

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Ponderosa Land Holdings, LLC

**Request** ..... Agricultural Residential-III (AR-III) and Residential-I (R-I) to Planned Residential District (PRD)

**Proposed Use** ..... Single family development

**Size** ..... 31.64± acres

**Zoning** ..... AR-III and R-I

**Location** ..... On the west side of Winder Highway at its intersection with Plantation Drive; a.k.a. 4610 & 4616 Winder Highway; Tax Parcels 15037A000070 & 000001.

**Commission District** ..... One

**Planning Commission Date** ..... July 5, 2022

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

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**Planning Commission Recommendation: Approval, with conditions**  
**Vote: 3-0 (Pilcher and Bell absent)**

**Conditions:**

1. *The development shall generally occur as depicted on the site plan and described in the project narrative.*
2. *The proposed residential development shall conform to §17.180.060 Planned Residential Development (PRD) standards, if not amended in the conditions to follow.*
3. *There shall be no more than 54 total units in the development (a density of 1.9 units per acre).*
4. *The following standards shall apply to the development:*
  - a. *Setbacks:*
    1. *Front: 25 feet from center line of road*
    2. *Side: 5 feet*
    3. *Rear: 20 feet*
  - b. *All site plans shall indicate that the distance from the rear of the sidewalk to the garage meets or exceeds 22 feet.*
  - c. *Open Space: minimum of 30%.*

- d. *The Open Space and lot configuration shall be redesigned to meet §17.430.110.E and §17.430.110.F, including the requirement that “F. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.” The redesigned lot layout shall be approved by the Planning Director prior to submission of the application for a Preliminary Plat/ LDP application.*
  - e. *All trail systems shall be in compliance with §17.430.110.C.*
  - f. *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.*
  - g. *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 applicant has stated that there shall be a mandatory homeowners association.*
  6. *The proposed Stormwater BMP (pond) shall be on a separate “utility” lot that is not a part of the open space.*
  7. *The proposed sewer lift station shall be on a separate “utility” lot with design, ownership and access to be determined by Hall County Public Works prior to submission of the Preliminary Plat/ LDP application.*
  8. *All access to the development shall be provided via a new road connecting to Winder Highway (GA-53), which shall be reviewed and permitted by GDOT/ Hall County Public Works. No lot shall have direct access to Winder Highway. A five (5) foot non-access easement shall be indicated on all lots that have direct frontage to Winder Highway (GA-53).*
  9. *The lots shall be designed so that all state waters and required buffers (75’) do not encroach on individual lots.*
  10. *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.”*
  11. *All conditions of zoning shall be made part of any plats created for the property.*
  12. *Applicant shall provide architectural renderings and elevations depicting materials to Hall County Planning staff no later than July 29, 2022.*
  13. *5 foot sidewalks shall be required along each side of the streets.*
  14. *Stream buffer shall meet all 50 foot buffer requirements.*

**Applicant Proposal**

The applicant is requesting approval to rezone 31.60 acres from Agricultural Residential III (ARIII) to Planned Residential Development (PRD) for the purpose of developing a 54 lot subdivision. The narrative submitted by the application states that the proposed development meets the standards outlined in §17.180.060 – Planned Residential Development District – of the Official Code of Hall County.

The applicant's narrative states that the property currently consists of two tracts of land that would be combined and redeveloped to contain the 54 lots (1.7 units per acre). The proposed site plan indicates 15.719± acres (49.7%) of open space. The narrative continues that the property contains over 2,800 linear feet of streams and their associated buffers, which comprises much of the open space.

The narrative continues to describe how potential impacts to adjoining properties will be mitigated by 25 foot vegetated zoning buffers with a 6 foot wooden fence along all developed areas. Additionally, the proposed open space will act as a buffer for portion of the development.

Per the narrative, the development will be served by an existing Hall County gravity sewer line, which is adjacent to the property along the Winder Highway right-of-way. The applicant proposes connecting to this gravity line via a lift station to be designed and constructed at the west end of the proposed subdivision road. A force main would be utilized to carry effluent from the proposed development to the gravity line on Winder Highway.

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

The subject property is approximately 31.06± acres and is zoned both Agricultural Residential III (AR-III) and Residential I (R-I). The properties are currently developed with single family residences and various outbuildings over the two parcels. The structures will be removed prior to development of the subdivision.

Along Winder Highway are a mixture of properties zoned R-I and AR-III. Adjacent, existing land uses include low density residential, agricultural uses and the Chestnut Mountain Elementary School.

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

The Comprehensive Plan's future land use designation for the subject parcel is "Residential." Residential Areas are characterized by moderate-density (2 dwellings per acre) 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 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. New development should provide opportunities for open space/greenspace, including shared areas for the benefit of residents and ample tree cover

The request is consistent with the Comprehensive Plan.

### **Development Support and Constraints**

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

In an email dated June 15, 2022 Emily McGahee stated “Public sewer. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.”

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

No comments were provided as part of this request.

Per Hall County GIS, the subject parcel is located approximately 1.3 miles from Hall County Fire Station #12, located at 4890 Winder Highway. There are fire hydrants to the east and west of the subject property, along Winder Highway.

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

In a memo dated June 16, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

##### **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 Engineering**

Access must be permitted/approved through GDOT.

##### **Utilities**

Hall County sewer.

**Hall County Tax Assessors** No comments were provided.

#### **Gainesville Water Resources**

No letter of service was submitted as part of the request.

Per Hall County GIS, there is public water line operated by the City of Gainesville in the right-ofway along Winder Highway.

Georgia Department of Transportation

Per an email dated June 16, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor, confirmed that this project will require GDOT coordination.

Zoning Analysis

- The proposed use request is consistent with the Comprehensive Plan, as it has a lower density than the maximum requirement within the “Residential” land use designation.
  - Within the residential character area the maximum density is recommended to be two units per acre.
- The applicant is requesting to rezone the property from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) for the purpose of developing a 54 lot subdivision.
  - Per §17.180.060., 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.
- Per §17.180.060.B.2, dimensional standards for single-family residences are detailed below. If standards are not specifically proposed, then the applicable standards in the residential-I (R-I) district shall apply.
  - Lot area. Minimum lot area standards of 8,000 square feet for lots served by sanitary sewer. The overall gross density not to exceed two units per acre.
    - Per the site plan, the minimum lot size is 8,000 square feet. This standard **is met**.
  - Lot width. Minimum lot width of 50 feet.
    - Per the site plan, the minimum lot width is 50 feet. This standard **is met**.
  - Setbacks:
    - Minimum front yard setback from the property line of 25 feet.
- Per the site plan, the front setback is 25 feet. This standard **is met**.
  - Minimum side yard setback from the property line of five feet.
- Per the site plan, the side yard setback is 5 feet. This standard **is met**.
  - Minimum rear yard setback from the property line of 20 feet.
- Per the site plan, the rear setback is 20 feet. This standard **is met**.
- Per §17.180.060.B.5, 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.
  - Per the applicant’s narrative and site plan, a 25 foot vegetated buffer with a 6 foot wooden fence along all developed areas is proposed. This standard **is not met**.
- Per §17.180.060.B.6, a minimum of two trees per lot shall be provided or preserved in the front, side, or rear yard of each lot.
  - The applicant’s narrative and site plan do not discuss this standard. It **cannot be determined** if this standard is met.

- Per §17.180.060.B.7.a, residential developments with less than 150 lots shall only be required to have one entrance.
  - This standard **is met**.
- Per §17.180.060.B.7.b, all planned residential developments shall construct sidewalks on both sides of the streets that are a minimum of five feet wide.
  - The applicant's narrative and site plan do not specify a sidewalk width, though one is represented on both side of the street on the site plan. It **cannot be determined** if this standard is met.
- Per §17.180.060.B.8, 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 30 percent of the gross tract area. The open space requirements include:
 

*At least 75 percent of the open space shall be in a contiguous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.*

*The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the open space.*

  - The applicant's narrative and site plan indicate that 15.719 acres or approximately 44% of the site will be preserved as open space. This for minimum open space is met, however the design standards are **not met** as required in sections 17.430.100 through 17.430.150.
    - Per §17.430.120, permitted uses of open space, the following uses are permitted: conservation of natural, archeological or historical resources; meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas; walking or bicycle trails, provided they are constructed of porous paving materials; passive recreation areas; active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas; agriculture, horticulture, silviculture or pasture uses; nonstructural stormwater management practices; easements for drainage, access, and underground utility lines; golf courses; or other conservation-oriented uses compatible with the purposes of this chapter.
      - The applicant has not indicated the programming for the open space.
- Per §17.180.060.B.9, provides design guidelines and standards for planned residential developments.
  - 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.
    - No architectural renderings were submitted as part of this request. It **cannot be determined** if this standard is met.

- Per §17.180.060.B.9.b, single-family residence garages, garage placement shall be if the following: semi-flush, recessed, side-loaded, carriage court, or detached.
  - No architectural renderings were submitted as part of this request. It **cannot be determined** if this standard is met.
- Per §17.180.060.B.11, all new subdivisions are required to provide a cluster mailbox unit (CBU) for regular mail service delivery.
  - No cluster mailbox unit is noted on the site plan. This standard **is not met**.
- No traffic study was required for this rezoning request. Per §17.380.050 of the Official Code of Hall County 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 proposed development contains 54 lots.
- Per comment from the Georgia Department of Transportation, this project will require coordination with them.
- The applicant's narrative indicates that sewer service will be provided via a gravity sewer line available along Winder Highway. No letter from a municipality confirming capacity was submitted with the application.
- The applicant did not state how water service would be provided for the development. There is a City of Gainesville waterline along Winder Highway right-of-way.

**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.
3. There shall be no more than 54 total units in the development (a density of 1.7 units per acre).
4. The following standards shall apply to the development:
  - a. Setbacks:
    1. Front: 25 feet from center line of road
    2. Side: 5 feet
    3. Rear: 20 feet
  - b. All site plans shall indicate that the distance from the rear of the sidewalk to the garage meets or exceeds 22 feet.
  - c. Open Space: minimum of 30%.
  - d. The Open Space and lot configuration shall be redesigned to meet §17.430.110.E and §17.430.110.F, including the requirement that "*F. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe, convenient access to the open space.*" The redesigned lot layout shall be approved by the Planning Director prior to submission of the application for a Preliminary Plat/ LDP application.

- e. A recreational trail system shall be constructed with low impact/ non-pervious materials (mulch or other approved materials) in the Open Space with a connection to the sidewalk system. The trail system shall have a minimum length of 1,500 and a width of four (4) feet that generally follows the stream to the south of the property. The Open Space shall connect to the street system to provide access to the trail system. The trail system is allowed to encroach into the buffers. The trail system design shall be approved by the Planning Director prior to submission of the application for a Preliminary Plat/ LDP application.
  - f. 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.
  - g. 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. A homeowners association is required to maintain the common ownership elements of the development.
  6. The proposed Stormwater BMP (pond) shall be on a separate "utility" lot that is not a part of the open space.
  7. The proposed sewer lift station shall be on a separate "utility" lot with design, ownership and access to be determined by Hall County Public Works prior to submission of the Preliminary Plat/ LDP application.
  8. All access to the development shall be provided via a new road connecting to Winder Highway (GA-53), which shall be reviewed and permitted by GDOT/ Hall County Public Works. No lot shall have direct access to Winder Highway. A five (5) foot non-access easement shall be indicated on all lots that have direct frontage to Winder Highway (GA53).
  9. The lots shall be designed so that all state waters and required buffers (75') do not encroach on individual lots.
  10. 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."
  11. All conditions of zoning shall be made part of any plats created for the property.

**Excerpts from the minutes of the July 5, 2022 meeting**



**Applicant's Presentation:**

**Randi Doveton, Planning Director**, presented a summary of the request.

**Johnny Free, 116 Sand Hill Lane, Jefferson**, presented the request. The applicant stated that there is an easement at the corner of the lot that was recently discovered so they are going to move the 50 foot buffer to start at the property line, further moving it into the property. The applicant stated that there would be a 6 foot privacy fence running down the west side of the property line.

***Rebuttal***

The applicant stated that he has not made campaign contributions to anyone in the county as stated in the public forum. The applicant stated that the deceleration lane will start at the property line, it will not cross anyone's property. The applicant stated that houses will range from 1,800 to 3,000 square feet depending on the size of the lot, sale price will range from \$425k to \$550k, and the lots are about 120 feet deep on average. The applicant wanted to specify that the site plan was also sketched in compliance with GDOT guidelines.

**Public Forum:**

**Jerry Hagen, 4951 Harvest Court, Flowery Branch**, spoke in opposition. Concerns were traffic.

**Terrel Strickland, 4606 Winder Highway, Flowery Branch**, spoke in opposition. Concerns were easement, buffer, and traffic.

**Ryan Smith, 3926 Ellison Farm Road, Braselton**, spoke in opposition. Concerns were architectural structures, buffers, placement, school traffic, setbacks, and campaigning contributions.

**Planning Commission Comments:**

Mr. Braswell questioned if the septic was approved by Gainesville Water. The applicant stated it was approved by email. Mr. Hunt questioned who will be maintaining the buffers. The applicant stated that the homeowners association would. Mr. Hunt questioned if there would be sidewalks on both sides of the street. The applicant stated there would be. Mr. Varner questioned if they had submitted elevations. The applicant stated that they did not submit elevations but they would comply with Hall County standards. Mr. Hunt questioned buffers and how that might change the size of the homes. Mr. Hunt wanted to make sure that the easement would have a 50 foot buffer.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 3-0 (Pilcher & Bell Absent)**

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