

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Efrain Carrillo

Request Rezone from Agricultural Residential-IV (AR-IV) to Residential-I (R-I)

Proposed Use 10 lot subdivision

Size 10.0± acres

Zoning AR-IV

Location On the west side of Coker Road
approximately 840 feet from its intersection
with Thousand Oaks Drive; a.k.a. 3504 Coker
Road; Tax Parcel 15015 000131(pt.).

Commission District Three

Planning Commission Date April 18, 2022

Staff Recommendation **Denial**

Planning Commission Recommendation – Approval to rezone from Agricultural Residential-IV (AR-IV) to Residential-I (R-I) and for a Use Subject to County Commission approval due to the purpose of use being a subdivision under Residential-I (R-I), with conditions.

Vote: 4-0 (Varner absent)

This report has been revised to address the site plan submitted on August 10, 2022. The new analysis information is **highlighted in yellow.**

- Staff would like to request that the Board require that the storm water management ponds be located on separate tracts instead of on the residential lots. Including them on the buildable lots will increase the likelihood of maintenance and access issues for Hall County. Staff has received 2 variance requests because proposed homes cannot meet required minimum setbacks because the lots contain storm water management ponds.
- Requiring that the ponds be located on lots not designated for sale, will:
 - reduce the number of lots to be more in line with the Planning Commission’s recommendation of 18 lots;
 - provide the applicant a location to install a mail kiosk and parking.

Conditions:

1. *The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval.*
2. *The lots shall be a minimum of one acre in size.*
3. *The minimum road frontage shall be 50 feet.*
4. *The property shall have a maximum of 18 lots.*
5. *There shall be no vinyl siding.*
6. *All houses shall have hardi plank stone and masonry exteriors.*
7. *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.”
8. *All conditions of zoning shall be part of any plat of the property.*
9. *Lot 1 and 14 shall have a 5 foot non access easement to Coker Road.*
10. *The houses shall have a minimum 1,500 square feet of heated floor space for a one story home and 2,000 square feet of heated floor space for a two story home.*
11. *All roads shall be built to Hall County standards.*

Applicant Proposal

The applicant is requesting to rezone a portion of 3504 Coker Road from Agricultural-Residential-IV (AR-IV) to Residential-I (R-I) in order to subdivide the property into **twenty-one (21)** lots to be developed with single-family homes. **The revised site plan indicates that the minimum lot size is 1 acre with the largest being 2.14 acres. The site plan indicates that the development will have minimum front building setbacks of 30FT, minimum interior side building setbacks of 10FT, and minimum rear building setbacks of 20FT. The minimum lot frontage of 50FT appears to be met but the site plan does not include dimensions.** The narrative states that each lot will be a minimum of 35,000 square feet in size; eight (8) will measure 125 feet by 280 feet and two (2) will be of an irregular shape yet still meet the 35,000 square foot requirement. The applicant proposes to develop the property with site-built single-family residences served by public water and individual septic tanks. The development will be served by a new street along the southern boundary of this property to provide each lot with appropriate road frontage. **The proposal includes 2 streets, each terminating in a cul-de-sac with a right-of-way radius of 60FT, which meets the requirements of section 16.60.160 of the regulations. The new entrance road into the development will be located approximately 325FT south of the intersection of Coker Rd and Thousand Oaks Dr.**

The proposed road measures 1396.61' in length, and is proposed to branch off of the existing Coker Road and end in a cul-de-sac at the back of the subject property.

History and Existing Land Uses

The subject property is approximately 10.0± acres and is part of a larger 27.29± acre tax parcel zoned Agricultural Residential-IV (AR-IV). The surrounding properties are zoned AR-IV and are developed

with a mixture of single family and agricultural uses. To the northeast of the subject property is Harmony Woods subdivision, which is developed with single-family homes on approximately one (1) to two (2) acre lots. Other surrounding properties are large AR-IV tracts developed with a mixture of single family and agricultural uses. The subject property is developed with a 1,669 square foot single family residence built on 1971 as well as a mobile homes and two (2) chicken houses. This appears to be the original zoning per Hall County records. **The existing home will remain and is located on lot 20 of the revised site plan.**

Comprehensive Plan Land Use Designation

The subject property is located within the “Rural Residential” future land use designation. This land use designation is characterized by low-density single-family residential uses with deep setbacks from the road. Future development should continue to reflect lower density detached single-family residential uses, and neighborhood design should incorporate a high percentage of open space (i.e. ‘Conservation Subdivision’ design).

The request is inconsistent with the Comprehensive Plan as the minimum density recommended for the rural residential future land use designation is 1 dwelling unit per 1 – 1.5 acres, depending on public water availability. **The current proposal is consistent with the Comprehensive Plan since the minimum proposed lot area is now 1 acre.**

Development Support and Constraints

Hall County Environmental Health

In an email dated May 4, 2021 Emily McGahee commented: “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.”

Hall County Fire Services

The subject parcel is located approximately 4.5 miles from Hall County Fire Station #1, located at 2460 Athens Highway. The nearest fire hydrant is in the right-of-way of Coker Road approximately 120 feet from the north east corner of the subject property and approximately 291 feet from the south east corner of the subject property.

Hall County Public Works and Utilities

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

Engineering

As this subdivision is greater than 6 lots on an existing road, a stormwater management report prepared by a professional engineer will be required.

Traffic Engineering

No comment.

Utilities

No comment.

Hall County Tax Assessors

No comments were provided.

Gainesville Water Resources

The Hall County GIS shows that public water is available to the subject property along Coker Road.

Georgia Department of Transportation

In an email dated April 26, 2021, Jonathan Peevy, Assistant District Traffic Engineer, indicated that this project will not require GDOT coordination.

Zoning Analysis

The proposed use request is **inconsistent** with the Comprehensive Plan. **The current proposal is consistent with the Comprehensive Plan since the minimum proposed lot area is now 1 acre.**

- Per the Hall County Comprehensive plan, this area is characterized by low-density single-family residential uses with deep setbacks from the road. Future development should continue to reflect lower density detached single-family residential uses, and neighborhood design should incorporate a high percentage of open space. The target density for this area is 1 dwelling unit per 1 – 1.5 acres, depending on public water availability.
- §17.20.1210 of the Hall County Zoning Regulations defines a *major 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 re-subdivision.
 - Within the R-I zoning district, subdivisions are listed as a permitted use.
- §17.240.010 of the Official Code of Hall County designates lots within an R-I zoning district to be a minimum of 35,000 square feet in size.
 - The proposed lots meet this requirement.
- §17.240.010 of the Official Code of Hall County designates lots within the R-I zoning district to have a minimum 50 feet of lot frontage when along local roadways.
 - Coker Road is classified as a local road and there is a proposed road that will serve the majority of lots.
- §17.16.010 of the Official Code of Hall County lists permitted uses within R-I districts as: site-built single-family detached dwelling units; Class A single-family detached industrialized dwelling units; non-commercial accessory residential uses, including but not limited to a private garage, detached home workshop, swimming pool. Or greenhouse, all of which shall be incidental to the use of the property as a residence; home offices; agricultural or horticultural uses.
- The site plan and narrative do not show or mention a centralized postal unit, which is required by the United States Postal service.
 - This item will be expected to be included with development plans for the subdivision.

Staff Recommendation

Staff recommends **denial** of the applicant's request but if the board see fit to approve, the following conditions shall apply:

1. The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval.
2. The subdivision shall be limited to a maximum of 10 residential lots.

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 a part of any plat of the property.

Excerpts from the minutes of the meeting of April 18, 2022

Applicant's Presentation:

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

Jake Bailey, 2419 Island Drive, Gainesville, presented the request. The applicant indicated that they would not have any objection to adding a non-access easement to property 1 and 14 to access Coker Road. The applicant stated that the road to access these properties will be a new road.

Efrain Carrillo, 344 Clermont, Clermont, presented the request.

Pedro Montes, 3284 Bay Mount Way, Lawrenceville, presented the request.

Rebuttal

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Mr. Bailey stated that the development was going into an existing subdivision and they would comply with conditions. Mr. Bailey stated that they were not proposing any new driveways onto Coker Road, the road for the driveways would be on a new road. Mr. Bailey stated that as for water runoff and erosion, they would work with engineers and comply with all local and state codes for water control. Mr. Carrillo stated that the plan is to build houses and/or sell the lots to have homes built. Mr. Carrillo stated that he understood the concerns that the nearby property owners had regarding the land but the area is quickly expanding and they are just going in route of that growth.

Public Forum:

William Berry, 3598 Coker Road, Gainesville, spoke in opposition. Concerns was traffic, illegal dumping, and water pollution.

Myrtle Smith, 3576 Coker Road, Gainesville, spoke in opposition. Concerns were traffic accidents, illegal dumping, and expansion.

Walter Smith, 3576 Coker Road, Gainesville, spoke in opposition. Concerns were expansion on Coker Road.

Planning Commission Comments:

Mr. Braswell asked if the lots were going to be a minimum of one acre in size. Mr. Bailey stated that was correct, with a 50 foot frontage minimum. Mr. Braswell asked if the new street will be built up to county standards. Mr. Bailey stated that was correct. Mr. Hunt questioned if the scale on the plat was correct. Mr. Bailey stated that it should be. Mr. Hunt stated that the application would also be approved for a Use Subject to County Commission Approval due to the purpose of use being a subdivision under Residential-I (R-I).

Motion: A motion to approve to rezone from Agricultural Residential-IV (AR-IV) to Residential-I (R-I) and for a Use Subject to County Commission approval due to the purpose of use being a subdivision under Residential-I (R-I), with conditions was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0 (Varner absent)

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