

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Gregg Poole

Request Rezone from Agricultural Residential IV (AR-IV, 17.120) to Planned Industrial Development (PID, 17.180.090) and Gateway Corridors Overlay District (GCOD, 17.420)

Proposed Use Industrial development

Size 20.98± acres

Zoning Current: Agricultural Residential IV (AR-IV, 17.120) Proposed: Planned Industrial Development (PID, 17.180.090) and Gateway Corridors Overlay District (GCOD, 17.420)

Location **5052 Cagle Road** | Tax Parcel 09084 000003

Commission District Three

Planning Commission Date May 20, 2024

Staff Recommendation **Approval, with conditions**, as the proposed rezoning request is consistent with the Activity Center future land use classification within the Comprehensive Plan.

Record Number.....HZON24-0009

Planning Commission Conditions **Approval, with conditions**
Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan received on May 17, 2024, and as described in the project narrative received on May 17, 2024, modified as necessary for

compliance with conditions herein and development standards enforced at the time of site plan approval.

2. Development shall conform to the standards set forth by the Gateway Corridors Overlay District (GCOD, 17.420).
3. Permitted uses shall be limited to Business Service Establishment, Office, Office/Warehouse, boat and RV storage, and Self-Storage as described in the project narrative submitted on May 17, 2024. Any lot utilized for boat storage, RV storage, and self-storage shall have hours of access limited to 5:00am to 11:00pm daily.
4. Access to the property shall be located on Lula Highway (SR 52) only. There shall be no access to the property from Cagle Road.
5. All roadways within the development shall meet Hall County standards and be developed for public use.
6. The developer shall be responsible for all costs associated with the installation of a fire hydrant if required by the Fire Marshal.
7. 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."
8. All conditions of zoning shall be made part of any plat(s) created for the property.
9. The development shall be served by onsite septic or Hall County sewer.
10. All outside storage shall be screened by an opaque 6 foot high fence
11. The southern boundary of the subject property shall have a 50 foot vegetated buffer in accordance with Section 17.260 and approved by the Assistant Director of Planning and Development.
12. All lighting shall be downward directed and non-spill
13. Total building square footage shall not exceed 143,000 square feet.

14. The following uses which are allowed by right in the Light Industrial (I-I) District shall be prohibited:
- a. Any retail or service establishment
 - b. Automobile repair garages
 - c. Bus stations
 - d. Drive-in theater
 - e. Hotels, motels or tourist courts
 - f. Junk yards
 - g. Service stations
 - h. Truck Terminals
 - i. Family day care home
 - j. Group day care home
 - k. Adult establishments
 - l. Astrologers, clairvoyants, fortune tellers, palmists, phrenologists and related occupations to the list of occupations licensed by the board of commissioners in the Light Industrial District (I-I).

Excerpts from the minutes of the May 20, 2024 meeting

Applicant's Presentation:

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

Steve Gilliam, 340 Jesse Jewell Parkway, Gainesville, presented the request. He reviewed the amount of commercial and industrial zoning already existing in the surrounding area. The applicant stated that there are no renderings yet. The applicant stated that there will be no access from Cagle Road.

Public Forum:

Whitney Smith Thompson, 5201 Whitehall Road, Lula, spoke in opposition. Concerns were the industrial use, the lack of infrastructure, increased truck traffic, and lack of community support for the project.

David Gailey, 5274 Whitehall Road, Lula, spoke in opposition. Concerns were the industrial use, increased noise during church services taking place nearby, and damage to existing streams.

Planning Commission Comments:

Mr. Braswell questioned the uses in the buildings. The applicant stated that it would be used for light industrial uses. Mr. Hunt questioned if the applicant will comply with GCOD building standards. The applicant stated that was correct.

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

Conditions:

1. The property shall be developed in accordance with the site plan received on May 17, 2024, and as described in the project narrative received on May 17, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Development shall conform to the standards set forth by the Gateway Corridors Overlay District (GCOD, 17.420).
3. Permitted uses shall be limited to Business Service Establishment, Office, Office/Warehouse, boat and RV storage, and Self-Storage as described in the project narrative submitted on May 17, 2024. Any lot utilized for boat storage, RV storage, and self-storage shall have hours of access limited to 5:00am to 11:00pm daily.
4. Access to the property shall be located on Lula Highway (SR 52) only. There shall be no access to the property from Cagle Road.
5. All roadways within the development shall meet Hall County standards and be developed for public use.
6. The developer shall be responsible for all costs associated with the installation of a fire hydrant if required by the Fire Marshal.
7. 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."
8. All conditions of zoning shall be made part of any plat(s) created for the property.
9. The development shall be served by onsite septic or Hall County sewer.
10. All outside storage shall be screened by an opaque 6 foot high fence
11. The southern boundary of the subject property shall have a 50 foot vegetated buffer in accordance with Section 17.260 and approved by the Assistant Director of Planning and Development.
12. All lighting shall be downward directed and non-spill
13. Total building square footage shall not exceed 143,000 square feet.
14. The following uses which are allowed by right in the Light Industrial (I-I) District shall be prohibited:
 - a. Any retail or service establishment
 - b. Automobile repair garages
 - c. Bus stations
 - d. Drive-in theater
 - e. Hotels, motels or tourist courts

- f. Junk yards
- g. Service stations
- h. Truck Terminals
- i. Family day care home
- j. Group day care home
- k. Adult establishments
- l. Astrologers, clairvoyants, fortune tellers, palmists, phrenologists and related occupations to the list of occupations licensed by the board of commissioners in the Light Industrial District (I-I).

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated March 22, 2024, and as described in the project narrative submitted March 26, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Development shall conform to the standards set forth by the Gateway Corridors Overlay District (GCOD, [17.420](#)).
3. Permitted uses shall be limited to Business Service Establishment, Office, Office/Warehouse, and Self-Storage as described in the project narrative submitted on March 26, 2024.
4. Access to the property shall be located on Lula Highway (SR 52) only. There shall be no access to the property from Cagle Drive.
5. The proposed road shall be privately-maintained.
6. The developer shall be responsible for all costs associated with the installation of a fire hydrant if required by the Fire Marshal.
7. 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."
8. All conditions of zoning shall be made part of any plat(s) created for the property.

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

17.420.050.E.1.b. Parking Lot Design – Parking Requirements

- Maximum number of parking spaces. The maximum number of parking spaces that may be constructed on impervious surfaces shall be no more than 125 percent of the minimum number of required parking spaces required in 17.250 of the Hall County Zoning Regulations.
 - The applicant has proposed a combined 132 parking spaces; however, the type of businesses for the proposed industrial development are not specified in the submitted narrative, so an exact parking requirement cannot be determined at this time.

17.420.050.H.2.c. – Architectural standards for non-residential buildings – Building Materials

- Building materials used for all four sides of new or reconstructed buildings are restricted to the following:
 - i. Brick.
 - ii. Stone. Natural stone such as, but not limited to, granite, limestone, and marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is prohibited.
 - iii. Split-face block/concrete masonry unit (CMU) is restricted to 50 percent of the surface area of each side of a principal building.
 - iv. Stucco is restricted to 50 percent of the surface area of each side of a building.
 - v. Glass and glass block.
 - vi. Exposed concrete block, painted concrete block, metal, tilt/up and pre-cast concrete are prohibited materials for any exterior wall.
 - The applicant has proposed four buildings to be constructed. However, no renderings have been provided, and it cannot be determined if the building materials standards are being met.

Summary Analysis

The applicant is requesting to rezone 20.98± acres of property currently zoned Agricultural Residential IV (AR-IV, 17.120) within the Gateway Corridors Overlay District (GCOD, 17.420) to Planned Industrial Development (PID, 17.180.090). Currently, the subject property is undeveloped. The rezoning request is necessary to develop an industrial business park that will be subdivided into four separate lots. The applicant intends to construct four buildings ranging from 30,000 square feet to 40,800 square feet, equaling a combined total of 143,000 square feet. The applicant states that the proposed buildings will be used as offices and/or warehouses with the possibility of a self-storage facility as well. No architectural renderings were provided.

The submitted site plan shows the subject property being subdivided into four proposed lots with a 60-foot right-of-way road, which would provide each lot with access to Lula Highway (SR 52). According to the submitted site plan, a stormwater detention facility is proposed to be located between lots 1 and 2. Additionally, the site plan includes a 10-foot landscape strip along the frontage of Lula Highway (SR 52) and Cagle Road, as well as a 50-foot transitional buffer along the southern property line. The adjacent parcels to the south are zoned Agricultural Residential IV (AR-IV).

Proposed Lot Development Information

<u>Lot</u>	<u>Lot Size</u>	<u>Building Size</u>	<u>Parking Spaces</u>
1	4.08± acres	33,000 square feet	33
2	7.07± acres	30,000 square feet	19
3	3.52± acres	39,200 square feet	32
4	5.05± acres	40,800 square feet	48

The applicant states that the typical operating hours of similar facilities are Monday through Friday from 7:00 a.m. to 5:00 p.m. with a few operating limited hours on Saturday. According to the narrative, any future signage will comply with Hall County standards and the outside lighting will be of the semi-cutoff, non-spill type. Water will be provided by the City of Gainesville and a septic area will be required as no sewer availability letter was provided for this development.

GCOD Analysis

<u>Standard</u>	<u>Compliance</u>	<u>Proposed Work</u>	<u>Notes</u>
17.420.050.C – Transitional buffers	Complies	50-foot transitional buffer	Applicant proposes to include a 50-foot transitional buffer adjacent to residential property on site plan.
17.420.050.D – Other landscape and screening standards	Complies	10-foot landscape strip along street frontage	Applicant proposed to include a 10-foot landscape strip along Cagle Road and Lula Highway on site plan.
17.420.050.E – Parking lot design	Unknown	Lot 1 has 33 parking spaces proposed. Lot 2 has 19 parking spaces proposed. Lot 3 has 32 parking spaces proposed. Lot 4 has 48	The use of each building has not been provided and therefore it cannot be determined if the parking space requirements have been met.

		parking spaces proposed.	
17.420.050.F – Outdoor lighting	Complies	Applicant proposes semi-cutoff, non-spill, type of lighting.	Applicant proposes outdoor lighting that complies with GCOD standards.
17.420.050.G – Interparcel access	Does Not Apply	—	Abutting parcel is too dissimilar in development character and use to warrant compliance at this time.
17.420.050.H – Architectural standards for non-residential buildings	Unknown	—	The applicant has not provided any architectural renderings.
17.420.060 – Signs	Unknown	—	No signage has been proposed. In the narrative, the applicant indicated that any future signage will meet GCOD standards.

Based on the future land-use plan, staff finds the requested zoning designation is consistent with the Hall County Comprehensive Plan future land use designation of “Activity Center”. Activity centers are characterized by compact, walkable, higher-density developments. These areas provide additional employment opportunities and support residential uses (e.g. townhomes, loft apartments, condominiums) that can contribute to a live-work environment. Future development is intended to be master planned business parks or industrial parks. The proposed development meets this standard.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision (17.380.060), the board shall 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 shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed use of an industrial development is consistent with the use, development and zoning of adjacent and nearby properties A 50-foot buffer has been provided between the development and the adjacent AR-IV zoned parcels.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed rezoning will adversely affect nearby properties. Screening and buffer requirements (17.420.050) will be adhered to reduce impact on adjacent properties.**

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned Agricultural Residential IV (AR-IV 17.120) based on surrounding developed properties. The property is currently undeveloped.**
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 zoning proposal will not result in an excessive or burdensome use of local infrastructure.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed use is consistent with the Comprehensive Plan and the "Activity Center" future land use designation. The Comprehensive Plan identifies "master planned business park or industrial park, mid-rise office" as appropriate future land uses in this area.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently undeveloped and has no record of any previous development.**
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 affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The surrounding parcels consist of PID and AR-IV zoning. No isolated zoning district would be created if approved.**

12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposal is not out of scale with the needs of the county as a whole, as population growth has increased the need for local employment opportunities..**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There may be other appropriately zoned properties in the county where industrial uses would be permitted without zoning action.**
15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; **The request could not be handled alternatively as a variance.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process, and as a result are subject to local, state, and federal regulations. As a result, there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

17.380.050. - Submission requirements

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in chapter 17.30 to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **The proposal meets the requirement. The applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**
- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **The proposal provides a narrative outlining the intent of the development however, the applicant has not prepared a response to each of the criteria listed in 17.380.060.C.**

2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal meets the requirement. The applicant has provided a site plan to scale..**
- C. For any application for a slow rate land treatment system (see chapter 17.20), the following additional requirements apply. **This standard is not applicable, as the site development does not include a slow rate land treatment system.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **The proposed development does not contain any residential dwelling units, and as such is exempt from this requirement.**

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated April 17, 2024, Emily McGahee stated “No comment. Public sewer.”

Hall County Fire Marshal

In an email dated April 18, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated “The Hall County Fire Marshal’s Office considers the plan conceptual in nature, and if approved may require modifications during the development review process.”

Hall County Public Works and Utilities

In a memo dated April 18, 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.

Traffic:

GDOT permit required for access to Lula Road (SR 52)

Internal road should be private and not County maintained.

No access to Cagle Road is shown on the site plan, however, recommending a condition that access to Cagle Road is prohibited.

Utilities

No sanitary sewer lines available.

Hall County Tax Assessors

In an email dated April 17, 2024, Cher Melendez, Specialized Assessment Manager, states “property owner has been informed of possible breach and estimate.”

Georgia Department of Transportation

In an email dated April 18, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that this project will require GDOT coordination for driveway access to Lula Road (SR 52).