

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Civilscares Inc. c/o Myles Montgomery
Request Amend conditions of zoning
Proposed Use Uses permitted in O-I
Size 3.88± acres
Zoning Office and Institutional District (O-I)
Location **2323 Thompsons Mill Road** | Tax Parcel 15041
000003C
Commission District One
Planning Commission Date December 2, 2024
Staff Recommendation **Approval, with conditions**, as the proposed
changes are consistent with previous approvals.
Record Number HZCU24-0049
Planning Commission Recommendation..... **Approve, with conditions**

Vote: 4-0 (Johnny Varner absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated June 5, 2023, and narrative dated September 23, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The previously approved conditions dated May 11, 2006, as amended shall apply:
 - a. Driveway design and placement are subject to approval by the Hall County Engineering Department and the Georgia Department of Transportation.
 - b. Any outdoor lighting on the premises shall be of non-spill type.
 - c. The vehicle parking areas shall be paved with either asphalt or concrete.
 - d. All conditions of zoning shall be made a part of any plat created for the property.
3. The following uses are to be prohibited:
 - a. Funeral homes
 - b. Mobile food establishments

Excerpts from the minutes of the December 2, 2024 meeting

Applicant's Presentation:

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

Myles Montgomery, 7185 Shady Grove Road, Cumming, presented the request. The applicant is requesting to amend conditions on a 3.88± acre tract, currently zoned Office and Institutional District (O-I) to allow for uses permitted in O-I. The property is currently in the under construction for a surveyor's office, with an active land disturbance permit (LDP). The subject property was rezoned on May 11, 2006, from Agricultural Residential-IV (AR-IV) to Office and Institutional District (O-I) for the development of a physician's office with five conditions.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt asked for clarification on the dimensions of each level of the building. The applicant confirmed that it is a total of 15,000 square feet.

Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: (4-0, Johnny Varner Absent)

Conditions:

1. The property shall be developed in accordance with the site plan dated June 5, 2023, and narrative dated September 23, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The previously approved conditions dated May 11, 2006, as amended shall apply:
 - a. Driveway design and placement are subject to approval by the Hall County Engineering Department and the Georgia Department of Transportation.
 - b. Any outdoor lighting on the premises shall be of non-spill type.
 - c. The vehicle parking areas shall be paved with either asphalt or concrete.
 - d. All conditions of zoning shall be made a part of any plat created for the property.
3. The following uses are to be prohibited:
 - a. Funeral homes
 - b. Mobile food establishments

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 June 5, 2023, and narrative dated September 23, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The previously approved conditions dated May 11, 2006, as amended shall apply:
 - a. Driveway design and placement are subject to approval by the Hall County Engineering Department and the Georgia Department of Transportation.
 - b. Any outdoor lighting on the premises shall be of non-spill type.
 - c. The vehicle parking areas shall be paved with either asphalt or concrete.
 - d. All conditions of zoning shall be made a part of any plat created for the property.

Summary Analysis

The applicant is requesting to amend conditions on a 3.88± acre tract, currently zoned Office and Institutional District (O-I) to allow for uses permitted in O-I. The property is currently in the process of being developed for a surveyor's office.

The subject property was rezoned on May 11, 2006, from Agricultural Residential-IV (AR-IV) to Office and Institutional District (O-I) for the development of a physician's office with the following 5 conditions:

1. The development of the site shall occur as generally described in the project narrative, modified as necessary for compliance with development standards in force at the time of site plan approval.
2. Driveway design and placement are subject to approval by the Hall County Engineering Department and the Georgia Department of Transportation.
3. Any outdoor lighting on the premises shall be of a non-spill type.
4. The vehicle parking areas shall be paved with either asphalt or concrete.
5. All conditions of zoning shall be made part of any plat created for the property.

A land disturbance permit (HDEV23-0063) was issued on March 21, 2023, and initial grading work has been conducted under this permit. Additionally, applications were submitted for the construction of a 15,000 square foot building (HCNEW24-0091, HCNEW24-0186 and HCNEW24-0187). During review of these applications, staff determined that the change of use from a physician's office and increased building square footage would require an amendment to the previously approved conditions.

Per the submitted narrative and site plan, the applicant is requesting to construct a two-story, 15,000 square foot building for professional office use. The 10,000 square foot main floor is to be used for professional office space. The 5,000 square foot lower level is intended to be used for document or office storage.

The submitted site plan shows 55 parking spaces with 3 designated for ADA parking, as well as a 10 foot landscape strip along the frontage on Thompsons Mill Road. Submitted elevations show a variety of brick on the front, side and rear facades of the building.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision (11.2.6.F), the board 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 requested use is to expand permitted uses to include uses within the Office and Institutional District (O-I).**
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 will adversely affect adjacent properties.**
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 Office and Institutional District (O-I).**
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 amendment of conditions is not anticipated to cause an excessive or burdensome use of the existing infrastructure.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The zoning designation has been established by previous board action with the original approval of the development. The requested modification does not affect the designated future land use of the area.**
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 in the process of being developed. A land disturbance permit (HDEV23-0063) was issued on March 21, 2023 and initial grading has begun under this permit.**

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 affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The request is to amend zoning conditions of an existing Office and Institutional District (O-I). No changes to the zoning are proposed.**
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 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; **The existing zoning of the subject site supports the proposed use; however, the proposal to amend the conditions 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 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 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.**

Based on the future land use plan, staff finds the requested zoning designation *is consistent* with the Hall County Comprehensive Plan future land use designation of Business Nodes and Corridors.

Business Nodes & Corridors are anticipated to include higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate. Site designs should use the Quality Development Principals discussed within the comprehensive plan, particularly natural resource protections and high quality landscape installations, to the fullest extent possible. Retail activities, office-based employment, and civic uses. Low impact industrial or higher-density residential only should exist where the same is found on adjacent properties.

11.2.6.E - 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 Table 11.21.1 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 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 11.2.6.E. **The proposal does provide a narrative outlining amendment of conditions requested.**
 - 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. The applicant has provided a site plan and included much of the necessary information to properly assess the development. However, information about adjacent parcels is limited.**
- C. For any application for a slow rate land treatment system (see section 11.2.E.2.c), 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 24, 2024, Emily McGahee stated "No comment. Public sewer."

Hall County Fire Marshal

In an email dated October 30, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Public Works and Utilities

In a memo dated November 1, 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. Show stream buffer and impervious setback from wretched vegetation not centerline of stream.

Traffic:

No comment

Utilities – (Updated Email November 8, 2024)

Site is located in the Braselton Sewer Service Territory. However, there is no sewer infrastructure available to the site and this site already has an approved permit for development with an onsite treatment system

Georgia Department of Transportation

In an email dated October 29, 2024, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination is not required.