

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Brayden Carter Brock, LLC

Request **Rezone** | from Agricultural Residential 1 (AR-1)
to Light Industrial (I-1)

Proposed Use Heavy equipment storage

Size 13.17± acres

Zoning **Current:** Agricultural Residential 1 (AR-1)
Proposed: Light Industrial (I-1)

Location **2614 Old Cornelia Highway** | Tax Parcel 15021A
000032

Commission District Three

Planning Commission Date August 18, 2025

Staff Recommendation **Denial**, as the proposed use is not consistent
with the “Suburban Neighborhood, Medium
Density” future land use classification within
the Comprehensive Plan

Record Number.....HZON25-0035

Planning Commission Recommendation**Approval**, with conditions

Vote: 5-0

Planning Commission Conditions

1. The property shall be developed in accordance with the site plan and narrative dated July 7, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. 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 any state regulations or other agencies or reviewing departments including Hall County Engineering for driveway placement and compliance.
3. Hours of operation shall be limited to Monday through Friday 8:00am to 5:00pm and Saturday 8:00am to 12:00pm.

4. 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."
5. All conditions of zoning shall be made as part of any plats or construction plans created for the property.
6. There shall be no more than 12 dumpsters on site at any time.

Excerpts from the minutes of the August 18, 2025 meeting

Applicant's Presentation:

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

James Irvin, 164 Professional Drive, Baldwin, presented the request. The applicant is requesting to rezone a 13.17+ acre tract from Agricultural Residential 1 (AR-1) to Light Industrial (I-1) to allow for heavy equipment storage in association with a dumpster rental business. In 2018, Hall County approved a land disturbance permit to allow fill material from road projects to be placed on the property for future development (HDV2018-00029). No other permits have been issued to the property since that time. Currently, there is a "Parcel Condition" on the property from Hall County Engineering dated February 21, 2025, stating that the original land disturbance permit still requires the submission of an as-built survey and that a letter to that effect was sent to the applicant on February 21, 2025.

Public Forum:

Jodi White, 5166 Whitehall Road, Lula, spoke in favor of the application as she believes the proposed development is sufficiently screened and set back from the roadway, and the application is a good use of the property in this area.

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

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Summary Analysis

The applicant is requesting to rezone a 13.17± acre tract from Agricultural Residential 1 (AR-1) to Light Industrial (I-1) to allow for heavy equipment storage in association with a dumpster rental business.

According to a 2019 county approved plat, the property was previously developed with two single-wide mobile homes; however, the mobile homes have been removed and the property appears to be occupied by dump trucks, roll-off containers, and various vehicles. There are no demolition permits on record for the removal of the two mobile homes.

In 2018, Hall County approved a land disturbance permit to allow fill material from road projects to be placed on the property for future development (HDV2018-00029). No other permits have been issued to the property since that time. Currently, there is a "Parcel Condition" on the property from Hall County Engineering dated 2/21/2025, stating that the original land disturbance permit is still pending the submission of an as-built survey and that a letter was sent to the applicant on February 21, 2025.

The surrounding properties are zoned and developed as outlined below:

- | | |
|--------|--|
| North: | Suburban Shopping (S-S): Current location of the applicant's business office for Ameri-Can dumpster rental service
Agricultural Residential 1 (AR-1): Developed with single-family residences |
| East: | Suburban Shopping (S-S): Current location of the applicant's business office for Ameri-Can dumpster rental service
Agricultural Residential 1 (AR-1): Developed with single-family residences & Brown's Garage at 2660 Old Cornelia Highway (established 1979 per Business License records) |
| South: | Agricultural Residential 1 (AR-1): Mix of undeveloped & developed with single-family residences |
| West: | Planned Industrial Development (PID): Septic company (ZON2015-00041) |

Agricultural Residential 1 (AR-1): Developed with single-family residences

Properties in the general vicinity zoned Planned Industrial Development (PID) or with historical light industrial uses include:

1. 2610 Old Cornelia Highway, 3.07± acres rezoned on October 22, 2015 from Agricultural Residential III (AR-III) and Light Industrial (I-I) to Planned Industrial Development (PID) for a septic company with caretaker residence (ZON2015-00041).
2. 2660 Old Cornelia Highway, 8.01± acres zoned Agricultural 1 (AR-1) that had a business license issued for Brown's Garage, a motor vehicle towing and automotive repair business, since February 27, 1979 (BUS-0000510).

The applicant has a concurrent request to rezone the adjacent property at 2630 Old Cornelia Highway, the location of the current office for Ameri-Can, from Suburban Shopping to Light Industrial to allow a sign manufacturing and printing business (HZON25-0035).

Per the submitted narrative, the applicant is requesting to rezone the subject parcel to Light Industrial (I-1) to allow construction of a 12,000 square foot building with associated outdoor storage area for the business Ameri-Can, which provides roll-off dumpster rental, portable storage container rentals, and dump truck services. Per the narrative, the company has approximately 15 company vehicles, 5 equipment trailers, and 5-6 pieces of grading/construction equipment. Most of these items will be stored behind the building. The narrative states that there will be no more than 10 roll-off cans or storage containers on site at any one time.

Per the submitted site plan, the driveway will be paved, as well as a 50 foot area around the sides of the proposed building. Additional gravel areas are identified to the east and south of the building. The site plan identifies 7 parking spaces at the front of the building, as well as a 10 foot landscape strip along the front property line along with 50 foot vegetated buffers along those portions of the property abutting residentially-zoned properties. The parking, landscape strip and buffer meet the requirements of the Hall County Unified Development Code.

Water service will be provided by the City of Gainesville Department of Water Resources as confirmed in an email dated June 20, 2025. Sanitary sewer service will be provided by an on-site septic system.

Based on the future land use plan, staff finds the special use request is not consistent with the Comprehensive Plan's future land use classification of Suburban Neighborhood, Medium Density. The intent of this future land use designation is for medium-density, single-family housing (attached or detached). It should be located where there is existing water and sewer infrastructure, or where future infrastructure is expected to be located.

Zoning Analysis – Rezone

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 historical uses and zoning of adjacent property is industrial in nature.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the use would adversely affect adjacent or nearby property, provided required buffers are maintained.**
- 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 is not expected 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. 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 not consistent with the Comprehensive Plan future land use designation of Suburban Neighborhood, Medium Density.**
- 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 affected 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; **According to GIS imagery, two mobile homes were removed between 2023 and 2025. A land disturbance permit was issued on July 10, 2018 to allow fill material from road projects to be placed on the property for future development (HDV2018-00029).**
- 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 proposed zoning, Light Industrial (I-1), would not create an isolated district as an adjacent property is zoned Planned Industrial Development (PID).**
- 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 light industrial uses based on the Future Land Use Map and the current zoning map; however, the development as proposed requires rezoning 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 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 July 17, 2025, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan."

Georgia Department of Transportation

In an email dated July 21, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities

In a memo dated July 18, 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:

Commercial driveway required.

Utilities:

Sewer in City of Gainesville.

Hall County Fire Marshal

In an email dated July 14, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, provided the following comments:

1. The proposed 12,000SF building location is greater than the 500-foot hose lay distance requirement from the nearest fire hydrant. If approved an 8-inch water main and fire hydrant will have to be installed to meet the 500-foot hose lay distance requirement from the fire hydrant to the building.
2. The Hall County Fire Marshal's Office considers the plan conceptual in nature and if approved may require modifications during the development review process.
3. The use of the proposed 12,000SF building has not been identified in the narrative report. Depending on the use additional life safety requirements could be required.