

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Donnie Hunt

Request **(A) Rezone** | from Agricultural Residential III (AR-III, [17.110](#)) to Suburban Shopping District (S-S, [17.140](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#))
(B) Use Subject to Planning Commission Approval | Shopping Center – **PC ONLY**

Proposed Use **(A)** Grocery store, convenience store with gas & restaurant
(B) Shopping center– **PC ONLY**

Size 6.34± acres

Zoning Current | Agricultural Residential III (AR-III, [17.110](#)) Proposed | Suburban Shopping (S-S, [17.140](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#))

Location **4053 Cleveland Highway** | Tax Parcel 12025 000036

Commission District Three

Planning Commission Date September 18, 2023

Staff Recommendation **(A) and (B) Approval with conditions** as the proposed rezoning and conditional use are consistent with the Community Crossroad future land use classification within the [Comprehensive Plan](#). The intent of this land use category is to maintain and create access to local goods services at major intersections throughout the community.

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

(A) Conditions:

1. Development is approved as generally shown on the preliminary site plan (dated March 3, 2023), landscape plan (dated March 3, 2023), and as described in the project narrative (dated June 13,

2023), modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval. Revisions to site plan can be approved by the Planning and Development Director during the Development Review/Land Disturbance Permit process provided that the revisions do not increase the number of buildings, gross area of the structures, decrease required greenspace, or buffers, change the design or materials of the structures, reduce the proposed parking count, reduce required landscaping, or changes related to driveways.

2. The development shall be subject to the requirements of the Gateway Corridors Overlay District (GCOD, [17.420](#)) and no variances are granted as part of this request.
3. The recommendations of the left-turn lane queue analysis study shall be installed as part of the project development, subject to the approval of Hall County Traffic Engineering and the Georgia Department of Transportation. The developer shall be responsible for all costs associated with street and driveway improvements.
4. The proposed development is subject to the off-street parking requirements of [17.250.020\(A\)](#).
5. All conditions of zoning shall be made part of any site plan or any plat recorded for the property.

Public Forum:

Kerry Roberts, 310 Sunset Valley Circle, Cleveland, spoke in opposition. Concerns were the influx of commercial use, traffic, public needs, safety, lack of sidewalks and bicycle lanes.

Summary Analysis

The applicant is requesting that 6.34± acres of land currently zoned Agricultural Residential III (AR-III, [17.110](#)) be rezoned to Suburban Shopping district (S-S, [17.140](#)) with a concurrent conditional use request to operate a shopping center ([17.140.020\(A\)](#)). This lot falls within the Gateway Corridors Overlay District (GCOD, [17.420](#)) which provides supplemental design standards for non-residential property development.

The shopping center, as shown on the site plan, is proposed to include an 11,000 square foot grocery store, a 4,000 square foot restaurant, and a 3,250 square foot convenience store with canopied gasoline and diesel dispensers. The grocery store will be a standalone building while the restaurant and convenience store will be separate units in the same structure. Gasoline will be dispensed from five fuel islands under a 125-foot by 20-foot canopy located between the convenience store/restaurant building and Cleveland Highway. Diesel will be dispensed from two fuel islands under a 30-foot by 20-foot canopy behind the convenience store, as close as 75 feet from the property frontage along Jim Hood Road. The operational hours of these businesses are yet to be determined, per the submitted narrative.

The entire shopping center will conform to setbacks as per [17.240.010](#). However, it is unclear if the underground fuel storage tank is 25 feet from the property line ([17.210.020](#)). Vehicular travel within the proposed shopping center will be free flowing, with one access point at Jim Hood Road, and another at Cleveland Highway (SR 129).

Two monument signs are depicted in the site plan, both to be erected along Cleveland Highway with the submitted narrative stating signage will be compliant with the requirements of the sign ordinance, ([17.420.60](#)). Within the sign ordinance for the GCOD, one ground mounted, monument sign shall be permitted on each lot, except that in the case of a corner lot, the provisions of this section shall apply separately to each

street frontage. **The proposed signage exceeds the number of permitted signs and proposed signs will need to be revised, or a variance sought to permit the two monument signs along Cleveland Highway.**

The site plan depicts the restaurant as having a parking minimum of 9.5 parking spots per 1,000 square feet of floor space. The plan includes 43 parking spaces, five greater than this requirement. However, that standard only applies to family restaurants under [17.250.020\(A\)](#). Other types of restaurants, such as quality or fast-food restaurants, require a significantly higher amount of parking per unit of floor area. As a result, revisions may be required to the proposed site layout to accommodate additional parking spaces. In addition to the restaurant parking, there are 16 parking spaces proposed for the convenience store, and 79 proposed for the grocery store, for a total of 138 spaces. **Note: the site plan shows 140 spaces.**

The Gateway Corridors Overlay District, (GCOD, [17.420.](#)), provides supplemental design standards for non-residential property development. The proposal aligns to the non-residential property design standards ([17.420.050](#)) as listed below:

17.420.050	Standard	Proposal
A	<i>Prohibited uses.</i>	No prohibited uses are included in the proposal.
B	<i>Conditional uses.</i>	No conditional uses are included in the proposal.
C	<i>Transitional buffers.</i>	25-foot buffers will be included where required, as per the site plan.
D	<i>Other landscape and screening standards.</i>	Building perimeter landscaping has not been included in the plan, but a 10-foot landscape strip will be planted along all frontages. Accessory equipment and dumpster screening details have not been provided.
E	<i>Parking lot design.</i>	Shared parking for the businesses will be allowed, and the total number of parking spots exceeds the minimum for each business. However, the grocery store will feature 79 spaces which exceeds the minimum standard of 55 (17.250), which is in violation of this section, as the maximum for spaces is 125% of 55 (69).
F	<i>Outdoor lighting.</i>	Not specified in the application.
G	<i>Interparcel access.</i>	Not specified in the application.
H	<i>Architectural standards for non-residential buildings.</i>	Not specified in the application.
Note: Unless a variance has been specifically requested and granted from the above standards, the development will have to comply with the non-residential property development standards of the Gateway Corridors Overlay District, (GCOD, 17.420.).		

A left-turn lane queue analysis study has been conducted by Lowe Engineers as part of the request to evaluate queuing conditions and blocking potential on the west approach of the signalized intersection of Cleveland Highway (SR 11) and Jim Hood Road/Nopone Road. The following was concluded and recommended as a result of this study:

- The intersection capacity analysis shows that the intersection of Cleveland Highway (SR 11) and Jim Hood Road/Nopone Road currently operates sufficiently and will continue to do so at the project buildout.
- The proposed two site access driveways are both projected to operate at an adequate LOS at the project buildout.
- Jim Hood Road should be improved by installing a single eastbound right turn deceleration lane of 175 feet with a 100-foot taper and a single westbound left turn lane of 235 feet with a 100-foot taper at Site Driveway A. Cleveland Highway (SR 11) should be improved by installing a single southbound right turn deceleration lane of 250 feet with a 100-foot taper at Site Driveway B.

Based on the future land use plan, staff finds the *requested zoning designation and conditional use request consistent* with the [Comprehensive Plan's](#) future land use of Community Crossroad. The intent of this land use category is to maintain and create access to local goods, employment opportunities and services at major intersections throughout the community. Future land uses include neighborhood commercial uses (smaller-scale retail and services serving nearby residents) and civic benefit uses including places of worship, parks, and community centers.

Zoning Analysis

(A) Rezone | from Agricultural Residential III (AR-III, [17.110](#)) to Suburban Shopping District (S-S, [17.140](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)).

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. A Suburban Shopping District (S-S, [17.140](#)) similar to this proposal, minus the grocery store, exists directly to the northeast at 4110 Cleveland Highway. The property immediately north of the subject property, across Jim Hood Road is also zoned S-S, and is developed with a commercial structure used for an appliance repair business. The proposed zoning district and conditional use type is consistent with the development pattern of 2 of the 4 corners of the intersection.**
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.**
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, Agricultural Residential III (AR-III, [17.110](#)). The site is developed with a single-family home.**
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; **A left-turn lane queue analysis study has been conducted by Lowe Engineers as part of the request to evaluate queuing conditions and blocking potential on the west approach of the signalized intersection of Cleveland Highway (SR 11) and Jim Hood Road/Nopone Road. The following was concluded and recommended as a result of this study:**
 - **The intersection capacity analysis shows that the intersection of Cleveland Highway (SR 11) and Jim Hood Road/Nopone Road currently operates sufficiently and will continue to do so at the project buildout.**

- **The proposed two site access driveways are both projected to operate at an adequate LOS at the project buildout.**
 - **Jim Hood Road should be improved by installing a single eastbound right turn deceleration lane of 175 feet with a 100-foot taper and a single westbound left turn lane of 235 feet with a 100-foot taper at Site Driveway A. Cleveland Highway (SR 11) should be improved by installing a single southbound right turn deceleration lane of 250 feet with a 100-foot taper at Site Driveway B.**
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 “Community Crossroad” future land use designation. The Comprehensive Plan identifies “neighborhood commercial uses (smaller-scale retail and services serving nearby residents)” as appropriate future land uses in this area.**
 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; **The site has been developed as a single-family dwelling since 1965.**
 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 change would not create an isolated district, as several other Suburban Shopping District (S-S, [17.140](#)) exist directly to the north and northeast.**
 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 neighborhood 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 no undeveloped Suburban Shopping lots (S-S, [17.140](#)) in the vicinity of 4053 Cleveland Highway. However, it would not be impossible to find a parcel within the county with fewer site development challenges**
 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.**

(B) Conditional Use | Shopping Center within Suburban Shopping District (S-S, [17.140](#)).

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. A parcel directly to the northeast contains a convenience store with fuel dispensers and a restaurant.**
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.**
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, Agricultural Residential III (AR-III, [17.110](#)). The site is developed with a single-family home.**
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; **A left-turn lane queue analysis study has been conducted by Lowe Engineers as part of the request to evaluate queuing conditions and blocking potential on the west approach of the signalized intersection of Cleveland Highway (SR 11) and Jim Hood Road/Nopone Road. The following was concluded and recommended as a result of this study:**
 - **The intersection capacity analysis shows that the intersection of Cleveland Highway (SR 11) and Jim Hood Road/Nopone Road currently operates sufficiently and will continue to do so at the project buildout.**
 - **The proposed two site access driveways are both projected to operate at an adequate LOS at the project buildout.**
 - **Jim Hood Road should be improved by installing a single eastbound right turn deceleration lane of 175 feet with a 100-foot taper and a single westbound left turn lane of 235 feet with a 100-foot taper at Site Driveway A. Cleveland Highway (SR 11) should be improved by installing a single southbound right turn deceleration lane of 250 feet with a 100-foot taper at Site Driveway B.**
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 “Community Crossroad” future land use designation. The Comprehensive Plan identifies “neighborhood commercial uses (smaller-scale retail and services serving nearby residents)” as appropriate future land uses in this area.**

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; **The site has been developed as a single-family dwelling since 1965.**
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 change would not create an isolated district, as several other Suburban Shopping District (S-S, [17.140](#)) exist directly to the north and northeast, one of which is also a shopping center (but lacks a grocery store).**
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 neighborhood or 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; **In order to operate a shopping center in a Suburban Shopping zoned parcel (S-S, [17.140](#)) a conditional use subject to Planning Commission approval is required ([17.140.020\(A\)](#)).**
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.**

The **Suburban Shopping District (S-S, [17.140](#))** allows for a variety of retail and community uses, providing support to the local community and broader region. This includes retail, service stations, offices and group homes.

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. The 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. **A site plan has been drawn showing the necessary details have been submitted as part of this application.**
- 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. **A left-turn lane queue analysis study has been conducted by Lowe Engineers though one was not required as part of the application requirement.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated August 18, 2023, Emily McGahee stated “Non-domestic wastewater treatment and disposal must be permitted by EPD.”

Hall County Fire Marshal

In an email dated August 18, 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 memo dated August 18, 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 centerline of stream

Traffic:

Permit from GDOT will be required for access from Cleveland Highway

Utilities

No sewer connection within a feasible distance.

Georgia Department of Transportation

In an email dated August 15, 2023, Veronica Chavers, D1TO Traffic Operations Civil Engineer 3, provided the following comments:

- (A) Require GDOT coordination for driveway access on Cleveland Hwy
- (B) Require GDOT coordination for driveway access on Cleveland Hwy

➤ **Excerpts from the minutes of the September 18, 2023 meeting**

Applicant's Presentation:

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

Donald Hunt, 1001 Riverside Drive, Gainesville, presented the request. The applicant stated that the application was heard in 2022 but needed to be modified due to turn lanes and since then they have been able to address GDOT and the Hall County Engineering Departments concerns. The applicant stated that due to the ravine they are proposing double trees to provide a greater buffer. The applicant stated that they are in agreement with the recommended staff conditions. The applicant stated that the commercial space would be beneficial for a heavily residential area.

Ryan Jones, 2675 Lancing Lane, Cumming, presented the request. The applicant stated that the restaurant would fit about 40 to 50 people. The applicant stated that parking will fit about 79 vehicles.

Rebuttal

The applicant stated that the code describes this as a neighborhood crossroad, it is not something that they are generating. The applicant stated that GDOT approved deceleration and acceleration lanes out of the property along with the second entrance off Jim Hood Road. The applicant compared accesses on the same road.

Public Forum:

Kerry Roberts, 310 Sunset Valley Circle, Cleveland, spoke in opposition. Concerns were the influx of commercial use, traffic, public needs, safety, lack of sidewalks and bicycle lanes.

Planning Commission Comments:

Ms. Pilcher requested clarification on the square footage.

A

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

Conditions:

1. Development is approved as generally shown on the preliminary site plan (dated March 3, 2023), landscape plan (dated March 3, 2023), and as described in the project narrative (dated June 13, 2023), modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval. Revisions to site plan can be approved by the Planning and Development Director during the Development Review/Land Disturbance Permit process provided that the revisions do not increase the number of buildings, gross area of the structures, decrease required greenspace, or buffers, change the design or materials of the structures, reduce the proposed parking count, reduce required landscaping, or changes related to driveways.
2. The development shall be subject to the requirements of the Gateway Corridors Overlay District (GCOD, [17.420](#)) and no variances are granted as part of this request.
3. The recommendations of the left-turn lane queue analysis study shall be installed as part of the project development, subject to the approval of Hall County Traffic Engineering and the Georgia Department of Transportation. The developer shall be responsible for all costs associated with street and driveway improvements.
4. The proposed development is subject to the off-street parking requirements of [17.250.020\(A\)](#).
5. All conditions of zoning shall be made part of any site plan or any plat recorded for the property.