

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Daniel Perdomo

Request Rezone from Agricultural Residential III (AR-III, [17.110](#) to Highway Business (H-B, [17.150](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#))

Proposed Use Permitted uses within H-B (GCOD)

Size 0.53± acres

Zoning Current Agricultural Residential III (AR-III [17.110](#)) | Proposed Highway Business (H-B, [17.150](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#))

Location **6086 Atlanta Highway** | Tax Parcel 08139 003001

Commission District One

Planning Commission Date November 6, 2023

Staff Recommendation **Approval**, as the requested use is consistent with adjacent properties and the Mixed Use Corridor in the Hall County [Comprehensive Plan](#).

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

Planning Commission Conditions:

1. Prior to the issuance of a building permit, the property shall be brought into compliance with the non-residential design standards of the Gateway Corridors Overlay District ([17.420.050](#)) excluding the existing structure which may be exempt from [17.420.050.H](#). - *Architectural standards for non-residential buildings*. Any new structure erecting on the subject lot must meet the standards of [17.420.050.H](#). - *Architectural standards for non-residential buildings*.
2. The existing structure must be brought into compliance with commercial building code standards prior to the issuance of a commercial occupancy.
3. The commercial driveway shall be permitted by GDOT. All required improvements shall be at the developer's cost.
4. The property shall be utilized as described in the Letter of Intent dated September 14, 2023 or as any other permissible use within the Highway Business (H-B, 17.150) district with the following uses prohibited: bus stations, drive-in theaters, hotels, motels, parks for leisure and scenic

appeal, restaurant, subdivision, family day care, group day care, construction trailer, adult establishments. Uses which require Planning Commission or County Commission approval shall apply for a conditional use approval as required by the Zoning Ordinance.

5. No variances have been granted to the development standards of the Zoning Ordinance other than those shown of the site plan dated September 14, 2023 which includes the location of the existing one story structure. If the current request is approved, the applicant shall be required to seek a variance to allow the encroachment into the 20-foot right side yard setback.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to rezone 0.53± acres of Agricultural Residential III (AR-III [17.110](#)) property to Highway Business (H-B, [17.150](#)). The subject property is located within unincorporated Hall County though it is surrounded by property located within the City of Buford. The purpose of the request is to allow permitted uses within the Highway Business (H-B, [17.150](#)) district. The property is part of the Gateway Corridors Overlay District (GCOD, [17.420](#)) which provides supplemental design standards for non-residential property development.

The applicant's submitted letter of intent states that the property will be used as an office in the future but does not specify the nature of the office business. No structural modifications, additions or improvements to the site have been specified. The site plan shows the existing single-family residence coming within 12.7 feet of the right-side property line. The minimum side yard setback is 15 feet for Agricultural Residential III (AR-III [17.110](#)) and 20 feet for Highway Business (H-B, [17.150](#)), as found in Table [17.240.010](#). The applicant's request, if granted, would create a greater setback nonconformity and relief would need to be obtained from the Planning Commission.

The property is currently developed with a single-family residence, a series of privacy and chain-link fences enclosing the property, and a gated, gravel driveway. The applicant has stated that the property will meet applicable Gateway Corridors Overlay District (GCOD, [17.420](#)) standards prior to obtaining a business license at the site but has not submitted plans showing the redevelopment of site.

Prior to the rezoning application, the property was developed with perimeter fencing and vegetation, according to applicant submissions. These existing conditions are shown in the table below.

Yard	Vegetation			Fencing
	Quantity	Species	Height	
Front	14	Cryptomeria	16 feet	6-foot, chain link, 20-foot-wide entrance gate
Left Side	4	Holly	6 feet	8-foot, wood
Right Side	5	Holly	6 feet	8-foot, wood
Rear	15	Cryptomeria	16 feet	6-foot, material unknown

The applicant's Letter of Intent states that the subject property has commercial properties to the left, right, and across the street. The property is bordered in the rear by a residential subdivision within the City of Buford's jurisdiction. The two nearest commercially-zoned parcels located in unincorporated Hall County are approximately 130 and 780 feet away. The applicant intends to use the property as an office, which is similar in use of the two adjacent properties.

GCOD Analysis

With regard to the Gateway Corridor Overlay District (GCOD, [17.420](#)) staff has developed a chart to summarize recommendations for establishing or bringing properties into compliance with the standards in the Corridor. Decision makers may use the assessment in developing conditions that warrant compliance based on the scale and scope of proposed development.

<u>Standard</u>	<u>Compliance?</u>	<u>Notes</u>
17.420.050.C – Transitional buffers	Deficient	Applicant has noted intention to comply with these provisions based on letter of intent.
17.420.050.D – Other landscape and screening standards	Deficient	Applicant has noted intention to comply with these provisions based on letter of intent.
17.420.050.E – Parking lot design	Deficient	Applicant has noted intention to comply with these provisions based on letter of intent.
17.420.050.F – Outdoor lighting	Deficient	Applicant has noted intention to comply with these provisions based on letter of intent.
17.420.050.G – Interparcel access	Unknown	Both neighboring parcels along Atlanta Highway are within the City of Buford.
17.420.050.H – Architectural standards for non-residential buildings	Likely	Applicant has not specified plans to modify or replace the existing building.
17.420.060 – Signs	Likely	Staff has not identified any existing signage on the property, nor is any proposed.

To meet the above standards, the applicant must undertake a series of projects prior to the issuance of a business license for the property. The necessary actions include the installation of a transitional buffer no less than 25 feet wide, installing perimeter landscaping, paving parking areas and addressing the outdoor lighting ([17.420.050](#)).

Based on the future land-use plan, staff finds the requested zoning designation ***consistent*** with the Hall County [Comprehensive Plan](#) future land use designation of “Mixed Use Corridor”. While the subject parcel exists within the Lake Area Residential character area, intended to preserve established neighborhoods and promote single-family home construction, it is within the Atlanta Highway (SR 13) Revitalization Corridor.

Revitalization Corridors are envisioned to create employment opportunities and include office-based businesses.

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 within a Revitalization Corridor, and is in the vicinity of several other businesses.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **Screening and buffer requirements ([17.420.050](#)) will be adhered to as to not adversely affect adjacent properties.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has reasonable economic use as currently zoned (Agricultural Residential III (AR-III [17.110](#))), and is developed with a single-family residence.**
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 proposal conforms to the designation of “Revitalization Corridor”, which envisions local, office-based employment opportunities.**
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 a single-family residence constructed in 1955.**
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 Highway Business (H-B, [17.150](#)) would not create an isolated district within Hall County, as**

such a district exists across Atlanta Highway. Additionally, the property is adjacent to two non-residentially zoned parcels within the City of Buford.

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 is not out of scale with the needs of the neighborhood or the county, as population growth has increased the need for local employment opportunities.**
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 **Highway Business (H-B, [17.150](#))** district allows for a variety of commercial uses to meet a variety of resident needs. The proposed use of an office building is consistent with the surrounding development pattern. The residence will need to be brought into compliance with commercial building code standards prior to the issuance of a commercial occupancy.

[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. **The proposal does not meet the requirement, as no site plan has been provided by the applicant. Instead, a map has been provided containing existing conditions and property lines.**

- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The proposed development will utilize public sewer and water; as such, this is not applicable.**
- 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 “Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan.”

Hall County Fire Marshal

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

Hall County Fire Marshal’s Office comments: If rezoning is approved the proposed office business will have to meet international Fire Code standards for the site and Life Safety Code standards for the building.

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:

Any driveway additions or modifications will need to be permitted/approved by GDOT.

Utilities:

City of Buford Sewer District.

Georgia Department of Transportation

In an email dated October 2, 2023, Veronica Chavers, D1TO Civil Engineer 3, stated “GDOT coordination required for access on SR 13/Atlanta Hwy.”

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

Applicant’s Presentation:

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

Mark Altschuler, 6304 Brighton Way, Flowery Branch, presented the request. The applicant stated that they would like to match the zoning with what is surrounding and potentially open up an office. The applicant stated that he is aware the property will have to follow the Gateway Corridor Overlay District regulations.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

No Comments.

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

Conditions:

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