

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Sinndar Enterprises, Inc.

Request **Special Use** | Amend conditions of zoning

Proposed Use Convenience store with retail and self-storage

Size 3.07± acres

Zoning Planned Commercial Development (PCD, GCOD)

Location **4396 & 4382 Friendship Road & 4436 Ridge Road** | Tax Parcels 08154 000005A, 000005 & 000003

Commission District One

Planning Commission Date May 5, 2025
April 21, 2025

Staff Recommendation **Approval, with conditions**, as the proposed use is consistent with the “Business Nodes and Corridors” future land use classification within the Comprehensive Plan

Record Number..... HZCU25-0013

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

Vote: 5-0

Planning Commission Conditions:

1. Development is approved as generally shown on the concept plan received April 30, 2025, and described in the project narrative dated March 6, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Hours of operation for the convenience store shall be 5:00 a.m. - 12:00 a.m., seven days a week.
3. Driveway placement and design shall be approved by the Georgia Department of Transportation (GDOT) and Hall County Engineering.
4. There shall be no outdoor storage.

5. An eight foot tall opaque wood fence with a ten foot landscape buffer shall be constructed along the western property line.
6. The buildings shall be no more than 3 stories above grade.
7. A 10 foot landscape buffer shall be required along the southern property line.
8. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Unified Development 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.
9. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
10. 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.”
11. No parking spaces shall be designated immediately adjacent to the right-of-way of either Friendship Road or Ridge Road. The number of required parking spaces 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.

Excerpts from the minutes of the May 5, 2025 meeting

Applicant's Presentation:

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

Holt Persinger, 299 South Maint Street, Alpharetta, presented the request. The applicant is requesting to amend the conditions of zoning on a combined 3.07± acre tract zoned Planned Commercial Development (PCD) within the Gateway Corridor Overlay District (GCOD) by modifying the previously approved site plan and expand the allowed uses. Per the narrative, the applicant is requesting to enlarge the footprint of the convenience store and retail uses, as well as the addition of a fuel pump.

The subject property was rezoned on February 10, 2022, from Agricultural Residential III (AR-III) and Suburban Shopping (S-S) to Planned Commercial Development (PCD, GCOD) to allow the establishment of a convenience store with fuel sales, retail, and a self-storage facility (ZON2021-00130). The development was proposed in two phases with Phase 1 including the convenience store and retail space totaling 6,943 square feet, fuel canopy with 5 pumps, and a septic field located at the southern end of the property. Once public sewer became available, Phase 2 would allow for the development of a 60,000 square foot self-storage facility.

Public Forum:

Stephen Klee, 335 Summerlin Drive, Alpharetta, spoke in opposition. Mr. Klee expressed his desire for the board to recommend a condition requiring joint access for the subject property and the neighboring parcel to the southwest which he plans to develop. He further expressed his concern of the lack of inter-parcel connectivity shown on the concept plan.

Planning Commission Comments:

Mr. Braswell stated the driveway concern would be handled by the recommended conditions as coordination with GDOT would be required.

Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Shannon Davidson. Vote: 5-0

Conditions:

1. Development is approved as generally shown on the concept plan received April 30, 2025, and described in the project narrative dated March 6, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Hours of operation for the convenience store shall be 5:00 a.m. - 12:00 a.m., seven days a week.
3. Driveway placement and design shall be approved by the Georgia Department of Transportation (GDOT) and Hall County Engineering.
4. There shall be no outdoor storage.
5. An eight foot tall opaque wood fence with a ten foot landscape buffer shall be constructed along the western property line.
6. The buildings shall be no more than 3 stories above grade.
7. A 10 foot landscape buffer shall be required along the southern property line.
8. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Unified Development 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.
9. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
10. 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.”

11. No parking spaces shall be designated immediately adjacent to the right-of-way of either Friendship Road or Ridge Road. The number of required parking spaces 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.

Excerpts from the minutes of the April 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, stated that the applicant has requested to table the application to a future meeting.

Motion: *A motion to table to May 5, 2025 was made by Stan Hunt and seconded by Frank Sosebee.*

Vote: *4-0 (Davidson absent)*

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

1. Development is approved as generally shown on the concept plan dated February 17, 2025, and described in the project narrative dated March 6, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Hours of operation for the convenience store shall be 5:00 a.m.- 12:00 a.m., seven days a week.
3. Driveway placement and design shall be approved by the Georgia Department of Transportation (GDOT) and Hall County Engineering.
4. There shall be no outdoor storage.
5. An eight foot tall opaque wood fence with a ten foot landscape buffer shall be constructed along the western property line.
6. The buildings shall be no more than 3 stories above grade.
7. A 10 foot landscape buffer shall be required along the southern property line.
8. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Unified Development 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.
9. 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 amend the conditions of zoning on a combined 3.07± acre tract zoned Planned Commercial Development (PCD) within the Gateway Corridor Overlay District (GCOD) to modify the previously approved site plan and expand allowed uses. Per the narrative, the applicant is requesting to enlarge the footprint of the convenience store and retail uses, as well as enlarge the fuel canopy to accommodate an additional fuel pump.

The subject property was rezoned on February 10, 2022 from Agricultural Residential III (AR-III) and Suburban Shopping (S-S) to Planned Commercial Development (PCD, GCOD) to allow the establishment of a convenience store with fuel sales, retail, and a self-storage facility (ZON2021-00130). The development was proposed in two phases with Phase 1 including the convenience store and retail space totaling 6,943 square feet, fuel canopy with 5 pumps, and a septic field located at the southern end of the property. Once public sewer becomes available, Phase 2 would allow for the development of a 60,000 square foot self-storage facility. The rezoning approval was subject to the following eight conditions:

1. The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of application.
2. Development shall be subject to all standards set forth by the Gateway Corridors Overlay District; no variances to these standards shall be approved.
3. Driveway placement and design shall be approved by the Georgia Department of Transportation (GDOT) and Hall County Engineering.
4. There shall be no outdoor storage.
5. All conditions of zoning be made a part of any plat recorded for this property.
6. A 10' buffer shall be granted on the western property line with an 8' wood opaque fence.
7. The buildings shall be no more than 3 stories above grade.
8. 10' foliage shall be along the back border of the property that abuts the Church with a 10' foliage on their side of the fence.

The applicant submitted a Land Disturbance Permit (LDP) application on September 19, 2024, for the site work for the project (HDEV24-0108). Upon review of the application, Planning staff determined that the proposed development did not align with the zoning approval granted. Specifically, the increase of the convenience store/retail structure to 8,010 square feet, the expansion of the fuel canopy, and the addition of a fuel pump.

The surrounding properties are zoned and developed as follows:

- North: City of Buford: Agri-entertainment venue (Buford Corn Maze)
- South: Agricultural Residential 1 (AR-1): Undeveloped
- East: Planned Commercial Development (PCD): Mixed-used development approved by Hall County Board of Commissioners on February 27, 2025 (HZON24-0031)
Suburban Shopping (S-S): Developed with a convenience store, fuel pumps, carwash, and retail (Friendship Grocery)
- West: Agricultural Residential 1 (AR-1): Undeveloped

Per the submitted site plan and narrative, the applicant is requesting to amend conditions of the original rezoning (ZON2021-00130) to allow additional square footage for the convenience store/retail building

for a total of 8,010 square feet and an expanded fuel canopy to accommodate one additional pump for a total of 6 fuel pumps. The building setbacks and buffers would remain the same as the original approval. The site plan also includes a three-story self-storage building for a total of 45,000 square feet, which is a reduction from the four-story 60,000 square foot building that was originally proposed.

Water service will be provided by the City of Gainesville as confirmed in an email dated January 22, 2025. The property is within the Buford Sewer District. Per an email from Hall County Public Works and Utilities dated April 4, 2025, should the City be unable or unwilling to provide sewer service, Hall County has a sewer line within feasible connection distance. However, in order for Hall County to provide sewer service, the City of Buford must provide written authorization.

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, development and zoning of adjacent and nearby property; **The proposed amendments to the site plan and conditions are suitable in view of the use and development of adjacent and nearby properties.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the proposed amendments to the development would adversely affect adjacent or nearby property.**
- 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; however, approval of the Board of Commissioners is required to amend conditions of zoning.**
- 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; **If approved, the proposed amendments are not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service**
- 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 zoning designation has been established by previous board action with the original approval of the development. The requested modification does not significantly impact the designated future land use of the area.**
- 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 values 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 zoned Planned Commercial Development (PCD) and development of the property is currently pending Board of Commissioner approval to amend conditions..**
- 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 request is to amend zoning conditions of an existing Planned Commercial Development (PCD), and the parcel is surrounded by commercially-zoned property, this amendment does not create an isolated district unrelated to surrounding zoning.**
- 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; **The existing zoning of the subject site supports the proposed use; however, the request to amend the condition requires 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 to amend conditions 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.**

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 20, 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.”

Georgia Department of Transportation

In an email dated March 13, 2025, Henry Stevens, GDOT Civil Engineer 2, stated that GDOT coordination is required.

Hall County Public Works and Utilities

In a memo dated March 21, 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:

No comment.

Utilities:

Buford sewer service area.

Hall County Fire Marshal

In an email dated March 18, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “If approved the plan may require modifications during the development review process.”