

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Cook Communities

**Request** ..... Use Subject to County Commission approval

**Proposed Use** ..... Single-family Residential

**Size** ..... 11.64± acres

**Zoning** ..... Residential 1 (R-1) and Vacation Cottage (V-C)

**Location** ..... On the south side of Hardy Road at its  
intersection with Nancy Creek Road, 3710  
Hardy Road, 3428 Nancy Creek Road, and  
3416 Nancy Creek Road; tax parcels 10121  
000015, 10121 000015A, and 10121 000015B.

**Commission District** ..... Two

**Planning Commission Date** ..... April 4, 2022

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

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**Planning Commission Recommendation – Approval with conditions**

**Vote: 5-0**

**Conditions:**

1. The development shall conform to the zoning and development standards set forth in the code of ordinances and with the site plan submitted with the application.
2. The applicant shall meet engineering requirements pertaining to stormwater regulations.
3. An internal roadway or common access drive shall be constructed to provide shared lot access.
4. All conditions of zoning shall be listed on the final plat.
5. The lots shall have a five foot non access easement along the frontage of Nancy Creek Road and Hardy Road.

**Applicant Proposal**

The applicant is requesting a single-family residential subdivision on 11.64± acres currently dual-zoned Residential -1 (R-1) and Vacation Cottage (VC). Pursuant to §17.50.040 (V-C) and §17.60.040 (R-I), a residential subdivision in either district requires conditional use approval from the County Commission.

The applicant's narrative describes the intent to create 11 lots where three residential lots currently exist. Each lot would be at least one acre in size. The owner is proposing to market these lots to individuals and custom homebuilders. The applicant is proposing to turn these lots into entitled lots

with community dock slips with lake access.

The proposed development will connect to City of Gainesville water and the lots will be served on individual septic tanks. A site plan was submitted with the application with a date of February 14, 2022 illustrating the configuration of the proposed lots. A trip generation memo with a date of March 30, 2022 was also submitted depicting operational impacts based on the additional peak hour traffic volumes.

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

The subject properties make up 11.64± acres and is zoned Residential -1 (R-1) and Vacation Cottage (VC). The northern two lots are wholly zoned R-1 while the southernmost lot is split zoned between R-1 and VC. Currently, all three lots are heavily wooded and undeveloped.

Adjacent properties to the north, east, and west are zoned R-1 and developed with primarily single-family residences. The property to the south is zoned VC and is a U.S.A.C.E property, an arm of Lake Lanier. The current zoning does not allow subdivisions by right. The applicant has chosen to request a conditional use approval from the County Commission to accommodate the proposed residential subdivision.

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

The Comprehensive Plan's future land use designation for the subject parcel is "Lake Area Residential." This land use category is characterized by low-density single-family residential and neighborhoods. The intent of land use category is to preserve established neighborhoods and create opportunities for permanent and vacation residences similar in land use patterns to Residential Areas but at a lower density.

### **Development Support and Constraints**

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

In an email dated March 10, 2022, Emily McGahee, Environmental Health Manager, provided the following comments:

All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

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

No comments were provided in relation to this item.

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

A memo dated March 16, 2022 from Bill Nash, PE, Interim Director of Hall County Public Works and Utilities, provided the following comment:

##### **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. Must submit Engineering plans for grading and stormwater, etc... Site plan should include all original lots (6) for storm water purposes.

##### **Utilities**

No comment.

Traffic Engineering

Recommend internal roadway providing lot access or common access drives.

Hall County Tax Assessors

No comments were provided in relation to this item.

Gainesville Water and Sewer Resources

No comments were provided in relation to this item.

Georgia Department of Transportation

No comments were provided in relation to this item.

**Zoning Analysis**

- The subject parcels make up a total of 11.64± acres in size and exist currently as three lots of record. The applicant is requesting to allow a subdivision of the three lots into 11 lots. Based on the notes from Hall County Engineering on the original three lots, stormwater management will be required for the original three lots plus the 11 lots being proposed.
- The proposed property use is consistent with the Comprehensive Plan. These parcels are not located within any corridors or activity centers.
- Chapter 16.50 outlines general design requirements for all plats. The application **does meet** these standards.
- Per § 17.240.010, the minimum dimensional standards for both V-C and R-I districts are as follows:
  - 35,000 sf minimum lot size
  - 50' minimum frontage
  - 75' minimum lot width (at front setback line) per § 17.240.120
  - 30' front and street side setbacks
  - 10' side yard setback
  - 20' rear setback
- It is **unclear** whether additional requirements in the code of ordinances like tree protection and stormwater have been met, but the applicant will be required to demonstrate compliance with those regulations during the development review process. Additionally, the property will need to show confirmation for access to water and sanitary sewer service prior to the issuance of a building permit.
- Hall County records do not indicate that there was ever a business license issued to the subject property, which suggests that the use has continuously been always residential in nature.
- According to the Trip Generation Memo, the additional trips generated by the development are not anticipated to have a significant impact on the roadway's operations. The all-way stop controlled intersections at Hardy Road and Nancy Creek Road, and Nancy Creek Road and Ed Dodd Trail are expected to experience nominal operational impacts as a result of the additional peak hour traffic volumes.
  - Seven lots will be accessed via individual driveways along Nancy Creek Road and four lots along Hardy Road.
  - Per Georgia Department of Transportation's (GDOT's) crash data system there have been zero crashes reported in the development area since 2015.

- New daily trips: 104 (52 entering; 52 exiting); AM peak period: eight (2 entering; 6 exiting); PM peak period: 11 (7 entering; 4 exiting)
- §17. 380.060 provides the criteria for considering a conditional use. The application **meets** all these standards based on the following analysis:
  - The zoning proposal is consistent with the Comprehensive Land Use designation by maintaining low density residential uses in the area of the lake.
  - Due to the number of other residential uses within the R-1 zoning in this area, a conditional use, if granted, would not cause substantial detriment to the public good

### **Staff Recommendation**

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

1. The development shall conform to the zoning and development standards set forth in the code of ordinances and with the site plan submitted with the application.
2. The applicant shall meet engineering requirements pertaining to stormwater regulations.
3. An internal roadway or common access drive shall be constructed to provide shared lot access.
4. All conditions of zoning shall be listed on the final plat.

### **Excerpts from the minutes of the Planning Commission meeting on April 4, 2022:**

#### **Applicant's Presentation:**

**David Webb, Principal Planner**, presented a summary of the request.

**Jane Range, 200 E. E. Butler Parkway, Gainesville**, presented the request. The applicant stated that they have complied with all recommendations to keep moving forward. The applicant stated that they plan to put 1,800 to 3,500 square foot homes on the lots that will be two stories high with three car garage, side entry, and lake docks. The applicant stated that these will not be starter homes, they will be custom homes starting at well over a million dollars purchase price. The applicant stated that not utilizing Nancy Creek Road and having to add a road in between the lots will interfere with the minimum acreage requirement for each home.

**Luke Pressley, 3120 Frontage Road, Gainesville**, presented a summary of the request. The applicant stated that there are stop signs on Nancy Creek Road and Hardy Road.

#### ***Rebuttal***

The applicant stated that because each lot will have a septic tank rather than sewer they can make the lots smaller but having to add an internal road will then have to have sidewalks added, further decrease the size of the lots. The applicant stated that adding a road will diminish the depth of the houses and attractiveness. The applicant stated that Nancy Creek Road is not a road with heavy traffic.

#### **Public Forum:**

**Roy Cleveland, 3742 Timber Walk Drive, Gainesville** spoke in opposition. The applicants concerns were the home styles and acreage size.

**Planning Commission Comments:**

**Bill Nash, Interim Public Works Director**, presented a summary of the Public Works recommendation. Mr. Nash explained the steepness and repetitive nature of the driveways on Nancy Creek Road and how the intersection of Nancy Creek Road and Hardy Road is a substandard intersection with a street jog. Public Works recommendation of adding an internal road will provide the effect of the development without the negative impacts onto Hardy Road and Nancy Creek Road. Mr. Nash explained that adding a 5 foot non access easement along the frontage of Nancy Creek Road and Hardy Road will prevent future driveways from being added onto the lots.

Ms. Pilcher pointed out that the way the community dock was proposed was not very encouraging of community. Mr. Bell questioned if adding an internal road would decreased the size of each lot and cause it to fail the acreage requirement. Mr. Nash stated that running an internal road could still provide the development with the minimum lot size. Mr. Bell questioned what the road frontage requirement on Nancy Creek Road is. Mr. Webb stated that it is 50 feet.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 5-0**

**Conditions:**

6. The development shall conform to the zoning and development standards set forth in the code of ordinances and with the site plan submitted with the application.
7. The applicant shall meet engineering requirements pertaining to stormwater regulations.
8. An internal roadway or common access drive shall be constructed to provide shared lot access.
9. All conditions of zoning shall be listed on the final plat.
10. The lots shall have a five foot non access easement along the frontage of Nancy Creek Road and Hardy Road.