

**HALL COUNTY PLANNING COMMISSION
STAFF REPORT**

Applicant LJA Engineering, Inc.

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

Proposed Use Convenience store with fuel sales

Size 4.40± acres

Zoning **Current:** Residential 1 (R-1) | **Proposed:** Light Industrial (I-1)

Location **4797 Plainview Road** | Tax parcel 08051 001022

Commission District One

Planning Commission Date September 15, 2025

Staff Recommendation **Approval**, as the proposed development is consistent with the “Industrial” future land use designation in the Comprehensive Plan.

Record Number..... HZON25-0039

Planning Commission Recommendation **Approval, with conditions**

Vote: 4-0 (Sosebee absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated August 22, 2025, and as described in the Letter of Intent dated July 30, 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 other agencies or reviewing departments, including but not limited to the Fire Marshal and Hall County Engineering. Where there are discrepancies between the proposed standards and County regulations, the County regulations shall overrule unless otherwise approved herein.
3. All conditions of zoning shall be made part of any plats or plans created for the property.

4. The following uses shall be prohibited within the development:
- a. Cemetery, private
 - b. Marina
 - c. Commercial amusement indoor
 - d. Concert hall, auditorium
 - e. Indoor shooting range
 - f. Hotels, motels
 - g. Private morgues, mortuary, crematorium
 - h. Psychic fortune teller
 - i. Pawn shop, pawn broker, title pawn, title loan, check cashing
 - j. Smoke or vape shop
 - k. Boat and recreational vehicle sales, rental or service
 - l. Truck stop
 - m. Vehicle sales, rental or auction
 - n. Vehicle repair, minor
 - o. Vehicle repair, major
 - p. All craft manufacturing
 - q. All storage lots
 - r. Storage of soil, mulch, or lumber, including the splitting of logs
 - s. Truck terminal
 - t. Truck yard
 - u. All self-service storage
 - v. All warehouse and distribution
 - w. All waste related services
 - x. Composting of organic materials
 - y. Outdoor storage, major
 - z. Outdoor storage, minor

Excerpts from the minutes of the September 15, 2025 meeting

Applicant's Presentation:

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

Terry Boomer, 130 E Main Street, Canton, presented the request. The applicant is requesting to rezone a 4.40± acre tract from Residential 1 (R-1) to Light Industrial (I-1) to allow for the development of a convenience store with fuel sales and an additional 10,000 square feet of retail space. Per the submitted narrative, the proposed development would include a 6,000 square foot free-standing convenience store, a 10,000 square-foot freestanding retail building, and two fuel canopies, one with seven gasoline fuel islands and 14 handles and the other with three diesel fuel islands with four handles to be used by tractor trailers.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated that the conditions contain a large list of prohibited uses due to the number of uses permitted by the UDC for the Light Industrial zoning district that the Board would not consider applying to this application.

Motion: A motion to approve, with conditions was made by Shannon Davidson and seconded by André Castleberry. Vote: 4-0 (Sosebee absent)

Conditions:

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- w. All waste related services
- x. Composting of organic materials
- y. Outdoor storage, major
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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 August 22, 2025, and as described in the Letter of Intent dated July 30, 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 other agencies or reviewing departments, including but not limited to the Fire Marshal and Hall County Engineering. Where there are discrepancies between the proposed standards and County regulations, the County regulations shall overrule unless otherwise approved herein.
3. All conditions of zoning shall be made part of any plats or plans created for the property.

Summary Analysis

The applicant is requesting to rezone a 4.40± acre tract from Residential 1 (R-1) to Light Industrial (I-1) to allow development of a convenience store with fuel sales and an additional 10,000 square feet of retail space.

The surrounding properties are zoned and developed as outlined below:

North:	Residential 1 (R-1) – Developed with a single-family residence
East:	Agricultural Residential 1 (AR-1) – Undeveloped
	Residential 1 (R-1) – Developed with a single-family residence
South:	Interstate 985
	Residential 1 (R-1) – Developed with a single-family residence and mobile home park
West:	City of Oakwood, Light Industrial (M-1), concrete products company
	City of Oakwood, Heavy Industrial (M-2), sand and gravel company

Per the submitted narrative, the proposed development will include a 6,000 square foot free-standing convenience store, a 10,000 square-foot freestanding retail building, and two fuel canopies, one with seven gasoline fuel islands and 14 handles and the other with three diesel fuel islands with four handles to be used by tractor trailers.

Per the submitted site plan, all structures meet required setbacks of the Light Industrial (I-1) zoning district. As the property is located within the Gateway Corridor Overlay District (GCOD), a 50 foot transitional buffer is required along the eastern property line, which is adjacent to residentially-zoned property. The site plan shows a 40 foot wide buffer; this is permissible if a 6 foot high solid wood fence or masonry wall is incorporated into the design of the transitional buffer. A 10 foot wide landscape strip is shown along both road frontages as required by the Gateway Corridor Overlay District (GCOD) standards. Access to the site is shown as right-in/right-out driveways on both Plainview Road and Thurmon Tanner Parkway. The site plan shows the minimum number of parking spaces required at the ratio of 1 space per fuel pump and 3 spaces per 1,000 square foot of retail space.

Water service will be provided by the City of Gainesville Water Resources Department as confirmed by an email dated August 22, 2025. Sanitary sewer service will be provided by an on-site septic system.

The development standards for the project are identified in the table below and compared to the GCOD requirements (6.2):

GCOD Analysis

<u>Standard</u>	<u>Proposed Work</u>	<u>Notes</u>	<u>Compliance</u>
6.2.5.A. – Transitional buffers	40 foot transitional buffer and 6 foot high solid fence adjacent to the east property line	50 foot transitional buffer may be reduced to 40 feet with incorporation of a 6 foot high solid fence	Complies
6.2.5.B.1 & 2 – Additional Landscape and Screening	10 foot wide landscape strip along Plainview Drive and Thurmon Tanner Parkway	10 foot wide landscape strip along Plainview Drive and Thurmon Tanner Parkway required	Complies
6.2.5.C.1 – Parking Lot Design - # of Parking Spaces as required by Section 8.1	71 spaces provided	71 spaces required	Complies
6.2.5.C.2 – All parking must be paved with asphalt, concrete or pervious materials and located to the side or rear of the principal building.	All circulation and parking areas to be paved. Parking located to the side and rear of the principal building (convenience store)		Complies Complies
6.2.5.D – Outdoor lighting	Not specified	All outdoor lighting must be the semi-cutoff type.	Unknown
6.2.6 - Architectural Standards	Architectural renderings provided	General architectural requirements, building materials and roof	Unknown

		materials appear to comply	
6.2.7 – Signs	Not identified	Signage shall comply with requirements of the UDC	Unknown

Based on the future land use plan, staff finds the requested rezoning is consistent with the Comprehensive Plan’s future land use classification of Industrial. These areas include a mix of light and heavy industrial uses, as well as commercial uses that directly support the dominant business uses but are not appropriate for residential development.

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, the property cannot be rezoned and developed as proposed without approval by the Board of Commissioners.**
- 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 existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities, or emergency medical service. The property will be served by City of Gainesville water and an on-site septic system.**
- 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 zoning is consistent with the Comprehensive Plan future land use designation of Industrial.**
- 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 property is vacant and there is no record of past development.**
- 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 is Light Industrial (I-1). Properties across Plainview Drive are within the City of Oakwood and are zoned Light Industrial (M-1) and Heavy Industrial (M-2) and developed with industrial uses. The change would not create an isolated district unrelated to the surrounding developments and districts.**
- 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 existing 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 August 13, 2025, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements if able to be permitted by Environmental Health. Environmental Health can only permit residential strength wastewater; therefore, non-domestic wastewater will be required to be disposed of through public sewer or an EPD permitted system. Further determination will be made during the civil plan review process."

Georgia Department of Transportation

In an email dated August 18, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated, "Will require GDOT coordination. No encroachment into State R/W. No increase in runoff to State R/W."

Hall County Public Works and Utilities

In a memo dated August 15, 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.

Traffic:

Traffic impact study may be required. Access permit required from the City of Oakwood.

Utilities

Oakwood sewer service area. Sewer is 700 feet west across Plainview Road along the south side of Thurmon Tanner Pkwy.

Hall County Fire Marshal

In an email dated August 12, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office considers the plan conceptual and if approved may require modifications during development review to meet fire code for fire apparatus accessibility and fire hydrant locations."