

**HALL COUNTY PLANNING COMMISSION
STAFF REPORT**

Applicant Taylor Morrison of GA, LLC

Request **Special Use** | amend conditions of zoning

Proposed Use Model homes & construction trailer

Size 116.04± acres

Zoning Planned Residential Development (PRD)

Location **3654 Friendship Road, 3760, 3746 & 3778 Friendship Circle** | Tax Parcels 15048 000008, 000007, 000025C & 000204A

Commission District One

Planning Commission Date June 16, 2025

Staff Recommendation **Approval, with conditions**, as the proposed use is consistent with the “Regional Activity Nodes and Corridors” future land use classification within the Comprehensive Plan

Record Number.....HZCU25-0022

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

Vote: 4-0 (Varner absent)

Planning Commission Conditions:

1. Development is approved as generally shown on the site plan dated December 6, 2024, and described in the project narrative dated April 25, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall occur as depicted on the site plan and described in the project narrative, per all conditions stated below. The Director of Planning and Zoning can approve any necessary changes provided:
 - a. No increase in overall density greater than 3.0 units per acre;
 - b. No decreased minimum lot area or width;
 - c. No decrease in minimum building setbacks;

- d. No decrease in buffers.
 - e. In geological or topographical constraints identified during development or engineering plans.
3. The developer shall be responsible for the cost of any improvements identified by the traffic study, and/or required by Hall County Engineer or the Georgia Department of Transportation.
4. The proposed residential development shall conform to §6.1.6.
 - a. All site plans shall indicate that the distance from the rear of the sidewalk to the garage meets or exceeds a minimum of 22 feet.
 - b. Open Space: minimum of 30%.
 - c. The Open Space and lot configuration shall be redesigned to meet §4.8.7.A.5 and §4.8.7.A.6., including the requirement that “6. The open space must be directly accessible to the largest practical number of lots within the subdivision. Non-adjointing lots must be provided with safe, convenient access to the open space.” The redesigned layout shall be approved by the Planning Director prior to submission of the application for a Preliminary Plat/LDP application.
 - d. Buffers: A minimum 50 undisturbed buffer shall be retained around the perimeter except along the rights-of-way of Friendship Circle and Friendship Rd. These shall have a 25 feet landscaped buffer, which will provide dense screening of the development. The landscape plan shall be approved by the Planning Director prior to the issuance of the LDP.
5. The proposed stormwater BMP (pond) shall be a part of the open space and shall be provided with county approved maintenance access.
6. Encroachment of state waters and stream buffers shall be allowed on individual lots, however encroachment into any of the 50 to 75 foot buffered area located on individual lots shall not be allowed, including any fencing, patios, and construction improvements.
7. Along the easement entrance there shall be a 50 foot planted vegetated buffer on both sides.
8. A hog wire fence shall be installed at the developer’s expense on the subject property along property lines adjoining tax parcels 15048 000026E, 15048 000174, and 15048 000026G.
9. The sales offices and construction trailer shall be removed within 30 days following the sale or occupancy of the final lot, whichever occurs first.
10. The construction trailer must be screened with landscaping or fencing to minimize visual impact on adjacent residential properties.
11. 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.”

12. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
13. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Excerpts from the minutes of the June 16, 2025 meeting

Applicant's Presentation:

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

Josh Wright, 4400 North Point Parkway, Suite 295, Alpharetta, presented the request. The applicant is requesting to amend the conditions of zoning on a combined 116.04± acres tract zoned Planned Residential Development (PRD) to allow for model homes and a construction trailer. Per the narrative, the applicant is requesting 2 townhome model homes with each townhome building consisting of 8 townhome units, 5 detached model homes, a construction trailer and 2 sales offices. The subject property was rezoned on November 17, 2022, from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) for a 349 unit residential development (ZON2022-00069). The rezoning approval was subject to nine conditions.

Public Forum:

There were no comments in support or opposition.

Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Shannon Davidson. Vote: 4-0 (Varner absent)

Conditions:

1. Development is approved as generally shown on the site plan dated December 6, 2024, and described in the project narrative dated April 25, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall occur as depicted on the site plan and described in the project narrative, per all conditions stated below. The Director of Planning and Zoning can approve any necessary changes provided:
 - a. No increase in overall density greater than 3.0 units per acre;
 - b. No decreased minimum lot area or width;

- c. No decrease in minimum building setbacks;
 - d. No decrease in buffers.
 - e. In geological or topographical constraints identified during development or engineering plans.
3. The developer shall be responsible for the cost of any improvements identified by the traffic study, and/or required by Hall County Engineer or the Georgia Department of Transportation.
4. The proposed residential development shall conform to §6.1.6.
 - a. All site plans shall indicate that the distance from the rear of the sidewalk to the garage meets or exceeds a minimum of 22 feet.
 - b. Open Space: minimum of 30%.
 - c. The Open Space and lot configuration shall be redesigned to meet §4.8.7.A.5 and §4.8.7.A.6., including the requirement that “6. The open space must be directly accessible to the largest practical number of lots within the subdivision. Non-adjointing lots must be provided with safe, convenient access to the open space.” The redesigned layout shall be approved by the Planning Director prior to submission of the application for a Preliminary Plat/LDP application.
 - d. Buffers: A minimum 50 undisturbed buffer shall be retained around the perimeter except along the rights-of-way of Friendship Circle and Friendship Rd. These shall have a 25 feet landscaped buffer, which will provide dense screening of the development. The landscape plan shall be approved by the Planning Director prior to the issuance of the LDP.
5. The proposed stormwater BMP (pond) shall be a part of the open space and shall be provided with county approved maintenance access.
6. Encroachment of state waters and stream buffers shall be allowed on individual lots, however encroachment into any of the 50 to 75 foot buffered area located on individual lots shall not be allowed, including any fencing, patios, and construction improvements.
7. Along the easement entrance there shall be a 50 foot planted vegetated buffer on both sides.
8. A hog wire fence shall be installed at the developer’s expense on the subject property along property lines adjoining tax parcels 15048 000026E, 15048 000174, and 15048 000026G.
9. The sales offices and construction trailer shall be removed within 30 days following the sale or occupancy of the final lot, whichever occurs first.
10. The construction trailer must be screened with landscaping or fencing to minimize visual impact on adjacent residential properties.

11. 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."
12. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
13. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Staff recommends APPROVAL of the applicant's request, with the following conditions:

1. Development is approved as generally shown on the site plan dated December 6, 2024, and described in the project narrative dated April 25, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall occur as depicted on the site plan and described in the project narrative, per all conditions stated below. The Director of Planning and Zoning can approve any necessary changes provided:
 - a. No increase in overall density greater than 3.0 units per acre;
 - b. No decreased minimum lot area or width;
 - c. No decrease in minimum building setbacks;
 - d. No decrease in buffers.
 - e. In geological or topographical constraints identified during development or engineering plans.
3. The developer shall be responsible for the cost of any improvements identified by the traffic study, and/or required by Hall County Engineer or the Georgia Department of Transportation.
4. The proposed residential development shall conform to §6.1.6.
 - a. All site plans shall indicate that the distance from the rear of the sidewalk to the garage meets or exceeds a minimum of 22 feet.
 - b. Open Space: minimum of 30%.
 - c. The Open Space and lot configuration shall be redesigned to meet §4.8.7.A.5 and §4.8.7.A.6., including the requirement that "6. The open space must be directly accessible to the largest practical number of lots within the subdivision. Non-adjoining lots must be provided with safe, convenient access to the open space." The redesigned layout shall be approved by the Planning Director prior to submission of the application for a Preliminary Plat/LDP application.

- d. Buffers: A minimum 50 undisturbed buffer shall be retained around the perimeter except along the rights-of-way of Friendship Circle and Friendship Rd. These shall have a 25 feet landscaped buffer, which will provide dense screening of the development. The landscape plan shall be approved by the Planning Director prior to the issuance of the LDP.
5. The proposed stormwater BMP (pond) shall be a part of the open space and shall be provided a county approved maintenance access.
6. Encroachment of state waters and stream buffers shall be allowed on individual lots, however encroachment into any of the 50 to 75 foot buffered area located on individual lots shall not be allowed, including any fencing, patios, and construction improvements.
7. Along the easement entrance there shall be a 50 foot planted vegetated buffer on both sides.
8. A hog wire fence shall be installed along the left property line, which joins Nancy Johnson's property.
9. The sales offices and construction trailer shall be removed within 30 days following the sale or occupancy of the final lot, whichever occurs first.
10. The construction trailer must be screened with landscaping or fencing to minimize visual impact on adjacent residential properties.
11. 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."
12. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
13. All conditions of zoning shall be made a part of any plats or construction plans 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 7.9.4.B.2.b.- Construction Trailer-** Trailers and storage areas may not be located within 200 feet of any residence.

- The applicant proposes that the construction trailer remain on-site until 100% of lots are occupied or sold. This could place the construction trailer within 200 feet of a residence.
2. **Section 7.9.4.C.2.e.- Temporary Sales Office-** Temporary sales offices must be removed when 75% of lots are occupied or sold.
- The applicant proposes a temporary sales office to remain on-site until 100% of lots are occupied or sold.

Summary Analysis

The applicant is requesting to amend the conditions of zoning on a combined 116.04± acres tract zoned Planned Residential Development (PRD) to allow for model homes and a construction trailer. Per the narrative, the applicant is requesting 2 townhome model homes with each townhome building consisting of 8 townhome units, 5 detached model homes, a construction trailer and 2 sales offices.

The subject property was rezoned on November 17, 2022, from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) for a 349 unit residential development (ZON2022-00069). The rezoning approval was subject to the following nine conditions:

1. The development shall occur as depicted on the site plan and described in the project narrative, per all conditions stated below. The Planning Director can approve any necessary changes provided:
 - a. No increase in overall density greater than 3.0 units per acre;
 - b. No decreased minimum lot area or width;
 - c. No decrease in minimum building setbacks;
 - d. No decrease in buffers.
 - e. In geological or topographical constraints identified during development or engineering plans.
2. The developer shall be responsible for the cost of any improvements identified by the traffic study, and/or required by Hall County Engineer or the Georgia Department of Transportation.
3. The proposed residential development shall conform to §17.180.060 Planned Residential Development (PRD) standards. No variances are granted as part of this request, unless specifically identified during the motion.
4. The proposed residential development shall conform to §16.60.
 - a. All site plans shall indicate that the distance from the rear of the sidewalk to the garage meets or exceeds a minimum of 22 feet
 - b. Open Space: minimum of 30%.
 - c. The Open Space and lot configuration shall be redesigned to meet §17.430.110.E and §17.430.11.F, including the requirement that " F. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the open space." The redesigned layout shall be approved by the Planning Director prior to submission of the application for a Preliminary Plat/LDP application.

- d. Buffers: A minimum 50 undisturbed buffer shall be retained around the perimeter except along the rights-of-way of Friendship Circle and Friendship Rd. These shall have a 25 feet landscaped buffer, which will provide dense screening of the development. The landscape plan shall be approved by the Planning Director prior to the issuance of the LDP.
 - e. Architectural standards: All facades of all residences shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non3 of 10 residential buildings shall be prohibited.
5. A homeowner's association shall be required to maintain the common ownership elements of the development.
 6. The proposed Stormwater BMP (pond) shall be a part of the open space and shall be provided a county approved maintenance access.
 7. Encroachment of state waters and stream buffers shall be allowed on individual lots, however encroachment into any of the 50 to 75 foot buffered area located on individual lots shall not be allowed, including any fencing, patios, and construction improvements.
 8. 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."
 9. All conditions of zoning shall be made part of any plats created for the property.
 10. This approval shall be valid for 12 months after sewage is available to this property.
 11. Along the easement entrance there shall be a 50 foot planted vegetated buffer on both sides.
 12. A hog wire fence shall be installed along the left property line, which joins Nancy Johnson's property.

The surrounding properties are zoned and developed as follows:

- North: Agricultural Residential 1 (AR-1), Highway Business (H-B), Planned Commercial Development (PCD) & City of Flowery Branch (M-2): Developed with a church, single-family residences, and undeveloped vacant lots.
- East: Agricultural Residential 1 (AR-1): Developed with single-family residences.
- South: Gwinnett County.
- West: Planned Residential Development (PRD) & Residential 1 (R-1): Developed with single-family residences and undeveloped single-family development.

Per the submitted site plan and narrative, the applicant is requesting to amend the original rezoning conditions to allow for the placement of two townhome model homes with each townhome building consisting of 8 townhome units, five detached single-family model homes, a construction trailer, and two sales offices. The applicant proposes that the sales offices and construction trailer would remain on-site until all lots are either sold or fully occupied. If approved, the construction trailer would be permitted to remain within the required 200-foot setback from a residential structure for the duration of the project. The project consists of three phases. Phase One will be townhomes, detached single-family residences and the amenity area. Phases Two and Three will be detached single-family residences.

Per the submitted site plan and narrative, the proposed townhome model homes, including one sales office, will be in the townhome buildings located on lots 66-73 and 74-81. The detached single-family model homes, including one sales office, will be located on lots 29-33. The construction trailer will be centrally located for the three phases on lot 119.

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 amendments to the site plan and conditions are suitable in view of the use and development of adjacent and nearby properties.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the proposed amendments to the development would adversely affect adjacent or nearby property.**
- 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, approval by the Board of Commissioners is required to amend conditions of zoning.**
- 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 proposed amendments are 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 zoning designation has been established by previous board action with the original approval of the development. The requested modification does not significantly impact the designated future land use of the area.**
- 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 values 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 subject property is currently zoned Planned Residential Development (PRD) and is being developed under a land disturbance permit (HDEV24-0128).**
- 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; **As the request is to amend zoning conditions of an existing Planned Residential Development (PRD), this 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; **The request is not out of scale with the needs of the immediate neighborhood or 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; **The existing zoning of the subject site supports the proposed use; however, the request to amend the condition requires 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 to amend conditions 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 May 13, 2025, Emily McGahee stated "No comment. Public sewer."

Georgia Department of Transportation

In an email dated May 8, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is required.

Hall County Public Works and Utilities

In a memo dated May 16, 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 wooded vegetation not centerline of stream.

Show FEMA and Hall County studied Flood plains that are present on site.

Traffic:

No comment.

Utilities:

The new Friendship Road gravity sewer line runs through this property. It is available for connection.

Hall County Fire Marshal

In an email dated May 8, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."