

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Mattaniah S. Jahn P.A. obo VB BTS II, LLC

Request Use Subject to County Commission Approval

Proposed Use Telecommunication facility

Size 53.96± acres

Zoning Agricultural Residential IV (AR-IV, [17.120](#))

Location **6084 Highway 52** | Tax Parcel 15004 000034

Commission District Three

Planning Commission Date May 15, 2023

Staff Recommendation **Approval, with conditions, as the application meets the purpose and intent of [17.410, Standards for Telecommunication Antennas and Towers.](#)**

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

Vote: 5-0

Planning Commission Conditions:

1. The proposed tower shall be located as shown on the site plan with revision date of January 26, 2023, and as described in the narrative that was submitted.
2. The applicant shall notify the county of any construction, tower, or site modifications that would be different from what is submitted for consideration. Of particular interest to the county are changes in height, structure, tower lighting, and ground facilities that would have any impact on the site’s ability to support other users or affect the surrounding neighborhood.
3. The applicant shall provide tower and foundation design prior to the issuance of a building permit.
4. The height of the tower and all appurtenances shall be limited to 255 feet as describe in the application materials.
5. All plans and plats created for this development shall include the conditions of zoning approval.
6. Site must meet the requirements of [Section 17.410.060](#). The items required by this section must be shown on all plans.
7. Collocations of additional antennae and carriers must follow standard permitting process.
8. No variances or exceptions are granted other than those specifically granted herein:

- a. Height shall not exceed 255FT.
 - b. Tower may have lattice construction.
9. Development shall follow the standard Hall County Development Review and construction permitting process.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting conditional use approval from the Hall County Board of Commissioners to construct a new telecommunication tower for T-Mobile. The subject property is 53.96± acres in size and is zoned Agricultural Residential IV (AR-IV, [17.120](#)). Within the AR-IV district, telecommunication facilities require conditional use approval.

The applicant is requesting approval to construct a 255 foot tall self-support lattice communication tower inside an 80 foot by 80 foot leased area that will include corresponding ground equipment. The leased area will be accessed by a 30 foot ingress-egress/fiber/utility easement from Highway 52. The proposed location has been studied extensively by the applicant, T-Mobile, in an effort to improve in-vehicle coverage along Highway 52 and in-building residential coverage for users in the City of Gillsville and the surrounding area. T-Mobile first investigated co-location with existing structures and on publicly-used structures but found there were no existing or publicly-used structures available at a sufficient height.

The application details the compliance and conformance with Hall County Development Codes; goals of safeguarding the public's health, safety, and welfare; land use selection criteria; and how this project aligns with Federal Telecommunications Act objectives.

The proposed location is zoned Agricultural Residential IV (AR-IV, [17.120](#)), and the surrounding properties are a mixture of properties within the city limits of Gillsville, and unincorporated Hall County parcels zoned AR-IV and Planned Commercial Farm District (PCFD, [17.180.100](#)).

The proposed location is 523 feet from the closest property line (south), 1,796 feet from the northern boundary, 679 feet from the eastern boundary, and 535 feet from the southern boundary. The regulations require all telecommunication towers to be set back from any residential structure a minimum of four tower lengths, which is 1,020 feet for this request. The applicant confirmed that there are no residential structures within four tower lengths.

The applicant has requested relief from two of the standards of [17.410, Standards for Telecommunication Antennas and Towers](#). Specifically, the applicant is requesting relief from the maximum tower height in the AR-III and AR-IV zones shall be 195 feet. The proposed tower is 255 feet in height. If restricted to 195 feet T-Mobile would have to install multiple towers to achieve the coverage and capacity that will occur with a 255 foot tower instead.

Proposed tower height	= 255FT
Maximum height allowed by Code	= 195FT
Height exceeding the code	= 60FT

Additionally, the applicant is proposing a **lattice style tower** *instead* of a **monopole tower**, as required by [17.410](#). The code provides that where special circumstances suggest that the construction of a tower of a different design would specifically further the intent of this chapter, the planning commission may recommend, and the county commission may approve, a tower of a design other than monopole construction.

Based on the future land-use plan, staff finds the *conditional use request is inconsistent* with the future land use classification of Rural Residential in the [Comprehensive Plan](#) but it meets the purpose and intent [17.410, Standards for Telecommunication Antennas and Towers](#).

Zoning Analysis

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 proposed tower meets the requirements of [17.410, Standards for Telecommunication Antennas and Towers](#), with the exception that the tower exceeds the maximum height and is not of a monopole style. The tower meets all setback requirements from residential structures and property lines.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use should not have a negative effect on the existing uses or usability of adjacent or nearby properties. If approved, the site will be developed in accordance with applicable development regulations.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, Agricultural Residential IV (AR-IV, [17.120](#)), but the telecommunication tower cannot be constructed as described without conditional use approval from the Board of Commissioners.**
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; **The proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public 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 parcel falls within the Rural Residential character area of the Comprehensive Plan. The intent of the Rural Residential character area is to preserve the**

established residential/rural character and create a transition between Rural Area and development in Residential Areas. The Rural Residential Areas are characterized by low-density single-family residential uses with deep setbacks from the road. Future development should continue to reflect lower density detached single-family residential uses, and neighborhood design should incorporate a high percentage of open space (i.e. 'Conservation Subdivision' design).The proposed use is not consistent with the Comprehensive Plan.

6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
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. 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 developed with a chicken house, constructed in 1978, and a pole barn, constructed in 1992, per the [property tax records](#).**
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; **There are no proposed changes to the underlying zoning classification, as such, this criteria is not applicable.**
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; **No, the request is not out of scale with the needs of the county as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **As telecommunication towers require Board of Commissioner approval within any of the zoning districts in which they are permitted, it is impossible to find an adequate site for the proposed use already appropriately zoned.**
15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; **No, the request could not be handled instead by a variance because the request is for**

a use subject to County Commission. The request does include a request for relief from the height and construction type of the proposed tower.

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.**
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

- 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 the Hall County Planning Commission.**
- 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 site plan but has not explicitly addressed the criteria listed in [17.350.120](#).**
 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. **The applicant submitted the site plan drawn to scale.**
- 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 will be not have restroom facilities.**
- 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. **Since no dwellings are proposed, this criteria is not applicable.**

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated May 2, 2023, Emily McGahee states “No comment.”

Hall County Fire Marshal

An email dated April 28, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated: “Engineered site plans required for review and approval.”

Hall County Public Works and Utilities

In a memo dated May 1, 2023, from Bill Nash, 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.
Show stream buffer and impervious setback from wrested vegetation not center line of stream

Traffic:

No comment.

Utilities

No comment.

Georgia Department of Transportation

In an email dated April 28, 2023 from Parker Niebauer, Traffic Operations Supervisor, confirmed that the project will require coordination if any special construction access is needed.

- **Excerpts from the minutes of the May 15, 2023 meeting**

Applicant’s Presentation:

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

Mattaniah Jahn, 235 Main Street, Safety Harbor, Florida, presented the request. The applicant stated that the cell towers require the proposed height to cover the needed radius.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell requested clarification on the maps provided. The applicant presented various maps included in the packet for clarification.

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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