

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Kent Henderson

Request **Rezone** | from Agricultural Residential 1 (AR-1) & Vacation Cottage (V-C) to Residential 1 (R-1)/Conservation Subdivision (CS)

Proposed Use 56-lot single-family subdivision

Size 38.83± acres

Zoning **Current:** Agricultural Residential 1 (AR-1) & Vacation Cottage (V-C) | **Proposed:** Residential 1 (R-1) /Conservation Subdivision (CS)

Location **4431 Jim Hood Road & 4474 Highland Road** | Tax parcels 12002 000001A & 12001 000006(pt)

Commission District Three

Planning Commission Date June 25, 2026

Staff Recommendation **Denial**, as the proposed zoning is inconsistent with the “Rural Neighborhood” future land use classification within the Comprehensive Plan.

Record Number.....HZON26-0017

Staff recommends DENIAL of the applicant’s request. However, if the Commission chooses to approve this request, staff recommends the following conditions:

1. The property shall be developed in accordance with the site plan dated April 27, 2026, and narrative received April 28, 2026, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. 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.
3. The applicant shall identify the entity responsible for ownership and maintenance of all required open space and common facilities within the subdivision. Should a Homeowners Association (HOA) be established, membership in the HOA shall be mandatory for all property owners within the subdivision and for all future successors.

4. 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 Unified Development Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

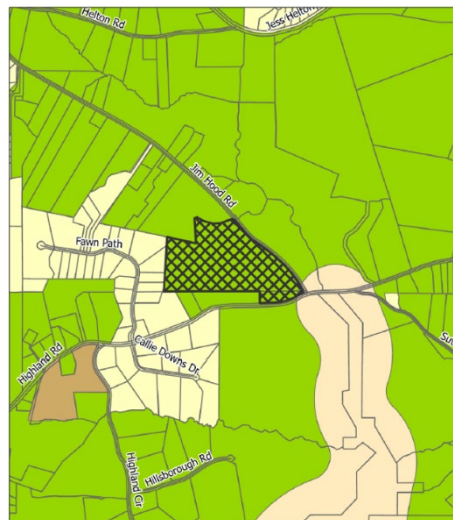
- **Section 4.8.7.A.5 – Open Space** - At least 75 percent of the open space must be contiguous. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
 - The applicant proposes 6.54± acres of contiguous open space out of the dedicated 19.73± acres, which equals 33.1%.
 - Separately, the applicant proposes 12.93± acres of contiguous open space out of the dedicated 19.73± acres, which equals 65.5%.

Summary Analysis

The applicant is requesting to rezone a combined 38.83± acre tract from Agricultural Residential 1 (AR-1) and Vacation Cottage (V-C) to Residential 1 (R-1)/Conservation Subdivision (CS) for a 56-lot single-family residential subdivision. The property is currently undeveloped. West Fork Little River runs along the northern property boundary, and the property is affected by County Studied and FEMA Flood Zones. Additionally, the property is bisected by a 40 foot utility easement for Atlanta Gas Light Company.

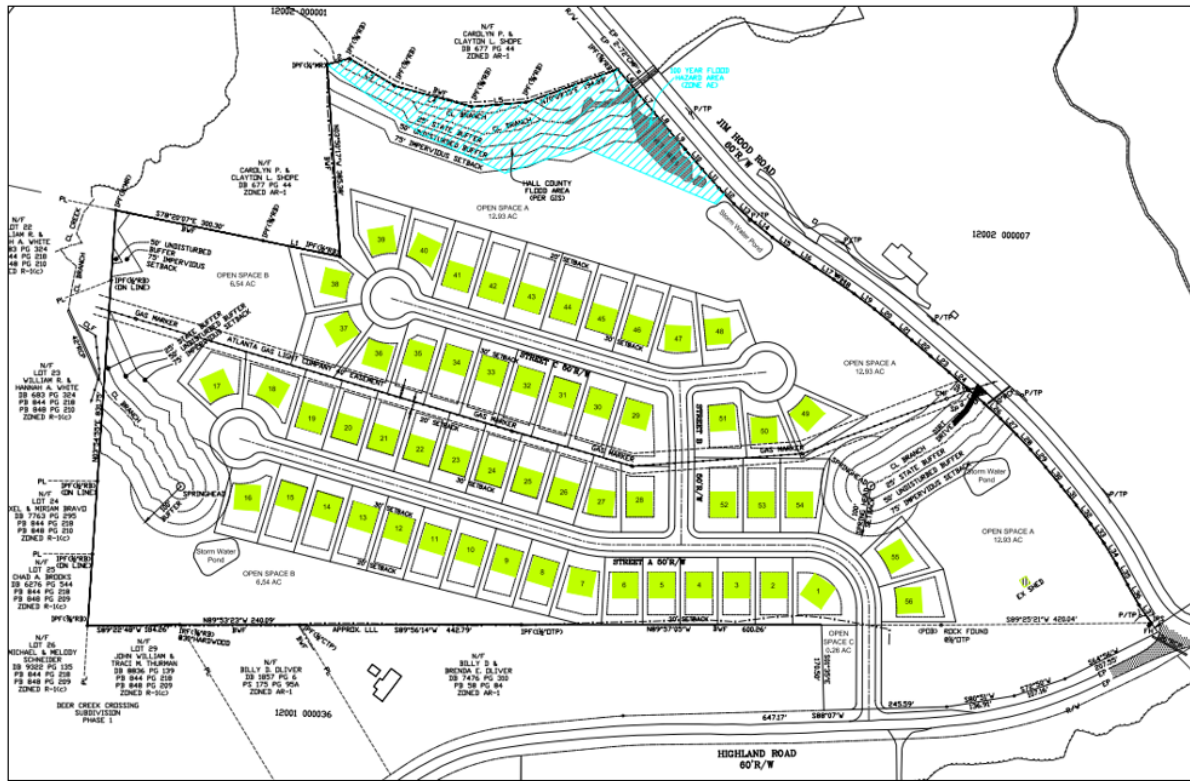
The surrounding properties are zoned and developed as outlined below:

- North: Agricultural Residential 1 (AR-1): Single-family residences
- East: Agricultural Residential 1 (AR-1) & Vacation Cottage (V-C): Single-family residences
- South: Agricultural Residential 1 (AR-1) & Vacation Cottage (V-C): Single-family residences; Residential (R-1): Deer Creek Crossing subdivision
- West: Agricultural Residential 1 (AR-1): Single-family residence; Residential 1 (R-1): Deer Creek Crossing subdivision



Per the narrative, the applicant is requesting to rezone the property from Agricultural Residential 1 (AR-1) and Vacation Cottage (V-C) to Residential 1(R-1)/Conservation Subdivision (CS) for a 56-lot single-family conservation subdivision. The Unified Development Code states that a conservation subdivision is designed to allow for the development of subdivisions that cluster development and provide for

preservation of natural resources or open space as an alternative to conventional subdivision development.



The development standards for the project are identified in the table below and compared to the Conservation Subdivision requirements:

Standard	Proposed	Conservation Subdivision	Compliance
<p>4.8.4 - Maximum Yield and Housing Density</p>	<p>Maximum yield: 56 lots Density: 1.44 dwelling units per acre</p>	<p>The maximum yield is the total number of lots on which dwelling units may be constructed. The maximum yield is determined by dividing the total area to be subdivided (38.83 acres) by the minimum lot area specified in this UDC for the zoning district for that tract of land (0.5 acres). The proposed zoning is R-1 which allows a density of 2 units/acre or 77 lots.</p>	<p>Complies with R-1 density</p>
<p>4.8.5- Dimensional Standards</p>	<p>Minimum lot size: 10,000 sf</p>	<p>Once the maximum yield is determined pursuant to Sec. 4.8.4, the preliminary plat must be submitted which meets the requirements of this Sec. 4.8. and Article 9 of this UDC. The minimum lot size is determined by dividing the total</p>	<p>Complies</p>

		area of the land to be subdivided, less the area of the open space, by the associated maximum yield. The lots in a conservation subdivision may be less than the minimum lot size required by this UDC for the zoning district for that tract of land, provided that each lot must have an area of at least 10,000 square feet.	
4.8.7.A.1- Open space	Minimum Open Space acreage required: 15.53 acres (40%) Proposed Open Space acreage: 19.47 acres (50%)	The open space must comprise at least 40 percent of the gross lot area.	Complies
4.8.7.A.5- Open Space	Contiguity of open space: Open Space A 33.1% Open Space B 65.5%	At least 75 percent of the open space must be contiguous. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.	Deficient
4.8.7.D.1- Ownership and Management of Open Space	Not provided	The applicant must identify an owner of the open space who will be responsible for maintaining the open space and any common facilities located within the subdivision. If a Homeowners Association is to be the owner, membership in the association is required for all homeowners of the subdivision and their successors	Unknown

The applicant has provided the following sample elevations for the development.



Water service will be provided by the City of Gainesville as confirmed in a water availability letter dated May 15, 2026. Sanitary sewer services will be provided by private community sewer system.

Based on the future land use plan, staff finds the requested rezoning *is inconsistent* with the Hall County Comprehensive Plan and the future land use designation of Rural Neighborhood within the North Hall Character Area. These areas should consist of active farms and agricultural enterprises and low-density, ***large-lot single-family residential 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. ***This density for this development is 1.44 units per acre.***

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 rezoning would permit residential lots substantially smaller than those in the surrounding area. Currently, all surrounding lots are 1 acre in size or larger and the proposed lot sizes average 12,057 square feet. Furthermore, the proposed zoning is not suitable as the proposed residential density exceeds the intensity supported by the Future Land Use Plan.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed residential density exceeds the level supported by the Comprehensive Plan as well as the density compatibility with surrounding development patterns; therefore, the rezoning may create a larger development impact than is envisioned for this area.**
- 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.**

- 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; **Based upon the existing and envisioned development patterns for this area as outlined in the comprehensive plan, the zoning proposal could cause an excessive or burdensome use of 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 zoning district is not compatible with the Rural Neighborhood land use designation, and the proposed density exceeds the maximum residential density established for that designation in the Comprehensive Plan.**
- 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.**
- 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 not create an isolated district as the subject property is adjacent to an established R-1 residential subdivision to the west; however, the surrounding subdivisions are developed with lots exceeding the minimum 35,000 sq ft lot size and are all 1 acre or larger.**
- 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; however, it is out of scale with the immediate neighborhood and is inconsistent with the Future Land Use designation of Rural Neighborhood.**

- n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **Rezoning is required for the proposed submissions as there are no parcels currently zoned for the proposed development as submitted.**
- o) Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request for rezoning 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

- a. 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.**
- b. 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 a memorandum dated May 19, 2026, Hall County Environmental Health Department stated, "The entire development must be developed on public sewer or EPD permitted sewage treatment system. No onsite sewage management systems to be permitted by Environmental Health. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled."

Georgia Department of Transportation

In an email dated May 18, 2026, Christopher Hash, P.E., GDOT D1 Traffic Operations Supervisor, stated, "Off system, no impacts expected to the State Route."

Hall County Public Works and Utilities

In a memorandum dated May 22, 2026, Jorge Gomez, 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 that meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Show stream buffer and impervious setback from wretched vegetation, not centerline of stream.

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

Traffic:

All development roadways shall comply with the appropriate Hall County traffic/Engineering standard, for example TE-1 for a residential typical section with curb and gutter and no sidewalk. The driveway shall comply. At a minimum, with TE-21 intersection sight for drivers and roadways, TE-22/ stopping sight distance for drives and roadways and TE-23/Typical driveway/Roadways with decel lane.

Utilities:

No comment. Development is going to be served by a private sewer system. Private sewer systems shall be reviewed and approved by Georgia EPD.

Hall County Fire Marshal

In a memorandum dated May 15, 2026, Hall County Fire Marshal's Office, stated, "The Hall County Fire Marshal's Office has no comments as proposed."