

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Maroun Aoun

**Request** ..... Rezone from Agricultural Residential-III (AR-III) to Planned Office Development (POD)

**Proposed Use** ..... Institutional campus

**Size** ..... 7.51± acres

**Zoning** ..... AR-III

**Location** ..... On the west side of Winder Highway approximately 880 feet from its intersection with Martin Road; a.k.a. 4240 Winder Highway, Zoned AR-III; Tax Parcel 15044B000009. Proposed Use: daycare center.

**Commission District** ..... One

**County Commission Date** ..... September 9, 2021

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

**Planning Commission Recommendation – Approval, with conditions**

**Vote: 5-0 vote**

**Conditions**

√	1. <i>The development shall conform substantially with the proposed narrative, modified as necessary for compliance with the current Hall County development regulations at the time of development.</i>
√	2. <i>Prior to the issuance of an occupancy permit and business license for the daycare center, the applicant shall work with Hall County Building Inspections to ensure the proper building codes are met.</i>
√	3. <i>All off-street parking shall meet minimum standards as specified in sections §17.420 and §17.250 of the Official Code of Hall County.</i>
√	4. <i>All lighting on the premises shall be of a non-spill type.</i>
√	5. <i>Parking areas shall be paved with either asphalt or concrete.</i>
√	6. <i>All conditions of zoning shall be made a part of any plat created for the property.</i>

√ **Applicant agrees with conditions.**

## **Applicant Proposal**

The applicant is requesting to rezone a 7.51± acre tract zoned Agricultural Residential-III (AR-III) to Planned Office Development (POD) to for use as a daycare center. The property is currently being used as a church, which will remain, and is considered a permitted use within the AR-III zoning district.

The applicant's narrative indicates that any proposed signage will be placed at the entrance to the property, off an access road from Winder Highway. The property will be served by City of Gainesville water. The property is served by public sewer from the City of Oakwood.

The applicant's site plan show improvements to the entrance and vehicular circulation to the site, with a proposed entranceway connecting to the existing right-of-way between the subject parcel and the parcel next door, developed with an Ingles Supermarket. The improvements include a circular drive with 11 customer parking spaces in the front of the building, 4 small bus parking spaces and 30 employee spaces to the side of the building. An outdoor recreation area is depicted to the rear of the daycare building, and is identified as being 13,000 square feet in area. No information was given regarding the type of recreation equipment or activities within this area. The site plan also shows a proposed stormwater detention pond to accommodate stormwater runoff.

## **History and Existing Land Uses**

The subject property is comprised of a 7.51± acre parcel zoned Agricultural Residential-III (AR-III). The subject property has frontage along an access road to Ingles Supermarket, which connects to Winder Highway. An occupancy permit was issued to the church in 2010. Historically, the structures on the property were used as poultry houses, which have been brought up to standards for commercial use.

The subject property is boarded to the north and east by Highway-Business zoned parcels, which area currently undeveloped or developed with residential uses. The property to the south is zoned Planned Commercial Development (PCD) and is developed with an Ingles Supermarket. Adjacent to the property to the west are large tract AR-III zoned properties, developed with single-family residential and agricultural uses.

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

## **Comprehensive Plan Land Use Designation**

The future land use designation for this parcel is "Residential". The appropriate land uses in the Residential category include single-family residential, limited neighborhood commercial, and appropriately scaled institutional uses. 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.

The property is also adjacent to an area designated as an "Activity Center." Activity Centers are characterized by compact, walkable, higher density developments. These areas provide additional

employment opportunities and support residential uses (e.g. townhomes, loft apartments, condominiums) that can contribute to a live-work environment but are not consistent with the rural or suburban development patterns found in much of the county. Future development should also emphasize high quality building and site design, including dedicated open / civic space.

The request is consistent with the Comprehensive Plan.

### **Development Support and Constraints**

#### Hall County Environmental Health

In an email dated July 7, 2011, Kelly Hairston, Hall County Environmental Health, provided the following comment: "No comment. Public Sewer."

#### Hall County Fire Services

The subject property is located approximately 2.1 miles from Hall County Fire Station #12, located at 4890 Winder Highway. There is a fire hydrant located adjacent the subject property's frontage on the Ingles Supermarket parcel.

#### Hall County Public Works and Utilities

A memorandum from Srikanth Yamala, Interim Director of Public Works and Utilities, dated July 6, 2019 had the following comments in regards to this application:

##### Engineering

Green Drive ROW Extends Through Property

Traffic: No traffic comments

##### Utilities:

Oakwood Sewer

#### Hall County Tax Assessors

No comment received.

#### Gainesville Water Resources

The Hall County GIS shows that public water is available to the subject property along Winder Highway.

#### Georgia Department of Transportation

In an email dated July 9, 2021, Parker Niebauer, District 1 Traffic Operations Supervisor, for the Georgia Department of Transportation, confirmed that this project will require GDOT coordination.

### **Zoning Analysis**

- The proposed rezoning and development is consistent with the Comprehensive Plan.
  - The expansion of the existing church to include a daycare is complimentary in nature and supported by the Comprehensive Plan.
- §17.420 of the Official Code of Hall County provides guidelines for non-residential property development and redevelopment within the GCOD and requires (but is not limited to):

- A minimum transitional buffer of 25 feet where a commercial zoning district abuts residential or agricultural use.
- A ten-foot wide landscape strip along each street frontage, continuous along the frontage except for perpendicular crossings for driveways and utilities.
- Waste receptacles, including dumpsters, garbage cans, or grease containers shall be located in the rear or side yard and placed at least 20 feet from any street, public sidewalk, or property line that abuts residential zoning. Such waste receptacle shall be screened from view from all property lines and public areas of the site by a minimum six-foot high masonry or solid wood wall with opaque gate.
- All parking areas shall be paved with asphalt or concrete (or other pervious materials approved by the director).
- Each parking area over 50 spaces shall include landscaped islands within the parking area equivalent to not less than five to ten percent with planning director discretion of the total paved area of the parking lot.
- Building materials for all four sides of a new building are restricted to the following: brick, stone, and glass or glass block. Up to 50% of the surface area of each side may be stucco, and up to 50% of the surface area of each side of a principal building may be split-face block/concrete masonry unit. Concrete block, painted concrete block, tilt-up and pre-cast concrete are not allowed.
- Outdoor lighting shall be provided on all public streets and parking lots.
- Planned Office Developments (POD) should contain office and institutional uses upon a site that results in minimum impact upon the surrounding area. The site plans and building designs should produce a development that can be constructed to achieve maximum utilization of space while maintaining a low-intensity office character protected from more intensive commercial and industrial development and protecting any nearby residential uses. Such a development may also include a limited number of residential and commercial uses. Both general and specific requirements for POD's shall be provided including the following special items:
  - The site plan shall indicate the proposed size, location, number of stories and estimated number of employees in each office building.
  - Development controls for the district shall be detailed (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the office institutional districts (O-I) together with screening and buffer requirements shall apply.
    - Front yard setback: 30 feet from the front property line.
    - Side yard setback: 20 feet from property line.
    - Rear yard setback: 10 feet from property line.

**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 the current Hall County development regulations at the time of development.
2. Prior to the issuance of a occupancy permit and business license for the daycare center, the applicant shall work with Hall County Building Inspections to ensure the proper building codes are met.

3. All off-street parking shall meet minimum standards as specified in sections §17.420 and §17.250 of the Official Code of Hall County.
4. All lighting on the premises shall be of a non-spill type.
5. Parking areas shall be paved with either asphalt or concrete.
6. All conditions of zoning shall be made a part of any plat created for the property.

### **Excerpts from the minutes of the meeting of August 2, 2021**

#### **Applicant's Presentation:**

**Sarah McQuade, Planning Director**, presented a summary of the request.

**Chris Patton, 419 Bradford Street, Gainesville**, presented the request. Mr. Patton stated that the property would conform to the office industrial setbacks and buffers. He reviewed the site plan and stated there would be a 25 foot buffer on all property lines that adjoin to any agriculturally zoned property. Mr. Braswell asked Mr. Patton if he had seen the staff conditions. Mr. Patton stated that he had seen them and agreed to them.

#### **Public Forum:**

**Gary Kemper 4700 Martin Road, Flowery Branch**, stated that he was not on opposition, but had a request for the applicant to conduct a stream study, as the stream runs underneath his driveway. Mr. Kemper stated that his farm property was used as a wildlife release program. He stated that he believed the pond would need to increase in size and there be a bigger buffer next to the playground.

#### *Rebuttal*

Mr. Patton stated that the applicant would have to comply with all the stormwater regulations and all the hydro studies would have to be completed. Mr. Braswell asked if the playground area would be fenced. Mr. Patton stated that it would and would comply with the code. Mr. Braswell asked about the easement access. Mr. Patton stated that the applicant would have to continue to allow the access. Ms. Pilcher asked to see a photo of the easement access. Mr. Patton reviewed a photo and an additional site plan. Mr. Bell asked if the applicant would use the current buildings. Mr. Patton stated that the current building would be used.

**Motion: Mr. Bell made a motion to recommend approval, with conditions for the request, with a second from Mr. Hunt and the motion passed by a 5-0 vote.**

#### *Conditions:*

1. *The development shall conform substantially with the proposed narrative, modified as necessary for compliance with the current Hall County development regulations at the time of development.*
2. *Prior to the issuance of an occupancy permit and business license for the daycare center, the applicant shall work with Hall County Building Inspections to ensure the proper building codes are met.*
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