

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Vacutek, LLC

Request Rezone from Planned Commercial Development
Conditional to Planned Commercial Development
to amend existing conditions

Proposed Use Vehicle sales and construction equipment rental &
sales

Size 3.57± acres

Zoning Current PCD Conditional | Proposed PCD

Location **5800 Lanier Islands Parkway** | Tax Parcel 07329
004012

Commission District Two

Planning Commission Date June 5, 2023

Staff Recommendation Denial, as it does not meet the requirements of
[17.380.060](#), particularly criteria 1 and 5; is
inconsistent with the [Comprehensive Plan](#) future
land use classification of Lake Supportive Corridor

Planning Commission Recommendation.....Approval, with conditions
Vote: 3-0 (Sosebee & Varner absent)

Planning Commission Conditions:

1. Development is approved as generally shown on the concept plan and described in the revised project narrative dated June 2, 2023 modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.
2. Any repair or replacement fencing along Lanier Islands Parkway shall be decorative metal with regular brick columns no less than every fifty (50) feet. Replacement of fencing along all other property lines shall be constructed of standard wood fencing materials or vinyl-coated chain link with privacy slat inserts at a minimum but may also match the decorative metal fencing, at the owner’s discretion.
3. The fence must be properly maintained by the owner (1997).
4. Fencing shall be located 10 feet from the property line (1997).
5. The setback from Beards Road shall be 55 feet from the centerline of the right-of-way (1997).
6. Vehicle parking areas shall be paved with either asphalt or concrete (2004).

7. Any outdoor lighting on the premises shall be non-spill type (2004).
8. The applicable bulk and development standards in the Suburban Shopping district (S-S) shall apply.
9. The following uses shall be prohibited: junk yard; salvage yard; pick and pull; storage of debris; or inoperable vehicles.
10. While inoperable vehicles as an ongoing storage activity is prohibited, it is anticipated that rental equipment might be in need of repair or decommissioning and may be stored on the site from time to time. Limited storage of those items is permitted, provided the equipment is stored adjacent to the eastern interior side property line and is screened by an opaque fence a minimum of six (6) feet in height.
11. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
12. All conditions of zoning shall be made a part of any plat created for the property.
13. The applicant shall install a 10 foot planted strip inside or outside the existing fence, not on the right of way, parallel to Lake Lanier Islands Parkway and approved by the Planning Director prior to the issuance of a business license.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The subject request is to rezone 3.57± acres from Planned Commercial Development (PCD) ([17.180](#)) to Planned Commercial Development ([17.180](#)) to amend conditions of the original PCD approval by altering the approved site plan to accommodate *vehicle sales* and *construction equipment rental & sales* uses.

The property exists with the structures identified on the site plan already constructed – a large metal building with five garage bays fronting Lanier Island Parkway; a metal canopy extending above the rooflines of the other buildings on the site; a second metal building surrounded with overhangs and four bays facing the adjacent property to the east, two gated access curb cuts, and a sidewalk along the Lanier Islands Parkway frontage; and a chain link fence around the remainder of the perimeter of the site. A portion of the western side of the lot is noted to be paved with gravel, but it is unclear based on aerial photography if that is accurate. The site plan indicates that all fencing is chain link, but review of aerial and street photography shows a decorative metal fence with regular brick columns along the full length of Lanier Islands Parkway.

Based on the submitted site plan, it appears the proposed development will not alter any of the vertical structures, but proposed to park equipment along the length of the site's two street frontages. Employee and customer parking will be located adjacent to the easternmost structure and property line. The narrative states the applicant's intent to use the site for outdoor display, sales, service, and storage to include construction equipment, boats, cars, and RVs. The narrative expressly specifies the site will not be used as a junk yard; salvage yard; pick and pull; debris storage; or inoperable vehicles.

The application proposes that the business operations will include 5-10 staff initially (with the acknowledgment that the number of staff may increase over time) and will operate 7 a.m. through 5 p.m. Monday through Friday as a dealer for sales and rental of hydro-excavation, combination trucks, jetting equipment, and street sweeper trucks, which will be stored outside. In addition, the business will provide sewer inspection cameras, locating equipment, and other smaller ancillary items supplying municipal and private contractors, which will be stored

indoors. The applicant indicated there is not a high likelihood of a need to store inoperable equipment or vehicles but noted that they would be stored in the rear of the shop or inside a building. Waste fluids are stored in above-ground containers pumped out by an environmental waste company, as needed.

The following development standards were proposed, some of which are unaddressed in the application materials based on the Planned Development (PCD, [17.180.080](#)) standards:

1. The site plan shall indicate the proposed size, location and number of stories of each commercial structure. **The concept plan illustrates as-built conditions along with additional site characteristics proposed with the new use.**
2. The entrances, exits and number and location of all parking spaces shall be shown in detail, together with all loading and no parking zones. **These features are identified on the concept plan.**
3. The proposed methods and location of all buffers shall be described. **No buffers have been identified on the concept plan.**
4. The proposed exterior lighting shall be shown. **No exterior lighting is identified on the concept plan.**
5. All proposed signs, advertising or identification graphics shall be indicated, showing their number, size, height and location. **No signage has been identified on the concept plan.**
6. The type and number of uses proposed for the commercial development shall be indicated. **The proposed uses have been articulated in the project narrative.**
7. The development controls for the district shall be stated (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the suburban shopping district (S-S) shall apply. **There have not been any alternative bulk standards proposed as a function of the application.**
8. If residential uses are proposed in conjunction with the planned commercial development, then the applicable requirements of the planned residential development shall be provided. **There are no residential uses proposed in conjunction with this request.**

The following development standards are deficient or unaddressed in the application materials based on the Gateway Corridors Overlay District (GCOD, [17.420](#)) standards:

- Requirements of [17.420.050](#)
 - Building perimeter walls – the application does not propose any plantings
 - Street frontage – the required 10' landscape strip has not been proposed along each street frontage
 - Screening of storage and accessory equipment – no screening of waste receptacles or outdoor storage vehicles for sale/rent has been proposed.
 - Outdoor lighting – the applicant did not submit any photometric plans or fixture specifications related to proposed outdoor lighting.

- Interparcel access – joint driveways are strongly encouraged, and the applicant has not proposed any access.
- Building materials – the metal buildings existing on the site do not meet the material requirements

All other standards are either proposed to be met or will be required to demonstrate compliance during the permitting process.

Based on the future land-use plan, staff finds the requested zoning designation *is not consistent* with the Hall County Comprehensive Plan. The Comprehensive Plan’s future land use designation for the subject parcel is “Lake Area Residential.” This land use category is characterized by low-density single-family residential and neighborhoods or “commercial uses that are boat related (boat sales, storage and equipment sales) or compliment recreational use of Lake Lanier (such as locally-owned restaurants.” The intent of land use category is to preserve established neighborhoods and create opportunities for permanent and vacation residences or other commercial uses which support the recreational uses of the lake.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered by Planning commission and the Hall County Commission pursuant to [17.380.060](#):

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The character of the structures is consistent with the adjacent commercial structures of the surrounding area; however, the uses themselves are distinct from the lake-supportive and residential uses found along the corridor.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed use will adversely affect adjacent properties, but it is inconsistent with the vision established for the area.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **It is unclear whether the property has reasonable economic use as currently zoned.**
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, or utilities; **Staff does not find that the proposed development will cause an excessive or burdensome use of existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use is not consistent with the Comprehensive Plan and the “Lake Area Residential” land use designation. The Comprehensive Plan identifies “commercial uses that are boat related (boat sales, storage and equipment sales)” or uses that compliment recreational use of Lake Lanier “such as locally-owned restaurants” are envisioned for the Lake Area Residential designation.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Absent a market study, staff is unable to determine whether 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.**
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; **A business license was issued in 2007 for a boat dealer/used boat sales (BUS-0026844). County records show this business license expired in December of 2019.**
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; **Staff is not aware of any changing conditions that affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning is a Planned Commercial Development (PCD, [17.180](#)). Per the Official Code of Hall County, Planned Development Districts ([17.180](#)) are to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. That being said, the proposed uses are different than those that are found on surrounding properties.**
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; **In general, the use does not appear to be 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; **There are other properties within the County that support rental and sales of these vehicles based on the Future Land Use Map.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The request could not be handled alternatively as 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.**

A Planned Commercial Development (PCD, [17.180.080](#)) allows for more flexibility in the design and development of the property. This provides for a mixture of lake supportive commercial uses and encourages maximum use of natural features through proper site planning measures. The development should conform to

the existing character and development pattern of the surrounding area. **Based on the intended use and prior approvals, the requested use is not appropriate.**

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:
 - 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]. **Proposal does provide a narrative outlining the intent of the change; however, the applicant has not prepared a response to each of the criteria listed in [17.380.060.C](#).**
 - 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. **Proposal does meet the requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The proposed development falls within the City of Buford sewer district.**
- 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. **Proposal does not trigger this requirement.**

Development Support and Constraints

Hall County Environmental Health

In an email dated May 17, 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 May 16, 2023 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated May 18, 2023, Bill Nash, Director, stated the following:

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:

GDOT permit required for access to Lanier Islands parkway.

Utilities:

City of Buford sewer district.

Georgia Department of Transportation

In an email dated May 11, 2023, Jonathan Peevy, Assistant District Traffic Engineer, indicated coordination would be required.

- **Excerpts from the minutes of the June 5, 2023 meeting**

Applicant's Presentation:

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

Scott Angel, 1127 Reece Circle, Hoschton, presented the request. The applicant stated that they were not aware that they would need to rezone when they purchased the property.

Billy Holliday, 1972 Sutters Pond, Kennesaw, presented the request. The applicant stated that they currently have 50 employees.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell requested clarification that the applicants removed car sales from their narrative. Mr. Angel agreed.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 3-0 (Sosebee & Varner absent)

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