HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ......................................................... Louise Butler

Request ............................................................. Use Subject to County Commission Approval

Proposed Use ...................................................... 5 lot subdivision

Size ................................................................. 16.59± acres

Zoning ............................................................... AR-IV

Location ............................................................. On the south side of Ellison Farm Road approximately 956 feet from its intersection with White Horse Drive; a.k.a. 4174 and 4178 Ellison Farm Road; Tax Parcels 15028 000241 and 15028 000084.

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

County Commission Date ....................................... April 9, 2020

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

Planning Commission Recommendation – Approval, with conditions
Vote:  4-0 (Mr. Varner absent)

Conditions

| √ | 1. Prior to the issuance of any building permits on any of the vacant parcels, 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. |

√ Applicant agrees with conditions.
The applicant is seeking a Use Subject to County Commission approval in order to subdivide 16.59± acres into a total of 5 lots. Per the Official Code of Hall County, one minor subdivision is permitted per year. The applicant is seeking approval to subdivide an Agricultural-Residential-IV (AR-IV) zoned property into 5 lots within one year, which requires Hall County Board of Commissioner approval. The site plan was submitted and depicts the approximate lot size and configuration.

The lot sizes and road frontage is listed in the table below:

<table>
<thead>
<tr>
<th>Tract</th>
<th>Acreage</th>
<th>Road Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4.508</td>
<td>52.16</td>
</tr>
<tr>
<td>2</td>
<td>1.299</td>
<td>187.22</td>
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<tr>
<td>3</td>
<td>2.047</td>
<td>50.25</td>
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<tr>
<td>4</td>
<td>1.639</td>
<td>189.21</td>
</tr>
<tr>
<td>5</td>
<td>13.882</td>
<td>356.12</td>
</tr>
</tbody>
</table>

**History and Existing Land Uses**

The 16.59± acres consists of two parcels and is zoned Agricultural-Residential-IV (AR-IV). Parcel 15028 000241 is approximately 1.47 acres in size and developed with a 1,600± square foot home constructed in 2016. Parcel 15028 000084 is 15.38± acres in size and developed with a 2,000 square foot home constructed in 2014 and a workshop. The surrounding properties consist of Residential-I (R-I), Planned Residential Development (PRD), Agricultural-Residential-IV (AR-IV), and Planned Commercial Farm District (PCFD) zoning districts with low-density developments of residential and agricultural uses.

Two home offices were operated at 4174 Ellison Farm Road (parcel 15028 000084) for a broker for commercial and residential properties as well as a real estate business. These are both currently expired.

This appears to be the original zoning for the parcel.

**Comprehensive Plan Land Use Designation**

The subject property is located within the “Residential” land use designation. Residential areas are characterized by moderate-density 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.

This use is consistent with the Comprehensive Plan.

**Development Support and Constraints**
Hall County Environmental Health
In an email dated March 3, 2020 Emily McGahee stated “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.”

Hall County Fire Services
The subject parcel is located approximately 3.7 miles from Hall County Fire Station #12, located at 4890 Winder Highway. The nearest fire hydrant is located approximately 25 feet away from the North East corner of the subject property along Ellison Farm Road.

Hall County Public Works and Utilities
In a memo dated March 4, 2020, Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comments:

- **Engineering**
  - No comment.

- **Traffic**
  - No comment.

- **Utilities**
  - Sewer not available.

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 Ellison Farm Road.

Georgia Department of Transportation
No Comments were provided.

Zoning Analysis
- The proposed use request is consistent with the Comprehensive Plan.
- §17.20.720 of the Official Code of Hall County defines a *minor subdivision* as the subdivision of land into a total of two conforming lots, parcels, tracts or building sites during a 12-month period.
- §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 require 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 a public water supply to be a minimum 43,560 square feet (1.0 acres) in size. Each lot of the proposed subdivision meets that standard.
• §17.240.010 of the Official Code of Hall County designates lots within AR-IV zoning districts to have a minimum 50 feet of lot frontage when along local roadways. Ellison Farm Road is designated as a local road. Each lot of the proposed subdivision meets the minimum frontage requirements.

**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.

**Staff Recommendation**

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

1. Prior to the issuance of any building permits on any of the vacant parcels, 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 the minutes of the meeting of March 2, 2020**

**Applicant’s Presentation:**

Wendell Butler, 4178 Ellison Farm Road, Braselton, presented the request. Mr. Butler stated that he and his wife were asking to divide his property into five lots. He stated that he would not need any additional road frontage with the proposed way of splitting the lot. Mr. Butler stated that parcel A would hopefully have a house and small farm on it. Mr. Sosebee went over the conditions with Mr. Butler to make sure he understood each of them. Mr. Butler stated that he understood them and agreed to them.

**Public Forum:**

No one spoke in favor or opposition of the request.
Motion: Mr. Sosebee made a motion to recommend approve, with conditions the request with a second from Ms. Pilcher and the motion passed with a 4-0 vote. (Mr. Varner absent)

Conditions:
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