

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Justin Hatcher

Request Rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD)

Proposed Use 3-lot subdivision

Size 2.41± acres

Zoning AR-III

Location On the west side of Bark Camp Road at its intersection with Grant Road; a.k.a. 5988 Bark Camp Road; Tax Parcel 11085 000026

Commission District Two

Planning Commission Date December 6, 2021

Staff Recommendation **Denial**

Planning Commission Recommendation – Denial
Vote: 3-0

Applicant Proposal

The applicant is requesting to rezone a property from Agricultural-Residential-III (AR-III) to Planned Residential Development (PRD) for the purpose of developing a 3-lot subdivision. The subject property measures approximately 2.41 acres total. The narrative and site plan show proposed Lot 1 measures 0.660 acres, Lot 2 measures 0.684 acres, and Lot 3 measures 1.039 acres. Lots shall be served by public water from Gainesville Water Resources, and will have individual on-site septic systems. The site plan shows a proposed home measuring 28 feet by 42 feet on each of the three lots. Proposed setbacks are shown as 30 feet from the front property line, 10 feet from the side property lines, and 20 feet from the rear property line. One shared driveway is indicated for all three lots.

No other details about the style of homes were provided. No buffers are shown on the site plan or referenced in the narrative.

History and Existing Land Uses

The subject property measures approximately 2.41± acres and is currently zoned AR-III; this appears to be original zoning. The property is undeveloped and is mostly open space.

Surrounding properties are also zoned AR-III and are developed with single-family residences and agricultural uses. The immediate area consists of tracts measuring no less than approximately 1 acre in size.

Comprehensive Plan Land Use Designation

The subject area falls within the "Residential" future land use designation. Residential areas are 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.

Future development is intended to be detached, single-family homes at moderate densities, with opportunities for variations in housing size and types through the Planned Development District zoning classification. New development should provide opportunities for open space/greenspace, including shared areas for the benefit of residents and ample tree cover.

The request is inconsistent with the Comprehensive Plan as the proposed density of 1.24 is greater than 1 unit per acre.

Development Support and Constraints

Hall County Environmental Health

In an email dated November 15, 2021, Emily McGahee with Hall County Environmental Health provided the following comment: "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements."

Hall County Fire Services

The subject property is located approximately 1.3 miles from Hall County Fire Station #11 located at 5625 Bark Camp Road. The nearest fire hydrant is located to the south of the subject property at the intersection of Bark Camp Road and Grant Road.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities on November 16, 2021, Director Srikanth Yamala provided the following comments:

Engineering

No comments

Traffic

1. Recommend a minimum of 150 feet of road frontage for each lot along a collector road (County code 16.50.040).
2. If approval is considered with the reduced road frontage, in order to limit the number of driveways and due to possible sight distance issues with proposed lot #3, recommend requiring a common access driveway.
3. The common access driveway shown on the provided site plan does not meet Hall County standards. If this design is to be considered, a variance to current standards must also be approved.
4. Common access driveways must be constructed prior to final plat approval and recording (County Code 12.40.190).
5. If a common access driveway is required, recommend restricting lot access through the common access driveway only and additional driveways for all lots shall be prohibited.

Utilities

No comment

Hall County Tax Assessors

No comments provided.

Gainesville Water Resources

Public water is available to the subject property according to Hall County GIS.

Georgia Department of Transportation

In an email dated November 17, 2021, Parker Niebauer with GDOT provided the following comment:
"No GDOT coordination is required."

Zoning Analysis

- The proposed use is inconsistent with the Hall County Comprehensive Plan; the proposed density of the development is 1.24 units per acres, which exceeds the recommendation of no more than 1 unit per acre if not connected to public sanitary sewer.
- §17.180.030. of the Official Code of Hall County establishes the minimum development standards for Planned Development Districts. Specifically:
 - With the exception of the PCFD classification, the site proposed for planned development district classification must contain an area of five acres or more unless specifically approved by the County Commission due to special and unusual circumstances.
 - The proposed development **does not meet** this standard.
- §17.180.060 of the Official Code of Hall County refers to those standards associated with Planned Residential Developments (PRD). This zoning district allows for more flexibility and coordinated design of the development of the property.
 - §17.180.060.B.2 *Dimensional standards for single-family residences* states that the development controls for the project shall be detailed (lot coverage, setbacks, building heights, lot area, etc.) and if standards are not specifically proposed, then the applicable standards in the residential-I (R-I) district shall apply.
 - The applicant has proposed minimal development standards for the subdivision.
 - §17.180.060.B.2.a *Lot area*. The minimum lot area for lots without access to sanitary sewer shall be determined by the requirements of the county environmental health department.
 - The applicant has proposed a minimum lot size of 0.660 acres (28,749 square feet).
 - It is **unclear** if these standards are met.
 - §17.180.060.B.2.b. *Lot width* Minimum lot width of 50 feet.
 - The proposed development **meets** these standards.
 - §17.180.060.B.2.c. *Setbacks*
 - Minimum front yard setback from the property line of 30 feet.
 - Minimum side yard setback from the property line of 5 feet.
 - Minimum rear yard setback from the property line of 20 feet.
 - The proposed development **meets** these standards.
 - §17.180.060.B.5 *Buffers*. A minimum 50 foot planted buffer shall be established along the perimeter of all property boundaries adjacent to residential and/or non-residential zoning districts to ensure that the planned residential development is appropriately screened.
 - Neither the narrative nor the site plan reference any planted buffer.

- This **does not meet** the standard.
- §17.180.060.B.6 *Landscape requirements*. All requirements shall be met per chapter 17.280, tree protection. A minimum of two trees per lot shall be provided or preserved in the front, side, or rear yard.
 - No planting plan was submitted with the request.
 - It is **unclear** if these standards are met.
- §17.180.060.B.8 *Open space*. The development shall conform to all open space requirements of sections 17.430.100.
 - Neither the narrative nor the site plan reference open space for the development.
 - It is **unclear** if these standards are met.
- §17.180.060.B.9 *Architectural standards*. The following design guidelines and standards apply to all planned residential developments.
 - *Building materials*. All facades of all residences, including single-family, two-family, and/or multi-family, and any non-residential buildings shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding.
 - No description of the home styles were provided in the application.
 - It is **unclear** if these standards are met.
 - *Single-family or two-family residence garages*. Garage placement shall match one of the following standards for lots less than one acre:
 - No description of the home styles were provided in the application.
 - It is **unclear** if these standards are met.

Staff Recommendation

Staff recommends **denial** of the applicant's request. If the Board sees fit to recommend approval, staff would recommend the following conditions:

1. The development shall be developed in accordance with §17.180.060, Planned Residential Development. No variance to those standards are approved.
2. All lots shall have a minimum of 150 feet of road frontage for each lot along Bark Camp Road.
3. If a lot is approved with reduced road frontage, in order to limit the number of driveways and due to possible sight distance issues, a common access driveway shall be required.
4. The common access driveway shall meet Hall County standards. Common access driveways must be constructed prior to final plat approval and recording.
5. Lot access shall be restricted through the common access driveway only, and additional driveways for all lots shall be prohibited.
6. All conditions of zoning shall be made part of any plats created for the development.

Excerpts from the minutes of the meeting of December 6, 2021 Planning Commission Meeting

Beth Garmon, Principal Planner, presented a summary of the request.

Justin Hatcher, 808 Homer Edwards Road, presented the request. Stated that he is requesting to subdivide property into three single family, stick built home sites. Stated he was advised to rezone if he was wanting three dwellings. Will be tying into county water and has three septic sites. Stated that houses were turned where ends of homes are facing the street because they fit the lot better. Following public forum, the applicant stated that there are multiple rental homes on Bark Camp Road. The minimum square footage is 1,200 sq. ft. This is something he would increase. They would be sold as starter homes.

Public Forum:

Teryl Worster, 4771 Price Road, Gainesville, spoke in opposition. Concerns were applicant crossing the line with development and how many homes applicant is trying to put on the property. No problem with one to two homes but three is pushing the limit for the area that is not in favor of this.

Zachary Poole, 6019 Bark Camp Road, Gainesville, spoke in opposition. Concerns were not being suitable in reference to the existing uses, character of the location, mentioned another property that applicant redeveloped, which was successful and wants applicant to stick with development plans in accordance with comprehensive plan. It does not qualify as a neighborhood or as low density. It is not suitable for existing zoning.

Mike Pascoe, 4770 Price Road, Gainesville, spoke in opposition. Concerns were the same as Mr. Poole, two houses may be suitable, but the density does not fit the neighborhood and does not line up with current zoning guidelines.

Lynn Lathem, 4724 Price Road, Gainesville, spoke in opposition. Concerns were there are too many variances that do not meet the county regulations and is out of character for the neighborhood. Her husband was an appraiser and she is aware of how this will affect land value.

Sammy Smith, 6035 Bark Camp Road, Gainesville, spoke in opposition. Concerns were property values and would like to see denied.

Judith Smith, 6110 Bark Camp Road, Gainesville, spoke in opposition. Concerns were substandard housing coming onto the property.

Marie Varner, 6034 Bark Camp Road, Gainesville, spoke in opposition. Concerns were the size, if the homes would be rental homes, and if the residents would be invested in the community.

Planning Commission Comments:

Mr. Braswell stated that the minimum threshold for PRD is 5 acres, applicant is 2.41. Questioned why requesting PRD, opposed to sub dividing the property. Stated applicant was using existing drive to serve all three lots. On lots one and three, questioned houses turned where ends of homes are facing the street opposed to the front of the homes. No mobile homes are allowed under PRD.

Motion: Ms. Pilcher made a motion to deny. The motion was seconded by Mr. Varner. The motion passed with a 3-0 vote.