

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Vital Foods, LLC (Juan Carlos Lomas) c/o Gaskins
+ LeCraw

Request (B) **Variance** | to table 8.1.1 for required
parking

Proposed Use Outdoor recreation

Size 4.19± acres

Zoning Light Industrial (I-1)

Location **2196 Centennial Drive** | Tax Parcel 08013
003033

Commission District Four

Planning Commission Date September 2, 2025

Staff Recommendation **(B) Denial**, as no hardship exists pursuant to
the criteria of 11.1.1.D.11

Record Number(s) HVAR25-0036

Planning Commission Recommendation.....Denial

Vote: 3-1 (Davidson opposed, Hunt absent)

Excerpts of the minutes of the September 2, 2025 meeting

Applicant’s Presentation:

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

Dani Blumenthal, 1266 Powder Springs Road, presented the request. The applicant has submitted two concurrent requests as part of the application: (A) special use for outdoor recreation within the Light Industrial (I-1) zoning district; and (B) a variance to Table 8.1.1 of the UDC for required parking. The property is zoned Light Industrial (I-1), and measures approximately 4.19± acres and is currently undeveloped and forested. The subject property was approved for a conditional use on August 24, 2023

for a food processing plant involving the further processing of animal or animal products (HZCU23-0026) with 5 conditions; however, that approval expired on August 25, 2024 as no action was taken to implement the proposed use on the subject property within 12 months of the approval.

Juan Carlos Lomas-Vital, 3587 Southers Road, presented the request.

Leonardo Maebo Saude, 3530 Univeter Road, Canton, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Chairman Braswell asked about the proposed days and hours of operation. Ms. Blumenthal responded that the facility would operate seven days a week, with hours from 8:00 a.m. to 8:00 p.m., primarily during evenings and weekends when the surrounding industrial businesses are not operating. Chairman Braswell then asked whether the applicants were operating any other facilities, to which Ms. Blumenthal replied no. He followed up by asking how many vehicles would be present at one time. Mr. Lomas-Vital explained that the games are staggered over several hours, with typically one car per player, estimating a maximum of 20 cars at any given time.

Chairman Braswell asked if Mr. Lomas had visited the site in the industrial park during business hours. Mr. Lomas confirmed that he had and noted that they are familiar with many of the business owners in the area. Commissioner Castleberry asked about the level of industrial traffic. Mr. Lomas responded that while there is heavy traffic at the front of the industrial park, the area where the field is located does not experience much industrial traffic.

Chairman Braswell expressed concerns about the safety of children, particularly regarding the parking configuration. He noted that parking is often an issue at sporting events and mentioned that although signs in the park prohibit parking along the road, existing businesses do not always follow this rule. In response, Ms. Blumenthal offered to install a fence at the street as a barrier. She also mentioned the availability of shared parking and emphasized that only one soccer field is proposed, which would generate less traffic than a typical sports complex.

Commissioner Sosebee echoed Chairman Braswell's concerns. Mr. Lomas added that most of the activity would take place on weekends when traffic in the area is lighter. Commissioner Castleberry asked whether practices would occur on weekdays and games only on weekends. Ms. Blumenthal confirmed this and added that nets and fencing could be installed behind the field to serve as an additional safety barrier.

Chairman Braswell reiterated his concern for safety. Commissioner Castleberry echoed those concerns and stated that while the idea is a good one, the location is not appropriate. Mr. Saude then spoke to explain the current operation of his soccer club, which trains in Gainesville. He stated that weekday practices begin at 6:00 p.m. and end at 9:00 p.m., while weekend games start at 9:00 a.m. and are intended for local players, not large-scale events.

A

Motion: A motion to deny was made by André Castleberry and seconded by Frank Sosebee. Vote: 3-1 (Hunt absent, Davidson opposed)

B

Motion: A motion to deny was made by André Castleberry and seconded by Frank Sosebee. Vote: 3-1 (Hunt absent, Davidson opposed)

(A) Staff recommends APPROVAL of the applicant's request with the following conditions:

1. The property shall be developed in accordance with the site plan dated June 18, 2025, and as described in the project narrative dated July 3, 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 Official 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.
3. All conditions of zoning shall be made part of any plats created for the property.

(B) Staff recommends DENIAL of the applicant's request.

The following should be considered as exceptions to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

Section 8.1.2.A – Off-Street Parking Requirements - Off-street parking spaces must be provided with vehicular access to a street or alley and must be equal in number to the minimum requirements as specified in Table 8.1.1.

- **Per Table 8.1.1** for outdoor recreation requires 1 space per 300 square feet plus 1 space per 1,000 square feet of outdoor area. Total required for this application is 58 spaces.
 - The applicant is proposing 44 parking spaces. **This does not meet the standard.**
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Summary Analysis

The applicant has submitted two concurrent requests as part of the application: (A) special use for outdoor recreation within the Light Industrial (I-1) zoning district; and (B) a variance to table 8.1.1 of the UDC for required parking. The property is zoned Light Industrial (I-1), and measures approximately 4.19± acres and is currently undeveloped and forested.

The subject property was approved for a conditional use on August 24, 2023 for a food processing plant involving the further processing of animal or animal products (HZCU23-0026) with 5 conditions; however, that approval expired on August 25, 2024 as no action was taken to implement the proposed use on the subject property within 12 months of the approval.

The surrounding properties are zoned and developed as follows:

North:	City of Gainesville: Flat Creek Water Reclamation Facility, & Hall County Agricultural Residential (AR-1): Memorial Park Funeral Home and Cemetery
East:	Light Industrial (I-1): Developed with manufacturing/warehouse storage facility for Vital Foods
South:	Light Industrial (I-1): Developed with truck/trailer rental and leasing facility
West:	Light Industrial (I-1): Developed with nursery/Florist wholesaler and warehouse storage facility

Per the submitted narrative and site plan, the applicant is requesting a special use for outdoor recreation and a variance to reduce the required parking. The proposed development includes two soccer fields, a sand field, a playground, and a restroom facility as well as a total of 44 parking spaces. According to the narrative, the applicant also plans to operate a small on-site concessions business offering pre-packaged items such as chips, light snacks, and beverages, with the potential for future expansion to include preparing food items on-site. The proposed recreation fields will operate Monday through Sunday, from 8:00 a.m. to 8:00 p.m.

No utility letters were provided confirming availability; however, Hall County GIS maps show that there appears to be both public water and sewer in the area.

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 “Employment Nodes and Corridors.”

Employment nodes and corridors should consist of industrial and/or office uses housed in either formalized campuses or along major road corridors that have existing or future access to water and sewer. These areas may also include higher density residential uses, where appropriate. Site designs should use the quality development principals to the fullest extent possible. In some areas of the county, this future land use allows limited residential intended to house employees of nearby industries.

(A) Zoning Analysis - 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 proposal is 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; **The proposed use does not appear to 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 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 Hall County Comprehensive Plan future land use designation of "Employment Nodes and Corridors."**
- 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 and forested.**
- 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; **There are no known changing conditions affecting the use or development of the property.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **No, this would not create an isolated district unrelated to the surrounding districts as the I-1 zoning district is already established.**

- 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; **The existing zoning of the subject site supports the proposed use; however, the proposed use in the Gateway Corridor Overlay District 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 for a special use in the Gateway Corridor Overlay District 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 table 8.1.1

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 or exceptional 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; **The reduction of required parking spaces is a direct action of the 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 August 1, 2025, Emily McGahee stated, "Food Service permit/plan review may be required after review of business plan."

Georgia Department of Transportation

In an email dated July 28, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is not required.

Hall County Public Works and Utilities

In a memo dated August 1, 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 FEMA and Hall County studied Flood plains that are present on site.

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

Traffic:

No comment

Utilities

Gainesville sewer service area. Infrastructure is onsite

Hall County Fire Marshal

In an email dated July 25, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."