

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Intown Home Builders (Randy Wallis)

Request Use Subject to County Commission approval

Proposed Use 6-lot subdivision

Size 8.00± acres

Zoning AR-IV

Location On the west side of Pierce Road
approximately 2,705 feet from its intersection
with Old Cornelia Highway; a.k.a. 2833 Pierce
Road; Tax Parcel 15021 000209

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 development is approved for a maximum of six (6) building lots with a minimum road frontage of 450 feet 120 feet per parcel.</i>
√	2. <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>
√	3. <i>A final plat shall be recorded before any building permit applications are submitted to Hall County.</i>
√	4. <i>There shall be no more than four (4) driveways to serve the proposed 6 lots.</i>
√	5. <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 subdivide an 8.00± acre tract into six (6) separate building lots. The property is zoned Agricultural-Residential-IV (AR-IV); the subdivision of property within an AR-IV zoning district which results in greater than two (2) lots requires approval by the Board of Commissioners. The applicant's narrative states the property is 8.00 acres in size with 804 feet of frontage along Pierce Road. The applicant has submitted a concept plan showing five (5) proposed tracts with 90 feet of frontage and 1 acre in size, and a sixth lot with 354 feet of frontage and 3 acres in size.

The applicant intends to demolish the four (4) existing mobile homes on the property and redevelop the property with six (6) single-family residences. The residences will be stick-built and on a slab with a split foyer exterior. There is no minimum square footage provided, but the narrative states the residences are intended to be 3-4 bedrooms each with a 2 car garage, will be finished with either vinyl or cement siding, will have composition roofing, and partially sodded and seeded yards. There will be decks on the rear of the residence. The development will be served by individual onsite septic systems and water service will be provided by the City of Gainesville. The site plan shows four lots sharing two driveways, and the remaining two lots having their own.

Separate applications have been submitted to address the road frontage variances for the five lots with 90 feet of frontage; Pierce Road is classified as a collector road according to Hall County Public Works' regulations, which requires a minimum of 150 feet of frontage. The variance requests are a reduction down to 75 feet, to provide the applicant with flexibility in lot configuration. These variance requests are being reviewed concurrently with the permissive use request.

History and Existing Land Uses

The subject property is 8.00± acres in size and zoned Agricultural Residential-IV (AR-IV). Hall County property tax records show four mobile homes, currently located on the property. There are three (3) double-wide mobile homes (years 1973, 1975, and 1988) and one single-wide mobile homes (dated 1973). Historical images show in the early 2000s that there were two (2) additional residences on the property, which also appear to have been mobile homes and have since been removed.

The surrounding properties are also zoned AR-IV, and are a mix of undeveloped and developed with residential and agricultural uses.

This zoning is original to the parcel.

Comprehensive Plan Land Use Designation

The Comprehensive Plan designates the future land use classification as "Rural". This land use category is characterized by agricultural and very low-density single-family residential uses. Residential subdivision design should set aside a high percentage of open space. The development pattern includes larger areas of undeveloped or cultivated land with large distances between buildings and deep setbacks from two-lane roads. Natural features include extensive tree cover and open space areas due to limited development, as well as waterways that include the Chattahoochee River, the Cedar Creek Reservoir, and streams.

The request is consistent with the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health

In an email dated July 15, 2021 Emily McGahee stated, "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements."

Hall County Fire Services

The subject parcel is located approximately 2.3 miles from Hall County Fire Station #7, located at 731 E Crescent Drive. The nearest fire hydrant is located across Pierce Road, in front of 2866 Pierce Road.

Hall County Public Works and Utilities

In a memorandum dated July 20, 2021, Srikanth Yamala, Director of Public Works and Utilities, stated the following:

Engineering

Stormwater Report needed [if] over 6 lots.

Traffic Engineering

Since collector will need 150' minimum frontage, driveways to maintain sight distance based on speed limit.

Utilities

No comment

Gainesville Water Resources

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

Georgia Department of Transportation

In an email dated July 9, 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 minimum lot size requirement within the "Rural" land use designation.
- 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.
 - All proposed tracts meet this standard.
- §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-IV 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-IV zoning districts to have a minimum 50 feet of lot frontage when along local roadways.
 - Pierce Road is designated as a collector road according to Hall County Public Works which requires 150 feet of road frontage.

- The applicant has submitted separate applications for five road frontage variances of 90 feet for five of the proposed lots; the sixth lot has 354 feet of frontage and meets the standard. The variance requests are a reduction down to 75 feet, to provide the applicant with flexibility in lot configuration.
- §17.240.110 of the Official Code of Hall County states that only one principal structure and its customary accessory buildings, including agricultural buildings, may be erected on any parcel recorded as a separate lot.
 - If approved, the proposed subdivision of the property will bring a non-conforming lot with four residences on one parcel into compliance.

Staff Recommendation

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

1. The development is approved for a maximum of six (6) building lots with a minimum road frontage of 150 feet per parcel, unless variances are approved for the reduced frontage for five lots.
2. 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.”
3. A final plat shall be recorded before any building permit applications are submitted to Hall County.
4. 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.

Randy Wallis, 506 Carriage Drive, Bethlehem, presented the request. Mr. Wallis asked if there was a variance that the staff would recommend. He stated that initially they had wanted 100 feet but staff had recommended less. Mr. Braswell stated that the site plan was hard to read because it had been copied multiple times. Mr. Braswell stated one lot would need to be 150 feet wide due to the way it was advertised. Mr. Wallis stated that there was one lot with 300 feet of frontage and the rest had 90 feet. Mr. Braswell asked why one lot was at 300 feet. Mr. Wallis stated that he was thinking that he could sell it as a bigger lot. Mr. Hunt stated that it looked as though Mr. Wallis had just gotten rid of two lot lines. Mr. Wallis stated that was what they had done to avoid being classified as a major subdivision. Mr. Bell asked if everything that was currently on the property would be demoed and then developed. Mr. Wallis stated that was correct. Mr. Wallis stated that when he purchased the lot they determined it was an AR-IV zoned property, which requires 50 foot front setbacks, 25 foot rear setbacks, and 15 foot setbacks on each side. He stated that they would maintain that with new lot they would create. Mr. Wallis also mentioned that AR-IV also required a 50 foot road frontage and the collector road is causing it to be 150 feet of road frontage. Mr. Wallis stated that he believe that caught him off guard with the original request. Mr. Hunt stated that the plat look like the road frontage could be pushed to 125 feet on all 1-acre lots; it would

leave 179 feet for the bigger lot. Mr. Wallis stated that could work, he had just gone with the number that staff had suggested. Mr. Bell asked if the 3 acre lot had any topography reasons for being bigger or if it was only economics. Mr. Wallis stated it was only economics.

Public Forum:

No one spoke in favor or opposition of the requests.

Planning Commission Comments:

Mr. Hunt stated that he would not have any problem approving a variance of 120 feet and limiting the number of driveways to four. Mr. Wallis stated that he would be agreeable to that. Ms. Pilcher asked if Mr. Wallis had a copy of the footprint of the houses, he was planning to build. Mr. Wallis stated that he did not, but the houses would be 50x50, about 2,500 square feet, two story or split level homes with a two-car garage.

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.***

Conditions:

1. *The development is approved for a maximum of six (6) building lots with a minimum road frontage of ~~150 feet~~ 120 feet per parcel.*
2. *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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