

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Glenn Motes
Request Use Subject to County Commission Approval
Proposed Use 5-lot subdivision
Size 46.86± acres
Zoning AR-IV
Location On the west side of Old Dahlonga Highway
approximately 47 feet from its intersection with
Old Whelchel Road; a.k.a. 6526 Old
Dahlonga Highway; Tax Parcel 11078
000004.
Commission District Three
Planning Commission Date January 18, 2022
Staff Recommendation **Approval, with conditions**

Planning Commission Recommendation – Approve, with conditions

Vote: 4-0 (Varner absent)

Conditions:

1. *Prior to the issuance of any building permits, a recorded plat shall be required.*
2. *A road frontage variance of 50' shall be granted for tract 2 and 3.*
3. *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.”*
4. *All conditions of zoning shall be made part of any plat created for the subdivision.*

Applicant Proposal

The applicant is seeking approval for a use subject to County Commission for the subdivision of 46.86± acres into five lots. The applicant did not submit a narrative, but did provide a site plan showing the proposed subdivision of the property into five lots measuring approximately 5.00± acres for Tract 1 and Tract 5, 18.18± acres for Tract 2, 10.52± acres for Tract 3, and 8.61± acres for Tract 4.

According to Georgia Department of Transportation (GDOT) road classifications, Old Dahlonega Highway is as a major collector road; §16.50.040 of the Official Code of Hall County states that in any subdivision not involving the construction of new roads and in any minor subdivision (as defined by the Hall County zoning regulations), all new lots accessing a road designated as an arterial or collector shall have a minimum frontage of 150 feet. Of the five new tracts, only Tracts 1, 4, and 5 meet the road frontage requirement of a minimum of 150 feet for Old Dahlonega Highway. A variance for a reduced road frontage should be required for Tract 2 from 150 feet to 50 feet and Tract 3 from 150 feet to 50 feet. All three tracts meet minimum lot area requirements for property zoned AR-IV.

History and Existing Land Uses

The subject property is approximately 46.86± acres, is zoned Agricultural-Residential-IV (AR-IV), and is inundated by the FEMA and Future County floodplains at the northern property line. It is currently developed with a single-family residence built in 2001, an inground pool built in 2018, a horse arena, and multiple agricultural accessory buildings. As depicted on the proposed site plan, Tract 2 will include the single-family residence, pool, and a majority of the agricultural accessory structures and Tract 4 will include the horse arena and two sheds. Tracts 1, 3, and 5 is proposed as vacant lots. Adjacent zoning is also designated as AR-IV and is a mix of vacant and developed properties with agricultural and residential uses.

This appears to be the original zoning for the subject property; no previous zoning actions have been identified.

Comprehensive Plan Land Use Designation

The subject property is located within the “Rural Residential” land use designation. These designations are characterized by low density single-family residential uses with deep setbacks from the road. The primary future land uses include: agricultural/forestry uses; low-density detached single-family residences, including the use of Conservation Subdivision design that sets aside a high percentage of open space within a new neighborhood; civil benefit uses such as parks, places of worship, schools, community centers, and county services; and greenways and trails.

This use is consistent with the Comprehensive Plan.

Significant Factors

§17.380.130 of the Hall County Zoning Regulations states that the approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and/or license, and development plat approval, and proceeding with the building, occupancy or establishment of business.

Hall County Environmental Health

In an email dated December 30, 2021, Emily McGahee stated, “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.”

Hall County Public Works and Utilities

In a memo dated December 30, 2021, Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comments:

Engineering

No comment.

Traffic

If the existing driveway is to be utilized as a common drive, then it will need to meet Hall County Common Access Driveway requirements.

Utilities

No comments.

Hall County Tax Assessors

In an email dated December 23, 2021, Nicole Griffin, Appraisal Systems Coordinator of Hall County Tax Assessors, stated, "Under new business #4 will result in a breach of the CUVA. They are wanting to create a 5 lot subdivision on parcel 11078 000004. This CUVA started in 2017."

Zoning Analysis

- The proposed use request is consistent with the Comprehensive Plan.
- §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 resubdivision.
 - Within the AR-IV zoning district, subdivisions of land are recognized as a permitted Use Subject to approval of the Hall County Board of Commissioners.
- §17.240.010 of the Official Code of Hall County designates lots within AR-IV zoning districts with public water supply to be a minimum 43,560 square feet (1 acre) in size or with well water supply to be a minimum 63,340 square feet (1.5 acres) in size.
 - Each of the proposed lots **meet** this standard.
- §16.50.040 of the Official Code of Hall County designates lots within all zoning districts to have a minimum 150 feet of lot frontage when along roads designated arterials or collectors. Old Dahlonega Highway is designated as a major collector according to the Georgia Department of Transportation (GDOT).
 - Tracts 1, 4, and 5 **meets** the minimum road frontage requirements. Tracts 2 and 3 **do not meet** the minimum road frontage requirements.

Staff Recommendation

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

1. Prior to the issuance of any building permits, a recorded plat shall be required.
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. All conditions of zoning shall be made part of any plat created for the subdivision.

Excerpts from minutes of Planning Commission meeting on January 18, 2022:

Background Information:

The applicant is seeking approval for a use subject to County Commission for the subdivision of 46.86± acres into five lots. The applicant did not submit a narrative, but did provide a site plan showing the proposed subdivision of the property into five lots measuring approximately 5.00± acres for Tract 1 and Tract 5, 18.18± acres for Tract 2, 10.52± acres for Tract 3, and 8.61± acres for Tract 4.

Applicant's Presentation:

Srikanth Yamala, Interim Director, presented a summary of the request.

Payton Davis, 133 Prominence Court, Suite 210, Dawsonville, presented the request. Mr. Braswell questioned if the site plan has been updated. Stated the property line between tract 2 and 3 may alter some, due to including an open pasture with tract 2. Mr. Davis stated all tracts would access the driveway.

Zach Tibbs, Norton Commercial (address not provided) also presented the request.

Public Forum:

There were no comments in favor or opposition.

Planning Commission Comments:

Mr. Hunt questioned if the lot size requirements were met and if a variance was still needed for tract 2 and 3. Mr. Braswell questioned on tract 2 and 3, the 50' variance requests. Mr. Hunt questioned the driveway.

Motion: A motion to approve with conditions, was made by Mr. Hunt and seconded by Mr. Bell, per amended site plan shown today. Vote: 4-0

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