

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant.....2156 Athens Highway, LLC

Request.....Conditional Use Approval for car sales within GCOD

Proposed Use.....car sales

Size.....11.16± acres

Zoning.....Heavy Industrial (I-II, [17.170](#)) / Gateway Corridors
Overlay District (GCOD, [17.420](#))

Location.....**2156 Athens Highway** | Tax Parcel
15032D000057B

Commission District.....Three

Planning Commission Date.....May 1, 2023

Staff Recommendation.....**Approval, as the proposed request is consistent
with the Mixed-Use Corridor future land use
designation in the [Comprehensive Plan](#).**

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

Vote: 4-0 (Varner absent)

Planning Commission Conditions:

1. The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of site plan approval.
2. A 50 foot transitional buffer shall be planted or remain undisturbed along any boundary which abuts residential use. Planting standards shall meet those requirements in §17.260 of the Official Code of Hall County.
3. The entire salvage yard shall be fenced with a minimum 8 foot height opaque fence constructed parallel to Athens Highway.
4. All inventory shall be parked at least 300 feet from the centerline of Athens Highway. Customer and employee parking shall be allowed in the front of the property (within 300 feet of the centerline of Athens Highway).
5. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
6. All mechanical services shall be conducted within a garage bay.

7. All conditions of zoning shall be made part of any plats created for the property.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting conditional use approval from the Board of Commissioners for the purpose of adding vehicle sales to the existing business, Go Pull-It Self Service Auto Parts, which received conditional use approval, with conditions, to operate a salvage and junkyard on the property on January 13, 2022. Within the Gateway Corridors Overlay District (GCOD, [17.420](#)), vehicles sales require conditional use approval from the Board of Commissioners.

The approval for the salvage and junkyard in 2022 included the following conditions:

1. The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of site plan approval.
2. A 50 foot transitional buffer shall be planted or remain undisturbed along any boundary which abuts residential use. Planting standards shall meet those requirements in §17.260 of the Official Code of Hall County.
3. The entire salvage yard shall be fenced with a minimum 8 foot height opaque fence constructed parallel to Athens Highway.
4. All inventory shall be parked at least 300 feet from the centerline of Athens Highway. Customer and employee parking shall be allowed in the front of the property (within 300 feet of the centerline of Athens Highway).
5. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
6. All mechanical services shall be conducted within a garage bay.
7. All conditions of zoning shall be made part of any plats created for the property.

The applicant's narrative states that they did not realize that the approval in 2022 only permitted the sale of parts, not entire cars, resulting in this request.

Based on the future land-use plan, staff finds the *requested conditional use request consistent* with the future land use classification of revitalization corridor in the [Comprehensive Plan](#).

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, development and zoning of adjacent and nearby property; **The property has previously been rezoned to Heavy Industrial**

(I-II, [17.170](#)) and the current request is for a use subject to approval of the Board of Commissioners for a vehicle sales lot. Within the Gateway Corridors Overlay District (GCOD, [17.420](#)), vehicles sales require conditional use approval from the Board of Commissioners. A previous conditional use request was approved, with conditions, to operate a salvage and junkyard on the property on January 13, 2022.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The business is already established on the subject property. Adding vehicle sales to the permitted uses should not have an adverse impact on adjacent or nearby property.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property is currently zoned Heavy Industrial (I-II, [17.170](#)) and can be used for any use permitted by right. The applicant's narrative indicates that the sale of vehicles is a complimentary use to the current development of the property.**
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, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **This question is not applicable as the Heavy Industrial (I-II, [17.170](#)) zoning classification is currently established on the property.**
5. 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 Mixed-Use Corridor is anticipated to include retail activities, office based employment, civic uses, single-family residential. Low-impact industrial or higher density residential only where the same is found on adjacent properties. The proposed use is consistent with the future land use plan.**
6. The extent to which property values are diminished by the existing zoning restrictions; **The subject property has already been developed as a salvage or junkyard. If the current request is not approved, the applicant would not be able to include the sale of vehicles as part of business operation.**
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; **As the Heavy Industrial (I-II, [17.170](#)) zoning classification has already been established, this criteria is not applicable.**
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.**
9. 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 property is developed, as such this criteria is not applicable.**
10. 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; **There are no known changing conditions affecting the use or development of the property.**

11. Whether the change would create an isolated district unrelated to the surrounding districts; **The current request is a conditional use request and there are no proposed changes to the underlying zoning.**
12. 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.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the request is not out of scale with the needs of the county as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The business is already established on the property. Salvage and junkyards require conditional use approval from the Board of Commissioners in the Heavy Industrial zoning district (I-II, [17.170](#)). This means that if the applicant were to relocate to a property outside of the Gateway Corridors Overlay District (GCOD, [17.420](#)) a conditional use request would still be required for the salvage and junkyard use.**
15. Whether the need for rezoning could be handled instead by a variance request to the [planning commission]; **No, the request could not be handled instead by a variance.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **There are no significant changes proposed to the site. Further, 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 should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
17. 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 for a rezoning request

- 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. **Proposal meets the requirement. 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 applicant has submitted a narrative and site plan but has addressed the criteria listed in [17.350.120](#).**
 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 applicant submitted the site plan from the 2022 conditional use request, stating there are not any other proposed changes to the site.**
- 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 as the site will be served by an onsite septic system.**
- 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. **As there are not 100 or more residential dwelling units proposed, this question is not applicable.**

Development Support and Constraints – Departmental / Agency Comments

Hall County Environmental Health

An email dated April 12, 2023, from Kelly Hairston, Environmental Health County Manager, stated “Must meet all Environmental Health commercial septic system permitting requirements. A detailed business plan must be submitted to Hall County Environmental Health for review.”

Hall County Fire Marshal

An email dated April 13, 2023, from John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated “The Hall County Fire Marshal’s Office cannot approve the concept plan as proposed for the following reason: On 3/16/23 business owner Joey Cox submitted new building plans and completed a commercial construction permit application for a 1000 SF office building to be built at 2156 Athens Hwy. The proposed building location is not shown on the concept plan and should not have been submitted for building review until Commission Approval had been obtained and site plan had been reviewed and approved by the Development Review Committee. Revise the concept plan to show the location of the proposed 1000 SF building.”

Hall County Public Works and Utilities

In a memo dated April 13, 2023, Bill Nash, Director of Public Works and Utilities, provided the following comments:

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.

Traffic:

Any modification to existing driveway or any work within the right-of-way will need to be permitted by GDOT.

Utilities

City of Gainesville Sewer service district.

Georgia Department of Transportation

In an email dated April 6, 2023, Jonathan Peevy, P.E., Assistant District Traffic Engineer, confirmed this project will require GDOT coordination. Specifically, the driveway must be brought up to standards.

- **Excerpts from the minutes of the May 1, 2023 meeting**

Applicant's Presentation:

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

Joey Cox, 2771 Overlook Drive, Gainesville, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell questioned if there will be an 8 foot opaque fence installed in the front of the property. The applicant stated there would be. Mr. Hunt questioned if the proposed building in the front would be built to Gateway standards. The applicant stated it would be. Mr. Braswell let the applicant know that he will need to coordinate with the Fire Marshalls.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 4-0 (Varner absent)

Conditions:

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