

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant John S. Hemphill

Request Rezone from Office Institutional (O-I, [17.130](#)) to
Planned Commercial Development (PCD,
[17.180.080](#))

Proposed Use self-storage facility

Size 7.0± acres

Zoning Current Office Institutional (O-I, [17.130](#)) /
Gateway Corridors Overlay District (GCOD,
[17.420](#)) | Proposed Planned Commercial
Development (PCD, [17.180.080](#)) / Gateway
Corridors Overlay District (GCOD, [17.420](#))

Location **4916 Cleveland Highway** | Tax Parcel 12029
000011B

Commission District Three

Planning Commission Date March 6, 2023

Staff Recommendation **Approval, as the proposed use is consistent with
the mixed-use corridor of the [Comprehensive
Plan](#)**

Planning Commission Recommendation..... **Denial**
Vote: 4-1 (Hunt opposed)

There is a concurrent conditional use request on this agenda. The Planning Commission can hear the rezoning and conditional use items simultaneously but must vote on them separately.

Public Forum:

Rita Ledlow, 5565 Riverwalk Court, Gainesville, spoke in opposition. Concerns were noise buffer, home value, security, hours of operation, light spillage, traffic, and capacity.

William Piper, 5594 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic, environmental impacts, and buffers.

Joe Piper, 2117 Brittany Court, Gainesville, spoke in opposition. Concerns were safety, visual quality, safety, and traffic.

Ben Filchak, 5588 Riverwalk Court, Gainesville, spoke in opposition. Concerns were buffers, privacy, noise, and light pollution.

David Hocker, 5596 Riverwalk Court, Gainesville, spoke in opposition. Concerns were fencing and appearance.

Barry Barnes, 5690 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic safety.

Chris Gibbs, 4695 Jess Holton, Gainesville, spoke in opposition. Concerns were overcrowding, site plan, and lack of renderings.

Summary Analysis

The applicant is requesting to rezone a 7.00± acre parcel from Office Institutional (O-I, [17.130](#)) to Planned Commercial Development (PCD, [17.180.080](#)) for the purpose of developing a self-storage facility with boat & RV parking. The property is currently vacant and the project will be developed in phases over 2 – 5 years.

The subject property is located on the east side of Cleveland Highway, approximately 4 miles south of the Town of Clermont. Per the applicant's submitted materials, the self-storage facility will include a mixture of conditioned and non-conditioned self-storage units. The applicant's narrative states the number of units is expected to be between 500 and 550, with a maximum square footage of 77,050 square feet. This is split among six (6) proposed buildings. The unit make up will include a range of dimensions including: 5'x5', 5'x10', 10'x10', 10'x15', 10'x20', 10'x25', and 10'x30'. The final mix of units will depend on site topography and market demand.

In addition to the self-storage units there are 10 proposed boat & RV parking spaces. 4 spaces in front will be adjacent to Cleveland Highway and the south property line, and are proposed to be 25 feet in depth. The remaining spaces will accommodate a total length of 35 feet. No washing station for the boats & RVs is proposed.

The site will be accessed from Cleveland Highway / US 129. Normal operating hours will be 9:00am – 5:00pm, and the site will be accessible through a gated entry-point from 5:00am – 11:00pm. The site is not proposed to have 24-hour access.

Proposed signage is consistent with the requirements of the signs permitted in the Gateway Corridors Overlay District (GCOD, [17.420](#)). The GCOD permits monument signs to be a maximum of 10 feet above grade and a maximum sign area of 64 square feet. The sign is proposed to have external illumination.

The applicant's narrative and site plan propose a 25 foot buffer along the north and east property lines. The southern property line has a 25 foot buffer where the property is adjacent to property zoned for single-family

residential uses. Where the southern boundary is adjacent to property owned by the City of Gainesville, the applicant has requested to reduce the width of the buffer from 25 feet to 10 feet. The applicant has stated this is due to the site topography in this area and to accommodate the boat and RV parking at the front of the property.

The applicant has requested three (3) variances as part of the application. Additionally, staff has identified the need for several additional variances from the non-residential property development standard ([17.420.050](#)) of the Gateway Corridors Overlay District (GCOD, [17.420](#)) during the review of this request. A separate variance report is provided related to these standards.

- In addition to the above mentioned variance to buffer requirements, the applicant is requesting two other variances. Specifically, the applicant is requesting that the reduction of the 25 foot buffer to 10 feet be approved without the requirement of a 6 foot wall, as required in the non-residential property development standard of the Gateway Corridors Overlay District (GCOD, [17.420.050](#)). Additionally, the applicant is requesting to utilize a black vinyl chain-link fence outside of the GCOD boundaries (300 feet from centerline of the road).
- Staff has further identified that relief will be needed from the architectural requirements of the GCOD ([17.420.050.H.2.c](#)), which requires the use of a common pallet of building materials on all four sides of the structure. The applicant is proposing brick endcaps or brick walls along certain portions of the development which will be visible from Cleveland Highway. A site plan has been submitted with the portions of the structure intended to have brick highlighted in yellow. The applicant also details these changes on page 10 of the narrative.
- Additionally, the applicant's narrative states that the intent is to utilize gravel for the parking and drive areas until development of all buildings is complete, at which point the property will be paved. This deviates from the non-residential property development standard of the Gateway Corridors Overlay District (GCOD, [17.420.050](#)), which requires in [17.420.050.E.3](#) that all parking areas shall be paved with asphalt, concrete, or pervious materials approved by the director.

Within the Gateway Corridors Overlay District (GCOD, [17.420](#)), self-storage facilities require conditional use approval from the Board of Commissioners, which is being heard concurrent to this request.

Based on the future land-use plan, staff finds the *requested zoning designation* consistent with the mixed-use corridor of the [Comprehensive Plan](#), which anticipates primary future land uses to be retail activities or office based employment. The proposed use of a self-storage facility is consistent with the overall growth occurring in the northern part of the county.

Zoning Analysis

The proposed self-storage facility is consistent with the [Comprehensive Plan](#) as the future land use designation as a mixed-use corridor.

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; **The subject property is currently zoned Office Institutional (O-I, [17.130](#)), which is intended to serve as a low-intensity commercial zoning district. The applicant is requesting to rezone the property to a Planned Commercial Development (PCD, [17.180.080](#)), which will restrict the use to what the applicant has requested, a self-storage facility. Generally, self-storage facilities are low-traffic uses, with limited traffic volume.**
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. Self-storage facilities traditionally are a low impact use, with those who rent a storage space visiting infrequently**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property is currently undeveloped and zoned Office Institutional (O-I, [17.130](#)). 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, or utilities; **The proposed use of a self-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 land use plan; **The proposed zoning of Planned Commercial Development (PCD, [17.180.080](#)) for a self-storage facility is consistent with the [Comprehensive Plan's](#) future land use designation of a mixed use corridor.**
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 property is currently vacant. Previously, the property was developed with a health care facility, which was demolished around 2012.**
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; **A Planned Commercial Development (PCD, [17.180.080](#)) district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment.**
 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 the County.**
 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 which support the proposed self-storage facility without the need for rezoning. It should be noted, that within the Gateway Corridors Overlay District (GCOD, [17.420](#)) all self-storage facilities require conditional use approval from the Board of Commissioners.**
 15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, the rezoning could not be handled instead by 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.**
- A Planned Commercial Development (PCD, [17.180.080](#)) shall provide for the maximum attainable commercial usage of property while employing the best aspects of prior site planning and development controls to insure: protection of surrounding residential uses; safe access by motorists; minimum traffic congestion; and a development which is consistent with long-range plans of the county.
 - Applications for Planned Commercial Developments (PCD, [17.180.080](#)) shall include the following required plans:
 1. The site plan shall indicate the proposed size, location and number of stories of each commercial structure.
 - a. **The submitted site plan meets this requirement.**
 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.
 - a. **The submitted site plan meets this requirement.**
 3. The proposed methods and location of all buffers shall be described.

- a. **The submitted site plan meets this requirement.**
4. The proposed exterior lighting shall be shown.
 - a. **The submitted narrative states that security lighting will be semi-cutoff type and meet the requirements of the Gateway Corridors Overlay District (GCOD, [17.420](#)). LED wall packs will be used along the perimeter of the building to adequately light the building entrances and drive aisles.**
5. All proposed signs, advertising or identification graphics shall be indicated, showing their number, size, height and location.
 - a. **The submitted narrative meets this standard. The narrative describes one monument sign constructed at the Cleveland Highway entrance to the property, which will be a monument style sign and meet Hall County Zoning Regulations ([Title 17](#)) standards. It should be noted that the submitted plans indicate that the sign will be externally illuminated.**
6. The type and number of uses proposed for the commercial development shall be indicated.
 - a. **The submitted narrative describes the proposed use as a 77,050 square foot selfstorage facility, comprised of 6 buildings plus 10 boat & RV parking spaces.**
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.
 - a. **The submitted site plan shows the setbacks for the Office Institutional (O-I, [17.130](#)) district – 30 feet from property line or 55 feet from centerline of road, whichever is greater, front; 20 feet, side; and 10 feet, rear. It should be noted that Cleveland Highway is classified as an arterial road per Reference Materials, ([Appendix B](#)), Per setbacks from arterial streets ([17.240.040](#)), no structure may be placed less than 100 feet from the center line of an arterial street (as defined in [section 17.20](#)).**
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.
 - a. **No residential uses are proposed.**

The property falls within the **Gateway Corridors Overlay District, ([17.420](#).)** which provides supplemental design standards for non-residential property development. The development 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.

[17.380.050](#). - Submission requirements for a rezoning request

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. Applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**

- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section [17.380.060.C](#) of this section [chapter]. **The applicant has submitted a narrative and site plan but did not specifically address the criteria listed in [17.380.060.C](#).**
 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **Proposal meets this requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This is not applicable as the property will utilize an onsite septic system.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **This is not applicable as the property is not being developed residentially.**

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated February 13, 2023, Emily McGahee states “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. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.”

Hall County Fire Marshal

An email dated February 16, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

- 1) IFC Section 903, storage buildings exceeding 12,000 SF will be required to have a fire protection system installed.

- 2) IFC Section 507, all buildings must be within the 400' hose lay distance requirement from a fire hydrant as the truck travels. Fire hydrant(s) may have to be installed along the fire access route to meet the hose lay distance requirements.
- 3) All access controlled gates will require a Knox key switch override device for fire department access into gated development.
- 4) IFC Section 503, dead end fire apparatus access roads in excess of 150' shall be provided with an approved turn around.

Hall County Public Works and Utilities

In a memo dated February 14, 2023, from Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

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:

GDOT permit will be required for driveway connection to Cleveland Highway.

Utilities

No sewer service overflow in the area, septic system will need to be designed and permitted.

Georgia Department of Transportation

In email dated February 14, 2023 from Parker Niebauer, D1TO Traffic Operations Supervisor, confirmed this project will require GDOT coordination.

➤ Excerpts from the minutes of the March 6, 2023 meeting

Applicant's Presentation:

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

John Hemphill, 3382 Smallwood Lane, Gainesville, presented the request. The applicant stated his variance requests: 1. Request to have black chain link fence outside of Corridor distance (beyond 300 ft from centerline). 6 ft chain link fence with barbed wire at the top is a more secure and economical option. Visibility of chain link fence from Cleveland Hwy will be almost non-existent. 2. Buffer Variance request along South boarder adjoining the property owned by the City of Gainesville. Request buffer be reduced from 25 feet to 10 feet. Steep topography of property makes the need for this request. 3. With reduced buffer to 10 ft, request exemption to install a finished 6ft wall. The City of Gainesville owns the property and will most likely build a government facility on the site. Currently site is being used to dump concrete pillars disposed from other sites. Very unlikely that anyone would want to build a primary residence on Cleveland Hwy with high level of traffic on highway. 4. Building in a two-phase approach, using gravel before laying asphalt, with an expectancy of completion in 3 to 5 years.

Darrell Vaughn, 196 Simonton Road, Lawrenceville, presented the request. The applicant pointed out that the GA Power easement encroaches onto the property so the buffer stays parallel to the property line and not along the easement.

Rebuttal

The applicant stated that he was asking for a rear variance so it wouldn't reduce the number of storage spaces. The applicant stated that he will work with GDOT and would grow trees to obstruct the view for the neighboring residents into the property. Mr. Hunt questioned how they would work with the fire marshals to provide a fire turn around since space was limited with the proposed buildings.

Public Forum:

Rita Ledlow, 5565 Riverwalk Court, Gainesville, spoke in opposition. Concerns were noise buffer, home value, security, hours of operation, light spillage, traffic, and capacity.

William Piper, 5594 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic, environmental impacts, and buffers.

Joe Piper, 2117 Brittany Court, Gainesville, spoke in opposition. Concerns were safety, visual quality, safety, and traffic.

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Barry Barnes, 5690 Riverwalk Court, Gainesville, spoke in opposition. Concerns were traffic safety.

Chris Gibbs, 4695 Jess Holton, Gainesville, spoke in opposition. Concerns were overcrowding, site plan, and lack of renderings.

Planning Commission Comments:

Ms. Pilcher pointed out that it would be difficult to preserve the mature trees on the property to provide a buffer. Mr. Hunt questioned what buildings would be built in phase 1. Mr. Hemphill stated that buildings 1, 2, and 3 along with grading for streets. Mr. Braswell stated that the site plan needed work and that developing in phases could take a very long time. He also mentioned that the buffers requested would encroach into neighboring properties and building 1 itself is in direct conflict with the intent of Gateway Standards. Mr. Hunt stated that his concern was the turning radius in between buildings, especially for fire trucks. Mr. Hemphill questioned if the doors should not be facing the highway. Mr. Braswell stated he thinks they should be parallel to the road. Mr. Braswell questioned if the applicant has tried reaching out to the neighbors. Mr. Hemphill stated that he would have but the community is gated. Mr. Hunt stated that he would be open to tabling the application to allow the applicant a chance to provide a better site plan addressing concerns but he would also be in support of denial if the board so chose.

Motion: A motion for denial was made by Ms. Pilcher and seconded by Mr. Varner. Vote: 4-1 (Hunt Opposed)