering, Inc. dated March 4, 2025, suggests that turn lanes may be needed at development access points along Yellow Creek Road, based on projected traffic volumes. The report summarizes that the additional trips generated by the proposed development are anticipated to not significantly impact safety and operations along Yellow Creek Road or adjacent intersections.

The development standards for the project are described in the table below and compared to the Planned Residential Development (PRD) standards outlined by the Hall County Unified Development Code (UDC):

Development Standard	Proposed	Required	Compliance
Site Area	253.58± acres	5 acres	Complies
Density	0.75 U/A	2 U/A (max)	Complies
Minimum Lot Area	42 Lots – 10,230 sf 82 Lots – 11,550 sf 67 Lots – 13,200 sf	8,000 sf	Complies
Minimum Lot Width	60 feet	50 feet	Complies

Front Yard	25 feet	25 feet	Complies
Side Yard	5 feet	5 feet	Complies
Rear Yard	20 feet	20 feet	Complies
Maximum Building Height	50 feet	50 feet	Complies
Minimum Heated Floor Area	1800 sq. ft.	N/A	N/A
Buffers	75-100 feet	50 feet	Complies
Landscaping	2 trees per lot	2 trees per lot	Complies
Sidewalks	Not depicted	5 feet on both sides of street	Unknown
Open Space	52.4%	30%	Complies
Cluster Mailbox Unit (CBU)	CBU with parking spaces	CBU with 11 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 “Rural Neighborhood”. The intent of this future land use designation is that these areas should consist of active farms and agricultural enterprises and low-density, large-lot single-family residential use with density up to 0.75 dwellings per acre. 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 development has an overall proposed density of 0.75 dwelling 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 proposal is unique as the majority of surrounding parcels are zoned AR-1 or Vacation Cottage (V-C) and consist of large lots occupied by low density residential and agricultural land uses. The individual lots of the proposed development are much smaller in comparison than surrounding property; however, the preservation of open space and lower density demonstrate principals of conservation subdivision design.**
- 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 City of Gainesville public water. Sanitary sewer services will be provided by on-site septic tanks and a shared community sub-surface drip field to be permitted through the Georgia Environmental protection division. Improvements such as turn lanes into the development from Yellow Creek Road are suggested by the submitted Traffic report.**
- 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. The "Rural Neighborhood" designation envisions a density of up to 0.75 dwelling units per acre which is consistent with the proposed development.**
- 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 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 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 low-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 memo from Southeastern Engineering, Inc. dated March 4, 2025. Per the report, "turn lanes may need to be considered on Yellow Creek Road at the driveway intersections. Based on the characteristics of Yellow Creek Road the additional trips generated by the development are anticipated to not significantly impact safety and operations along Yellow Creek Road or adjacent intersections."**

Development Support and Constraints

Hall County Environmental Health

In an email dated April 3, 2025, Emily McGahee stated, "No comment. Proposed sewage disposal to be permitted by EPD."

Georgia Department of Transportation

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

Hall County Public Works and Utilities

In a memo dated April 3, 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. Show FEMA and Hall County studied Flood plains that are present on site.

Traffic:

Both proposed accesses must meet Hall County requirements at a minimum decel lanes will be required.

Utilities

Hall County service area. No infrastructure in the area.

Hall County Fire Marshal

In an email dated April 2, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "If approved the plan may require modifications during the development review process."

Hall County Tax Assessor

In an email dated March 28, 2025, Cher Melendez stated, "CUVA 2016 covenant."