

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Torris J. Babbs, PE

Request Rezone from Highway-Business (H-B) to Planned Commercial Development (PCD)

Proposed Use Boat & RV storage

Size 2.12± acres

Zoning Current Highway-Business (H-B) | Proposed Planned Commercial Development (PCD)

Location **5741 Holiday Road | Tax Parcel 07329 001005**

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](#)**

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

Vote: 5-0

Planning Commission conditions.

1. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process.
2. The development shall be developed in accordance with Gateway Corridor Standards.
3. The property shall have access from 6 a.m. – 11 p.m., Monday - Sunday.
4. The development shall occur as depicted in the submitted site plan and narrative.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to rezone the 2.12 acre property from Highway Business (H-B, [17.150](#)) to Planned Commercial District (PCD, [17.180.080](#)) for the purpose of developing a boat & RV storage lot with 67 covered parking spaces. The narrative continues to explain that the existing residence will be remodeled and brought up to commercial code to serve as an office space for the development.

The narrative explains that the development will be in accordance with the requirements Gateway Corridors Overlay District (GCOD, [17.420](#)), including exterior building materials, site lighting, and signage. Access to the site will be from Holiday Road, with no access proposed on Lanier Islands Parkway. The proposed hours of operation will be 6:00 am – 10:00 pm via an access controlled gate. The office will be staffed between the hours of 9:00 am – 6:00 pm. The proposed driveway will be approximately 75 feet in length before an access gate to allow for vehicle stacking. The site will be graded and a stormwater detention facility will be installed adjacent to Lanier Islands Parkway / State Route 347.

The current request is to rezone the property. A concurrent conditional use application has been submitted for boat & RV storage. A separate staff report has been prepared for the conditional use.

- ***The Planning Commission can hear these items simultaneously but must vote on them separately.***
- ***Within the Gateway Corridors Overlay District (GCOD, [17.420](#)), boat & RV storage requires conditional use approval from the Board of Commissioners, which is being heard concurrent to this request.***

Should the Planning Commission deny the rezoning request, the conditional use subject to County Commission is automatically denied since boat & RV storage are not allowed in the H-B district.

No variances were requested as part of this application and none have been identified during the zoning analysis.

Based on the future land-use plan, staff finds the ***requested zoning designation*** is consistent with the future land use map designation of Lake Area Residential and within a Lake Supportive corridor; [2022-Comprehensive-Plan, page 35](#) .

Zoning Analysis

The proposed boat & RV storage facility is consistent with the Comprehensive Plan as the property is part of the Lake Supportive corridor where the intent is to develop commercial uses that are boat related (boat sales, storage and equipment sales) or compliment recreational use of Lake Lanier (such as locally-owned restaurants); [2022-Comprehensive-Plan, page 35](#) .

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, development and zoning of adjacent and nearby property; **The proposed boat and RV storage development is proposed adjacent to a Highway Business (H-B, [17.150](#)) zoned parcel which was recently approved to be used as additional parking for a nearby business.**
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. Boat & RV storage traditionally a low impact use, with those who store their vehicles on the property visiting infrequently. The request is for a**

PCD district and all uses within a PCD district require Planning Commission and Board of Commissioners approval.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property is currently being used as a residential rental and as such has reasonable economic use as currently zoned. The decision to rezone the property is that of the property owner. There are a number of permitted and conditional uses allowed in the H-B District ([17.150](#)).**
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, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **No, the proposed use of a boat & RV storage facility will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed zoning of Planned Commercial District (PCD, [17.180.080](#)) is consistent with the Comprehensive Plan as the property is part of the Lake Supportive corridor, where the intent is to develop commercial uses that are boat related (boat sales, storage and equipment sales) or compliment recreational use of Lake Lanier (such as locally-owned restaurants).**
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.**
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; **The property is not currently vacant, it is developed with a single family residence which currently serves as a rental property.**
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, such as "spot zoning;" **The proposed zoning is adjacent to a Highway Business (H-B, [17.150](#)).**

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 in relation to existing conditions in the area.**
 13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The request does not appear to be out of scale with the needs of the County as a whole, as there is a need for additional storage facilities in proximity to Lake Lanier.**
 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 properties within the County that support the boat & RV storage without rezoning.**
 15. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The proposed use could not be handled alternatively as a variance. 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; **The property will be required to meet all local, state, and federal requirements pertaining to stormwater management as part of the development process. No permits will be issued until the applicant completes the Hall County Development Review process.**
 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 indication that a mistake was made in the original zoning.**
- The property falls within the **Gateway Corridors Overlay District, (17.420.)** which provides supplemental design standards for non-residential property development. The subject property will be subject to the standards found within [17.420.050](#) (non-residential property development standards) which relate to building materials, landscaping, and buffer requirements.
 - **Submission requirements for a rezoning request (17.380.050.):**
 - 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]. **Proposal does not meet the requirement, as the applicant has not addressed the review and approval criteria in [Section 17.380.060.C](#). The applicant did submit a narrative but it does not specifically address each of the criteria listed.**

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. **Proposal meets the requirement.**
3. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This project does not proposed a slow rate land treatment system so this is not applicable.**
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. **The proposed development is commercial and nature and as such this requirement is not applicable.**

Development Support and Constraints –Departmental /agency comments

Hall County Environmental Health

An email dated October 18, 2022 from Emily McGahee states: “Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.”

Hall County Fire Rescue

In an email dated October 20, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, states:

1. IFC Section 507, all storage buildings must be with in the 400’ hose lay distance requirements from a fire hydrant as the truck travels. Fire hydrant(s) may have to be installed along the fire access route to meet the hose lay distance requirements.
2. IFC Section 506.1, access controlled gate will require a Knox key switch override device for fire department access into the gated development.

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.

Traffic:

Driveway will need to meet Hall County commercial standards

Utilities:

No comments

Hall County Tax Assessors

No comments were provided.

Gainesville Water Resources

No comments were provided.

Georgia Department of Transportation

Per an email dated October 20, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor confirmed that GDOT coordination will be required.

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

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request. Ms. Doveton stated that this application was written as a rezone and conditional use that will be heard and voted on together.

Torris Babbs, presented the request. The applicant stated that the location would accommodate with the proposed development.

Planning Commission Comments:

Mr. Braswell questioned if the existing structure would be utilized as an office. The applicant stated that was correct, they will bring it to commercial code. Mr. Bell questioned hours of operation. The applicant stated customers will have access from 6 a.m. - 11 p.m.

Motion: A motion to approve, with conditions was made by Mr. Bell and seconded by Ms. Pilcher. Vote: 5-0

Conditions:

1. *The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process.*
2. *The development shall be developed in accordance with Gateway Corridor Standards.*
3. *The property shall have access from 6 a.m. – 11 p.m., Monday - Sunday.*
4. *The development shall occur as depicted in the submitted site plan and narrative.*