

**HALL COUNTY PLANNING COMMISSION
STAFF REPORT**

Applicant Paden M. Dunagan

Request Use Subject to County Commission Approval for outdoor storage within the Gateway Corridors Overlay District (GCOD)

Proposed Use Outdoor storage in Gateway Corridors Overlay District (GCOD)

Size 21.21± acres

Zoning Current: Agricultural Residential 1 (AR-1) | Proposed: Heavy Industrial (I-2)

Location **2811 Athens Highway** | Tax Parcel 15023 000037

Commission District Three

Planning Commission Date October 21, 2024
January 21, 2025

Staff Recommendation **Denial**, as this zoning district is not supported within the Business or Employment Nodes & Corridors within the East Hall Character Area.

Record Number.....HZCU24-0043

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

Vote: 4-0 (Sosebee absent)

Planning Commission Conditions:

1. The 160 foot by 160 foot outdoor storage area located to the east of the proposed building may be gravel. No other outdoor storage is approved and the remaining of the property must meet GCOD requirements.

Excerpts from the minutes of the January 21, 2025 meeting

Applicant's Presentation:

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

James Irvin, 164 Professional Drive, Baldwin, presented the request. The applicant is requesting to a use subject to county commission approval for outdoor storage which is to be associated with the proposed welding service and roll-off dumpster manufacturing business. The inclusion of a transfer station has been removed from the application. The property is currently undeveloped. The Agricultural Residential IV (AR-IV) zoning of the parcel appears to be the original zoning the county adopted in 1978. The subject property has approximately 1,063 linear feet of road frontage along Athens Highway (US129/SR11). The parcel is heavily wooded with a stream along the eastern property line that also bisects the center of the parcel. The subject property is surrounded by parcels zoned Agricultural Residential IV (AR-IV).

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt asked what would be stored along the US-129 side of the property. Mr. Irvin stated it would be the roll-off storage containers that are waiting to be worked on, and finished products will be stored behind the building. Mr. Hunt asked how the finished products would be removed from the property and Mr. Irvin pointed out the space between the two buildings. Mr. Hunt asked what height of opaque fencing the applicant intended to install. Mr. Irvin answered they would build at whatever height the Planning Commission or staff required. Ms. Pilcher asked if the roll-off containers would be on trailers or on the ground as this would create a height difference and impact visibility. Mr. Irvin stated they are not on trailers. Mr. Braswell asked Ms. Garmon, Planning and Zoning Director, to explain if they are requesting to rezone into an appropriate zoning district. Ms. Garmon explained that due to the original inclusion of the transfer station, they were advertised as requesting to be within the Heavy Industrial zoning district. Since the transfer station was no longer included in the request, the zoning options now included Light Industrial (I-1) or Planned Industrial Development (PID). Ms. Pilcher drew attention to the rear of the property being adjacent to all residentially-zoned property and that the stream buffer would limit the ability to hide the view, leaving all of the homeowners to see the rear of the shop. Mr. Hunt asked if the materials on the exterior of the building were going to be compliant with GCOD standards and Mr. Irvin agreed.

B

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Gina Pilcher.

Vote: 4-0 (Sosebee absent)

Conditions:

1. The 160 foot by 160 foot outdoor storage area located to the east of the proposed building may be gravel. No other outdoor storage is approved and the remaining of the property must meet GCOD requirements.

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.

Paden Dunagen, 3263 Tanners Mill Road, Gainesville, presented the request. The applicant clarified he is withdrawing the transfer station from the request. The applicant is requesting to a use subject to County Commission approval for outdoor storage which is to be associated with the proposed welding service, roll-off dumpster manufacturing business, and transfer station. The property is currently undeveloped.

The Agricultural Residential IV (AR-IV) zoning of the parcel appears to be the original zoning the county adopted in 1978. The subject property has approximately 1,063 linear feet of frontage along Athens Highway (US129/SR11). The parcel is heavily wooded with a stream along the eastern property line that also bisects the center of the parcel. The subject property is surrounded by parcels zoned Agricultural Residential IV (AR-IV).

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt asked for clarification on the request now that the transfer station is removed from the request. The applicant stated all three buildings would be for the welding business. Mr. Hunt asked why the request is for heavy industrial and not for light industrial. The applicant explained that the current welding shop is classified as Heavy Industrial so he thought this welding shop would also require Heavy Industrial zoning. Mr. Braswell stated that the Heavy Industrial zoning may have been due to the transfer station but the applicant will need a conditional use application as well as a DRI report. Mr. Braswell, Mr. Hunt and the applicant discussed the request for a variance for the architectural elements of the building. Mr. Braswell highlighted the comments submitted by the Fire Marshall concerning the narrative and site plan stating that there are discrepancies. The applicant asked to table the request until January 21, 2025 to have time to make adjustments to the application.

B

***Motion: A motion to table to January 21, 2025 was made by Mr. Hunt and seconded by Mr. Sosebee.
Vote: 5-0***

Staff recommends DENIAL of the applicant's request. However, if the Planning Commission chooses to approve this request, Staff recommends the following conditions:

1. The property shall be developed in accordance with the site plan and the project narrative dated January 3, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. Access to the property shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.
3. The initial 300 feet of the internal drive shall be paved; graded aggregate base (GAB) may be used beyond the 300 feet for the common access driveway and remaining parking areas subject to review and approval of the Hall County Engineering Department.
4. The buildings may be composed of metal siding finished with a brick, stucco, or split face block veneer as shown in the construction drawings submitted with the application. Stucco and split face block shall not exceed 50% of the surface area of each side. Final building elevations are subject to final review and approval by the Director of Planning and Zoning, or their designee.
5. Outdoor storage shall be permitted so long as it is screened from view of Athens Highway.
6. No outdoor activity such as grinding or crushing of materials shall be permitted.
7. There shall be a 25-foot-wide undisturbed buffer adjacent to the right-of-way of Athens Highway. The existing mature landscape may be supplemented with additional planted evergreens with an installation height of no less than 6 feet to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the approval of the Director of Planning and Zoning, or their designee.
8. No variances to Gateway Corridors Overlay District (GCOD) standards and no additional variances or development exceptions are granted as part of this request that are not explicitly granted herein.
9. The development shall be compliant with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
10. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

The following should be considered as exceptions to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

1. 17.420.05.D.4.d – Outdoor storage.
 - Outdoor storage or sales displays shall be prohibited from front yards except when permitted in the underlying zoning district and further authorized by a conditional use permit pursuant to the procedures of the Hall County Zoning Ordinance. Outdoor storage or sales displays shall be screened from view from public streets and adjacent property by a permanent opaque enclosure consisting of a minimum eight-foot-high solid fence or wall.
 - Per the site plan, the applicant proposes outdoor storage on the eastern side of Building A for the storage of finished inventory and on the northern portion of the property.
2. 17.420.050.E.3 – Paving materials for parking lots.

- All parking areas shall be paved with asphalt, concrete (or pervious materials approved by the director.)
 - The applicant proposes that the internal drive leading to Building A be paved and requests that the other sections of the internal site circulation be graded aggregate base (GAB).

Summary Analysis

The applicant is requesting to (A) rezone a 21.21± acre tract from Agricultural Residential 1 (AR-1) to Heavy Industrial (I-2) to allow permitted uses within the Heavy Industrial zoning district. Concurrent to this request, the applicant is requesting (B) a use subject to County Commission approval for outdoor storage within the Gateway Corridors Overlay District (GCOD) which is to be used for a proposed welding service and roll-off dumpster manufacturing business. The property is currently undeveloped.

The Agricultural Residential 1 (AR-1) zoning of the parcel appears to be the original zoning adopted by the county in 1978. The subject property has approximately 1,063 linear feet of frontage along Athens Highway (US129/SR11). The parcel is heavily wooded with a stream along the eastern property line that also bisects the center of the parcel. The subject property is surrounded by parcels also zoned AR-1.

Properties in the general vicinity being zoned Light Industrial (I-1) or Planned Industrial Development (PID) include:

1. 3001 Athens Highway, 80± acres rezoned in 2005 from Agricultural Residential to Light Industrial to allow a cold storage facility and is the site of Eskimo Cold Storage which was constructed in 2014.
2. 3317 Athens Highway, 34± acres were rezoned in January 2019 from Agricultural Residential to Light Industrial to allow a distribution center which is now the location of Agile Cold Storage.
3. 2738 Athens Highway, 39± acres rezoned in 2021 from Agricultural Residential to Planned Industrial Development (PID) to allow light manufacturing and a warehouse/distribution facility. Development plans have not been submitted to date.

The applicant is requesting to rezone the subject parcel from Agricultural Residential 1 (AR-1) to Heavy Industrial (I-2) to allow the relocation of his welding business and roll-off dumpster manufacturing company from 2010 Candler Road. The narrative states that the welding shop will consist of two buildings: Building A measuring approximately 64,200 square feet and Building B measuring approximately 10,000 square feet . Outside storage is requested for finished inventory on the east side of the welding shop and additional outdoor storage is proposed along the frontage of Athens Highway for finished inventory or items awaiting welding services. The applicant intends to screen the outdoor storage along Athens Highway with an opaque fence.

Access to the development will be solely from a right-in/right-out driveway on Athens Highway. The site plan reflects a building setback of 50 feet from the front property line, a 50-foot vegetative buffer along the southern property line, and a 75-foot impervious stream buffer to the east and north. The site plan shows a ten foot wide landscape strip along the Athens Highway frontage which meets GCOD standards.

Water service will be provided by the City of Gainesville with service confirmed in a letter dated September 5, 2024. Sanitary sewer services will be provided by private septic system. Septic areas and on-site stormwater detention facilities are identified on the site plan.

Several exceptions from Gateway Corridors Overlay District (GCOD) standards are being requested. The development standards for the project are identified in the table below and compared to the GCOD requirements:

GCOD Analysis

Standard	Compliance	Proposed	Notes
17.420.050.C – Transitional buffers	Complies	Maintain a 75-foot impervious setback from the northern and eastern property lines and a 50-foot vegetative buffer to the south.	50 feet min
17.420.050.D – Other landscape and screening standards	Complies	10-foot-wide landscape strip proposed along street frontage	
17.420.050.E – Parking lot design	Deficient	Graded aggregate base (GAB) for outdoor storage areas.	Applicant is requesting a variance for graded aggregate base (GAB) as an alternative to asphalt or concrete.
17.420.050.F – Outdoor lighting	Unknown	Unknown	Shall comply with GCOD standards.
17.420.050.G – Interparcel access	Not applicable	Not applicable	
17.420.050.H – Architectural standards for non-residential buildings	Complies	Metal buildings will feature a veneer of brick, stucco, and split face block on all sides	
17.420.060 – Signs	Unknown	Unspecified	Shall comply with GCOD standards.

Based on the future land-use plan, staff finds the request *inconsistent* with the Comprehensive Plan and future land use designation of Business or Employment Nodes & Corridors within the East Hall

Character Area. Business or Employment Nodes & Corridors should include higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that serve nearby communities, and higher density residential where appropriate. Similarly, new employment nodes and corridors should feature industrial and office uses within formalized campuses or along major roads with access to water and sewer, with potential inclusion of higher density residential for housing nearby industry employees. In both cases, site designs should adhere to the Quality Development Principles, emphasizing natural resource protection and high-quality landscaping. This Future Land Use designation does not support Heavy Industrial (I-2) within the East Hall Character Area.

Note: Although the Heavy Industrial (I-2) zoning district is not recommended within the East Hall Character Area, the use of a welding business could be supported under the Light Industrial (I-1) zoning district, which is included in the East Hall Character Area. Following the original submission of this request in August of 2024, Hall County adopted a new Unified Development Code (UDC) and Comprehensive Plan. These new plans changed the allowed uses within Light Industrial (I-1), as well as the Future Land Use designation for this area. Following the adoption of these items, the applicant removed the request for a transfer station on this property. It is Staff's recommendation that the current rezoning request for a welding business in Heavy Industrial (I-2) be considered under the Light Industrial (I-1) zoning district, where it would be more aligned with the UDC.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The proposed use could be supported under the Light Industrial zoning district, which may be more suitable surrounding residentially zoned properties.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use should not adversely affect adjacent residential properties as no outside work is proposed and all outdoor storage is proposed to be screened.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has reasonable economic use as currently zoned Agricultural Residential 1 (AR-1); however, the proposed use cannot occur as described without rezoning and use subject to County Commission approval.**
4. Whether the zoning proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **The proposed use is not anticipated to cause an excessive or burdensome use of existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan, **The zoning is inconsistent with the Comprehensive Plan and Business or Employment Nodes & Corridors within the East Hall Character Area. However, the use could be approved under the Light Industrial (I-2) zoning district which supports welding businesses. The intent of this future land use designation is to support include higher-intensity commercial uses, low-intensity, consumer-facing**

industrial uses that serve nearby communities, and higher density residential where appropriate. Similarly, new employment nodes and corridors should feature industrial and office uses within formalized campuses or along major roads with access to water and sewer, with potential inclusion of higher density residential for housing nearby industry employees. In both cases, site designs should adhere to the Quality Development Principles, emphasizing natural resource protection and high-quality landscaping.

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 affect 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; **There is no history of development on the subject property. Adjacent properties are also zoned Agricultural Residential 1 (AR-1) and most are developed with residential uses.**
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; **Nearby properties at 2738, 3001 and 3317 Athens Highway were rezoned from Agricultural Residential 1 (AR-1) to Light Industrial (I-1) or Planned Industrial Development (PID) for light industrial uses; however, there is no precedent for Heavy Industrial (I-2) zoning.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning would create an isolated district unrelated to the surrounding Agricultural Residential 1 (AR-1) zoned properties.**
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; **In general, the proposed Heavy Industrial (I-2) zoning district appears to be out of scale with the needs of the immediate neighborhood; however, Staff recommends that the board consider Light Industrial (I-1) as this zoning district would allow the proposed use and is supported by the surrounding area.**

14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the county that support Heavy Industrial uses.**
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 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. There should not be an ecological or pollution impact resulting from any modification to the land if the rezoning and outside 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.**

1.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**
2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **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 11.2.6.E.2.**
 - b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal meets the requirement.**

- c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, 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 must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated December 17, 2024, Emily McGahee stated "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan."

Hall County Fire Marshal

In an email dated September 18, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, Lieutenant provided the following comments:

- 1) The project narrative describes a welding shop structure that will be approximately 70,000 SF however the site plan overview and architectural drawings show building A, the proposed welding shop to be 64,200 SF. The applicant will have to revise the application to show what the building size will be 70,000 SF or 64,200 SF
- 2) The site plan overview dimensions of building A do not match the dimensions for building A in the architectural drawings, the site plan and architectural dimensions should match. Applicant will have to revise application and include site development and architectural plans that have matching dimensions.
- 3) In the project narrative the applicant describes the 70,000 SF building as a welding shop while the architect in the architectural plans classifies the occupancy as a mercantile, both the project narrative and architectural drawings will need to reflect the same occupancy classification. Applicant will have to revise application to shown correct occupancy.
- 4) The Hall County Fire Marshal's Office considers the engineered site development plan conceptual in nature and if approved will have to meet all applicable code requirements of the International Fire Code 2018 edition. Engineered concept plan does not meet fire code as proposed.
- 5) The Hall County Fire Marshal's Office considers the architectural plan conceptual in nature and if approved will have to meet all the applicable code requirements of Life Safety Code 2018 edition, and International Building Code 2018 edition. Architectural concept plan does not meet fire code as proposed.

- 6) Architect indicates the welding shop will not have a fire protection system installed. The Hall County Fire Marshal's Office will determine if a fire protection system is required based of accurate code analysis data, construction type, occupancy classification, and building height provided by the architect.
- 7) The project narrative, engineered site overview, and architectural plans should match.
- 8) A fire protection system will be required for the 45,000 SF transfer station and 10,000 SF paint building.
- 9) All 3 buildings will be required to have an emergency responder radio frequency test completed to determine the radio signal strength inside the building, any building failing the test will be required to have a bi-directional antenna system designed, installed, and certified.
- 10) Additional fire hydrants will have to be installed throughout the development to meet the hose lay distance requirements of the International Fire Code Chapter 5, Section 507
- 11) Fire apparatus accessibility as shown on the proposed site plan does not meet code requirements of the International Fire Code Chapter 5, Section 503

Hall County Public Works and Utilities

In a memo dated December 19, 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:

Hall County Sewer area

Phase 1 of the Pond Fork Sewer Project will bring sewer system to the Roy Park Road intersection at Athens Hwy (US 129). No sewer in the area at the time.

Georgia Department of Transportation

In an email dated December 12, 2024, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination is required.