

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Anchor Inn RV & Boat Storage

Request Rezone from Agricultural Residential III (AR-III, [17.110](#)) to Highway Business (H-B, [17.150](#))

Proposed Use RV & boat storage

Size 9.06± acres

Zoning Current AR-III | Proposed H-B

Location **5871 McEver Road** | Tax Parcel 08119 000233

Commission District Two

Planning Commission Date December 5, 2022

Staff Recommendation **Approval with conditions based on the findings that this request meets the criteria outlined in [17.380.060](#) and that the adjacent property was rezoned to Highway Business (H-B, [17.150](#)) for the same use in 2019.**

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

Planning Commission Rezoning Conditions:

1. All conditions of the June 25, 2019 approval for the Foster Rd. Inc. rezoning request shall apply to this development.
 - a. The development shall occur as generally described in the narrative and depicted on the concept plan, modified for compliance with regulations at time of development application.
 - b. A 25 foot transitional buffer is required along the common lot line of the Cash property and the buffer shall be buffered per Hall County regulations.
 - c. Where the development borders the Lights Ferry Landing subdivision there shall be a 25 foot undisturbed buffer and a 10 foot transitional buffer.
 - d. The development shall permit boat and RV storage
 - e. The development shall have decorative steel fencing with stone or brick columns along McEver road. This steel or brick fence shall wrap around the radius of the cul-de-sac and turn back at the Cash property to the back of the building facing McEver Road. All other fencing shall be a 6 foot high black vinyl link fence along all other property lines.
 - f. The only entrance shall be located on Lights Ferry Road, which was on the original plan for phase 1.

2. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process including Gateway Standard 17.420.050. No variances from the Hall County standards shall be granted unless noted in additional conditions.
3. The development shall occur as depicted on the site plan presented. Minor changes shall be approved by the Planning Director provided there is no increase in the number of units or buildings and the changes do not create the need for variances in the Hall County development standards
4. A landscape plan shall be approved by Planning Director prior to LDP.
5. The applicant shall submit architectural elevations of all four sides of the structures for approval by the Planning Director prior to issuance of LDP. The only variances from the Gateway Corridor is to allow metal posts in between the bays and standing seam metal roofs. The project shall adhere to existing conditions of phase 1 with the exception of all buildings along McEver Road to be masonry on the back and sides facing McEver Road.
6. Signage shall require a separate permit and must meet Gateway Corridor Overlay district standards found in 17.40.060.
7. The buffer shall be protected in perpetuity by deed that follows the property, the removal or modifications of this condition shall require action by the Board of Commission.
8. Two amended site plans showing all Planning Commission conditions must be submitted before going in front of the BOC. One site plan shall be topographical and the second shall indicate all building locations without topography.
9. No more than 172 units shall be allowed on this property for phase 2.
10. Before LDP is issued all buffer requirements of phase 1 must be confirmed to meet all requirements of phase 1 rezoning and conditional use.
11. An 8 foot height privacy fence shall be built along the rear of buildings N and O.

There is a concurrent conditional use application; the two items can be heard together but shall require two separate motions and votes.

Public Forum:

Gary McCrowskie, 6218 Yorktown Court, Flowery Branch, spoke in favor. Stated that the buildings were well built but requested there to be a privacy fence to block the view into his house.

Julie Paris, 5919 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were the visibility and fencing around the property.

Nathan Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were excessive storage units in the county.

Shelly Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were approximate distance to residences.

Summary Analysis

The applicant is requesting to rezone the 9.02± acre property from Agricultural Residential III (AR-III, [17.110](#)) to Highway Business (H-B, [17.150](#)) for the purpose of expanding an existing boat & RV storage lot with 172 additional spaces. Access to this new phase will be through the existing entrance on Lights Ferry Road with no access proposed from McEver Road. The hours of operation will remain the same as the current facility, the

office is open Monday – Friday, 9:00am through 5:00pm. Access to the storage facility is the same, Monday – Sunday.

The submitted site plan depicts the two rows of storage buildings parallel to McEver Road. A central access drive bisects the proposed storage buildings. The access drive ends in a cul-de-sac on the western portion of the property. A decorative steel fence with brick columns borders McEver Road with the remainder of the property using a black vinyl fence. A 35 foot planted buffer follows the rear property line where it is adjacent to residentially zoned parcels.

Within the Gateway Corridors Overlay District (GCOD, [17.420](#)), boat & RV storage requires conditional use approval from the Board of Commissioners, which is being heard concurrent to this request.

No variances were requested nor have any been identified by staff during review.

Based on the future land-use plan, staff finds the *requested zoning designation is inconsistent* with the future land use map designation of Lake Area Residential but the neighboring property was rezoned to Highway-Business in 2019 for the same use.

Zoning Analysis

The proposed boat & RV storage facility is inconsistent with the Comprehensive Plan as the future land use designation is Lake Area Residential. The parcel is not part of the Lake Supportive Corridor, though the neighboring property was rezoned to Highway-Business in 2019 for the same use. This rezoning and concurrent conditional use request is to facilitate an expansion of the use approved in 2019.

When considering a zoning amendment to the zoning maps, the following items must be considered ([17.380.060](#)):

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 proposed boat & RV storage development is proposed adjacent to a Highway Business (H-B, [17.150](#)) zoned parcel which was recently approved for the same use on June 25, 2019. The current request will allow expansion of the use approved in 2019.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not have an adverse effect on the existing use or usability of adjacent or nearby property. Boat & RV storage traditionally a low impact use, with those who store their vehicles on the property visiting infrequently.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property is currently undeveloped and zoned Agricultural Residential III (AR-III, [17.110](#)). The property has reasonable economic use as currently zoned.**
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 use of a boat & RV storage facility will not 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.**

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 proposed zoning of Highway Business (H-B, [17.150](#)) is inconsistent with the Comprehensive Plan as the future land use designation is Lake Area Residential. The parcel is not part of the Lake Supportive Corridor, though the neighboring property was rezoned to Highway-Business in 2019 for the same use.**
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; **The appears to have been vacant as far back as GIS aerial imagery goes.**
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, such as "spot zoning;" **The adjacent parcel has a designation as Highway Business (H-B, [17.150](#)).**
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.**
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 additional storage facilities in proximity to Lake Lanier.**
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 the proposed boat & RV storage without rezoning; however, the current rezoning is requested in order to expand the existing facility.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The proposed use could not be handled alternatively as a variance.**
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; **There is no indication that a mistake was made in the original zoning.**

- **Highway Business (H-B, [17.150](#)):** the Highway Business zoning district allows for a variety of commercial uses both permitted and submitted to either Planning Commission or Board of Commission approval.
- The property falls within the **Gateway Corridors Overlay District, ([17.420.](#))** which provides supplemental design standards for non-residential property development. The 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.

The applicant has met the submission requirements for a rezoning request ([17.380.050](#)).

Development Support and Constraints – Departmental /agency comments

Hall County Environmental Health

An email dated November 14, 2022 from Emily McGahee states: “Must meet all Environmental Health commercial septic system permitting requirements if plumbing proposed and public sewer not available. A detailed business plan must be submitted to Hall County Environmental Health for review.”

Hall County Fire Rescue

In an email dated November 18, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, states:

1. IFC Section 507.5.1 where a building(s) is constructed and is more than 400’ from a fire hydrant on an approved fire access route fire hydrant(s) shall be installed. Fire hydrant(s) may have to be installed to meet fire code.

Hall County Public Works and Utilities

In a memo dated October 20, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

Engineering:

This 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. Stream and impervious setback from wretched vegetation not centerline of stream.

Traffic:

Adequate connection to roadway is not clear. Traffic study will be required that documents/impacts to the McEver Road/Lights Ferry intersection. Improvements that remediate impacts to intersection will be required.

Utilities:

Flowery Branch Sewer District

Georgia Department of Transportation

Per an email dated November 17, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor confirmed that GDOT coordination will be required.

➤ **Excerpts from the minutes of the December 5, 2022 meeting**

Applicant's Presentation:

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

Miles Montgomery, 7185 Shady Grove Road, Cumming, presented the request. The applicant stated that the existing entrance off Lights Ferry Road would be utilized, they will not need access off McEver Road. The applicant stated that they would like for the building requirements under Gateway Corridor to only be applied to the portions facing the road.

Rodney Hellemn, 6098 Jim Crow Road, Flowery Branch, presented the request. The applicant addressed that their building was inspected and approved after BOC approval in 2019. The applicant stated that they do not want to be an eye sore to the community.

Public Forum:

Gary McCrowskie, 6218 Yorktown Court, Flowery Branch, spoke in favor. Stated that the buildings were well built but requested there to be a privacy fence to block the view into his house.

Julie Paris, 5919 Nachoochee Trail, Flowery Branch, spoke in opposition. Concerns were the visibility and fencing around the property.

Nathan Day, 5961 Warpath Road, Flowery Branch, spoke in opposition. Concerns were excessive storage units in the county.

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Planning Commission Comments:

Mr. Braswell questioned if the buildings along McEver Road would be open facing the road. Mr. Montgomery stated that they are closed facing the road. Mr. Hunt suggested a 35 foot buffer to the surrounding residences. Mr. Bell questioned if the property is built in compliance to the 2019 approval conditions. Mr. Braswell questioned the width of the driveway between the buildings. Mr. Hellemn stated that it was 60 feet wide. Mr. Hunt questioned the fencing around the property. Mr. Hellemn stated a decorative fence would run along McEver Road and wrap around the cul-de-sac and towards the back of the property connect to a chain-link fence. Mr. Hunt questioned the privacy fence that would be built to accommodate for some property owners towards the back. Mr. Hellemn stated it would be an 8 foot height fence. Mr. Bell stated that his problem with the planted buffers was what type of trees were used and how long they took to mature to meet their purpose. Ms. Pilcher commented that residents would have to endure a lot of grading in a community they have been in. Mr. Braswell stated that it would be ideal if there were an undisturbed buffer at the property line abutting neighboring residence. Ms. Pilcher questioned how many units there would be in total. The applicant stated 166 units. Ms. Doveton stated the narrative requested 172 units. Mr. Bell suggested a 25 foot undisturbed buffer with a 10 foot planted buffer.

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

Conditions:

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