

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Paden M. Dunagan

Request Rezone from Heavy Industrial (I-II, 17.170) to
Planned Industrial Development (PID,
17.180.090) and Gateway Corridors Overlay
District (GCOD, 17.420)

Proposed Use Industrial Park

Size 59.62± acres

Zoning Current: Heavy Industrial (I-II, 17.170) |
Proposed: Planned Industrial Development (PID,
17.180.090)

Location **0 & 2010 Candler Road** | Tax Parcels 15031A
000001 & 000002

Commission District Three

Planning Commission Date October 21, 2024
January 21, 2025

Staff Recommendation **Approval, with conditions**, as the zoning district
is consistent with the Employment Corridor
land use designation.

Record Number.....HZON24-0029

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

Vote: 4-0 (Sosebee absent)

Excerpts from the minutes of the January 21, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request. Ms. Greenway stated the applicant would like to withdraw this item.

Motion: A motion to withdraw was made by Stan Hunt and seconded by Gina Pilcher. Vote: 4-0 (Sosebee absent)

Excerpts from the minutes of the October 21, 2024 meeting

Applicant's Presentation:

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

Paden Dunagen, 3263 Tanners Mill Road, Gainesville, presented the request. The applicant is requesting to rezone a 59.62± acre tract from Heavy Industrial (I-II, 17.170) to Planned Industrial Development (PID, 17.180.090) within the Gateway Corridors Overlay District (GCOD, 17.420) to allow for an industrial park. The majority of the parcel is wooded with several streams traversing the property. A portion of the rear of the property is within the County Studied Flood Zone. The subject property is bordered by parcels zoned Agricultural Residential IV (AR-IV; 17.120) to the north, west and south.

Public Forum:

Mr. Braswell noted that a comment was submitted on the online portal in opposition.

Planning Commission Comments:

Ms. Pilcher asked the applicant to clarify why the site map displayed two lots designated as #5. The applicant stated that was an error and the lot 5 at the top of the site plan (along Candler Road) should have been labeled lot six. Mr. Hunt asked for clarification due to the site plan showing one building as there are two buildings on site. The applicant explained one building was constructed without a building permit. Mr. Hunt questioned the stop work order on the property. The applicant stated that they were now going through the process to correct the errors and obtain the correct permits. Mr. Hunt asked for confirmation that the first 300 feet of road had not been paved which the applicant stated it had not. Mr. Hunt went on to ask why the new site plan does not show any buffers. The applicant explained the old site plan had the buffers displayed and the changes in lot size and road placement would not affect the 50 foot buffer. The Planning Commission and the applicant further discussed the land development permit processes and other needed corrections. Mr. Hunt advised the entire road should now have to follow Hall County standards and be paved. The Planning Commission discussed the tabling of the item so that it the property can be brought into compliance and the application can be modified to meet Hall County standards.

Motion: A motion to table to January 21, 2025 was made by Mr. Hunt and seconded by Mr. Varner.

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 August 30, 2024, and as described in the project narrative dated August 28, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. The following uses which are designated as permitted in the Light Industrial district shall be prohibited:
 - a. Family day care home
 - b. Group day care home
 - c. Adult establishments
 - d. Astrologers, clairvoyants, fortune tellers, palmists, phrenologists and related occupations to the list of occupations licensed by the Board of Commissioners in the Heavy Industrial District (I-II)
3. Access to the development shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.
4. The initial 300 feet of the internal drive shall be paved with asphalt or concrete; graded aggregate base (GAB) may be used beyond 300 feet from Candler Road right-of-way for the road subject to final review and approval of the Hall County Engineering Department and the Fire Marshal.
5. Any building proposed within the 300 foot limits of the Gateway Corridor Overlay District shall comply with GCOD architectural standards. Final review and approval of building elevations is subject to the Director of Planning and Zoning, or their designee.
6. There shall be a 25 foot wide undisturbed buffer adjacent to the right-of-way of Candler Road. The existing mature landscape shall be supplemented with additional planted evergreens with an installation height of no less than 6 feet to provide sufficient screening of the development. Final review of the landscape plan shall be subject to the approval of the Director of Planning and Zoning, or their designee.
7. A 50 foot wide landscape buffer, undisturbed or planted, shall be required along all property lines abutting property zoned for agricultural or residential use. Final review of the landscape plan shall be subject to the approval of the Director of Planning and Zoning, or their designee.
8. Retroactive building permits shall be obtained for all structures currently on-site that do not currently have a commercial building permit. Determination subject to the Hall County Building Official.
9. No business license shall be approved for the property until the site is in compliance with county permitting requirements.
10. No variances to GCOD standards and no additional variances or development exceptions are granted as part of this request that are not explicitly granted herein. The development shall comply with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
11. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

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:

1. 17.420.050.C.2 – Width of transitional buffer.
 - Where an industrial zoning district abuts property zoned for residential or agricultural use, the minimum width shall be 50 feet.
 - The applicant has proposed a 15 foot vegetative buffer along tax parcel 15031A000055 and a 25 foot vegetative buffer on remaining portions of the north property lines. The applicant also identifies a 30 foot setback along the south property lines. **This does not meet the standard.**

2. 17.420.050.H.2.c – Architectural standards for non-residential buildings.
 - 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 not submitted building renderings but is requesting an exception to the building materials standards due to the structures being beyond the limits of the Gateway Corridor and limited visibility from Candler Road. The two existing buildings have metal siding. **This does not meet the standard.**

3. Title 16 – Subdivision
 - General design requirements for subdivision road regulations are outlined within Chapter 16.50. Variances must be specified and justified for consideration.
 - Roads without curb and gutter require 60 feet of right-of-way and must incorporate a ditch section roadway design if dedicated for county maintenance.
 - Roads proposed with gravel surfaces require a variance to the standards.
 - The applicant is proposing an approximately 1,500+ foot long public road with 60 feet of right-of-way that terminates in a cul-de-sac, providing access to 5 of the 6 proposed lots. The applicant requests an exception to allow for a gravel surface beyond the first 300 feet of the road. No curbs, gutters or sidewalks are proposed. **This does not meet the standard.**

Summary Analysis

The applicant is requesting to rezone a 59.62± acre tract from Heavy Industrial (I-II, 17.170) to Planned Industrial Development (PID, 17.180.090) within the Gateway Corridors Overlay District (GCOD, 17.420)

to allow for an industrial park. The majority of the parcel is wooded with several streams traversing the property. A portion of the rear of the property is within the County Studied Flood Zone. The subject property is bordered by parcels zoned Agricultural Residential IV (AR-IV; 17.120) to the north, west and south.

The 8.81± acre parcel identified as 2010 Candler Road (Tax Parcel 15031A 000002) was rezoned in 2021 from Agricultural Residential IV (AR-IV; 17,120) to Heavy Industrial (I-II, 17.170) to allow for a welding shop and trucking company. In 2023, the 49.05± acre parcel identified as 0 Candler Road (Tax Parcel 15031A 000001) was rezoned from Agricultural Residential IV (AR-IV; 17.120) to Heavy Industrial (I-II, 17.170) to be incorporated into the welding business.

The submitted narrative explains that the original plans from the 2021 and 2023 rezoning have changed due to site constraints and the applicant intends to relocate the welding business to 2811 Athens Highway pending approval of a rezoning request (HZON24-0028).

In 2024, prior to the submission of the rezoning request at the subject property, stop work orders were posted by the Public Works Department and the Building Inspections Department due to grading and construction taking place without permits.

Per the submitted narrative, the applicant is requesting to rezone the subject parcel from Heavy Industrial (I-II, 17.170) to Planned Industrial Development (PID, 17.180.090) to allow an industrial park. Exceptions to Gateway Corridors Overlay District (GCOD) architectural standards are requested along with a variance from Hall County road standards. The applicant states that the project will be developed in two phases: Phase 1 within 2 years and Phase II within 3 to 5 years. No additional information regarding future structures, uses, or development was provided.

Per the site plan, the property is proposed to be divided into 6 parcels. The majority of the lots will be accessed from a new internal road off Candler Road; however, the easternmost lot, measuring 1.95 acres, will have access directly from Candler Road. The site plan reflects a ten foot wide landscape strip along the Candler Road frontage, which complies with GCOD standards. Buffers along all other property are noncompliant with GCOD standards, which states that where an industrial zoning district abuts property zoned for residential or agricultural use requires a transitional buffer of 50 feet. Additionally, the narrative proposes 15 foot front yard setbacks for all lots with internal road access; however, the site plan depicts 50 foot front yard setbacks for all six lots.

Water service is available from the City of Gainesville as described in a letter dated September 5, 2024, and sanitary sewer services will be provided by private septic systems. On-site stormwater detention facilities are identified on the site plan.

Several exceptions from Gateway Corridors Overlay District (GCOD) standards are being requested. The development standards for the project are identified in the table below and compared to the GCOD requirements (17.420.050 & .060):

GCOD Analysis

Standard	Compliance	Proposed Work	Notes
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17.420.050.C – Transitional buffers	Deficient	25 feet on the north and west property lines and a 30 foot vegetative buffer to the south.*	A 50 foot transitional buffer is required along all property lines that abut property zoned for residential or agricultural use. No buffer is required along property lines abutting property zoned for commercial use.
17.420.050.D – Other landscape and screening standards	Complies	Street frontage 10 foot wide landscape strip proposed.	
17.420.050.E – Parking lot design	Unknown	Unknown*	Shall comply with GCOD standards.
17.420.050.F – Outdoor lighting	Unknown	Unknown*	Shall comply with GCOD standards.
17.420.050.G – Interparcel access	Not applicable	Not applicable	
17.420.050.H – Architectural standards for non-residential buildings	Deficient	Building materials not specified but exception requested to GCOD standards. *	Existing two buildings have metal siding.
17.420.060 – Signs	Unknown	Unknown	Shall comply with GCOD standards.
Note: Items marked with an asterisk (*) do not conform to 17.420.050 or are unspecified in the application.			

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

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the Planning Commission 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 and development of adjacent and nearby property; **The proposed Planned Industrial Development (PID, 17.180.090) zoning district is suitable in view of the use and development of adjacent and**

nearby property along Candler Road as there are other light and heavy industrial zoning and uses adjacent.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that an industrial park would adversely affect adjacent or nearby property.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has 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; **The applicant will need to receive approval for public road access on Candler Drive from the Georgia Department of Transportation (GDOT). The industrial park should not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**
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 future land use designation. The intent of the Employment Corridor is to support industrial uses, business parks, and technology-based operations.**
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.**

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 two parcels were rezoned from Agricultural Residential IV (AR-IV) to Heavy Industrial (I-II) in 2021 and 2023. A storage building was constructed in 2017 and another building in 2024.**

9. 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 subject properties are currently zoned Heavy Industrial (I-II). Rezoning to Planned Industrial Development (PID) is to provide standards that encourage the formation and continuance of a compatible environment for the planned industrial uses and the surrounding land uses. There is**

substantial light and heavy industrial development nearby along Candler Road including the Hall County Landfill across the street.

10. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning would not create an isolated district as there are other industrially-zoned properties adjacent and nearby.**
11. 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.**
12. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The change requested is not out of scale with the needs of the county as a whole or the immediate neighborhood, as the property is already zoned Heavy Industrial (I-II) and the proposed zoning provides more structure for industrial development.**
13. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The property is already zoned Heavy Industrial (I-II) and the proposed zoning provides more structure for industrial development.**
14. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **No, the request could not be handled alternatively as a variance.**
15. 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. There should not be an ecological or pollution impact resulting from any modification to the land if the rezoning and outside storage related to the welding services and roll-off manufacturing business request is granted. The transfer station requires separate approval and determination of impact would be determined at that time.**
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.**

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.**
- 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 to the applicant's request.**
- 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. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated September 16, 2024, Emily McGahee stated "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process."

Hall County Fire Marshal

In an email dated September 18, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, Lieutenant provided the following comments:

- 1) Parcel Warning Tag noted on GIS.
- 2) New engineered metal building erected on property without site development or building review.
- 3) If approved, existing/proposed development will have to go through development review and meet all applicable fire code requirements.
- 4) Nearest fire hydrant from the new metal building is located 2,485 feet away at Lee Land Road and Candler Highway. Additional fire hydrant(s) will need to be installed to meet the International Fire Code requirements of Chapter 5, Section 507.5.1.

Hall County Public Works and Utilities

In a memo dated September 19, 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 access permit required.

Utilities:

Gainesville Sewer area. No sewer nearby.

Georgia Department of Transportation

In an email dated September 16, 2024, Veronica Chavers, stated that GDOT coordination is required.