

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Ridgeline Land Planning, Inc

**Request** ..... Rezone from Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV) to Heavy Industrial (I-II)

**Proposed Use** ..... Heavy Industrial Park

**Size** ..... 131.14± acres

**Zoning** ..... Current Agricultural-Residential-III (AR-III) & Agricultural-Residential-IV (AR-IV)/North Oconee OD | Proposed Heavy Industrial (I-II)/ North Oconee OD

**Location** ..... **4020 & 3886 Cornelia Highway and 4761 Cagle Mill Road** | Tax Parcel 15007 000129, 000270, & 000027A

**Commission District** ..... Three

**Planning Commission Date** ..... November 7, 2022

**Staff Recommendation** ..... **Denial, based on the findings that the request does not meet criteria 1, 2, 13, 14, and 16, of [17.380.060](#) as the request proposes a use out of scale and intensity for the environmentally sensitive conditions on the site.**

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

**Vote: 5-0**

1. The development occur substantially as depicted on the site plan dated 8-15-2022 and described in the project narrative. Due topographical, ecological, or geological constraints, the developer may be allowed to adjust lot lines and the quantity of lots as long as the total buildings square footage does not exceed 1,067,000 sq. ft. for the entire development.
2. The proposed development may contain flood zones. The site shall require a stormwater management report should the site plan indicate that the proposed development meets stormwater threshold for impervious surfaces. The proposed development is located in the North Oconee

watershed overlay, which doubles all stream buffers and setbacks from rested vegetation not the centerline of the stream.

3. The subdivision shall follow the standard preliminary and final plat review process (16.40).
4. 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.”

5. The GDOT permit shall be required prior to issuance of a land disturbance permit (LDP).
6. Tilt up concrete wall construction shall be allowed.
7. Architectural reef panels shall be allowed with the color being approved by the Director of Planning and Development.
8. All conditions of zoning shall be made part of any plats created for the property.
9. Items P & R in section 17.170.010 of the Hall County Code is not allowed.

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**Public Forum:**

*There were no comments in support or opposition.*

**Summary Analysis**

The applicant is requesting to rezone 131.41 from Agricultural Residential III (AR-III, [17.110](#)) and Agricultural Residential IV (AR-IV, [17.120](#)) to Heavy Industrial (I-II, [17.170](#)) to allow for a heavy industrial development. According to the narrative, the applicant expects this to be a 5 to 10 year build out.

The narrative states that the proposed uses will be in conformance with those uses listed in Permitted Uses ([17.170.010](#)), with the exception of items P (Adult establishments) and R (Astrologers, clairvoyants, fortune tellers, palmists, phrenologists and related occupations), of the Official Code of Hall County. The applicant is proposing to delete uses P and R and anticipates that the majority of the uses will be office and warehousing.

The narrative continues to explain the proposed Industrial development will consist of 11 lots ranging in size from 2.5 to 14 acres. These lots will be accessed via a new public road connecting to Cornelia Highway (State Route 365). The front setback will be 50 feet, and the side and rear setbacks will be 30

feet, as required by Official Code of Hall County. A 50-foot buffer will be provided adjacent to residentially zoned property.

The proposed development will be served by Hall County Sewer and City of Gainesville Water. Signage conforming to the Hall County sign ordinance will be located at the entrance off Hwy 365 and at individual lot entrances within the development. Lighting within the development will be LED style and shielded to minimize light spillage onto adjacent properties.

No variance to the Official Code of Hall County were submitted as part of this request; however, the subject properties lie within the Gateway Corridors Overlay District (GCOD, [17.420](#)). Since the site plan submitted is a conceptual plan and no architectural elevations, proposed sign information, or landscape plan were submitted as part of this request, variances may be required for each lot prior to its development; **any such variances will require a public hearing.**

### **Zoning Analysis**

While the proposed use of an 11 lot industrial park is consistent with the Comprehensive Plan and Future Land Use Map which shows it to be within an employment corridor, the site is environmentally sensitive and part of the North Oconee Water Supply Watershed District ([17.225](#)), and as such, an industrial use is not the most suitable use of the property. The subject properties also lie within the Gateway Corridors Overlay District (GCOD, [17.420](#)) which imposes landscaping, signage, buffer, and architectural design and materials standards.

The proposed development is located in the North Oconee Water Supply Watershed District which places limitations on the intensity of development ([17.225.030](#)):

- The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent, or existing use, whichever is greater.
  
- The site plan indicates a total impervious area of 29.05 acres or 24.9%.
  - *For reference 3551 Kubota Way has approximately 188 acres with approximately 26.97 acres of impervious area. 25% of 188 acres is 47 acres.*
  
  - *5855 Whitehall Road has approximately 280 acres and 40.3 acres of impervious area. 25% of 280 acres is 110.3 acres.*



- *Both sites are within the North Oconee Water Supply Watershed District ([17.225](#)) but are under the maximum pervious area of 25%.*



**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 and development of adjacent and nearby property; **The proposed development is an 11-lot industrial park located on the south side of Cornelia Highway / SR 365. The subject property is adjacent to undeveloped large tracts of agricultural residential zoned property, both developed and undeveloped. While Gateway Industrial Centre is located across Cornelia Highway, it is a considerable distance away from other commercial property, approximately 2 miles from an activity corridor. Therefore, the proposed use is not suitable in view of the use and development of nearby property.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The subject property is located in the North Oconee Water Supply Watershed District ([17.225](#)) which results in environmentally sensitive conditions on site due to proximity to the North Oconee River. As such, the intensity of an 11-building /lot industrial use has the potential to adversely affect the environmental characteristics intended to be protected.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **Without a market study, it is hard to determine if there is economic value as the property is currently zoned however there a number of permitted and conditional uses within the AR-III ([17.110](#)) and AR-IV districts ([17.120](#)).**
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; **A Development of Regional Impact (DRI) review was conducted by Georgia Mountains Regional Commission (GMRC). A notice of decision was issued to Hall County staff on October 7, 2022. The results of that review indicated that “the proposed action does not present any adverse inter-jurisdictional impacts, however the GMRC recommends that the County and applicant work with the GHMPO and GDOT to ensure optimal resolution of the intersections and access to allow existing traffic to safely turn left (southward) without disrupting highway traffic.”**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The requested zoning designation is consistent with the [2022 Comprehensive Plan, page 35](#) and the**

**Future Land Use map; however, the site is environmentally sensitive and part of the North Oconee Water Supply Watershed District (17.225), and as such, intense industrial use is not the most suitable use of the property.**

- 6. The extent to which property values are diminished by the existing zoning restrictions; It is likely that property values are lower as agriculturally-zoned parcels as opposed to industrially-zoned. That said, rezoning the subject property may adversely impact the values of adjacent properties. A market study is necessary to make a determination.**
- 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; The subject property is located in the North Oconee Water Supply Watershed District (17.225) as a result of the environmentally sensitive conditions on site and proximity to the North Oconee River. As such, the intensity of an 11-building industrial use has the potential to adversely affect the environmental characteristics intended to be protected.**
- 8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; There is likely to be public gain by protecting environmentally sensitive land and limiting the intensity of use on such property.**
- 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; Staff is not aware of the length of time the property has been vacant.**
- 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 that impact the development of the property.**
- 11. Whether the change would create an isolated district unrelated to the surrounding districts; The proposed district would present an isolated zoning designation from; however, the Comprehensive Plan supports this use on the subject property.**
- 12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; The zoning district boundaries are not illogically drawn in relation to conditions in the area.**
- 13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; The scope is out of proportion to the existing uses within the neighborhood and on adjacent parcels; however, it is located in an area designated as an employment corridor on the Future Land Use Map. There is significant interest in this area of Hall County due to the [Northeast Ga Inland Port](#). The site has challenges related to environmental sensitivity as part of the North Oconee Water Supply Watershed District (17.225).**
- 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 sites in Hall County more appropriate for heavy industrial uses that are supported by the future land use map, zoning ordinance, and existing conditions on the site.**

1. 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 since the proposed use is neither permitted nor conditional in the AR-III district (17.110) or AR-IV district (17.120).**
  
15. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **The subject property is located in the North Oconee Water Supply Watershed District (17.225) as a result of the environmentally sensitive conditions on site and proximity to the North Oconee River. As such, the intensity of an 11-building industrial use has the potential to adversely affect the environmental characteristics intended to be protected.**
  
16. 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 of the property.**
  - **Heavy Industrial (I-II, 17.170):** the Heavy Industrial (I-I) zoning district allows a variety industrial uses, both permitted and subject to either Planning Commission or Board of Commissioners. The uses include any commercial use or industrial use which involves manufacturing, processing, or assembly operations or the storage and sale of heavy materials, products, or equipment, but not including uses which may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions to nearby areas or those uses listed in [section 17.170.020](#).
  
  - [17.380.050](#). - **Submission requirements for a rezoning request**
  
- 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. **Proposal meets the requirement. 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]. **Proposal does not meet the requirement, as the applicant has not addressed the review and approval criteria in Section 17.380.060.C. but did submit a narrative.**
  
  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. **Proposal meets this requirement.**

3. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **Proposal does not propose a slow rate land treatment system so this criteria is not applicable.**
4. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **This is not applicable since the proposed use is not a residential development of 100 or more units; however, a traffic study was referenced in the DRI report.**

**Development Support and Constraints –Departmental /agency comments**

***Hall County Environmental Health***

In an email dated October 18, 2022, Emily McGahee stated “No comment. Public sewer.”

***Hall County Fire Rescue***

In an email dated October 20, 2022, Lieutenant John Hornick provided the following 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.

### **Hall County Public Works and Utilities**

In a memorandum dated October 20, 2022, Public Works Director Srikanth Yamala stated the following:

#### **Engineering:**

Flood (not future Hall County studied)

The 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.

North Oconee Reservoir Watershed Protection. District doubles all stream buffers and impervious setbacks. Show stream buffers/setbacks from wretched vegetation not centerline of stream.

#### **Traffic:**

GDOT permit required. While access to Cagle Mill Road is not proposed on the concept, it should be noted that it would not be permitted.

#### **Utilities:**

Hall Sewer on Cornelia Highway lift station to remain private. Developer to construct manhole on property to connect to existing manhole on HWY 365.

### **Hall County Tax Assessors**

No comments were provided in relation to this request.

### **Gainesville Water Resources**

No comments were provided in relation to this request.

### **Georgia Department of Transportation**

In an email dated October 20, 2022, Parker Niebauer, District 1 Traffic Operations Supervision, stated "GDOT Coordination In Progress – See GDOT Access Permit A-139-008556-1."

### **Georgia Mountains Regional Commission**

In a memorandum dated October 7, 2022, Adam Hazell, AICP, Planning Director, stated: "Based on the comments received and staff analysis of this project, conducted in accordance with the Georgia Department of Community Affairs's Procedures for the Review of the Developments of Regional Impact, the GMRC finds that the proposed action does not present any adverse inter-jurisdictional impacts, however *the GMRC recommends that the County and applicant work with the GHMPO and GDOT to ensure optimal resolution of the intersections and access to allow existing traffic to safely turn left (southward) without disrupting highway traffic*. Please note that this finding is advisory only and assumes the project will proceed as presented to the GMRC and will comply with all applicable local, State and federal rules and regulations."

The GMRC staff analysis are included in the memo.

### ➤ **Excerpts from the minutes of the November 7, 2022 meeting**



**Applicant's Presentation:**

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

Holt Persinger, 196 Bailor Court, Winder, presented the request. The applicant stated that they have agreed with remove item P and R from the permitted uses. The applicant stated they have initiated work with GDOT. Mr. Bell questioned the percentage of impervious surfaced. The applicant stated it was 24.9%.

**Planning Commission Comments:**

Mr. Bell requested clarification on the site plan and narrative.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 5-0**

*Conditions:*

1. *The development occur substantially as depicted on the site plan dated 8-15-2022 and described in the project narrative. Due topographical, ecological, or geological constraints, the developer may be allowed to adjust lot lines and the quantity of lots as long as the total buildings square footage does not exceed 1,067,000 sq. ft. for the entire development.*
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3. *The subdivision shall follow the standard preliminary and final plat review process (16.40).*
4. *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:  
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5. *The GDOT permit shall be required prior to issuance of a land disturbance permit (LDP).*
6. *Tilt up concrete wall construction shall be allowed.*
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9. *Items P & R in section 17.170.010 of the Hall County Code is not allowed.*