

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Reynolds-Hemmer Properties, LP

Request Conditional Use to allow trailer storage within the Gateway Corridors Overlay District (GCOD, [17.420](#))

Proposed Use Trailer storage

Size 5.45± acres

Zoning I-II, Heavy Industrial

Location **3519 White Sulphur Rd** | Tax Parcel 15020A000030

Commission District Three

Planning Commission Date November 21, 2022

Staff Recommendation **Approval with conditions because the proposal is consistent with the 2022 Comprehensive Plan.**

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

Vote: 4-0 (Pilcher absent)

1. The project shall substantially conform to the submitted site plan and narrative with the following variances and conditions.
2. The use shall be limited to overflow truck and trailer storage for a single lease tenant, any use as a commercial parking lot or in a model facility shall be prohibited. No material or containers shall be allowed storage on the premises if not stored in an enclosed trailer or on a flatbed trailer. This shall be approved as a temporary storage facility allowing no trucks or trailers to be stored on the site for more than 30 days. Conditional use shall be valid for 24 months from site approval by the applicable Hall County Building inspections to assure that all conditions of zoning have been met. The owner shall not be allowed to operate the facility until all conditions of Board of Commissioners approval have been met.
3. The only approved signage shall be directional and traffic signs.
4. All lighting shall be non-spill type only, LED lighting is approved.

5. The applicant shall follow the standard Hall County *Development Review process regarding pavement installation and stormwater management requirements.*
6. *All fencing within the Gateway Corridor 300 foot setback as well as fencing along the entirety of White Sulphur Road and Gateway Center Park Place shall be 8 feet in height, PVC opaque type, with a 10 foot planted landscape buffer. Fencing color and buffer requirements shall be approved by the Director of Planning and Development prior to the Land Disturbance Permitting process. All other fencing shall be 8 foot tall black vinyl coated chain-link fence.*
7. *The parking lot shall be gravel.*
8. *The conditional use and variances approved shall only be for Reynolds-Hemmer Properties, LP. The conditional use approved and variances shall not be transferable to any other entities. Any future use other than stated above shall be brought before the Hall County Planning Commission and Board of Commission for approval.*
9. *All conditions of zoning shall be made a part of the final plat for recording.*

Public Forum:

Robert Deleon, 4139 Cagle Road, Lula, spoke in opposition. Concerns were traffic and safety.

Summary Analysis

The applicant is seeking for conditional use approval for tractor trailer storage in the Gateway Corridor Overlay district on 5.45± acres. The narrative submitted by the applicant states that the primary use of this parcel is intended to be used as tractor trailer storage on a gravel surface. The property will be leased to a tenant who will use the lot as overflow storage for a transportation business and will not be open to the public. An opaque fence is proposed around the perimeter with a security fence, and lighting will be LED security non-spill lighting. The narrative states that signage will comply with Hall County regulations.

The subject property is located at the corner of Cornelia Highway / State Route 365 and White Sulphur Road. The property has been pre-graded for usable building pads, and the proposed use is consistent with recent industrial growth in the immediate vicinity and with adjacent properties. The narrative claims that the proposed use will correlate well with the nearby future Inland Port and will not have any adverse impacts to the environment, as current stormwater management regulations will be followed.

The applicant is requesting to be exempt from the requirements of the Gateway Corridors Overlay District (GCOD, [17.420](#)) that requires all parking to be paved with asphalt or concrete. The applicant contends that the use of the property is a storage yard as opposed to a parking lot, thus permitting gravel to be used.

Upon written application, the director may grant exemptions from the requirements of this chapter for parcels or portions of a parcel that would otherwise be included in the GCOD if portions of the subject property to be exempted lie more than 300 feet from the centerline of a Gateway Corridor. ([17.420.030](#))

A concurrent application has been filed for a variance related to paving material within the Gateway Corridors Overlay District (GCOD, [17.420](#)). The items may be heard together but will require separate motions and votes. Specifically, all parking areas shall be paved with asphalt, concrete (or pervious materials approved by the director) as found in non-residential property development standard ([17.420.050](#)).

Zoning Analysis

When considering a conditional use certain criteria must be considered.

- (a) The existing land use pattern. **The subject property is 5.45 acres in size and is zoned Heavy Industrial (I-II, [17.170](#)). Surrounding properties to the north and east are also zoned I-II. Across White Sulphur Road, to the west, are properties zoned Planned Industrial Development (PID, [17.180.090](#)), Agricultural Residential III (AR-III, [17.110](#)), and Agricultural Residential IV (AR-IV, [17.120](#)). Gateway Industrial Centre, an industrial park, is located to the north and east of the property, along Cornelia Highway.**
- (b) Whether the proposed use would have an adverse effect on the comprehensive land development plan. **The proposed use would not have an adverse effect on the comprehensive land development plan. The subject property is part of an employment corridor, where the intent is to enhance and maintain well-functioning, attractive corridors that facilitate vehicular traffic flow and pedestrian/bicycle connectivity, serve local needs, and coordinate land use patterns without encroaching on adjacent neighborhoods. This land use classification should also create employment opportunities where a location benefits from interstate access or supports industrial-focused development patterns.**
- (c) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. **The proposed development will be reviewed through the Development Review process, and as such will be required to meet all applicable life safety regulations prior to permit issuance.**
- (d) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern, or the comprehensive land development plan. **The proposed development is adjacent to industrially zoned properties and is consistent with the recommendations of the Comprehensive Plan.**
- (e) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
 - i. The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and **The proposed development is not adjacent to a residentially zoned or developed property, so this is not applicable.**
 - ii. The location and height of buildings, and other structures, and the crosswalks or pedestrian ways are nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern. **The proposed development is not adjacent to a residentially zoned or developed property, so this is not applicable.**

- (f) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities. **The proposed development is not residential and thus will not increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; nor will the approval of the use encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities.**
- (g) Whether the proposed use will cause a health hazard, a public safety problem, or nuisance created or excessively increasing traffic and associated congestion; creating a drainage problem; generating unnecessary disturbances due to noise, the emittance of smoke or other contaminants, odor, electrical interference or causing pollution to land, air and/or water. **The proposed development will be required to follow the standard Development Review process which will require review by the County Engineer, Traffic Engineer, Fire Department, and other applicable agencies to ensure that the project does not create these issues.**
- (h) Whether the proposed change will adversely affect property values in adjacent areas. **Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is complete.**
- (i) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. **No reason has been provided why the property cannot be used for a use listed in [Section 17.170.010](#). Within the Gateway Corridors Overlay District (GCOD, [17.420](#)) outdoor storage requires conditional use approval from the Board of Commissioners.**

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the planning commission shall 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 shall be considered, to wit:

1. 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 current land use pattern is trending to an industrial use adjacent to Cornelia Highway with low density agricultural uses further away from the highway, of secondary streets.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning has already been established on the property and the current request is for a conditional use approval. This question is not applicable to this request.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The zoning has already been established on the property and the current request is for a conditional use approval. This question is not applicable to this request.**
4. 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 development is unlikely to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities, or emergency medical services.**

5. 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 zoning has already been established on the property and the current request is for a conditional use approval. This question is not applicable to this request.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff has not identified that the existing property values have been impacted by the existing zoning.**
7. 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 value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. 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; **Hall County GIS aerial imagery shows that the property was graded and a building pad established between 2010 and 2015. The property has remained undeveloped since then.**
10. 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; **Staff is not aware of any changing conditions that affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The zoning has already been established on the property and the current request is for a conditional use approval. This question is not applicable to this request.**
12. 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 in relation to existing conditions in the area; this is not a rezoning request so this is not applicable.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The request does not appear to be out of scale with the needs of the County as a whole as there is a need for parking and storage of industrial vehicles (tractor trailers) along this corridor.**
14. 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 industrial uses based on the Future Land Use Map that would not require a conditional use approval or variance from the Gateway Corridors Overlay District (GCOD, [17.420](#)).**

15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **The zoning has already been established on the property and the current request is for a conditional use approval. This question is not applicable to this request.**
 16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **The property will be required to meet all local, state, and federal requirements pertaining to stormwater management as part of the development process.**
 17. 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; **This is not a rezoning request so this is not applicable.**
- The property falls within the **Gateway Corridors Overlay District, (17.420.)** which provides supplemental design standards for non-residential property development. The subject property will be subject to the standards found within [17.420.050](#) (non-residential property development standards) which relate to building materials, landscaping, and buffer requirements.
 - Within the **Gateway Corridors Overlay District, (17.420.)**, the use of outdoor storage requires conditional use approval from the Board of Commissioners, resulting in this request.
 - A companion case requesting to vary the paving material within the **Gateway Corridors Overlay District (GCOD, 17.420)** is being heard concurrent to the conditional use request.
 - Specially, all parking areas shall be paved with asphalt, concrete (or pervious materials approved by the director) as found in **non-residential property development standard (17.420.050)**. The applicant is proposing to use gravel.

Development Support and Constraints –Departmental /agency comments

Hall County Environmental Health

An email dated October 31, 2022 from Emily McGahee states “No comment. Public sewer.”

Hall County Fire Services

In an email dated November 2, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, stated: “The Hall County Fire Marshal’s Office has no comments regarding the trailer storage lot as proposed.”

Hall County Public Works and Utilities

In a memo dated November 3, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

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:

No comments.

Utilities:

No comments.

Georgia Department of Transportation

Per an email dated November 2, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor confirmed that this project will require GDOT coordination.

➤ **Excerpts from the minutes of the November 21, 2022 meeting**

Applicant's Presentation:

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

Lee Hemmer, 3945 Reynolds Road, Gainesville, presented the request. The applicant stated that the reason for a gravel variance would be due to the location not always being utilized for storage. The applicant stated that they would be installing an 8 foot fence to block the view into the property.

Public Forum:

Robert Deleon, 4139 Cagle Road, Lula, spoke in opposition. Concerns were traffic and safety.

Planning Commission Comments:

Mr. Braswell stated that the application would be heard as a conditional use to county commission approval as well as a variance request that would be voted on separately. Mr. Braswell pointed out that if any portion of the property lays on the Gateway Overlay, it applies to all the property. The applicant stated that with the way the area is developing it is inevitable to increase semi-truck presence. Mr. Hunt stated a PVC would be preferable fencing.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0 (Pilcher absent)

Conditions:

1. *The project shall substantially conform to the submitted site plan and narrative with the following variances and conditions.*
2. *The use shall be limited to overflow truck and trailer storage for a single lease tenant, any use as a commercial parking lot or in a model facility shall be prohibited. No material or containers shall be allowed storage on the premises if not stored in an enclosed trailer or on a flatbed trailer. This shall be approved as a temporary storage facility allowing no trucks or trailers to be stored on the site for more than 30 days. Conditional use shall be valid for 24 months from site approval by the applicable Hall County Building inspections to assure that all conditions of*

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