

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Antonio Duran

Request Use Subject to County Commission Approval |
[17.420.050](#) used vehicle sales lot

Proposed Use used vehicle sales lot within Gateway Corridors
Overlay District ([17.420](#))

Size 1.708± acres

Zoning Highway Business (H-B, [17.150](#)) / Gateway
Corridors Overlay District ([17.420](#))

Location **2122 & 0 Browns Bridge Road** | Tax Parcels 00122
001021 & 00122 001031B

Commission District Four

Planning Commission Date November 6, 2023

Staff Recommendation **Approval**, as the proposed use of used vehicle
sales is similar to the existing uses of adjacent
properties along Browns Bridge Road

Planning Commission Recommendation.....**Approval, with conditions**
Vote: 5-0

Planning Commission Conditions:

1. The property shall be utilized as depicted on the site plan and described in the project narrative, both updated October 12, 2023.
2. All parking and storage areas utilized by the business shall be paved with either asphalt or concrete.
3. No customer, employee, or inventory parking is to take place within the public right-of-way.
4. All functions of the business shall be conducted within tax parcel 00122 001021. All deliveries of inventory to the business are to take place fully within the property lines of tax parcel 00122 001021. There shall be no such activity within the public right-of-way of Browns Bridge Road or any nearby roads.
5. All proposed signage shall adhere to GCOD standards and shall follow the standard permitting process.

Note: This application was tabled to this date at the October 2, 2023 Planning Commission meeting.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to establish a used car sales lot on 1.708± acres in a Highway Business district (H-B, [17.150](#)) and Gateway Corridors Overlay District (GCOD, [17.420](#)). This is a use subject to County Commission approval due to its location within the Gateway Corridors Overlay District (GCOD, [17.420](#)) along Browns Bridge Road, which is State Highway 369. According to the narrative, Diaz Mechanic and Towing currently operates on this property (not owned by the applicant), and the rear of the parcel is used for storing vehicles as part of the towing business operations.

The updated narrative states that Diaz Mechanic and Towing Shop will continue to operate as permitted and utilize the gravel lot at the rear of the property for the towing business. Additionally, the submitted floor plan shows that there are two auto service bays and repair areas that are utilized by this business.

The used vehicle sales lot is proposing to operate at the front of the lot which is paved with asphalt. The submitted site plan shows 9 spaces for inventory parking and 12 employee and customer parking spaces combined. Currently, there are 14 parking spaces and 1 ADA space on the site. The applicant has proposed to stripe an additional 7 parking spaces to meet these counts. Table [17.250.020\(A\)](#) states that for automobile sales centers, the parking minimum is one space per each employee present at peak operation which is being met by the proposed parking improvements.

The narrative addresses the existing billboard on the subject lot and states that this sign is leased to an advertising company and is not used in relation to the existing business. The applicant states that no signage is proposed at this time but that they understand all future signage must meet the standards outlined in the Gateway Corridors Overlay District (GCOD, [17.420](#)). The site will utilize existing lighting for which they have submitted photos. No additional site improvements are proposed to support the requested use.

The vehicle sales operation will be entirely located within 2122 Browns Bridge Road, according to the narrative, thereby excluding 0 Browns Bridge Road from the scope. Virtually all of 2122 Browns Bridge Road is occupied by impervious surfaces, with only a small, grassy landscape strip separating the paved parking area from Browns Bridge Road, and it is located solely within the right-of-way.

Standard	Compliance	Proposed Work	Notes
17.420.050.C – Transitional buffers	Unlikely	50-foot transitional buffer	Applicant has not stated any intention to comply with these provisions based on site plan layout.

17.420.050.D – Other landscape and screening standards	Unlikely	10-foot landscape strip along road	Applicant has not stated any intention to comply with these provisions based on site plan layout.
17.420.050.E – Parking lot design	Meets standard	To remain unchanged with asphalt surface	Existing site meets requirement
17.420.050.F – Outdoor lighting	Deficient	Semi-cutoff proposed	New fixtures recommended to be installed with full cutoffs. Any existing fixtures should be retrofitted.
17.420.050.G – Interparcel access	Deficient	—	Parcels on either side are too dissimilar in proposed development character and use to warrant compliance at this time.
17.420.050.E – Architectural standards for non-residential buildings	Deficient	—	Existing building is primarily windows/glass.
17.420.060 – Signs	Unknown	—	Application states that any new sign will be constructed to the Gateway Corridors Overlay District standards.

Based on the future land-use plan, staff finds the zoning request ***inconsistent*** with the future land use classifications of Lake Residential and Mixed-Use Corridors in the [Comprehensive Plan](#), which allows for low to moderate retail activity; however, it is consistent with existing development of adjacent and nearby properties.

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 proposed use is consistent with the use, development and zoning of adjacent and nearby properties. Though the proposal for the lot is inconsistent with the purpose of the Gateway Corridors Overlay District (GCOD, [17.420](#)), such use will not increase the lot’s nonconformity. Minor improvements to the site have been proposed and many noncompliant signs have been removed from the façade of the building.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use of the lot for used vehicle sales will not adversely affect the existing use or usability of adjacent or nearby properties.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, Highway Business (H-B, [17.150](#)) and is currently used to operate a towing service.**

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; **The establishment of a used vehicle sales business will bring flatbed delivery trucks to the property with a carrying capacity of at least two vehicles, according to the narrative. The narrative further explains that there is adequate room for the delivery truck to offload vehicles on the parking lot (scaled size of the delivery truck is provided on the site plan). The delivery truck will have access to the gravel impound yard and will turn around without backing into traffic so as not to create a safety hazard.**
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 proposed use of a used vehicle sales lot is inconsistent with the [Comprehensive Plan's](#) future land use classification of Lake Area Residential and Mixed-Use Corridor. The Mixed-Use Corridor allows for retail activities, but only at a low to moderate density. However, the development pattern of the local area is strongly oriented towards car sales, repair and maintenance, and the proposed use is conforming to existing surrounding uses.**
6. 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 diminished by the existing zoning restrictions.**
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; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value 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.**
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; **Tax parcels [00122 001021](#) and [00122 001031B](#) are currently developed with a 5,000 square foot building, several storage sheds, and a gravel lot. The primary building was constructed in 1972. A Hall County building inspector conducted an inspection on October 12, 2023 and stated the following:**

“This building has an office that could be used as an 3rd suite , this office has its own entrance from the outside, as well as access to the restrooms.”
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; **The property is currently utilized by a mechanic and towing service; however, a Hall County Building Inspector confirmed that there is space for three (3) suites in the existing building. Additionally, the applicant provided a floor plan of the spaces which appears to provide sufficient spaces for the proposed use.**

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; **Hall County has many new and used car dealerships, and there are multiple businesses near the subject property. The establishment of a used vehicle sales lot will not fulfill any unmet needs on a local or county level.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are several zoning districts that allow used vehicle sales as a permitted use outside of the Gateway Corridors Overlay District (GCOD, [17.420](#)).**
15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **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

- 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. **The proposal meets the requirement. The applicant has paid the appropriate fees and understands that someone must be present at the Hall County Planning Commission.**
- 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 not explicitly addressed the criteria listed in [17.380.060.C](#).**

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 a site plan that satisfies these requirements..**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The site will continue to be served by City of Gainesville sewer.**
- 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 criterion is not applicable.**

Development Support and Constraints

Hall County Environmental Health

In an email dated August 31, 2023, Emily McGahee stated “No comment. Public sewer.”

Hall County Fire Marshal

In an email dated August 29, 2023, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated “The Hall County Fire Marshal’s Office has no comment as proposed.”

Hall County Public Works and Utilities

In a memo dated August 31, 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. Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Traffic:

No comment.

Utilities:

Gainesville Sewer.

Georgia Department of Transportation

In an email dated August 25, 2023, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination will be required for access on SR 369/Browns Bridge Road.

Hall County Building Inspections

In an email dated October 12, 2023, John Estelle, Plans Examiner-Commercial Building Inspector, stated “This building has an office that could be used as an 3rd suite, this office has its own entrance from the outside, as well as access to the restrooms”

➤ **Excerpts from the minutes of the October 2, 2023 meeting**

Applicant’s Presentation:

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

Don Jones, 930 Interstate Drive, Gainesville, presented the request. The applicant stated the request is to use an existing facility and a portion of the property as a used vehicle sales lot. The applicant stated that there is no space for a transitional or landscape buffer. The applicant stated that they are interested in utilizing a banner sign on the front of the building. The applicant stated that the towed vehicles will remain in the rear of the property. The applicant has permission to have delivery trucks turn around in the rear where the towed vehicles are parked on the gravel.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated that there is more than one business operating in the building but GIS only shows there is one address. Mr. Braswell stated that banner signs are not allowed but it is an opportunity to come into compliance. The applicant stated the Diaz Towing will still retain ownership of the property but the applicant will utilize suite A for the used vehicle sales lot. Mr. Hunt questioned the number of customer parking spots. Ms. Greenway confirmed that GIS does not show any suites for the building. Mr. Sosebee questioned the number of employees in the building. The applicant stated that there is currently only one.

Motion: A motion to table to November 6, 2023 was made by Mr. Varner and seconded by Mr. Hunt. Vote: 5-0

➤ **Excerpts from the minutes of the November 6, 2023 meeting**

Applicant’s Presentation:

Katie Greenway, Principal Planner, presented a summary of the request.

Don Jones, 1096 Riverbend Road, Dawsonville, presented the request. The applicant stated that the tax accountant signs on the window have been removed and there is no office operating in the building for it.

The applicant stated that all three suites have access to the existing restroom in the building. The applicant stated that Diaz Towing has two employees and the used car sales lot will have two employees on site providing sufficient parking.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated that the applicant addressed the board's questions.

Motion: A motion to approve, with conditions was made by Mr. Varner and seconded by Ms. Pilcher. Vote: 5-0

Conditions:

1. The property shall be utilized as depicted on the site plan and described in the project narrative, both updated October 12, 2023.
2. All parking and storage areas utilized by the business shall be paved with either asphalt or concrete.
3. No customer, employee, or inventory parking is to take place within the public right-of-way.
4. All functions of the business shall be conducted within tax parcel 00122 001021. All deliveries of inventory to the business are to take place fully within the property lines of tax parcel 00122 001021. There shall be no such activity within the public right-of-way of Browns Bridge Road or any nearby roads.
5. All proposed signage shall adhere to GCOD standards and shall follow the standard permitting process.