

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Forestar (USA) Real Estate Group Inc.

**Request** ..... Rezone from Residential-I (R-I) to Planned Residential Development (PRD)

**Proposed Use** ..... 399 single-family detached & townhomes

**Size** ..... 347.23± acres

**Zoning** ..... R-I

**Location** ..... On the north side of Gillsville Highway  
approximately 56 feet from its intersection with  
Evergreen Holloway Drive; a.k.a. 2955  
Gillsville Highway; Tax Parcel 15016 000030A

**Commission District** ..... Four

**Planning Commission Date** ..... December 20, 2021

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

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**Planning Commission Recommendation – Denial**

**Vote: 5-0**

**Applicant Proposal**

The applicant is requesting to a tract that measures approximately 347.23± acres from Residential-I (R-I) to Planned Residential Development (PRD) in order to construct a 399-unit townhome development. The development proposes both detached and attached homes; the site plan shows 107 attached townhome units located in the northern corner of the property, closest to Joe Parker Road, with the balance of the site being developed with 292 single-family detached homes.

The applicant is proposing a minimum width of 24 feet for the townhome units, as well as asking for a variance to the PRD standard to allow for garage doors to constitute up to 75 percent of the width of the townhome unit.

The narrative states that single-family lots shall be at least 8,000 square feet in area and at least 50 feet wide. The following development standards were proposed:

- Proposed density – 1.15 units per acre
- Maximum density – 2 units per acre
- Minimum perimeter planted buffer – 50 feet
- Minimum 2 trees per lot

- Required open space – 30% (104.18 acres)
- Proposed amenity area – 1.7 acres
- Maximum building height – 2 stories
- Building setbacks:
  - Front – 25 feet from property line
  - Side (Major) – 20 feet from property line
  - Side (Minor) – 5 feet from property line
  - Rear – 20 feet from property line
- Minimum driveway length (townhomes) – 20 feet from back of sidewalk
- Proposed sidewalks – 5 feet wide (on both sides of road)
- Minimum lot width – 50 feet
- Minimum lot size – 8,000 square feet
- Single-family lots – 292
- Townhomes – 107
- Cluster mailbox unit and associated parking – 5 spaces plus 1 parking space per 26 mailboxes

The applicant also requests variances to the PRD garage door standards and proposes to:

- Allow garage doors on semi-flush homes to be: positioned in front of or between 0 and 20 feet behind the front wall plane of the residence, and up to 45 percent of the width of the residence
- Allow garage doors on recessed homes to be positioned in front of or between 0 and 20 feet behind the front wall plane of the residence
- Allow garage doors on carriage court homes to be parallel to the front wall plane of the residence

The proposed development will include accessory uses of amenity areas, community areas/buildings, parking for residents, and other typical ancillary support services for a residential subdivision. The applicant is requesting to reserve the right to develop these amenities as they choose; some amenities may be shared between all homes, while others may be developed for specific “pods” within the development.

The site plan shows two entrances into the development, a main entrance from Gillsville Highway (State Route 323) and an emergency only access drive from Joe Parker Road.

The application states that public water and sewer will be provided by the City of Gainesville’s Water Resources Department.

The applicant submitted a traffic impact study analyzing the anticipated trip generation of the site. The area of study included the area surrounding the proposed development, as well as the intersections of Gillsville Highway at Harmony Church Road (signalized) and Gillsville Highway at Joe Parker Road (stop-control). The results of the report indicates that the two intersections operate at an acceptable level of service during the AM and PM peak hours. The study provides the following recommendations for the intersection of Gillsville Highway with the proposed main driveway:

- Provide a full-movement intersection; driveway to be stop-controlled
- Provide one entry lane and two exit lanes (separate left-turn lane and right-turn lane)

- Add a westbound right-turn deceleration lane along Gillsville Highway (150 foot storage, 50 foot taper)
- Add an eastbound left-turn deceleration lane along Gillsville Highway (210 foot storage, 50 foot taper)

The application does not include any renderings or elevations of the proposed style of home for the development.

### **History and Existing Land Uses**

The subject property measures approximately 347.23± acres and is zoned Residential-I (R-I). On September 12, 2008, the county commissioners voted to approve the request to rezone from AR-III and AR-IV to R-I for a 300-lot subdivision with the following conditions:

1. Development is limited to a maximum of 275 building lots as generally shown on the concept plan.
2. Development shall be limited to site built homes having no less than 1,500 square feet of heated floor space.
3. Project entrance and driveway design is subject to approval by the Hall County Engineering Department and the Georgia Department of Transportation.
4. Any road improvements required by the Hall County Engineering Department and the Georgia Department of Transportation are the responsibility of the applicant / developer.
5. All septic tanks shall have dual inspection tubes at the inlet and outlet.
6. All conditions of zoning shall appear on any plats created for the subdivision.
7. The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this 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."
8. A natural vegetative buffer shall be established along the west side of the entrance road off Gillsville Highway to buffer the adjacent property.

There is no county record of development plans for the previously approved development. The property is vacant, mostly wooded, and is bisected by a stream.

Adjacent property is zoned AR-III, and there are two subdivisions that are both zoned R-I that border the subject tract. To the west is Rosewood Subdivision, and to the east is Saddle Creek Subdivision. Property along Gillsville Highway is zoned Suburban Shopping (S-S) and AR-III.

### **Comprehensive Plan Land Use Designation**

The subject property is located within an area designated as an Activity Center, according to the county's Comprehensive Plan Future Land Use map. Activity Centers are intended to enhance and create concentrated commercial uses, employment centers and mixed use development in defined areas that are served by a network of paths and streets suitable for pedestrians as well as cars. Activity

Centers are characterized by compact, walkable, higher density developments. These areas provide additional employment opportunities and support residential uses (e.g. townhomes, loft apartments, condominiums) that can contribute to a live-work environment but are not consistent with the rural or suburban development patterns found in much of the county. Future development should also emphasize high quality building and site design, including dedicated open/civic space.

The proposed use is consistent with the Comprehensive Plan as it provides compact, planned development adjacent to a variety of other uses.

### **Development Support and Constraints**

#### **Hall County Environmental Health**

In an email dated December 2, 2021 Emily McGahee stated "No comment. Public sewer."

#### **Hall County Fire Services**

The subject parcel is located approximately 3.4 miles from Hall County Fire Station 1, located at 2460 Athens Highway. The nearest fire hydrant is located approximately 600 feet away at the intersection of Harmony Church Road and Gillsville Highway.

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

In a memorandum from Public Works and Utilities dated December 6, 2021, Director Srikanth Yamala stated the following:

##### **Engineering**

The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

##### **Traffic**

1. Gillsville Hwy (SR323) access must be approved and permitted through the Georgia Department of Transportation (GDOT).
2. The proposed Joe Parker Road access is shown on the site plan to be emergency access only. To restrict normal traffic and to accommodate public safety vehicles, we recommend adding the following conditions:
  - a) Joe Parker Road access is restricted as emergency access only and will be gated.
  - b) Developer construct a cul-de-sac to County standards on their property at the end of Joe Parker Road and dedicate the right-of-way to the County. The gated emergency access will be off the new cul-de-sac.

##### **Utilities**

Need Sewer Study/Gainesville to provide sewer and capacity. Hall County does not agree to the allocation of any of the County's purchased Sewer Capacity [from the City of Gainesville] to serve the development.

#### **Hall County Tax Assessors**

No comments were provided.

### Gainesville Water Resources

The parcel has access to the City of Gainesville water system.

In an email dated November 2, 2021 Nick Swafford with Gainesville Department of Water Resources confirmed that public sewer would be provided by the city of Gainesville.

### Georgia Department of Transportation

In an email dated November 17, 2021, Parker Niebauer, did not provide comments for this project.

### Zoning Analysis

- The proposed development is consistent with the Hall County Comprehensive Plan as the development is contiguous to other residential uses.
- The development includes 399 units on 347.23 acres for an overall density of 1.15 units per acre.
  - This density **meets** the recommended density of 2 units per acre if served by public sewer, as specified within the PRD section of the Official Code of Hall County.
- A PRD allows for more flexibility in the design and development of the property. This provides for a mixture of housing types and encourages maximum use of natural features, through proper site planning measures. The development should conform to the existing character and development pattern of the surrounding area.
- §17.180.060 of the county code lists the following standards for a PRD:
  - Setbacks:
    - Minimum front yard setback from the property line of 25 feet
    - Minimum side yard setback from the property line of 5 feet
    - Minimum rear yard setback from the property line of 20 feet
    - The setbacks provided by the applicant **meet** this standard.
  - Density:
    - The development shall conform to 17.180.060.B.4 which requires two-story or greater multi-family developments to have 40,000 square feet per building for the first three units and 4,000 for each additional unit.
    - The application does not describe the number of buildings or acreage dedicated to the townhome portion of the development; **it is unclear** if the standard is met.
  - 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.
    - The concept plan shows a 50 foot planted buffer along the perimeter of the property; this **meets** the standard.
  - Open space:
    - The development shall conform to all open space requirements of sections 17.430.100 through 17.430.150, as shown under the Conservation Subdivision Design Option Chapter. The only open space requirement that may differ from those standards set forth in section 17.430.110 is the open space shall comprise at least thirty percent (30%) of the gross tract area.

- According to the concept plan, the applicant is proposing a minimum of 30% of open space; this **meets** the standard.
- Architectural standards:
 

The following design guidelines and standards apply to all planned residential developments. Alternatively, detailed architectural design guidelines and standards can be submitted by the applicant to include garage types and placement, elevations of all sides, building materials, etc.

  - The application does not include renderings, elevations, or examples of similar developments; it is **unclear** if this meets the standard.
- §17.180.060.B.9 provides design guidelines and standards for architectural features, including garages. For single-family residences, the orientation of the garage is as follows:
  - i. *Semi-flush*. Garage doors shall be oriented towards the street. Garage doors shall be positioned between five and 20 feet behind the front wall plane of the residence, extending no more than 40 percent of the width of the residence.
    - The applicant requests to allow for garage doors to be positioned in front of or between 0 and 20 feet behind the front wall plane of the residence, and up to 45 percent of the width of the residence; this **does not meet** the standard.
  - ii. *Recessed*. Garage doors shall be oriented towards the street. Garage doors shall be positioned at least 20 feet behind the front wall plane of the residence, extending no more than 55 percent of the width of the residence.
    - The applicant requests to allow garage doors on recessed homes to be positioned in front of or between 0 and 20 feet behind the front wall plane of the residence; this **does not meet** the standard.
  - iv. *Carriage court*. Garage doors are oriented perpendicular to the front wall plane of the residence. All garage walls are located entirely in front of the front wall plane of the residence.
    - The applicant requests to allow garage doors on carriage court homes to be parallel to the front wall plane of the residence; this **does not meet** the standard.
- §17.180.060.C. provides design guidelines and standards for townhouse garages. For these homes, the orientation of the garage is as follows:
  - ii. *Front-loaded*. Garage doors shall constitute no more than 50 percent of the width of the individual townhouse unit. A minimum of 20 feet is required between the garage and the back of sidewalk.
    - The applicant requests to allow for garage doors to constitute up to 75 percent of the width of the townhome unit; this **does not meet** the standard.
    - The applicant proposes a minimum setback of 20 feet between the garage and the back of the sidewalk; this **meets** the standard.
- The development will be served by the City of Gainesville for sewer and water.
- §17.380.050 requires any application proposing the development of 100 or more residential dwelling units to submit a traffic impact study as part of an application.
  - The report submitted as part of the application provided the following recommendations with regards to traffic improvements:
    - Provide a full-movement intersection; driveway to be stop-controlled

- Provide one entry lane and two exit lanes (separate left-turn lane and right-turn lane)
- Add a westbound right-turn deceleration lane along Gillsville Highway (150 foot storage, 50 foot taper)
- Add an eastbound left-turn deceleration lane along Gillsville Highway (210 foot storage, 50 foot taper)
- §17.250.020 requires 1.5 parking spaces per unit.
  - The applicant is proposing 2-car garages and minimum driveway lengths to accommodate additional parking for all housing units; this **meets** the standard.

### **Staff Recommendation**

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

1. The development shall generally occur as depicted on the site plan and described in the project narrative, modified for compliance with zoning conditions and Hall County regulations.
2. The proposed residential development shall conform to §17.180.060 Planned Residential Development (PRD) standards. Any deviations found within the narrative or site plan are not approved.
3. There shall be no more than 399 total units in the development.
4. The following standards shall apply to the development:
  - a. Setbacks:
    1. Front: 25 feet from property line
    2. Side: 20 feet from property line (where adjacent to right-of-way)
    3. Side: 5 feet from property line (where adjacent to residential lot)
    4. Rear: 20 feet from property line
  - b. Buildings shall be no greater than 2 stories in height.
  - c. Open Space: minimum of 30%
  - d. 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. The planted buffers shall conform to the requirements as described in section 17.260.020 titled Vegetation Buffers and Vision Clearance.
  - e. Architectural standards: All facades of all residences, shall be finished with brick, stone, stucco, wood siding, wood shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. Vinyl siding on all residential and non-residential buildings shall be prohibited.
5. The primary access to the development shall be from Gillsville Highway, and shall be reviewed and permitted by GDOT.
6. The secondary access to the development shall be for emergency use only, and shall be reviewed and permitted by the Hall County Traffic Engineer.
7. All costs associated with any required right-of-way improvements shall be the Developer's responsibility.
8. All conditions of zoning shall be made part of any plats created for the property.

**Excerpts from minutes from meeting on December 20, 2021:**

### **Background Information:**

The applicant is requesting to a tract that measures approximately 347.23± acres from Residential-I (R-I) to Planned Residential Development (PRD) in order to construct a 399-unit townhome development. The development proposes both detached and attached homes; the site plan shows 107 attached townhome units located in the northern corner of the property, closest to Joe Parker Road, with the balance of the site being developed with 292 single-family detached homes.

**Applicant's Presentation:**

**Beth Garmon, Principal Planner**, presented a summary of the request. Property is currently zoned for 275 lot subdivision, which was approved in 2008.

**Joshua Scoggins of Miles, Hansford & Tallant, 202 Tribble Gap Road, Suite 200, Cumming**, presented the request. The overall density is 1.15 units per acre. Presented a copy of the proposed site plan. In the previously approved plan, the lot size was 3,500 sq ft. In this proposed plan, applicant would reduce grading to maintain open space of 70% or 240 acres and develop smaller compact lots. The requested zoning will allow the applicant to accomplish this. All lots back up to open space. The proposed plan would be more environmentally friendly. This type of project is in high demand. Asking for variations from design standards related to the garage doors. All garage doors will be offset. Asking for townhomes to be the garage doors to be included in the width. A neighborhood input meeting was held and the main concern was traffic. A traffic study was completed and some of those recommendations were incorporated. These recommendations include a east bound left turn lane into project and a west bound right turn lane into project, both off of Gillsville Highway. The impact on Harmony Church Road should be minimal. Agreed not to allow access from Joe Parker Road, unless by emergency vehicle access only.

**Public Forum:**

**Jeff Smith, 3057 Saddle Creek Drive, Gainesville**, spoke in opposition. Concerns were the quality of life for residents, proposed HOA, traffic and plants/animals being displaced.

**Stephanie McHugh, 5309 Union Church Road, Flowery Branch**, spoke in opposition. Concerns were the development not fitting in with area.

**Steven Wehunt, 2937 Gillsville Highway, Gainesville**, spoke in opposition. Concerns were traffic and the development not fitting in with the agricultural area.

**Rebuttal**

The applicant has taken what they have heard from the residents in the area. There have been no endangered species found on the site. 70% of the site will be left as is. Applicant advised the City of Gainesville has committed to water and sewer services. Applicant will provide verification and letter or email from the City of Gainesville in reference for water and sewer. There will be five foot sidewalks on both sides of roadways.

**Planning Commission Comments:**

Mr. Braswell questioned the emergency access only entrance and the sewer capacity. There was an extensive discussion regarding sewer capacity. Mr. Nix stated that Hall County will not give up any sewer allocation. Mr. Varner stated that a second entrance is necessary. Ms. Pilcher agreed. Mr. Braswell stated there were a lot of pending questions regarding the second entrance and sewer capacity.



**Motion: A motion was made by Mr. Varner to deny and the motion was seconded by Ms. Pilcher. Vote 5-0.**