

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Gerardo Vargas

**Request** ..... Rezone from Highway Business (H-B, [17.150](#)) to Light Industrial (I-I, [17.160](#))

**Proposed Use** ..... Countertop manufacturing with outdoor storage

**Size** ..... 0.64± acres

**Zoning** ..... Current: **Highway Business** (H-B, [17.150](#)) / GCOD Overlay District ([17.420](#)) | Proposed: **Light Industrial (I-I, [17.160](#))** / GCOD Overlay District ([17.420](#))

**Location** ..... **1600 Athens Highway, Building C** | Tax Parcel 15032 000050

**Commission District** ..... Three

**Planning Commission Date** ..... February 6, 2023

**Staff Recommendation** ..... **Approval as the proposed use is consistent with the Mixed Use Corridor in the [Comprehensive Plan](#).**

**Planning Commission Recommendation**.....**Approval, with conditions**  
**Vote: 5-0**

**Planning Commission Conditions:**

1. The standards of the Gateway Corridors Overlay District (GCOD, [17.420](#)) shall apply except as noted:
  - a. No upgrades to the existing building shall be required.
  - b. Signage on the existing façade is allowed as long as the new signage does not exceed the square footage of the existing sign.
  - c. An opaque fence shall be required to parallel US-129.
  - d. The new 816 sq. ft. building shall be allowed to match the existing building in materials, color, & type of construction. Standing seam roof panels shall be allowed.
  - e. No storage of material shall be allowed outside of the fenced area.
  - f. Gravel storage and parking is allowed for the area in the rear of the existing building.
2. The development shall follow all Hall County Development Review processes and stormwater requirements.
3. If the existing driveway is modified, a permit may be required by GDOT.
4. The following uses are not allowed:
  - a. Automobile repair garage.
  - b. Drive-in theaters.

- c. Hotel, motels, or tourist courts.
- d. Junk yards.
- e. Planned-unit developments on a minimum of ten acres.
- f. Service stations.
- g. Family day care home.
- h. Group day care home.
- i. Ault establishments.
- j. Astrologers, clairvoyants, fortune tellers, and related occupations to this list of occupations.

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**A companion conditional use application is on this agenda. The items may be heard together but shall require separate motions and votes since they are two separate applications and agenda items. Should the rezoning request be denied, the conditional use application is automatically denied but the chairman should specifically address this when the vote is taken.**

**Public Forum**

*There were no comments in support or opposition.*

**Summary Analysis**

The applicant is requesting approval to rezone the subject parcel from Highway Business (H-B, [17.150](#)) to Light Industrial (I-I, [17.160](#)) for the purpose of operating a countertop manufacturing business with outdoor storage of inventory items located in the rear of the property. The applicant’s narrative states that the less expensive marble will be stored outdoors, in an existing gravel parking lot. A 12 foot by 68 foot shed is proposed to provide cover for the marble.

The narrative continues to explain that there is an existing security fence around the rear of the property. The fence will be improved so that it is opaque, but specific details on how this will be accomplished were not included with the application. Any lighting or signage will be consistent with Hall County regulations. As part of the development process, a tree replacement plan will be submitted by the applicant, and will again be consistent with Hall County standards.

The applicant has submitted a concurrent application requesting conditional use approval for outdoor storage of inventory items within the Gateway Corridors Overlay District (GCOD, [17.420](#)). The applicant intends permission to use the existing gravel parking area for the storage of marble in this area.

**Based on the future land-use plan, staff finds the *requested zoning designation consistent with the Comprehensive Plan’s* future land use classification of a mixed use corridor. Mixed use corridors are anticipated to include retail activities, office based employment, and civic uses. Low-impact industrial or higher density residential only where the same is found on adjacent properties.**

**Zoning Analysis**

The proposed use of a marble countertop manufacturing with outdoor storage of inventory items is consistent with the Comprehensive Plan’s future land use classification of a mixed use corridor. In this corridor, low-impact industrial uses are permitted where the same is found on adjacent properties. Adjacent to the subject parcel to the south (tax parcel [15032 000013B](#)) and east (tax parcel [15032 000036](#)) are properties zoned

Planned Industrial Development (PID, [17.180.090](#)). To the west is another Highway Business (H-B, [17.150](#)) zoned parcel ([15032 000013E](#)). To the west of parcel 15032 000013E is a Light Industrial (I-I, [17.160](#)) zoned parcel ([15031 000013D](#)).

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; **Adjacent to the subject parcel to the south (tax parcel [15032 000013B](#)) and east (tax parcel [15032 000036](#)) are properties zoned Planned Industrial Development (PID, [17.180.090](#)). To the west is another Highway Business (H-B, [17.150](#)) zoned parcel ([15032 000013E](#)). To the west of parcel 15032 000013E is a Light Industrial (I-I, [17.160](#)) zoned parcel ([15031 000013D](#)).**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning should not have an adverse effect on the use of adjacent or nearby properties. The adjacent parcels are already developed with non-residential uses, the majority of which are industrial in nature.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Yes, the current zoning designation of Highway Business (H-B, [17.150](#)) has reasonable economic use with the uses permitted under section permitted uses ([17.150.010](#)).**
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; **While it is difficult to fully assess the impact of a future development, as the property is already developed with a non-residential use, in a predominately industrial area, it is not anticipated that there would be an excessive or burdensome use of the existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use of a marble countertop manufacturing with outdoor storage of inventory items is consistent with the [Comprehensive Plan's](#) future land use classification of a mixed use corridor. In this corridor, low-impact industrial uses are permitted where the same is found on adjacent properties.**
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.**
9. or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **There are no known changing conditions affecting the use or development of the property.**
10. Whether the change would create an isolated district unrelated to the surrounding districts; **No, the zoning change would not create an isolated district unrelated to the surrounding districts.**

11. 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.**
12. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposed use is not out of scale with the needs of the county as a whole. The subject property is part of a mixed use corridor as identified in the [Comprehensive Plan](#).**
13. 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 proposed use based on the Future Land Use Map and existing zoning designations without requesting a rezoning.**
14. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, the request could not be handled alternatively as a variance as the requested use is not permitted within the Highway Business (H-B, [17.150](#)) zoning district.**
15. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **There are no significant changes proposed to the site. Further, 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.**
16. 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 subject property falls within the Gateway Corridors Overlay District (GCOD, [17.420](#)) which provides supplemental design standards for non-residential property development.

**[17.380.050](#) - Submission requirements for a rezoning requests have been met.**

#### **Development Support and Constraints / Departmental Comments**

##### **Hall County Environmental Health**

An email dated January 23, 2023 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 Marshal**

An email dated January 24, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant states, “The Hall County Fire Marshal’s Office has no comments regarding the storage building location as proposed.”

##### **Hall County Public Works and Utilities**

In a memo dated January 23, 2023 from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

##### **Engineering:**

Stormwater will need to include all impervious that was added without a permit.

**Traffic:**

Need permit from GDOT for any driveway modifications.

**Utilities**

No comment.

**Georgia Department of Transportation**

In an email dated January 19, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed that this project will require GDOT coordination.

➤ **Excerpts from the minutes of the February 6, 2023 meeting**

**Applicant’s Presentation:**

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

**Gerardo Vargas, 5016 Arthur Avenue, Oakwood**, presented the request. The applicant stated that he is requesting to have outside storage since his cutting table takes up most of the space inside along with the granite that needs to be stored inside. The applicants stated he would like to build a canopy style shed.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell questioned if storage outside the building would only be in the rear of the property. The applicant stated that was correct. Mr. Hunt questioned if the flooring in the outside storage area would be concrete or gravel. The applicant stated it would be gravel due to the budget. Mr. Hunt questioned if the applicant was going to utilize the same sign that was in the front of the building. The applicant stated he was going to change the name but use the same type of sign.

***Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher.***

***Vote: 5-0***

***Conditions:***

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