

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant Richard J. Garner

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

Proposed Use Uses permitted in Light Industrial (I-1)

Size 5.47± acres

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

Location **860 Gainesville Highway** | Tax Parcel 07298 000019

Commission District One

Commission Date May 14, 2026

Staff Recommendation **Approval**, as the proposed zoning is consistent with the “Business Nodes & Corridors” future land use classification within the Comprehensive Plan

Record Number.....HZON26-0008

Staff recommends APPROVAL of the applicant’s request.

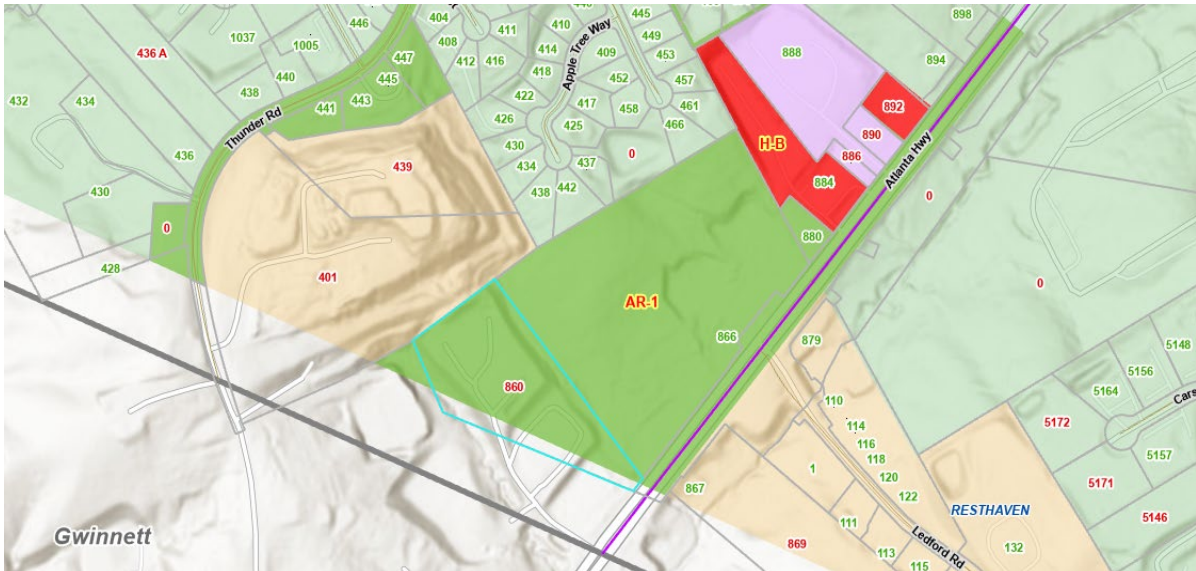
Summary Analysis

The applicant is requesting to rezone a 5.47± acre portion of a tract from Agricultural Residential 1 (AR-1) to Light Industrial (I-1) to recognize the historical light industrial use of the property.

Currently, the site is developed with a 20,000 square-foot warehouse building, 9,375 square-foot warehouse building, and a 25’x75’ partially enclosed pole building, all constructed in 2007 according to the Hall County Tax Assessor records. The property also includes designated outdoor storage areas. The surrounding properties are zoned and developed as outlined below:

- North: City of Resthaven, C-2 (General Business): Inert landfill
- East: AR-1: two auto businesses (proposed rezoning to I-1, 5/21/26 BOC meeting)
- South: City of Buford: Light Industrial (M-1), General Business (C-2)

West: Gwinnett County/City of Resthaven C-2 (General Business): the remaining 7.154± acres of the subject property

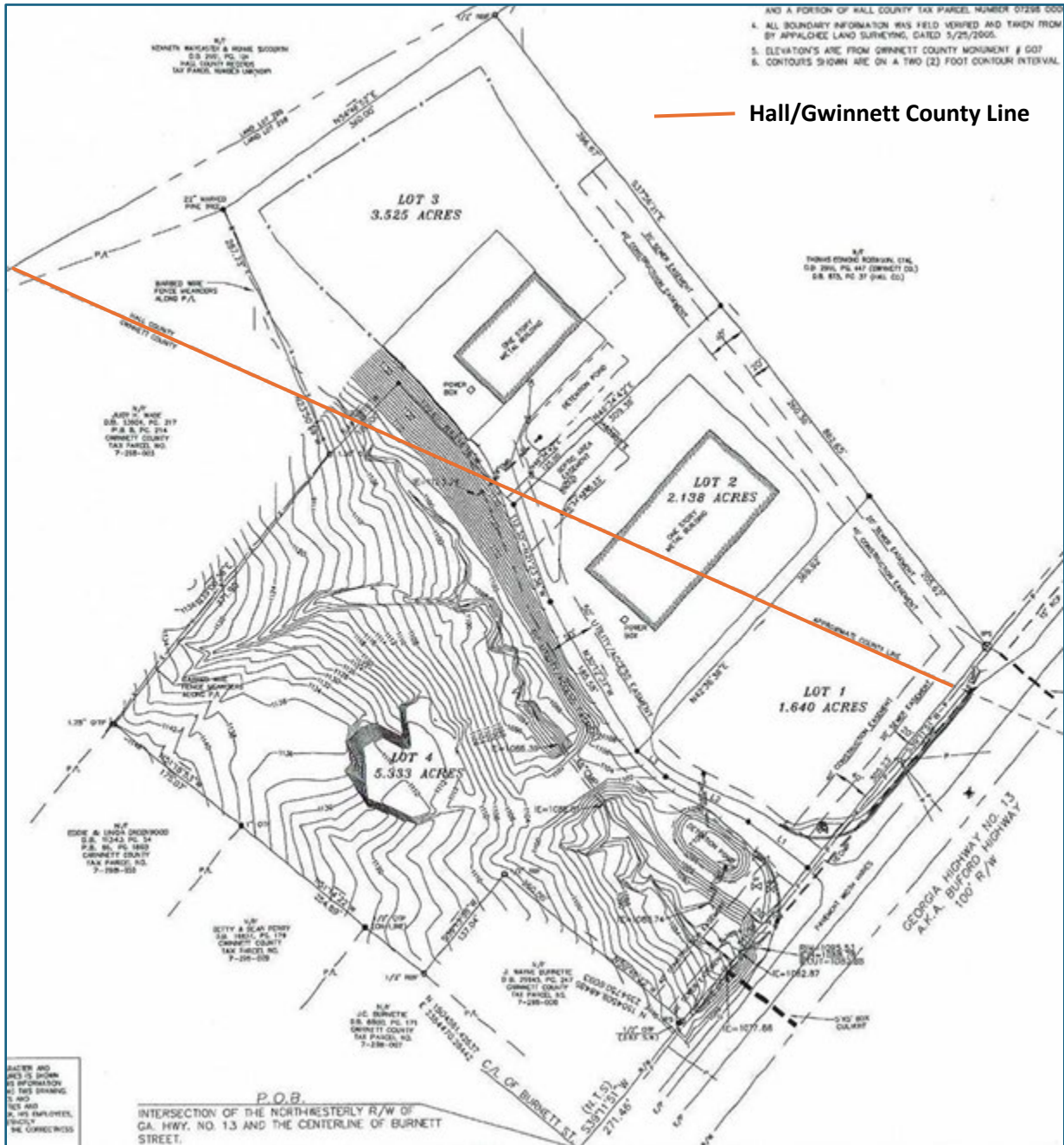


The subject parcel was subdivided from the property to the northeast in 2007 and totals 12.636± acres. Approximately 5.472± acres lie within Hall County and 7.164± acres within Gwinnett County/City of Resthaven. The existing buildings were constructed in 2007, with the largest building spanning the county line. According to the property owner, building permits and business licenses for the various businesses that have operated on the site were issued by the City of Resthaven. No permits or licenses are on record with Hall County due to longstanding uncertainty regarding whether this property was located within the City of Resthaven or unincorporated Hall County. With the jurisdictional boundary now confirmed to be within unincorporated Hall County, the property owner seeks to bring the long-established industrial use of the property into compliance by requesting to rezone from Agricultural Residential (AR-1) to Light Industrial (I-1) to allow uses permitted in the I-1 zoning district.

Per the submitted site plan, the existing buildings comply with the setback requirements of the Light Industrial (I-1) zoning district. As the property abuts commercially zoned property to the north (City of Resthaven, C-2 (General Business)), a transitional buffer is not required. The property to the northeast is zoned Agricultural 1 (AR-1) and therefore would require a 50-foot transitional buffer. This property has also historically been used for commercial purposes and is currently under consideration for rezoning to Light Industrial (I-1), with the case scheduled for consideration at the May 28, 2026, Board of Commissioners meeting. Therefore, a transitional buffer would not be applicable along that common property line if this were to be approved.

Access to the property is provided by a single driveway within the Gwinnett County portion of the property. Water service is provided by the City of Buford and sanitary sewer services are provided by on-site septic.

This property is located within the Gateway Corridor Overlay District (GCOD). However, the GCOD standards do not apply to the subject property as it was developed prior to the adoption of the Gateway Corridor Overlay District. Any future development or redevelopment will be required to comply with Gateway Corridor Overlay District (GCOD) standards.



Per the submitted narrative, the following is a list of current and previous business operations on the property:

- Lanier Automotive LLC dba Lanier RV Storage
 - o 2007 – Present
 - o Towing, Inside/Outside Storage
 - o Operating hours 24/7
- Atlanta Landscape Group
 - o 2014-2023
 - o Landscape business with outside storage

- o Operating hours M-F, 6 am to 5 pm
- Central Irrigation
 - o 2010-2013
 - o Inside/outside storage of irrigation materials
- Statewide Wrecker Service, Inc
 - o 2007-2023
 - o Towing, Outside Storage
 - o Operating hours 24/7
- Lanier Marine Service
 - o 2011-Present
 - o Service and indoor/outdoor storage of marine equipment
 - o Operating Hours M-F, 8 am-5 pm
- Generations Metal Recycling
 - o July 2025 – present
 - o See separate Narrative from Generations Metal Recycling dated April 3, 2026, for detailed description of this business along with a Noise Study by ArtUSA Noise Control Products dated February 18, 2026.

To support the transition of this property into Hall County jurisdiction and to ensure compliance with safety and legal standards, the currently operating businesses have been issued Temporary Certificates of Occupancy and Temporary Business Licenses pending the outcome of this rezoning application.

The property owner is requesting this rezoning to allow uses permitted in the light industrial zoning district. The Unified Development Code defines Light Industrial (Section 7.6.4) as “a facility conducting light industrial operations which do not result in adverse effects beyond the boundary of the property.” Within this district, “waste related services” are a permitted use, including “scrap metal processor” (Section 7.6.9.A.7).

The most recent business to occupy the site is Generations Metal Recycling, a scrap metal processing operation. Generations Metal Recycling previously operated at 886 Gainesville Highway under a City of Resthaven business license from approximately 2023 to June 2025. Per the narrative from Generations Metal Recycling dated April 3, 2026.

Per the submitted statement from Generations Metal Recycling, they believed the property was designated as industrial property in Rest Haven. The current tenants entered into a lease agreement under the belief that the property was zoned for industrial use within the jurisdiction of Rest Haven. Subsequent issues related to jurisdiction, zoning, and noise revealed that the property is actually located within Hall County jurisdiction.

Since then, the County has received noise complaints from several residents within the Sweet Apple Place Subdivision. Due to the long-standing jurisdictional misunderstanding, staff has worked with the property owner and business owner to bring this rezoning application forward and address both the historical use of the property and the current operations of this business. Generations Metal Recycling has submitted a written narrative describing its operations, along with a Noise Study Report dated February 18, 2026. Staff, including representatives from the Marshal’s Office, Building Inspections, and Planning, visited the site to observe the operation firsthand. The company has begun implementing noise-mitigation measures as outlined in its narrative.

While “scrap metal processor” is identified as a permitted use within the Light Industrial (I-1) zoning district, the definition of Light Industrial specifies that such operations must not create adverse effects beyond the boundaries of the property. Given the noise complaints associated with the current operation, this rezoning request necessarily includes an evaluation of the scrap metal processing operation to ensure it aligns with the intent of the district and meets applicable performance expectations. Hall County has not adopted specific noise standards; therefore, acceptable noise levels should be evaluated in relation to recognized industry benchmarks. The Noise Study submitted with this application will assist in determining whether the existing operation meets those standards.

Per the narrative provided by Generations Metal Recycling, the facility operates as a metal commodities processing company. It is not a scrap or junk yard, nor is it open to the public for drop-in sales. The business acquires materials in bulk from secondary scrap metal dealers and from electrical contractors. Specialized equipment, including a Blue Shark Hammermill, is used to separate aluminum, steel, and copper from the materials received. Once separated, these commodities are sold to manufacturers that melt and repurpose them into new consumer products. The business owner has identified several noise-reduction measures implemented prior to the Noise Study, and notes that additional measures have been put in place since the study was completed, with further mitigation steps planned should the rezoning be approved and their scrap metal processing operation determined to be in alignment with the intent of the district and meets applicable performance expectations. They have also reduced their operational hours while this rezoning request is under consideration.

According to the submitted Noise Study Report, typical acceptable noise levels for residential areas adjacent to industrial uses in jurisdictions with established noise ordinances are approximately 55 dBA between 7 p.m. and 7 a.m., and 65 dBA between 7 a.m. and 7 p.m. While the overall noise levels at nearby residences fell within these thresholds, the low-frequency noise levels were elevated and seem to be having an impact on the nearby residential neighborhood.

Based on the future land use plan, staff finds the rezoning request is consistent with the Comprehensive Plan’s future land use classification of Business Nodes & Corridors. The intent of this future land use designation is for new development along major road corridors and intersections to 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. Site design should use the quality development principals to the fullest extent possible.

Zoning Analysis – Rezone

When considering a zoning amendment to the zoning maps, the 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 Light Industrial (I-1) zoning district and existing use is consistent with 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; **It is not anticipated that light industrial uses would adversely affect adjacent or nearby property. Light industrial uses of the site have been established for almost 20 years.**

- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The subject property is currently developed. The applicant is planning to use the property as it currently exists and is not proposing any additional improvements.**
- 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 as the light industrial uses have been established for almost 20 years.**
- 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 and the Business Nodes & Corridors future 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 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.**
- h. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Denying the rezoning would provide no meaningful public benefit, as the light industrial use has operated safely and compatibly for almost 20 years. However, it would impose a hardship on the property owner by leaving the long-established business in a legal non-conforming status, limiting routine maintenance and operational certainty. Rezoning removes this hardship without negatively affecting the public.**
- 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 subject property is zoned Agricultural Residential 1 (AR-1). The site is currently developed with three commercial buildings constructed in 2007 as reflected in the county tax records. The property owner believed the property was within the City of Resthaven and zoned properly.**
- 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; **While three businesses have operated on the site for between 15 and 19 years, staff is aware of the recent establishment of a scrap metal processing operation that has generated noise complaints. Although this use is permitted by right, its current operations do not appear to align with the intent of the district or meet applicable performance expectations unless additional noise-mitigation measures are implemented.**
- k. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed Light Industrial (I-1) zoning would not create an isolated district, as commercial and light industrial zoning in neighboring jurisdictions borders the property to the north, west, and**

south. In addition, the property to the east has submitted a rezoning request to I-1, scheduled for consideration at the May 28, 2026, Board of Commissioners meeting.

- 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; however, the current development 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 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 use; 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 April 8, 2026, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements. 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/modification may be required after review of business plan. Connection to public sewer required if it is available and within 200' of property (submitted plat shows sewer easement). Please note that BOC approval does not imply approval from other county departments."

Georgia Department of Transportation

In an email dated April 6, 2026, Christopher Hash, P.E., GDOT D1 Traffic Operations Supervisor, stated, "On-system, no impacts to the state route expected."

Hall County Public Works and Utilities

In a memorandum dated April 15, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

Show stream buffer and impervious setback from wrested vegetation not the centerline of stream. This site may require a stormwater management report should the site plan indicate the proposed development that meets stormwater thresholds for impervious surfaces and/or disturbed acreage

Traffic:

No concerns with traffic impacts for this application.

Utilities:

No comment. Property is located in Buford service district.

Hall County Fire Marshal

In an email dated April 3, 2026, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Business License

In an email dated April 6, 2026, Brandi Smith, Business License Director, stated, "All businesses will need a business license; they all currently have temporary business licenses that will expire on 07/05/2026."

Hall County Building

In an email dated April 13, 2026, Mandy Bolton, Permit Specialist, stated, "Pending Zoning action, Building Inspections has issued a 90-day Temporary Certificate of Occupancy for 4 businesses."