

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Gus Simpson

Request Rezone | from Agricultural Residential IV (AR-IV, [17.120](#)) to Planned Industrial Development (PID, [17.180.090](#))/Gateway Corridors Overlay District (GCOD, [17.420](#))

Proposed Use truck parking and office

Size 15.75± acres

Zoning Current Agricultural Residential IV (AR-IV, [17.120](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) | Proposed Planned Industrial Development (PID, [17.180.090](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#))

Location **3902 & 0 Belmont Highway** | Tax Parcels 15013 000017B and 15013 000074 (pt.)

Commission District Three

Planning Commission Date October 2, 2023

Staff Recommendation **Denial**, as the requested use is inconsistent with the Rural Residential Character Area in the Hall County [Comprehensive Plan](#)

Planning Commission Recommendation.....**Approval, with conditions**
Vote: 3-2 (Pilcher & Sosebee opposed)

Conditions:

1. Development is approved as generally shown on the concept plan dated July 31, 2023 and described in the updated letter of intent received dated October 2, 2023, modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards.
2. The proposed dump truck storage shall be limited to a maximum of 35 trucks on-site at any one time.

3. Light fixtures shall be installed with full cut-offs. Any existing fixtures shall be retrofitted to be full cut-off.
4. All proposed on-site improvements shall be located beyond proposed GDOT project limits.
5. Any building to be utilized for the business shall be inspected for compliance with commercial building code requirements. Should any improvements be required for compliance, work shall be completed and inspected prior to the issuance of a certificate of occupancy or business license.
6. All truck parking shall be located outside of the 300-foot Gateway Corridors Overlay District limit as depicted on Hall County GIS maps.
7. No gravel shall be permitted within the Gateway Corridors Overlay District. All employee parking areas and driveways shall be paved with asphalt or concrete.
8. No approval of the proposed use in Hall County shall constitute approval of the use on any portion of the property within Jackson County.
9. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
10. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:
"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
11. The hours of operation for the business shall be 6:30am-7:00pm Monday through Friday, and 6:30am-12:30pm on Saturday, and the business will be closed on Sundays.
12. The driveway shall be paved from the edge of road to the limits of the Gateway Corridors Overlay District (measuring 300 feet from the centerline of the road).
13. The existing manufactured home and accessory buildings located within the limits of the Gateway Corridors Overlay District (measuring 300 feet from the centerline of the road) shall be exempt from GCOD standards, as the use will be dedicated to a caretaker/employee's residence for the business.
14. Direct sales of dirt, sand, gravel, mulch, and rock is prohibited on site.

Public Forum:

William Jenkins, 3950 Belmont Highway, Talmo, spoke in opposition. Concerns were noise, amount of trucks, traffic, safety, and commercial sales.

Summary Analysis

The applicant is requesting to rezone a combined 15.75± acres of Agricultural Residential IV (AR-IV, [17.120](#)) zoned land to Planned Industrial Development (PID, [17.180.090](#)) for the purpose of establishing a dump truck parking facility with a company office. This acreage falls partially within the Gateway Corridors Overlay District (GCOD, [17.420](#)) along Belmont Highway (State Route 332). The GCOD governs non-residential property development.

The applicant has submitted a letter of intent stating that the existing agricultural building[s] and gravel areas will be utilized as the company office, employee parking, and dump truck storage. The site plan, dated July 31, 2023, displays the current conditions and proposed improvements to the property. This plan shows seven existing buildings on the property, which the applicant states have been used for agricultural purposes. The submitted plan and letter of intent do not specify which building(s) will be converted for

business use, how they will be used in addition to the office, if any residential uses will remain on the property, or if any demolition will be required as part of the site development. It should be noted that Hall County code requires that any building to be utilized for the business must be inspected for compliance with commercial building code requirements.

The letter of intent states that as part of the relocation of the business to the property, the applicant intends to install a 1 acre gravel lot for the employee and dump truck parking, which will be connected by an existing gravel driveway to Belmont Highway. A stormwater detention facility is proposed to the northeast of the gravel storage area, adjacent to a springhead on the property. No other improvements have been proposed as part of the development. The site plan shows the required 50-foot transitional buffer ([17.420.050\(C\)](#)) adjacent to all external property lines and a 10-foot landscape strip adjacent to Belmont Highway. Each side of the property features mature trees, which have been supplemented by the applicant with newly-planted evergreen trees. The buffer composition will be verified to be compliant with development standards during the permitting process, ([17.420.050\(C\)](#)). The letter of intent states that business operations will not be visible from Belmont Highway due to the topography of the site.

The submitted letter of intent states that approximately 30 dump trucks will utilize this site. Truck ingress and egress will take place between 6:30AM and 6:30PM on weekdays, with limited Saturday operations between 6:30AM and 12:30PM. Specific hours of operation for the office have not been specified.

Note: Only the 15.75± acre portion of the parcel in Hall County is subject to this request. No approval of a use in Hall County shall constitute approval of the use on any portion of the property within Jackson County.

Based on the future land-use plan, staff finds the requested zoning designation *is not consistent* with the Hall County [Comprehensive Plan](#) future land use designation of “Rural Residential.” The intent of this character area is to preserve the established residential/rural character and create a transition between the rural and residential character areas. Future development will continue to include agricultural and low-density detached single-family residential uses.

[17.180.090](#) - Planned industrial development (PID).

A Planned Industrial Development (PID, [17.180.090](#)) allows for more flexibility in the design and development of the property. This provides for planned, organized and controlled industrial use, compatible the surrounding land uses.

- A. Characteristics. A planned industrial development should consist of land which has been designated for a planned, organized and controlled industrial use or for multiple but compatible industrial uses in a planned industrial park. The standards employed should be designed to encourage the formation and continuance of a compatible environment for the planned industrial uses and the surrounding land uses. Carefully planned office and commercial uses may be incorporated as part of a planned industrial development.
- B. Required plans. All of the general and special requirements for planned developments shall be provided. The following specific items shall also be addressed:
 - 1. A site plan indicating the proposed site preparation and grading, streets and parking areas, loading zones, outdoor storage areas, rail facilities, storm drainage, water, gas and sewage systems and all buffer areas. **The applicant has submitted a site plan which addresses some**

of these standards, but a full set of construction documents, including the site grading, have not been provided.

2. The development controls for the district shall be detailed (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the light industrial (I-I) district, together with the screening and buffer requirements, shall apply. **The application materials do not specify specific development controls, and as such, the applicable Light Industrial District-I (I-I, [17.160](#)) standards shall apply.**
3. If office or commercial uses are proposed in conjunction with the planned industrial development, then the applicable requirements in the planned office development or the planned commercial development [district] shall be provided. **The proposed office is complementary to the industrial use of the site for truck storage and is not a separate, unassociated use. As such, this standard is not applicable.**
4. A proposed development schedule and listing of proposed uses shall be provided. **The applicant has described the proposed use of the property. A specific development schedule has not been provided, but the applicant understands that the property must go through the development permit process prior to relocating the business to the site.**

GCOD Analysis

With regard to the Gateway Corridors Overlay District (GCOD, [17.420](#)) staff has developed a chart to summarize recommendations for establishing or bringing properties into compliance with the standards in the Corridors. Decision makers may use the assessment in developing conditions that warrant compliance based on the scale and scope of proposed development.

<u>Standard</u>	<u>Compliance</u>	<u>Proposed Work</u>	<u>Notes</u>
17.420.050.C – Transitional buffers	Likely	50-foot transitional buffer	Applicant has noted intention to comply with these provisions based on site plan layout.
17.420.050.D – Other landscape and screening standards	Likely	10-foot landscape strip along road	Applicant has noted intention to comply with these provisions based on site plan layout.
17.420.050.E – Parking lot design	Deficient	Gravel	Applicant is proposing gravel paving rather than asphalt or concrete. Recommendation of gravel only outside of GCOD limits.
17.420.050.F – Outdoor lighting	Deficient	Semi-cutoff proposed	New fixtures recommended to be installed with full cutoffs. Any existing fixtures should be retrofitted.
17.420.050.G – Interparcel access	Deficient	—	Parcels on either side are too dissimilar in proposed development character and use to warrant compliance at this time.

17.420.050.E – Architectural standards for non-residential buildings	Deficient	—	Existing structures do not meet material specifications as metal buildings. Staff recommends all future renovations or improvements must conform to GCOD standards if located within 300 foot limits.
17.420.060 – Signs	Unknown	—	Staff has not identified any existing signage on the property nor has any been proposed as part of the application materials.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered by the Planning Commission and the Hall County Commission pursuant to [17.380.060](#):

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 proposal is not suitable compared to the use and development of nearby properties. The introduction of an industrial trucking business will contrast with the nearby low-density agricultural and residential uses.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposal will bring an increase in general activity to the site and surrounding area, but staff is unable to determine any adversities that may arise.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has reasonable economic uses as currently zoned (Agricultural Residential IV (AR-IV, [17.120](#))), and was previously used for agricultural purposes.**
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 introduction of a fleet of heavy commercial vehicles to this corridor will undoubtedly increase the volume of traffic. However, this may not be excessive, as Belmont Highway is a state route.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposal does not conform to the future land use designation of “Rural Residential.” Industrial uses are not envisioned for this character area, nor do any exist in the vicinity.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
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 developed with several agricultural buildings, and tax records indicate the existence of a manufactured home on this property since 1987.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any changing conditions that affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The zoning change would create an isolated district within Hall County. The nearest industrial zoning is located 0.67 miles away.**
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.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposal is out of scale with the needs of the neighborhood; however, Hall County has a growing, in-demand industrial sector.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are many sites within Hall County appropriately zoned to accommodate the applicant's proposal.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The request 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; **Staff is unable to determine the extent to which ecological and pollution impacts may occur as a result of the applicant's request.**
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 Industrial Development (PID, [17.180.090](#)) allows for more flexibility in the design and development of the property. This provides for planned, organized and controlled industrial use, compatible the surrounding land uses.

[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. **The proposal meets the requirement. The 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]. **Proposal does provide a narrative outlining the intent of the development; however, the applicant has not prepared a response to each of 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 does meet the requirement. The applicant has provided a site plan and included much of the necessary information to properly assess the development.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable, as the site will be served by 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. **As there are not 100 or more residential dwelling units proposed, this criterion is not applicable.**

Development Support and Constraints

Hall County Environmental Health

In an email dated August 31, 2023, Emily McGahee stated “Must meet all Environmental Health commercial septic system permitting requirements. 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/modification may be required after review of business plan.”

Hall County Fire Marshal

In an email dated August 30, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

“The Hall County Fire Marshal’s Office has no comments as proposed.”

Hall County Public Works and Utilities

In a memo dated August 31, 2023, Bill Nash, 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 stormwater thresholds for impervious surfaces and/or disturbed acreage. Show

stream buffer and impervious setback from wretched vegetation not centerline of stream. Proposed GDOT project goes right through this parcel.

Traffic:

Access must be approved/permitted by GDOT.

Utilities

No sewer connection within feasible distance.

Georgia Department of Transportation

In an email dated August 25, 2023, Veronica Chavers, D1TO Civil Engineer 3, confirmed that the project will require GDOT coordination.

➤ **Excerpts from the minutes of the October 2, 2023 meeting**

Applicant's Presentation:

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

James Irvin, 164 Professional Drive, Baldwin, presented the request. The applicant has been utilizing a Candler Highway site for his business but would like to relocate. The applicant will be utilizing the existing buildings on the property. The applicant stated that there will not be many people at the location since they arrive in personal vehicles in the morning and leave in the company trucks until their shift is over and leave again in personal vehicles in the evening. The applicant stated that the mobile home will serve as an employee home to have someone monitor the business. The applicant stated that there have been evergreens planted along the property lines. The applicant stated that the business will be running approximately 30 trucks.

Public Forum:

William Jenkins, 3950 Belmont Highway, Talmo, spoke in opposition. Concerns were noise, amount of trucks, traffic, safety, and commercial sales.

Planning Commission Comments:

Mr. Hunt questioned the hours of operation. The applicant stated it was Monday through Friday 6:30am – 7:00pm, Saturday 6:30am – 12:30pm, and closed on Sundays. Mr. Hunt requested clarification on the cleaning of the trucks. The applicant stated that the trucks would come to the site already having been cleaned. Mr. Braswell stated that there would be a condition to restrict on site sales. Ms. Pilcher questioned why the applicant didn't buy a nearby property that was already zoned for the intended use. The applicant stated that the property has been in the family and they would not have to purchase.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 3-2 (Pilcher & Sosebee opposed)

Conditions:

1. Development is approved as generally shown on the concept plan dated July 31, 2023 and described in the updated letter of intent received dated October 2, 2023, modified as necessary for compliance with development standards enforced at the time of site plan approval. Minor changes can be approved by the Planning Director provided there are no reductions in buffers, no changes in the structural design and materials, and the changes do not create the need for a variance from the Hall County development standards.
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