

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant LJA Engineering

Request (A) **Rezone** | from Agricultural Residential 1 (AR-1) to Highway Business (H-B)

Proposed Use Commercial development with fuel sales

Size 3.05± acres

Zoning Current: Agricultural Residential 1 (AR-1) |
Proposed: Highway Business (H-B)

Location **6495 Spout Springs Road** | Tax Parcel 15047
000002A (pt.)

Commission District One

Planning Commission Date April 7, 2025

Staff Recommendation **(A) Approval, with conditions**, as the proposed zoning is consistent with the commercial nature of the surrounding properties

Record Number(s) HZON24-0035

Planning Commission Recommendation..... **Approval, with conditions**

Vote: 4-1 (Varner opposed)

Planning Commission Conditions:

1. The property shall be approved as a Planned Commercial Development (PCD) and developed in accordance with the site plan dated February 27, 2025 labeled as “Alternative Design CSP8-C1”, and as described in the project narrative dated September 19, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the development shall be approved by Hall County Engineering and the City of Flower Branch, as applicable. Any costs associated with the improvements shall be the responsibility of the developer.

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 Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
4. All conditions of zoning shall be made part of any plats created for the property.
5. No parking spaces shall be designated immediately adjacent to the right-of-way of Spout Springs Road. The number of parking spaces required for each use may be reduced to accommodate this requirement subject to the final review and approval of the Director of Planning and Zoning, or their designee.
6. Business operations shall be limited to the hours between 5:00 a.m. and 11:00 p.m. Fuel deliveries shall only occur between 9:00 a.m. and 9:00 p.m. and garbage collection shall only occur between the hours of 9:00 a.m. and 5:00 p.m.

Excerpts from the minutes of the April 7, 2025 meeting

Applicant's Presentation:

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

Terry Boomer, 130 East Main Street, Canton, presented the request. The applicant has submitted three concurrent requests as part of a proposed commercial development: (A) to rezone a 3.05± acre tract from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD); (B) special use for fuel sales in the Gateway Corridor Overlay District (GCOD); and (C) a variance request to the parking lot design standards of the Gateway Corridor Overlay District (GCOD), which prohibits parking between the principal building and the street. The subject parcel is currently developed with a single-family home built in 1963, and a carport that was enclosed in 2006 (RES2006-02521). Per the narrative, the application is proposing to remove all structures.

Tom Bower, 5317 T L Bower Way, Flowery Branch, presented the request.

Public Forum:

John Moore, 1328 Fairway Drive, Elberton, spoke in favor. Mr. Moore provided a brief history of the property, noting that his family is the current property owner. He stated that he supports bringing businesses to the community.

Rosa Propes, 7038 Boathouse Way, Flowery Branch, spoke in opposition. Her concerns included the introduction of a commercial business into a primarily residential area and increased traffic. Ms. Propes also expressed concern that children might be tempted to cross the busy streets to visit the gas station, potentially leading to safety risks.

Susan Vargas, 6774 Blue Heron Way, Flowery Branch, spoke in opposition. She raised concerns that the proposed development is inconsistent with the character of the community, could lower property values, and that local roads may not be able to handle the additional traffic. Additional concerns included increased litter, the sale of alcohol and tobacco near a school, and potential risks to children's safety.

Karen Caswell, 6832 Big Sky Drive, Flowery Branch, spoke in opposition. Concerns raised were the potential increase in crime, traffic, noise, and a decrease in property values. She stated that the development would create a less safe environment for children and does not align with the surrounding residential character.

Elizabeth Dietz, 6807 Flagstone Way, Flowery Branch, spoke in opposition. Concerns raised were increased traffic and noise, as well as the fact that there are already gas stations in the immediate area.

Andrea Bowen, 6714 Big Sky Drive, Flowery Branch, spoke in opposition. Concerns raised were the light and noise pollution affecting nearby homes, gas fumes, increased litter, potential gas spills, threats to children's safety, and decreased property values.

Diane Scuza, 5404 Mulberry Preserve Drive, Flowery Branch, spoke in opposition. Her concerns included increased traffic on Elizabeth Lane, noting that the road is not designed to accommodate semi-trucks, along with an increase in litter and crime.

Two comments in opposition were received electronically.

Rebuttal

Mr. Boomer stated this development would not increase crime in the area as this is a low-crime area. The development is intended to serve as a convenient option for residents on their way home with a sit-down restaurant as well as a drive-thru restaurant. Mr. Boomer stated that traffic would not be affected as the property is located on a widened road at an intersection. The applicant further states that Spout Springs Road is a major corridor that will accommodate this use and the traffic as it does other existing commercial developments.

Planning Commission Comments:

Mr. Braswell asked what the hours of operation would be for each of the businesses, including fuel deliveries to the gas station as well as trash pickup. Mr. Bower explained fuel deliveries could be scheduled between 9 a.m. to 10 a.m. and 7 p.m. to 8 p.m. but no later than 9 p.m. Mr. Bower stated trash pickup occurs during typical business hours of 8 a.m. to 5 p.m.

A

Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: 4-1 (Varner opposed)

B

Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Shannon Davidson. Vote: 4-1 (Varner opposed)

C

Motion: A motion to deny was made by Frank Sosebee and seconded by Johnny Varner. Vote: 4-1 (Hunt opposed)

Item originally included (C) Variance to section 6.2 – GCOD parking lot design standards. This request was subject to the Planning Commission for final action, and the board voted to deny.

Conditions (applied to A and B):

1. The property shall be approved as a Planned Commercial Development (PCD) and developed in accordance with the site plan dated February 27, 2025 labeled as "Alternative Design CSP8-C1", and as described in the project narrative dated September 19, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the development shall be approved by Hall County Engineering and the City of Flower Branch, as applicable. Any costs associated with the improvements shall be the responsibility of the developer.
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 Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
4. All conditions of zoning shall be made part of any plats created for the property.
5. No parking spaces shall be designated immediately adjacent to the right-of-way of Spout Springs Road. The number of parking spaces required for each use may be reduced to accommodate this requirement subject to the final review and approval of the Director of Planning and Zoning, or their designee.
6. Business operations shall be limited to the hours between 5:00 a.m. and 11:00 p.m. Fuel deliveries shall only occur between 9:00 a.m. and 9:00 p.m. and garbage collection shall only occur between the hours of 9:00 a.m. and 5:00 p.m.

(A), (B) Staff recommends APPROVAL of the applicant's requests with the following conditions:

7. The property shall be developed in accordance with the site plan dated September 19, 2024, and as described in the project narrative dated September 19, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
8. Access to the development shall be approved by Hall County Engineering and the City of Flower Branch, as applicable. Any costs associated with the improvements shall be the responsibility of the developer.
9. 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 Environmental Health, the Fire Marshal, and Hall County Engineering.
10. All conditions of zoning shall be made part of any plats created for the property.

(C) Staff recommends DENIAL of the applicant's requests.

The following are exceptions requested by the applicant, and shall warrant determination by the Board should it choose to approve the submitted narrative and site plan:

1. **Section 6.2.5.C.1.b – Parking Lot Design** – The maximum number of parking spaces that may be constructed on impervious surfaces may be no more than 125 percent of the minimum number of parking spaces required in Sec. 8.1.
 - The applicant is proposing 102 parking spaces. **This does not meet the standard.**
2. **Section 6.2.5.C.2.e – Parking Lot Design** - Off street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street.
 - The applicant is proposing parking areas between the principle buildings and Spout Springs Road and Elizabeth Lane. **This does not meet the standard.**

Summary Analysis

The applicant has submitted three concurrent requests as part of a proposed commercial development: (A) to rezone a 3.05± acre tract from Agricultural Residential 1 (AR-1) to Highway Business (H-B, GCOD); (B) Special Use for fuel sales in the Gateway Corridor Overlay District (GCOD); and (C) a variance request to the parking lot design standards of the Gateway Corridor Overlay District (GCOD).

The subject parcel is currently developed with a single-family home built in 1963, and a carport that was enclosed in 2006 (RES2006-02521). Per the narrative, the application is proposing to remove all structures.

The surrounding properties are zoned and developed as outlined below:

North:	City of Flowery Branch: Prince of Peace Catholic Church.
South:	Hall County Highway Business (H-B): Approved for a shopping center (ZON2007-00061). Hall County Planned Residential Development (PRD): Cherokee Bluff High School.
East:	Hall County Residential 1 (R-1): Developed with single-family homes.
West:	City of Flowery Branch: Developed with single-family homes and the Spout Springs branch of the Hall County Library System.

Per the submitted narrative and site plan, the applicant is requesting to rezone to Highway Business (H-B, GCOD) for a commercial development to include fuel sales and eating and drinking establishments. The proposed commercial development includes a 6,000 square foot convenience store, a fuel canopy with 12 pumps, and a 4,500 square foot building with two tenant spaces for proposed restaurants.

Per the site plan, two access points are proposed:

- One full access entrance on Spout Springs Road
- One full access entrance on Elizabeth Lane.

A trip generation memorandum was prepared by Traffic Solutions, LLC; however, no recommendations were provided in the report. Per the narrative, the applicant is proposing a 175 foot deceleration lane along Spout Springs Road and relocating the 10 foot sidewalk along Spout Springs Road accordingly.

The table below compares the proposed parking to Table 8.1.1- Required Parking:

Proposed	Required	Notes	Complies
102 parking spaces	Fuel Sales: 1 space per pump Retail: 3 spaces per 1,000 square feet Eating and drinking establishment: 1 space per 100 square feet of indoor floor area TOTAL = 80 parking spaces	Parking may be no more than 125 percent of the minimum number of parking spaces. Total 125 percent maximum = 100 parking spaces	Deficient

Water service will be provided by the City of Gainesville Department of Water Resources as confirmed in an email dated October 4, 2024. Sanitary sewer services will be provided by Hall County Sewer, as confirmed in a letter dated February 18, 2025.

The development standards for the project are identified in the table below and compared to the GCOD requirements (6.2):

GCOD Analysis

Standard	Proposed Work	Notes	Compliance
6.2.5.A.– Transitional buffers	A 25 foot buffer is proposed along the property line abutting the PRD zoning district.	A 25-foot transitional buffer is required adjacent to residential property. Buffers shall comply with GCOD standards.	Complies
6.2.5.B.1 – Additional Landscape and Screening	Foundation plantings	Shrubs must be planted within ten feet of the foundation of the primary structure along each building facade at the rate of at least 20 shrubs per 100 lineal feet of building facade except for sides or rear of building used for loading or service areas. Foundation plantings may	Complies

		be clustered to provide visual interest	
6.2.5.B.2 – Additional Landscape and Screening	10-foot-wide landscape strip along street frontage	Along each street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.	Complies
6.2.5.C.1 – Parking Lot Design -Required # of Parking Spaces	102 parking spaces	Off-street parking space calculations are governed by Sec. 8.1 of the UDC. 80 parking spaces required. 100 parking spaces are allowed (per 125 percent maximum)	Deficient
6.2.5.C.2.e – Parking Lot Design - Location	30 of the 102 parking spaces are proposed between the building and the street	Off-street parking must be located to the side or rear of the principal building and may not be located between the building and the street.	Deficient
6.2.5.D – Outdoor lighting	Unknown	Shall comply with GCOD standards.	Unknown
6.2.6 - Architectural Standards	Unknown	Building materials not specified, however, renderings appear to comply with GCOD standards	Complies
6.2.7 – Signs	Two (2) 13 foot freestanding pylon signs are proposed	One 8 foot freestanding monument sign per street frontage permitted. 0-50,000 building gross area = max. 8 ft.	Deficient
6.2.7 – Signs	Two (2) wall signs along the front façade is proposed.	One wall sign is permitted along each facade adjacent to a public right of way.	Deficient

Based on the future land use plan, staff finds the requested zoning designation *is inconsistent* with the Hall County Comprehensive Plan future land use designation of “Suburban Neighborhood-Medium

Density.” These areas consist of medium-density, single-family housing (attached or detached). They should be located where there is existing water and sewer infrastructure, or where future infrastructure is expected to be located. Future infrastructure may be driven by the Sewer System Master Plan & Rate Study or by developers willing to fund access where it isn't already planned. Although the property is designated as Suburban Neighborhood, Medium Density, adjacent properties are commercial in nature, and the character of the surrounding area supports commercial uses.

(A) & (B) Zoning Analysis - Rezone and Special Use

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, development and zoning of adjacent and nearby property; **The proposed Highway Business (H-B) zoning district is consistent with the use, development, and zoning of adjacent and nearby properties.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning and special use should not adversely affect the existing use or usability of adjacent properties.**
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned.**
- 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 rezoning and special use is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property is served by Hall County sewer and City of Gainesville public water.**
- 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 proposed use is inconsistent with the future land use designation of “Suburban Neighborhood, Medium Density”; however, the proposed use and zoning is consistent with nearby zoning districts and supportive of surrounding uses.**
- 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 property is currently developed with a single-family home built in 1963.**
- 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 affecting the use or development of the property.**
- k. Whether the change would create an isolated district unrelated to the surrounding districts; **As the property abutting this parcel is zoned H-B, this would not create an isolated district.**
- 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; **No, the request is not out of scale with the needs of 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 support highway business uses based on the Future Land Use Map; however, the development as proposed requires rezoning and special use approval by the Board of Commissioners.**
- o. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request for rezoning and a special use 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 are no anticipated ecological or pollution impacts 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.**

(C) Zoning Analysis - Variance to Section 6.2

The Planning Commission may grant variances in individual cases of unnecessary hardship upon a finding of the board that:

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape, or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **No, there are no extraordinary conditions pertaining to the physical character of the lot to prevent the project design from meeting development standards.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No evidence has been provided that an unusual hardship exists to prevent the development from complying with parking requirements.**
3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **There are no conditions peculiar to the property involved that are not common to other properties in the neighborhood.**
4. Such conditions are not the result of any actions of the property owner; **As the current structures on the property will be removed, the project can be designed for the parking ratio and location to be met.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission. **Relief, if granted, will not impair the purposes and intent of the Unified Development Code of Hall County.**

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 must include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 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.**
 - b. 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 may 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 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 standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated March 4, 2025, Emily McGahee stated, "Public sewer. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled."

Hall County Fire Marshal

In an email dated February 27, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office considers the plan conceptual and if approved may require modifications during the development review process."

Hall County Public Works and Utilities

In a memo dated March 6, 2025, 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 wrested vegetation not centerline of stream

Traffic:

Proposed Elizabeth Lane access is in the City of Flowery branch. Approval and permit required. Proposed Spout Springs Road Access will be required to be a right-in/right-out and designed/constructed to GDOT standards.

Utilities

Hall County sewer available. Sewer connection required.

Georgia Department of Transportation

In an email dated March 3, 2025, Henry Stevens, E.I.T., GDOT Civil Engineer 2, stated that GDOT coordination is not required.