

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Hughes Commercial Real Estate

Request **Rezone** | from Planned Commercial Development (PCD, GCOD) and Planned Commercial Farm District (PCFD) to Planned Industrial Development (PID, GCOD)

Proposed Use Industrial uses

Size 99.24± acres

Zoning **Current:** Planned Commercial Development (PCD, GCOD) and Planned Commercial Farm District (PCFD) | **Proposed:** Planned Industrial Development (PID, GCOD)

Location **3800 Athens Highway** | Tax Parcel 15013 000003

Commission District Three

Planning Commission Date April 7, 2025

Staff Recommendation **Approval, with conditions**, as the zoning district is supported within the “Business or Employment Nodes & Corridors” in the Comprehensive Plan.

Record Number.....HZON25-0012

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

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated March 6, 2025, and the project narrative dated March 12, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the property 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.

3. All construction within the development shall be limited to a total of 499,000 square feet.
4. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
5. All conditions of zoning shall be made as part of any plats or construction plans created for the property.
6. A variance to section 6.2.5.C.2.e – Parking Lot Design Standards, as outlined in the submitted narrative, is granted with the following modification: A 20 foot landscape strip, including 3 foot berms, shall be established along the property line abutting Athens Highway. The planting plan shall require a mixture of evergreen and deciduous trees and shrubs. Final review and approval of the landscape plan shall be subject to the Director of Planning and Zoning, or their designee.
7. A variance is granted to allow for gravel storage per the submitted site plan dated March 6, 2025. All outdoor storage shall be screened per GCOD standard. Outdoor storage shall be defined by those items listed in section 7.6.6.A 1 through 6 in the Hall County Unified Development Code.
8. No building shall exceed 40 feet in height.
9. The front and side elevations of buildings which are oriented parallel to Athens Highway shall meet GCOD standards. Rear elevations, where loading docks are located, may feature metal siding if the elevation is not visible from Athens Highway. Elevations, colors, and materials shall be subject to the final review and approval of the Director of Planning and Zoning, or their designee.
10. The following statement regarding the potential impacts of agricultural operations in the area shall be made as 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."

Excerpts from the minutes of the April 7, 2025 meeting

Applicant's Presentation:

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

Cooper Flood, 8215 Roswell Road, Atlanta, presented the request. The applicant is requesting to rezone a 99.24± acre tract from Planned Commercial Development (PCD, GCOD) and Planned Commercial Farm District (PCFD) to Planned Industrial Development (PID, GCOD) to allow permitted uses within the Light

Industrial zoning district. The property was rezoned from Agricultural Residential IV (AR-IV) to Planned Commercial Farm District (PCFD) on December 22, 1986. On April 22, 2004, approximately 38.86± acres of the parcel was rezoned from Planned Commercial Farm District (PCFD) to Planned Commercial Development (PCD, GCOD) (ZON2004-00061) for the development of a recreational soccer complex which operated through 2014. The property is currently undeveloped and wooded and is impacted by the County Studied flood zone along the western boundary of the parcel. Furthermore, the property includes streams on the northern, southern, and western property lines as well as a stream flowing through the middle of the subject parcel.

Public Forum:

Benjamin Blatt, 155 Morgan Farm Drive, Atlanta, spoke in favor. Mr. Blatt, the current property owner, explained that part of his property was acquired during the widening of Athens Highway by the Department of Transportation. At this time, the Department of Transportation allowed several access points to his property with a median break, as explanation for the proposed access locations.

Planning Commission Comments:

Mr. Hunt asked for clarification as to what buildings would feature metal siding. The applicant indicated on the site plan all the buildings which would have metal facades. Mr. Hunt asked if the applicant would agree to all buildings meeting Gateway standards except the two furthest from Athens Highway. Mr. Braswell stated that he believes all sides facing Athens Highway should meet Gateway standards.

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 5-0

Conditions:

1. The property shall be developed in accordance with the site plan dated March 6, 2025, and the project narrative dated March 12, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the property 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.
3. All construction within the development shall be limited to a total of 499,000 square feet.
4. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
5. All conditions of zoning shall be made as part of any plats or construction plans created for the property.
6. A variance to section 6.2.5.C.2.e – Parking Lot Design Standards, as outlined in the submitted narrative, is granted with the following modification: A 20 foot landscape

strip, including 3 foot berms, shall be established along the property line abutting Athens Highway. The planting plan shall require a mixture of evergreen and deciduous trees and shrubs. Final review and approval of the landscape plan shall be subject to the Director of Planning and Zoning, or their designee.

7. A variance is granted to allow for gravel storage per the submitted site plan dated March 6, 2025. All outdoor storage shall be screened per GCOD standard. Outdoor storage shall be defined by those items listed in section 7.6.6.A 1 through 6 in the Hall County Unified Development Code.
8. No building shall exceed 40 feet in height.
9. The front and side elevations of buildings which are oriented parallel to Athens Highway shall meet GCOD standards. Rear elevations, where loading docks are located, may feature metal siding if the elevation is not visible from Athens Highway. Elevations, colors, and materials shall be subject to the final review and approval of the Director of Planning and Zoning, or their designee.
10. The following statement regarding the potential impacts of agricultural operations in the area shall be made as 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."

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 6, 2025, and the project narrative dated March 12, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the property 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.
3. All construction within the development shall be limited to a total of 499,000 square feet.
4. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
5. 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. **Section 6.2.5.C.2.d – Parking Lot Design** - All parking areas must be paved with asphalt, concrete or pervious materials approved by the Director.
 - The applicant proposes gravel paving for a 9 acre area at the rear of the property for outdoor storage.
2. **Section 6.2.5.C.2.e – Parking Lot Design** - Off-street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street.
 - The applicant proposes parking between the two principal buildings and the street.
3. **Section 6.2.6.A.3 – General Architectural Requirements** - All buildings along U.S. 129 (Athens Highway) are limited to no more than 30 feet in height.
 - The applicant proposes a maximum building height of 40 feet.
4. **Section 6.2.6.B.3 – Building Materials**

Building materials used for all four sides of new or reconstructed buildings are restricted to the following:

 - a. Brick.
 - b. Natural stone such as granite, limestone, marble or similar materials. Terra cotta or cast stone simulating natural stone is also acceptable. Painted stone is prohibited.
 - c. Split-face block/concrete masonry unit (CMU) is restricted to no more than 50 percent of the surface area of each side of a principal nonresidential building.
 - d. Split-face block/concrete masonry unit (CMU) is considered prohibited materials for any multi-family residential building.
 - e. Stucco is restricted to no more than 50 percent of the surface area of each side of a building.
 - f. Glass and glass block.
 - g. Architectural metal panels are restricted to no more than 50 percent of the surface area of each side of a building.
 - h. Precast or prestressed concrete may be used for industrial buildings.
 - i. Exposed concrete block or painted concrete block are considered prohibited materials for any exterior wall.
 - The applicant proposes structures more than 300 feet from the centerline of the Gateway Corridor to be exempt from these standards, specifically subsection g.

Summary Analysis

The applicant is requesting to rezone a 99.24± acre tract from Planned Commercial Development (PCD, GCOD) and Planned Commercial Farm District (PCFD) to Planned Industrial Development (PID, GCOD) to allow permitted uses within the Light Industrial zoning district.

The property was rezoned from Agricultural Residential IV (AR-IV) to Planned Commercial Farm District (PCFD) on December 22, 1986. On April 22, 2004, approximately 38.86± acres of the front portion of the parcel was rezoned from Planned Commercial Farm District (PCFD) to Planned Commercial Development (PCD, GCOD) (ZON2004-00061) to allow the development of a recreational soccer complex which operated through 2014. The property is currently undeveloped and wooded and impacted by the County Studied flood zone along the western boundary of the parcel. Furthermore, the property includes streams on the northern, southern, and western property lines as well as a stream flowing through the middle of the subject parcel.

The surrounding properties are zoned and developed as outlined below:

North: Planned Commercial Farm District (PCFD): undeveloped
 South: Agricultural Residential 1 (AR-1): agricultural uses, and single-family residences
 East: Agricultural Residential 1 (AR-1): Undeveloped, agricultural uses
 Light Industrial (I-1, GCOD): Dixieland Pallet Company
 West: Agricultural Residential 1 (AR-1): Single-family residences

Per the submitted narrative, the applicant is requesting to rezone the subject parcel to allow for a light industrial development. Proposed uses include those allowed in the Light Industrial (I-1) zoning district with the site plan depicting office/warehouse, distribution buildings, and loading docks. The narrative requests several exceptions to development standards within the Gateway Corridor Overlay District (GCOD).

Per the submitted site plan and narrative, the applicant is proposing an industrial complex consisting of up to 499,000 square feet of building space; however, the submitted site plan only depicts 460,500 square feet of total building space. Ten buildings are proposed, ranging in size from 10,000 square feet to 166,500 square feet. Access to the development is proposed off Athens Highway with four existing driveway accesses identified. All parking and circulation areas will be paved with asphalt or concrete with the exception of gravel proposed for the 9 acre outdoor storage area near the rear of the property.

Water service will be provided by the City of Gainesville with service confirmed in a letter dated January 31, 2025. Sanitary sewer services will be provided by private septic systems.

Several exceptions from Gateway Corridor 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:

GCOD Analysis

<u>Standard</u>	<u>Proposed Work</u>	<u>Notes</u>	<u>Compliance</u>
6.2.5.A.– Transitional buffers	50 foot buffers proposed along the side and rear property lines; 75 feet where stream buffers are required.	50 foot buffer required; maintain as much mature vegetation as possible.	Complies

6.2.5.B.2 – Additional Landscape and Screening	10 foot wide landscape strip along street frontage	Minimum 10 foot wide landscape strip along street frontage required	Complies
6.2.5.C.1 – Parking Lot Design - Required # of Parking Spaces	Parking areas identified but no space count.	End users unknown. Percentage of the buildings' uses unknown. Parking calculations dependent on uses. Shall comply with GCOD standards.	Unknown
6.2.5.C.2.d – Parking Lot Design - Surface	9 acre gravel surface storage area for outdoor storage proposed at the rear of the property	All parking areas must be paved with asphalt, concrete or pervious materials.	Deficient
6.2.5.C.2.e – Parking Lot Design - Location	Off-street parking is proposed between the two principal buildings and the street	Off-street parking must be located to the side or rear of the principal building and may not be located between the building and the street.	Deficient
6.2.5.D – Outdoor lighting	Unknown	Shall comply with GCOD standards.	Unknown
6.2.6.A.3 – Architectural Standards - Height	Building height of 40 feet proposed.	All building along U.S. 129 (Athens Hwy) are limited to 30 feet in height.	Deficient
6.2.6.B.3 - Architectural Standards – Building Materials	Exemption requested for building outside of the 300 feet from centerline of Athens Highway.	GCOD standards apply to all parcels which touch the GCOD boundaries.	Deficient
6.2.6.C.1 – Architectural Standards - Roof	No exception requested	Shall comply with GCOD standards.	Complies
6.2.7 – Signs	Signage not proposed	Shall comply with GCOD standards.	Unknown

Based on the future land-use plan, staff finds the request is consistent with the Comprehensive Plan and future land use designation of Business or Employment Nodes & Corridors within the East Hall Character Area. The intent of this future land use designation is higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that serve nearby communities, and higher density residential where appropriate. Similarly, new employment nodes and corridors should feature industrial and office uses within formalized campuses or along major roads with access to water and sewer, with potential inclusion of higher density residential for housing nearby industry employees. In both cases, site designs should adhere to the Quality Development Principles, emphasizing natural resource protection and high-quality landscaping. This future land use designation supports Light Industrial uses within the East Hall Character Area.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

- a) 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 rezoning is suitable in view of the use and development of adjacent and nearby property along Athens Highway as there are other light industrial uses in the area.**
- b) 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.**
- c) 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, however, the applicant cannot develop the property as proposed without approval by the Board of Commissioners.**
- d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **If approved, the use is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service.**
- e) 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 “Business or Employment Nodes & Corridors” future land use designation.**
- f) 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 affected by the existing zoning restrictions.**
- g) 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 values 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.**
- h) 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.**

- i) 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 soccer complex on the commercially-zoned portion of the property use ceased in 2014. Currently the property is undeveloped.**
- j) 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 affecting the use or development of the property.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning is a Planned Industrial Development (PID). Per the Hall County Unified Development Code, Planned Development Districts 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.**
- l) 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.**
- m) Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The request does not appear to be out of scale with the needs of the immediate neighborhood or the county as a whole.**
- n) 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, although the development as proposed would require approval by the Board of Commissioners regardless of the location.**
- o) 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.**
- p) 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 are no anticipated ecological or pollution impacts resulting from any modification to the land if the request is granted.**
- q) 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.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover

administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**

2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **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 11.2.6.E.2.**
 - b. 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 may 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 as defined in 7.6.9.D.1, 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 must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated March 4, 2025, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan."

Hall County Fire Marshal

In an email dated March 6, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, 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 March 6, 2025, 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.
Show FEMA and Hall County studied Flood plains that are present on site.

Traffic:

Existing access will need to be approved by GDOT.

Utilities:

No comment

Hall County Tax Assessor

In an email dated February 28, 2025, Cher Melendez stated the following:

“The above is under a 2016 Covenant. Our office spoke with the taxpayer and let him know that the sale of a property does not create a breach, but taking out permits and beginning to grade the property for development or begin taking out permits for development, then a breach can occur.
12.12.24”

Georgia Department of Transportation

In an email dated March 3, 2025, Henry Stevens, GDOT Civil Engineer 2, stated that GDOT coordination is required.