

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Robert (Bo) Schill

Request **Special Use** | Amend conditions of zoning

Proposed Use Outdoor storage

Size 6.0± acres

Zoning Planned Industrial Development (PID)

Location **2695 & 2661 White Sulphur Road** | Tax Parcels
09113 000073 & 000074

Commission District Three

Planning Commission Date March 17, 2025

Staff Recommendation **Approval, with conditions**, as the use is
consistent with the Employment Corridor land
use designation in the Comprehensive Plan.

Record Number.....HZCU24-0061

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

Vote: 5-0

Planning Commission Conditions:

1. Development is approved as generally shown on the concept plan dated December 20, 2024, and described in the project narrative dated December 20, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the development shall be approved by the City of Gainesville. The developer shall be responsible for all costs associated with improvements necessary for access to the development.
3. A 10 foot front landscape strip shall be installed along the property line abutting White Sulphur Road subject to final review and approval by the Director of Planning and Zoning or their designee.
4. All outdoor storage shall be screened from view from White Sulphur Road with a 6-foot-tall opaque fence. Screening is subject to final review and approval by the Director of Planning and Zoning or their designee.

5. Retroactive building permits shall be obtained for all structures currently on-site that do not currently have a commercial building permit. Final determination is subject to the Hall County Building Official or their designee. No new buildings shall be permitted for the development until all retroactive permits have been obtained.
6. Business licenses shall not be approved for the property until the site is in compliance with county permitting requirements
7. Plans for any further improvement or development of the property shall be submitted for review and appropriate permits obtained prior to construction.
8. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Official 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.
9. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Excerpts from the minutes of the March 17, 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 amend the conditions of zoning on a combined 6.0± acre tract zoned Planned Industrial Development (PID) to allow the property to be used for outdoor storage, specifically for fleet storage and the use of a mobile office unit for an erosion control installation company. This request is in an effort to bring the current use of the property into compliance. The two subject parcels were rezoned in 2021 with eight conditions (ZON2021-00005) from Agricultural Residential III (AR-III) to Planned Industrial Development (PID) to allow for the construction of five buildings totaling 50,000 square feet for office and warehouse space.

Public Forum:

There were no comments in support or opposition.

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 5-0

Conditions:

1. Development is approved as generally shown on the concept plan dated December 20, 2024, and described in the project narrative dated December 20, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the development shall be approved by the City of Gainesville. The developer shall be responsible for all costs associated with improvements necessary for access to the development.

3. A 10 foot front landscape strip shall be installed along the property line abutting White Sulphur Road subject to final review and approval by the Director of Planning and Zoning or their designee.
4. All outdoor storage shall be screened from view from White Sulphur Road with a 6-foot-tall opaque fence. Screening is subject to final review and approval by the Director of Planning and Zoning or their designee.
5. Retroactive building permits shall be obtained for all structures currently on-site that do not currently have a commercial building permit. Final determination is subject to the Hall County Building Official or their designee. No new buildings shall be permitted for the development until all retroactive permits have been obtained.
6. Business licenses shall not be approved for the property until the site is in compliance with county permitting requirements
7. Plans for any further improvement or development of the property shall be submitted for review and appropriate permits obtained prior to construction.
8. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Official 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.
9. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Excerpts from the minutes of the February 17, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, stated that the applicant requested to table the item to the March 17, 2025 meeting.

Motion: *A motion to table to March 17, 2025 was made by Frank Sosebee and seconded by Stan Hunt.*
Vote: *4-0 (Varner absent)*

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

1. Development is approved as generally shown on the concept plan dated December 20, 2024, and described in the supplemental project narrative dated December 20, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the development shall be approved by the City of Gainesville. The developer shall be responsible for all costs associated with improvements necessary for access to the development.

3. A 10 foot front landscape strip shall be installed along the property line abutting White Sulphur Road subject to final review and approval by the Director of Planning and Zoning or their designee.
4. All outdoor storage shall be screened from view from White Sulphur Road with a 6-foot-tall opaque fence. Screening is subject to final review and approval by the Director of Planning and Zoning or their designee.
5. Retroactive building permits shall be obtained for all structures currently on-site that do not currently have a commercial building permit. Final determination is subject to the Hall County Building Official or their designee. No new buildings shall be permitted for the development until all retroactive permits have been obtained.
6. Business licenses shall not be approved for the property until the site is in compliance with county permitting requirements.
7. Plans for any further improvement or development of the property shall be submitted for review and appropriate permits obtained prior to construction.
8. No variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Official 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.
9. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Summary Analysis

The applicant is requesting to amend the conditions of zoning on a combined 6.0± acre tract zoned Planned Industrial Development (PID) to allow the property to be used for outdoor storage; specifically for fleet storage and the use of a mobile office unit for an erosion control installation company. This request is in an effort to bring the current use of the property into compliance.

The two subject parcels were rezoned in 2021 (ZON2021-00005) from Agricultural Residential III (AR-III) to Planned Industrial Development (PID) to allow for the construction of five buildings totaling 50,000 square feet for office and warehouse space. The rezoning approval was subject to the following eight conditions:

1. A more detailed program of intended uses shall be submitted for review at the time of Development Review.
2. Only those uses listed as permitted within the Light Industrial (I-I) zoning district, as defined in the official code of Hall County, shall be allowed.
3. All improvements shall comply with county and state regulations at the time of development.
4. The developer shall work with the Georgia Department of Transportation to permit driveways on White Sulphur Road.
5. All conditions of zoning shall be made part of any plats of the property.
6. The applicant shall be permitted to have one sign per entrance.

7. Masonry water tables shall only be required on the front side of the structure.
8. The maximum size for a single structure on the subject property shall be 50,000 square feet.

The project was not developed as originally proposed. However, in 2022, gravel was installed over a large portion of both lots without the necessary permits. The current owner is addressing this issue by applying for a retroactive land disturbance permit (LDP) (HDEV25-0044) to assess the environmental impact and obtain the required approvals. Additionally, the property is currently developed with a mobile office unit and several structures used for material storage, some of which appear to have been constructed without appropriate building permits.

The surrounding properties are zoned and developed as follows:

- **North:** City of Gainesville Light Industrial (L-I) & Southern Railroad
- **East:** City of Gainesville Light Industrial (L-I) (foam products manufacturer) & Hall County Agricultural Residential 1 (AR-1)
- **South:** City of Gainesville Light Industrial (L-I) (business park)
- **West:** Southern Railroad & Hall County Residential 1 (R-1)

The applicant seeks to amend the 2021 rezoning conditions to allow for outdoor storage, fleet storage, and the use of a mobile office unit for business operations. According to the applicant's narrative, the front of the property is enclosed by a chain-link fence with opaque screening. The applicant acknowledges that portions of this fence will need to be relocated to accommodate a proffered 10 foot wide landscape strip. Additionally, the existing gravel driveway at the north end of the property adjacent to Navajo Circle does not meet the minimum driveway separation requirements and will need to be removed and relocated.

The applicant proposes to use the property exclusively for outdoor and fleet storage, with no other business activities taking place on-site. Since the property will not be regularly occupied, no water or sanitary services will be required. However, per the Environmental Health Department, "an onsite sewage management system (and bathroom structure) will be required on the property if it is to be occupied for two hours or more."

Based on the future land-use plan, staff finds that the request is consistent with the Comprehensive Plan and future land use designation of Employment Corridor. The intent of the Employment Corridor is to enhance and maintain well-functioning, attractive corridors that facilitate vehicular traffic flow, serve local needs and coordinate land use patterns without encroaching on adjacent neighborhoods and to create employment opportunities where a location benefits from interstate access or supports industrial-focused development patterns. Primary future land uses within the Employment Corridor specifically include industrial uses, business parks and technology-based operations.

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:

- a) 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 amendment to the site plan is suitable in view of the use and development of adjacent and nearby property along White Sulphur Road as there are other light and heavy industrial zoning and uses adjacent.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that outdoor storage would adversely affect adjacent or nearby property.**
- c) 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; however, the approval of the Board of Commissioners is required to amend conditions of zoning.**
- d) 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; **If approved, the proposed amendments are not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service**
- e) 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 is consistent with the Comprehensive Plan and the Employment Corridor future land use designation.**
- f) 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.**
- g) 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 values 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.**
- h) 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.**
- i) 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 zoned Planned Industrial Development (PID) and partially developed with a mobile office unit and structures requiring retroactive building permits.**
- j) 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.**

- k) Whether the change would create an isolated district unrelated to the surrounding districts; **As the property is already zoned Planned Industrial Development (PID), this would not create an isolated district unrelated to the surrounding districts. Additionally, per the Official Code of Hall County, Planned Development Districts are 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.**
- l) 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.**
- m) Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The property is currently zoned Planned Industrial Development (PID) and the proposed amendments are not out of scale with the needs of the County as a whole or the immediate neighborhood.**
- n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other sites within the county that would allow this use without board action, however, the proposal to amend the conditions requires approval by the Board of Commissioners.**
- o) Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request to amend conditions could not be handled alternatively as a variance.**
- p) 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.**
- q) 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.**

11.2.6.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 January 16, 2025, 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. An onsite sewage management system (and bathroom structure) will be required on the property if it is to be occupied for two hours or more."

Hall County Fire Marshal

In an email dated January 15, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, stated

"The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Public Works and Utilities

In a memo dated January 17, 2025, 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. Storm water will need to take care of existing because it was added without a permit.

Traffic:

Driveway must be approved/permitted by the City of Gainesville.

Utilities:

No Hall County sewer available / Gainesville Sewer area.

Georgia Department of Transportation

In an email dated January 13, 2025, Henry Stevens, GDOT Civil Engineer 2, stated that GDOT coordination is not required.