



**STAFF REPORT  
REZONE  
0 OLD ELBERTON ROAD  
ZONE-2025-05-1052  
SEPTEMBER 4<sup>th</sup>, 2025**

APPLICANT: ..... William Diehl  
OWNER: ..... FAE Clarke, LLC  
FUTURE LAND USE REQUEST: ..... From *Rural* to *Employment Center*  
ZONING REQUEST: ..... From Agricultural Residential (A-R) to  
Employment Industrial (E-I)  
TYPE OF REQUEST: ..... Type I  
LOCATION: ..... 0 Old Elberton Road  
TAX MAP NUMBERS: ..... 273 001  
COUNTY COMMISSION DISTRICT: ..... District 3  
PROJECT SIZE: ..... 233.09 Acres  
PRESENT USE: ..... Undeveloped  
PROPOSED USE: ..... Industrial  
PUBLIC NOTICE POSTED: ..... August 20<sup>th</sup>, 2025  
STAFF RECOMMENDATION: ..... FUTURE LAND USE: ***DENIAL***  
..... ZONING: ***DENIAL***  
PLANNING COMM. RECOMMENDATION: ..... FUTURE LAND USE: ***PENDING***  
..... ZONING: ***PENDING***  
MAYOR & COMMISSION AGENDA SETTING: .. September 16<sup>th</sup>, 2025 (tentative)  
MAYOR & COMMISSION VOTING SESSION: .... October 7<sup>th</sup>, 2025 (tentative)

## **I. Summary Recommendation**

This rezone application requests to change a 233.09-acre parcel from Agricultural Residential (AR) to Employment Industrial (E-I) along Old Elberton Road east of the intersection of Old Elberton/Spring Valley Rd and Voyles/Moore's Grove Rd. The applicant is also requesting a change to the Future Land Use Map from *Rural* to *Employment Center*. The surrounding properties are mostly agricultural, but also include Coile Middle School and a mix of E-O & E-I properties nearby. The employment-based properties across the road are the northeastern extent of the Athena Industrial Park and are undeveloped. The applicant contends that additional infrastructure has been brought to this area, but community plans do not reflect that and stop short of this site to hold a less intensive boundary. Additionally, this parcel and most of the surrounding area does not have sanitary sewer service and is part of the *Rural* Future Land Use designation. Voyles and Spring Valley Roads have historically accommodated industrial traffic to and through the area; however, Old Elberton and Moore's Grove Roads have not, as they are rural and more residential.

The applicant has submitted a non-binding site plan that depicts just over 2 million square feet of space across four buildings. The applicant is offering to condition themselves to only industrial uses that fall into the Level I industrial performance standards (Sec. 9-11-5), however, that leaves a large, undefined opportunity and still many potential conflicts with the school, rural infrastructure and low-

intensity nature of the surrounding properties. ACCGov is interested in job creators as noted below, but there is still plenty of available land in existing industrial property that is already served by infrastructure. The larger a zoning action is, the more information is needed to assess that change's impact. Staff does not see sufficient information or community benefit in the existing proposal and requests that the applicant find a more suitable piece of property or commit firmly to a defined use and plan.

This proposal shows a very significant change to an area without adequate infrastructure and in an area reserved to maintain the community's rural edge. Staff recommends denial of both the Future Land Use request and rezoning.

Planning Commission Recommendation: *Pending*

## **II. Purpose of Applicant Request**

### **A. Proposal**

This request is to change a 233.09-acre parcel from Agricultural Residential (AR) to Employment Industrial (E-I). The corresponding Future Land Use change is from *Rural* to *Employment Center*. The request includes a conceptual plan with four structures ranging from 360,000 sf to 600,000 sf for over 2 million square feet of buildings. The concept is for speculative buildings that are proposed to house light industrial operations. There is also associated surface parking and driveways.

### **B. Existing Conditions**

The property is currently vacant. It was previously used for agriculture, and includes a few driveways and a dilapidated structure. There are also some environmental areas on the property, including creeks and ponds. The parcel sits toward the northeastern edge of Athens-Clarke County, it is adjacent to other AR parcels, Coile Middle School, and across Old Elberton Road from the northeastern tip of the Athena Industrial Park (zoned E-I). Sewer is not immediately available in this area. The end of the closest line is at Coile Middle School, and line is sited at a higher elevation than the subject property with no other surrounding parcels having sanitary sewer access. The site has limited vehicular access with Old Elberton Road being two lanes. The next closest roadway is Pittard Road, which is also limited in size and has residential properties before connecting to a main road. Voyles Road is the closest connection point for accessing Hwy 72 (Hull Rd) to handle industrial traffic, along with Spring Valley Road to head back towards town or GA Loop 10. The site has rolling topography toward the front, but drops over 100' toward the rear or northeastern portion of the property. The Future Land Use of the surrounding area mirrors the mix in zoning.

## **III. Policy Analysis**

### **A. Compatibility with Comprehensive Plan**

The 2023 Comprehensive Plan calls for the following policies that **are not** supported in this project:

- *Infill and redevelopment should be prioritized over greenfield expansion.*
- *ACC Economic Development Target Sectors:*
  - *Craft Beverages*
  - *Creative Economy*
  - *Bioscience*
  - *Healthcare*
  - *Advanced Manufacturing*

- *Increase the availability of well-paying jobs, especially for those in poverty.*

Overall, the proposal is not compatible with the Comprehensive Plan. The parcel is agricultural in nature and sits among many other rural parcels. It lacks sewer, which is not always a necessity on an industrial project, but it also only has rural road connections that are not conducive to industrial traffic. ACCGov has adopted land use policies that maintain *Rural* Future Land Use designations in areas that are presently unserved by public sanitary sewer and are not currently programmed to be served by future sanitary sewer connections. The subject property is within these *Rural* areas. This request represents a significant change in land use policy. The application report also hints at passive, low-intensity uses that do not align with economic development policies to create jobs and not drain infrastructure resources. Given this project's proximity to a nearby middle school, development in this area should be compatible with and potentially support school-related functions, and the proposed rezone to a light industrial zoning classification has the potential to introduce uses that are incompatible and potentially dangerous, such as traffic and industrial operations.

## **B. Compatibility with the Future Land Use Map**

The 2023 Future Land Use Map designates the subject parcel as *Rural*, which is described as follows:

### *Rural*

*Rural lands are intended to have very low residential density. To maintain open space, clustering of dwellings is encouraged with common open spaces protected by conservation easements. Agricultural functions are encouraged, as well as other compatible uses, such as limited low-impact commercial uses, equestrian facilities and other animal boarding uses.*

The applicant is requesting a change to the Future Land Use Map from *Rural* to *Employment Center*, which is described as follows:

### *Employment Center*

*These are areas of industry, office, research parks, and flex-space mixed uses. Large-scale employment areas, which include large industrial areas, manufacturing, office parks, and research centers, is incompatible with housing. Smaller-scale employment areas are appropriate to be in close proximity to a neighborhood area. Design standards regulating building placement, landscaping, and buffering should apply. Small amounts of retail may be compatible in some areas.*

The Future Land Use request is very different in nature, seeking to go from low-intensity agrarian uses to higher-intensity industrial uses and associated effects. This tract does sit across the street from some *Employment Center* properties; however, they make up the edge of Athens' industrial area in this part of town. That boundary has stayed firm due to limited infrastructure availability and access issues. This request, with few details, is seeking to change that balance in a significant way due to the size of the parcel. Staff understands industrial projects can be of a larger scale, however, project details are minimal and do not provide enough information to make such a large switch. The surrounding properties are also mostly *Rural* and *Employment Center*, with the school property being *Government*.

## **C. Compatibility with the Zoning Map**

The applicant has requested a rezone from AR to E-I (Agricultural-Residential to Employment-Industrial). The following information has been provided to compare the difference in development intensity between the existing AR zoning and the requested E-I zone. Broadly, a comparison of scale,

use, and design is offered here to help decision makers evaluate the changes that would be allowed if the request is approved. In terms of building scale, the following chart illustrates the differences in size and scale of buildings that could be constructed:

	CURRENT	REQUESTED
Standard	AR Zoning	E-I Zoning
Minimum Lot Size	10 acres	2,500 sf
Density	1 dwelling/10 ac	<i>limited</i>
Max Lot Coverage	10%	85%
Max Building Height	50’/65’	65’
Setbacks (front/side/rear)	30/20/30	10/-/10
Conserved Canopy	0%	5%
Total Canopy	0%	40%
Parking	2 per dwelling	Use dependent

The Athens-Clarke County Zoning Ordinance includes a list of defined uses arranged by zoning classification, and the Zoning Map designates where these zoning classifications are geographically assigned. For this request, the most noticeable difference between the current AR zoning and the proposed E-I zoning is a shift from agricultural uses and intensities to industrial ones. Currently, only lighter commercial uses would be permitted in the AR zone. The request would allow some of those uses with restrictions (as offered by applicant). The request does not align with some of the surrounding agricultural properties or the school.

#### **D. Consistency with Other Adopted ACCGov Plans, Studies, or Programs**

The proposed property is in the *Rural* Future Land Use designation adopted for most of the west, north and east portions of Athens-Clarke County, sometimes referred to as the “greenbelt.” which is not an official designation, but does reflect the expectations that land use in these areas have lower intensity uses with a predominantly agrarian and residential character overall. No other plans or programs are currently intended for this site.

### **IV. Technical Assessment**

#### **A. Environment**

The parcel does not have any environmental areas on site. The Arborist has reviewed the tree management plan and recommended approval.

- *Project will be expected to meet all requirements of the community tree management ordinance at time of plan review.*

#### **B. Grading and Drainage**

The Transportation & Public Works Department has reviewed the proposal and recommended approval with the following comment:

- *TPW Land Development supports the re-zone request but the proposed concept shown may have some difficulties with stormwater management and environmental areas.*

#### **C. Water and Sewer Availability**

The Public Utilities Department has reviewed the proposal and recommended denial with the following comments:

- *ACC water is available; ACC sanitary sewer is NOT available*
- *A sanitary sewer main extension is required to serve the development with ACC sanitary sewer*
- *A rezone to E-1 locks in a much higher utility demand compared to current agricultural zoning, which can allow for much less water/sewer-intensive uses*
- *No specific industrial use is proposed. Capacity evaluations for industrial users require an Industrial Wastewater Survey to identify waste stream makeup and pre-treatment requirements. A development-specific capacity evaluation, including waste survey, is required for any proposed development resulting from this rezone.*
- *Applicant's capacity evaluation request was for a maximum build-out of 250,000 GPD. This is a substantial amount of usage that would limit available capacity in this basin for further development.*

## **D. Transportation**

The Transportation & Public Works Department has reviewed the proposal and does not recommend approval.

- *Our department is concerned that this rezone could increase heavy-truck traffic outside of the Industrial Park on Old Elberton Road.*

## **E. Fire Protection**

The Fire Marshal has reviewed the proposal, does not support the project and offered the following comments:

- *The Fire Marshal's Office has reviewed the proposed development and has the following concerns. The site currently shows only one fire department access road, located on Old Elberton Road. Given the size of the development, two remote access points are required for adequate emergency response. While the access road width complies with the 2018 International Fire Code (26 feet), the limited access does impact response times. There is adequate turnaround access for apparatus; however, the overall site layout may hinder efficient emergency operations. Water supply for firefighting purposes could not be determined from the current submittal, and hydrant locations were not identified on the plan, raising concerns about code-compliant spacing and accessibility.*
- *The building design shown is of a scale that could require aerial apparatus access, which would be provided by Ladder 1 located at 700 College Avenue. The intended occupancy and exact fire protection requirements cannot be determined at this time due to the lack of tenant information.*
- *The proposed warehouse space may pose elevated fire risks depending on future storage or operational uses. Based on the limited information currently available, the Fire Marshal's Office does not approve this rezone. Further evaluation will be possible once additional details are provided.*

## **F. Economic Development**

- *The Economic Development Department targets key employment opportunities like advanced and precision manufacturing, biotechnology and pharmaceuticals, craft beverages, brewing and distilling, the creative economy, and healthcare and life sciences. A diversity of industry makes for a resilient county, increases wages, and creates a community for the workforce to raise their families.*

- *Athens offers designated spaces for larger industries. These are found on InvestAthensGA.com. Sites are selected because of their natural amenities, access to major roads, and other features that comply with our shared vision for the community. Businesses are encouraged to consider their fit with the Athens community. Industries that require substantial water, generate heat such as a data center, or occupy large space for parking may be better suited in communities with more space and resources. Businesses that want to join a community with a rich history and artistic culture should reach out to Invest Athens to learn more.*

## **G. Compliance with the Zoning Ordinance and Development Standards**

Since a binding plan is not required or proposed with this request, Staff reviewed the plan for general compliance with the code. The submitted concept plan generally conforms to development standards. If approved, the proposal will be reviewed for code compliance at the time of permitting review. The applicant has not made any waiver requests, so they will be expected to comply with all of the applicable standards. Signage and lighting are not reviewed at this stage, but the applicant is expected to adhere to those standards as well.

### **Corrective Actions:**

1. *Parking is use-dependent; the current concept denotes areas for parking; however, full development could require significant changes to the amount of parking.*

End of Staff Report.

## Reviewed

## Zoning Criteria Considered by Staff

The following factors have been considered as set forth in *Guhl v. Holcomb Bridge Road Corp.*, 238 Ga. 322, 232 S.E.2d 830 (1977).

- ☒ The proposed zoning action conforms to the Future Land Use map, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.
- ☒ The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the Comprehensive Plan and all its elements.
- ☒ The proposal will not adversely affect the balance of land uses in Athens-Clarke County.
- ☒ The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.
- ☒ The existing land use pattern surrounding the property in issue.
- ☒ The possible creation of an isolated district unrelated to adjacent and nearby districts.
- ☒ The aesthetic effect of existing and future use of the property as it relates to the surrounding area.
- ☒ Whether the proposed zoning action will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
- ☒ Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if zoned as requested will not alone constitute a significant detriment.
- ☒ Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.
- ☒ Public services, which include physical facilities and staff capacity, exist sufficient to service the proposal.
- ☒ The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets.
- ☒ The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.