

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Michael James Remodeling

Request Rezone from Residential I (R-I) to Office Institutional (O-I)

Proposed Use Office

Size 6.85± acres

Zoning Current Residential I (R-I) | Proposed Office Institutional (O-I)

Location **3461 Thompson Bridge Road** | Tax Parcel 10114 000039A.

Commission District Two

Planning Commission Date November 7, 2022

Staff Recommendation **Approval with conditions based on the findings that this request is consistent with the Comprehensive Plan and that it meets the criteria outlined in 17.380.060 and is consistent with the previous approval at 3473 Thomson Bridge Rd in 2020.**

Planning Commission Recommendation.....**Approval, with conditions**

Vote: 3-2 (Bell & Pilcher opposed)

1. The development shall conform with the proposed narrative and site plan, and the following conditions.
2. The development shall be consistent with the standards of Gateway Corridors Overlay District (GCOD, 17.420), of the Official Code of Hall County with the exception of allowing gravel parking noted on the site plan.
3. The current driveway access on Tommy Aaron Road shall be closed and there shall be no future access onto Tommy Aaron from any part of the subject property. The applicant shall block the driveway onto Tommy Aaron Road by means of placing a fence that meets Gateway Corridor Standards across the driveway or the applicant can install a landscape strip to prevent access to Tommy Aaron Dr. This condition shall be added to the site plan before the application is heard by the Hall County Board of Commissioners.

4. Interparcel access between the subject property and 3461 Thompson Bridge Road shall be required, per Gateway Corridors Overlay District (GCOD, [17.420](#)). The use of the existing gravel interparcel access road from 3461 Thompson Bridge Road shall be the only access approved to the subject property.
5. No outdoor storage is allowed.
6. No additional signage shall be allowed along Tommy Aaron Drive or Thompson Bridge Road.
7. The subject property is restricted to office use only all other inherent uses that may be permitted by right are not allowed.
8. The applicant shall have an easement recorded for interparcel access.
9. Any future improvements to the subject property must be brought to the Hall County Planning Commission and approved by the Board of Commission.
10. All company vehicles must be parked on 3461 Thompson Bridge Road.

Public Forum:

Stacey Reece, 761 Chattahoochee Place, Gainesville, spoke in opposition. Concerns were acreage size, buffers, storage, signage location, and road safety.

Michael Casper, 3570 Greystone Road, Gainesville, spoke in opposition. Concerns were acreage size, uses, and property value.

Larry Long, 679 Tommy Aaron Drive, Gainesville, spoke in opposition. Concerns were acreage size, zoning inconsistency, entryway, signage, and parking.

Larry Pritchett, 3473 Mill Creek Road, Gainesville, spoke in opposition. Concerns were uses and no communication with surrounding property owners.

Ken Johnston, 712 Chattahoochee Place, Gainesville, spoke in opposition. Concerns were uses, site plan, and signage.

Jack Carey, 3530 Greystone Road, Gainesville, spoke in opposition. Concerns were use and surrounding home values.

Summary Analysis

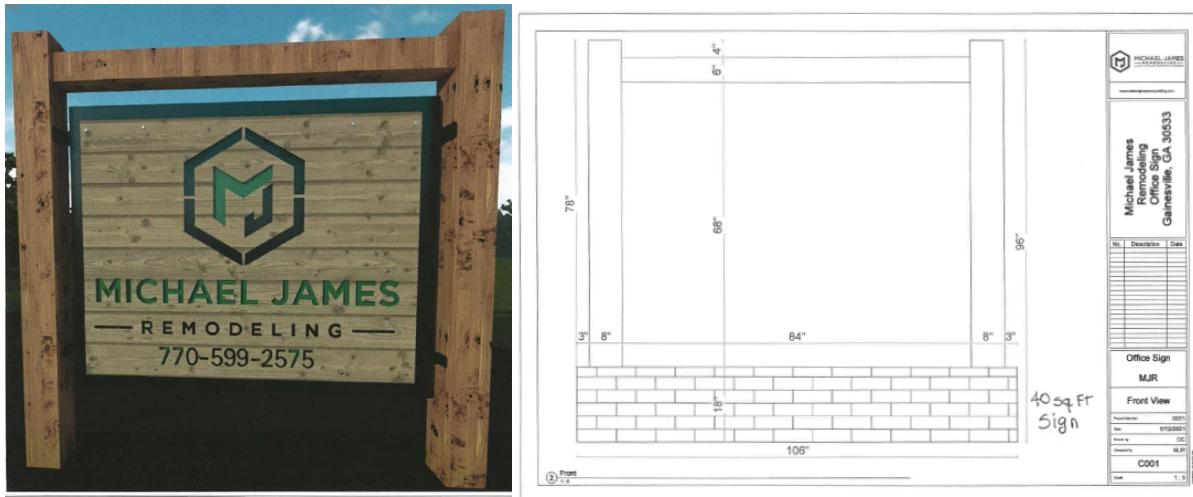
The applicant is requesting to rezone 6.85± acre tract currently zoned Residential I (R-I, [17.60](#)) to Office Institutional (O-I, [17.130](#)) for the purpose of utilizing the existing residence as office space for a remodeling business. The narrative states that the business will continue to utilize their current office space, 3473 Thompsons Bridge Road, which adjoins the property to the north. The proposed rezoning will accommodate

an expansion of the business. The residence has been remodeled and the applicant intends to finish the existing carport and use it as a second suite on the property.

The applicant's narrative states that the proposed operating hours will be Monday – Friday between 8:00am and 6:00pm. The space will be used by the business's project management and architectural design teams, 6 individuals, with potentially more staff/teams being added in the future.

The narrative continues that to accommodate the parking needs, the applicant intends to add additional parking on the right side of the existing home, in addition to using the existing parking. ***However, the site plan dated September 12, 2022 depicts all parking as existing. The Commission should seek clarity on this from the applicant at the hearing. Some parking is shown as existing gravel which would require a variance in the parking standards for the GCOD (17.420.050.E.3).***

The applicant submitted two diagrams of a proposed signage. One appears to have a brick base, overall height of 8FT and a sign panel area of 40SF. The other diagram does not have dimensions but depicts a freestanding sign made of wood or resin. The latter is similar to the two existing signs on the adjacent tract. The original application indicated that the applicant wished to place signs fronting both Tommy Aaron Dr. and Thompson Bridge Rd. The location and materials of the signage should be addressed during the hearing. The property is located within the GCOD which has design standards for signage (17.420.060). **Based on the definition of a sign, pole (17.420.080) a variance in the standards of 17.420.060.2 will be required before a permit could be issued for the freestanding sign depicted in the diagram.**



Various outbuildings were also identified to be used for storage of equipment and materials. It is unknown if those structures are existing or proposed. ***This should be clarified during the hearing.***

No variances from the Official Code of Hall County were included as part of this request; ***however, several are possibly necessary, depending upon applicant's responses at hearing:***

- Variance in GCOD parking area material to allow gravel.
- Variance in GCOD sign requirements to allow the freestanding sign instead of a monument sign.

If the Planning Commission wishes to grant these variances, the motion and conditions of approval shall need to specifically address them.

Based on the future land-use plan, staff finds the requested zoning designation is inconsistent with the future land use map designation though the adjacent property to the north was rezoned to Office Institutional (O-I, [17.130](#)) in 2020.

Zoning Analysis

Based on the future land-use plan, staff finds the requested zoning designation is inconsistent with the future land use map designation though the adjacent property to the north was rezoned to Office Institutional (O-I, [17.130](#)) in 2020.

When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The proposed zoning classification of Office Institutional (O-I, [17.130](#)) is suitable in view of the use and development of adjacent and nearby property.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not have an adverse effect on the existing use or usability of adjacent or nearby property. The property abuts a divided 5-lane state route (Hwy 60), and the nearest residential structure from the proposed office building is located at [3473 Mill Creek Rd.](#)**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned; **The subject parcel has reasonable economic use as currently zoned. The property is developed with a single-family residence and can continue to be utilized as such.**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. There are uses permitted by right within the O-I district that would be more intense than the proposed office, also, a permitted use ([17.130.020](#)); however, the property fronts a 5-lane divided state route.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The requested zoning designation is inconsistent with the future land use map designation, though the adjacent property to the north was rezoned to Office Institutional (O-I, [17.130](#)) in 2020. Property located at the northeast intersection of Thompson Bridge Rd and Ledan Rd. has a designation of PCD but is currently vacant.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff has not identified that the existing property values have been impacted by the existing zoning.**

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned. The property contains a single-family residential structure which could continue to be used as such under the existing zoning designation.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **This criteria is not applicable to the application since subject property is currently developed with a single-family residence. While it is unknown if the residence is occupied, there is nothing regulatory preventing it from being utilized in this manner.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any changing conditions that affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning classification of Office Institutional (O-I, [17.130](#)) is suitable in view of the use and development of adjacent and nearby property, one of which is also zoned O-I.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed use, an office space and parking area for the applicant's remodeling business, is proposed next to an Office Institutional (O-I, [17.130](#)) approved for rezoning in 2020. The applicant is proposing to use the existing structure, so the current proposal is aesthetically compatible with nearby uses.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other sites in the county that would permit such a use and already appropriately zoned. The applicant is requesting this zoning change so he may expand his existing business which is located on the adjacent parcel.**
15. Whether the need for rezoning could be handled instead by a variance request to the {Planning Commission}; **This request could not be handled instead by a variance request to the Planning Commission. The proposed use is not allowed within the current zoning district.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and federal regulations. As a result there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no evidence indicating a mistake was made in the original zoning of the property.**

- The purpose of the Office and Institutional District (O-I, [17.130.010.A](#)) is to establish and maintain areas which are generally in corridors along major limited access highways and which are adjacent to residentially zoned or residentially developed areas and which are so situated as to lend themselves to land uses and activities which may generate traffic and which may particularly benefit from proximity,

accessibility or visibility from a major limited access highway but which are the least incompatible of non-residential uses with adjacent residentially zoned or developed areas. To this end development is limited to light business and institutional uses and certain residential types and public facilities. The restrictions set forth herein are designed to protect the district and adjacent or surrounding residential areas, to present an appearance of openness and uncluttered, orderly development and to establish such standards for intensity of use and character of development as are compatible with the purpose of the district. The regulations for the O-I district are found in chapter [17.130](#).

- **[17.380.050](#). - Submission requirements for a rezoning request**

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. Applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**
- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section [17.380.060.C](#) of this section [chapter]. **The applicant has submitted a narrative but did not specifically address the criteria listed in [17.380.060.C](#).**
 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **The site plan dated September 12, 2022 is 1IN=50FT. it does not show the zoning designations of adjacent properties but shows the existing structures and parking on the property.**
 3. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This criteria is not applicable because this project does not propose a slow rate land treatment system.**
 4. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **This criteria is not applicable since the proposed rezoning is for a commercial use.**

Development Support and Constraints –Departmental /agency comments

Hall County Environmental Health

An email dated October 18, 2022 from Emily McGahee states “An existing system evaluation will be required. All proposed additions (including parking) must meet required setbacks from septic system.”

Hall County Fire Rescue

In an email dated July 13, 2022, Lieutenant John Hornick, with Hall County Fire Rescue, stated that there were no preliminary comments for this request.

Hall County Public Works and Utilities

In a memo dated October 20, 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.

Show buffer and impervious setback from wretched vegetation, not centerline of creek.

Traffic:

Driveway may need to be upgraded to accommodate two-way traffic.

Utilities:

City of Gainesville sewer.

Georgia Department of Transportation

In an email dated July 13, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor, stated that this project would require GDOT coordination.

➤ **Excerpts from the minutes of the November 7, 2022 meeting**

Applicant's Presentation:

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

Michael James, 450 W Main St, Dahlonega, presented the request. The applicant stated that this site would be used for the production management team.

Rebuttal

The applicant stated that the lots were purchased as is with no option of less or more acreage. The applicant stated he does have materials stored on the property and with time he would like to update the storage.

Planning Commission Comments:

Mr. Hunt questioned if the applicant will store materials outside of storage buildings. The applicant stated he will not. Mr. Braswell questioned if the properties would legally be under the same entity. The applicant stated they were. Mr. Hunt questioned if the applicant would be willing to install a fence along Tommy Aaron Road. The applicant stated he would. Mr. Hunt stated this would mean traffic will have to enter through the existing property. Ms. Pilcher questioned if this property was his only site of business where he parks equipment. The applicant stated that was correct. Mr. Braswell questioned if the applicant would be the only

tenant of the property. The applicant agreed. Mr. Braswell stated there would be restrictions on outside storage, trailers, and work trucks. Mr. Hunt clarified the restriction would only apply to this property, not his existing operating property.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 3-2

Braswell - Aye

Hunt - Aye

Varner - Aye

Pilcher - Nay

Bell - Nay

Conditions:

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