

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Dutton Properties

**Request** ..... **(A)** Rezone from Agricultural Residential III (AR-III, [17.110](#)) and Planned Commercial Development (PCD, [17.180.080](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) to Light Industrial (I-I, [17.160](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)).  
**(B)** Use Subject to County Commission Approval | [17.420.050](#). Outdoor storage  
**(C)** Variance | [17.420.050.\(C\)\(2\)](#) to reduce the required transitional buffer in Gateway Corridors Overlay District (GCOD, [17.420](#))

**Proposed Use** ..... **(A)** Boat and RV storage and an office/warehouse  
**(B)** Outdoor storage within Gateway Corridors Overlay District (GCOD, [17.420](#))  
**(C)** Reduce the required transitional buffer from 50 feet to 30 feet

**Size** ..... 20.16± acres

**Zoning** ..... Current Agricultural Residential III (AR-III, [17.110](#)) and Planned Commercial Development (PCD, [17.180.080](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) | Proposed Light Industrial (I-I, [17.160](#)) and Gateway Corridors Overlay District (GCOD, [17.420](#)).

**Location** ..... **3405, 3419, 3443, 3505 Cleveland Highway and 3906 Donna Drive** | Tax Parcels 10144 000036, 000030, 000035, 000041, and 000029

**Commission District** ..... Three

**Planning Commission Date** ..... October 2, 2023

**Staff Recommendation** ..... **(A) and (B) Denial** as the proposed use is inconsistent with the [Comprehensive Plan](#) future

land use classification of Lake Area Residential.  
**(C) Denial** of the requested variance from the transitional buffer requirements from [17.420.050.\(C\)\(2\)](#) as the applicant has failed to demonstrate that hardship exist pursuant to the criteria of [2.60.030](#).

**Planning Commission Recommendation..... (A) Approval, with conditions**  
**Vote: 4-1 (Pilcher opposed)**  
**(B) Approval, with conditions**  
**Vote: 4-1 (Pilcher opposed)**  
**(C) Denial**  
**Vote: 5-0**

**(A)& (B) Conditions:**

1. The development shall occur as depicted on the site plan dated September 29, 2023 and described in the updated project narrative dated September 29, 2023, modified for compliance with zoning conditions and Hall County regulations. 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. No variances are granted as part of this request other than those listed herein.
2. The storage or disposal of junk material and construction debris on the subject property is prohibited. Any areas where junk or debris has been stored on the property shall be properly disposed of or stored in accordance with applicable regulations.
3. The development, including any signage, shall be subject to the standards of the Gateway Corridors Overlay District (GCOD, [17.420.050](#)). No variances are granted from these standards.
4. The applicant shall coordinate and receive approval from the Georgia Department of Transportation for the site access and proposed location of the covered storage areas.
5. All parking and storage areas shall be paved with either asphalt or concrete.
6. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process.
7. All conditions of zoning shall be made part of any plans created for the property.
8. The hours of operation for the self-storage facility shall be 6:00am-11:00pm, Monday through Sunday.
9. The roof material for the covered parking shall be standing seam architectural metal roof panels, with the color to be approved by the Planning and Development Director.
10. The 10,800 sq. ft. warehouse at the rear of the property as shown on the concept plan shall be allowed to utilize metal siding.

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**Public Forum:**

**John Carter, 3432 Cleveland Highway, Gainesville,** spoke in opposition. Concerns were property value, egress/ingress, traffic, hours of operation, grading, noise, clear cutting trees, lights, view, and buffer.

**Dutch Sievert, 3420 Cleveland Highway, Gainesville,** spoke in opposition. Concerns were property value, development placement, intense use, view, and traffic.

**Petra Urban, 3418 Cleveland Hwy, Gainesville,** spoke in opposition. Concerns were property value, zoning, traffic, and safety.

**John Mallen, 4014 Donna Drive, Gainesville,** spoke in opposition. Concerns were zoning, light pollution, traffic, and new highway.

**Richard Prior, 3343 Nottingham Forest Dr, Gainesville,** spoke in opposition. Concerns were traffic, safety, new highway, major residential area, and environmental impact.

**Michael O’Chasey, 3340 Wilkerson Drive, Gainesville,** spoke in opposition. Concerns were number of bays, traffic, number of boats on lake, traffic on the Little River, and safety.

**Mark Kirves, 3338 Wilkerson Drive, Gainesville,** spoke in opposition. Concerns were property value, traffic, and safety.

**Summary Analysis**

The applicant is requesting to **(A)** rezone 20.16± acres from Agricultural Residential III (AR-III, [17.110](#)) and Planned Commercial Development (PCD, [17.180.080](#)) to Light Industrial (I-I, [17.160](#)) for the purpose of developing the site with a boat and RV storage business. Additionally, the applicant intends to use one of two existing residences on the property as a contractor’s office. A 10,800 square foot warehouse building is proposed for storage of items related to the contractor’s business. **(B)** Concurrent to this request is a Use Subject to County Commission Approval to permit outdoor storage within the Gateway Corridors Overlay District (GCOD, [17.420](#)). The GCOD provides supplemental development standards for non-residential development ([17.420.050](#)), and the applicant is requesting a **(C)** variance to reduce the required transitional buffer in the GCOD.

The submitted site plan shows an existing residence located to the north of the proposed site access. The submitted narrative states that the residence is registered as a historic place, and the intention is to preserve and renovate the structure for an office use. A 90-foot by 120-foot warehouse is proposed in the rear of the property, adjacent to the existing farm pond. Much of the remaining property is proposed to be utilized as covered or uncovered storage for boats and RVs, for a total of 483 storage spaces, access to which is gated. There is no information regarding the architectural style of the covered storage buildings, and it is unknown if the structure will be open sided or if it will be enclosed. The submitted narrative states that non-spill LED lighting will be used for the covered storage spots.

The breakdown is detailed in the following charts:

Uncovered Storage	
Area	Units
1	10
2	20
3	14
<b>Total</b>	<b>44</b>

Covered Storage	
Building	Units
A	63
B	90
C	49
D	58
E	60
F	38
G	20
H	33
I	28
<b>Total</b>	<b>439</b>
<b>Combined Total</b>	<b>483</b>

The canopy structures will be located a minimum of 100 feet from the centerline of Cleveland Highway, as required by [17.240.040](#), setbacks from arterial streets. The setback adjacent to Donna Drive is 50 feet. The proposed side and rear yard setbacks are each 20 feet, consistent with the setback requirements found in table [17.240.010](#) for the Light Industrial (I-I, [17.160](#)) district.

The submitted site plan and narrative describe the proposed transitional buffers and landscaping standards for the development. The applicant is requesting relief from [17.420.050\(C\)\(2\)\(c\)](#), transitional buffers, which requires where an industrial zoning district abuts property zoned for residential or agricultural use the transitional buffer shall be 50 feet. The applicant is requesting to reduce the transitional buffer along tax parcels [10143 000003](#), [10144 000029A](#), and a small portion of parcel [10144 000038](#) to 30 feet but is proposing to provide an enhanced buffer. It is unclear as to how the buffer will be enhanced, as the application does not provide those details. The entrance and frontage will be landscaped with a 6-foot-tall wrought iron style fence accented with brick columns every 200 feet and at the corners. Landscaping will be planted in front of this fence to further enhance the aesthetics and screen the project from the highway. Per the narrative, one monument sign, compliant with the sign ordinance, is proposed at the entrance on Cleveland Highway.

One (1) **variance** related to landscaped buffer requirements will be necessary if the site plan, as presented, is approved because the proposal does not meet the requirements.

- 50-foot landscaped buffer where a commercial zoning district abuts property zoned for residential use as found in [17.420.050\(C\)\(2\)\(c\)](#).
  - *The applicant is requesting to reduce the transitional buffer along tax parcels [10143 000003](#), [10144 000029A](#), and a small portion of parcel [10144 000038](#) from 50 feet to 30 feet and is proposing to provide an enhanced buffer for the reduction.*
    - *The applicant has not provided details as to how the buffer will be enhanced.*

Based on the future land-use plan, staff finds the zoning request inconsistent with the Lake Area Residential future land use classification in the [Comprehensive Plan](#). This land use category is characterized by low-density residential development and neighborhoods. The intent of this land use category is to preserve established neighborhoods and create opportunities for permanent vacation residences similar in land use patterns to Residential Areas but at lower residential densities. Future development is envisioned to continue to be detached, single family homes at low densities in addition to less intensive agricultural uses that are found in the northwestern part of the land use classification.

### Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the Planning Commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

(A) Rezone from Agricultural Residential III (AR-III, [17.110](#)) and Planned Commercial Development (PCD, [17.180.080](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) to Light Industrial (I-I, [17.160](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) and

(B) Use Subject to County Commission Approval | [17.420.050](#). outdoor storage

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed rezoning and use of the property as boat and RV storage and an office/warehouse is inconsistent with the development pattern of nearby properties. To the south is an adjacent 13.43± acre parcel zoned Residential I (R-I, [17.60](#)). To the north is a PCD-zoned property Planned Commercial Development (PCD, [17.180.080](#)); this rezoning was approved in 1992 for a shopping center, but remains undeveloped. The remainder of the adjacent parcels on the subject side of the street are other Agricultural Residential III (AR-III, [17.110](#)) properties.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed zoning classification of Light Industrial (I-I, [17.160](#)) is inconsistent with the existing development along Cleveland Highway and could have an impact on nearby residential and agricultural parcels.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the properties have reasonable economic use as currently zoned, from Agricultural Residential III (AR-III, [17.110](#)) and Planned Commercial Development (PCD, [17.180.080](#)), but the proposed business cannot occur as described without approval of the rezoning request to Light Industrial (I-I, [17.160](#)).**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service.**

5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The parcels fall within the Lake Area Residential future land use category of the [Comprehensive Plan](#). This land use category is characterized by low-density residential development and neighborhoods. The intent of this land use category is to preserve established neighborhoods and create opportunities for permanent vacation residences similar in land use patterns to Residential Areas but at lower residential densities. Future development is envisioned to continue to be detached, single family homes at low densities in addition to less intensive agricultural uses that are found in the northwestern part of the land use classification. The request to rezone the property is inconsistent with the future land use classification.**
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; **Aerial imagery shows that the property is primarily undeveloped, though there are various residential and/or agricultural structures located on the parcels. If approved, the existing residence located on [3419 Cleveland Highway](#) will remain and serve as an office for the contractor's business.**
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; **GDOT plans for a future realignment of Cleveland Highway show that the subject property is anticipated to be affected.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The rezoning of the property to Light Industrial (I-I, [17.160](#)) would be a more intensive use than the existing Agricultural Residential III (AR-III, [17.110](#)) and Planned Commercial Development (PCD, [17.180.080](#)) classification and it would create an isolated district unrelated to the surrounding districts, as there is no I-I zoning established in the area.**
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 close proximity to Lake Lanier and recent residential growth within the City of**

**Gainesville and the county may suggest there is a need for this sort of storage in this portion of 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 may be other industrially zoned properties in the county where the proposed use would be permitted without zoning action.**
15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; **No, the request could not be handled instead by a variance as the proposed uses are not permitted within the Agricultural Residential III (AR-III, [17.110](#)) or Planned Commercial Development (PCD, [17.180.080](#)) districts.**
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.**

**(C) Variance | 17.420.050.C.2 to reduce the required transitional buffer in Gateway Corridors Overlay District (GCOD, [17.420](#))**

Section [17.420.070](#), appeals and modifications states that “if substantial modifications or changes are necessary, any person, firm, group or organization may apply for relief from the requirements set forth in this chapter to the Hall County Planning Commission, unless otherwise specified in this chapter.”

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 does not appear to be extraordinary or exceptional conditions pertaining to the subject property. There are no physical characteristics of the property that would prevent the applicant from meeting the transitional buffer requirements as required by the Gateway Corridors Overlay District (GCOD, [17.420](#)).**
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The applicant would have to make modification to the proposed site layout, to meet the transitional buffer requirements of the Gateway Corridors Overlay District (GCOD, [17.420](#)). As a result, there may be a reduction in the number of covered storage spaces for the proposed development, though it is unlikely this would create an unusual hardship.**

3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; **No, the conditions are not peculiar to the subject parcel but the result of the proposed use of the property.**
4. Such conditions are not the result of any actions of the property owner; **the proposed site layout has been proposed by the applicant.**
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, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#).**

#### **17.380.050. - Submission requirements**

- 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 the Hall County Planning Commission.**
- 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 has not explicitly addressed the criteria listed in [17.350.120](#).**
  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. **The applicant submitted a site plan drawn to scale.**
- 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 criteria is not applicable.**

**Development Support and Constraints / Departmental Comments**

**Hall County Environmental Health**

In an email dated August 18, 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 18, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following comments:

Additional fire hydrant(s) will be required to be installed inside the development to meet the International Fire Code requirement of Section 507.5.1 including state modification(s).

**Hall County Public Works and Utilities**

In a memo dated August 18, 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 wrested vegetation not centerline of stream. Proposed GDOT project goes right through this parcel.

**Traffic:**

Permit from GDOT will be required for connection to Cleveland Highway.

**Utilities**

No sewer connection within feasible distance.

**Georgia Department of Transportation**

In an email dated August 15, 2023 from Veronica Chavers, D1TO Civil Engineer 3, she confirmed that the project will require GDOT coordination for access on Cleveland Highway.

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

**Applicant’s Presentation:**

**Randi Doveton, Planning Director**, presented a summary of the request. Ms. Doveton stated that due to the modification to the site plan the variance request is no longer applicable.

**Ed Myers, 752 Chattahoochee Place, Gainesville**, presented the request. The applicant explained the modified site plan and narrative. The applicant requested a variance for a metal building in the rear about

700 feet behind the state highway. The applicant stated that the hours of operation would be from 6:00 am to 12:00 am.

*Rebuttal*

The applicant stated that customers store their boats/RVs and let them sit there for a long time so there will not be a significant amount of traffic. The applicant stated that GDOT has had talks of widening the road but they have been in talks of the project for many years now. The applicant stated that they will install non-spill lights.

**Public Forum:**

**John Carter, 3432 Cleveland Highway, Gainesville,** spoke in opposition. Concerns were property value, egress/ingress, traffic, hours of operation, grading, noise, clear cutting trees, lights, view, and buffer.

**Dutch Sievert, 3420 Cleveland Highway, Gainesville,** spoke in opposition. Concerns were property value, development placement, intense use, view, and traffic.

**Petra Urban, 3418 Cleveland Hwy, Gainesville,** spoke in opposition. Concerns were property value, zoning, traffic, and safety.

**John Mallen, 4014 Donna Drive, Gainesville,** spoke in opposition. Concerns were zoning, light pollution, traffic, and new highway.

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**Michael O'Chasey, 3340 Wilkerson Drive, Gainesville,** spoke in opposition. Concerns were number of bays, traffic, number of boats on lake, traffic on the Little River, and safety.

**Mark Kirves, 3338 Wilkerson Drive, Gainesville,** spoke in opposition. Concerns were property value, traffic, and safety.

**Planning Commission Comments:**

Mr. Braswell requested clarification on the fencing and landscaping. The applicant stated that they will install bushes and trees along the frontage as well as having a fence to help shield the view. Mr. Braswell questioned how access will be controlled. The applicant stated that it will be controlled electronically by a phone app. Mr. Hunt questioned if the applicant is willing to change the closing time to 11:00 pm. The applicant agreed. Mr. Hunt requested clarification on buffers. Mr. Braswell stated that the new narrative stated there will be a vinyl chain link fence around the entire perimeter. The applicant stated that was correct and it is for security purposes. Mr. Braswell stated that the updated site plan removed the need for uncovered parking towards the frontage. Ms. Pilcher stated that the speed limit poses a safety hazard for anyone coming in or out of the development.

**A**

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-1 (Pilcher opposed)**

*Conditions:*

1. The development shall occur as depicted on the site plan dated September 29, 2023 and described in the updated project narrative dated September 29, 2023, modified for compliance with zoning conditions and Hall County regulations. 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. No variances are granted as part of this request other than those listed herein.
2. The storage or disposal of junk material and construction debris on the subject property is prohibited. Any areas where junk or debris has been stored on the property shall be properly disposed of or stored in accordance with applicable regulations.
3. The development, including any signage, shall be subject to the standards of the Gateway Corridors Overlay District (GCOD, [17.420.050](#)). No variances are granted from these standards.
4. The applicant shall coordinate and receive approval from the Georgia Department of Transportation for the site access and proposed location of the covered storage areas.
5. All parking and storage areas shall be paved with either asphalt or concrete.
6. The applicant shall be required to meet all applicable local, state, and/or federal regulations required as part of the land development process.
7. All conditions of zoning shall be made part of any plans created for the property.
8. The hours of operation for the self-storage facility shall be 6:00am-11:00pm, Monday through Sunday.
9. The roof material for the covered parking shall be standing seam architectural metal roof panels, with the color to be approved by the Planning and Development Director.
10. The 10,800 sq. ft. warehouse at the rear of the property as shown on the concept plan shall be allowed to utilize metal siding.

**B**

***Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-1 (Pilcher opposed)***

*Conditions:*

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9. The roof material for the covered parking shall be standing seam architectural metal roof panels, with the color to be approved by the Planning and Development Director.
10. The 10,800 sq. ft. warehouse at the rear of the property as shown on the concept plan shall be allowed to utilize metal siding.

**C**

***Motion: A motion to deny was made by Mr. Hunt and seconded by Mr. Varner. Vote: 5-0***