

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Jones Tree Service, Inc.

Request Use Subject to County Commission Approval |
Outdoor Storage within the Gateway Corridors
Overlay District (GCOD, [17.420](#))

Proposed Use Outdoor storage

Size 1.15± acres

Zoning Heavy Industrial (I-II, 17.170) and Gateway
Corridors Overlay District (GCOD, 17.420)

Location **1780 Hancock Avenue Extension** | Tax Parcel
00137 000005

Commission District Four

Planning Commission Date October 21, 2024

Staff Recommendation **Approval, with conditions**, as the location has
historically been zoned Heavy Industrial (I-II,
17.170).

Record Number **HZCU24-0038**

Planning Commission Recommendations **Approval, with conditions**

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated August 27, 2024, and as described in the project narrative submitted on August 28, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. New opaque screening material shall be added to all sections of the existing perimeter fence and shall be maintained.
3. Operating hours shall be limited to 7:00 am to 8:30 pm Monday through Friday.

- 4. 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.
- 5. All conditions of zoning shall be made part of any plats created for the property.
- 6. The development shall be exempt from GCOD standards.
- 7. Any further development or renovation to the property is subject to GCOD standards.

Excerpts from the minutes of the October 21, 2024 meeting

Applicant’s Presentation:

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

Russell Dye, 425 Spring St. #200, Gainesville, presented the request and included a request to modify the business hours to 7:00 am – 9:00 pm during the summer.

Public Forum:

Connie Propes, 695 Honeysuckle Lane, Gainesville, as an adjacent property owner stated that she was unable to hear what the applicant stated about his plans for the property. Mr. Braswell responded that staff can answer any of her questions and can provide a copy of the request.

Planning Commission Comments:

Mr. Braswell and the applicant discussed the improvements made to the property thus far. The applicant further explained the roof replacement, repairing the fence, and stated that they plan to install black opaque screening on the fence. Mr. Varner asked how large the business service area is. The applicant stated they have done business in Hall County, Jackson County, Lumpkin County, Forsyth County, and Augusta.

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

Conditions:

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- 2. New opaque screening material shall be added to all sections of the existing perimeter fence and shall be maintained.
- 3. Operating hours shall be limited to 7:00 am to 8:30 pm Monday through Friday.
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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 August 27, 2024, and as described in the project narrative submitted on August 28, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
- 2. Screening material shall be added to all sections of the existing perimeter fence.
- 3. Operating hours shall be limited to 7:00 am to 6:00 pm Monday through Friday.
- 4. 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.
- 5. All conditions of zoning shall be made part of any plats created for the property.

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:

- 1. 17.420.050.D.1 – Other landscape and screening standards – Building Perimeter Walls
 - Building perimeter walls. Shrubs shall be planted within ten feet of the foundation of the primary structure along each building façade at the rate of at least 20 shrubs per 100 lineal feet of building façade except for sides or rear of building used for loading or service areas.
 - The applicant has not proposed any foundation plantings.
- 2. 17.420.050.D.2.a – Other Landscape and Screening Standards – Street Frontage
 - Along each street frontage there shall be a ten foot wide landscape strip, continuous along the frontage except for perpendicular crossings for driveways and utilities.
 - The applicant has not proposed a landscape strip as the existing fence is located along the property line.
- 3. 17.420.05.D.4.d – Outdoor storage.

- Outdoor storage or sales displays shall be prohibited from front yards except when permitted in the underlying zoning district and further authorized by a conditional use permit pursuant to the procedures of the Hall County Zoning Ordinance. Outdoor storage or sales displays shall be screened from view from public streets and adjacent property by a permanent opaque enclosure consisting of a minimum eight-foot-high solid fence or wall.
 - The applicant proposes outdoor storage be allowed on all portions of the site and plans to add screening to the existing perimeter fence.
4. 17.420.050.H.2.c.vi – Building Materials
- Exposed concrete block, painted concrete block, metal, tilt/up and pre-cast concrete are prohibited materials for any exterior wall.
 - The applicant proposes to renovate the existing 1950’s block building for the business.

Summary Analysis

The applicant is requesting a conditional use subject to County Commission approval for outdoor storage on a 1.15± acre parcel zoned Heavy Industrial (I-II, 17.170). Within the Gateway Corridors Overlay District (GCOD, 17.420) outdoor storage requires Board of Commission approval.

The property is currently developed with a 3,000 square foot block building that was constructed in 1950. The previous owner, Curt’s Detail Shop and Towing Company (BUS-0027623) had been operating out of this location since 2008.

The narrative states that the business will use the existing building for offices, equipment storage, and light maintenance. The applicant has improved the structure by adding a new roof, new paint, and new windows and has made improvements to the overall condition from its previous state.

The site plan depicts 10 employee parking spaces and designated outdoor storage areas for equipment. The area along the west side of the property will be used for the storage of landscaping mulch for upcoming projects. Additionally, tree logs will be stored on site until scheduled for delivery to the landfill.

This property is located within the Gateway Corridors Overlay District boundary, which follows Lanier Parkway and includes the southeast corner of the parcel. However, existing vegetation screens the parcel from the road.

The applicant is requesting variances from the Gateway Corridors Overlay District standards regarding transitional buffers, landscaping and screening, and building materials. Per the narrative, the applicant proposes to add screening to the existing perimeter fence and states that both completed and proposed improvements to the property will improve its aesthetic and physical condition.

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 “Residential”. The intent of this land use category is to preserve established neighborhoods and create new residential development consistent with surrounding suburban densities. However, the historic zoning and use of the subject parcel has been Heavy Industrial (I-II, 17.170).

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,:

- 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 conditional use is consistent with the historic zoning of the surrounding area which is Heavy Industrial.**
- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, this parcel has historically been zoned Heavy Industrial.**
- 3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Yes, the property has reasonable economic use as currently zoned, Heavy Industrial (I-II); however, outdoor storage within the Gateway Corridors Overlay District requires 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; **If approved, the conditional use is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, etc.**
- 5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use is inconsistent with the Comprehensive Plan’s future land use designation of Residential. However, the historic zoning and use of the subject parcel is Heavy Industrial (I-II, 17.170).**
- 6. The extent to which property values are diminished by the existing zoning restrictions; **Without 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. 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 building constructed in 1950.**
- 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; **This question is not applicable as there are no proposed changes to the zoning classification.**
- 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; **No, the request is not out of scale with the needs of the county as a whole.**
- 14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned. **Outdoor storage is permitted in Heavy Industrial I-II (I-II, 17.170) zoning; however outdoor storage within the Gateway Corridors Overlay District (GCOD, 17.420) requires approval by the Board of Commissioners.**
- 15. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **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; **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 are no anticipated ecological or pollution impacts 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, and the applicant 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 applicant has submitted a narrative and site plan but did not specifically address 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 this 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 / Departmental Comments

Hall County Environmental Health

In an email dated September 16, 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 September 17, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, “The Hall County Fire Marshal’s Office has no comments as proposed, Parcel Warning Tag noted on GIS.”

Hall County Public Works and Utilities

In a memo dated September 19, 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

Gainesville sewer service area. Nearest sewer system is South on Griffin Circle.

Georgia Department of Transportation

In an email dated September 16, 2024, Veronica Chavers stated that GDOT coordination is not required.