

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... United Logistics

**Request** ..... Rezone from Agricultural Residential-IV (AR-IV) to Light Industrial (I-I)

**Proposed Use** ..... Offices, truck terminal, other I-I uses.

**Size** ..... 20.1 ± acres

**Zoning** ..... AR-IV

**Location** ..... On the east side of Winder Highway (SR53) approximately 1,995 feet from its intersection with Howington Road ; a.k.a. 5205 Winder Highway, Braselton, GA 30517  
Tax Parcel 15028 000014C

**Commission District** ..... One

**County Commission Date** ..... April 4, 2022

**Staff Recommendation** ..... **Approval, with conditions**

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**Planning Commission Recommendation – Approval with conditions  
Vote 4-1 (Mr. Bell opposed)**

**Conditions:**

1. Any outdoor lighting shall be non-spill and shall be oriented away from shared property lines.
2. The following land uses shall be prohibited upon the property: adult establishments, junk yards, asphalt emulsion (water based) plants, and astrologers, clairvoyants, fortune tellers, palmists, phrenologists, or other related occupations.
3. Access to Winder Highway/SR 53 shall be subject to review and approval by Georgia Department of Transportation.
4. A 50-foot undisturbed transitional zoning buffer shall be required against all property lines, except where abutting Parcel 15038 000056.
5. A privacy fence shall be added along the lot line noted by N70°30'00"E 925.00' for a minimum 700ft along the line.
6. The entrance shall be gated with security
7. Truck maintenance shall only be conducted between 7 am to 7 pm.
8. Only the truck parking shall be gravel.
9. The building shall be up to 30,000 square feet.
10. Metal accents shall be permitted on the building in substantial conformance with submitted renderings.
11. 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.”

12. No overnight refrigeration trucks shall be running between 7 pm to 7 am.

### **Applicant Proposal**

The request is to rezone a ±20.1-acre site zoned Agricultural Residential-IV (AR-IV) to Light Industrial (I-I) to allow for the construction of a ±10,000 building and two surface parking lots. One surface parking lot would be used for freight or commercial vehicles and the other for passenger vehicles. The conceptual site plan also shows a 50-foot buffer along all property lines except where abutting Parcel 15038 000056 to the west that is presently zoned Highway Business (H-B). There are no concurrent variance requests filed with application. The subject property is located within the Gateway Corridors Overlay District (GCOD) and if rezoned would remain subject to all GCOD standards. These standards include but are not limited to specific requirements for transitional [zoning] buffers, landscaping, parking lot design, outdoor lighting, and architecture. No details were submitted with the application with regards to the architectural style or materials of the new building. The Project Narrative states the redeveloped tract will be used for office, truck terminal, and other land uses similarly allowed under the requested Light Industrial zoning. Staff recommends that the rezoning request be approved with conditions and finds it consistent with the Hall County Comprehensive Plan.

### **History and Existing Land Uses**

No previous zoning action was found for the property. Google aerial images and tax records show a small portion of the lot is developed. Development features include a mobile home (24' x 28' built in 1984), an outbuilding, and a gravel path connected to S.R 53 / Winder Highway. It is not clear if these residential uses are currently occupied or vacant.

Property terrain includes a rolling topography, rich tree canopy consisting of pine and hardwoods, and an undisturbed stream buffer running the full length of Cooper Creek. Cooper Creek defines the site's northeastern property line and functions as the centerline for the 100-year flood plain (see: FEMA maps, Flood zone A) in effect upon the property.

### **Comprehensive Plan Land Use Designation**

The future land use map confirms the applicant's site is subject to three character areas:

- Land outside the stream is designated “Residential.”
  - Desired Land Use: Housing (preserve existing or construct new developments)
  - Intent: PRESERVE established neighborhoods and CREATE new residential development consistent with surrounding suburban densities
- Land inside the protected stream buffers is designated “Conservation.”

- Desired Land Use: Parks, floodplain, greenspace, or areas intended to be maintained in a natural state or for passive recreation uses (e.g., trails).
- Intent: PRESERVE environmentally sensitive areas, park land, and dedicated greenspace (open space and greenways) maintained in its natural state.
- Winder Highway (SR 53) is designated a “Mixed Use Corridor.”
  - Desired Land Use: Retail activities, office-based employment, civic uses, and single family residential development. Low-impact industrial or higher density residential may be appropriate where the same is found on adjacent properties.
  - Intent: : ENHANCE and MAINTAIN well-functioning, attractive corridors that facilitate vehicular traffic flow and pedestrian/bicycle connectivity, serve local needs, and coordinate land use patterns without encroaching on adjacent neighborhoods. Also, CREATE employment opportunities where a location benefits from interstate access or supports industrial-focused development.

## **Development Support and Constraints**

### **Hall County Environmental Health**

In an email dated March 3, Emily McGahee provided the following comment:

*“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. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.”*

### **Hall County Fire Services**

The property is located approximately 1.8 miles south of Hall County Fire Station #12, located at 4890 Winder Hwy. The nearest fire hydrant is located in the right-of-way at 5300 Winder Highway, located west of the centerline directly across the subject property.

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

A memo dated March 3, 2021, Bill Nash, P.E, Interim Director of Hall County 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. The plans would also need to show stream buffer, impervious setback, and flood zones.”*

Traffic Engineering - *“Access to SR 53 (Winder Highway) must be approved by and permitted through the Georgia Department of Transportation (GDOT).”*

Utilities - *“Hall County has no sewer adjacent to the property. Development is to use on-site sewage management system (septic).”*

Hall County Tax Assessors

No comments were provided.

Gainesville Water Resources

No comments were provided.

Georgia Department of Transportation

In an email dated February 26, 2022, Jonathan Peevy with GDOT commented that the request will require GDOT coordination.

**Zoning Analysis**

- The request is **consistent** with the Comprehensive Plan as low impact office and industrial uses, and it is consistent with the existing character.
- Per §17.160.010 – Light Industrial (I-I) – of the Official Code of Hall County, offices; truck terminals; and “any industry which does not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, fire hazards or other objectionable conditions” are listed as permitted uses within the I-I zoning district.
  - The proposed use **does meet** the permitted uses in this zoning classification.
- If approved, the proposed development would be subject to obtain a land disturbance permit as part of the development review process.
  - This review will ensure that local and state regulations are being met during the development of the site.
- Chapter 17.420 of the Official Code of Hall County identifies more restrictive requirements for properties located in the Gateway Corridors Overlay District (GCOD).
  - §17.420.050 of the Official Code of Hall County identifies both prohibited and allowable uses for properties in the Gateway Corridors Overlay District (GCOD). Light industrial uses outlined in the application are **consistent** with the uses allowed by right.
  - §17.420.050 also regulates more stringent buffer requirements than required by the base code in §17.260.020 (requiring 30 feet). The GCOD code requires a minimum of a 50-foot buffer between industrial and residential properties.
    - The applicant has indicated a 50-foot vegetated buffer along the boundary adjacent to a residentially-zoned property. The zoning proposal **does meet** this requirement.
  - The GCOD classification has specific architectural design standards, and it is **unclear** if the proposed building meets this requirement. Brick and stone are permitted as primary materials, while CMU and stucco are limited to a maximum of 50% of the façade. Metal is specifically prohibited as an exterior finish material. Likewise, “variation in building materials, texture, and depth should be employed to provide design variation.”
- Chapter 17.280 identifies tree protection and replacement requirements for development sites. Sites are required to provide 15 units per acre.

- It is evident a significant amount of trees are identified for removal to accommodate the proposed development features, but it is **unclear** whether the zoning proposal meets this requirement. No landscape plan has been provided.
- §17. 380.060 provides the criteria for considering a map amendment (rezoning). The application **does meet** all these standards based on the following analysis:
  - The zoning proposal is consistent with the Comprehensive Land Use designation because the intensity of the proposed use is consistent with the desired development in the Mixed Use Corridor.
  - The property directly abuts Parcel 15028 000070 zoned Planned Commercial Development, whose conceptual plans for a Mixed-Use Village and expansion of Lanier Raceway have approval from the Hall County Board of Commissioners; and Parcel 15038 000056 zoned Highway Business, that is presently used for a Boat and Recreational Vehicle storage facility. If developed in accordance with the conceptual site plan submitted, the subject property would function as a transitional tract between these aforementioned higher intensity uses and the lower intensity current residential and conservation uses upon abutting Parcel(s) 15028 000014, 15028 000018, and 15028 000020 zoned AR-IV.
  - Due to the number of other adjacent industrial and automobile-related uses in this area, the rezoning, if granted, would not cause substantial detriment to the public good.
  - The zoning proposal, as presented, is consistent with the zoning ordinance or will be required to be consistent through the development process.

### **Staff Recommendation**

Staff recommends **approval** of the applicant's request with the following conditions:

1. Any outdoor lighting shall be non-spill and shall be oriented away from shared property lines.
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**Excerpts from the minutes of the Planning Commission meeting on April 4, 2022:**

### **Applicant's Presentation:**

**David Webb, Principal Planner**, presented a summary of the request.

**Darrell Rochester, 425 Oak Street, Gainesville**, presented the request. The applicant stated that the intended purpose is to build a corporate office. The applicant stated that the proposed building will be three stories high at 10,000 square feet each floor level making it a 30,000 square foot building. The applicant stated that they will pave the driveway entering the property as well as the car parking lot and have a gravel parking lot for truck parking only that is not visible from the street. The applicant presented pictures of the type of architecture being used on the building such as stone, metal and glass accents. The applicant stated that there will be a gated entrance.

**Tyler Mixon, 4049 Ashford Way, Gainesville**, presented the request. The applicant stated that the building would be for storage 24/7 with security personal on site as well.

*Rebuttal*

The applicant stated that there will be on site personnel and camera system security for the business 24/7. The applicant stated that there is going to be a gate at the entrance to prevent drivers from coming in and out of the location which also encourages staff security.

**Public Forum:**

There were no comments in support or opposition.

**Planning Commission Comments:**

Mr. Braswell asked for the elevation difference from the street down to the parking lot. Mr. Rochester stated it was probably 50 vertical feet at a glance. Mr. Braswell asked for clarification of the metal accents. Mr. Bell asked if there is sewer. Mr. Rochester stated that there is a force main but the Health Department has stated they have to be on septic. Mr. Bell requested clarification on existing buildings on the entrance. Mr. Rochester stated that they are abandoned structures that will be removed to create a first class building. Mr. Bell questioned the hours of operation. Mr. Rochester stated that it would be 24/7. Mr. Bell questioned if there will be refrigeration trucks running all night. Mr. Mixon stated that the refrigeration trucks will not be running all night but they will be parked at the parking lot with on site security. Mr. Bell questioned if truck drivers would be sleeping in the parked trucks. Mr. Mixon stated they will not and that will be reinforced by on site security. Mr. Bell stated that the biggest concern was people sleeping in the trucks and coming in and out at all times of the day. Mr. Bell questioned if the gateway corridor had any requirements for fencing. Mr. Webb stated yes. Buffers were discussed as a way of maintaining privacy for neighboring property owners as trucks would be coming in and out of the property.

**Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-1 (Mr. Bell opposed)**

*Conditions:*

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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.”

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