

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant John Clouse

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

Proposed Use Uses permitted in AR-1

Size 3.30± acres

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

Location **4965 Bryant Quarter Road** | Tax Parcel 15003
000015G (pt)

Commission District Three

Planning Commission Date July 21, 2025

Staff Recommendation **Approval, with conditions** as the proposed
zoning is consistent with the “Rural
Neighborhood” future land use classification
within the Comprehensive Plan

Record Number(s) HZON25-0029

Planning Commission Recommendation **Approval**

Vote: 4-0

Excerpts from the minutes of the July 21, 2025 meeting

Applicant’s Presentation:

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

John Clouse, 4965 Bryant Quarter Road, Lula, presented the request. The applicant is requesting to rezone a 3.30± acre portion of a tract from Planned Commercial Development (PCD) to Agricultural Residential (AR-1) to allow for uses permitted in the AR-1 zoning district. Currently, the subject property remains undeveloped and wooded. In 2008, the Board of Commissioners approved an organic packaging, sales and distribution facility on the subject parcel (ZON2008-00111). In 2005, the zoning conditions were amended to allow for an increase in the square footage of the main facility (ZON2012-00004), subject to four conditions.

Public Forum:

There were no comments in support or opposition.

Motion: A motion to approve was made by Stan Hunt and seconded by Shannon Davidson and Frank Sosebee. Vote: 4-0

Staff recommends APPROVAL of the applicant's request.

Summary Analysis

The applicant is requesting to rezone a 3.30± acre portion of a tract from Planned Commercial Development (PCD) to Agricultural Residential (AR-1) to allow for uses permitted in the AR-1 zoning district. Currently, the subject property remains undeveloped and wooded.

In 2008, the Board of Commissioners approved an organic packaging, sales and distribution facility on the subject parcel (ZON2008-00111). In 2005, the zoning conditions were amended to allow for an increase in the square footage of the main facility (ZON2012-00004), subject to the following conditions:

1. The development of the site shall occur as generally depicted and described in the concept plan narrative submitted.
2. The development is limited to a maximum of 18,000 square feet for the main facility.
3. Final driveway design and placement are subject to approval by the Hall County Engineering Department.
4. All conditions of zoning shall be made a part of any plat created for the property.

The surrounding properties are zoned and developed as outlined below:

North: Agricultural Residential 1 (AR-1): Developed with single-family residences
South: Agricultural Residential 1 (AR-1): Developed with single-family residences
East: Agricultural Residential 1 (AR-1): Developed with single-family residences
West: Agricultural Residential 1 (AR-1): Vacant

Per the narrative, the applicant purchased the property with no intention of using it for commercial purposes and plans to utilize it for uses permitted within the Agricultural Residential 1 (AR-1) zoning

district. The application states that rezoning the property to AR-1 will align with the existing character of the surrounding community.

Water is provided by well water and sanitary sewer services will be provided by on-site septic system.

Comprehensive Plan Land Use Designation

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 “Rural Neighborhood” within the East Hall Character Area. These areas should consist of active farms and agricultural enterprises and low-density, large-lot single-family residential up to 0.75 dwellings per acre. These areas also consist of undeveloped lands likely to face development pressures for new residential or commercial development. Similar to Rural Agriculture, they should have deep setbacks and incorporate a high percentage of open space. Where it occurs, new development should preserve natural features, including tree canopy, waterways, and waterbodies.

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 rezoning is suitable in view of 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; **No, it is not anticipated that the proposed rezoning will adversely affect nearby 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; however, future development would be limited by the existing PCD zoning district without approval of the request.**
- 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 use is 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 proposed use is consistent with the Comprehensive Plan and the “Rural Neighborhood” land use designation.**

- 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 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 affecting the use or development of the property.**
- k. Whether the change would create an isolated district unrelated to the surrounding districts; **The change in zoning would align the subject property with the current zoning of adjacent parcels.**
- 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 immediate neighborhood or 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 agricultural and residential uses based on the Future Land Use Map.**
- 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 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 June 18, 2025, Emily McGahee stated, “No comment.”

Georgia Department of Transportation

In an email dated June 16, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities

In a memo dated June 20, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

Engineering:

Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Show FEMA and Hall County studied Flood plains that are present on site.

Traffic:

No comment.

Utilities

Hall County sewer service area. No sewer infrastructure in the area.

Hall County Fire Marshal

In an email dated June 13, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”