

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant AK Chan

Request Amend conditions of zoning

Proposed Use 6-lot subdivision

Size 16.00± acres

Zoning R-I

Location On the east side of the intersection of Green Drive and Clarks Bridge Road; a.k.a. 0 Clarks Bridge Road; Tax Parcel 10156 000009

Commission District Three

County Commission Date October 14, 2021

Staff Recommendation **Approval, with conditions**

Planning Commission Recommendation – Approval, with conditions
Vote: 5-0 vote

Conditions

√	1. <i>The original zoning conditions from 2006 rezoning approval shall not apply and the development standards submitted as part of this application shall take precedence.</i>
√	2. <i>Development will be limited to homes having no less than 2,200 square feet of heated floor space, with the exception of the existing residence on Lot 6/Outparcel.</i>
√	3. <i>The applicant shall coordinate with the Georgia Department of Transportation (GDOT) and Hall County Engineering to obtain the necessary driveway permits for access off Clarks Bridge Road and/or Green Drive.</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: “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>A final plat shall be recorded before any building permit applications are submitted to Hall County.</i>
√	6. <i>All conditions of zoning shall be made part of any plat created for the subdivision.</i>

√ **Applicant agrees with conditions.**

Applicant Proposal

The applicant is requesting to reconfigure a 16.00± acre tract into six (6) separate building lots; however, the proposed configuration differs significantly from a previous zoning request, which was conditioned to be developed in accordance with the submitted site plan. The applicant is proposing a reconfiguration of the six previously approved building lots to the following standards:

Tract	Area	Road Frontage	Lot Status
1	1.62 acres	255 feet (Clarks Bridge Road)	New
2	1.55 acres	327 feet (Clarks Bridge Road) 86.31 feet (Green Drive)	New
3	2.28 acres	89 feet (Green Drive)	New
4	2.46 acres	90 feet (Green Drive)	New
5	8.82 acres	278 feet (Green Drive)	New
Lot 6/Outparcel	1.00 acres	270 feet (Clarks Bridge Road)	Created by deed in 2019

The reconfigured lots will vary in size from 1.00 acres to 8.82 acres. Currently, the one (1) acre parcel contains the original home site and was established by deed in 2019 by the previous property owner. The current applicant is requesting to reconfigure the remaining five (5) building lots approved in 2006.

The applicant is requesting access to Clarks Bridge Road (SR 284) for Lot 1 on the site plan; all other lots will access Green Drive. The applicant is proposing no change to the minimum house size of 2,200 heated square feet. All lots meet the minimum road frontage requirements for both Clarks Bridge Road (150 feet) and Green Drive (50 feet).

History and Existing Land Uses

The subject property is 16.00± acres in size and zoned Residential-I (R-I). The property is undeveloped and wooded. A parcel measuring one (1) acre in size was established by deed in 2019; there does not appear to be a recorded plat for this property. That property is not included in this request. According to the survey submitted with the application, there are two streams that cross the property and join near the southern boundary, as well as overhead power lines and assumed associated easements that cross the northern portion.

In May of 2006, the rezoning request from Agricultural-Residential-III (AR-III) to Residential-I (R-I) by Mr. Tom Clark was approved with five (5) conditions for a six (6) lot subdivision. These conditions included:

1. Development shall be limited to six lots as shown on the concept plan and descriptive narrative submitted.
2. Access shall be restricted as follows: Lot 5 must be accessed from Green Drive, not via SR 284. Lots 3 and 4 must share a common driveway that may be up to 18 feet wide. Lots 1 and 2 may have single drives for each lot.
3. Development will be limited to homes having no less than 2,200 square feet of heated floor space, with the exception of the existing residence on Lot 2.
4. Any future subdivision of the tract containing 12.59± acres shall be subject to the minimum house size of 2,200 square feet of heated floor space.

5. All conditions of zoning shall appear on any plats created for the subdivision.

The surrounding properties are also zoned AR-III and are a mix of undeveloped and developed with residential and agricultural uses. The subdivision known as Berkshire Ridge is located across Clarks Bridge Road from the subject property; the subdivision is zoned R-I.

Comprehensive Plan Land Use Designation

The Comprehensive Plan's future land use designation for the subject parcel is "Residential." This land use category is characterized by moderate-density residential development and neighborhoods. Street networks are defined by curvilinear streets and green space is largely provided on individual lots but neighborhood open space and/or park amenities may also be provided. Pedestrian connectivity is moderate, where sidewalks may be internal to a neighborhood but may not currently connect nearby parks and schools.

The request is consistent with the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health

In an email dated August 16, 2021 Emily McGahee stated, "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Environmental Health reviewed this proposed subdivision and provided comments to the surveyor on 6.17.21."

Hall County Fire Services

The subject parcel is located approximately 0.9 miles from Hall County Fire Station #15, located at 4219 Autry Spur. There are two fire hydrants located across from the subject property along Clarks Bridge Road.

Hall County Public Works and Utilities

In a memorandum dated August 19, 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 six.

Traffic Engineering

We recommend the following:

1. It appears that lot #2 cannot meet driveway requirements to access Green Drive, therefore, we recommend that lot #2 access be on Clarks Bridge Road (State Route 284) and the Green Drive frontage for lot #2 be access restricted.
2. Lots 3, 4, and 5 should have a minimum of 50 feet of frontage along Green Drive.
3. Driveways along Green Drive must meet Hall County driveway regulations including sight distance requirements.
4. Driveways along Clarks Bridge Road (SR284) must be permitted and approved through the Georgia Department of Transportation (GDOT).

Utilities

No comment

Gainesville Water Resources

Hall County GIS shows that public water is available to the subject property along Clarks Bridge Road.

Georgia Department of Transportation

In an email dated August 13, 2021, Jonathan Peevy, Assistant District Traffic Engineer, for the GDOT District 1, confirmed that this project will require GDOT coordination.

Zoning Analysis

- The proposed use request is consistent with the Comprehensive Plan, as all proposed lots meet the character described within the “Residential” land use designation.
- The previous zoning action associated with the property requires Board of Commissioner approval to reconfigure the lots as proposed.
- Per §17.240.010, the minimum lot size for lots within AR-IV zoning district shall be at least 1.0 acres in size where public water is available and 1.5 acres where property is served by a well.
 - All proposed tracts meet these standards.
- §17.240.010 of the Official Code of Hall County requires that lots within AR-IV zoning districts to have a minimum 150 feet of lot frontage when along collector and arterial roads, and 50 feet of when along local roadways.
 - Clarks Bridge Road is classified as an arterial road according to GDOT which requires 150 feet of road frontage; Green Drive is classified as a local road.
 - All lots proposed meet these standards.
- Hall County’s Traffic Engineer recommends that both Lots 1 and 2 access the lots from Clarks Bridge Road based on the proposed configuration; GDOT shall permit these driveways. Lots 3, 4, and 5 shall access from Green Drive; Hall County driveway regulations must be met.

Staff Recommendation

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

1. The original zoning conditions from 2006 rezoning approval shall not apply and the development standards submitted as part of this application shall take precedence.
2. Development will be limited to homes having no less than 2,200 square feet of heated floor space, with the exception of the existing residence on Lot 6/Outparcel.
3. Lots 1 and 2 shall access only from Clarks Bridge Road. The applicant shall coordinate with the Georgia Department of Transportation (GDOT) to obtain the necessary permits.
4. Lots 3, 4, and 5 shall access only from Green Drive, and driveways shall be permitted by Hall County.
5. 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.”

6. A final plat shall be recorded before any building permit applications are submitted to Hall County.
7. All conditions of zoning shall be made part of any plat created for the subdivision.

Excerpts from the minutes of the meeting of September 7, 2021

Applicant's Presentation:

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

Don Westmoreland, 3191 Clarks Bridge Road, Gainesville, presented the request. Mr. Hunt asked if Mr. Westmoreland had read the staff recommendations. Mr. Westmoreland stated he had not. He stated that one driveway would be on Clarks Bridge Road and one on Green Road. Mr. Hunt stated that the county is not allowing a driveway on Green Road for lot 2. Mr. Westmoreland questioned why this was. Mr. Braswell stated that lot 2, did not have the distance required for a driveway to be located on Green Road. Mr. Westmoreland stated he could shift where the driveway was so the access could be from Green Road. Ms. McQuade stated that the driveway location would be discussed during plat and plan review and if engineering wanted to modify it, they could discuss doing it then. Mr. Westmoreland stated that he was fine placing the driveway on either road. Mr. Braswell stated that they could conditions the applicant to speak with Traffic Engineering prior to any permits. Mr. Westmoreland stated that the houses would be craftsman's style, two story homes.

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 Mr. Bell and the motion passed by a 5-0 vote.***

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