

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Genuine Mapping & Design, LLC

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

**Proposed Use** ..... Light industrial

**Size** ..... 1.86± acres

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

**Location** ..... **6515 New Bethany Road** | Tax Parcels 07330 001006B

**Commission District** ..... Two

**Planning Commission Date** ..... May 15, 2023

**Staff Recommendation** ..... **Denial, based on the findings that the request is inconsistent with the Lake Supportive Corridor future land use classification in [Comprehensive Plan](#), which states that low-impact industrial is only permitted where the same is found on adjacent properties.**

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

**Planning Commission Conditions:**

1. The request to rezone the property to Light Industrial (I-I, [17.160](#)) is denied and shall be rezoned to Planned Industrial Development (PID, [17.180.090](#)) instead.
2. The development shall generally occur as depicted on the site plans dated May 11, 2023 and described in the project narrative, modified for compliance with zoning conditions and Hall County regulations. No variances are granted as part of this request.

3. The non-residential development shall be subject to the standards of the Gateway Corridors Overlay District (GCOD, [17.420](#)). No variances are granted from these standards.
4. Any outdoor lighting on the premises shall be full cut-off downlight.
5. All parking and storage areas shall be paved with either asphalt or concrete.
6. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
7. All conditions of zoning shall be made part of any plats created for the property.
8. The development shall have a minimum 6 foot high decorative steel fencing with stone or brick columns spaced no less than every 50 feet along all right-of-ways of New Bethany Road and Old Lanier Island Drive. All other fencing shall be a minimum 6 foot high black vinyl link fence and shall be installed along all other property lines.
9. Hours of operation shall be from 5 am to 10 pm for boat storage and repair.

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**Public Forum:**

**Teresa Cantrell, 2753 Merritt Drive, Buford**, spoke in opposition. Concerns were the new site plan, screening, and landscaping.

**Johnny Brogdon, 6510 New Bethany Road, Buford**, spoke in opposition. Concerns were lighting, noise, visual impact, and traffic.

**Summary Analysis**

The applicant is requesting to rezone the 1.86± acres from Highway Business (H-B, [17.150](#)) to Light Industrial (I-I, [17.160](#)) with the intention of developing a boat and RV storage facility, including boat sales and repairs, on the property. Concurrent to this request the applicant is seeking conditional use approval ([17.420.050](#)) for boat sales, boat repair, and commercial outdoor storage within the Gateway Corridors Overlay District (GCOD, [17.420](#)). It should be noted that the conditional use request cannot be approved as presented, if the rezoning request is denied.

The applicant's narrative states that the site will include storage of boats and RVs underneath canopies and a separate building will include the boat sales and repair component of the development. The submitted site plan, dated February 13, 2023, depicts Building 1 being adjacent to Old Lanier Islands Drive and 6,500 square feet in size. The building contains three (3) separate 1,680 square foot spaces for boat repair, each having a 420 square foot office. There are two (2) buildings identified as being boat or RV "storage canopy". Building 2 is adjacent to the eastern property line and will contain six (6) boat storage spaces which are 12 foot by 40 foot each, for a combined area of 2,888 square feet. Building 4 is located on the west side of the property, adjacent to New Bethany Road, and is proposed to contain five (5) 12 foot by 40 foot RV storage spaces for a total area of 2,400 square feet. Both of the boat storage canopies are proposed to have gravel bases. It should be noted that there is no building 3 identified on the site plan.

In addition to the buildings, the applicant's site plan shows three (3) distinct parking areas – two flank Building 1, with a combined 10 spaces. There are an additional sixteen (16) spaces located in between the three (3) buildings, for a total of 26 spaces. It should be noted the site plan data table shows that there

should be 29 spaces, which is based on the parking requirements, [17.250](#), off-street parking, storage, and loading requirements. The proposed primary and reserve septic system is located south of the central parking area, adjacent to the southern property line. Access to the site will be from New Bethany Road and will be gated. A monument sign is proposed at the entryway.

As the property falls within the Gateway Corridors Overlay District (GCOD, [17.420](#)), a variance will be required to permit the gravel based underneath the boat and RV canopies. The non-residential property development standard ([17.420.050](#)) of the GCOD requires that all parking areas shall be paved with asphalt, concrete (or pervious materials approved by the director.).

**Based on the future land-use plan, staff finds the *zoning request inconsistent* with the future land use classification of a Lake Supportive Corridor in the [Comprehensive Plan](#), which states that low-impact industrial is only permitted where the same is found on adjacent properties.**

### 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 use of the property is a boat and RV storage facility, including boat sales and repairs, which is consistent with the development pattern of nearby properties. The proposed zoning could be incompatible with future development of the adjacent parcels as the Light Industrial (I-I, [17.160](#)) district permits more intensive uses than adjacent parcels. The parcel to the east and south is zoned Highway Business (H-B, [17.150](#)). North, across the right-of-way, is a Planned Commercial Development (PCD, [17.180.080](#)). Other parcels are a mixture of primarily Agricultural Residential III (AR-III, [17.110](#)) and Residential I (R-I, [17.60](#)) zoned parcels, with H-B, PCD, and Suburban Shopping (S-S, [17.140](#)) parcels clustered at intersections along Lanier Islands Parkway.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed zoning classification of Light Industrial (I-I, [17.160](#)) permits more intense uses than that of the adjacent or nearby parcels. This will be the first I-I parcel along this portion of Lanier Islands Parkway. While the use of boat repair, sales, and storage is consistent with other nearby businesses, the potential for the redevelopment of the parcel into a more intense industrial parcel in the future should be considered.**
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, Highway Business (H-B, [17.150](#)), but the proposed business cannot occur as described without approval rezoning request to Light Industrial (I-I, [17.160](#)) and approval of the concurrent conditional use requests.**
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 parcels fall within the Lake Supportive Corridor of the [Comprehensive Plan](#). The intent of the Lake Supportive Corridor is to enhance and maintain well-functioning, attractive corridors that facilitate vehicular traffic flow and pedestrian/bicycle connectivity, serve local needs, and coordinate land use patterns without encroaching on adjacent neighborhoods. Additionally, these corridors should create employment opportunities where a location benefits from interstate access or supports industrial-focused development patterns. Primary future land uses should be retail activities, office-based employment, civic uses, single-family residential. Low-impact industrial or higher density residential only where the same is found on adjacent properties. The proposed use is not consistent with the [Comprehensive Plan](#) as there are not adjacent industrially zoned parcels.**
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 currently undeveloped and appears to have been so since the first zoning action in 1998. Per zoning records, the property was Agricultural Residential III (AR-III, [17.110](#)) to Highway Business (H-B, [17.150](#)), on May 9, 1988 for the proposed use of boat sales and repair. In 2018 a requested conditional use approval for boat sales within the Gateway Corridors Overlay District (GCOD, [17.420](#)) non-residential property development standards. The applicant also requested to be exempt from GCOD standards and was denied by the Hall County Board of Commissioners.**
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; **The rezoning of the property to Light Industrial (I-I, [17.160](#)) would be a more intensive use than the existing H-B classification and create an isolated district unrelated to the surrounding districts.**
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, as boat & RV storage, to include boat repair and sales, are common in proximity to Lake Lanier, though careful thought should be given as to the change of the zoning classification from Highway Business (H-B, [17.150](#)), to Light Industrial (I-I, [17.160](#)).**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **As the proposed uses require Board of Commissioner approval within the Gateway Corridors Overlay District (GCOD, [17.420](#)), the applicant would have to find a location outside of the overlay district appropriately zoned for a boat & RV storage, to include boat repair and sales.**
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.**
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 served by an onsite septic system.**

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. **As there are not 100 or more residential dwelling units 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 "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. 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 may be required after review of business plan."

#### **Hall County Fire Marshal**

In an email dated April 28, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated that the Hall County Fire Marshal's Office has no comments as proposed.

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

In a memo dated May 1, 2023, 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:**

Driveway must meet Hall County commercial standards.

##### **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 not require GDOT coordination.

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

**Applicant's Presentation:**

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

**Carla Baker, 5241 Hampton Mill Drive, Flowery Branch**, presented the request.

*Rebuttal*

The applicant stated that the buffers are in compliance with Gateway Corridor. The applicant stated that the building will be brick on all four sides.

**Public Forum:**

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**Planning Commission Comments:**

Mr. Sosebee questioned hours of operation. The applicant stated they will have normal business hours for repairs but will comply with storage access hours suggested. Ms. Pilcher questioned the type of fence. The applicant stated it would be however the commission recommended.

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

*Conditions:*

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