

J. Ethan Underwood
eunderwood@mhtlegal.com

WRITTEN EVALUATION

Applicant:	Forestar (USA) Real Estate Group Inc.
Subject Property:	Approximately 346.66 Acres Designated as Hall County Tax Parcel(s): 15016000030A
Current Zoning:	R-1 – Residential-I
Proposed Zoning:	PRD – Planned Development
Proposed Use:	399 Dwellings, Single-Family Detached & Townhomes
ROW Access:	Gillsville Highway
Application:	Rezoning
Governing Jurisdiction:	Hall County

This statement is intended to comply with application procedures established by the Governing Jurisdiction, and is intended to set forth a preliminary development plan for the Subject Property, to evaluate the proposed development and new zoning classification, conditional use and variances (if any), based upon factors set forth by the Governing Jurisdiction and is otherwise intended as the Written Evaluation for the Subject Property required by the Hall County Zoning Ordinance. The Applicant has provided all required information and has submitted the appropriate application fees. The requested Application meets all judicial and statutory requirements for approval.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application, incorporated herein by this reference. Any zoning request, sketch plat, conditional use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The zoning request, sketch plat, conditional use permit, and variance applications, along with all supplemental plans and documents are collectively referred to as the "Applicant's Proposal."

INTENDED USE

The Applicant requests to rezone the Subject Property to the Proposed Zoning and intends to develop the Subject Property for the Proposed Use. Specifically, the Subject Property will be developed as a **399-unit, Single-Family Detached & Townhouse Subdivision**.

1. Housing Types.

The Applicant proposes to develop 107 townhouse units with 292 Single-Family Detached homes, consisting of a mixture of Semi-Flush Homes, Recessed Homes, and Carriage Court Homes.

A. Townhouses.

Regarding the 107 Townhouse units, townhouse units will be a minimum of 24 feet in width.

The Applicant proposes the following deviations to Hall County Zoning Ordinance § 17.180.060(B)(9)(c) (MuniCode):

- *Allow garage doors on Townhouses to constitute up to 75 percent of the width of the individual townhouse unit.*

B. Single-Family Detached.

Single-Family Detached units will be located on lots at least 8,000 sq. ft. in area and at least 50 ft. wide.

Regarding the 292 Single-Family Detached homes, the Applicant proposes the following deviations to Hall County Zoning Ordinance § 17.180.060(B)(9)(b) (MuniCode):

- *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; and*

2. Amenity Areas.

In addition to the primary use, the Proposed Use will include accessory uses of amenity areas, community areas/buildings, parking for residents, and other typically ancillary support services for residential subdivisions. Amenity areas will be shared between the Townhouse and Single-Family Detached homes. However, the Applicant reserves the right to develop separate amenities for these pods of the development.

COMPREHENSIVE PLAN

The Governing Jurisdiction's Comprehensive Plan and the Future Development Map incorporated therein designates the Subject Property as located within the Rural Residential Character Area. The Proposed Use does conform to the Comprehensive Plan, which provides, "Future development will continue 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." The Applicant's proposed density is in compliance with the Comprehensive Plan's recommendation of up to 2.0 residential units per acre. *See Comp. Plan pp. 6-8.*

IMPACT ANALYSIS.

When exercising the Governing Jurisdiction's zoning powers, consideration shall be given to the following factors associated with the use. The Applicant's Proposed Use satisfies all of these criteria as described below:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property.

The Proposed Use is compatible with the surrounding properties and land use, specifically the residential use by surrounding single-family homes. The Proposed Use and proposed density are in keeping with the Comprehensive Plan's recommended zoning categories and proposed density of development.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The Proposed Use will not adversely affect the existing use or usability of adjacent or nearby properties because the Proposed Use will allow for a residential use that is compatible with the surrounding residential uses. The value of the surrounding properties will be enhanced by the Subject Property's residences and site design.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The shape, size, and topography of the Subject Property necessitate rezoning of the Subject Property, as its steep topography and floodplain prohibit development using the Current Zoning. With the limited buildable area available on the site, only the Proposed Use can utilize the relatively small building envelope available on the Subject Property – there is no other physically practicable or financially viable use for the Subject Property than as proposed by the Applicant.

As such, the Subject Property does not have a reasonable economic use as currently zoned. The R1 zoning category allows only single-family detached homes; the R1 zoning classification does not allow Townhouses as a Permitted Use. Townhouses are necessary in order to develop a sufficient number of housing units at a sufficient price-point to make the project economically viable for redevelopment. Moreover, the increasing population of the Governing Jurisdiction necessitates more dense development to accommodate projected growth, as contemplated by the Comprehensive Plan.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service.

The Proposed Use will not result in a use that will cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities. The projected impact on schools and utilities will be in keeping with projected growth, and any applicable impact fees from the development will fund infrastructure improvements. The number of car trips and need for transportation facilities will be comparable to surrounding uses, and the developer will make improvements to surrounding rights-of-way as required by applicable regulations for project improvements.

See also the Applicant's Public Impact Analysis Below.

5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area.

The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The Subject Property is located in the Rural Residential Character Area, which provides, "Future residential development is intended to accommodate densities that are higher than are appropriate for Rural Areas but less than the more densely developed areas classified as Residential."

In this regard, the development will provide:

- Low-density residential development and neighborhoods.
- Design that sets aside a high percentage of open space within a new neighborhood)
- Greenways and trail.

While attached residential is not contemplated in this Character Area, the Applicant is utilizing this housing type to facilitate greater conservation of Open Space (69% of the Subject Property).

6. The extent to which property values are diminished by the existing zoning restrictions.

The Proposed Use will not adversely affect the existing use or usability of adjacent or nearby properties because the Proposed Use will allow for a residential use that is compatible with the surrounding residential and agricultural uses. The value of the surrounding properties will be enhanced by the Subject Property's residences and premium site design.

7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public.

A refusal by the Governing Jurisdiction to approve the Application, as requested by the Applicant, will impose a disproportionate hardship on the Applicant and owners of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property except for development as proposed by the Applicant and there is no benefit to the public by requiring that the Current Zoning be maintained.

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

The public will benefit in having new development act as a catalyst to spur redevelopment of the surrounding area.

9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.

The Subject Property has been used for agricultural and residential uses. Few residential subdivisions have been applied for in that area.

10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The area surrounding the Subject Property is developing as single-family residential homes, making continued agricultural use of the property more difficult. The Proposed Use is in keeping with the Comprehensive Plan and with the changing use of the surrounding area.

11. Whether the change would create an isolated district unrelated to the surrounding districts, such as "spot zoning."

The area surrounding the Subject Property is developing as single-family residential homes, making continued agricultural use of the property more difficult. The Proposed Use is in keeping with the Comprehensive Plan and with the changing use of the surrounding area.

12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.

The present zoning district boundaries are illogically drawn in relation to existing conditions in the area surrounding the Subject Property. The area surrounding the Subject Property is developing as single-family residential homes, making continued agricultural use of the property more difficult. The Proposed Use is in keeping with the Comprehensive Plan and with the changing use of the surrounding area.

13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood.

The Proposed Use is in keeping with the Comprehensive Plan and with the changing use of the surrounding area. The Proposed Use is in keeping with the scope and scale of development planned for by the Governing Jurisdiction's implementation strategy for public utilities, transportation improvements, and other capital improvement projects, such as parks, public safety, and schools.

14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned.

The Subject Property does not have a reasonable economic use as currently zoned. It is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned.

15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment.

Approval of a variance will not allow the Proposed Use. Approval of the Application is necessary to allow the Proposed Use.

16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted.

The project should also have a minimal impact on the environment with no negative ecological or pollution impact up the Subject Property or the surrounding area. There should be no impact on air quality. Drainage, soil erosion, and sedimentation controls will be extensively utilized on the site after obtaining all required approvals from the Soil Conservation Service and the Governing Jurisdiction.

The Applicant will submit plans detailing the development for approval by the Governing Jurisdiction, the local Health Department, and any other appropriate governmental agencies, based on conformity with subdivision and zoning requirements, as well as other applicable ordinances, statutes and regulations.

17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property.

The Subject Property was appropriately zoned at the time of original zoning, but changing conditions affecting the use and development of the Subject Property supporting the Proposed Use and approval of the Application, as requested by the Applicant.

IMPACT ON THE LOCAL POPULATION DENSITY PATTERN AND PUBLIC INFRASTRUCTURE

(A) Proposed Construction Phasing Schedule

Construction of the project is anticipated to occur over approximately 72 months. Upon issuance of Land Disturbance Permit, the Applicant anticipates the project will be developed within 12 months thereafter, and houses to be constructed over the following 60 months. During the first 12 months of construction, the site will be developed and platted as residential lots. Home construction will begin immediately upon the platting of the first phase of development and will continue to full build out through month 72.

Based upon the most currently available data, the Applicant estimates there will be 3.18 occupants per unit. Assuming this to be the case, the Applicant expects the population of the new development to be as follows:

Projected Subdivision Population			
<u>Year</u>	<u>New Houses</u>	<u>Total New Households</u>	<u>Population of New Homes</u>
1	0	0	0
2	79	79	252
3	80	159	506
4	80	239	760

5	80	319	1,015
6	80	399	1,269

(B) Public Road System

Permanent access to the subdivision will be from the ROW Access. All of the development's interior streets will be publicly-owned and maintained. **A secondary, emergency-only access ROW connection will be provided to Joe Parker Road – emergency services vehicles will have access to a gate on this ROW, but typical vehicular access must be from and to Gillsville Highway.**

Traffic generated from the development will be in keeping with expected growth patterns and access to public thoroughfares will be at a location where sight distance is sufficient. All curb cuts shall be coordinated and approved by The Governing Jurisdiction and acceleration and deceleration lanes will be installed as required. All streets within the development will be constructed to conform to The Governing Jurisdiction's standards. Parking will be provided onsite as required by the Zoning Ordinance.

(C) County School System

The Table below estimates the number of school children expected to be generated by the project, based upon the ratio of the estimated number of school children in the Governing Jurisdiction to the estimated number of households in Hall County, then multiplying the quotient by the number of residential units in the Proposed Use. This factor is calculated to 0.80 students per household.

Projected Student Population Impact: After calculating the first year add that amount to each year thereafter	
<u>Year</u>	<u>Total</u>
1	0
2	64
3	128
4	192
5	256
6	320

The numbers above are a planning factor used to project total student population and plan the need for new school facilities. However, the actual number of students who live in the proposed development may be more or less than the factor above, because the method of calculation uses a total number households countywide, with some households containing more than the average number of children and others comprised of zero children.

(C) Water and Waste Water Systems

The community's water and sewer needs will be served by the City of Gainesville. Please refer to the results of the water and sewer pre-application meeting, which has been submitted concurrently with this Written Evaluation.

(D) Utilities

With regard to public utilities, water, sanitary sewer, natural gas, electricity and cable are available to the Subject Property. The impact on public utilities is anticipated to be minimal. The Applicant will install underground utility lines within the development to serve the project on an as-needed basis.



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BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	FORESTAR (USA) REAL ESTATE GROUP INC.	Control Number:	J818301
Business Type:	Foreign Profit Corporation	Business Status:	Active/Compliance
Business Purpose:	NONE		
Principal Office Address:	10700 Pecan Park Blvd, Suite 150, AUSTIN, TX, 78750, USA	Date of Formation / Registration Date:	9/26/1988
Jurisdiction:	Delaware	Last Annual Registration Year:	2021

REGISTERED AGENT INFORMATION

Registered Agent Name: **Corporation Service Company**
 Physical Address: **2 SUN COURT, SUITE 400, PEACHTREE CORNERS, GA, 30092, USA**
 County: **Gwinnett**

OFFICER INFORMATION

Name	Title	Business Address
Ashley Dagley	Secretary	10700 Pecan Park Blvd, Suite 150, Austin, TX, 78750, USA
Daniel C. Bartok	CEO	10700 Pecan Park Blvd, Suite 150, Austin, TX, 78750, USA
James D. Allen	CFO	10700 Pecan Park Blvd., Suite 150, Austin, TX, 78750, USA

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 Phone: (404) 656-2817 Toll-free: (844) 753-7825, WEBSITE: <https://sos.ga.gov/>

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BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	PACIFIC CREST MANAGEMENT, LLC	Control Number:	0533164
Business Type:	Domestic Limited Liability Company	Business Status:	Active/Compliance
Business Purpose:	NONE		
Principal Office Address:	3118 Willowstone Drive, Duluth, GA, 30096, USA	Date of Formation / Registration Date:	5/6/2005
State of Formation:	Georgia	Last Annual Registration Year:	2022

REGISTERED AGENT INFORMATION

Registered Agent Name: **Park, Chang Ho**
Physical Address: **3118 Willowstone Drive, Duluth, GA, 30096, USA**
County: **Gwinnett**

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From: [Frank Miller \(Engineering\)](#)
To: [Branyon Guthrie](#)
Cc: [Ian Young](#); [Renato Fretta Ghizoni](#); [Tracy Fisher](#); [Nick Swafford](#); [Bill Nash \(Public Works\)](#)
Subject: RE: Gillsville Highway Sewer Capacity
Date: Monday, November 1, 2021 12:07:42 PM

Branyon,

Hall County will grant the developer to allow the City of Gainesville to serve this particular site with sanitary sewer treatment. We will determine tap and inspection fees as we move through the permitting phase.

Frank

Franklin P. Miller, P.E.
Hall County Engineer
Department of Public Works
Engineering Division
2875 Browns Bridge Road
Gainesville, Georgia 30503



From: Branyon Guthrie <BranyonGuthrie@forestar.com>
Sent: Friday, October 29, 2021 1:46 PM
To: Frank Miller (Engineering) <fmiller@hallcounty.org>
Cc: Ian Young <IanYoung@forestar.com>; Renato Fretta Ghizoni <RenatoGhizoni@forestar.com>; Tracy Fisher <tfisher@mhtlegal.com>; Nick Swafford <NSwafford@gainesvillega.gov>
Subject: Gillsville Highway Sewer Capacity

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Frank,

Thank you for meeting with me earlier. Attached is the current zoning plan for the project. We are aiming for 399 total lots featuring 292 single family lots and 107 town homes. Using your estimates of 200 gallons per day per unit we are looking at a total of 79,800 gallons per day to serve the site. Can you please confirm that Hall County will grant capacity to tie into the Gainesville Water Resources sewer and water system? I have copied Nick on this email as well so you can respond directly to him.

Thank you,

Branyon Guthrie
Land Acquisition Manager - Georgia

3330 Cumberland Blvd. Suite 275
Atlanta, Georgia 30339



FORESTAR

m: 770.856.9474 o: 770.272.8134

Forestar.com



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

10/28/2021

Forestar (USA) Real Estate Group, Inc.
Attn: Renato "Ren" Ghizoni
3330 Cumberland Blvd. Suite 275
Atlanta, Georgia 30339

Subject: Access to Property; SR 323, 2955 Gillsville Hwy, Hall Co.
Forestar (USA) Real Estate Group, Inc

Dear Renato Ghizoni

Dependent upon compliance with all Department of Transportation requirements in effect at the time a permit is requested and your compliance with any current or future authorizations under Georgia Code 32-6-111, we will approve a commercial driveway permit at this location.

Please contact Parker Niebauer at (770) 533-8275 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Parker Niebauer", with a long horizontal line extending to the right.

Jason Dykes, P.E.
District Traffic Engineer

JD/pn

cc: Andrew Antweiler