

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Phillip Edwards, Chad & Clint Shoaf

Request Rezone from Residential-I (R-I) to Planned Commercial Development (PCD)

Proposed Use Self-storage warehouses

Size 3.54± acres

Zoning R-I

Location On the north side of Mountain View Road at its intersection with Old Oakwood Road; a.k.a. 2928 Mountain View Road; Tax Parcel 08012 003006S.

Commission District Four

Planning Commission Date October 17, 2022

Staff Recommendation **Denial**

Planning Commission Recommendation – Approval, with conditions
Vote: 4-1 (Bell opposed)

Conditions:

1. *There shall be coordination with Georgia Power for a fence with a gate lock along the power easement.*
2. *The placement and design of the buffers shall be approved by the Planning Director on a revised site plan prior to submission to Development Review.*
3. *Before a building permit is issued, the proposed architectural plans shall receive approval from the Hall County Planning Director.*
4. *Driveway design and placement are subject to approval by Hall County Traffic Engineering.*
5. *The following uses shall be prohibited: adult entertainment establishments, junk yards, and billboard signs.*
6. *Georgia Power shall approve the commercial site plan prior to the Land Disturbance Permit being issued.*
7. *All exterior lighting shall be full cutoff down lights.*
8. *The development shall be in conformity with all Hall County ordinances at the time of submission for Development Review, including the Tree Protection ordinance.*
9. *Hours of operation shall only be between 5am to 11pm.*
10. *There shall be a brick and mortar sign at the front.*

11. Buildings A and B facing Mountain View Road shall have a minimum of 36 inch water table with hardy plank siding.

Applicant Proposal

The applicant is requesting to rezone the subject property from Residential-I (R-I) to a Planned Commercial District (PCD) for the use of a self-storage facility. The narrative states that the operating hours will be 9:00am-5:00pm with management on site. After-hours access will be provided via key pad with remote entry to the facility. The narrative continues that the development will have high security systems and proper lighting subject to the county requirements.

The site will be serviced by an on-site septic system, subject to county regulations. The narrative states that adjacent properties will be protected by proper fencing, foliage, and shrubbery with input from neighbors to ensure the proper buffers are maintained. The submitted site plan shows a 25 foot vegetated buffer with opaque fencing adjacent to all properties zoned R-I.

The submitted site plan shows three (3) self-storage buildings on the property, with total impervious area equaling 1.65 acres, or 48% of the total lot area. All two (2) of the three (3) buildings are proposed to be one story in height (less than 15 feet), with the building located on the western portion of the lot having a bi-level option (less than 27 feet).

The total proposed square footage of self-storage area is 39,800 square feet of one story storage and 60,950 square feet if the bi-level building is constructed. The site plan shows a 700 square foot office connected to Building A with 8 parking spaces near the entrance. After the parking spaces is a gated access to the storage buildings. A stormwater detention facility is shown in the front of the property, to the north of the proposed parking spaces and a monument sign is shown adjacent to Mountain View Road.

A breakdown of the proposed development can be shown in the table below:

Building A	1-story (< 15 feet high)	11,450 square feet
Building B	1-story (< 15 feet high)	7,200 square feet
Building C	Bi-Level Optional (< 27 feet high)	21.450 square feet / 42,300 square feet
Office	Connected to Building A	700 square feet

History and Existing Land Use

The subject property is zoned Residential I (R-I) and measures approximately 3.54± acres. The property is currently undeveloped as the property card shows a demolition permit was issued for a residence and a barn on November 2, 2018 and shows that demolition took place on March 6, 2019.

This parcel was the subject of a previous rezoning request to Planned Commercial Development (PCD) for a gas station and convenience store with retail offices and storage units. The Planning

Commission on March 18, 2019 recommend denial. The request to rezone to a PCD was **denied** by the BOC on April 10, 2019.

Subsequently, a conditional use application for a daycare center was approved by the Board of Commissioners on January 9, 2020, with 9 conditions. Per §17.380.130, the approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and/or license, and development plat approval, and proceeding with the building, occupancy or establishment of business. Since the approval there has been no action taken by the applicant to implement the proposed use and as such the approval for a daycare center has **expired**.

All adjacent parcels to the subject property are zoned Residential-I (R-I). The eastern and northwestern property lines abut lots within the Colbert Buice Subdivision. The western and southwestern property lines are developed residential lots that are not within a subdivision.

Across Mountain View Road are multiple larger tracts of land within the City of Gainesville jurisdiction, zoned Light Industrial (L-I). The parcels are developed with industrial uses, including a 371,890± square foot manufacturing building.

Within unincorporated Hall County limits, directly across from the subject property, is a parcel zoned R-I and developed with a hair salon business that has been in business since the 1970s. The property to the west of the hair salon business (2941 Mountain View Road) was rezoned to Highway-Business (H-B) in 2017, and is currently developed with a Family Dollar store.

Comprehensive Plan Land Use Designation

The Comprehensive Plan designates the subject property and surrounding area as a “Lake Area Residential” land use category. This category includes low-density residential development and neighborhoods. Land use patterns are similar to Residential Areas, and there is orientation toward Lake Lanier in terms of development and flexibility in use of single-family homes. The area includes the 500-foot buffer around the lake, wherein properties have the potential to be zoned Vacation Cottage District in order for single-family homes to be used as short-term vacation rentals. Future development will continue to be detached, single family homes at low densities in addition to less intensive agricultural uses that are found in the northwestern part of the area.

These areas are located outside of the County’s sewer service area, but public water is available.

While non-residential uses have been introduced on the southern side of Mountain View Road, there has been none yet introduced on the northern side of the road. The introduction of nonresidential uses on this parcel is inconsistent with the future land use policy of the Comprehensive Plan.

This proposal is **inconsistent** with the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health

In an email dated September 23, 2022, Emily McGahee 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. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan."

Hall County Fire Services

In an email dated September 28, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, stated the following:

"IFC Section 903, 42,300 SF bi-level storage building exceeds the 12,000 SF sprinkler threshold requirements and will be required to have a fire protection system installed.

All access controlled gates will require a Knox key switch override device for fire department access into gated development.

IFC Section 507, All buildings must be within the 400' hose lay distance requirements from a fire hydrant as the truck travels. Fire hydrant(s) may have to be installed along the access road to meet the hose lay distance requirements."

Per Hall County GIS, the property is located approximately 2.7 miles from Hall County Fire Station #4, located at 2940 McEver Road. There is a fire hydrant in front of the subject property.

Hall County Public Works and Utilities

A memorandum from Srikanth Yamala, Director of Public Works and Utilities, dated September 29, 2022 stated the following:

Engineering:

Georgia Power Approval is required prior to civil plan approval.

Traffic:

Driveway must meet commercial standards. Applicant should verify that required intersection and stopping sight distances can be achieved at proposed driveway location.

Utilities:

No sewer available.

Georgia Department of Transportation

This project will not require GDOT coordination.

Hall County Tax Assessors

No comments were provided in relation to this item.

Gainesville Water and Sewer Resources

No comments were provided in relation to this item.

Per Hall County GIS, there is public water along Mountain View Road.

Georgia Power

In an e-mail dated July 14, 2022, Andrew Crews, Forestry and Right of Way Services, Georgia Power, stated:

I've discussed this with our transmission maintenance group. A set of site and grading plans will be needed to make a full evaluation. Here are some of the requirements, but not necessarily limited to,

- No permanent structures in the easement area
- Vertical clearances to the line must be maintained at all times, included during site work
- 25' feet radius around any Georgia Power structure is preferred
- Any proposed utility crossings must be locatable and marked at both ends of the easement area, and must be installed at a depth and strength to withstand heavy construction traffic
- Paving and parking should be HS20 loading, and able to withstand passage of large construction equipment and vehicles
- Trailered parking of boats is generally acceptable provided that it is no taller than 15' and immediately removable upon request by GPC – this is generally only approved as “temporary parking”. No washing of boats/RVs permitted in the right-of-way
- Any proposed fill/cut will need to be evaluated. GPC will need to retain access to line at all times, for maintenance and emergency purposes

Zoning Analysis

- The proposed development is inconsistent with the Comprehensive Plan. The plan suggests that this area will continue to be residential in nature. The introduction of nonresidential uses adjacent to residential uses has the potential to increase traffic to the area and cause disruption to local residents.
- The subject property is located in a residentially dominated area along the north side of Mountain View Road, and this rezoning would create a spot zoning district. Across from the subject property is a parcel that was rezoned in 2017 to an H-B zoning district. Nearby parcels within the City of Gainesville have PUD and/or industrial zoning categories.
- The proposed uses listed in the application are consistent with permitted uses under Highway Business (H-B) commercial zoning districts, which permits warehousing, subject to Planning Commission approval (§17.150.020).
- Per, §17.180.080. (Planned commercial development (PCD)), planned commercial development shall provide for the maximum attainable commercial usage of property while employing the best aspects of prior site planning and development controls to insure:
 1. Protection of surrounding residential uses;
 2. Safe access by motorists;
 3. Minimum traffic congestion; and

4. A development which is consistent with long-range plans of the county.
- §17.180.080.B (Required plans), the following special items shall also be addressed:
 1. The site plan shall indicate the proposed size, location and number of stories of each commercial structure.
 - The applicant's site plan shows the proposed size, location, and number of stories of each commercial structure. This **standard is met.**
 2. The entrances, exits and number and location of all parking spaces shall be shown in detail, together with all loading and no parking zones.
 - The applicant's site plan shows the proposed entrance, exit and number and location of all parking spaces. This **standard is met.**
 3. The proposed methods and location of all buffers shall be described.
 - The applicant's site plan shows 25 foot vegetated buffer with an opaque fence where the property is adjacent to residentially zoned parcels. However, due to the Georgia Power line easement, the buffer and proposed fencing would not be able to be placed in the power line easement. Therefore, according to the current site plan, this **standard is NOT met.**
 4. The proposed exterior lighting shall be shown.
 - The applicant's site plan states that exterior lighting will be provided by mounting wall packs on exterior of buildings. Lights will be placed in such a way to minimize light directed towards adjacent properties. This **standard is met.**
 5. All proposed signs, advertising or identification graphics shall be indicated, showing their number, size, height and location.
 - The site plan shows a proposed monument sign at the front of the development, adjacent to Mountain View Road. The site plan notes that the sign will comply with setback and other sign permit requirements.
 6. The type and number of uses proposed for the commercial development shall be indicated.
 - The applicant states that the proposed development is a self-storage facility.
 7. The development controls for the district shall be stated (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the suburban shopping district (S-S) shall apply.
 - No explicit setbacks were listed on the site plan or described in the project narrative. Per §17.240.010, the minimum setbacks for the S-S zoning district are:
 - Front: 55 feet from center line of road or 30 feet from property line, whichever is greater.
 - Side: 20
 - Rear: 10
 - The applicant's site plan shows 20 foot side and rear setbacks and a 30 foot front setback.
 8. If residential uses are proposed in conjunction with the planned commercial development, then the applicable requirements of the planned residential development shall be provided.
 - No residential uses are proposed.

- §17.260.020 of the Hall County Zoning Regulations requires a 10 foot wide planted buffer when retail use with no outside activity (beyond parking and loading areas) abuts residential use. Where there is outside activity, then the planted buffer is to be 20 feet wide. If the proposed zoning is approved, the subject area will require a transitional vegetated buffer as regulated by the Hall County Ordinance to help mitigate the commercial development impact on abutting residential properties.
 1. Substitution of all or part of a planted buffer with a solid fence may be allowed with Planning Commission approval if satisfactory overall screening of the property is achieved.
 2. The submitted site plan shows a 25 foot vegetated buffer where the property is adjacent to residentially zoned parcels. However, due to the Georgia Power line easement, the buffer and proposed fencing would not be able to be placed in the power line easement. Therefore, according to the current site plan, this **standard is NOT met.**
- §17.270.070.C of the Hall County Zoning Regulations regulates permitted signs in PCD zoning districts.
 1. §17.270.070.C.2 states that one monument sign is permitted with a maximum height of 10 feet height is permitted for developments with 50,000 – 100,000 square feet of gross floor area.
 - The applicant's site plan includes one monument sign and a statement that signage will be in accordance with county sign regulations.
- This property is not in the Gateway Corridors Overlay District (GCOD) and is not subject to the GCOD architectural standards.
- The applicant submit any architectural renderings for the proposed development.
 - The applicant submitted renderings of the proposed building. The proposed building materials for the roof and siding is metal.

Staff Recommendation

Staff recommends **denial** for the following reasons:

1. The proposed development is inconsistent with the future land use classifications in the Comprehensive Plan.
2. The rezoning of this parcel would result in the creation of a “spot zone” on the north side of Mountain View Road. Currently, non-residential development is restricted to the southern portion of the road.
3. The proposed development presents conflicts in the existing Georgia Power easement.
4. The proposed development is not compatible with the adjacent, existing residential uses.

If the Commission chooses to approve the application, the following conditions are recommend.

1. All required buffers for the rear of the site shall be on the south side the Georgia Power easement as no fencing or planted vegetation for required for the buffers can be placed in the Georgia Power easement.

2. The placement and design of the buffers shall be approved by the Planning Director on a revised site plan prior to submission to Development Review.
3. Before a building permit is issued, the proposed architectural plans shall receive approval from the Hall County Planning Director.
4. Driveway design and placement are subject to approval by Hall County Traffic Engineering.
5. The following uses shall be prohibited: adult entertainment establishments, junk yards, and billboard signs.
6. Georgia Power shall approve the commercial site plan prior to the Land Disturbance Permit being issued.
7. No commercial parking or drive aisles shall be in the Georgia Power easement.
8. All exterior lighting shall be full cutoff down lights.
9. The development shall be in conformity with all Hall County ordinances at the time of submission for Development Review, including the Tree Protection ordinance.
10. The development shall be subject to the non-residential property development standards found in §17.420.050 of the Gateway Corridors Overlay District. Metal sided buildings and roofing materials are prohibited.

Excerpts from the minutes of the October 17, 2022 meeting

Applicant's Presentation:

Ellis Still, Assistant Planning Director, presented a summary of the request.

Philip Edwards, Athens, presented the request. Mr. Edwards stated that there would be 225 to 340 units depending if there was a second story on the third building. Mr. Edwards stated the units would be 90 percent climate controlled with an architectural build of metal roof and siding. The buildings facing the road will have three to four foot high brick kind of foundation. Mr. Edwards explained that adding a 20 foot buffer from the south side of the easement it would kill the project.

Dylan Lee, 66 Lothridge Road, Cleveland, presented the request. Mr. Lee explained the site plan.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated that when the development is key access accessible by customers that it is best to regulate the hours of operation to divert inconveniencing neighbors. Mr. Varner questioned if any buildings would have a second floor. Mr. Lee stated that only one of the buildings would be and it would roughly be a 20 foot height building.

Motion: A motion to approve with conditions was made by Mr. Varner and seconded by Mr. Hunt. Vote: 4-1 (Bell opposed)

Conditions:

1. *There shall be coordination with Georgia Power for a fence with a gate lock along the power easement.*
2. *The placement and design of the buffers shall be approved by the Planning Director on a revised site plan prior to submission to Development Review.*
3. *Before a building permit is issued, the proposed architectural plans shall receive approval from the Hall County Planning Director.*
4. *Driveway design and placement are subject to approval by Hall County Traffic Engineering.*
5. *The following uses shall be prohibited: adult entertainment establishments, junk yards, and billboard signs.*
6. *Georgia Power shall approve the commercial site plan prior to the Land Disturbance Permit being issued.*
7. *All exterior lighting shall be full cutoff down lights.*
8. *The development shall be in conformity with all Hall County ordinances at the time of submission for Development Review, including the Tree Protection ordinance.*
9. *Hours of operation shall only be between 5am to 11pm.*
10. *There shall be a brick and mortar sign at the front.*
11. *Buildings A and B facing Mountain View Road shall have a minimum of 36 inch water table with hardy plank siding.*