

**HALL COUNTY PLANNING COMMISSION
STAFF REPORT**

Applicant Tim Mooney

Request Rezone | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1)

Proposed Use Single-family residence

Size 2.50± acres

Zoning Current: Planned Commercial Development (PCD) | Proposed: Agricultural Residential 1 (AR-1)

Location **3042 Beards Road** | Tax Parcel 07329 003012

Commission District Two

Planning Commission Date December 16, 2024

Staff Recommendation **Approval**, as the proposed use is consistent with the Lakeside Residential future land use designation of adjacent property

Record Number HZON24-0039

Planning Commission Recommendations **Approve, with conditions**

Vote: 3-0 (Hunt and Sosebee absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan received October 18, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The following statement regarding the potential impacts of industrial 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 the existing and commercial and industrial practices which may take place on adjacent and nearby properties including, but not limited to, noise, odors, dust, the operation of machinery and motor vehicles. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

3. 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 Unified Development Code of Hall County, as well as the regulations of any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
4. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Excerpts from the minutes of the December 16, 2024 meeting

Applicant's Presentation:

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

Wes Robinson, 200 E.E. Butler Parkway, Gainesville, presented the request. The applicant is requesting to rezone 2.50± acres zoned Planned Commercial Development (PCD, 6.1.6.C.) to Agricultural Residential 1 (AR-1, 3.2) for a single-family residence and farm. The subject property was rezoned from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) in 2018 for a single-family subdivision (ZON2018-00041). The property was then rezoned again from Planned Residential Development (PRD, 6.1.6.A.) to Planned Commercial Development (PCD, 6.1.6.C.) in 2019 for boat storage (ZON2019-00121). In September of 2024, an application was approved for a residential grading permit (HRLDP24-0086).

Public Forum:

There were no comments in support or opposition.

Motion: A motion to approve, with conditions was made by Johnny Varner and seconded by Gina Pilcher. Vote: 3-0 (Hunt and Sosebee absent)

Conditions:

1. The property shall be developed in accordance with the site plan received October 18, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The following statement regarding the potential impacts of industrial 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 the existing and commercial and industrial practices which may take place on adjacent and nearby properties including, but not limited to, noise, odors, dust, the operation of machinery and motor vehicles. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
3. 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

Unified Development Code of Hall County, as well as the regulations of any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.

4. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

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

1. The property shall be developed in accordance with the site plan received October 18, 2024, and as described in the project narrative, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The following statement regarding the potential impacts of industrial 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 the existing and commercial and industrial practices which may take place on adjacent and nearby properties including, but not limited to, noise, odors, dust, the operation of machinery and motor vehicles. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
3. 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 Unified Development Code of Hall County, as well as the regulations of any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
4. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Summary Analysis

The applicant is requesting to rezone 2.50± acres zoned Planned Commercial Development (PCD, 6.1.6.C.) to Agricultural Residential 1 (AR-1, 3.2) for a single-family residence and farm.

The subject property was rezoned from Agricultural Residential III (AR-III) to Planned Residential Development (PRD) in 2018 for a single-family subdivision (ZON2018-00041). The property was then rezoned again from Planned Residential Development (PRD, 6.1.6.A.) to Planned Commercial Development (PCD, 6.1.6.C.) in 2019 for boat storage (ZON2019-00121). In September of 2024, an application was approved for a residential grading permit (HRLDP24-0086).

The property is currently undeveloped. According to the site plan and narrative, there is a 100-foot Georgia Power easement that bisects the lot. The applicant plans to construct a single-family home with a detached garage and various accessory buildings to support the farm use. The applicant will maintain

the existing screening along the eastern boundaries of the property which adjoins commercial development.

Adjacent property to the north is zoned Light Industrial and developed with an equipment storage and repair business. Property to the east is zoned Agricultural Residential 1 (AR-1) and developed with a single-family home. Property to the south is zoned Planned Residential Development (PRD) and developed with single-family residences. Property to the west is within the city limits of Buford and is zoned residential.

Based on the future land use plan, staff finds the conditional use request *is consistent* with the Comprehensive Plan's future land use map. Although the property is designated as Business Nodes & Corridors, adjacent property is zoned Lakeside Residential, which supports low-density residential uses. Other properties in the area are also designated as Business Nodes & Corridors, which is 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.

The subject property exists at the convergence of various existing uses and development, as well as several different future land use designations; staff finds that the proposed use is compatible with the existing adjacent uses, and recognizes that the change in zoning would be less intense and more restrictive than it is currently.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

- a. 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 suitable given the context of the surrounding area. The surrounding area consists of a variety of land uses, which include residential, agricultural, industrial, and commercial uses.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed development would not adversely affect the existing use or usability of adjacent or nearby properties.**
- c. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property appears to have reasonable economic use as currently zoned Planned Commercial District (PCD).**
- d. 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; **The proposed use should not cause an excessive or burdensome use of the existing infrastructure.**
- e. 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 use aligns with the adjacent property's future land use designation of Lakeside Residential. The requested modification reduces the intensity of the potential use of the property.**

- f. 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.**
- g. 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.**
- h. 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.**
- i. 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 subject property is currently undeveloped.**
- j. 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.**
- k. Whether the change would create an isolated district unrelated to the surrounding districts; **The surrounding parcels consist of AR-1, PRD, L-1, and H-B zoning. No isolated zoning district would be created if approved.**
- l. 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.**
- m. 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 immediate neighborhood or the county as a whole.**
- n. 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 are zoned Agricultural Residential 1 (AR-1); however, this property is undeveloped due to constraints that would not impact an agriculturally zoned property as heavily.**
- o. 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.**
- p. 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.**

- q. 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.**

11.2.6.E. - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec. 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**
2. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 11.2. **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 11.2.6.E.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 and included much of the necessary information to properly assess the development.**

- c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, 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 must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This is not applicable to this property.**

Development Support and Constraints

Hall County Environmental Health

In an email dated November 12, 2024, Emily McGahee stated “Must meet all residential permitting requirements.”

Hall County Fire Marshal

In an email dated November 8, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, provided the following comments: “The Hall County Fire Marshal’s office has no comments as proposed.”

Hall County Public Works and Utilities

In a memo dated November 14, 2024, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comments

Traffic:

Driveway will need to meet Hall County driveway regulations. Due to horizontal curves in the area, applicant should verify required sight distance can be at proposed driveway location.

Utilities:

Buford sanitary sewer district

Georgia Department of Transportation

In an email dated November 14, 2024, Henry Stevens, GDOT Civil Engineer 2, stated that GDOT coordination is not required.