

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Cook Communities

**Request** ..... Use Subject to County Commission approval

**Proposed Use** ..... 5-lot subdivision

**Size** ..... 5.8± acres

**Zoning** ..... AR-III

**Location** ..... On the east side of Leach Road  
approximately 1,828 feet from its intersection  
with Willie Robinson Rd.; a.k.a. 4034 Leach  
Rd.; Tax Parcel 10050 000008 (pt.)

**Commission District** ..... Two

**County Commission Date** ..... June 24, 2021

**Staff Recommendation** ..... **Approval, with conditions**

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**Planning Commission Recommendation – Approval, with conditions**  
**Vote: 4-0 (Mr. Varner absent)**

**Conditions**

√	1. <i>The minimum heated area shall be 1,800 square feet for each home.</i>
√	2. <i>All homes shall include a two-car garage.</i>
√	3. <i>Exterior finishes of the homes shall be Hardie siding/panel, brick, or stone exclusively.</i>
√	4. <i>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:</i>  <i>“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.”</i>
√	5. <i>All conditions of approval shall be made part of any plat created for the property.</i>

√ **Applicant agrees with conditions.**

## **Applicant Proposal**

The applicant is requesting to subdivide a 5.8± acre tract into five building lots for future residences. Any subdivision within the Agricultural-Residential-III (AR-III) zoning district which is greater than two lots, requires approval from the Board of Commissioners. The applicant has submitted an exhibit with their application showing five proposed lots, which their narrative describes as a minimum of 1 acre each. The proposed residences would be a minimum of 1,800 heated square feet, with three bedrooms and two baths, a two car garage, and exteriors exclusively of Hardie siding/panel, brick, or stone.

The applicant has also an additional application, being considered at the same to this request, to rezone the remaining 67.9± acres across Leach Road to R-I for a 23 lot subdivision, independent from this request.

## **History and Existing Land Uses**

The subject property is approximately 5.86± acres and is part of a larger 74.13± acre tax parcel zoned Agricultural Residential-III (AR-III). The subject property is wooded and undeveloped, and contains no identified creeks, streams, springheads or floodplains. It is adjacent to an existing power station.

This appears to be the original zoning per Hall County records.

## **Comprehensive Plan Land Use Designation**

The subject property is located within the “Lake Area Residential” land use designation. This land use designation is characterized by detached low-density single-family residential development, less intensive agricultural uses, greenways and trails, and civic-benefit uses such as community centers, libraries, places of worship and schools.

The request is consistent with the Comprehensive Plan.

## **Development Support and Constraints**

### **Hall County Environmental Health**

In an email dated May 4, 2021 Emily McGahee commented: “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.”

### **Hall County Fire Services**

The subject parcel is located approximately 0.75 miles from Hall County Fire Station #3, located at 4460 Ledan Extension. The nearest fire hydrant located at the intersection of Willie Robinson Rd. and Ledan Extension.

### **Hall County Public Works and Utilities**

In a memorandum dated May 5, 2021, Srikanth Yamala, Director of Public Works and Utilities, stated the following:

Engineering: Further subdivisions of these lots will result in the necessity of a stormwater

management plan if the total number of lots reaches more than 6.

Traffic: All proposed driveways shall meet the minimum required sight distance based on the posted speed limit.

Utilities: No comment

#### Hall County Tax Assessors

No comments were provided.

#### Gainesville Water Resources

The Hall County GIS shows that public water is available to the subject property within approximately 2,500 feet along Ledan Extension from the City of Gainesville. No service availability letter or verification was provided with the application.

#### Georgia Department of Transportation

In an email dated April 26, 2021 GDOT Assistant District Traffic Engineer Jonathan Peevy indicated this project will not require GDOT coordination.

### **Zoning Analysis**

- The proposed use request is consistent with the Comprehensive Plan, as it meets the target density of one dwelling unit per acre described for the “Lake Area Residential” land use designation.
- Per §17.240.010, the minimum lot size for lots within AR-III zoning district shall be at least 1 acre in size where served by public water.
  - The minimum lot size the applicant is proposing will require connection to public water. According to Hall County GIS water is available within approximately 2,500 feet of the subject property, however no letter of availability was provided with this application.
  - For lots served by private well, the minimum required lot size will be 1.5 acres.
- §17.20.720 of the Official Code of Hall County defines a *minor subdivision* as the subdivision of land into a total of two conforming lots, parcels, tracts or building sites during a 12-month period. §17.20.1210 of the Hall County Zoning Regulations defines a *subdivision* as the division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale, legacy, a new street or a change in existing streets, and includes re-subdivision.
  - Within the AR-III zoning district, subdivisions of land greater than a minor subdivision require approval of the county commission.
- §17.240.010 of the Official Code of Hall County designates lots within AR-III zoning districts to have a minimum 50 feet of lot frontage when along roads classified as local.
  - The proposed lots meet this requirement.
  - Leach Road is designated as a local road.

## **Staff Recommendation**

Staff recommends **approval** of the applicant's request with the following conditions:

1. The minimum heated area shall be 1,800 square feet for each home.
2. All homes shall include a two-car garage.
3. Exterior finishes of the homes shall be Hardie siding/panel, brick, or stone exclusively.
4. 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.”

5. All conditions of approval shall be made part of any plat created for the property.

## **Excerpts from the minutes of the meeting of May 17, 2021**

### **Applicant's Presentation:**

**Sarah McQuade, Planning Director**, presented a summary of the request.

**Jane Range, 200 E E Butler Parkway, Gainesville**, presented the request. Ms. Range stated that she was representing the applicant. She stated that the applicant is requesting five lots, none being less than 1 acre. She reviewed the site plan with the Planning Commissioners. Ms. Range also stated that the applicant agrees with all of the staff conditions. She also reviewed renderings showing the style and look of the homes. Ms. Range stated that Leach Road do not have many curves through that area, therefore the road frontage and site distance from the driveways would be good. She stated that no drainage would be required. Ms. Range stated that she believed that this would be a good opportunity for the area. Mr. Braswell asked if the minimum lot size for a subdivision that does not have access to public water was still 1 acre. Ms. McQuade stated that without access to public water, the minimum lot size was 1.5 acres. Ms. Range stated that if both portions of the subdivision were approved, it would make more sense to get public water access. If only this portion of the subdivision was approved, they would reconfigure the lots to meet the 1.5 acre minimum.

### **Public Forum:**

No one spoke in favor or opposition of the request.

**Motion:**      ***Mr. Hunt made a motion to recommend approval, with conditions for the request, with a second from Ms. Pilcher and the motion passed by a 4-0 vote. (Mr. Varner absent)***

*Conditions:*

- 1. The minimum heated area shall be 1,800 square feet for each home.*
- 2. All homes shall include a two-car garage.*
- 3. Exterior finishes of the homes shall be Hardie siding/panel, brick, or stone exclusively.*
- 4. 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.”*
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