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To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Gregg Poole, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: April 24, 2023

Subject: **4053 Cleveland Highway | Rezone | to allow a grocery store, convenience store with gas & restaurant | Reginald Crayton, P.E., applicant.**

The request before you is the rezoning application of Reginald Crayton, P.E., to allow a grocery store, convenience store with gas & restaurant (shopping center, per definition in [17.20.1010](#)) on 6.34± acres. ***It should be noted that a simultaneous conditional use request accompanies this request but has separate memos. These requests may be heard together but require separate motions and votes. Should the rezoning be denied, the use is automatically denied.*** This item is located within Commission District 3.

This item was tabled to May 10th at the regular voting meeting on April 13th. The Board stated at the hearing that a decision would be made at the May 10th agenda since this has been tabled multiple times since the Planning Commission heard it on November 21, 2022. No revised site plan or correspondence has been received by the Planning Staff since the April 13th Board meeting.

Multiple residents spoke in opposition to the rezoning at the January 12, 2023 meeting but no one spoke in opposition at the Planning Commission meeting on November 21, 2022.

At their November 21, 2022 meeting, the Hall County Planning Commission voted to recommend approval of the conditional use request with seven (7) conditions (4-0, Pilcher absent). The Planning Commission voted on a conditional use and the rezoning, although only the rezoning request was before them. A separate legal advertisement was published for the conditional use and a sign posted, as per posting policy. The Conditional Use has been placed on this agenda as well.

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

There have been no changes to the request since the Planning Commission took action. The Planning Commission imposed the same conditions on both the rezoning and conditional use.

Planning Commission Approval 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.