

Anael Dominguez (Planning)

From: Joe Piper <joempiper1@gmail.com>
Sent: Friday, March 3, 2023 10:33 AM
To: Randi Doveton (Planning); Anael Dominguez (Planning); Ellis Still (Planning); davidwebb@hallco.org; william piper
Subject: For The Record - 4916 Cleveland Highway Rezoning Request
Attachments: 4916 Cleveland Highway Rezoning and Variance Request Opposition For The Record 3.3.23.pdf

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WARNING: This communication has been detected as containing an attachment - Proceed with caution

Good morning Hall County Planning Team,

Your reviewing the application with some affected parties, including my dad, is appreciated. Also, thanks for your hard work as I know you're often caught in the middle of differing viewpoints.

Please find attached a document that specifically outlines safety issues associated with the request to rezone 4916 Cleveland Highway for storage as well as a copy of the letter sent to Planning Board members. The letter also refers to applicant's desire to deviate from Gateway Corridor requirements thus negatively impacting the North Hall Community.

Can you please submit the attachment for the record associated with Monday's planning board meeting as I've had difficulty submitting it via the form?

Thank you,
Joe Piper
770-337-0488

3/3/2023

Safety Risks Associated with Application To Rezone 4916 Cleveland Highway To Accommodate a Storage Facility

REQUEST: Please deny application for Rezoning based on safety hazards and not meeting Gateway Corridor Guidelines. This is a community issue that should not be left up to the GA DOT.

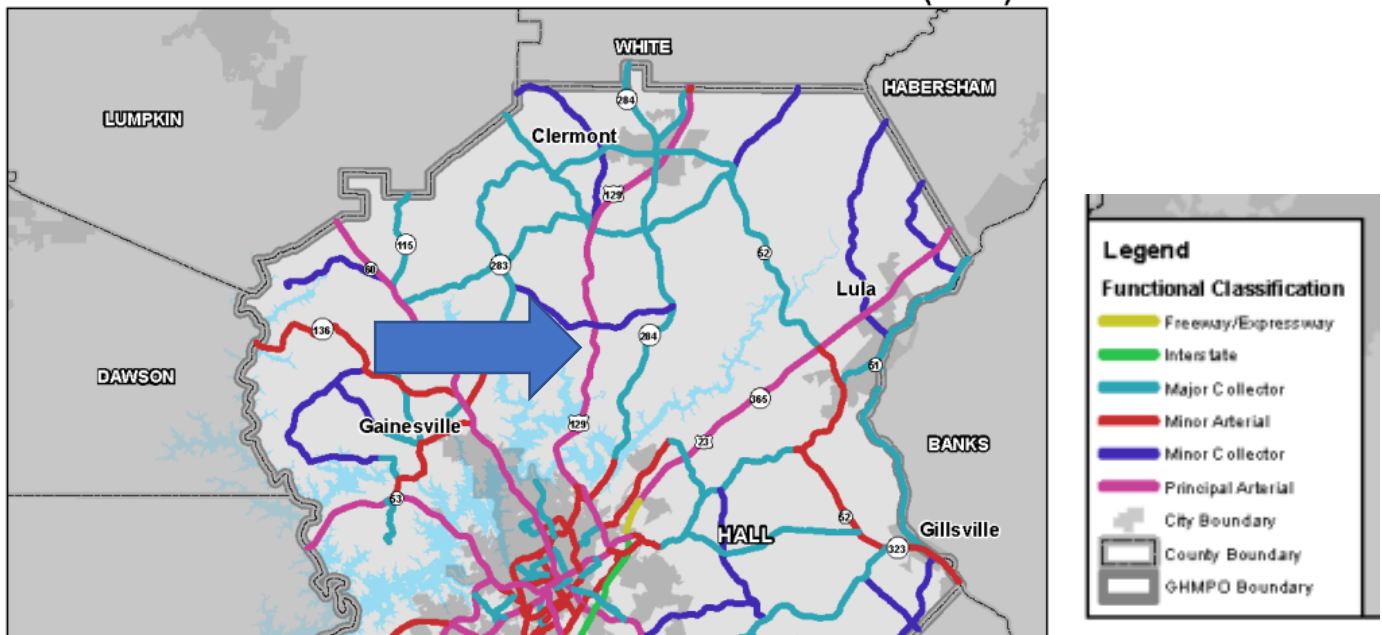
Comments made on Facebook and Nextdoor.com over the past few days.

"I hope it doesn't pass because I live on this road down below where this is and it's very dangerous."
"Bad idea! As I was driving northbound today, I imagined a big RV turning left out of a facility there and I can foresee a lot of accidents. Coming off that hill at the merge is bad enough sometimes without having a big boat or RV right smack in the middle of the road. "
"Cars speed up to get around traffic some do not realize that 2 lanes go to 1 I have almost been either run off the road or hit head on. Bad place for a business. Bad idea"
"Traffic is already extremely dangerous there at that place. Going north on 129 and turning into either the Church on the left or turning right into the restaurant. Traffic coming up over the hill and merging from 2 lanes to one in that very spot.....serious accidents waiting to happen."
"People tend to forget that there is a rd on the top of that hill (to the right) with families going in an out. I know because I live there & pray everytime I have to leave or return. Just like today...a Jeep came flying up on us as we were trying to turn in our rd. It is VERY dangerous right there. Now imagine I'm traveling northbound & returning home. I am turning in my rd & someone is turning in the storage facility...that's a disaster waiting to happen!"
"Such a dangerous place !! It's already bad enough !!!!! 😞 "
"Accident site of the future! Cars race through the end of the lanes north bond which will be it's entrance! Fatalities soon there after!"
"That area is a limited sight distance area. That will in my opinion great the opportunity for serious auto accidents."
"Enough wrecks there already with people pulling out of Dari Spot"
"Anyone who travels this area knows it's already dangerous"
"129 is already like Jimmy Carter Blvd. there will be more accidents in this area"
" It is not a safe location at all! There is a storage facility not even a mile north of this site & 2 about 5 miles south of it...no need for one here."

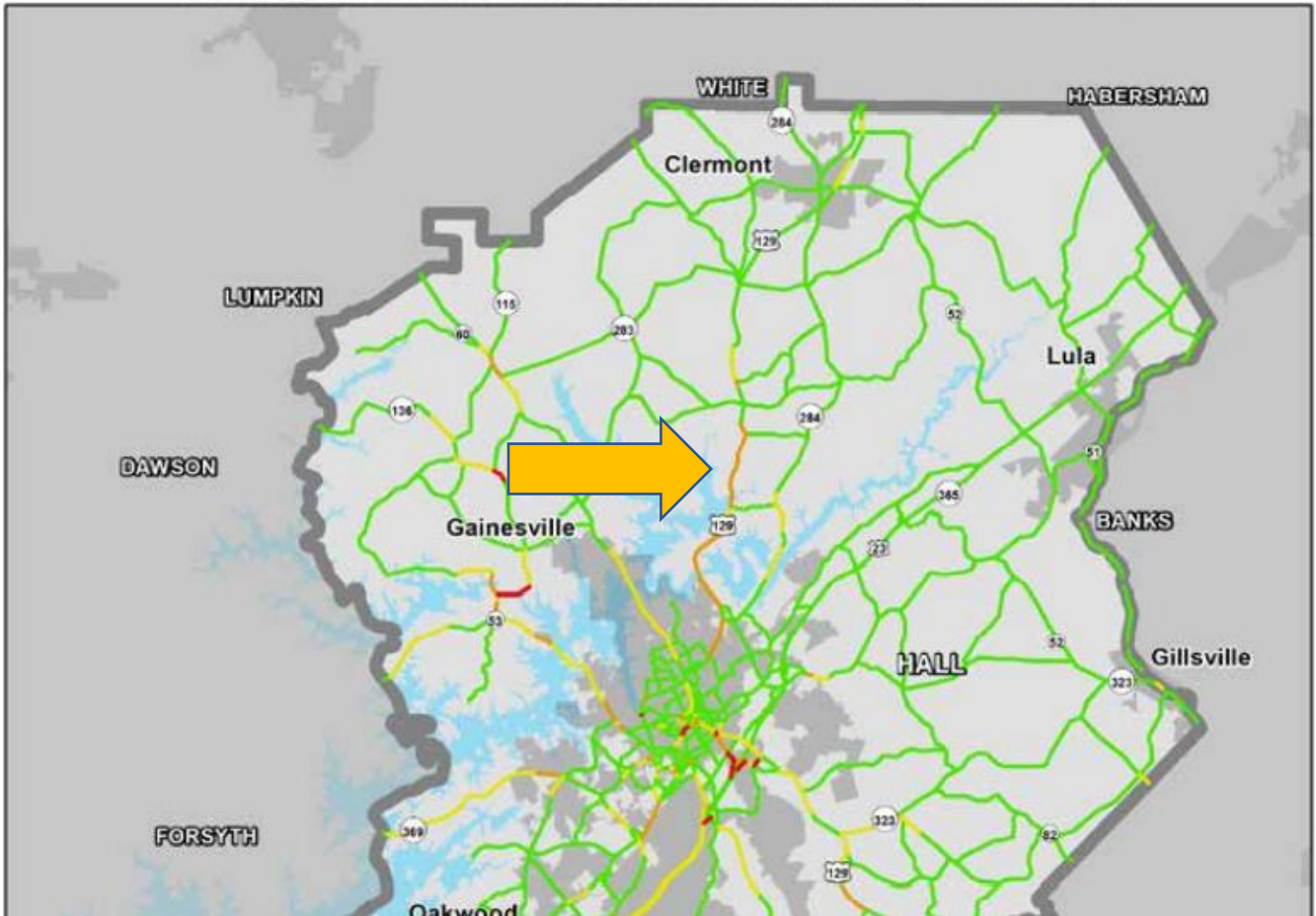
- Per Hall County Comprehensive Plan, storage location requested for Rezoning / Variances is on a **PRINCIPAL ARTERY** which exhibits **Delay/Roadway at/Above Road Capacity** (defined in maps below).
 - Additional **Trucks / RV's / Boats / Campers slowly** turning onto / into facility will cause further delay and extreme safety hazards.
 - Applicant plans to rent trucks & trailers thus increasing high risk volume.
 - Application notes, "Vehicles entering facility while towing will be requested to enter facility from South, utilizing turnoff lane and better accommodate stacking."
 - Applicant appears to propose that South bound vehicles pass the facility, turn around somewhere (where?? – another road, private driveway, church?), and then go back North on 129 to enter.
 - Makes the problem worse as it moves part of the risk south!
 - Slow moving South bound vehicles have a high chance of being T boned, rear ended or incur a frontal collision as they enter at a lane merge and blind spot.
 - Slow moving North bound vehicles incur similar risks as South bound as they're just beyond a hill with a blind spot right where lanes merge.
 - Email dated August 1, 2022, from Parker Niebauer (GA DOT) to the applicant notes (page 59 of the staff report), "Initial thoughts are that this is very close to the end of the passing zone for US 129 Northbound....".
- While the DOT has been in communication with applicant regarding a driveway permit, they won't advise others on the status other than to refer to Sight Distance in the "Regulations for Driveway & Encroachment. My request is for the Hall County Planning Commission to **take the lead by denying the Rezoning Request and not leave it up to the DOT as there are too many negative community implications.**

129 is a Principal Arterial Road With Delay/Roadway at/Above Road Capacity (Per 2015 model which may have worsened)

Gainesville-Hall MPO 2020 RTP: Functional Classification (2017)



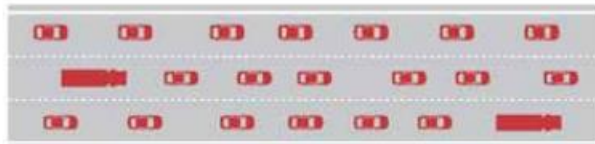
Gainesville-Hall MPO 2020 RTP: 2015 GDOT Model



LOS D - Moderate Delay



LOS E - Delay, Roadway At/Above Roadway Capacity



LOS F - Significant Delay, Roadway Substantially Exceeding Capacity

Roadway At/Above Roadway Capacity

Picture from Riverwalk Subdivision looking south. Proposed facility is on the far-left side past the last driveway at the curve.



Example of letter emailed individually to each Planning Board Member on March 1, 2023

Hall County Planning Board Member

I am writing to express my opposition to the rezoning and variance request for the property located at 4916 Cleveland Highway. As a lifelong Hall County resident and resident of the North Hall Community, I believe that this proposal poses a **significant safety hazard** due to its location on 129 and **goes against the Gateway Corridor Overlay** district. I respectfully note that this application request is not good for the community as per the intent of the GCOD.

The proposed use of the property for self-storage is only allowed as a Conditional use, and I respectfully request that the rezoning to CBD and all variances be denied for several reasons. According to the Planning Commission staff report, **"There are other properties within the County which support the proposed self-storage facility without the need for rezoning."** Additionally, the report states that **"Staff has not identified a hardship imposed on the property owner as the property is currently zoned."**

The proposed self-storage facility poses a significant safety hazard to motorists traveling on 129. The location is right where **two lanes merge**, and accidents already occur. It will include **usage by a significant number of trailers, boats, RVs, and trucks, which will have to slow down dramatically, increasing the risk of frontal, rear, and side collisions.** All of these vehicles will have to **slowly enter 129**, which poses the same risks. Visitors turning into the facility will dramatically increase road hazards due to the length of vehicles, slow turn associated with such **vehicles, and ultimately negatively impact community safety.** Application notes, **"Vehicles entering facility while towing will be requested to enter facility from South, utilizing turnoff lane and better accommodate stacking."** This ill-advised solution by the **applicant suggests that South bound vehicles should pass the facility, turn around somewhere (where??), and then go back North on 129 to enter. This only makes the problem worse while moving part of the risk south!** Please see attached picture (Looking south from the Riverwalk Subdivision entrance). It's clearly shows that the curve, and lane merge right there, will prevent vehicles traveling both directions from having time to slow down enough to prevent running into slowly turning trucks / trailers / boats / rv's.

An email dated August 1, 2022, from Parker Niebauer (GA DOT) to the applicant notes (page 59 of the staff report), "Initial thoughts are that this is very close to the end of the passing zone for US 129 Northbound...." Please take the first step in ensuring lives aren't put at risk and not leave the decision solely to the Georgia DOT.

Furthermore, the proposed location is **not suitable for the community**, as it will be immediately adjacent to neighborhoods and will negatively impact the quality of life for residents. The prior nursing home was not visible from the neighborhood, unlike the proposed self-storage facility, which seeks rezoning and variances that negatively impact North Hall.

The proposed facility **does not conform to the intent of the Gateway Corridor.** The materials utilized do not meet requirements, and the applicant has **requested a 6 foot chain-link fence instead of a solid fence, as required (Per GCOD, Outdoor storage requires, "...minimum eight-foot high solid fence or wall..").** Moreover, the applicant is **proposing a loophole that would not require paving if all buildings are not complete, which could easily happen, considering the proposed buildout is 3-5 years.** Page 44 of the staff report contains the following submission from the applicant, **"6 ft chain link fence with barbed wire at the top is a more secure and economical option."** In my opinion, the **"economical option"** comment underlines the applicant's overall intent to **maximize personal gain at the sake of the community.** Children, including a disabled toddler, live and play immediately adjacent. If the applicant wouldn't want this facility next to their house, why would they want it next to others?

Per GCOD, **"c. Where an industrial zoning district abuts property zoned for residential or agricultural use, the minimum width shall be 50 feet"**. Accordingly, **rezoning from O-I to CBD degrades buffer protections** afforded existing neighbors from a minimum of 50 foot to 25 feet. And applicant is **requesting 10 feet** in one section (initially applied for 0 feet...).

The variance request to reduce the buffer to the City of Gainesville lot to 10 feet, as well as eliminate the required fence, is short-sighted as it negates the fact that this southern boundary is highly visible from 129 as well as adjoining property owners. The applicant mentions that Gainesville...will most likely build a government facility on.” What’s left out is that if anything, an unobtrusive water pump station will be built.

My parents have lived behind the proposed location for over a decade, their house and a neighbor's looks directly down into the location and would incur a loss of property value, light pollution, sound pollution, and sight pollution. One of the buildings, and parking locations, would be within a 25 foot buffer of them. They, and other Riverwalk residents are only a handful of the multitude of people that would be impacted from a **safety and quality of life** standpoint. As a point of reference, please see a pic attached below of where the property would be located behind their house at the woodline.

Applicants current location website states, “When you store with us, you’ll have access to your unit 24/7.” Application for this location states, “Access to the property will be provided through a gate access keypad that will operate between 5am and 11pm”. **Does the variance prevent changes in operating hours?**

What measures prevent building additional units / adding parking / outdoor storage once approved for a variance even though application states the terrain makes building difficult on some of the property?

Application alludes to the fact that **they’re going to rent trucks and trailers** out of the location. Does this not **require a variance per GCOD?** “Vehicle sales lot: An open premises arranged, designed, or used for outdoor storage and display for sale or **lease of automobiles, vans, trucks, Trailers....”**.

Applicant utilizes prior experience running a similar business as a selling point and I encourage the board to view website for applicants’ current location to see if such sights are the intent of the GCOD (a few screenshots below). [Self Storage & Uncovered Parking in Loganville, GA | A&A Mini Storage LLC \(aamini-storage.com\)](#)

Your consideration is appreciated as I know you have the best interests of Hall County at heart.

Thank you,

Joe Piper

770-337-0488

Joempiper1@gmail.com

- View from Riverwalk Entrance Looking South. Applicants property is past last driveway seen on the left side before the curve)



- Backyard of one of the current houses overlooking proposed location



- Applicants current location in Loganville (Per their website. Current state unknown). [Self Storage & Uncovered Parking in Loganville, GA | A&A Mini Storage LLC \(aamini-storage.com\)](https://www.aamini-storage.com)



Anael Dominguez (Planning)

From: David Webb (Planning)
Sent: Monday, February 20, 2023 4:53 PM
To: Anael Dominguez (Planning)
Subject: FW: Rezoning request question - 4916 Cleveland Highway

Comment on case

David L. Webb, AICP
Principal Planner
Planning and Development
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
770-297-2649 | www.hallcounty.org



From: Joe Piper <joempiper1@gmail.com>
Sent: Monday, February 20, 2023 4:37 PM
To: David Webb (Planning) <dwebb@hallcounty.org>; Lauren Brandao (Engineering) <lbrandao@hallcounty.org>
Cc: william piper <wepiper@att.net>
Subject: Re: Rezoning request question - 4916 Cleveland Highway

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear David,

I hope this email finds you well. I am reaching out to you and your colleagues for assistance regarding the zoning notice for the property adjacent to my parents' home at 4916 Cleveland Highway. Upon seeing the notice, my parents and I were dismayed to learn of this proposal which is detrimental to them and their neighborhood.

As my parents are aging and my mom is currently undergoing severe health issues, I am writing this email to understand the process in order to help them. While we are strong proponents of smart growth, we believe that the requests / application made by Mr. Hemphill to maximize his ROI are detrimental to everyone but him.

Upon quick review, I have identified several concerns, including a variance request for a **0 foot setback** next to the City-owned property, which would result in an unsightly view of rooftops, buildings, and RV/boat storage. Additionally, there could be implications for the city if a water pumping station is eventually installed there. Does the **city have easement** access to their property via the applicants property in which case it could cause them an issue.

There is also a variance request for an unsightly **chain-link fence topped with barbed wire**. While I am currently uncertain of my viewpoint, about the detention pond location, I do know that they are proven to be mosquito breeding

grounds resulting in West Nile, which can be harmful to public health (including multiple children that live adjacent and whose playhouse is adjacent).

Furthermore, the proposal to **locate a 2,750 SF building and RV/Boat parking with only a 25-foot buffer is not an example of smart growth** (Putting storage right up against the 25 foot buffer). This will result in an eyesore that my parents and their adjacent neighbor will be forced to look at as their houses look directly down into that location. There is no way for them to install an appropriate buffer to prevent viewing these eyesores. While they mention leaving natural vegetation, it's beyond my imagination how they can put up appropriate buffers to avoid the "sights", and light pollution, when there's only a 25 foot buffer. Light pollution, including that from the proposed light poles, will result.

According to the applicant, approximately half of the property is usable, and their stated density of 600 units upon buildout yields 162 units per usable acre. It is my understanding that the **Gateway Corridor Overlay District only allows a self-storage facility as a conditional use**. I respectfully note that this application is **NOT GOOD for the community**. There are better locations that are not immediately adjacent to neighborhoods and that will not negatively impact the quality of life for a neighborhood that has existed for several decades. As shown on the applicants documents, the prior nursing home was nowhere near the neighborhood and not visible versus their desire to locate some facilities extremely close to the peaceful quality neighborhood. I see no mention in their application of quality siding anywhere other than the front and one can look at the website of their existing location to see how it looks (stark metal with rollup doors everywhere). Application states, "exterior endcap facade will be brick, to meet GCOD standards, and metal in the mid sections." They include an image stating, "Exterior Brick material facing road frontage" which indicates to me they may not intend on using sight friendly exterior elsewhere (including their intent to utilize metal between the ends of the front building). Does the corridor require a full brick facade on the main road?

Application states, "Property will be graveled until development of all buildings is complete. Once all buildings are complete, property will be paved around buildings, meeting paved parking requirements". Accordingly, they're proposing a loophole that **wouldn't require paving** if all buildings aren't complete. One could look at multiple examples from the last recession to see this could easily happen. The proposed buildout is 3-5 years and thus is the bare minimum if they meet their commitments / intent.

Applicants current location website states, "When you store with us, you'll have access to your unit 24/7." Application for this location states, "Access to the property will be provided through a gate access keypad that will operate between 5am and 11pm". Does the variance prevent changes in operating hours?

What measures prevent building additional units once approved **for a variance** even though application states the terrain makes building difficult on some of the property? What ensures the quality of such a variance as time moves on (paint fades, trees become unsightly or die, fences deteriorate (especially those with **barb wire**)? **I doubt the applicant would like a chainlink barbwire fence next to his house.**

Beyond a visual walk over by the county engineer, **what environmental studies have been conducted** to ensure a springhead, or other conditions, are unseen?

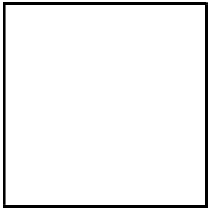
In summary, I'm not all opposed to growth and want to ensure all factors are taken into account (including "centered" location of prior commercial use versus the extensive variance requests which would negatively impact everyone but the applicant).

I appreciate your guidance on how the approval process works and who these questions / concerns should be addressed to. I want to ensure I follow the proper process.

Thank you for your guidance!

Best regards,

Joe Piper



ReplyForward

On Mon, Feb 20, 2023 at 12:07 PM David Webb (Planning) <dwebb@hallcounty.org> wrote:

Good Afternoon Mr. Piper,

Files are available online after the case analysis is published and released: <https://www.hallcounty.org/158/Planning-Commission>

You can also view the Board of Commissioners agendas here:

<https://www.hallcounty.org/1099/Board-of-Commissioners-Agenda-Center>

If you are inquiring about the property at 4916 Cleveland Hwy., nothing is online yet. If you wish to request the public records received, please email a request for the Planning Commission case at: orr_planning@hallcounty.org

David L. Webb, AICP

Principal Planner

Planning and Development

Hall County Government

2875 Browns Bridge Road, Gainesville, GA 30504

770-297-2649 | www.hallcounty.org



All

#1403

Category: Planning & Zoning
Priority: 3
Assigned To: Stewart Brian
Submitted: 2/23/2023 12:42 PM
Source: Website 172.71.22.13

SUBMITTER

Richard Dawkins
5575 Riverwalk Ct
Gainesville, GA 30506

[View Request](#)

CONTACT

rhdawkins@yahoo.com

4916 Cleveland Highway
Gainesville , ga 30506

View any uploaded files by proceeding to the link below and looking up your request by RequestID

<http://www.hallcounty.org/admin/requesttracker.aspx>

OR

View any uploaded files by [signing in](#) and proceeding to the link below

<http://www.hallcounty.org/admin/FormHistory.aspx?SID=1724>

REQUEST DETAILS

Description

Letter to Members regarding March 6th meeting

Your Information

Name

Richard Dawkins

Fax Number

Email Address

rhdawkins@yahoo.com

Preferred Contact

Method

email

Riverwalk Homeowners Association
Richard Dawkins, HOA President
5575 Riverwalk Court, Gainesville, Georgia

February 23, 2023

Hall County Planning Commission

Members:

Richard Higgins, Chairman

Kathy Cooper

Billy Powell

Gregg Poole

Jeff Stowe

Dear Commission Members:

This letter is written on behalf of the residents of the Riverwalk Subdivision, regarding the change in zoning application filed for the lot located at 4916 Cleveland Highway north of Gainesville, we request this letter be referenced at the March 6th, 2023 Planning Commission Meeting. Riverwalk residents are very concerned with a proposal to change the zoning from OI to PCD, in order to construct a boat storage and RV parking facility. The location for this proposed facility would be on the site of a former nursing home owned and operated by the northeast Georgia Medical Center. The former facility/building was located on the front portion of the tract and was demolished some years ago. The property behind the former building site has continually served as a buffer for the adjoining Riverwalk Subdivision. The property behind the level area of former nursing home is rather rugged and continues to serve as a sound and site buffer for our subdivision. There are currently six lots which border the back of said property.

The application by John S. Hemphill requests a zoning change to allow for significant development on and behind the former nursing home area. If approved, this would allow for an expanding number of buildings and boat and RV parking spaces throughout the entire seven plus acres, including the current rugged terrain buffer to the adjoining subdivision lots.

Numerous issues of concern for this proposed development include:

1. There would be a detrimental impact on the value of property within the subdivision, especially on those six lots/homes located on the western side adjoining the proposed development.

2. The self-storage facility as proposed will be open from 8:00 a.m. until 11:00 p.m. which is far beyond the normal business hours for a retail or service establishment. Lights necessary for this facility, as well as accompanying noise, will be disruptive, especially to adjoining property owners with young children. Riverwalk Subdivision is a gated community and residents feel the high volume of patrons at later than normal business hours will add a security risk to neighboring properties.
3. Even though the proposal indicates that efforts will be undertaken to screen facilities and boat/RV parking spaces, this will be impossible because of topography of several homes where their terrain is higher than the proposed zoned property.
4. Entry and exit to/from Cleveland Highway from this site would pose a safety risk for all passing motorists. It will be especially dangerous due to the entry/exit of slow moving vehicles towing heavy boats and/or recreational vehicles as it is in an area after a blind curve and also where two northbound lanes merge to one. Local residents would carry a higher burden of risk due to higher utilization of this area of the highway.
5. The overall plan fails to state the maximum number of boats and RV parking spaces.
6. It appears that the request for rezoning proposes to lessen the county requirements for such things as setback requirements, screening fences, etc. (proposing setbacks to 0 or 25 feet, rather than 50 feet; six feet chain link fence with barb wire, rather than eight feet solid screening fences).

It is the opinion of the Riverwalk residents that the site of the former nursing home is quite suitable for other retail or service establishments which would not disrupt most or all of the current wooded buffer.

Therefore, we sincerely request that the application of John S. Hemphill for rezoning with permission for the self-storage development be denied. We feel that this open-ended proposed facility is just not in the best interest of the residents of Riverwalk Subdivision, the North Hall community or Hall County. Thank you for considering our request.

Richard Dawkins_____

Riverwalk HOA President