

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Gus E. Simpson

Request Amend Conditions of Zoning for truck parking and office

Proposed Use Truck parking and office

Size 15.75± acres

Zoning Planned Industrial Development (PID, 17.180.090)

Location **0 & 3902 Belmont Highway** | Tax Parcels 15013 00074 (pt.) & 000017B

Commission District Three

Planning Commission Date October 21, 2024

Staff Recommendation **Approval, with conditions**, as the proposed changes are consistent with previous approvals.

Record Number.....HZCU24-0042

Planning Commission Recommendations.....**Approval, with conditions**

Vote: 5-0

Planning Commission Conditions:

1. Development is approved as generally shown on the concept plan dated July 31, 2023, and described in the original letter of intent dated October 2, 2023 and updated narrative dated August 30, 2024, 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 6:30 am-7:00 pm Monday through Friday, and 6:30 am-12:30 pm 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 centerline of the road).
13. The existing manufactured home and accessory building 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.
15. The proposed entrance shall be approved and permitted by the Georgia Department of Transportation.
16. The annual business license renewal for calendar year 2025 shall be subject to Board of Commissioners approval.
17. There shall be no auctions, sales of vehicles, equipment or materials allowed on site.

Excerpts from the minutes of the October 21, 2024 meeting

Applicant’s Presentation:

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

Bud Haynes, 9463 Callus Mill Road, Lula, presented the request. The applicant is requesting to amend zoning conditions on a 15.75± acre tract, currently zoned Planned Industrial Development (PID, 17.180.090), to modify the requirement of deceleration and turning lanes on Belmont Highway. The further development of the property is pending the approval of the plat (HPLT24-0165), a land disturbance permit, and the approval of this zoning amendment request.

Public Forum:

There were no comments in support or opposition.

Motion: A motion to approve with conditions was made by Mr. Hunt and seconded by Ms. Pilcher.

Vote: 5-0

Conditions:

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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.
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11. The hours of operation for the business shall be 6:30 am-7:00 pm Monday through Friday, and 6:30 am-12:30 pm on Saturday, and the business will be closed on Sundays.
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14. Direct sales of dirt, sand, gravel, mulch, and rock is prohibited on site.
15. The proposed entrance shall be approved and permitted by the Georgia Department of Transportation.
16. The annual business license renewal for calendar year 2025 shall be subject to Board of Commissioners approval.
17. There shall be no auctions, sales of vehicles, equipment or materials allowed on site.

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

1. Development is approved as generally shown on the concept plan dated July 31, 2023, and described in the original letter of intent dated October 2, 2023 and updated narrative dated August 30, 2024, 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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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 are 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."
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13. The existing manufactured home and accessory building 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.
15. The proposed entrance shall be approved and permitted by the Georgia Department of Transportation per GDOT.
16. The annual business license renewal for calendar year 2025 shall be subject to Board of Commissioners approval.
17. There shall be no auctions, sales of vehicles, equipment of materials allowed on site.

Summary Analysis

The applicant is requesting to amend zoning conditions on a 15.75± acre tract, currently zoned Planned Industrial Development (PID, 17.180.090), to modify the requirement of a deceleration and turning lane on Belmont Highway. The further development of the property is pending the approval of the plat (HPLT24-0165), a land disturbance permit, and the approval of this zoning amendment request.

The subject property was originally rezoned from Agricultural Residential-IV (AR-IV, 17.120) to Planned Industrial Development (PID, 17.180.090) on November 9, 2023, for truck parking and an office with the following 17 conditions (HZON23-0040):

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.
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13. The existing manufactured home and accessory building 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.
15. There shall be a decel lane and turning lane added in accordance with Department of Transportation (DOT) specifications.
16. The annual business license renewal for calendar year 2025 shall be subject to Board of Commissioners approval.

17. There shall be no auctions, sales of vehicles, equipment of materials allowed on site.

Condition number fifteen (15) of the original rezoning approval requires a deceleration lane and a turning lane in accordance with the Georgia Department of Transportation (GDOT) specifications. Per the narrative, the applicant has discussed the project with Jason Dykes P.E., District Traffic Engineer with GDOT and it was determined that the proposed traffic flow is below the GDOT specifications for providing a turn lane or deceleration lane.

Additionally, the applicant states that a preliminary design shows the proposed grading for both the turn lane and deceleration lane extend outside of the frontage owned by the developer and adjacent property owners are unwilling to sell the road frontage necessary to implement the design.

Per the submitted narrative, the applicant is requesting to amend condition fifteen (15) to state: "The proposed entrance must be permitted with the Georgia Department of Transportation per GDOT specifications."

Zoning Analysis

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, development and zoning of adjacent and nearby property; **The requested use is consistent with the previous approval for the rezoning of the property on November 9, 2023.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed development will adversely affect adjacent properties. Coordination with and approval from the Georgia Department of Transportation is required to ensure all regulations are met.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned Planned Industrial Development (PID, 17.180.090).**
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; **If approved, the amendment of conditions is not anticipated to cause an excessive or burdensome use of existing infrastructure.**
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 zoning designation has been established by previous board action with the original approval of the development. The requested modification does not significantly affect the designated future land use of the area.**
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 a 1987 manufactured home. Additionally, the property is currently awaiting approval of a plat (HPLT24-0165) which requires a retroactive land disturbance permit and the approval of this request to amend conditions of zoning.**
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 affecting the use or development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The request is to amend zoning conditions of an existing Planned Industrial Development (PID, 17.180.090). Per the Official Code of Hall County, the Planned Development District (PID, 17.180.090) 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.**
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 immediate neighborhood or 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 existing zoning of the subject site supports the proposed use; however, the proposal to amend the condition requires approval by the Board of Commissioners.**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **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; **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 are no anticipated ecological or pollution impacts 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 does provide a narrative outlining amendment of conditions requested; 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 does meet 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. **This standard is not applicable to the applicant's request.**
- 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. **The**

proposed development does not contain any residential dwelling units, and as such is exempt from this requirement

Development Support and Constraints

Hall County Environmental Health

In an email dated September 16, 2024, Emily McGahee stated “No comment.”

Hall County Fire Marshal

In an email dated September 17, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, stated the following: “The Hall County Fire Marshal’s Office has no comment regarding applicants request to have condition #15 amended.”

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated September 19, 2024, Bill Nash, Director of Public Works, stated the following:

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.

Traffic:

No comment

Utilities:

Hall County service area. No sewer system in area.

Georgia Department of Transportation

In an email dated September 16, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is required.