

**HALL COUNTY PLANNING COMMISSION
RECOEMMENDATION REPORT**

Applicant El Alamo Properties, LLC

Request Use Subject to County Commission Approval | Amend conditions of Planned Commercial Development (PCD, [17.180.080](#))

Proposed Use Event Facility

Size 20.19± acres

Zoning Planned Commercial Development (PCD, [17.180.080](#))

Location **3210 Joe Parker Road** | Tax Parcel 15023 000055

Commission District Three

Planning Commission Date December 4, 2023

Staff Recommendation **Approval**, as the proposed change in conditions is consistent with the surrounding architectural style of the community.

Planning Commission Recommendation.....**Approval, with conditions**

Vote: 5-0

Conditions:

1. All previous conditions of zoning included herein shall apply, with the exception of those modified for the current application:
 - a. The catering kitchen shall not be used as a restaurant and shall not be open to the public.
 - b. The development is limited to a maximum of 7,200 square feet for the main facility.
 - c. The special events facility shall be equipped with soundproof walls and ceilings as designed by a professional engineer, and submitted to the county for review prior to the issuance of a permit. No noise shall carry beyond the property boundaries.
 - d. The property shall comply with all Gateway Corridor Overlay District requirements with the following exceptions.
 - i. The gazebo may be less than 1,000 square feet in size.
 - e. Final driveway design and placement are subject to approval by the Hall County Engineering Department.

- f. The applicant is required to submit a traffic impact study before the issuance of any permits. Any access or adjacent intersection improvements required by the traffic impact study or required by Hall County Engineering Department, or the Georgia Department of Transportation are the financial responsibility of the applicant/developer.
- g. Parking requirement shall meet the requirements for “places of public assembly”: 1 space per each three seats of maximum seating capacity (i.e. 750 max capacity = 250 parking spaces).
- h. All conditions of zoning shall be made a part of any plat created for the property.
2. The development of the site shall occur as generally depicted and described in the site plan approved for Land Disturbance Permit by Hall County on April 13, 2023 and as described in the project narrative dated October 6, 2023, modified for conditions listed herein.
3. The architectural style of the event venue shall be consistent with the narrative and supplemental architectural examples as submitted as part of the application.
4. The facility shall be permitted to install one (1) identification sign near the vehicular entrance, provided that it meets the sign standards of 17.270.070.
5. The applicant shall install a 6 foot high opaque fence beginning at the front corners of the property and extending 450 feet along both side property lines. A 25 foot planted buffer shall be installed in accordance with 17.260.020 in addition to the fence.
6. Outdoor activities within the primary event structure and the future pavilions shall not involve the outside amplification of voice, music and/or instruments except during a wedding ceremony.
7. All events shall be provided with adequate personnel to assist with parking, emergency and other potential impacts of each event.
8. No athletic events will be allowed.
9. Events shall commence no earlier than 9:00 a.m. and shall terminate no later than 10:00 p.m. on Sunday through Thursday and no later than 11:00 p.m. on Friday and Saturday. Termination shall mean the termination of food, drinks, service and entertainment with the understanding that attendees will need a reasonable amount of time after termination to exit the premises.
10. All lighting shall be non-spill.

Public Forum:

Joey Wilcoxon, 3232 Joe Parker Road, Gainesville, presented the request. Concerns were traffic, noise, and hours of operation.

Cassandra Zavodny, 3235 Joe Parker Road, Gainesville, presented the request. Concerns were commercial use.

Summary Analysis

The applicant is requesting to amend conditions of a Planned Commercial Development (PCD, [17.180.080](#)) to construct an event facility on a 20.19± acre parcel. The conditions assigned to this property originate from the rezoning from Residential-I-Low Density (R-I-L, [17.70](#)) on November 13, 2008. The applicant plans to construct three buildings in two phases to accommodate a maximum of 575 guests. These structures will include a special events facility (Phase One) and two covered pavilions (Phase Two), constructed in a barn style architecture, to host events no longer than 12 hours. The applicant has submitted a narrative, site plans,

and other supporting documentation detailing their proposal and its impact on the local community and Hall County.

Specifically, the applicant is proposing an amendment to the conditions that would allow buildings of barn style architecture rather than Mediterranean-style, as well as to install a 4-foot split rail fence along the perimeter of the property rather than a 6-foot masonry fence. The zoning conditions and the proposed amendments are detailed in the table below:

2008 Condition	Previous Proposal	New Proposal	Notes
<ul style="list-style-type: none"> The development of the site shall occur as generally depicted and described in the concept and landscape plans, architectural exhibits... 	<ul style="list-style-type: none"> Spanish Colonial Revival architecture 	<ul style="list-style-type: none"> Barn Style architecture 	<ul style="list-style-type: none"> The proposed structures will consist of metal roofing and siding. The building will feature a water table 2 feet in height on all four sides.
<ul style="list-style-type: none"> ...The applicant shall install a 25 ft. buffer around the entire perimeter of the property as approved by the Planning staff plus a 6-foot high masonry fence shall be installed from the front property line back 600 ft. on both sides of the property to fully screen the development... 	<ul style="list-style-type: none"> 6-foot privacy fence, unspecified material 	<ul style="list-style-type: none"> 4-foot-high wooden split rail fencing. Fencing will extend for 300 feet along the side property lines from the front. 	<ul style="list-style-type: none"> The proposed fence will be interrupted by brick columns in 40-foot intervals. The fence materials will come from trees downed on the property.
<p>Note: the previous proposal included the construction of soccer fields, which has been removed from the new proposal.</p>			

As referenced earlier, the current Planned Commercial Development (PCD, [17.180.080](#)) was approved by the Hall County Commission on November 13, 2008, subject to the following conditions:

1. The development of the site shall occur as generally depicted and described in the concept and landscape plans, architectural exhibits, and project narrative, modified as necessary for compliance with development standards in force at the time of site plan approval.
2. The catering kitchen shall not be used as a restaurant and shall not be open to the public.
3. The development is limited to a maximum of 12,500 square feet for the main facility.
4. The special events facility shall be equipped with soundproof walls and ceilings.

5. The property shall comply with all Gateway Corridor Overlay District requirements with the following exceptions.
 - a. The gazebo may be less than 1,000 square feet in size.
 - b. The applicant shall install a 25 ft. buffer around the entire perimeter of the property as approved by the Planning staff plus a 6-foot high masonry fence shall be installed from the front property line back 600 ft. on both sides of the property to fully screen the development and parking area from the abutting residential uses.
6. Final driveway design and placement are subject to approval by the Hall County Engineering Department.
7. The applicant is required to submit a traffic impact study before the issuance of any permits. Any access or adjacent intersection improvements required by the traffic impact study or required by Hall County Engineering Department or the Georgia Department of Transportation are the financial responsibility of the applicant/developer.
8. Parking requirement shall meet the requirements for “places of public assembly”: 1 space per each tree sears of maximum seating capacity (i.e. 750 max capacity = 250 parking spaces).
9. All conditions of zoning shall be made a part of any plat created for the property.

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 “Rural Residential”. The intent of this land use category is to preserve the established residential/rural character and create a transition between Rural Areas and development in Residential Areas. Civic benefit uses such as places of worship, schools, community centers, parks, county services are listed as primary future land uses in this area.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the Planning Commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed amendment to the existing conditions of a Planned Commercial Development is not requesting a change in use, but rather a change in architectural style, fence height and style, and fence location.**
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 amendment to the conditions will adversely affect adjacent properties.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The subject 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, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **No, the proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. A traffic study was conducted for the development, finding that the proposal will have minimal impact on traffic operations.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed use of an event facility is consistent with the [Comprehensive Plan's](#) future land use classification of Rural Residential. Civic benefit uses are envisioned within this land use district.**
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 original rezoning plan for this location was approved in 2008, for the purpose of constructing a special events facility with outdoor recreation area.**
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; **There are no known changing conditions affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The current request is a conditional use request and there are no proposed changes to the underlying zoning of Planned Commercial Development (PCD, [17.180.080](#)). The requested change would allow for the construction of barn style architecture to align the aesthetics of the development to the surrounding area and a modification to the fencing height, style, and location.**
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 requested use does not appear to be out of scale with the needs of the county as a whole. However, it may out of scale with the immediate neighborhood.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The use associated with the condition amendment is appropriate for the subject site, as it is a Planned Commercial Development (PCD, [17.180.080](#)).**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **No, the request could not be handled instead by 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 are no significant changes proposed to the site. Further, 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.**

[17.180.080\(B\)](#) – Required plans for Planned Commercial Development applications:

All of the general and special requirements for planned developments shall be provided. The following special items shall also be addressed:

1. The site plan shall indicate the proposed size, location and number of stories of each commercial structure. **The applicant has submitted site and construction plans with the proposed sizes, locations and numbers of stories for the event facility and pavilions.**
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. **The submitted plans show the location of most parking spaces, but the locations of the remaining 70 parking spaces for the two pavilions described in the narrative, as well as loading zones, are not included.**
3. The proposed methods and location of all buffers shall be described. **The applicant will install a 25-foot buffer around the entire perimeter of the development, with a 4-foot wooden fence. The vegetation within the buffer has not been specified, but the applicant states that the rear and sides of the property will remain heavily forested.**
4. The proposed exterior lighting shall be shown. **This criterion is not applicable to the current request.**
5. All proposed signs, advertising or identification graphics shall be indicated, showing their number, size, height and location. **The applicant has proposed a single, freestanding sign with specific dimensions. The sign will be placed near the vehicular access point, but its exact location is not specified.**

6. The type and number of uses proposed for the commercial development shall be indicated. **This criteria is not applicable to the current request. Modifications to the type and number of uses of the commercial development have not been requested in this application.**
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. **Modifications to the development controls have not been requested in this 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.**

17.350.040. - Submission requirements

An application shall be submitted to the Planning Department at least 30 working days prior to the date of the Planning Commission meeting at which the application is to be considered. The completed application shall be accompanied by payment of such fee prescribed in [chapter 17.30](#) hereof to cover administrative and advertising costs. The following items of information shall be supplied by the applicant as set forth in [chapter 17.350](#). **The applicant submitted to the Planning Department more than 30 days prior to the meeting date and has paid the application fee.**

17.380.050. - Submission requirements

- 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]. **The proposal does provide a narrative outlining the intent of condition amendments; 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 applicant has submitted a scaled site plan and construction plans, however, the information provided about adjacent parcels is limited.**

- 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 to the applicant's request.**
- 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. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated October 30, 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. Please be advised that revised civil plans will be required (including revised septic system design) to accommodate the additional flows (575 people). A Food Service permit plan review may be required after review of business plan."

Hall County Fire Marshal

In an email dated October 31, 2023, from John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, "Any amendments, revisions or changes to the approved site development plan / LDP will require a new development review."

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated November 2, 2023, Director Bill Nash 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. Show stream buffer and impervious setback from wretched vegetation not centerline of stream.

Traffic:

No comment.

Utilities:

Gainesville/ Hall sewer district- no sewer connection within feasible distance. Septic system requires permit from Environmental Health.

Georgia Department of Transportation

In an email dated November 6, 2023, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination would not be required for this request.

➤ **Excerpts from the minutes of the December 4, 2023 meeting**

Applicant's Presentation:

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

Lorena Almaguer, 3415 Spartan Court, Gainesville, presented the request.

Francisco Ballesteros, 4943 Weaver Road, Gainesville, presented the request.

Public Forum:

Joey Wilcoxon, 3232 Joe Parker Road, Gainesville, presented the request. Concerns were traffic, noise, and hours of operation.

Cassandra Zavodny, 3235 Joe Parker Road, Gainesville, presented the request. Concerns were commercial use.

Planning Commission Comments:

Mr. Braswell requested clarification about the size of the building decreasing from 12,500 sq. ft. to 7,200 sq. ft. The applicant stated that was correct. Mr. Braswell stated that the board received Mr. John Barbieri's public comment via online submission. Mr. Hunt stated that having a 6 ft. fence in place would to help protect the neighboring property owners. Mr. Hunt recommended installing a 6 foot opaque fence with a 25 foot planted buffer.

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

Conditions:

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