

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Maroun Aoun

Request Amend Conditions of a Planned Office Development

Proposed Use mixed offices

Size 7.03± acres

Zoning Planned Office Development (POD, [17.180.070](#))

Location **4240 Winder Highway** | Tax Parcel 15044B000009

Commission District One

Planning Commission Date April 17, 2023

Staff Recommendation **Approval, based on the findings that the request is consistent with the [Comprehensive Plan's](#) Community Crossroad future land use classification.**

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

Planning Commission Conditions:

1. *The development shall occur as depicted on conceptual site plan; Planning Director can approve changes related to topographic or geological conditions provided there is no increase in number of buildings, parking, or square footage proposed and provided no reduction in buffers or landscaping are proposed.*
2. *Prior to the issuance of an occupancy permit and business license for the office use, the applicant shall work with Hall County Building Inspections to ensure the proper building codes are met.*
3. *All off-street parking shall meet minimum standards as specified in section [§17.250](#) of the Official Code of Hall County. Parking areas shall be paved with either asphalt or concrete.*
4. *All lighting on the premises shall be of a non-spill type.*
5. *The rear property line adjacent to tax parcel 15044G000029 shall have an undisturbed buffer of 50 feet and it should be shown on the conceptual site plan prior to the Board of Commission meeting on May 25, 2023.*
6. *All Zoning Conditions shall be included in all Construction plans. Standard Development Review process shall be followed.*

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting approval to amend conditions of zoning on a 7.03± acre Planned Office Development (POD, [17.180.070](#)) for the purpose of developing an office park. The POD zoning was established by the Hall County Board of Commissioners on September 9, 2021 for a proposed daycare center. Per the applicant's narrative, since the 2021 approval the development plans for the parcel have changed, with the original user no longer interested in developing the property as previously described.

When approved in 2021, there were 7 conditions applied to the development:

1. The development shall conform substantially with the proposed narrative, modified as necessary for compliance with the current Hall County development regulations at the time of development.
2. Prior to the issuance of an occupancy permit and business license for the daycare center, the applicant shall work with Hall County Building Inspections to ensure the proper building codes are met.
3. All off-street parking shall meet minimum standards as specified in sections §17.420 and §17.250 of the Official Code of Hall County.
4. All lighting on the premises shall be of a non-spill type.
5. Parking areas shall be paved with either asphalt or concrete.
6. All conditions of zoning shall be made a part of any plat created for the property.
7. Rear property line shall have a buffer of 50 feet of non-disturbed trees.

The submitted site plan and narrative describe the proposed development of the property. Initially, the applicant intends to utilize the buildings identified as Building A (1,500 square feet) and Building B (1,200 square feet) as office space. Future expansion will include the redevelopment of the western portion of the property, including Existing Structure 1 (10,200 square feet) and Existing Structure 2 (10,200 square feet) for additional office area with associated parking (93 proposed) and landscaping.

Based on the future land-use plan, staff finds the requested amendment to conditions of zoning is consistent with the Future Land Use Map designation of a Community Crossroad. Community Crossroads are characterized by clustered commercial development around the intersection of prominent roads.

Zoning Analysis

Per [17.180.070](#), planned office development (POD), a POD should contain orderly, well-designed office and institutional uses upon a site that results in minimum impact upon the surrounding area. The site plans and building designs should produce a development that can be constructed to achieve maximum utilization of space while maintaining a low-intensity office character protected from more intensive commercial and industrial development and protecting any nearby residential uses. Such a development may also include a limited number of residential and commercial uses.

Additionally, all of the general and special requirements for planned developments shall be provided. The following special items shall also be addressed:

1. The site plan shall indicate the proposed size, location, number of stories and estimated number of employees in each office building.
 - a. **The submitted site plan and narrative do not address all of these standards.**

2. The development controls for the district shall be detailed (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the office institutional districts (O-I) together with screening and buffer requirements shall apply.
 - a. **Specific development controls have not detailed, though the site plan references the Office Institutional as the current zoning (O-I, [17.130](#)).**
3. If residential uses are proposed in conjunction with the planned office development, then the applicable requirements of the planned residential development district or planned commercial development district shall be provided.
 - a. **No residential uses are proposed as part of the planned office development.**
4. A proposed development schedule and a listing of proposed uses shall be provided.
 - a. **No development schedule was included as part of this request.**

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the planning commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

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 requested use is consistent with the Community Crossroad future land use designation in the [Comprehensive Plan](#) and existing development along Winder Highway. Properties to the north and south are commercially zoned, while the property to the west is zoned Agricultural-Residential.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **This criteria is not applicable as the current request is to amend the conditions of the existing Planned Office Development (POD, [17.180.070](#)).**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the current zoning designation of Planned Office Development (POD, [17.180.070](#)) has reasonable economic use as approved, for a daycare center and church.**
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; **While it is difficult to fully assess the impact of a future development, as the property is already zoned for a non-residential use, it is not anticipated that there would be an excessive or burdensome use of the existing streets, transportation facilities, or utilities with an expanded office use.**
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 use of an office use is consistent with the [Comprehensive Plan's](#) future land use classification of a Community Crossroad. Community Crossroads are characterized by clustered commercial development around the intersection of prominent roads.**
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 according to a previous request by the applicant.**
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 currently developed and as such this question is not applicable.**
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; **There are no known changing conditions affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **This criteria is not applicable as the current request is to amend the conditions of the existing Planned Office Development (POD, [17.180.070](#)).**
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.**
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 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.**
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 proposed use based on the Future Land Use Map and existing zoning designations. Because the property is zoned Planned Office Development (POD, [17.180.070](#)) and was approved for a daycare center, the applicant cannot develop the property for an office use without receiving approval from the Hall County Board of Commissioners.**
15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; **No, an amendment to the Planned Office Development (POD, [17.180.070](#)) requires approval from the Board of Commissioners.**
16. 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.**

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.**

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:
- a. 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. **The applicant has submitted a narrative and site plan but did not specifically address the criteria listed in [17.380.060.C](#).**
- b. 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. **The proposal meets this requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable as the site is currently served by either public sewer or an onsite septic system.**
- 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 rezoning is to a non-residential zoning classification. As such, this criteria is not applicable.**

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated March 29, 2023, Emily McGahee states “No comment. Public sewer.”

Hall County Fire Marshal

An email dated March 31, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

The concept plan as proposed does not meet the following code standards:

1. International Fire Code – Multiple Chapters
2. International Building Code – Multiple Chapters, Descriptive summary of work reads: Provide tenant improvement plan for a proposed office park. See photos in attached PDF of current exterior building conditions, not able to conduct interior inspection of buildings. Are the existing poultry houses going to be converted into commercial buildings or will they be demolished and replaced with new buildings? Fire rated separation, fire protection and fire alarm may be required.

Hall County Public Works and Utilities

In a memo dated February 14, 2023, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

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:

No comment.

Utilities

City of Oakwood sewer.

Georgia Department of Transportation

In email dated March 24, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed that this project will require GDOT coordination.

➤ Excerpts from the minutes of the April 17, 2023 meeting

Applicant's Presentation:

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

Joseph Ghabrial, 801 Turnstone Drive, Woodstock, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell clarified that the applicant is requesting to change the proposed use of the building to an office park. Ms. Pilcher questioned if there would be an additional slope fill for parking. The applicant stated they would go with whatever is recommended in the conditions of zoning.

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

Conditions:

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