

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Bobby Wood

**Request** ..... Rezone from Agricultural Residential III (AR-III, [17.110](#) and Heavy Industrial (I-II [17.170](#)) to Heavy Industrial (I-II [17.170](#))

**Proposed Use** ..... Truck parking and dumpster storage

**Size** ..... 1.22± acres

**Zoning** ..... Current Agricultural Residential III (AR-III [17.110](#)) / Heavy Industrial (I-II [17.170](#)) | Proposed Heavy Industrial (I-II [17.170](#))

**Location** ..... **2367, 2371 and 0 Monroe Drive** | Tax Parcels 15032F000028, 000028B and 000060

**Commission District** ..... Four

**Planning Commission Date** ..... November 6, 2023

**Staff Recommendation** ..... **Approval, with conditions** as the proposed use is consistent with the existing development pattern of industrial-zoned parcels along Monroe Drive

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

**Planning Commission Conditions:**

1. The property shall be developed in accordance with the submitted site plan, dated September 18, 2023 and as described in written application materials. Minor changes can be approved by the Planning Director provided there are no reductions in any imposed buffers, and the changes do not create the need for a variance from the Hall County development standards. Any conflict in development standards between the concept plans, project narrative, and conditions of zoning shall be determined by the final conditions of zoning.
2. A combination plat shall be recorded, including any conditions of zoning, for the three tax parcels, [15032F000028](#), [15032F000028B](#), and [15032F000060](#).
3. Prior to development of the property, the applicant shall obtain a land disturbance permit for the proposed work. The scope of work shall look at the site as a whole, not just the proposed gravel expansion, and all applicable development standards shall be applied.
4. The existing access drive from Monroe Drive shall be brought up to industrial access standards, subject to the review and approval of the Traffic Engineer.

5. The construction of a permanent bathroom structure will be required if the property is to be occupied for at least two consecutive hours. Construction of restrooms, placement of prefabricated restroom facilities, or industrialized restroom or office building, shall require a building permit and must follow standard Hall County commercial building permit processes.
6. The applicant shall obtain a Hall County Business License before conducting business operations at this site.
7. An opaque fence of no less than 6 foot height shall be installed along the front of the property where adjacent to right-of-way. All maintenance shall be the responsibility of the property owner.

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**Public Forum:**

*There were no comments in support or opposition.*

**Summary Analysis**

The applicant is requesting to rezone a combined 1.22± acres of Agricultural Residential III (AR-III [17.110](#)) and Heavy Industrial (I-II [17.170](#)) zoned property to Heavy Industrial (I-II [17.170](#)) for the purpose of truck parking, dumpster storage, and driver dispatch. The property is currently developed with a gravel lot, a mobile storage unit, a gated gravel access drive, and chain link fencing. There are no permanent buildings on the site. The applicant states that before they acquired the property, it was used by a different company for dumpster and truck parking. There are no records of previous business licenses being issued to the subject property.

The requested zoning action, if approved, will result in 0.47± acres of new Heavy Industrial (I-II [17.170](#)) zoning in the rear of the subject parcels. Due to the industrial nature of the vicinity, the proposed industrial zoning will not encroach on any zoning districts or residential structures further than currently exists, remaining 592 feet from residential buildings. The subject property is buffered by Heavy Industrial zoning to the east and west as well as Heavy Industrial zoning (City of Gainesville) to the south of Monroe Drive. A 6.82± acres tract zoned AR-III is located to the north of the property and is developed with one single family home located approximately 752 feet from the closest point of the subject property. The site plan acknowledges the required 50-foot buffer from the property line along the neighboring Agricultural Residential III (AR-III [17.110](#)) district ([17.260.020\(B\)](#)).

The subject area consists of three tax parcels ([15032F000028](#), [15032F000028B](#), and [15032F000060](#)), which the applicant intends to combine into one. Each of the three subject parcels are currently split between the Agricultural Residential III (AR-III [17.110](#)) and Heavy Industrial (I-II [17.170](#)) districts. However, no agricultural or residential use of the property has occurred in recent history, according to property records. The site plan shows the existing gravel lot for dumpster storage, along with a smaller, adjacent storage gravel lot proposed to the northwest. The two gravel lots will likely be used together for business operations, along with an existing fenced yard to be used for both truck and employee parking; the site will be inaccessible to the general public. A storage trailer has been installed near the center of the subject property. Note: No permanent buildings are proposed for construction by the applicant.

Outdoor storage requirements are provided in section [17.260](#) to limit the outward effects of commercial and industrial outdoor activities on neighboring properties and public places. Any items stored as part of business inventory are required to be enclosed by fencing six feet in height ([17.260.010\(A\)](#)), so such fencing may need

to be erected around the perimeter of the dumpster storage lots. This section also requires that outdoor storage take place to the rear or side of the facility, as opposed to the front, where the existing dumpster storage gravel lot exists. The applicant proposes to expand upon the lot, the expansion will not occur in the front of the property. The site plan delineates relevant easement agreements, the most prominent of which is a 20-foot access easement with the neighbor to the east. It contains an asphalt drive that meets a gate, which extends to the boundary of the property line and the easement. A mobile restroom unit also exists within the easement. If the site is to be occupied for at least two consecutive hours, the construction of a permanent bathroom structure will be required, per Environmental Health comment.

**Based on the future land-use plan, staff finds the requested zoning designation *inconsistent* with the Hall County [Comprehensive Plan](#) future land use designation of “Rural Residential”.** The intent of this character area is to preserve the established residential/rural character and create a transition between the rural and residential character areas. Future development is envisioned to include agricultural and low-density detached single-family residential uses. While identified as a residential character area in the Comprehensive Plan, a large number of parcels along Monroe Drive are zoned industrial, and the proposed use is not out of scale with the character of the area.

### **Zoning Analysis**

When considering a zoning amendment to the zoning maps, the following items must be considered:

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 zoning proposal may be suitable given the context of the surrounding area. The property exists directly alongside other industrial uses and Heavy Industrial (I-II [17.170](#)) zoning districts and is in close proximity to Candler Road, Interstate 985, and Queen City Parkway, all of which are developed with industrial uses.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposal will bring an increase in general activity to the site and surrounding area, but staff is unable to determine any particular adversities that may arise.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property appears to have 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; **The zoning proposal will not result in an excessive or burdensome use of local infrastructure.**
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 “Rural Residential” land use designation; however, a large number of parcels along Monroe Drive are zoned industrially, and the proposed use is not out of scale with the character of the area.**
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 developed with outdoor storage yards. This use was established at the property no later than 2021.**
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 zoning change to Heavy Industrial (I-II [17.170](#)) would not create an isolated district within Hall County, as all neighboring parcels along Monroe Drive share an industrial zoning designation.**
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; **The proposal may be out of scale with the needs of the neighborhood; however, Hall County has a growing, in-demand industrial sector.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are many sites within Hall County appropriately zoned to accommodate the applicant's proposal.**
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; **Staff is unable to determine the extent to which ecological and pollution impacts may occur as a result of the applicant's request.**
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 **Heavy Industrial (I-II [17.170](#))** district allows for large-scale industrial development. This includes manufacturing, equipment storage, truck terminals, service stations, and other uses that may emit significant sound, noise, or fumes.

#### **[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. **The 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 development 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. The applicant has provided a site plan and included much of the necessary information to properly assess the development.**
- 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 development does not include a slow rate land treatment system. Any development will be subject the review and approval of applicable departments in regards to waste management.**
- 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. **As there are not 100 or more residential dwelling units proposed, this criterion is not applicable.**

### **Development Support and Constraints**

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

In an email dated October 6, 2023, Emily McGahee stated “An onsite sewage management system (and bathroom structure) will be required on the property if it is to be occupied for two hours or more. Connection shall be made to a public or community sewage treatment system if such system is available within two hundred feet (200') of the property line, or available in a public right-of-way abutting the property.”

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

In an email dated October 4, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated the following:

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 October 5, 2023, Bill Nash, Director, stated the following:

**Engineering:**

This 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:**

No comment

**Utilities:**

City of Gainesville Sewer District.

**Georgia Department of Transportation**

In an email dated October 2, 2023, Veronica Chavers, D1TO Civil Engineer 3, stated “No GDOT coordination required.”

➤ **Excerpts from the minutes of the November 6, 2023 meeting**

**Applicant’s Presentation:**

**Katie Greenway, Principal Planner**, presented a summary of the request.

**Bobby Wood, 2269 Merritt Drive, Buford**, presented the request.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell questioned if the applicant read the staff recommendations. The applicant stated he has.

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

**Conditions:**

1. The property shall be developed in accordance with the submitted site plan, dated September 18, 2023 and as described in written application materials. Minor changes can be approved by the Planning Director provided there are no reductions in any imposed buffers, and the changes do not create the need for a variance from the Hall County development standards. Any conflict in development standards between the concept plans, project narrative, and conditions of zoning shall be determined by the final conditions of zoning.

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