

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Lora Savage

Request Rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B)

Proposed Use Retail sales & services

Size 2.68± acres

Zoning AR-IV

Location On the east side of Cleveland Highway approximately 1,835 feet from its intersection with Green Circle; a.k.a. 5324 Cleveland Highway; Tax Parcel 12031 003001.

Commission District Three

Planning Commission Date August 1, 2022

Staff Recommendation **Denial**

Planning Commission Recommendation: Approval, with conditions
Vote: 5-0

Conditions:

1. *The development shall conform substantially with the proposed narrative and site plan, with the exception of the following:*
 - a. *There shall be a 35 foot vegetative buffer along the rear lot line and along the left lot line further north.*
 - b. *There shall be a fence only between the adjoining properties owned by the applicant.*
 - c. *The buffer along U.S. 129 shall be exempt.*
 - d. *For the building materials, the masonry water table shall be on the front face of the building and on both sides. There shall be hardy plank or stucco above the masonry water table and a standing seam metal roof with colors to be determined by the Director of Planning and Development.*
2. *The development shall be consistent with §17.420.050 of the Official Code of Hall County. No variances to the development are approved as a part of this request. As part of the redevelopment process the property shall be brought into compliance with this section of the code.*
3. *Access to the development shall be approved by Hall County Traffic Engineering and/or the Georgia Department of Transportation, whichever applies.*
4. *All conditions of zoning shall be made part of any plat created for the property.*

5. No adult establishments shall be allowed in the building.

Applicant Proposal

The applicant is requesting to rezone 2.68± acre tract currently zoned Agricultural Residential IV (AR-IV) to Highway Business (H-B) for the proposed use of retail sales and services. The applicant's narrative states that the proposed operating hours will be Monday – Saturday between 8:00am and 6:00pm. The narrative does not allude to whether a new structure is proposed, or if the applicant will make use of the existing structure(s) on the site, however they do state the existing structures meets setback requirements. The narrative states the proposed sign will meet County requirements, and the security lights operated by Jackson EMC are present and operational. Lastly, the narrative states the existing water meter is connected to a City of Gainesville water line, there is a septic tank present, the existing drainage system is functional, and there is existing fencing present on the property.

History and Existing Land Uses

This property is zoned Agricultural Residential IV (AR-IV) and totals 2.68± acres in size and is developed with a 2,880 square foot building, constructed in 1963, and various outbuildings.

Zoning surrounding the subject property is AR-IV to the east of the subject property, and west across Cleveland Highway. The adjacent parcel to the north is zoned Highway Business (H-B), while the southward adjacent parcel is zoned Suburban Shopping (S-S).

The subject parcel also falls within the Gateway Corridors Overlay District (GCOD) which is supplemental to the underlying zoning district classifications. The GCOD governs non-residential property development standards.

Comprehensive Plan Land Use Designation

The subject property is located with a "Mixed Use Corridor" and "Activity Center" character area within the Future Development Guide of the Hall County Comprehensive Plan.

The Activity Center category includes commercial, mixed use, employment, and neighborhood revitalization area developments. This categorization provides residents access to a variety of retail and civic uses/space. These may be larger commercial (local retail / service uses) centers, single-use employment centers (e.g. business or industrial park), or mixed use centers that include a variety of commercial, residential and/or employment elements. This may include smaller neighborhood commercial uses in rural and suburban areas.

Additionally, Mixed-Use Corridors generally consist of retail activities, office-based employment, civic uses, and single-family residential developments. Low-impact industrial or higher density residential only where the same is found on adjacent properties

The applicant's request is consistent with the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health

In an email dated June 30, 2022, Chad Harper, with Hall County Environmental Health, stated “A detailed business plan must be submitted to Hall County Environmental Health for review. Must meet all Environmental Health commercial septic system permitting requirements.”

Hall County Fire Services

In an email dated June 30, 2022, John Hornick, with the Hall County Fire Marshal Office, provided the following comment: “Property 5324 is approximately 1,091 feet from the nearest fire hydrant #H2451. For the buildings on the property to be in compliance with the International Fire Code, section 507.1 would have to be met which would require the expansion of the underground water line and installation of a fire hydrant in the right of way at the property entrance. (See Attachments)

The subject parcel is located approximately 2.1 miles from Hall County Fire Station #2 located at 6012 Cleveland Highway. The nearest fire hydrant is located to the approximately 1,000 feet to the south, in front of 5264 Cleveland Highway, parcel ID 12031 003008.

Hall County Public Works and Utilities

In a memo dated June 30, 2022, Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comments:

Engineering

The 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

Driveway must be permitted through GDOT.

Utilities

No comments.

Hall County Tax Assessors No comments were provided.

Gainesville Water Resources

The Hall County GIS shows that public water and sewer is not adjacent to the subject property. Narrative states existing water meter is connected to Gainesville city water and there is a septic tank present.

Georgia Department of Transportation

In an email dated April 13, 2022, Parker Niebauer, GDOT Traffic Operations Supervisor, stated: “GDOT coordination required.”

Zoning Analysis

- The applicant is requesting to rezone the subject property to Highway Business (H-B) so the existing structure may be converted to a retail / sales service program use.
 - Within the H-B zoning district the following uses are permitted:
 - Any retail or retail service establishment, including the making of articles sold at retail on the premises; banks; bus stations; churches and other places of worship; drive-in theaters; motels, hotels; county uses; offices; parks for leisure and scenic appeal; radio and television studios; restaurants; service stations; subdivisions; family day care home; group day care home; construction trailer; adult establishments; and dental laboratories.
 - The applicant has not provided further details regarding the type of business to be located on site.
- The subject property falls within the Activity Center character area and in a Mixed-Use Corridor on the future land use map.
 - The Activity Center category includes commercial, mixed use, employment, and neighborhood revitalization area developments. This categorization provides residents access to a variety of retail and civic uses/space. These may be larger commercial (local retail / service uses) centers, single-use employment centers (e.g. business or industrial park), or mixed use centers that include a variety of commercial, residential and/or employment elements. This may include smaller neighborhood commercial uses in rural and suburban areas.
 - Additionally, Mixed-Use Corridors generally consist of retail activities, office-based employment, civic uses, and single-family residential developments. Low-impact industrial or higher density residential only where the same is found on adjacent properties
 - The proposed use of retail sales and service is consistent with this land use classification as there are adjacent commercially zoned properties (H-B and S-S).
- The subject property falls within the Gateway Corridor Overlay District (GCOD) and is subject to design standard for non-residential development including architectural, buffering, landscaping, and signage requirements.
- The GCOD provides guidelines for non-residential property development. The guidelines apply to both permitted uses and development standards.
 - Within the GCOD, the following uses are prohibited: adult entertainment, junk yards, and billboard signs.
 - Uses subject to the approval of the Hall County Board of Commissioners (BOC) include self-storage warehouses, vehicle sales lots (new or used), automobile repair and maintenance, commercial outdoor recreation, car washes and outdoor storage.
 - The applicant has stated the proposed use is retail sales and services. Without additional information it cannot be determined if Board of Commissioners approval will be needed.

- Within the GCOD, the use of a common palette of building materials should be maintained for all four sides of principle buildings to create a consistent and traditional architectural identity. For large commercial/retail buildings, variations in building materials, texture, and depth should be employed to provide design variation. Building materials used for all four sides should consist of natural masonry materials.
 - The applicant has not provided examples of proposed building materials or given detail to the current structure's materials.
- As per 17.420.050.C.2.A, "Where a commercial zoning district abuts property zoned for single-family residential or agricultural use, the minimum width shall be 25 feet."
 - No site plan was submitted with the request. If the rezoning is approved a buffer would be required to be installed where the subject parcel borders residentially zoned properties.
- Per 17.420.050.E.3 of the Official Code of Hall County, all parking areas shall be paved with asphalt, or concrete.
 - The narrative states 90% of existing lot is asphalt
- No site plan was submitted showing the proposed redevelopment of the site. Without this information it is difficult to assess the impact of the rezoning request, to determine if there is adequate parking available, or how the proposed use will impact the adjacent properties.

Staff Recommendation

Staff recommends **denial** of the applicant's request as the applicant has not provided staff with enough information to assess the impact of the proposed redevelopment of the site. It is suggested that the item be tabled until the applicant has submitted a more detailed narrative and site plan. However, the proposed use does align with the Comprehensive Plan.

Should the board choose to approve the application, staff recommends the following conditions:

1. The development shall conform substantially with the proposed narrative and site plan, modified as necessary for compliance with current development standards at time of application.
2. The development shall be consistent with §17.420.050 of the Official Code of Hall County. No variances to the development are approved as a part of this request. As part of the redevelopment process the property shall be brought into compliance with this section of the code.
3. Access to the development shall be approved by Hall County Traffic Engineering and/or the Georgia Department of Transportation, whichever applies.
4. All conditions of zoning shall be made part of any plat created for the property.

Excerpts from the minutes of the August 1, 2022 meeting

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Hank Meeler, 8604 Belton Bridge Road, Lula, presented the request. The applicant presented a rendering of the proposed building. The applicant stated that they would like to only have masonry on the front of the building along with the four windows and door. The applicant requested for the sides of the building to be metal.

Public Forum:

John Tinker, 5567 Green Circle, Clermont, spoke in favor. Spoke about the improvement of the location.

Brian Kelly, 5659 Ransom Free, Clermont, spoke in favor. Spoke about the improvement of the location.

Planning Commission Comments:

Ms. Pilcher questioned if they are planning to remove any existing structures. The applicant stated that all buildings will stay unless they are asked to do otherwise. Mr. Hunt stated that all the buildings will have to be the same style. The applicant stated that the material they were proposing to use was metal. Mr. Hunt stated that it is not allowed under Gateway Corridor. Mr. Braswell stated that a variance could be allowed for a metal roof. Mr. Hunt stated that he would like to see a buffer at the rear and left side of the property. The applicant stated that could be done.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Bell. Vote: 5-0

Conditions:

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