

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Yelitza Ossa-OSAS Concrete

Request Rezone from Highway Business (H-B, [17.150](#)),
Agricultural Residential III (AR-III, [17.110](#)) to Light
Industrial (I-I, [17.160](#)).

Proposed Use landscape supply business

Size 2.11± acres

Zoning Current Highway Business (H-B, [17.150](#)),
Agricultural Residential III (AR-III, [17.110](#)) and
Gateway Corridors Overlay District (GCOD,
[17.420](#)) | Proposed Light Industrial (I-I, [17.160](#))
and Gateway Corridors Overlay District (GCOD,
[17.420](#)).

Location **3676 & 3745 Friendship Road** | Tax Parcels 15048
000025D & 000025B

Commission District One

Planning Commission Date May 15, 2023

Staff Recommendation **Denial, based on the findings that the request is
inconsistent with the Mixed-Use 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..... Denial
Vote: 5-0

Public Forum:

Stanley Harrison, 7475 Williams Road, Flowery Branch, spoke in opposition. Concerns were size of the lot and usage of a cemetery driveway.

Ted Williams, 5423 Winding Ridge Trail, Buford, spoke in opposition. Concerns were inconsistency with Gateway corridor, outside storage, and vegetated buffer.

Summary Analysis

The applicant is requesting to rezone the combined 2.11± acres from Highway Business (H-B, [17.150](#)) and Agricultural-Residential-III (AR-III, [17.110](#)) to Light Industrial (I-I, [17.160](#)) for the purpose of operating a landscape supply business on the property. Concurrent to this request, the applicant is seeking conditional use approval ([17.420.050](#)) for 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 proposed business is a landscape supply business which will include outdoor storage of landscape materials. The site is developed with a single-family residence, detached garage, a 1-story building to be utilized as an office, and a barn. The single-family residence and detached garage will continue to be used residentially. The office and barn will be associated with the landscape supply business. It should be noted, that if the current applications are approved, the applicant will need to submit a subsequent application for a caretaker residence for permission to continue the single-family residential use in the I-I zoning district.

The submitted site plan shows the existing structures and two proposed gravel storage areas where the landscape materials will be stored in bins. The site plan also shows a 10 foot landscape strip along Friendship Road with an 8-foot high wooden screening fence behind the landscape strip. Additionally, there is a 25-foot transitional buffer along the side and rear property lines.

The applicant's narrative states that business will only operate during daylight hours and as such the only lighting will be for security purposes. All new lighting will be configured to shine inward to the site in order to reduce all off-site glare to surrounding properties. One monument sign is proposed adjacent to the commercial driveway, which will be compliant with the sign ordinance.

As the property falls within the Gateway Corridors Overlay District (GCOD, [17.420](#)), a variance will be required to permit the gravel storage yard. 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.). Additionally, the applicant has proposed a 25-foot transitional buffer around the side and rear property lines. The GCOD development standards require a 50-foot transitional buffer where an industrial use abuts a residential or agricultural use. A variance will be needed if the application is approved as presented.

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 includes a landscape supply business with outdoor storage and single-family residential uses continuing in the existing residence.**

The proposed use could be incompatible with future development of the adjacent parcels, which are currently zoned Agricultural-Residential-III (AR-III).

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use may be more intense than that of the adjacent or nearby parcels, but the usability should not be impacted. 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-III (AR-III, [17.110](#)) and Highway Business (H-B, [17.150](#)), but the proposed business cannot occur as described without approval of the rezoning request to Light Industrial (I-I, [17.160](#)) and approval of the concurrent conditional use request.**
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 Mixed-Use Corridor of the Comprehensive Plan. The intent of the Mixed-Used 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.**
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; **Tax Parcel 15048 000025B is developed with two structures: a 2,166 square foot single-family residence constructed in 1967 and a 1,600 square foot garage constructed in 1980. Tax Parcel 15048 000025D is developed with a 4,000 square foot barn, also constructed in 1980.**
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; **Non-residential zoning has been previously established on one of the subject parcels, introducing an isolated district unrelated to the surrounding districts, through the approval of the Highway Business (H-B, [17.150](#)) zoning classification. The rezoning of the property to Light Industrial (I-I, [17.160](#)) would be a more intensive use than the existing H-B classification.**
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 though careful thought should be given as to the uses and development pattern along a well-traveled road such as Friendship Road.**
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 landscape supply business with outdoor storage.**
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.**

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated May 2, 2023, Emily McGahee stated “Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review.”

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

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.

Traffic:

Driveway must be permitted/approved by GDOT.

Utilities

No Hall County sanitary sewer.

Georgia Department of Transportation

In an email dated April 28, 2023 from Parker Niebauer, Traffic Operations Supervisor, confirmed that the project will require GDOT coordination and provided the following comment:

“Applicant has corresponded with D1 Traffic Ops. D1 Traffic Ops responded ‘Looking at the addresses, it doesn’t appear that the existing driveways are commercial driveways, but residential drives. For commercial drives, we required radius drives with asphalt at least to the R/W line. We also have requirements on commercial driveway/side road spacing. Both of these requirements are safety driven.’ Additionally, I would recommend a right turn lane for this driveway.”

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

Applicant’s Presentation:

Randi Doveton, Planning Director, presented a summary of the request. Ms. Doveton stated that denial of the rezoning would be an automatic denial of the conditional use request.

Bob McCann, 1550 North Brown Road, Lawrenceville, presented the request. The applicant stated that they agree to staff recommendations but would like condition 7 amended to a 25 foot transitional buffer.

Public Forum:

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Ted Williams, 5423 Winding Ridge Trail, Buford, spoke in opposition. Concerns were inconsistency with Gateway corridor, outside storage, and vegetated buffer.

Planning Commission Comments:

Mr. Braswell questioned if the applicant has discussed commercial driveways with GDOT. The applicant stated that they have. The applicant wanted to address that they would not be using the cemetery driveway. Mr. Sosebee questioned the type of trucks coming into the property. The applicant stated it would be limited to small trucks with the occasional dump trucks. Mr. Sosebee questioned if there has been contact with neighboring property owners. The applicant stated there has not been. Mr. Hunt requested clarification on the percentage of grading intended for use. The applicant stated it would be 10-12% to extend landscape supply for trucks and trailers.

Motion: A motion to deny was made by Mr. Sosebee and seconded by Ms. Pilcher. Vote: 5-0