

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Josh Boling

Request Rezone from Agricultural Residential (AR-III, 17.110 & AR-IV, 17.120) to Planned Industrial Development (PID, 17.180.090) and Gateway Corridor Overlay District (17.420)

Proposed Use Industrial Development

Size 10.59± acres

Zoning Current: Agricultural Residential (AR-III, 17.110 & AR-IV, 17.120) Proposed: Planned Industrial Development (PRD, 17.180.090) and Gateway Corridor Overlay District (17.420)

Location **4745 Cagle Mill Road | 15007 000254 (pt.)**

Commission District Three

Planning Commission Date May 20, 2024

Staff Recommendation **Approval**, as the proposed use is consistent with the surrounding zoning districts and the Comprehensive Plan.

Record Number HZON24-0007

Planning Commission Recommendation..... **Withdrawal**

Vote: 5-0

Excerpts from the minutes of the August 19, 2024 meeting

Applicant’s Presentation:

Katie Greenway, Planning and Zoning Administrator, stated the applicant has requested withdrawal.

Motion: A motion to withdraw was made by Mr. Hunt and seconded by Mr. Sosebee. Vote: 5-0

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

1. The property shall be developed in accordance with the site plan dated March 26, 2024, and as described in the project narrative dated March 22, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
 2. No variances, conditional uses, or development exceptions are granted as part of this request unless explicitly listed herein.
 3. Development shall be permitted to provide 5 truck trailer parking spaces per site plan submitted on March 26, 2024.
 4. County maintained roads shall end at the edge of the right-of-way of Highway 365 - Cornelia Highway and shall not include any portion of the roadway within the development.
 5. The non-residential development shall be subject to the standards of the Gateway Corridors Overlay District (GCOD, 17.420) standards. No variances to Gateway Corridor Overlay Districts standards are granted other than those approved herein (GCOD, 17.420).
 6. A 50-foot planted buffer shall be provided along the south edge adjacent to the Agricultural Residential III (AR-III) zoned parcels.
 7. Permitted uses shall be limited to retail, industrial parks, offices and office buildings, radio and television studios, family day care home, and group day care home as described in the project narrative submitted on March 22, 2024. No outdoor storage shall be allowed with this zoning action.
 8. The development shall be served by public sewer, with the obtainment of all required easements and other construction costs such as a lift station and force main to be the responsibility of the developer.
 9. Coordination and approval from both GDOT and Hall County Engineering shall be required for implementation of traffic study recommendations as part of the development process. Such improvements will be the financial responsibility of the developer.
 10. 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."
 11. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
-

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

17.420.050.B - Non-residential property development standards.

- Conditional uses. The following uses are allowed in the GCOD only if such use is permitted in the underlying zoning district and the board of commissioners grants a conditional use for such use pursuant to the procedures of the Hall County Zoning Ordinance: Outdoor storage
 - Applicant has included outdoor trailer parking on the north portion of the property.

17.420.050.C - Transitional buffers.

- 1. Applicability.
 - a. Transitional buffers required in this section shall provide an effective visual screen between dissimilar uses or activities.
 - b. A transitional buffer shall be required along and inside the property line of a non-residential property abutting a residentially zoned property.
 - c. Transitional buffers are required along and inside the property line at the perimeter of a planned development district that abuts single-family residential zoning or uses, in accordance with the requirements of this subsection, but no transitional buffers are required between dissimilar uses within the planned development district.
 - Applicant has not included a 50-foot buffer on the submitted site plan along the AR-III zoned parcels to the south.

17.420.050.D.2.a Other Landscape and Screening Standards – Street Frontage

- Along each street frontage there shall be a ten-foot-wide landscape strip, continuous along the frontage except for perpendicular crossings for driveways and utilities.
 - Applicant has not included a 10-foot landscape strip on the submitted site plan along Highway 365 – Cornelia Highway.

17.420.050.D.4.a Waste receptacles.

- Waste receptacles, including dumpsters, garbage cans, or grease containers shall be located in the rear or side yard and placed at least 20 feet from any street, public sidewalk, or property line that abuts residential zoning or residential use. Such waste receptacles shall be screened from view from all property lines and public areas of the site by a minimum six feet high wall constructed of masonry or solid wood with an opaque gate.
 - Applicant has not included screening on site plan submitted on March 26, 2024.

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.

- I. The applicant has proposed a combined 61 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 Non-residential property development standards.

- 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 two buildings to be constructed. However, no renderings have been provided. It cannot be determined if the building materials standards are being met.
-

Summary Analysis

The applicant is requesting to rezone a combined 10.59 ± acre property zoned Agricultural Residential III and IV (AR-III, 17.110 & AR-IV, 17.120) to Planned Industrial Development (PID, 17.180.090) for an undefined light industrial development. The narrative states the development will be split into two separate lots divided by an internal driveway. Per the narrative, the property is developed with a manmade pond and a small residential building. The applicant has also applied for a concurrent rezoning request on the remaining 62.08± acre portion of this parcel to Planned Residential Development (PRD) for a 324-lot residential subdivision (HZON24-0006). This staff report will focus on the PID rezoning request.

Per the submitted narrative and site plan, the development will include two industrial buildings totaling 38,000 square feet with stormwater management areas identified on both proposed tracts of the development. A portion of the property is within the North Oconee Reservoir Watershed Protection District and the western boundary abuts the North Oconee River which requires a 100-foot undisturbed buffer and a 150-foot impervious setback along the identified state waters (17.225.040). This area is also impacted by the County Studied Flood and FEMA Flood Zones.

The applicant proposes permitted uses to include retail, industrial parks, offices and office buildings, radio and television studios, storage yards, family day care home, and group day care home. No lots will accommodate any food processing plants. The narrative states that parking and loading spaces will be consistent with Hall County code. Outdoor trailer storage is also proposed in the narrative and identified on the site plan as 5 tractor trailer parking spaces on the northern portion of the property. The development will also include one free standing sign for each building and one sign for the residential

subdivision (HZON24-0006). No variances have been requested and a master sign plan has not been provided.

Per the submitted narrative, the property will be served by Hall County sanitary sewer, and the developer will connect to utilities in the area via an onsite pump station, with an existing force main located within the industrial parcel frontage along Cornelia Highway (SR 365).

Several variances have been identified as part of this request. Any deficiencies identified as part of the plan will be required to comply with the requirements of the PID standards unless specifically granted by the board in the conditions of approval.

GCOD Analysis

| <u>Standard</u> | <u>Compliance</u> | <u>Proposed Work</u> | <u>Notes</u> |
|--|--------------------------|---|---|
| 17.420.050.C – Transitional buffers | Does Not Comply | 50-foot transitional buffer | Applicant has not included a 50-foot transitional buffer adjacent to residentially-zoned parcel on the site plan. |
| 17.420.050.D – Other landscape and screening standards | Does Not Comply | 10-foot landscape strip along street frontage | Applicant has not proposed to include a 10-foot landscape strip along Cornelia Highway (SR 365). |
| 17.420.050.E – Parking lot design | Unknown | 61 total spaces provided for both buildings | The use of each building has not been provided and therefore it cannot be determined if the parking space requirements have been met. |
| 17.420.050.F – Outdoor lighting | Does Not Comply | — | Applicant has not provided lighting information. |
| 17.420.050.G – Interparcel access | Complies | — | Access drive also serves proposed adjacent residential development. |
| 17.420.050.H – Architectural standards for non-residential buildings | Unknown | — | The applicant has not provided any architectural renderings. |
| 17.420.060 – Signs | Unknown | — | Applicant has proposed a sign for each tract and one for the subdivision accompanying the development; however, no sign plans or renderings have been submitted and no variances from GCOD standards have been requested. |

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 Employment Corridor*. Employment Corridor support Industrial uses, business parks, and technology based operations.

Zoning Analysis

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 zoning proposal may be suitable given the context of the Employment Corridor designation, although Commercial use may be more appropriate if the adjacent property were to be used for higher-density residential development.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed zoning classification of Planned Industrial Development (PID, 17.180.090) will permit more intense uses than that of most adjacent or nearby parcels.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property appears to have reasonable economic use as currently zoned.**
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; **Per the submitted traffic study, improvements to existing turn lanes on access points along Cornelia Highway (SR 365), Cagle Mill Road, and Whitehall Road are recommended. Coordination with GDOT and Hall County Engineering will be required for the implementation of the recommendations.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use is consistent with the Comprehensive Plan and the "Employment Corridor" land use designation.**
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 parcel is currently developed with a small manmade pond and small residential building.**

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; **The ongoing growth of industrial development in this area, most notably attributed to existing industrial uses such as Kubota as well as the upcoming Blue Ridge Connector, supports additional commercial and industrial development.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning is a Planned Industrial Development (PID, 17.180.090). Per the Official Code of Hall County, Planned Development Districts (17.180) 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. The proposed intensity of use is higher than that found on most surrounding properties.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposal is not out of scale with the needs of the county as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the County that support industrial uses based on the Future Land Use Map, though the combined development as proposed cannot be developed in any districts without County Commission approval.**
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.**

A Planned Industrial Development (PID, 17.180.090) allows for more flexibility in the design and development of the property and should consist of land which has been designated for a planned, organized and controlled industrial use or for multiple but compatible industrial uses in a planned industrial park. The standards employed should be designed to encourage the formation and continuance of a compatible environment for the planned industrial uses and the surrounding land uses. Carefully planned office and commercial uses may be incorporated as part of a planned industrial development.

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. **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]. **Proposal does provide 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 this requirement.**
- C. For any application for a slow rate land treatment system (see chapter 17.20), the following additional requirements apply. **The proposed development will utilize public water and public sewer 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 proposal does meet the requirement. A traffic study has been conducted. Improvements are recommended and will require the coordination of GDOT and Hall County Engineering.**

Development Support and Constraints – Departmental / Agency 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 memorandum from Public Works and Utilities dated April 18, 2024, Bill Nash, Director, stated the following:

Engineering:

Property is in major flood area
Show FEMA and Hall County studied Flood plains that are present on site
Property is in north Oconee WPD
Show N. Oconee WPD buffers
No rise study required for construction in flood zone
Roads should be private

Traffic:

Roadways are shown as private, however, this should be required.
Access from Cornelia Hwy (SR 365) is shown as private, however, Label indicates “end of county maintained right-of-way” internally. Clarify.
Additional comments may be necessary after clarification.
Fire only access on White Hall Road must be gated and no ability for internal traffic to turn around is provided.
Recommend the gravel section of Cagle Mill Road be improved to county paved standards to White Hall Road in order to facilitate site traffic to and from Old Cornelia Hwy.
Site plan indicates a fire only access on Cagle Mill Road labeled as “Gated fire only entrance with Knox Box” However no access is shown. Clarify.
GDOT permit required for Cornelia Hwy (SR 365) access.

Utilities:

Hall County lift station on GA 365

Hall County Tax Assessor

No Comments

Georgia Department of Transportation

In an email dated April 18, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that this project will required GDOT coordination for driveway access to SR 365/Cornelia Hwy.