

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Solidum Holdings, LLC

Request Variances from Tree Protection ([17.280](#)) and the Gateway Corridors Overlay District (GCOD, [17.420](#))

Proposed Use Commercial & industrial mixed uses

Size 91.51± acres

Zoning Current: Agricultural Residential IV (AR-IV, [17.120](#)) & Suburban Shopping (S-S, [17.140](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#)) | Proposed: Planned Industrial Development (PID, [17.180.090](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#))

Location **6047, 6051, 6057, & 6069 Lula Road, 4927 & 5051 Cagle Road** | Tax Parcels 09084 000004 -000006, 000006A, 000017, 000020

Commission District Three

Planning Commission Date January 3, 2023

Staff Recommendation **Denial as the requested variance requests do not meet the requirements of [2.60.030.K](#)**

Planning Commission Recommendation.....**Approval, with conditions**
Vote: 3-1 (Bell absent & Pilcher opposed)

Planning Commission Rezoning Conditions:

1. The development shall generally occur as depicted on the site plan and described in the project narrative submitted 1-3-2023, modified for compliance with zoning conditions and Hall County regulations. Both documents are incorporated and adopted as exhibits here in.
 - a. The Planning Director can approve changes in the layout related to engineering constraints or specific requirements of the end user provided the revisions do not create a need for any variances, does not reduce setback requirements, meets GCOD standards, as amended herein, increases the aggregate gross floor area of the

development, reduce buffers, or changes the height, design or material of the structures.

- b. Adult establishments, junk yards, and billboards are prohibited.
2. The standards of the Gateway Corridors Overlay District (GCOD, 17.420) shall apply to any buildings visible from Cornelia Highway / SR 365 and Lula Road / SR 52 with the exception that tilt up concrete construction and TPO roof systems shall be allowed.
3. Alternately, if a 100 foot buffer from the Cornelia Highway / SR 365 and Lula Road / SR 52 is maintained, no GCOD Standards shall apply to these lots.
4. The site may require a stormwater management report shall the site plan indicate the proposed development needs stormwater thresholds, impervious surface, and/or disturbed acreage.
5. All costs associated with the project related to right-of-way improvements recommended by the Keck and Wood traffic study that is part of the application, or as required by zoning conditions imposed by the Hall County Board of Commission shall be the Developer's responsibility and completed no later than the issuance of a CO for the projects improvements on the northeast side of the stream that bisects the property. No system related improvements are required. Truck traffic for the proposed development is not allowed on Cagle Road in any form and signage shall be coordinated.
6. The development shall follow all Hall County Development Review processes and Storm Water requirements for the park infrastructure.
7. The development shall follow standard Hall County plat review standards and process requirements.
8. Each parcel created within the park shall obtain separate land disturbance permits and building permits prior to commencing development.
9. A landscape and lighting plan similar to those required for the Gateway Industrial Centre shall be approved by the Planning Director prior to issuance of land disturbance permits for the individual parcels.
10. Developmental restricted covenants shall be recorded prior to release of the final plat.
11. All conditions of zoning shall be placed on the final plat.
12. Front building setbacks along SR 52 shall be 100 feet from the center line of the street or 75 feet from the property line, whichever is greater.
13. Parking space requirements and parking lot design shall meet Hall County guidelines.

Public Forum:

Wayne Coy, 4900 Cagle Road, Lula, spoke in opposition. Concerns were narrow road and traffic.

Brett Maddox, 4969 Cagle Road, Lula, spoke in opposition. Concerns were safety, traffic, wrecks, commercial visibility, noise, and property values.

Joseph Thomas, 4948 Cagle Road, Lula, spoke in opposition. Concerns were commercial development flood, traffic, and mixed use.

Kayla Maddox, 4960 Cagle Road, Lula, spoke in opposition. Concerns were traffic.

Logan Johnson, 4389 East Hall Road, Gainesville, spoke in opposition. Concerns were commercial development.

Elijah Stuart, 7609 Fern Lane, Lula, spoke in opposition. Concerns were traffic and safety.

Summary Analysis

The applicant is requesting to rezone the subject property from Agricultural Residential IV (AR-IV, [17.120](#)) & Suburban Shopping (S-S, [17.140](#)) to Planned Industrial Development (PID, [17.180.090](#)) on combined 91.51± acre tract for the purpose of developing a mixed-use business park. As part of the rezoning and conditional use application, the applicant is requesting several variances. The following variances are requested:

- [17.420.050.H.2.C.vi](#)
 - The applicant has requested a variance to allow **tilt-up concrete construction and TPO roof systems.**
 - The narrative continues to say that alternatively, **if a 100-foot buffer is maintained from the right-of-way of Cornelia Highway / SR 365, then no Gateway Corridors Overlay District (GCOD, [17.420](#)) shall apply.**
 - The applicant commits to subjecting the property to similar covenants that have previously been adopted for the Gateway Industrial Centre, located further south along Cornelia Highway / SR 365. **The covenants detail design standards including setbacks, site coverage, parking, exterior facades, fencing, screening, signage, lighting, and landscaping requirements.**

The covenants for the Gateway Industrial Centre include the following standards:

Site Coverage	The building-to-land ratio (the footprint of the building coverage on the land) shall be no less than ten percent (10%) and not more than sixty percent (60%) for any lot.
Subdivision	No owner may subdivide a lot without prior written approval of the Development Review Committee
Loading	All loading or staging areas shall be paved. All loading areas shall be a least one hundred and twenty (120) feet deep.
Exterior Facades	<p>a. The exterior construction of all buildings shall be either brick, brick and glass, pre-case or tilt-wall concrete panels, stone, stucco, and/or painted/stained concrete, excluding expansion walls, windows, door trim, canopies, and architectural accents.</p> <p>b. Except as specifically provided herein, the exterior façade and appearance of any expansion or addition to any existing building shall be consistent with the color, texture, and material of the original building.</p> <p>c. There shall be no “expansion walls” in the front yard of any lot. Otherwise, expansion walls shall (i) be constructed of concrete block and painted to</p>

	<p>match any surrounding brick, (ii) consist of pre-cast or tilt-wall concrete panels matching any surrounding permanent walls, or (iii) consist of insulated metal wall panels or pre-finished metal panel cladding, so long as any such panels and walls are a complementary or similar color to the color of the other exterior walls of the building.</p> <p>d. All down-spouts and gravel stop shall be pre-finished metal and/or shall be painted a color complementary to the wall color.</p>
Screening	<p>a. No truck courts or storage areas shall be visible from any public street or right-of-way and any potentially visible courts or storage areas must be screened by improvements such as berms or site grading, or landscaping consisting of evergreen plants or flora with a minimum installation height of four (4) feet.</p> <p>b. Trash dumpsters, compressors, and other similar equipment shall be located in such a manner as to minimize the visibility from any street or right-of-way and screened by masonry or concrete walls, or landscaping.</p> <p>c. Any ground mounted antennae or receiving dishes must be in rear yards or screened so as to not be visible from any street or right-of-way.</p> <p>d. All screens and visual barriers must be approved by the Development Review Committee.</p> <p>e. Roof mounted antennas or satellites or receiving dishes shall be located in such a manner as to minimize the visibility from any street or right-of-way or screened so as not to be visible from any street or right-of-way.</p>
Fences	<p>Front yard fences or screen walls shall (a) be of masonry or concrete construction similar in design and material to that of the building, or black or green vinyl coated fencing, or decorative aluminum fencing, (b) conform to all setback requirements outlined in this Declaration, and (c) only contained gates of a design approved by the Development Review Committee which consists of fabricated metal painted or colored dark brown, dark green, or black. Vinyl-clad, chain link, or other similar type fences colored dark brown, dark green, or black are permitted in the side and rear yards.</p>
Utilities	<p>a. All utilities shall be installed underground.</p> <p>b. Ground mounted transformers and switching gear shall be visually screened from view by landscaping.</p> <p>c. All street lights and parking lot lights shall be uniform throughout the Property, matching the standard lighting installed by the Declarant.</p>

<p>Landscaping</p>	<ul style="list-style-type: none"> a. The entire unpaved, developed area of any lot containing a building site, including the area between the lot line and the street curb line shall be landscaped. Undeveloped areas are not required to be landscaped. b. All landscaped areas in the front of a completed building must be irrigated, subject to governmental requirements. Automatic sprinkler systems are required for front yards. c. Planting beds shall be mulched with pine straw or hardwood mulch not less than once per year. All landscaped beds are to be maintained weed free and defined for a clean, crisp appearance. d. One tree (minimum of 3 inch caliper) shall be planted along the street for every one hundred (100) feet of street frontage for each lot. All trees and plants shall be selected from the Approved Plant List, attached as Exhibit C. e. All ground cover shall be selected from the Approved Plant List. f. Ditches and swales shall have a minimum side slot of one (1) foot vertical to three (3) feet horizontal. g. All landscaping shall be installed within sixty (60) days of the occupancy or substantial completion of any buildings on a lot, whichever occurs first, as determined by the Development Review Committee in its sole discretion.
<p>Signage and Lighting</p>	<ul style="list-style-type: none"> a. All signs on a lot must be flush mounted on a building façade on the lot or mounted on a ground-set monument on the lot of similar design and material as the building(s) on the lot. b. Façade mounted signs shall be metal, ground lighted or back-lit, and uniform in size and color throughout the property. Any ground-set monument signs shall be ground lighted and appropriately landscaped. c. No portable or temporary signs of any form shall be permitted on any lot, except for “Building For Sale” or “Building For Lease” signs. d. All exterior lighting installed on a lot shall be indirect or of such controlled focus and intensity that it will not disturb the Owners or Occupants of any adjacent lots. e. All monument signage structures shall be consistent throughout the property and subject to approval of the Development Review Committee.

- **17.280** The applicant has requested a variance from the standards of the Tree Protection ordinance. Again, the applicant commits to subjecting the property to similar covenants that have been previously adopted from the Gateway Industrial Centre, as outlined above.

Zoning Analysis

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); **No, there do not appear to be extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography.**
2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **The property can be developed without the requested variances.**
3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; and **No, the conditions are not peculiar to the particular piece of property, other properties zoned Planned Industrial Development (PID, [17.180.090](#)) are subject to the requirements of the Tree Protection ([17.280](#)) and the Gateway Corridors Overlay District (GCOD, [17.420](#)).**
4. Such conditions are not the result of any actions of the property owner; and **The applicant is proposing the development standards for the project that require the variance request.**
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. **The requirements of the Tree Protection ([17.280](#)) code and the Gateway Corridors Overlay District (GCOD, [17.420](#)) were adopted by the Hall County Board of Commissioners to ensure aesthetically cohesive and consistent design standards are applied to the gateways throughout Hall County while also protecting the tree canopy and environmentally sensitive areas of the community.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

An email dated December 13, 2022 from Emily McGahee states “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

An email dated December 15, 2022 John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant provided the following preliminary comments:

- 1) IFC Section D104.1, buildings exceeding three stories or 30 feet in height shall have not fewer than two means of fire apparatus access for each structure.
- 2) IFC Section D104.2, buildings having a gross building area of more than 62,000 SF shall be provided with two separate and approved fire apparatus access roads.

- 3) IFC Section D104.3, where two fire apparatus roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.
- 4) IFC Section D105.2, aerial apparatus access roads shall have a minimum unobstructed width of 26' exclusive of shoulders in the immediate vicinity of the building or portion thereof.
- 5) IFC Section D103.4, dead end fire apparatus roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with table D103.4
- 6) IFC Section 903.2, where required approved automatic sprinkler systems in new buildings shall be provided in the locations described in sections 903.2.1 through 903.2.12
- 7) IFC Section 503, fire apparatus access roads shall be provided and maintained in accordance with sections 503.1.1 through 503.1.3
- 8) IFC Section 506.1, access controlled gate(s) will require a Knox key switch override device for fire department access.
- 9) IFC Section 510, emergency responder radio coverage confirmation will apply to each building
- 10) IFC Section 507, all buildings must be within the 400' hose lay distance requirements from a fire hydrant as the truck travels. Fire hydrant(s) may have to be installed along the fire access route to meet the hose lay distance requirements.
- 11) All underground fire line shall be installed to NFPA 24 Standards.

Hall County Public Works and Utilities

In a memo dated December 14, 2022, from Srikanth Yamala, 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 surface and/or disturbed acreage.

Show buffer and impervious setback from wrested vegetation, not centerline of creek.

North Oconee Watershed District

Traffic:

Driveway access of Cornelia Highway and Lula Road will need to be permitted through GDOT. Since Cagle Road is not adequate for commercial / industrial traffic, access should be from Cornelia Highway (SR354) and Lula Road (SR52) only. Access via Cagle Road should be restricted or, if considered, the roadway should be improved to County commercial / industrial standards.

Utilities

Hall County Sewer District

In a letter dated October 20, 2022 Bill Nash, Assistant Director of Public Works and Utilities for Hall County provided confirmation that there is sufficient volume to serve the development with an estimated average daily flow of 80,000 GPD. The letter continues to confirm that the existing sewer line is on the subject property. Further it states that sanitary sewer capacity allocation is available on a first come, first serve basis by purchasing the sewer taps. As such, this “availability” letter does not guarantee capacity. Additionally, this letter is non-transferable. If the project design changes, this letter is void and a new “availability” letter must be obtained.

City of Gainesville Water Resources

In a letter dated August 16, 2022, Nick Swafford, Permitting Services Manager, provided a letter confirming availability of water and sanitary sewer service for the property. Specifically, the letter states that:

“The City of Gainesville owns and operates an existing 12-inch DIP water main in the northeast right-of-way of Lula Road as well as a 12-inch DIP water main in the right-of-way of Cornelia Highway (SR 365).

Currently, the City has adequate domestic capacity for your proposed industrial park development.

This confirmation of water and sewer availability is good for one year from the date of this letter at which time, it will become null and void unless engineered plans have been submitted for issuance of a development permit.”

Georgia Department of Transportation

In an email dated December 19, 2022 Parker Niebauer, confirmed this project will require GDOT coordination.

➤ **Excerpts from the minutes of the January 3, 2023 meeting**

Applicant’s Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Brian Rochester, 425 Oak Street, Gainesville, presented the request. The applicant stated that Hall County sewer reached the site. The applicant presented renderings of the buildings. The applicant discussed the proffered conditions: 1. the development shall generally occur as depicted on the site plan and described in the project narrative, modified for compliance with zoning conditions and Hall County regulations. Both documents are incorporated and adopted as exhibits herein. a. The Planning Director can approve changes in the layout related to engineering constraints or specific requirements of the end user provided the revisions do not create a need for any variances, does not reduce setback requirements, meets GCOD standards (as amended herein), increase the aggregate gross floor area of the development, reduce buffers, or change the height, design, or material of the structures. 2. The standards of the Gateway Corridors Overlay District (GCOD, 17.420) shall apply to any buildings visible from Cornelia Highway / SR 365 and Lula Road / SR 52, with the exception that tilt-up concrete construction & TPO Roof Systems shall be allowed. Alternatively, if a 100-foot buffer from the Cornelia Highway / SR 365 and Lula Road / SR 52 is maintained, no GCOD standards shall be applied to these lots. 3. Remove condition. 4. All costs associated with projected related right-of way improvements, as recommended by the Keck & Wood traffic study, or as required by zoning conditions imposed by the

Hall County Board of Commissioners, shall be the Developer's responsibility and completed no later than the issuance of a CO for the project's improvements on the northeast side of the stream that bisects the property. No system related improvements are required. 5. No Change. 6. No Change. 7. No Change. 8. A landscape and lighting plan, similar to those required for the Gateway Industrial Centre, shall be approved by the Planning Director prior to issuance of land disturbance permits for the individual parcels. The applicant stated that there is a 50 foot buffer for the neighboring residential lots.

Rebuttal

The applicant stated that the community is growing in development. The applicant stated that freight will not be going through Cagle Road. The applicant stated that there will be a 50 foot buffer as well as the stream buffer that cuts through the properties. The applicant stated that the properties were utilized for farming in the past but farming is no longer viable. The applicant stated that the buildings will be built in phases.

Public Forum:

Wayne Coy, 4900 Cagle Road, Lula, spoke in opposition. Concerns were narrow road and traffic.

Brett Maddox, 4969 Cagle Road, Lula, spoke in opposition. Concerns were safety, traffic, wrecks, commercial visibility, noise, and property values.

Joseph Thomas, 4948 Cagle Road, Lula, spoke in opposition. Concerns were commercial development flood, traffic, and mixed use.

Kayla Maddox, 4960 Cagle Road, Lula, spoke in opposition. Concerns were traffic.

Logan Johnson, 4389 East Hall Road, Gainesville, spoke in opposition. Concerns were commercial development.

Elijah Stuart, 7609 Fern Lane, Lula, spoke in opposition. Concerns were traffic and safety.

Planning Commission Comments:

Mr. Hunt questioned if they will work with Public Works to have signage for no trucks on Cagle Road. The applicant agreed. Ms. Pilcher questioned if the applicant is willing to remove the driveway from Cagle Road. The applicant stated they do need the second entrance but they will work with staff if requested. Mr. Braswell wanted to make sure there was a 50 foot buffer to surrounding residences.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 3-1 (Bell absent & Pilcher opposed)

Conditions:

1. *The development shall generally occur as depicted on the site plan and described in the project narrative submitted 1-3-2023. Modified for compliance with zoning conditions and hall county regulations. Both documents are incorporated and adopted as exhibits here in.*

- a. *The Planning Director can approve changes in the layout related to engineering constraints of specific requirements of the end user provided the revisions do not create a need for any variances, does not reduce setback requirements, meets GCOD standards, amended hear in increases the aggregate gross floor area of the development, reduce buffers, or changes the height, design or material of the structures.*
 - b. *Adult establishments, junk yards, and billboards are prohibited.*
2. *The standards of the Gateway Corridors Overlay District (GCOD, [17.420](#)) shall apply to any buildings visible from Cornelia Highway / SR 365 and Lula Road / SR 52 with the exceptions that tilt up concrete construction and TPO roof systems shall be allowed.*
3. *Alternately, if a 100 foot buffer from the Cornelia Highway / SR 365 and Lula Road / SR 52 is maintained to GCOD Standards shall apply to these lots.*
4. *The site may require a stormwater management report shall the site plan indicate the proposed development needs stormwater thresholds, impervious surface, and/or disturbed acreage.*
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6. *The development shall follow all Hall County Development Review processes and Storm Water requirements for the park infrastructure.*
7. *The development shall follow standard Hall County plat review standards and process requirements.*
8. *Each parcel created within the park shall obtain separate land disturbance permits and building permits prior to commencing development.*
9. *A landscape and lighting plan similar to those required for the Gateway industrial centers shall be approved by the Planning Director prior to issuance of land disturbance permits for the individual parcels.*
10. *Developmental restricted covenants shall be recorded prior to release of the final plat.*
11. *All conditions of zoning shall be placed on the final plat.*
12. *Front building setbacks along SR 52 shall be 100 feet from the center line of the street or 75 feet from the property line, whichever is greater.*
13. *Parking space requirements and parking lot design shall meet Hall County guidelines.*