

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Nhan Nguyen

**Request** ..... Rezone | Amend existing conditions of Planned Commercial Development Conditional (PCD, [17.180.080](#))

**Proposed Use** ..... Food truck

**Size** ..... 1.47± acres

**Zoning** ..... Current Planned Commercial Development Conditional (PCD, [17.180.080](#)) | Proposed Planned Commercial Development Conditional (PCD, [17.180.080](#))

**Location** ..... **5201 Browns Bridge Road** | Tax Parcel 08080 001001

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

**Planning Commission Date** ..... June 19, 2023

**Staff Recommendation** ..... **Approval with conditions as the proposed use is consistent with the [Comprehensive Plan](#) future land use classification of Lake Supportive Corridor.**

**Planning Commission Recommendation**.....**Approval, with conditions**  
**Vote: 4-0 (Pilcher absent)**

**Planning Commission Conditions:**

1. Development is approved as generally shown on the concept plan and described in the project narrative modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.
2. The approval of the use of a food truck in the Planned Commercial development is in addition to the self-storage warehouse and no conditions herein shall negate or replace those conditions approved by the Board of Commissioners on September 10, 2020 and listed below:
  - A. The development shall generally occur as depicted on the site plan and described in the project narrative, modified for compliance with zoning conditions and Hall County regulations at time of development.

- B. The facility shall be limited to 16,400 square feet, and the storage building shall be limited to 1,200 square feet.
  - C. The proposed commercial development shall conform to Section 17.420 Gateway Corridor Overlay District (GCOD) standards in its entirety, with the exception of the following variances:
    - i. The development shall be permitted to have two internally illuminated signs which shall only be illuminated during business hours, between 6:00am and 10:00pm.
    - ii. The façade of the self-storage warehouses shall be comprised of metal siding, except for the portions of the building facing Browns Bridge Road and the 2nd story façade where the building faces Ash Circle, where masonry material shall be required.
  - D. All conditions of zoning shall be made part of any plats created for the property.
  - E. The fencing along Ash Circle shall be opaque and shall be a minimum of 8 feet in height.
  - F. The hours of operation for the self-storage warehouse shall be 6:00am to 12:00am, seven days a week.
  - G. All outdoor lighting shall be non-spill type lighting fixtures.
  - H. The applicant shall work with the Exxon to bring the existing signage into compliance subject to approval of the Planning Director.
3. The proposed business may only offer delivery and take-away meals. No food shall be consumed on premises or furniture set up to accommodate dining on the subject property.

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**Public Forum:**

*There were no comments in support or opposition.*

**Summary Analysis**

The applicant is requesting to amend conditions of the original Planned Commercial Development (PCD, [17.180.080](#)) to permit the use of a mobile food trailer in a parking space on the subject parcel. The submitted narrative states that the food truck will provide delivery and take-away service, but no food will be consumed at the subject property. In addition to selling food from the subject parcel, the food trailer will be mobile and will travel to off-site events in the area.

The narrative states that the base of operation for the business will be Unit 5 in the shopping center; a base of operations is required by Environmental Health for mobile food businesses. The applicant has worked with Hall County Building Inspections and Environmental Health to renovate Unit 5 in order to accommodate the food service use. The base of operation will be used for cleaning and the disposal of wastewater, per Environmental Health requirements. The trailer will be stored in an identified parking spot when not in operation. No signage plan was submitted as part of the application and will be reviewed separately, if approved.

On September 10, 2020, the Board of Commissioners approved, with conditions, a request to rezone the subject property to Planned Commercial Development (PCD, [17.180.080](#)) for the purpose of developing self-storage warehouses on the subject property. The application proposed three (3) self-storage warehouse buildings totaling 16,400 square feet in self-storage space in addition to the existing shopping center and gas station. A 1,200 square foot storage building was also approved for use by the shopping center. The approval was subject to the following conditions:

1. The development shall generally occur as depicted on the site plan and described in the project narrative, modified for compliance with zoning conditions and Hall County regulations at time of development.

2. The facility shall be limited to 16,400 square feet, and the storage building shall be limited to 1,200 square feet.
3. The proposed commercial development shall conform to §17.420 Gateway Corridor Overlay District (GCOD) standards in its entirety, with the exception of the following variances:
  - 3.1. The development shall be permitted to have two internally illuminated signs which shall only be illuminated during business hours, between 6:00am and 10:00pm.
  - 3.2. The façade of the self-storage warehouses shall be comprised of metal siding, except for the portions of the building facing Browns Bridge Road and the 2nd story façade where the building faces Ash Circle, where masonry material shall be required.
4. All conditions of zoning shall be made part of any plats created for the property.
5. The fencing along Ash Circle shall be opaque and shall be a minimum of 8 feet in height.
6. The hours of operation for the self-storage warehouse shall be 6:00am to 12:00am, seven days a week.
7. All outdoor lighting shall be non-spill type lighting fixtures.
8. The applicant shall work with the Exxon to bring the existing signage into compliance subject to approval of the Planning Director.

The following development standards are required for Planned Development (PCD, [17.180.080](#)) applications, some of which are unaddressed by the application materials:

1. The site plan shall indicate the proposed size, location and number of stories of each commercial structure. **The concept plan illustrates the as-built conditions of a portion of the property, including the parking lot, along with additional site characteristics related to the proposed 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 or detailed in the narrative.**
4. The proposed exterior lighting shall be shown. **No exterior lighting is identified on the concept plan or detailed in the narrative.**
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 or detailed in the narrative.**
6. The type and number of uses proposed for the commercial development shall be indicated. **The proposed use has 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.**

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 consistent* with the Hall County [Comprehensive Plan](#).** The [Comprehensive Plan's](#) future land use designation for the subject parcel is "Lake Supportive Corridor." The intent of this land use category 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. Future land uses include commercial uses that are boat related (boat sales, storage and equipment sales) or compliment recreational use of Lake Lanier (such as locally-owned restaurants).

### **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 proposed use is consistent with the adjacent commercial development of the surrounding area.**
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. **Yes, the property has economic use as currently zoned, Planned Development Conditional (PCD, [17.180.080](#)). There are multiple active business licenses on the subject property, including a barber shop, a gas station and convenience store, a tattoo parlor, and a vape shop.**
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 consistent with the Comprehensive Plan and the "Lake Supportive Corridor" 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 Supportive Corridor 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; **County records show active business licenses for multiple uses on the property including a gas station and convenience store, vape shop, tattoo parlor, and barber shop.**
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 underlying zoning classification of Planned Commercial Development (PCD, [17.180](#)) has already been established on the subject parcel. The requested use is an amendment to the rezoning, which was approved, with conditions in 2020 to add three (3) self-storage buildings to the subject property.**
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; **A food truck is not typically permitted to occupy and vend from a permanent location, as such the proposal would require Commission approval elsewhere in the county.**
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; **There is no proposed land disturbance activities in relation to the proposed use. The site is already developed and the proposed food trailer location is in an existing parking lot.**
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 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 does not propose the use of a slow rate land treatment 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. **Proposal does not trigger this requirement.**

### **Development Support and Constraints**

#### **Hall County Environmental Health**

In an email dated May 26, 2023, Emily McGahee stated “Base of Operations and Mobile Food Unit permits have been issued.”

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

In an email dated June 1, 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 31, 2023, Bill Nash, Director, stated the following:

#### **Engineering:**

This parcel has never provided an as-built stormwater report and survey of the existing stormwater system. Engineering will require an as-built survey and hydrology report.  
Detention does not work for this site

**Traffic:**

No comment.

**Utilities:**

No comment.

**Georgia Department of Transportation**

In an email dated May 25, 2023, Parker Niebauer, D1TO Traffic Operations Supervisor, indicated coordination would be required.

➤ **Excerpts from the minutes of the June 19, 2023 meeting**

**Applicant's Presentation:**

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

Nhan Nguyen, 5142 County Drive, Gainesville, presented the request.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell questioned if the applicant has already obtained the necessary permitting from environmental health. The applicant stated he has.

**Motion: A motion to approve, with conditions was made by \_Mr. Hunt and seconded by Mr. Varner. Vote: 4-0 (Pilcher absent)**

**Conditions:**

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  - 2.3.2. The façade of the self-storage warehouses shall be comprised of metal siding, except for the portions of the building facing Browns Bridge Road and the 2nd story façade where the building faces Ash Circle, where masonry material shall be required.
- 2.4. All conditions of zoning shall be made part of any plats created for the property.
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- 2.8. The applicant shall work with the Exxon to bring the existing signage into compliance subject to approval of the Planning Director.
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