

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant..... Dawn Mumpower

Request..... Rezone from Residential-I (R-I) and
Agricultural Residential-III (AR-III) to Highway
Business (H-B)

Proposed Use..... Commercial kitchen

Size 1.67± acres

Zoning R-I and AR-III

Location On the east side of Winder Highway
approximately 483 feet from its intersection
with Reed Farm Road; a.k.a. 3761 Winder
Highway; Tax Parcel 15037 000003

Commission District..... One

Planning Commission Date December 20, 2021

Staff Recommendation..... **Approval, with conditions**

Planning Commission Recommendation – Approval, with conditions

Vote: 5-0

Conditions:

1. *The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of site plan approval.*
2. *All future development shall be subject to all standards set forth by the Gateway Corridor Overlay District.*
3. *A business license shall be obtained for any and all businesses which operate from the subject property.*
4. *All conditions of zoning be made a part of any plat recorded for this property.*

Applicant Proposal

The applicant is requesting to rezone the property from Residential-I (R-I) and Agricultural Residential-III (AR-III) to Highway Business (H-B) in order to remodel an existing residence into a commercial kitchen. The kitchen will serve as a preparation space for one food truck initially; in the future, the applicant intends to rent kitchen space to other food trucks or small-scale bakers. The rental of the space would be limited to 3 total companies, with only one company in the kitchen at a time.

The applicant has submitted an application to Environmental Health to obtain the appropriate permits for food service. The space will be finished with “food grade walls, ceilings, and floors” and all

equipment will meet state and local requirements. The kitchen space will include a hand sink, delegated veggie sink, and 3-compartment sink as well as a dishwasher, and also oven, stove, and prep tables. A smoker will be located outdoors for barbeque and the temperature will be closely regulated.

The applicant has also indicated that they wish to keep goats and chickens on the rear of the property. The applicant intends to incorporate the goats into Goat Yoga classes with brunch served by the food truck, and the chickens would provide fresh farm to table options.

History and Existing Land Uses

The subject property measures approximately 1.67± acres and is zoned Residential-I (R-I) and Agricultural-Residential III (AR-III). The subject parcel is developed with a single-family residence constructed in 1956 as well as a two-story detached garage with finished space above.

Adjacent properties to the north and south are within the city limits of Oakwood, as is the property across Winder Highway. Lots are developed with single-family residences. Property to the east of the subject tract is zoned AR-III and R-I. Stoney Creek Subdivision and Royal Lakes Golf Course are also nearby.

Comprehensive Plan Land Use Designation

The Comprehensive Plan's future land use map identifies the subject parcel as "Residential." Residential areas are characterized by moderate-density residential development and neighborhoods. Street networks are defined by curvilinear streets, and green space is largely provided on individual lots but neighborhood open space and/or park amenities may also be provided. Pedestrian connectivity is moderate, where sidewalks may be internal to a neighborhood, but may not currently connect nearby parks and schools.

Future development is intended to be detached, single-family homes at moderate densities, with opportunities for variations in housing size and types through the Planned Development District zoning classification. New development should provide opportunities for open space/greenspace, including shared areas for the benefit of residents and ample tree cover.

The proposed use is not consistent with the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health

In an email dated December 2, 2021 from Emily McGahee with Hall County Environmental Health, she 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. An existing system evaluation and/or septic system installation/modification may be required. Must meet all Environmental Health Food Service Requirements."

Hall County Fire Services

The subject property is located approximately 3.8 miles from Hall County Fire Station #5, located at 4187 Falcon Parkway. The nearest fire hydrant is located across from the subject property along Winder Highway.

Hall County Public Works and Utilities

In a memorandum dated December 7, 2021, Srikanth Yamala, Director of Public Works and Utilities, stated the following:

Engineering

No comments

Traffic

Need to coordinate with GDOT

Utilities

No comments

Hall County Tax Assessors

No comments provided.

Gainesville Water Resources

The parcel has access to the City of Gainesville water system.

Georgia Department of Transportation

In an email dated November 30, 2021, Parker J Niebauer, Traffic Operations Supervisor for GDOT District 1, confirmed that this project will require GDOT coordination.

Zoning Analysis

- The request is inconsistent with the Comprehensive Plan.
- §17.150.010 includes retail or retail service establishments, including the making of articles sold at retail on the premises.
 - The proposed use **meets** this standard.
- The applicant intends to use the existing buildings for the business. As these structures were constructed in 1950 they may not meet current building codes for commercial uses. The structures will need to be inspected and brought into compliance with regulations prior to the issuance of an occupancy permit or business license.

Staff Recommendation

Staff recommends **approval** of the applicant's request with the following conditions:

1. The development shall conform substantially with the proposed narrative, modified as

- necessary for compliance with current development standards at time of site plan approval.
2. All future development shall be subject to all standards set forth by the Gateway Corridor Overlay District.
 3. A business license shall be obtained for any and all businesses which operate from the subject property.
 4. All conditions of zoning be made a part of any plat recorded for this property.

Excerpts from the minutes of the December 20, 2021 meeting:

Background Information:

The applicant is requesting to rezone the property from Residential-I (R-I) and Agricultural Residential-III (AR-III) to Highway Business (H-B) in order to remodel an existing residence into a commercial kitchen. The kitchen will serve as a preparation space for one food truck initially; in the future, the applicant intends to rent kitchen space to other food trucks or small-scale bakers. The rental of the space would be limited to 3 total companies, with only one company in the kitchen at a time.

Applicant's Presentation:

Beth Garmon, Principal Planner, presented a summary of the request.

Dawn Mumpower, 4307 Marble Arch Way, Flowery Branch, presented the request. Applicant is a long time resident of Hall County. The residence on the property has been updated. The interior will be updated to a commercial kitchen, which will prepare food for the food trucks. The food trucks will service weddings and other events. The exterior will remain the same. Applicant has spoken with neighbors and they are aware of changes. Plans for goat yoga and brunch. There will be three goats, which are currently unborn. There will be a fenced area. There will be a chicken coop for about six chickens, with chickens to lay green and blue eggs. Eventually they would like to serve brunch with the goat yoga. A detached garage will be converted to a building for a smokehouse for BBQ. No food will be served out of the home, only out of the food truck. There is potential to rent the kitchen out to a baker.

Public Forum:

No one spoke in favor or opposition of the request.

Planning Commission Comments:

Mr. Braswell questioned the amount of animals.

Motion: A motion was made by Mr. Bell to approve with conditions. The motion was seconded by Ms. Pilcher. Vote: 5-0.

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