

**HALL COUNTY BOARD OF COMMISSONERS
STAFF REPORT**

Applicant K2P Land Partners, LLC

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

Proposed Use 700 unit residential development

Size 84.30± acres

Zoning Residential Multi-Family (R-MF)

Location **5401 Old Winder Highway** | Tax Parcel 15039A
000007(pt)

Commission District One

Commission Date February 26, 2026

Staff Recommendation **Approval, with conditions**, as the proposed amendment is consistent with the previous approval and improvements to State Route 211 are under the Georgia Department of Transportation jurisdiction.

Record Number.....HZCU25-0061

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

1. The property shall be developed in accordance with the site plan revised on October 3, 2025, and as described in the amended project narrative dated October 3, 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 320 apartments and 380 total townhomes or stacked flats.
3. The minimum heated floor area (HFA) for the townhomes shall be 1,800 square feet. The minimum heated floor area (HFA) for the stacked flats shall be 1,400 square feet.
4. All townhomes shall provide two-car garages in addition to driveways that can accommodate two cars parked side-by-side. Garages may be front or rear loaded.
5. All stacked flats shall provide a one-car garage per flat, at minimum, in addition to

driveways that can accommodate one parked car. Garages may be front or rear loaded.

6. Amenities including playgrounds, outdoor pavilions, picnic areas, pool, pickleball court, and mail kiosks 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.
7. Model homes shall be limited to one townhome building and one stacked flat building prior to approval and recording of the Final Plat. Model home permits may be issued prior to Final Plat recording provided that hard surface (crusher run) access is provided and fire protection (functioning hydrant) is located within 500 feet of any structure under construction. No certificates of occupancy shall be issued to a residence prior to Final Plat recording.
8. Developer is allowed a maximum of one sales office trailer for the townhome/stacked flats portion of the development. This office shall be removed at time of sale of the last unit. One temporary leasing office trailer is permitted for the apartment complex which shall be removed upon issuance of the Certificate of Occupancy for the apartment building containing the permanent leasing office.
9. The restrictive covenants for the subdivision and the documents establishing the property owner's association shall be submitted for review. These documents shall include a provision that assures 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.
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. It shall be the developer's responsibility to obtain any required approvals or permits.
11. 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.
12. 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.
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. The following statement regarding the potential impacts of industrial 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 the existing and commercial and industrial practices which may take place on adjacent and nearby properties including, but not limited to, noise, odors, dust, the operation of machinery and motor vehicles. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
15. The following statement regarding the potential impacts of the nearby motor raceway 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 the existing motor raceway venue on adjacent and nearby properties including but not limited to noise, odors, dust, the operation of motor vehicles, traffic, crowds, and other effects associated with such venues. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
16. 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.
17. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
18. Developer shall install a solid wood or chain link fence from Hwy 211 along the property line to the terminus of parcel# 15038 000010 at the developer's expense.
19. No certificates of occupancy shall be issued until the SR 211 widening project (PI 0007233. SR 211 from SR 347 to SR 53) is within 12 months of the original contract completion date that will be established upon the Georgia Department of Transportation awarding a construction contract to a contractor.
20. An environmental study must be completed prior to the issuance of a land disturbance permit (LDP) per the Hall County Unified Development Code.
21. To protect Mulberry Creek, there shall be a three-phase erosion control plan including Best Management Practices (BMP) per the Manual for Erosion and Sediment Control by the Georgia Soil and Water Conservation Commission.

22. The proposed parkway shall be built to heavy industrial/commercial standards. This parkway shall be three (3) lanes down to the fifth (5th) entrance/creek.

Summary Analysis

The applicant is requesting to amend a condition of zoning on an 84.30± acre portion of a tract zoned Residential Multi-Family (R-MF) to allow a 700 unit residential development consisting of 320 apartment units and 380 townhomes and stacked flats with various amenity features. The overall proposed density for the development is 8.3 units per acre.

A concurrent request has been submitted to amend the same condition of zoning as related to the remainder of the subject parcel, 194.10± acres, to Light Industrial (I-1) to accommodate approximately 1,719,640 square feet of warehouse space (HZCU25-0062).

On October 7, 2025, the Board of Commissioners approved the rezoning of the subject 84.30± acre tract and the adjacent 194.10± tract subject to the same following 22 conditions:

1. The property shall be developed in accordance with the site plan revised on October 3, 2025, and as described in the amended project narrative dated October 3, 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 320 apartments and 380 total townhomes or stacked flats.
3. The minimum heated floor area (HFA) for the townhomes shall be 1,800 square feet. The minimum heated floor area (HFA) for the stacked flats shall be 1,400 square feet.
4. All townhomes shall provide two-car garages in addition to driveways that can accommodate two cars parked side-by-side. Garages may be front or rear loaded.
5. All stacked flats shall provide a one-car garage per flat, at minimum, in addition to driveways that can accommodate one parked car. Garages may be front or rear loaded.
6. Amenities including playgrounds, outdoor pavilions, picnic areas, pool, pickleball court, and mail kiosks 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.
7. Model homes shall be limited to one townhome building and one stacked flat building prior to approval and recording of the Final Plat. Model home permits may be issued prior to Final Plat recording provided that hard surface (crusher run) access is provided and fire protection (functioning hydrant) is located within 500 feet of any structure under construction. No certificates of occupancy shall be issued to a residence prior to Final Plat recording.
8. Developer is allowed a maximum of one sales office trailer for the townhome/stacked flats portion of the development. This office shall be removed at time of sale of the last unit. One temporary leasing office trailer is permitted for the apartment complex which shall be removed upon issuance of the Certificate of Occupancy for the apartment building containing the permanent leasing office.
9. The restrictive covenants for the subdivision and the documents establishing the property owner's association shall be submitted for review. These documents shall include a provision

that assures 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.

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. It shall be the developer's responsibility to obtain any required approvals or permits.
11. 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.
12. 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.
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. The following statement regarding the potential impacts of industrial 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 the existing and commercial and industrial practices which may take place on adjacent and nearby properties including, but not limited to, noise, odors, dust, the operation of machinery and motor vehicles. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
15. The following statement regarding the potential impacts of the nearby motor raceway 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 the existing motor raceway venue on adjacent and nearby properties including but not limited to noise, odors, dust, the operation of motor vehicles, traffic, crowds, and other effects associated with such venues. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
16. 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.
17. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
18. Developer shall install a solid wood or chain link fence from Hwy 211 along the property line to the terminus of parcel# 15038 000010 at the developer's expense.

19. There shall be no certificates of occupancy issued until the Georgia Department of Transportation (GDOT) is within 12 months of the completion of the 'dog-bone roundabout'.
20. An environmental study must be completed prior to the issuance of a land disturbance permit (LDP) per the Hall County Unified Development Code.
21. To protect Mulberry Creek, there shall be a three-phase erosion control plan including Best Management Practices (BMP) per the Manual for Erosion and Sediment Control by the Georgia Soil and Water Conservation Commission.
22. The proposed parkway shall be built to heavy industrial/commercial standards. This parkway shall be three (3) lanes down to the fifth (5th) entrance/creek.

Per the submitted narrative, the applicant requests amendment to Condition 19. The entrance to the development was previously proposed approximately midway between Pleasant Hill Lane and Ridgemoor Drive, featuring a Georgia Department of Transportation (GDOT) dog-bone design roundabout providing access to Old Winder Highway (State Route 211). The applicant states that after the zoning approval, the dogbone roundabout was eliminated by GDOT and the newly proposed GDOT entrance to the development will be located at the intersection with Ridgemoor Drive. All intersection improvements will be designed and constructed to GDOT standards and shall be paid for by the applicant. As the “dog-bone roundabout” is specifically identified in Condition 19, an amendment to condition is required.

Existing Approved Condition 19

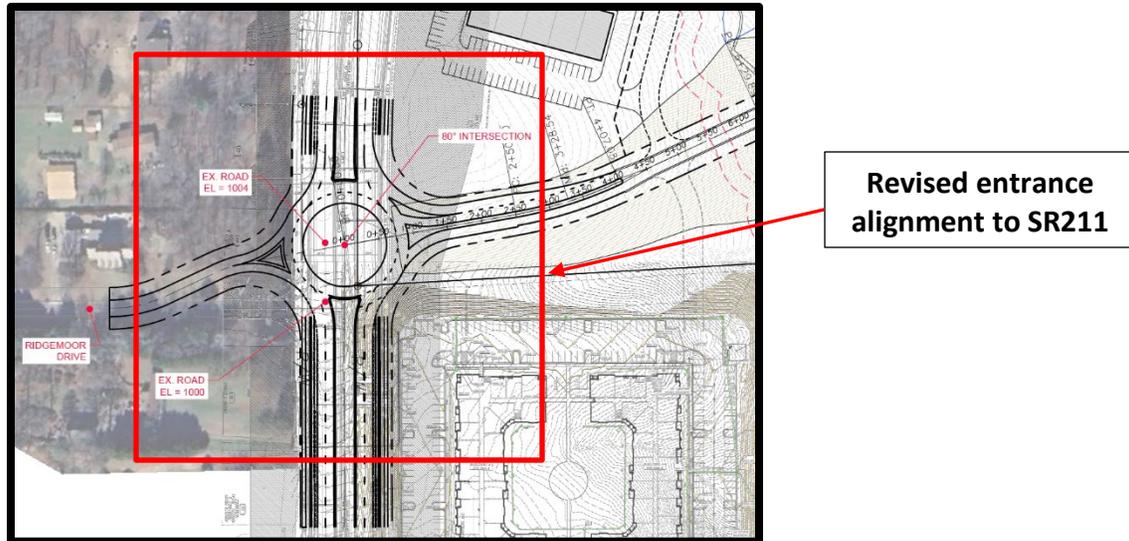
There shall be no certificates of occupancy issued until the Georgia Department of Transportation (GDOT) is within 12 months of the completion of the 'dog-bone roundabout'.

Applicant Proposed Condition 19

“Certificates of occupancy shall be issued within 12 months of completion of the GDOT mandated improvements located at the intersection of the Subject Property and Ridgemoor Drive, as shown on the attached.”

Staff Recommended Revised Condition 19

No certificates of occupancy shall be issued until the SR 211 widening project (PI 0007233. SR 211 from SR 347 to SR 53) is within 12 months of the original contract completion date that will be established upon the Georgia Department of Transportation awarding a construction contract to a contractor.



Zoning Analysis

When considering a zoning amendment to the zoning maps, the 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 amendment is suitable in view of the use and development of adjacent and nearby property. Additionally, improvements to Old Winder Highway (State Route 211) fall under the jurisdiction of the Georgia Department of Transportation (GDOT).**
- 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 amendment 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 from 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 amendment 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 zoning designation was established by previous board action with the original approval of the development. The requested amendment does not alter the approved land use of the area.**

- f) The extent to which property values are diminished by the existing zoning restrictions; **The current zoning restrictions require the developer to meet a condition under GDOT's jurisdiction, which effectively prevents the developer from proceeding with the project unless GDOT completes the associated improvement.**
- 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; **The hardship associated with the current zoning is due to the restrictions requiring the developer to meet a condition under GDOT's jurisdiction, which effectively prevents the developer from proceeding with the project unless GDOT completes the associated improvement. Without amendment of this condition, the project cannot take place.**
- 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 was rezoned Light Industrial (I-1) on October 7, 2025, and remains undeveloped and forested.**
- 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; **The Georgia Department of Transportation (GDOT) has revised its State Route 211 improvement plans, requiring the developer to adjust their project accordingly.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **As the request is to amend zoning conditions of an approved Light Industrial development, this amendment does not create an isolated district unrelated to surrounding zoning.**
- 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 amendment 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; **A request to amend the conditions of zoning 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 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. **In a traffic study conducted by NV5**

update on June 3, 2025, in association with the previously approved rezoning, the following recommendations were provided:

- “While the proposed site access would operate satisfactorily as an R-Cut, the addition of 936 heavy trucks per day to the highway from the development present a safety concern for slow-moving, U-turning trucks movement bound for I-85 along SR 211. Instead, a multilane roundabout would operate better at the proposed driveway allowing the large vehicles to safely exit the site while maintaining traffic flow along the highway. Since the widening project is still several years away, the multi-lane roundabout could be initially constructed as a single-lane roundabout until the GDOT project is completed. Other than improvements at the proposed access to SR 211, no changes to the surrounding intersections are necessary to mitigate the impact of the proposed development.”

Development Support and Constraints

Hall County Environmental Health

In an email dated January 15, 2026, Emily McGahee stated, “No comment. Public sewer.”

Georgia Department of Transportation

In an email dated January 13, 2026, Christopher Hash, P.E., GDOT D1 Traffic Operations Supervisor, stated “Will need to permit with our office.”

Gainesville-Hall Metropolitan Planning Organization

In an email dated January 12, 2026, Joseph Boyd, MPO Director, provided the following comment:

This parcel is along State Route 211, which is scheduled to be begin a widening project from two to four lanes in 2029. (GH-025/PI 0007233). The applicant should coordinate with the Georgia Department of Transportation regarding right-of-way impacts.

Hall County Public Works and Utilities

In a memo dated January 16, 2026, Jason Skarda, Assistant 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 no centerline of stream. Show FEMA and Hall County studied Flood plains that are present on site.

Traffic:

Comment being vetted separately with Planning/Zoning and will be provided upon approval.

In an email dated January 14, 2026, Brent Cook, Hall County Engineer, provided an update to these comments recommending the following condition:

“No certificates of occupancy shall be issued until the SR 211 widening project (PI 0007233. SR 211 from SR 347 to SR 53) is within 12 months of the original contract completion date that will be established upon the Georgia Department of Transportation awarding a construction contract to a contractor.”

Utilities

Hall County sewer service area; infrastructure is on-site (12” gravity line)

Hall County Fire Marshal

In an email dated January 15, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”