

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Brayden Carter Brock, LLC

Request **Rezone** | from Suburban Shopping (S-S) to Light Industrial (I-1)

Proposed Use Sign manufacturing and printing business

Size 0.91± acres

Zoning **Current:** Suburban Shopping (S-S)
Proposed: Light Industrial (I-1)

Location **2630 Old Cornelia Highway** | Tax Parcel 15021A 000031A

Commission District Three

Planning Commission Date August 18, 2025

Staff Recommendation **Denial**, as the proposed use and zoning 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 June 20, 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. A variance is granted to eliminate the transitional buffer along the boundary abutting residentially-zoned property located at tax parcel 15021A000031B and 15021A000031.

4. A 6 foot opaque fence shall be installed along the concrete loading dock abutting the residentially-zoned property located at tax parcel 15021A000031B and 15021A000031.
5. No additional construction on the property shall be permitted on the building side adjacent to the 10 foot driveway easement.
6. Hours of operation shall be limited to Monday through Friday 8 am to 5 pm and Saturday 8 am to 12 pm.
7. 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."
8. All conditions of zoning shall be made as part of any plats or construction plans created for the property.
9. No more than 50% of the building shall be used as leased office space.

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. Mr. Irvin stated the applicant has recently decided to rent half of the building as office space and wished to make the Board aware of his intentions. The applicant is requesting to rezone a 0.91± acre tract from Suburban Shopping (S-S) to Light Industrial (I-1) to allow a sign manufacturing and printing business to operate out of the existing building. A variance is also requested to reduce the required vegetated buffer from 30 feet to zero along the eastern property line where there is a shared access easement for an adjacent home. The subject property was rezoned from Agricultural Residential III (AR-III) to Suburban Shopping (S-S) on January 13, 2000 to allow an office/showroom/home improvement business for Hulsey Home Improvement, Inc. Per business license records, after Hulsey Home Improvement vacated the property, subsequent businesses have operated from the site, including a tree service and a concrete company. Currently the property is used as an office for Ameri-Can dumpster rental service.

Phillip Gillespie, 2630 Old Cornelia Highway, Gainesville, presented the request.

Public Forum:

Mr. Hunt stated the electronic comment received in opposition to item 4 should also be considered with this item.

Planning Commission Comments:

Mr. Sosebee asked Ms. Garmon if the change in the intended use of the building significantly altered the application. Ms. Garmon stated that while the Board has discretion on this request, it does align with the proposed zoning. Mr. Hunt inquired whether the portion not used by the sign shop would be tenant space. Mr. Gillespie responded that they plan to find a tenant, but they will be occupying the building for the next approximately five years while developing the adjacent property. Mr. Hunt then asked Ms. Garmon if any conditions would need to be amended to allow for the tenant space. Ms. Garmon stated that it would be beneficial to have a condition acknowledging this use.

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

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8. All conditions of zoning shall be made as part of any plats or construction plans created for the property.
9. No more than 50% of the building shall be used as leased office space.

Summary Analysis

The applicant is requesting to rezone a 0.91± acre tract from Suburban Shopping (S-S) to Light Industrial (I-1) to allow a sign manufacturing and printing business to operate out of the existing building. A variance is also requested to reduce the required vegetated buffer from 30 feet to zero along the eastern property line.

The subject property was rezoned from Agricultural Residential III (AR-III) to Suburban Shopping (S-S) on January 13, 2000 to allow an office/showroom/home improvement business for Hulsey Home Improvement, Inc. Per business license records, after Hulsey Home Improvement vacated the property, subsequent businesses included a tree service and a concrete company. Currently the property is used as an office for Ameri-Can dumpster rental service.

The surrounding properties are zoned and developed as outlined below:

- | | |
|--------|---|
| North: | Agricultural Residential 1 (AR-1): Developed with single-family residences |
| East: | Agricultural Residential 1 (AR-1): Developed with single-family residences |
| South: | Agricultural Residential 1 (AR-1): Undeveloped with a concurrent rezoning application to rezone to Light Industrial (I-1) to allow heavy equipment storage in association with a dumpster rental business (HZON25-0036) |
| West: | Agricultural Residential 1 (AR-1): Undeveloped with a concurrent rezoning application to rezone to Light Industrial (I-1) to allow heavy equipment storage in association with a dumpster rental business (HZON25-0036) |

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 has 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 2614 Old Cornelia Highway from Agricultural Residential 1 (AR-1) to Light Industrial (I-1) to allow heavy equipment storage in association with a dumpster rental business (HZON25-0035).

Per the submitted narrative, the applicant is requesting to rezone the subject parcel to Light Industrial (I-1) to be used for a sign manufacturing and printing business. The business would be located in an existing 5,997 square foot building, and would operate Monday through Friday from 8am to 5pm.

Per the submitted site plan, the existing driveway, parking lot and area along the east side of the building are paved. Five parking spaces are required and the site plan shows 15 spaces. The existing building meets all required setbacks of the current and proposed zoning districts and a 10 foot landscape strip is shown along the front property line.

One (1) **variance** related to the transitional buffer standards will be required if the site plan, as presented, is approved.

1. 8.2.1. Buffer Requirements - Where an industrial use with no outdoor activity abuts residentially zoned property, a 30-foot wide vegetated buffer is required.
 - The applicant requests that no buffer be required along the eastern property line abutting a residentially zoned property. **This does not meet the standard.**

Based on the future land use plan, staff finds the rezoning 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.

(A) 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 property has been commercially zoned since 2000 and the historical use of a nearby property is industrial in nature. Another nearby property is Planned Industrial Development (PID). The adjacent property to the south and west has a concurrent rezoning request to Light Industrial (I-1).**
- 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; **The existing commercial building was constructed in 1999 and businesses have continually operated from the site since that time.**
- 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 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 light industrial uses based on the Future Land Use Map and current zoning maps; however, the use 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.**

(B) Zoning Analysis – Variance to section 8.2.3

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); **The property is somewhat unusual as access to two adjacent residential properties is by way of a shared driveway that originates on the subject parcel; however, there is no hardship between the rear of the building and rear property line to prevent a 30 foot wide vegetated buffer from being established.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **Requiring a 30 foot wide vegetated buffer along the entire length of the eastern property line would eliminate access to the two adjacent residential properties which utilize the driveway of the subject parcel; however, there is no hardship between the rear of the building and rear property line to prevent a 30 foot wide vegetated buffer from being established.**
3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **The shared access between properties is peculiar to the property involved that is not common to other properties.**
4. Such conditions are not the result of any actions of the property owner; **The shared access between properties is not the result of any action of the current property owner.**
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 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:

No comment.

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, stated that the Hall County Fire Marshal's Office has no comments on items A & B as proposed.