



Hall County Government

PLANNING & DEVELOPMENT

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To: Richard Higgins, Chairman
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From: Randi Doveton, Director

Date: November 16, 2022

Subject: **0 & 0 Old Winder Highway | Rezone | from Planned Commercial Development (PCD) to Agricultural-Residential-IV (AR-IV) to allow agricultural uses | Ben Baker, Baker & Summy, PC, applicant.**

The request before you is the application of Ben Baker, Baker & Summy, PC to rezone 13.38± acres to AR-IV to allow agricultural uses. The subject parcel was part of a larger 35 acre property originally rezoned to PCD in 2008 for a proposed commercial, office, and warehouse development. In 2017 the rear 21.78± acre tract was rezoned back to AR-IV.

Per testimony, the property is currently used for agricultural purposes and there is no intention of developing any of the parcels for commercial use. The applicant would like all parcels to be classified as AR-IV to conform to the current and future use of the parcels.

The item is located within Commission District 1.

At their November 7, 2022 meeting, the Hall County Planning Commission voted to recommend approval of this request **(5-0)**.

There were no written comments submitted in advance of the Planning Commission meeting and no one spoke during the public hearing.

There were no conditions imposed on the approval.

There have been no changes to the request since the Planning Commission took action.

Staff recommended approval to the Planning Commission **based on the findings that this request is consistent with the Comprehensive Plan and that it meets the criteria outlined in [17.380.060](#).**

For your Consideration
These items support approval

1. The proposed zoning classification of Agricultural Residential IV (AR-IV, 17.120) is suitable in view of the use and development of adjacent and nearby property.
2. The zoning proposal should not have an adverse effect on the existing use or usability of adjacent or nearby property. The proposed use is less intense than uses for which the property is currently zoned.
3. 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. The proposed rezoning is a downzoning and the resulting use of the property will be less intense than the approved Planned Commercial Development (PCD, 17.180.080).
4. The proposed zoning change to Agricultural Residential IV (AR-IV, 17.120) would make the zoning consistent with surrounding properties.
5. The reversion back to an Agricultural Residential IV (AR-IV, 17.120) zoning classification will have less of an ecological or pollution impact than a commercial classification.

These items support denial

1. As currently zoned the property has reasonable economic use although all uses within a PCD are conditional and require a public hearing.
2. Staff has not identified a hardship imposed on the property owner as the property is currently zoned.
3. There is no evidence that the zoning district boundaries are illogically drawn.
4. There is no indication that a mistake was made in the original zoning.