

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Jose Luis Bauza Faria

Request Use Subject to County Commission Approval |
17.110.040(G) Food processing plants involving
animals.

Proposed Use Food processing involving animals

Size 2.57± acres

Zoning Light Industrial (I-I, 17.160)

Location **448 West Highland Drive** | Tax Parcel 00128
002009G

Commission District Four

Planning Commission Date June 17, 2024

Staff Recommendation **Approval, with conditions**, as the use is consistent
with the surrounding zoning districts and
established uses.

Record Number HZCU24-0004

Planning Commission Recommendation **Approval, with conditions**
Vote: 4-0 (Sosebee absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated January 8, 2023 and as described in the project narrative dated January 9, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
3. All conditions of zoning shall be made part of any plats created for the property.

Excerpts from the minutes of the June 17, 2024 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Juan Velasquez, 2420 Old Flowery Branch Road, Gainesville, presented the request. The applicant stated they would like to repurpose the existing building on the property for food processing. The applicant stated that the facility will be temperature-controlled and there will be no slaughtering or storing of live animals. The applicant stated that there will be delivery, unloading, and repackaging of boxed chicken into smaller packages for local distribution. The applicant stated that the hours of operation will be from Monday – Friday, 8:00am to 4:30pm with approximately 20 employees.

Ruber Franco, 2752 SW Valley Green Drive Gainesville, presented the request.

Stephen Hill, 2130 Elysian Circle, Gainesville, presented the request. The applicant stated that the building is existing and all that needs to be installed is the cooling units.

Public Forum:

Ruben D. Perea, 4424 Prestwick Drive, Oakwood, spoke in favor. Spoke about the applicants becoming a part of the community by improving it and creating jobs.

Yolanda Bedolla, 319 Highland Terrace, Gainesville, spoke in favor. Stated she supports the request as it will be creating jobs.

Planning Commission Comments:

Mr. Varner stated that he supports the idea but needed to see the elevations for the building. Mr. Hunt questioned the type of siding being used. Mr. Hill stated it is a pre-engineered building with metal siding. Ms. Garmon stated that the applicants have been working with several departments for quite a while. Mr. Varner questioned if the loading docks will be accessed from the gravel lot. Mr. Hill stated that it would be on concrete. Ms. Pilcher questioned the size of the trucks entering the property. Mr. Velasquez stated it would be box trucks. Mr. Varner questioned if there would be any semi-trucks entering the property. Mr. Velasquez stated there would not be. Mr. Hill stated that the building was originally approved to be utilized as a storage facility.

Motion: A motion to approve, with conditions was made by Mr. Varner and seconded by Ms. Pilcher. Vote: 4-0 (Sosebee absent)

Conditions:

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2. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
3. All conditions of zoning shall be made part of any plats created for the property.

Staff recommends APPROVAL of the applicant's request, with the following conditions:

1. The property shall be developed in accordance with the site plan dated January 8, 2023 and as described in the project narrative dated January 9, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
3. All conditions of zoning shall be made part of any plats created for the property.

Summary Analysis

The applicant is requesting a conditional use subject to county commission approval on a 2.57± acre parcel zoned Light Industrial (I-I, 17.160) for the establishment of a food processing plant involving animals. Under the Light Industrial (I-I, 17.160.040.G) zoning district, food processing plants involving animals or animal by-products is a use subject to the approval of the Board of Commissioner.

The site is located within the Highlands Industrial Park, which was approved by the Board of Commissioners in 1980. The surrounding parcels to the east and south are zoned Light Industrial (I-I) and the parcels to the north are zoned Residential-II. The parcels to the west are within the City of Gainesville and are zoned Light Industrial. Per the tax records, the property is currently developed with a 16,253 square-foot metal building that was constructed in 1990.

Per the applicant's narrative, the existing metal building is to be renovated and used as a cold storage warehouse. The facility will process and repackage animal products into smaller containers when needed. The repacking conducted at the facility will be limited to further processing of food previously processed at other locations. No slaughtering is proposed on the subject parcel.

Access for the development is from a single entrance on West Highland Drive. The site plan shows an addition of 26 parking spaces for this use, which satisfies county off-street parking standards (17.250.020). Additional concrete paving is proposed to accommodate the parking and expanded drive areas. The site plan reflects new gravel paving on the east side to allow for an on-site truck turnaround area.

The northwestern portion of the property is bordered by Flat Creek, and a flood zone exists which stretches along the northwest property line. Per the site plan, the existing building is partially situated within the Hall County Future Flood Zone, the 50-foot undisturbed stream buffer, and 75-foot impervious setback. Per Hall County Engineering comments, this site may require a stormwater management report. Further, prior to approval by Hall County Engineering, the site plan should show stream buffers and impervious setback as measured from the wrested vegetation as well as FEMA and Hall County Studied Floodplains that are present on site. There is an active Land Disturbance Permit under review for this site (HDEV23-0079) which is

currently awaiting revisions from the applicant. At the time of this report, revisions are required for the following departments and agencies: Fire Marshal, Hall County Engineering, Natural Resource and Conservation Service (NRCS), Environmental Health, and Hall County Planning.

Per the submitted narrative, water services and sanitary sewer will be provided by City of Gainesville Water Resources Department. The City of Gainesville provided an annexation wavier on April 16, 2024 to allow the development to connect to City of Gainesville sewer.

No variances are identified as part of this conditional use application.

Based on the Comprehensive Plan, the proposed conditional use request is inconsistent with the underlying land use designation of “Residential.” However, it should be noted that the Light Industrial (I-I, 17.160) zoning classification is well-established in the area and the proposed use **is consistent** with the general development pattern of the Highlands Industrial Park and surrounding area which contains a mixture of business types that would be considered light industrial.

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:

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 property has been zoned Light Industrial (I-I, 17.160) for more than 40 years and is surrounded by light Industrial zoning designations and industrially-developed properties on three sides. The proposed food processing plant involving animals or animal by-products is an allowable use within the Light Industrial district subject to approval of the Board of Commissioners.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The current request is for a food processing plant involving animals or animal by-products. It is not anticipated that the proposed use would have an adverse impact on adjacent or nearby property beyond what is reasonably expected within the existing Light Industrial (L-I) district.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, but the applicant cannot operate the food processing plant involving animals or animal by-products without approval by the Board of Commissioners.**
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 is not anticipated to cause excessive or burdensome use of community facilities as the Light Industrial (I-I, 17.160) zoning classification is currently established on the property.**

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 proposed use of a food processing plant involving animals or animal by-products is inconsistent with the Comprehensive Plan's future land use classification of Lake Residential. However, the Comprehensive Plan does not take into account the existing Light Industrial zoning that has been in place for over 40 years.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Absent a market study, staff is unable to determine whether 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 subject property is currently developed with a metal warehouse building that was constructed in 1990 and has been occupied by various permitted light industrial businesses.**
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; **There are no known changing conditions affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The current request is for a conditional use of a food processing plant involving animals or animal by-products within the Light Industrial district (I-I). This zoning designation is consistent with adjacent parcels, most of which are zoned light industrial.**
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 request is not out of scale with the needs of the county as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The proposed use of a food processing plant involving animals or animal by-products requires conditional use approval from the Board of Commissioners in the**

Light Industrial (I-I, 17.160) zoning district. A conditional use request would be required on any other Light Industrial (I-I) property in the county.

15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; **The request 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; **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.**

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. **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]. **The proposal provides 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. **The proposal meets the requirement. The applicant has provided a site plan and included much of the necessary information to properly assess the development. However, information about adjacent parcels is limited.**

- C. For any application for a slow rate land treatment system (see Chapter 17.20), the following additional requirements apply. **The proposed development will utilize public water and sewer; as such, this is not applicable.**
- 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 standard is not applicable to the request.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

In an email dated May 10, 2024, Emily McGahee stated “Public sewer. 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

In an email dated May 23, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, provided the following comments: “The existing vacant building and site do not meet fire code for fire apparatus accessibility and life safety. If approved, Georgia registered Engineered site development plans followed by Georgia registered Architectural plans will have to be submitted for review and approval by the Hall County Development Review Team and Building Department. Additional life safety requirements may apply such as the installation of a fire protection system, fire alarm, and emergency radio communication test to determine if a bi-directional antenna system will be required.”

Hall County Public Works and Utilities

In a memo dated May 10, 2024, 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. Show FEMA and Hall County studied Flood plains that are present on site.

Traffic:

No comments.

Utilities

Gainesville sanitary sewer connection is in the CDS to the north.

Georgia Department of Transportation

In an email dated May 20, 2024, Veronica Chavers stated that GDOT coordination is not required.