

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Sonstegard Foods of Georgia, Inc.

Request Use Subject to County Commission Approval

Proposed Use Egg Processing (Food Processing 17.160.040.G)

Size 17.696 ± acres

Zoning Light Industrial District (I-I, [17.160](#)) (All tracts)

Location **2079 Memorial Park Drive, 0 Memorial Park Drive,
0 Memorial Park Drive** | Tax Parcel 08007 003011,
08007 003029, 08008 000044

Commission District Four

Planning Commission Date January 17, 2023

Staff Recommendation **Approval, because the proposed use is consistent
with the uses on adjacent and nearby parcels and
the zoning district in which it lies.**

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

Planning Commission Conditions:

1. A combination Plat for all three tracts shall be recorded before final CO is issued on the new structure.
2. All conditions of zoning shall be made part of any plats or site plans created for the property.
3. The site Development shall be subject to compliance with the following standards:
 - i. The development shall generally occur as depicted on the site plan submitted by Rindt McDuff dated 10-2022 modified for compliance with zoning conditions and Hall County regulations. The Planning Director can approve changes in the layout related to engineering constrains provided the revisions do not create a need for any variance, does not reduce setback requirements, Hall County Developmental Standards, or reduce any required buffers.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant, Sonstegard Foods of Georgia, Inc., is requesting a conditional use permit (CUP) from the Hall County Board of Commissioners. The purpose of the request is to change the classification of an existing egg processing plant upon Tax Parcel 08007 003011 (i.e., 2079 Memorial Park Drive), from a nonconforming to an authorized conditional use; and, to allow the future expansion of said use and construction of customary supporting structures onto adjacent Tax Parcel(s) 08008 000044 and 08007 003029. All three tax parcels which are the subject of this request are currently owned by Sonstegard Foods of Georgia, Inc. and zoned Light Industrial District (I-I). There are no applicable overlays or previous zoning relief found issued to the properties. Within the Light Industrial (I-I) zoning district, food processing plants involving animals or animal by-products (i.e., egg processing), are subject to approval of the County Commission ([17.160.040.G](#)).

The applicant’s project narrative gives a detailed overview of business operations. Employees at 2079 Memorial Park Drive egg processing facility receive shipments of whole eggs and use them to manufacture new egg products. These new products are sold and shipped to institutional buyers such as universities, prisons, and manufacturers of other grocery goods such as salad dressings or breads. Specific actions performed by employees include the “cleaning, breaking, separating, mixing, drying, packaging, and shipment of large volumes of egg products” either as “individual components or mixed together per client needs.” No animals, alive or deceased, are kept on-site. Hall County business license records show, this facility has been in continuous operation upon the premises since 1987. They currently employ 60 people, but have historically employed as many as 90 people in the past.

If the CUP is denied, Sonstegard may continue their operations. However, as a non-conforming use, they would remain limited to the parcel, building footprint, and scale of operations in effect at the time the use became non-conforming, i.e., circa 2003. This is because Hall County Code prohibits the enlargement of nonconforming uses. Examples of “enlargement” given by the code include changes in the size of the building, hours of operation, use of additional land, and [use of] more powerful equipment, among other actions ([17.340.010.A](#)). The intent of this regulation is to encourage the amortization of non-conforming uses and to support an orderly transition to those which are allowed by-right.

If a CUP is denied, nonconforming standards would be applied as written, with immediate impacts on permitting. Sonstegard has two open permits in the pipeline, HDV2018-00018 and HDV2020-00022. Previously authorized, these permits now require revision in order to reflect accurate site conditions and adjustments made in the field, some of which went beyond the originally authorized scope of work. Approval of the CUP would enable Hall County to re-issue these permits, following plan revision and re-review; and, to allow the applicant to perform any field corrections needed to bring past building expansion(s) and detention ponds, storage areas, parking lots, and access drives built upon abutting Sonstegard lands, into compliance with current ordinances.

In support of their CUP application, Sonstegard has submitted site plans which show existing site conditions and the long-term vision held for their property. The long-term site plan, provides Sonstegard’s response to staff queries on how the business proposes to address existing freight, outdoor storage, and employee parking concerns. At the pre-application meeting for this CUP application, Sonstegard made clear that they would prefer to not be tied to any specific site plan for the long-term, instead preferring to make incremental changes as market conditions allow. Their immediate focus is performing the tasks necessary to finalize HDV2018-00018 and HDV2020-00022 and to obtain Certificates of Occupancy and/or Completion for that work.

The applicant has not requested any variances. However, staff has identified the following requirements from which a variance may be needed:

Code Section	Standard	Applicant’s Proposed Standard
--------------	----------	-------------------------------

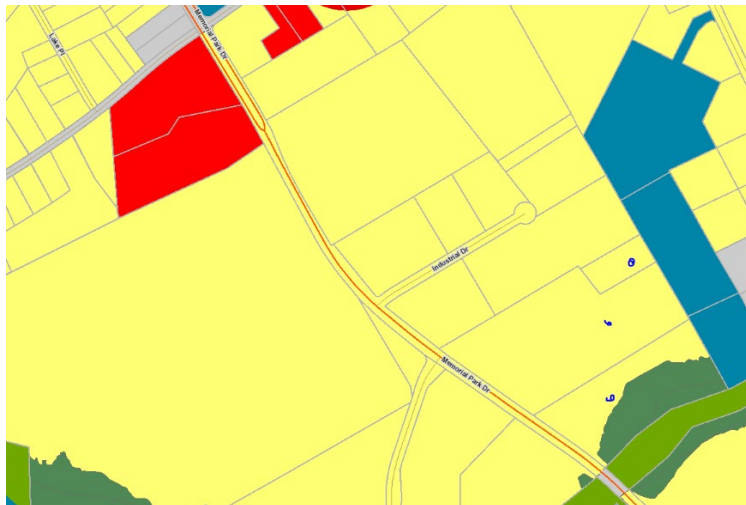
<p>17.250.020.-Off Street Parking.</p>	<p>Off street parking facilities required to be constructed of dust-free materials which have a surface resistant to erosion, drained to prevent damage to abutting properties or public streets, and arranged to provide safe access to pedestrians and vehicles.</p>	<p>Current site provides two gravel parking areas, one on each side of the processing facility. These are not dust-free, paved facilities. Freight vehicles mainly park upon the northern most lot; occasionally parking over pedestrian walkways, to maintain a clear vehicular access the loading docks and rear of the facility. No immediate site changes are proposed; but long-term site plan depicts two new paved parking areas, one dedicated for employee parking at in front of the egg processing facility and the other adjacent a new loading/unloading area upon Tract (-0044).</p>
<p>17.250.020.A.28.- Off street parking table.</p>	<p>Industrial uses require 1.6 parking spaces for each 1000 gross square feet of floor area. For the existing square footage (50,569 SF), 80.0 spaces are required. For the proposed future square footage (60,507 SF), 96.8 spaces would be required.</p>	<p>Current site can accommodate approximately 40 passenger vehicles (as seen from review of aerial imagery). No immediate changes to employee parking arrangements are proposed; but, the long-term site plan shows 84 passenger spaces in a new paved lot in front of the egg processing facility.</p>
<p>17.250.050.2.-Off-street loading and unloading space table.</p>	<p>Wholesale and Industry uses require 1 loading dock space measuring 15 feet by 50 feet (with 14 foot clearance) is required for each 10,000 SF of floor area or fraction thereof. For the existing square footage (50, 569 SF), 5 loading spaces are required. For the proposed future gross square footage (60, 507 SF), 6 loading spaces are required.</p>	<p>Current site provides 2 loading spaces on a concrete pad off the existing dry storage building. It is unclear if there are existing loading spaces in the rear of the egg processing facility. No immediate changes to current number of loading docks is proposed; but long-term site plan proposes 9 new loading spaces on concrete pad and 5 paved parking spaces for freight on Tax Parcel (-0044) to the south.</p>
<p>17.260.010.c and d.- Outdoor storage.</p>	<p>Non-operable vehicles (such as freight truck boxes which may detach from body of the vehicle) must be kept inside an enclosed building, and must may not be visible to surrounding properties.</p>	<p>Current site has no dedicated freight parking or storage areas, so cabins and truck boxes are often parked or left in gravel parking area in front of processing facility or behind the facility wherever space allows. No immediate changes are proposed to current freight parking arrangement; but long-term site plan proposes use of Tract (-</p>

		3029) in rear as potential overflow area for outdoor freight parking, for freight not accommodated by the dedicated parking area on Tract (-0044).
--	--	--

Staff finds the requested use is not consistent with the Lake Residential future land use classification in [Comprehensive Plan](#). This future land use classification supports low density residential development and neighborhoods in this area, not industrial uses. **However, the adjacent parcels are developed with light industrial uses, similar to the one proposed.**



Sonstegard’s long term site plan does preserve an undisturbed Flood Plain and stream buffer upon Tax Parcel (-0044) to the south and does offer some sidewalks throughout Tax Parcel (-3011) which are desirable features in Lake Residential districts. However, the nature of the manufacturing use and its accompanying auto-centric circulation arrangements, with wide curb cuts and short distances to intersections, do not advance the Comprehensive Plan vision for the tracts. **Given the existing developments surrounding the subject property, and that this is area is largely already developed with light industrial uses, the current Comprehensive Plan update, expected to be adopted in June 2024, will correct the oversight of this area being classified as Lake Area Residential.**



Zoning Analysis for CUP:

The proposed use of an egg processing plant is not consistent with the “Lake Residential” future land use classification, characterized by low density residential development and neighborhoods but it is consistent with the existing land uses on adjacent and nearby properties, as well as the current zoning designation of Light Industrial (L-I, [17.160](#)). When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **Sonstegard’s property does not border any residential uses or residentially zoned property. Neighboring sites to the north and west are currently used for poultry processing. These include Blue Coach Foods at 2075 Memorial Park Drive, Gold Creek Processing LLC at 2080 Memorial Park Drive, and Gold Creek Foods at 2076 Memorial Park Drive. To the south and east, are parcels within the jurisdiction of City of Gainesville, also zoned Light Industrial. The proposed use is suitable in view of the use and development of adjacent and nearby properties.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use is not expected to have an adverse effect on the existing use or usability of adjacent or nearby property. However, as currently platted, Tax Parcel (-3029) in the rear does not have direct access to Memorial Park Drive. As such no buildings are allowed to be placed or erected upon its premises ([17.240.130.A](#)). Further, the existing conditions site plan shows that a rear access drive and detention pond constructed as part of HDV2018-00018 encroaches on this tract. A combination plat is advised to reconcile this area of non-compliance and to ensure that tract maintains its access to a public road.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has reasonable economic use as currently zoned, as evidenced by its continuous operation since 1987.**
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, or utilities; **It is not expected that the proposed use would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. However, staff recognizes that the intensity of development allowed by the zoning code (one principal building per 0.3 acres or 15,000 square feet) ([17.240.110](#)) is approximately three times greater than what the [Comprehensive Plan](#) recommends for sites within the Lake Residential character area (one dwelling per acre). If the CUP is granted, to temper this difference, staff recommends setting a maximum gross square footage allowance of 70,000 SF across the 17.76 acre assembly. This provides**

±10,000 more square feet than what is depicted on the long-term site plan submitted by the applicant, to grant some future flexibility in design.

- 5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; Egg processing, which falls under the umbrella of “Food Processing” ([17.160.040.G](#)) is not consistent with the Lake Residential future land use character area set by the Comprehensive Plan. Lake Residential supports low density residential uses, not industrial uses. **However, it is consistent with the adjacent land uses and the zoning district of light industrial (L-I).****
- 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 values 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; If the CUP is granted, it would enable the owner to make site investments which are more responsive to operational needs and changes in market demand. Public benefits that could emerge from such investments include additional employment opportunities or increased tax revenue that could be leveraged to serve Hall County at-large. However, issuance would create a precedent along Memorial Park Drive corridor that could be cited by other poultry processing businesses who may also seek a CUP in the future. If the CUP is denied, Sonstegard would not be allowed to make any site or building changes which “enlarge” the non-conforming use ([17.340.010](#)). Authorized work would be limited to regular maintenance, interior renovations that do not affect the building envelope, and repairs or replacement for damages below 75% of the fair sale value of the property.**
- 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; No tract is currently vacant. Tract -3011 has an egg processing plant; Tract -3029 has part of a detention pond and paved access; and, Tract -0044 has part of a water treatment pond. These improvements have been on-site for a number of years and are comparable to manufacturing site improvements made upon neighboring tracts. Notably, however, half of Tract -0044 remains undisturbed and vacant due to the presence of a FEMA flood plain, state buffer in the space between the water treatment facility and property line bordering the City of Gainesville.**
- 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; At their pre-application meeting, the applicant informed staff that the bird flu pandemic in 2022 had disrupted the predictability and frequency of egg shipments; and made predicting when funding would be available for future or major site improvements challenging. Staff review of the Livestock, Dairy, and Poultry Outlook published by the [USDA Economic Research Service](#) in December 2022, confirmed that, “the total number of table-egg layers lost to HPAI [highly pathologic avian influenza] since February 2022 has increased to 39.4 million birds,” and that producers nationally “are taking a cautious approach to expanding production in the near-term.”**
- 11. Whether the change would create an isolated district unrelated to the surrounding districts; No, the proposed development is adjacent to other Light Industrial (I-I) ([17.160](#)) zoned properties and this is not a rezoning but a conditional use within the existing zoning designation.**
- 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 boundary is illogically drawn.**

13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the requested use approval is not out of scale with the needs of the county as a whole. The proposed development is consistent with the surrounding development pattern.**
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. The [Comprehensive Plan](#) supports master planned industrial developments in [Employment] Activity Centers and general industrial uses in [Employment] Corridors.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, this request cannot be handled by a variance request to the Planning Commission. Code allows Planning Commission to authorize changes, enlargement, rebuilding, alteration, repair or replacement for non-conforming structures – but only in circumstances when the property’s zoning cannot be changed (i.e., either through rezoning or through issuance of a CUP) ([17.340.020.F](#)).**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and federal regulations. As a result there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
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 of the property. It just appears that the Comprehensive Plan has recently shifted the vision for the area from an industrial corridor to a residential one.**

[17.380.050](#). - Submission requirements have been met.

Zoning Analysis for Variance(s)

The Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that [2.60.030.J](#), provided the request meets the criteria set forth in [2.60.030.K](#).

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **There do not appear to be extraordinary and exceptional conditions pertaining to Tract (-3011). However, Tract (-3029) to the rear of the egg processing facility is a landlocked tract, and Tract (-0044) to the south is significantly impacted by the presence of a flood plain, protected stream buffer against Flat Creek, and a sanitary sewer easement. Staff recommends that relief be issued from [17.260.010.c](#) and [d.-Outdoor storage](#) to enable use of Tract (-3029) for overflow freight parking and outdoor storage, because site inspection revealed a need for this overflow area. Further the tract’s unique placement and the use of the egg facility as a liner building limits its visibility from Memorial Park Drive, upholding the intent of the ordinance.** Relief is not advised for any other staff-identified variance because there is no topographical, lot shape, or lot size based reason to support their issuance.
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **Due to present egg market instability as a result of the 2022 bird flu, implementation of the requirements mandating the immediate construction of required**

loading areas and additional parking, as necessary to mitigate current shortfalls, may present financial hardship upon the applicant. The degree of hardship is unknown, as actual financial calculations of this impact cannot be determined with current information filed.

3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; and **Yes, the topographical and placement conditions described for Tract (-3029) and Tract (-0044) are unique to the particular property involved and are not common to other properties in the neighborhood.**
4. Such conditions are not the result of any actions of the property owner; and **The need for outdoor storage and parking arrangements for overflow freight are the result of unpredicted changes to delivery frequency stemming from bird flu impacts; however, the current shortfall of loading docks and employee parking areas, and the fact current facilities are made of gravel, are the result of past owner investments and site design conditions.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#); provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by [Title 17](#) or for a conditional use which has been denied by the county planning commission. **Relief, if granted, to Tract (-3029) from [17.260.010.c and d](#) would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#). Relief, if granted, for the other staff-identified regulations which require paved parking facilities and a specific number of passenger vehicles and loading docks, may undermine the intent of the ordinance. Such intent is to mitigate soil erosion, and to ensure adequate parking areas for the proposed square footage of the use and safe traffic circulation throughout the property with appropriate separation for passenger and freight vehicles.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

An email dated January 3, 2023, from Emily McGahee states “No comment. Public sewer.”

Hall County Fire Marshal

An email dated January 3, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant states, “The Hall County Fire Marshal’s Office has no comments as proposed.”

Hall County Public Works and Utilities

In a memo dated January 3, 2023, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

Engineering:

This site may require a stormwater management report should the site plan indicate the proposed development meets thresholds for impervious surfaces and/or disturbed acreage.

Traffic:

No Comment.

Utilities

No Comment.

City of Gainesville Water Resources

As of January 3, 2023, no comments have been received from Nick Swafford, Permitting Services Manager, regarding this case.

Georgia Department of Transportation

As of January 3, 2023, no comments have been received from GDOT for this agenda.

➤ **Excerpts from the minutes of the January 17, 2023 meeting**

Applicant's Presentation:

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

Jason Cousineau, 334 Cherokee Street, Marietta, presented the request. The applicant stated that the reason for this request is that the owners would like to expand their business that is non-conforming at the moment.

David Sutherland, 7258 Sloan Stephens Road, Alto, presented the request. The applicant stated that the expansion is to keep up with the demand.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated that the conditional use is only valid for 12 months which means plans need to be submitted in that time frame to avoid expiration. Mr. Cousineau stated that the process has already been initiated.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner.

Vote: 5-0

Conditions:

1. *A combination Plat for all three tracts shall be recorded before final CO is issued on the new structure.*
2. *All conditions of zoning shall be made part of any plats or site plans created for the property.*
3. *The site Development shall be subject to compliance with the following standards:*
 - i. *The development shall generally occur as depicted on the site plan submitted by Rindt McDuff dated 10-2022 modified for compliance with zoning conditions and Hall County regulations. The Planning Director can approve changes in the layout related to engineering constrains provided the revisions do not create a need for any variance, does not reduce setback requirements, Hall County Developmental Standards, or reduce any required buffers.*