

**HALL COUNTY PLANNING COMMISSION
RECOMMENDTION REPORT**

Applicant..... CBD Investments, LLC

Request..... Rezone from Agricultural Residential-IV (AR-IV) and Planned Commercial Development (PCD) to Planned Industrial Development (PID)

Proposed Use..... Business Park

Size 303.43± acres

Zoning AR-IV & PCD

Location On the west side of Athens Street at its intersection with Cornelia Highway; a. k. a. 6295, 6363, 0, 0 Athens Street, 5759 Main Street, & 4514 Cornelia Highway; Tax Parcels 09072 000003 (pt.) -000004, 09080 000005 - 000006, 09081 000001 (pt.) - 000001A (pt.).

Commission District..... Three

County Commission Date November 9, 2022

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

Planning Commission Recommendation: Approval, with conditions
Vote: 3-0 (Bell & Varner absent)

Conditions:

1. *The development shall conform substantially with the submitted site plan, narrative, and restricted covenants or specific requirements of the end user.*
2. *Except as specifically varied, the Gateway Standards shall apply to the proposed lots 12, 13, and 14 which abut GA 365, with the exception of the tilt up concrete construction and TPO roof systems that shall be allowed. An alternative shall be that if there is a 100 foot buffer established from the right of way of GA 365 that GCOD standards shall not be applied to these lots.*
3. *The applicant shall coordinate driveway placement and required road improvements with Hall County Engineering and GDOT.*
4. *Burton Drive shall not be closed to thru traffic.*
5. *The applicant shall coordinate the project with GDOT as it relates to GA 365.*
6. *The applicant must satisfy Hall County public water and sewage requirements prior to final plat approval or development of any individual lots.*
7. *Each individual lot shall obtain the appropriate land disturbance permit, and building permit prior to commencing the land use.*
8. *Development Restrictive Covenants shall be recorded prior to release of final plat.*
9. *All conditions of Zoning shall be placed on the final plat.*

10. *The permitted uses 29, 30, and 42 shown on the “Exhibit A” shall be subject to Planning Commission and Board of Commission approval.*
11. *Crematoriums shall be specifically excluded as an allowable use.*
12. *Front building setbacks along Highway 52 shall be 100 feet from the center line of the street or 75 feet from the property line whichever is greater.*
13. *Parking space requirements and parking lot design shall meet Hall County guidelines.*

Applicant Proposal

The applicant is requesting to rezone three tracts totaling 105± acres from Planned Residential Development (PRD), Residential-III (R-II), and Agricultural Residential-IV (AR-IV) to Planned Industrial Development (PID) for mixed-use commercial and industrial development. The proposed industrial park will serve light commercial, highway business, and office-institutional uses with a unified set of development standards. The applicant is requesting an exemption from the Gateway Corridors Overlay District (GCOD) standards and commits to subjecting the property to similar covenants that have been adopted for Gateway Industrial Centre and other industrial parks in the area.

The following uses will be specifically excluded: adult establishments, junk yards, asphalt emulsion plants, astrologers, clairvoyants, fortune tellers, palmists, phrenologists and related occupations. Permitted uses will include those uses listed in the Highway Business (H-B), Light Industrial (I-I), and Office-Institutional (O-I) sections of the official code of Hall County.

The applicant has stated that the plan is conceptual in nature, and no end user has yet been established; the applicant asks for the flexibility to modify plans so long as the modifications do not change the land use, increase the overall density of the project, or reduce any established exterior buffers or setbacks.

The submitted site plan shows eighteen (18) lots within the industrial park:

- Lots 2, 3, and 4 will be accessed via State Route 52/ Lula Road
- Lots 6, 7, 8, and 18 will be access from Burton Drive
- Lots 9, 10, 11, and 12 will be accessed via Athens Street
- Lots 1, 13,14,15,16, and 17 will be accessed via a proposed street with a cul-de-sac.

Completion of the development is anticipated to be achieved by 2026.

A traffic impact study was submitted as part of the application. The report was prepared by Keck + Wood on August 2, 2022. The intersections studied included the following:

1. SR 365/Cornelia Highway at SR 52/Lula Road (Signalized)
2. SR 365/Cornelia Highway at Athens Street
3. SR 52/Lula Road at Burton Drive
4. SR 51/Main Street at Athens Street

Proposed Development Standards:

Standard	Proposed	Official Code of Hall County
Min Lot Area	15,000 sq. ft.	15,000 sq. ft. (§17.240.010)
Max Building	1,884,405 sq. ft. on a 61.8-acre site.	80% of lot area (§17.240.110) including all other impervious

		surfaces
Max Building Height	75 ft.	≤ three stories (§17.420.050.H.1.B)
Min Lot Frontage	100 ft.	150 feet (§16.50.040) along both Athens Highway and Barrett Road
Front Building Setback (US129)	100 feet from c/l or 75 feet from property line, whichever is greater	100 feet from centerline of arterial road (§17.240.040)
Exterior Buffer	The property located adjacent to residentially developed properties within Lula is not being rezoned or developed and will remain a buffer to the site. All other properties are bounded by rights-of-way or commercially developed properties.	50 feet (§17.420.050.C.2.C)
Minimum open space	5%	20% of lot area (§17.240.110)
Parking Ratio	Per Hall County guidelines	See §17.250 for parking requirements based on use. Each lot will have to meet the parking requirements at time of development or apply for a parking variance.

History and Existing Land Uses

The property consists of multiple properties totaling 303.43 acres, plus or minus. The majority of the properties are within unincorporated Hall County but a small portion of two (2) parcels is within the City of Lula. The applicant is not proposing any development on the portion of the parcels located within Lula.

Adjacent properties to the north, and east are also zoned AR-IV; these properties are developed with single-family residences and agricultural uses. The property to the west, which lies between the subject property and Cornelia Highway has a zoning designation of PCD(C) and contains a convenience store. Properties to the south have zoning designations of AR-IV and S-S. One S-s property contains a surface parking area but no structure while the other one contains a single-family dwelling.

The subject property also falls within the Gateway Corridors Overlay District (GCOD), which is supplemental to the underlying zoning district classification. The GCOD governs non-residential property development standards.

Comprehensive Plan Land Use Designation

The subject property is located within a Rural Activity Center and is just outside an employment corridor according to the Future Land Use Designation. The primary future land uses within this type of corridor include master planned business or industrial parks and mid-rise offices. The properties abut residential uses within the city limits of Lula but the portion abutting the residential is not included in the rezoning request since it is within the Lula city limits. That portion of the property would remain undeveloped.

Development Support and Constraints

Public Facilities

The subject property is located approximately 2,300 feet from Hall County Fire Station #6, located at 6170 Lula Road. There are five (5) fire hydrants along Lula Road/State Route 52 in front of the subject property.

Hall County Environmental Health

In an email dated August 30, 2022, Emily McGahee stated that 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 Public Works and Utilities

In a memorandum from Public Works and Utilities on September 2, 2022, Public Works Director Srikanth Yamala stated the following:

Engineering

The 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 buffers and FEMA/county studied flood plains.

Traffic

1. Athens Street and Burton Drive are truck restricted by ordinance and not structurally able to accommodate industrial traffic. Recommend that development access be restricted to State Routes only utilizing an internal road network for individual lot access.
2. If industrial access is to be considered via Athens Street or Burton Drive, recommend a condition that the roadways will be reconstructed to Hall County industrial standards including any additional improvements necessary to provide safe and efficient access.
3. According to the traffic impact study, improvements/modifications will be necessary for Lula Road (SR52) at development access and for Lula Road (SR52) at Cornelia Hwy (SR365) including turn lanes, existing turn lanes modification and traffic signal modifications. Recommend a zoning condition that improvements identified in the traffic impact study and any others necessary to meet GDOT and Hall County requirements be required.
4. Recommend that all necessary improvements be the financial responsibility of the developer and constructed concurrently with the development.
5. Any improvements/modifications on State Routes must be approved and permitted by GDOT.

Utilities

Hall County sewer district.

Existing gravity in Cornelia requires a sewer availability letter.

Hall County Tax Assessors

No comments provided

Water Service

There is a 12 inch DIP water main in the right-of-way of State Route 52/ Lula Road and a 24 inch DIP water main in the right-of-way of Cornelia Highway. A letter from City of Gainesville stating that capacity exists to service the proposed industrial park. The confirmation letter is valid until May 18, 2023.

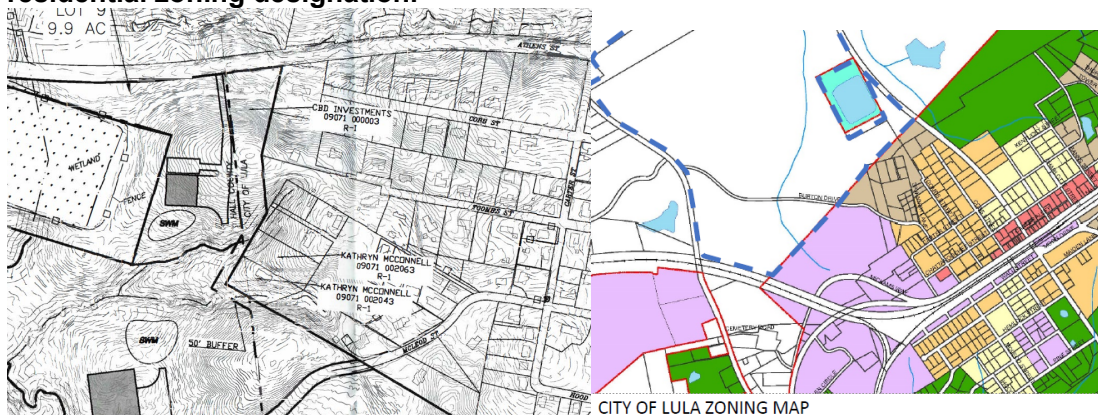
Georgia Department of Transportation

In an email dated August 31, 2022, Parker J. Niebauer, with GDOT, stated that this project will require GDOT coordination.

Georgia Mountains Regional Commission

In a memorandum dated September 1, 2022, Adam Hazell, AICP stated that the Georgia Department of Community Affairs Review of the Developments of Regional Impact (DRI) had the following recommendations:

1. The County and applicant obtain clarification regarding compatibility with the SDS-agreed sewer service provider; **the property is located wholly within the Hall County Sewer District, therefore, no additional coordination with Lula will be required.**
2. The County seek greater clarity of mitigation measures and obtaining approval from GDOT for said improvements as part of the approval process; **the applicant is aware of the need to coordinate with GDOT and GDOT permit will be required before a land disturbance permit (LDP) is issued.**
3. The County and applicant work with the city to identify possible modifications sufficient to create land use compatibility. **City of Lula's zoning map identifies the majority of the adjacent parcels as Industrial. A buffer exists adjacent to the few parcels that have a residential zoning designation.**



In lieu of questions concerning traffic management, the GMRC recommends the following:

1. Establish greater clarity of mitigation measures and obtaining approval from the GHMPO and GDOT for as part of the approval process.
2. Work with the City of Lula to confirm any mitigation measures needed for Burton Road and Athens Street so as to limit disruptions in the city caused by through traffic. **City of Lula just approved a 202-acre residential development. The property is located on the northern right-of-way of Athens Street across from the subject property. The property was annexed into the City of Lula for the purpose of developing a 519 unit residential complex. Burton Road will no longer extend from within the city limits through the property and connect to Lula Road, per the submitted plan. All street designs will have to be coordinated and approved by the Hall County Engineer and any rights-of-way to be abandoned would have to be approved per the Hall County regulations.**

Assuming compliance with State and local regulations, no regional concerns regarding environmental protection. However, best environmental practices are encouraged regarding stormwater management. **The project will be subject to the Hall County and state regulations related to stormwater management, stream buffers, and etcetera.**

Environmental

The southern boundary of the property abuts the North Oconee Reservoir Watershed Protection

District.



Zoning Analysis

- The proposed use for light manufacturing and warehouse/distribution facilities is consistent with the Comprehensive Plan designation of an activity center/employment corridor.
- Per §17.180.090.B.2 of the Official Code of Hall County “The development controls for the district shall be detailed (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the light industrial (I-I) district, together with the screening and buffer requirements, shall apply.”
- The GCOD provides guidelines for non-residential property development. The guidelines apply to both permitted uses and development standards.
 - Within the GCOD, the following uses are prohibited: adult entertainment, junk yards, and billboard signs.
 - Uses subject to the approval of the Hall County Board of Commissioners include: self-storage warehouses, vehicle sales lots (new or used), automobile repair and maintenance, commercial outdoor recreation, car wash, and outdoor storage.
- Per §17.420.050.D.2.a, a ten-foot wide landscape strip is required along each street frontage, continuous along the frontage except for perpendicular crossings for driveways and utilities.
 - This is not depicted on the applicant’s submitted site plan; this condition **is not met. The applicant has requested that a variance be granted to remove the GCOD standards from the development.**
- Per §17.420.050.D.4.d, all outdoor storage shall be screened from view from public streets and adjacent property by a permanent opaque enclosure consisting of a minimum eight-foot high solid fence or wall.
 - Outdoor storage is not specifically addressed; **this will be an industrial and commercial park which could have outdoor storage of materials or equipment but individual uses and site plans have not been submitted. Each parcel will be developed later after the infrastructure is installed and the final plat is recorded. The time to address outdoor storage and screening will be at the time each parcel is developed.**
- Per §17.420.050.C.2.C, the transitional buffers where an industrial zoning district abuts property zoned for residential or agricultural use shall be no less than 50 feet and shall be placed along the inside property line of the non-residential property.
 - **The proposal meets this requirement.**
- Per §17.420.050.D.3, if a loading or service area is located within 50 feet of a side or rear lot line abutting residentially zoned property, then the loading or service area shall be surrounded by either a six foot height masonry screening wall, or a six foot height solid wooden fence placed on the inside of the required landscaped buffer.

- **Since no specific uses/tenants have been identified for the proposed lots, it is not known where necessary loading areas will be located. The proposal provides a 50FT buffer adjacent to the residential properties within the City of Lula.**
- Per §17.420.050.E.4.A, each parking area over 50 spaces shall include landscaped islands within the parking area equivalent to not less than five to ten percent with planning director discretion of the total paved area of the parking lot.
 - **Since no specific uses/tenants have been identified for the proposed lots, detailed site plans for each proposed lot have not been provided. This will be addressed at the time each proposed lot is developed.**
- Building materials for all four sides of a new building are restricted to the following: brick, stone, and glass or glass block. Up to 50% of the surface area of each side may be stucco, and up to 50% of the surface area of each side of a principal building may be split-face block/concrete masonry unit. *Concrete block, painted concrete block, tilt-up and pre-cast concrete are not allowed.*
 - **Since no specific uses/tenants have been identified for the proposed lots, architectural elevations and floor plans have not been submitted. This will be addressed at the time the lot is developed. The applicant has requested that the GCOD standards be removed; the applicant states that the development will have the same restrictive covenants as the Hall County Gateway Industrial Centre.**
- Per §17.420.050.H.3, roof materials for pitched roofs shall be limited to architectural grade composition shingles, natural slate, natural terra cotta, natural wood shake, or factory finished metal with standing seams.
 - **Since no specific uses/tenants have been identified for the proposed lots, architectural elevations and floor plans have not been submitted. This will be addressed at the time the lot is developed. The applicant has requested that the GCOD standards be removed; the applicant states that the development will have the same restrictive covenants as the Hall County Gateway Industrial Centre.**
- Per §17.420.050.F.1 outdoor lighting shall be provided on all public streets and parking lots.
 - **Since no specific uses/tenants have been identified for the proposed lots, lighting plans have not been submitted. This will be addressed at the time the lot is developed. The applicant has requested that the GCOD standards be removed; the applicant states that the development will have the same restrictive covenants as the Hall County Gateway Industrial Centre.**
- §17.250.020A of the Official Code of Hall County lists the following minimum parking standards for the development: **This will be addressed at the time each proposed lot is developed.**
- A traffic impact study was prepared by Keck + Wood on August 2, 2022 and is included in the packet.

Staff Recommendation

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

14. The development shall conform to the site plan presented, except where topographic or geological constraints prevent the development as shown.
15. Except as specifically varied, the Gateway Standards shall apply to the proposed lots abutting Cornelia Highway (State Route 365).

16. The applicant shall coordinate the installation of a cul-de-sac on Burton Drive, proposed right-of-way location on Lula Road, and all driveways for the proposed lots with the Hall County Engineer.
17. The applicant shall coordinate the project with GDOT as it relates to Cornelia Highway.
18. The development shall follow the standard Hall County land disturbance permitting and platting process.
19. Applicant must satisfy Hall County public water and sewer requirements prior to final plat approval or development of individual lots.
20. Each individual lot shall obtain the appropriate land use approval, land disturbance permit, and building permit prior to commencing the land use.
 - a. At time of the lot submits an application for a land disturbance permit or building permit the following shall be submitted:
 - i. Site plan
 - ii. Landscape plan
 - iii. Lighting plan
 - iv. Architectural elevations
 - v. Must meet the parking requirements for the proposed use
21. Development Restrictive Covenants shall be recorded prior to release of final plat.
22. All Board conditions shall be placed on the final plat.

Excerpts from the minutes of the October 3, 2022 meeting

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Brian Rochester, 425 Oak Street, Gainesville, presented the request. The applicant stated that the building infrastructure would depend on the end user. The applicant stated that the activity center in the site plan would align with the Hall County Comprehensive plan. The applicant stated that this piece of property will be consistent with what is being built along the road. The applicant stated that if a piece of property is bought by a certain company they want to have flexibility on what it can be utilized for. The applicant stated that the front end could potentially have retail components like convenience stores or fast food. The applicant addressed that the property is exclusively in the Hall County Sewer service district.

Rebuttal

The applicant stated that the closure of Burton Drive is planned to avoid industrial traffic from going into the city. The applicant stated that the developer can't be held accountable for improvements needed until after it is identified that it is needed because of impacts from the project. The applicant stated that the reason why this application has been tabled in the past is due to addressing these types of issues.

Public Forum:

Dennis Bergin, City of Lula, spoke in opposition. Concerns were future use and transportation funding.

Tony Cornett, 5730 Mickens Highway, Lula, spoke in opposition. Concerns were road closure and traffic.

Amy Cornett, 5730 Mickens Highway, Lula, spoke in opposition. Concerns were road closure, traffic, and accidents.

Jo Ellen Bradley, 6040 Toombs Street, Lula, spoke in oppositions. Concerns were road closure.

Planning Commission Comments:

Mr. Braswell stated that the staff report and narrative were very detailed. Ms. Pilcher stated that Burton Drive is a very convenient road for residents. Mr. Hunt questioned if truck traffic was prohibited in the City of Lula. Mr. Bergin stated it was.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 3-0 (Bell & Varner absent)

Conditions:

1. *The development shall conform substantially with the submitted site plan, narrative, and restricted covenants or specific requirements of the end user.*
2. *Except as specifically varied, the Gateway Standards shall apply to the proposed lots 12, 13, and 14 which abut GA 365, with the exception of the tilt up concrete construction and TPO roof systems that shall be allowed. An alternative shall be that if there is a 100 foot buffer established from the right of way of GA 365 that GCOD standards shall not be applied to these lots.*
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10. *The permitted uses 29, 30, and 42 shown on the "Exhibit A" shall be subject to Planning Commission and Board of Commission approval.*
11. *Crematoriums shall be specifically excluded as an allowable use.*
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