

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Advantage Investment Properties

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 Office/warehouse buildings

Size 3.10 ± 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 **4899 Browns Bridge Road** | Tax Parcel 08062 001010B

Commission District Two

Planning Commission Date March 18, 2024

Staff Recommendation **Denial**, as the proposed use is inconsistent with the future land use designation of “Lake Supportive Corridor” as described in the Comprehensive Plan.

Planning Commission Recommendation.....**Approval, with conditions**
Vote: 3-2 (Pilcher & Sosebee opposed)

Planning Commission Conditions:

1. The property shall be rezoned to a Planned Commercial Development (PCD), and shall be developed in accordance with the revised site plan submitted on March 18, 2024, as described in the updated project narrative submitted on February 23, 2024, and the conceptual elevation labeled Exhibit A, with final elevations to be reviewed and approved by the Assistant Director of Planning and Development, or their designee. The submitted documents shall be modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. No variances to Gateway Corridor District standard are granted other than those approved herein (GCOD, 17.420).
3. Access to the property from Ponderosa Drive as well as Sunset Way is prohibited. Access to the property shall be located on Browns Bridge Road only.
4. The developer shall bear all costs associated with the installation of a fire hydrant if required by the Fire Marshal.
5. All conditions of zoning shall be made part of any plats created for the parcel.
6. Permitted uses shall be limited to Business Service Establishment, Office, and Office/Warehouse as described in the project narrative submitted on February 23, 2024. Gateway Corridor Overlay District standards 17.420.050 A & B shall apply.
7. A 6-foot opaque fence shall be installed along sections of the parcel as designated on Exhibit B and on revised site plan dated March 18, 2024.
8. All sides, excluding the sides labeled with roll up doors on the approved site plan, shall adhere to Gateway standards. The sides labeled with roll up door exterior are to be developed in accordance with submitted site plan dated March 18, 2024 and submitted elevation labeled Exhibit A.
9. A 3' high landscape berm shall be installed between Browns Bridge Road and Building A as shown on the revised site plan submitted on site plan dated March 18, 2024.
10. Each building shall be limited to 8,000 and 6,000 square feet as proposed on the revised site plan dated March 18, 2024.
11. The development shall utilize building mounted security lighting with semi-cutoff features.
12. No brokerage, sales (either wholesale or retail), purchase, or outside display of any automotive vehicles, RVs, boats or trailers shall be permitted.
13. Outside activities shall be limited to deliveries, shipping, and employee parking only.
14. No outside storage of any materials is allowed.

Excerpts from the minutes of the February 19, 2024 meeting

Applicant's Presentation:

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

Bradley Dunckel, 3603 Timber Walk Drive, Gainesville, presented the request. The applicant stated the lot has been vacant.

Rebuttal

The applicant stated GDOT is allowing them to align their entrance with Goddards Ford Road. The applicant stated that the runoff will be directed towards the pond.

Public Forum:

Wallace Watanabe, 4999 Ponderosa Drive, Gainesville, spoke in opposition. Concerns were inconsistency with the comprehensive plan, character, and traffic.

Janice Sewell, 4919 Ponderosa Drive, Gainesville, spoke in opposition. Concerns were sewer system, proximity to home, traffic and runoff water.

James Hoover, 4911 Ponderosa Drive, Gainesville, spoke in opposition. Concerns were proximity to residences and traffic.

Samuel & Sandra Cardoso, 4909 Sunrise Way, Gainesville, spoke in opposition. Concerns were drainage, traffic, wildlife, noise disturbance, and septic tank.

Mario Villamarzo, 4818 Goddards Ford Road, Gainesville, spoke in opposition. Concerns were surrounding zoning, traffic, and proximity to residences.

Kristen Watanabe, 4999 Ponderosa Drive, Gainesville, spoke in opposition. Concerns were inconsistency with the comprehensive plan, outdoor lighting, maintaining security, buffers, hours of operation, construction vehicles blocking roads, and signage.

Yvonne Villamarzo, 4818 Goddards Ford Road, Gainesville, spoke in opposition. Concerns were traffic and safety.

Planning Commission Comments:

Mr. Braswell questioned if the applicant got rid of the access on Ponderosa Drive. The applicant stated the entrance was abandoned. Mr. Hunt stated that the rear building is too close to the residential homes. Ms. Pilcher stated that the proposal is out of place. The applicant stated that future development will not be building residences on the property. Mr. Braswell stated it would be helpful to have dimensions.

Motion: A motion to table to March 4, 2024 was made by Mr. Hunt and seconded by Mr. Sosebee. Vote: 5-0

Excerpts from the minutes of the **March 18, 2024** meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Bradley Dunckel, 3703 Timber Walk Drive, Gainesville, presented the request. The applicant stated that the proposed use will not increase traffic compared to other lake uses like boat storage, boat sales, or boat repair. The applicant stated that in addition to the 25 foot transitional buffer they are in agreement with a landscape berm along Browns Bridge Road as well as a 6 foot high opaque fence screening the rear of both buildings. The applicant is requesting 75% of the façade material to be a Hardie plank material to be consistent with previously approved items within Gateway Corridor. The applicant stated they will limit the

total square footage to 14,000 between the two buildings. The applicant stated that the future comprehensive plan will support this application.

Rebuttal

The applicant stated that lighting on the development will be semi cutoff and outside noise can be restricted to no outside activities. The applicant stated that the drainage of the property will be going to the detention pond and may intercept runoff affecting neighboring properties. The applicant stated that the building will be inspected by the Fire Marshal yearly as a business license requirement. The applicant stated that Hardie plank is a masonry product.

Public Forum:

Christopher Minish, 4902 Sunrise Way, Gainesville, spoke in opposition. Concerns were noise, light, entrances, and quality of life.

Sandra & Samuel Cardoso, 4909 Sunrise Way, Gainesville, spoke in opposition. Concerns were drainage, runoff, and erosion.

Wallace Watanabe, 4999 Ponderosa Drive, Gainesville, spoke in opposition. Concerns were uses, encroachment, impact to residential homes, and consistency with Gateway Corridor Overlay District and the Comprehensive Plan.

Ralph Thomas, 4966 Habersham Walk, Gainesville, spoke in opposition. Concerns were tenants, uses, and pollution.

Kristen Watanabe, 4999 Ponderosa Drive, Gainesville, spoke in opposition. Concerns were proximity to residential homes, inconsistency with Gateway Corridor Overlay District and the Comprehensive Plan.

Charles, DeCook, 4890 Serene Shores Drive, Gainesville, spoke in opposition. Concerns were traffic, quality of life, and decreasing home values.

Planning Commission Comments:

Mr. Braswell requested clarification of the proposed use. The applicant stated it would not be utilized for processing, manufacturing, outside activity, or onsite sales. Mr. Hunt requested there be an opaque fence be added to the side of the parking lot at the rear building. The applicant agreed.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 3-2

Braswell – aye

Hunt – aye

Varner – aye

Pilcher – nay

Sosebee – nay

Staff Recommended Conditions:

1. The property shall be rezoned to a Planned Commercial Development (PCD), and shall be developed in accordance with the site plan submitted on February 7, 2024 and as described in the updated project narrative submitted on February 7, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
 2. Development shall conform to the standards set forth by the Gateway Corridors Overlay District (GCOD, [17.420](#)).
 3. Access to the property from Ponderosa Drive is prohibited. Access to the property shall be located on Browns Bridge Road only.
 4. The developer shall bear all costs associated with the installation of a fire hydrant if required by the Fire Marshal.
 5. All conditions of zoning shall be made part of any plats created for the parcel.
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The following should be considered as exceptions to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

- [17.420.050\(D\)\(3\)](#) Loading and services areas
 - In addition to general perimeter landscaping and required buffers, if a loading or service area is located within 50 feet of a side or rear lot line abutting property that is residentially zoned or used for residential purposes, or public or institutional use, then the loading or service areas shall be surrounded by either a six feet high masonry screening wall, or a six feet high solid wooden fence, placed on the inside of the landscaped buffer required in section 17.420.050.C.
 - The applicant has not proposed any screening or fencing around loading areas.
- [Table 17.250.020\(A\)\(7\)](#) Off-street parking
 - Office building or studio requires 3.5 spaces for each 1,000 square feet of gross floor area.
 - The applicant has proposed 17 parking spaces.
 - The applicant has not specified how much square footage will be used for office versus warehousing therefore a parking space requirement cannot be determined until further information is provided.
- [17.420.050\(H\)\(2\)](#) Building materials
 - iii. Split-face block/concrete masonry unit (CMU) is restricted to 50 percent of the surface area of each side of a principal building.

- The applicant is proposing up to 75% of CMU for each façade on the front building closest to Browns Bridge Road.
 - vi. Exposed concrete block, painted concrete block, metal, tilt/up and pre-cast concrete are prohibited materials for any exterior wall.
 - The applicant is proposing exterior metal walls on the back building furthest from Browns Bridge Road.
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Summary Analysis

The applicant is requesting to rezone 3.10 ± acres of Agricultural Residential III (AR-III [17.110](#)) property to Planned Commercial Development (PCD, [17.180.080](#)) for the construction of two offices with warehouse spaces. The property falls within the Gateway Corridors Overlay District (GCOD, [17.420](#)) which provides supplemental design standards for non-residential property development.

The subject property has frontage along Browns Bridge Road and Ponderosa Drive. Additionally, the terminus of Sunrise Way is located at the eastern property line of the parcel, with the right-of-way measuring approximately 40 feet in width. The site plan shows the main access from Browns Bridge Road at the intersection with Goddards Ford Road, and a secondary access is shown from Ponderosa Drive approximately 200 feet from its intersection with Browns Bridge Road. The access from Ponderosa Drive is approximately 16 feet wide, which meets the minimum width for commercial one-way driveways [12.240.080](#). The applicant has not specified if the secondary access will be utilized as one-way access and has not requested a variance from this standard. Hall County Traffic has provided a comment stating that Ponderosa Drive is a narrow residential roadway and access should be restricted to Browns Bridge Road only.

The subject property is currently undeveloped and surrounded by single-family detached residences. The nearest residence is located 10 feet from the property line in the northeast corner of the subject parcel. The narrative states that the property will be developed with a maximum of two buildings with a primary use of office/warehouse flex spaces and associated parking. The concept plan shows an 8,000 square foot building with a large loading area, located approximately 53 feet from the front property line adjacent to Browns Bridge Road. Additionally, a 6,000 square foot building is proposed to be located approximately 120 feet from the rear property line with a smaller loading area. The loading areas are located within 50 feet of a residential parcel, therefore an opaque wall or fence must be placed on the inside of the buffer to provide screening per [17.420.050](#). The applicant has not proposed any fencing or screening around the loading areas.

The applicant is requesting two exceptions from the standards of the Gateway Corridor Overlay District (GCOD, [17.420.050\(H\)\(2\)](#)). The elevations provided by the applicant show different architectural styles and materials for each of the buildings. For the building furthest from Browns Bridge Road, the elevations show metal exterior walls on the front and rear of the building. As exposed metal exterior walls are prohibited by the Gateway standards, the applicant has requested a variance from this standard. For the front building

closest to Browns Bridge Road, the applicant proposes to use cementitious siding for up to 75% of the front façade.

The conceptual site plan shows 17 spaces of regular parking, located separately from the loading areas. While parking is sufficient to meet warehouse parking standards of 1 space per 2 employees, [17.250.020](#), it does not meet the standards for office parking which requires 3.5 spaces per 1,000 square feet of gross floor area [17.250.020](#). The proposed warehouses have a combined 14,000 square feet, requiring 49 total parking spaces. The applicant has not requested a variance from this standard.

No proposed signage has been submitted as part of the application.

The site plan proposes a stormwater management area on the northeast side of the property and separate locations for each building's individual septic system. A 10-foot landscape strip borders the property line adjacent to Ponderosa Drive and Browns Bridge Road. There is a 25-foot transitional buffer along the remaining property lines, which adjoin residential lots. Both the buffer and landscape strip meet the width requirement within the Gateway Corridor Overlay District (GCOD, [17.420.050](#)) standards.

GCOD Analysis

<u>Standard</u>	<u>Compliance?</u>	<u>Notes</u>
17.420.050.C – Transitional buffers	Complies	Application includes buffers and does not request a variance from the planting standards.
17.420.050.D – Other landscape and screening standards	Complies	Application includes buffers and does not request a variance from the planting standards.
17.420.050.E – Parking lot design	Deficient	Application does not meet GCOD guidelines.
17.420.050.F – Outdoor lighting	Unknown	Application references intention to comply with the semi-cutoff type lighting based on letter of intent, but does not specify if all lighting will meet GCOD standards.
17.420.050.G – Interparcel access	Not Applicable	Subject lot abuts residential zoning districts; therefore, this standard is not applicable.
17.420.050.H – Architectural standards for non-residential buildings	Deficient	Application proposes variances to GCOD standards.
17.420.060 – Signs	Unknown	Application does not propose signage.

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 “Lake Supportive Corridor”. The subject parcel

falls within the Lake Area Residential character area, which is intended to preserve established neighborhoods and promote single-family home construction; it is also within the Lake Supportive Corridor. The Lake Supportive Corridor is envisioned for uses that complement recreation at Lake Lanier at low or moderate densities. The proposed use does not meet either future land use designation.

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 is not suitable given the context of the surrounding area. The property is surrounded by residentially zoned and developed properties with the nearest commercial property approximately 1,425 feet away zoned Planned Commercial District (PCD) for a shopping center.**
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; however, the applicant has not provided any screening/fencing plans for loading areas.**
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](#))) bases on surrounding developed properties. The property is currently undeveloped.**
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 does not conform to the future land use designation "Lake Area Residential" which envisions residential, agricultural, recreational, and civic uses at low density, or the "Lake Supportive Corridor" which envisions uses that complement recreation at Lake Lanier at low or moderate densities.**
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 undeveloped and has no record of any previous development.**

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 Planned Commercial Development (PCD, [17.180.080](#)) would create an isolated district within Hall County.**
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 county as a whole, as population growth has increased the need for local employment opportunities. However, the request may be out of scale for the immediate neighborhood, as this would create an isolated commercial zoning district surrounded by residentially-zoned and developed properties.**
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; **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 **Planned Commercial Development (PCD, [17.180.080](#))** district allows for a variety of commercial uses to meet a variety of residents' needs; however, the proposed use of an office/warehouse flex space is inconsistent with the surrounding development pattern. Development should conform to the existing character and development pattern of the surrounding area.

[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]. **The proposal provides 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 meets the requirement. The applicant has provided a site plan to scale. However, information 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. **The proposed development will utilize public water and septic system; 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. **The proposed development does not contain any residential dwelling units, and as such is exempt from this requirement.**

Development Support and Constraints

Hall County Environmental Health

In an email dated January 4, 2024, 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 January 5, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated the following:

Hall County Fire Marshal’s Office comments:

- 1) Page 6 & 7 will need to be removed from the application packet since both those pages are the concept plan for another project.
- 2) Extension of the underground water line with additional fire hydrant will be required to meet fire code.

- 3) If approved additional modifications may be required during the development review process.

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated January 5, 2024, 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:

Driveway access to Browns Bridge Rd. will need to be permitted through GDOT.

Ponderosa Drive is a narrow residential roadway, there, we recommend that site access be on Browns Bridge Road only and no access be permitted along Ponderosa Drive.

Utilities:

Hall County/Gainesville sewer district- No connection within feasible distance.

Georgia Department of Transportation

In an email dated January 5, 2024, Veronica Chavers, D1TO Civil Engineer 3, confirmed that this project will require GDOT coordination.