

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Reynolds-Hemmer Properties, LP

Request Rezone | from Agricultural Residential IV (AR-IV, 17.120) to Planned Commercial Development (PCD, 17.180.080) & Gateway Corridors Overlay District (GCOD, 17.420)

Proposed Use Agricultural Market

Size 10.00 ± acres

Zoning Current: Agricultural Residential IV (AR-IV, 17.120) | Proposed: Planned Commercial Development (PCD, 17.180.080)

Location **3613 White Sulphur Road** | Tax Parcel 15019 000151

Commission District Three

Planning Commission Date September 16, 2024

Staff Recommendation..... **Approval, with conditions**, as the proposed use is consistent with surrounding zoning districts and Employment Corridor future land use in the Comprehensive Plan

Record Number.....HZON24-0025

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

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated July 18, 2024, and as described in the project narrative received August 1, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The frontage strip landscape design shall utilize the existing mature vegetation and may be supplemented with additional landscaping to conform with Gateway Corridors

Overlay District standards. Final review of the landscape plans shall be subject to the approval of the Director of Planning and Zoning or their designee.

3. The existing mature landscaping shall be maintained within the 25-foot transitional buffers along the east and south property lines. The development and any site improvements shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering. It shall be the developer's responsibility to determine if a land disturbance permit is required for any future site work.
4. Access to the property shall be from White Sulphur Road only. No access shall be permitted from Cornelia Highway (SR365). The developer shall be responsible for all costs associated with improvements necessary for access to the development.
5. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
6. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
7. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
8. All exterior renovations shall be approved by the Planning Director.

Excerpts from the minutes of the September 3, 2024 meeting

Applicant's Presentation:

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

Lee Hemmer, 3945 Reynolds Road, Gainesville, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt asked if the applicant intends to keep the current sign or if a new one will be constructed. The applicant was unsure of their plans but intends to meet all requirements of the Hall County code.

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

Mr. Braswell sought an amended motion for Mr. Hunt to clarify that his motion included 8 conditions of approval instead of 7.

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

Conditions:

1. The property shall be developed in accordance with the site plan dated July 18, 2024, and as described in the project narrative received August 1, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The frontage strip landscape design shall utilize the existing mature vegetation and may be supplemented with additional landscaping to conform with Gateway Corridors Overlay District standards. Final review of the landscape plans shall be subject to the approval of the Director of Planning and Zoning or their designee.
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8. All exterior renovations shall be approved by the Planning Director.

Staff recommends APPROVAL of the applicant's request with the following conditions:

1. The property shall be developed in accordance with the site plan dated July 18, 2024, and as described in the project narrative received August 1, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The frontage strip landscape design shall utilize the existing mature vegetation and may be supplemented with additional landscaping to conform with Gateway Corridors Overlay District standards. Final review of the landscape plans shall be subject to the approval of the Director of Planning and Zoning or their designee.
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and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

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.C – Transitional buffers

- o Where a commercial zoning district abuts property zoned for single-family residential or agricultural use, the minimum width shall be 25 feet.
 - ☐ The applicant proposes a 10 foot wide transitional buffer.

17.420.050.E.3 – Paving materials for parking lots.

- o All parking areas shall be paved with asphalt, concrete (or pervious materials approved by the director).
 - ☐ The applicant proposes gravel parking.

17.420.050.H.2 – Building Materials

- o Building materials used for all four sides of new or reconstructed buildings are restricted to the following: i. Brick. ii. Stone. Natural stone such as, but not limited to, granite, limestone, and marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is prohibited. iii. Split-face block/concrete masonry unit (CMU) is restricted to 50 percent of the surface area of each side of a principal building. iv. Stucco is restricted to 50 percent of the surface area of each side of a building. v. Iass and glass block. vi. Exposed concrete block, painted concrete block, metal, tilt/up and pre-cast concrete are prohibited materials for any exterior wall.
 - ☐ The existing residence does not include any brick or stone in the façade. The intent of the rezoning is to preserve and feature the historical significance of the property, including the existing home which will be utilized as a market.

Summary Analysis

The applicant is requesting to rezone 10.00± acres of property zoned Agricultural Residential IV (AR-IV, 17.120) to Planned Commercial Development (PCD, 17.180.080) within the Gateway Corridors Overlay District (17.420) for the purpose of establishing an agricultural market. The property is currently developed with several residences, including one of apparent historical significance where the agricultural market will be located.

Per the submitted narrative, the applicant is requesting to establish an agricultural market envisioned to be stocked with beef and pork raised on the adjacent farm along with eggs, chicken, honey, and other

locally grown produce. The market will also carry preserves and other food items from local companies. Additionally, local artists will be invited to sell their goods. The market will showcase the history of East Hall County and the Reynolds-Hemmer farm. All meat products will be processed off-site and all retail activity is identified as being within the historical residence at 3613 White Sulphur Road. The applicant indicates future plans may include a sandwich shop, take and bake meals, and farm tours.

Per the tax records, there are two homes on the property, with one being built in 1950 and one in 1960. The recorded plat shows a total of four homes and an accessory structure. The site plan designates the home at 3623 White Sulphur Road as a caretaker residence for the business with the majority of the property being substantially wooded.

According to the site plan, access to the development will be solely from White Sulphur Road. While the driveway within the White Sulphur Road right-of-way will be paved to meet Hall County standards, the on-site circulation and parking area are proposed to be gravel surface, which is not compliant with the Gateway Corridors Overlay District standards.

The site plan reflects a building setback of 40 feet from both frontages, a 15 foot setback from the southern side property line and 25 foot setback from the rear property line. A 10 foot wide landscape strip is proposed along both road frontages. Additionally, a 10 foot wide vegetative buffer is proposed along the western and southern property lines where a 25 foot wide buffer is required by Gateway Corridors Overlay District standards.

The subject property abuts several parcels zoned Agricultural Residential IV (AR-IV) to the east, south and west. The subject property is located at the southeast corner of Cornelia Highway (SR365) and White Sulphur Road. The intersection includes a property zoned Planned Commercial Development (PCD) which is developed with a convenience store and gas station, a property zoned Planned Industrial Development (PID), which is also developed with a convenience store and gas station, and a property zoned Heavy Industrial (I-II) consisting of a partially-developed industrial park.

Per the submitted narrative, water services are provided by the City of Gainesville Department of Water Resources. Sanitary services will be provided by an existing private septic system which may require improvements.

Two exceptions from the Gateway Corridors Overlay District Standards are being requested. The development standards for the project are described in the table below and are compared with the GCOD requirements, (17.420.050 & .060):

GCOD Analysis

Standard	Compliance	Proposed Work	Notes
17.420.050.C – Transitional buffers	Deficient	10-foot transitional buffer	25 foot transitional buffer required along east and south property lines
17.420.050.D – Other landscape and screening standards	Complies	Street frontage 10 foot wide landscape strip	

17.420.050.E – Parking lot design	Deficient	Gravel parking/circulation area	Pavement required.
17.420.050.F – Outdoor lighting	Unknown	Unknown	Shall comply with GCOD standards.
17.420.050.G – Interparcel access	Not applicable	Not applicable	
17.420.050.H – Architectural standards for nonresidential buildings	Not applicable	Remodel of existing residence for commercial occupancy	Building materials used for all four sides of new or reconstructed buildings are restricted to Brick, Stone, Split-face block/concrete masonry unit (CMU) (restructured to 50 percent of the surface area), Stucco is restricted to 50 percent of the surface area of each side of a building, and/or Glass and glass block. Applicant is not proposing any new or reconstructed buildings, and instead will convert an existing home to be used as a market.
17.420.060 – Signs	Unknown	Unknown	Shall comply with GCOD standards.

Based on the future land-use plan, staff finds the request is consistent with the Comprehensive Plan and future land use designation of Employment Corridor. The intent of the Employment Corridor is to support industrial uses, business parks, and technology-based operations.

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 proposed zoning district aligns with the Employment Corridor future land use and is compatible with the surrounding properties, which feature industrial zoning to the north and northwest and the Planned Commercial Development to the west.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the proposed Planned Commercial Development zoning will 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; however, the proposed use cannot occur as described without rezoning approval by the Board of Commissioners.**

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 proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service.**
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 Employment Corridor future land use designation. The intent of the Employment Corridor is to support industrial uses, business parks, and technology-based operations.**
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 site is currently developed with multiple residences.**
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; **The properties adjacent to the west and across Cornelia Highway (SR 365) to the north were rezoned from Agricultural Residential IV (AR-IV) to their respective commercial and industrial zoning districts. The ongoing growth of commercial and industrial development in this area supports additional commercial development.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning would continue the expansion of commercial zoning and uses along the Cornelia Highway (SR 365) Employment Corridor.**
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 county as a whole or 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; **There are other properties within the county that support commercial retail uses; however, as the purpose for the rezoning is to showcase the historical significance of the subject property, another site may not be feasible.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, 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. 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.**

17.380.050. - **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 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.**

- 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 August 13, 2024, Emily McGahee stated "Must meet all Environmental Health commercial septic system permitting requirements. 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. A Food Service permit/plan review may be required after review of business plan."

Hall County Fire Marshal

In an email dated August 14, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, 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 15, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

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:

No sewer in area. Gainesville sewer area.

Georgia Department of Transportation

In an email dated August 12, 2024, Veronica Chavers, D1TO Civil Engineer III, stated that this project will require GDOT coordination to determine if trips generated will adversely impact the state route.