

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Reginald Crayton, P.E.

Request Rezone from Agricultural Residential III (AR-III, [17.110](#)) to Suburban Shopping (S-S, [17.140](#))

Proposed Use Grocery store, convenience store with gas & restaurant

Size 6.35± acres

Zoning Current AR-III | Proposed SS

Location **4053 Cleveland Highway** | Tax Parcel 12025 000036

Commission District Three

Planning Commission Date November 21, 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: 4-0 (Pilcher absent)

1. *The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant.*
2. *The project building elevations, materials, and colors shall be submitted to the Director of Planning and Development during the design review process for approval.*
3. *The development shall conform to Gateway Corridor Standards with the following exception: Standing seam roof panels shall be allowed if chosen with the color being approved by the Director of Planning and Development.*
4. *Driveway design and location shall be approved by Hall County Engineering and GDOT prior to the design review process.*
5. *All conditions of zoning shall be included on the final plat prior to recording.*

6. 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.”

7. The project shall meet all requirements of the Hall County Engineering Department.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting approval to rezone 6.35± acres from Agricultural Residential III (AR-III, [17.110](#)) to Suburban Shopping (S-S, [17.140](#)) to develop the tract for retail purposes. The narrative submitted by the applicant states that the proposed rezoning will allow for the three proposed uses consisting of an 11,000 square foot grocery store, 4,000 square foot restaurant, and a 3,250 square foot convenience store with a gas station. The site is currently developed with a single-family residence.

The subject property is located on the west side of Cleveland Highway / US Highway 129, bounded by Jim Hood Road to the north and residential properties to the west and south of the property. The hours of operation for said establishments have not yet been determined, neither has the signage. However, the narrative states that the signage will be in compliance with the Zoning Regulations ([Title 17](#)) and will be no more than the maximum monument sign dimensions for nonresidential uses (48 square feet for the grocery store and 32 square feet for the restaurant and convenience store). The property also lies within the Gateway Corridor Overlay District (GCOD, [Chapter 17.420](#)).

The narrative states that according to the Zoning Regulations ([Title 17](#)), the minimum area and setback requirements are as follows: minimum lot size is 15,000 square feet, minimum frontage is 100 feet, front yard setback is 30 feet from the property line, minimum side yard setback is 20 feet, and the minimum rear yard setback is 10 feet, as shown on the conceptual site plan.

Water will be provided to the property by the City of Gainesville and sewage will be handled by an on-site septic system on the property. The property will maintain a minimum 10 feet landscape stripe along Cleveland Highway and Jim Hood Road and a 25 foot transitional property where it adjoins residential parcels.

Based on the future land-use plan, staff finds the *requested zoning designation* is consistent with the future land use map designation of a Community Crossroad within a Mixed Use Corridor; it should be noted that the use of a shopping center within the Suburban Shopping (S-S, [17.140](#)) zoning district requires

Planning Commission approval. A subsequent application will be required if the rezoning request is approved. Although listed as several different uses in this application, the proposal meets the definition of a shopping center ([17.20.1010](#)).

Zoning Analysis

- The proposed use of a grocery store, convenience store with gas & restaurant is consistent with the future land use map designation of a Community Crossroad within a Mixed Use Corridor.

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 Suburban Shopping (S-S, [17.140](#)) is suitable in view of the use and development of adjacent and nearby property. The intersection of Cleveland Highway and Jim Hood Road has been identified as a Community Crossroad in the Comprehensive Plan.**
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 4-lane highway, (Hwy 129), and the nearest residential structure from the proposed shopping center is located at [4127 Jim Hood Road](#).**
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 proposed use of a grocery store, restaurant, & convenience store with a fueling station has the potential to increase traffic on the existing streets, but will likely attract customers who already travel the along Cleveland Highway rather than attracting new trips.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use of a grocery store, convenience store with gas & restaurant is consistent with the future land use map designation of a Community Crossroad within a Mixed Use Corridor.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**
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 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.**
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 the 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 Suburban Shopping (S-S, [17.140](#)) zoning classification would introduce a non-residential classification to this corner of the intersection of Jim Hood Road and Cleveland Highway. That being said, the properties to the north of Jim Hood Road are already zoned Suburban Shopping (S-S, [17.140](#)).**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no indication 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 of a grocery store, convenience store with gas & restaurant would likely attract nearby residents and does not appear to be out of scale with the needs of the immediate neighborhood.**
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 type of retail uses proposed and are already appropriately zoned.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The request could not be handled alternatively as a variance since the proposed use is neither permitted nor conditional in the AR-III district ([17.110](#)).**
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. If the rezoning is approved, the proposed use requires a separate conditional use approval from the Hall County Planning Commission.**
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 of the property.**

Suburban Shopping (S-S) standards are found in [chapter 17.140](#) which include the permitted and conditional uses allowed within the S-S district.

[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 and constitutional objections 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. **Proposal meets this requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The development proposes to utilize an on-site septic system and as such this requirement is not applicable.**
- D. 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 as a result this requirement is not applicable.**

Development Support and Constraints –Departmental /agency comments

Hall County Environmental Health

An email dated October 31, 2022 from Emily McGahee states “Non-domestic wastewater treatment and disposal must be permitted by EPD.”

Hall County Fire Rescue

In an email dated November 2, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, states “The Hall County Fire Marshal’s Office has no comments regarding the planned commercial development as proposed.”

Hall County Public Works and Utilities

In a memo dated November 3, 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 wrested vegetation, not centerline of creek.

Traffic:

GDOT permit required

Utilities:

Gainesville/Hall county sewer district. No sewer available. On-site septic system proposed for wastewater, therefore Health Department approval required.

Georgia Department of Transportation

Per an email dated November 2, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor, confirmed that this project **will** require GDOT coordination.

➤ **Excerpts from the minutes of the November 21, 2022 meeting**

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request. Ms. Doveton stated that a conditional use would need to be considered for the shopping center.

Raj Umani, 195 Antler Trail, Alpharetta, presented the request. The applicant stated that the grocery store would roughly be about 11,000 sq. ft., restaurant 4,000 sq. ft. and convenience store with gas 3,000 sq. ft.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Bell questioned if the grocery store would be independent. The applicant stated it was. Mr. Bell questioned if the restaurant would also be independent. The applicant stated that as of right not they have not identified that. Mr. Braswell wanted to make sure that the applicant understood that Gateway Standards were applicable to the property.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0 (Pilcher absent)

Conditions:

1. *The proposed use shall substantially conform with the proposed narrative and site plan. The proposed development shall be allowed to have up to 20,000 sq. ft. total in the two buildings. No further action by the Hall County Planning Commission and the Board of Commission shall be required for the proposed use as submitted by the applicant.*
2. *The project building elevations, materials, and colors shall be submitted to the Director of Planning and Development during the design review process for approval.*
3. *The development shall conform to Gateway Corridor Standards with the following exception: Standing seam roof panels shall be allowed if chosen with the color being approved by the Director of Planning and Development.*
4. *Driveway design and location shall be approved by Hall County Engineering and GDOT prior to the design review process.*
5. *All conditions of zoning shall be included on the final plat prior to recording.*

6. 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."
7. The project shall meet all requirements of the Hall County Engineering Department.

Motion: A motion to approve a Conditional Use to County Commission approval, with conditions was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0 (Pilcher absent)

Conditions:

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