

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Ramon Carrillo Jr.

Request **(A)** Rezone from Suburban Shopping (S-S, [17.140](#)) and Gateway Corridors Overlay District (GCOD, [17.420](#)) to Highway Business (H-B, [17.150](#)) and Gateway Corridors Overlay District (GCOD, [17.420](#))
(B) Use Subject to County Commission Approval | for automobile sales and repair within the Gateway Corridors Overlay District (GCOD, [17.420](#)),

Proposed Use Used automobile sales and repair

Size 0.60± acres

Zoning Suburban Shopping (S-S, [17.140](#)) and Gateway Corridors Overlay District (GCOD, [17.420](#))

Location **2696 Cleveland Highway** | Tax Parcel 10138 000058

Commission District Three

Planning Commission Date March 18, 2024

Staff Recommendation **(A) Approval, with conditions**, as the rezoning request is consistent with surrounding development and business types; and
(B) Approval of automobile sales, as the proposed use is consistent with surrounding development and business types
(B) Denial of automobile repair, as the proposed use is inconsistent development and use of surrounding properties.

Planning Commission Recommendation.....**(A) Approval, with conditions**
Vote: 5-0
(B) Approval, with conditions
Vote: 3-2 (Pilcher & Sosebee opposed)

Planning Commission Conditions:

(A)

1. The property shall be developed in accordance with the site plan (Exhibit A) dated December 4, 2023 and as described in the project narrative dated February 7, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Operation of the automobile sales shall commence no earlier than 9:00 am and shall terminate no later than 6:00 pm Monday through Saturday, No business shall be conducted on Sundays, neither sales or repair.
3. The applicant shall coordinate with Georgia Department of Transportation for driveway access off of Cleveland Highway, if required.
4. No variances to Gateway Corridor Overlay standards are granted other than those approved herein (GCOD, 17.420).
5. All conditions of zoning shall be made part of any plat(s) created for the property.
6. All Environmental Health regulations shall be met prior to issuance of occupancy.
7. Pursuant to [2.60.060](#). – effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.
8. All parking in the right-of-way is prohibited.
9. A variance shall be granted for the requirement of a 10-foot landscape strip along Cleveland Highway and Wayman Drive.
10. The following uses listed as permitted in Highway Business (H-B) shall be prohibited: Bus station, drive-in theater, motel/hotel, service station, construction trailer, and adult establishments.
11. All signage, existing and proposed, shall adhere to GCOD standards.
12. Customer and employee parking shall be designated on site. Total parking spaces shall not exceed 40 spaces.

(B)

1. The property shall be developed in accordance with the site plan (exhibit A) dated December 4, 2023 and as described in the project narrative dated February 7, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Operation of the automobile sales shall commence no earlier than 9:00 am and shall terminate no later than 6:00 pm Monday through Saturday, no business shall be conducted on Sundays either sales or repair.
3.
 - a. No repair services for the public shall be permitted. Only vehicles intended for sale by the business shall be permitted and all mechanical services shall be conducted within a garage bay.
 - b. No more than five (5) inoperable vehicles awaiting repair shall be stored on site and shall be stored behind the building in a designated (striped) parking space. Vehicles awaiting repair shall not be stored for longer than five (5) days.
4. The applicant shall coordinate with Georgia Department of Transportation for driveway access off of Cleveland Highway if required.

5. No variances to Gateway Corridor Overlay standards are granted other than those approved herein (GCOD, 17.420).
6. All conditions of zoning shall be made part of any plat(s) created for the property.
7. All Environmental Health regulations shall be met prior to issuance of occupancy.
8. Pursuant to [2.60.060](#). – effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.
9. All parking in the right-of-way is prohibited.
10. A variance shall be granted for the requirement of a 10-foot landscape strip along Cleveland Highway and Wayman Drive.
11. The following uses listed as permitted in Highway Business (H-B) shall be prohibited: Bus station, Drive-in Theater, Motel/hotel, Service station, Construction trailer, and Adult establishments.
12. All signage, existing and proposed, shall adhere to GCOD standards.
13. Customer and employee parking shall be designated on site, total parking spaces shall not exceed 40 spaces.

Excerpts from the minutes of the March 18, 2024 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Ramon Carrillo Jr, 6180 Dahlonga Way, Clermont, presented the request. The applicant presented pictures of the way he has kept his shop in the past and the type of vehicles he will park to the rear of the property. The applicant stated that he would conduct all repairs inside the shop.

Public Forum:

Tony Stephens, 2700 Cleveland Highway, Gainesville, spoke in opposition. Concerns were compliance with Gateway Corridor Overlay District requirements, water runoff, mechanic shops, and proximity to residential property.

Planning Commission Comments:

Mr. Hunt questioned how long the applicant will have repair vehicles on site. The applicant stated he would keep vehicles one to two weeks. Mr. Varner questioned if the applicant would wash cars on the property. The applicant stated he would. Mr. Hunt stated it will have to be discussed with Environmental Health. Mr. Braswell questioned the type of repairs being proposed. The applicant stated that he focuses on body work but will do occasional brake pads and oil changes. Mr. Sosebee questioned if the vehicles are salvage title. The applicant stated some of the vehicles are but not all. Mr. Hunt stated that he would like to limit a maximum of five cars in the rear. The applicant stated that would be fine.

(A)

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

Conditions:

1. The property shall be developed in accordance with the site plan (Exhibit A) dated December 4, 2023 and as described in the project narrative dated February 7, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Operation of the automobile sales shall commence no earlier than 9:00 am and shall terminate no later than 6:00 pm Monday through Saturday, No business shall be conducted on Sundays, neither sales or repair.
3. The applicant shall coordinate with Georgia Department of Transportation for driveway access off of Cleveland Highway, if required.
4. No variances to Gateway Corridor Overlay standards are granted other than those approved herein (GCOD, 17.420).
5. All conditions of zoning shall be made part of any plat(s) created for the property.
6. All Environmental Health regulations shall be met prior to issuance of occupancy.
7. Pursuant to [2.60.060](#). – effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.
8. All parking in the right-of-way is prohibited.
9. A variance shall be granted for the requirement of a 10-foot landscape strip along Cleveland Highway and Wayman Drive.
10. The following uses listed as permitted in Highway Business (H-B) shall be prohibited: Bus station, drive-in theater, motel/hotel, service station, construction trailer, and adult establishments.
11. All signage, existing and proposed, shall adhere to GCOD standards.
12. Customer and employee parking shall be designated on site. Total parking spaces shall not exceed 40 spaces.

(B)

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 3-2

Braswell – aye

Hunt – aye

Varner – aye

Pilcher – nay

Sosebee – nay

(A) & (B) Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated December 4, 2023 and as described in the project narrative dated February 7, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Operation of the automobile sales shall commence no earlier than 9:00 am and shall terminate no later than 6:00 pm Monday through Saturday.
3. Automobile repair shall be prohibited.
4. The applicant shall coordinate with Georgia Department of Transportation for driveway access off of Cleveland Highway.
5. No variances to Gateway Corridor Overlay standards are granted other than those approved herein (GCOD, 17.420).
6. All conditions of zoning shall be made part of any plat(s) created for the property.
7. All Environmental Health regulations shall be met prior to issuance of occupancy.
8. Pursuant to [2.60.060](#) – effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.

The following should be considered as exceptions to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

[17.420.050.D.2.a](#) Other Landscape and Screening Standards – Street Frontage

- Along each street frontage there shall be a ten-foot-wide landscape strip, continuous along the frontage except for perpendicular crossings for driveways and utilities.
 - Applicant has not indicated that the current site conditions would require significant modifications to install a ten-foot-wide landscape strip along Cleveland Highway or Wayman Drive.

[17.420.050.E.1.b](#) Parking Lot Design – Parking Requirements

- Maximum number of parking spaces. The maximum number of parking spaces that may be constructed on impervious surfaces shall be no more than 125 percent of the minimum number of required parking spaces required in [17.250](#) of the Hall County Zoning Regulations.
 - Applicant has proposed 36 parking spaces; however, the exact number of employees is not specified in the submitted narrative so a proper parking count cannot be calculated.

17.420.050.F.1.d. Outdoor Lighting – Streetlights

- All outdoor lighting shall be the semi-cutoff type.
 - Applicant has proposed to utilize existing floodlights; it is not known whether the existing lighting is compliant with regulations.
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Summary Analysis

The applicant is requesting to rezone 0.60± acres of property currently zoned Suburban Shopping (S-S, [17.140](#)) within the Gateway Corridors Overlay District (GCOD, [17.420](#)) to Highway Business (H-B, [17.150](#)). Concurrently, the applicant is requesting the consideration of a use subject to County Commission approval to establish a used automobile sales and an automobile repair business on the 0.60± acres. The applicant is requesting to rezone to Highway Business (H-B, [17.150](#)) as automobile repair is not an allowed use listed in the current underlying zoning district (S-S, [17.140](#)). Additionally, the property falls within the Gateway Corridors Overlay District (GCOD, [17.420](#)) within which automobile sales, used or new, and automobile repair and maintenance requires approval of a conditional use subject to the County Commission. The applicant plans to utilize the existing building as an office and plans to further develop the property by constructing a shop addition to the rear of the site that would accommodate four mechanic bays. The applicant will use the shop to repair inventory to meet safety and reliability standards before selling the repaired vehicles. The applicant will not be providing repair services to the public.

The submitted site plan shows the existing 2,418 square foot brick building and a proposed 3,200 square foot mechanic shop addition to the rear of the site. The site plan shows paved parking areas with 40 parking spaces for customer, employee, and inventory parking. The site also contains an existing pole sign and two existing driveways in the northwest portion of the parcel being utilized as the primary access to the site from Cleveland Highway. There is also a secondary access point to the site from Wayman Drive located on the west side of the parcel. The proposed site plan includes a 6-foot high solid wood fence and a 15-foot transitional buffer located along the rear property line. The applicant references the required 10-foot landscape strip along the frontage of Cleveland Highway and Wayman Drive in a supplemental document that provides responses to the Gateway Corridors Overlay District's development standards (GCOD, [17.420](#)). They stated in this document their desire to avoid planting the required shaded trees as it would hinder the display of their merchandise. A variance must be specifically granted from this standard (GCOD, [17.420](#)).

The narrative includes proposed operation hours of Monday through Saturday from 9 am to 6 pm. The narrative also states that approximately 30 to 40 proposed parking spaces will be used for inventory with an unspecified number of parking spaces designated for employee parking, customer parking, and vehicles undergoing repairs. Also, the applicant states their intention to replace the current pole sign with a monument sign in order to meet Gateway Corridors Overlay District standards. The applicant intends to utilize the existing outdoor lighting, which includes a streetlight, flood lights, and small ground spotlights on the sign, to serve their proposed business. It should be noted that according to the standards of the Gateway Corridors Overlay District, all outdoor lighting shall be a semi-cutoff type (GCOD, [17.420](#)). Per the submitted narrative, water will be provided by the City of Gainesville.

GCOD Analysis

| <u>Standard</u> | <u>Compliance</u> | <u>Proposed Work</u> | <u>Notes</u> |
|--|-------------------|--|---|
| 17.420.050.C – Transitional buffers | Complies | 15-foot transitional buffer with 6-foot solid wood fence | Applicant proposes to include a 15-foot transitional buffer and a 6-foot high solid wood fence based on site plan. The Hall County Code allows a transitional buffer to be reduced by ten feet when a 6-foot-high solid wood fence or masonry wall is incorporated. |
| 17.420.050.D – Other landscape and screening standards | Deficient | 10-foot landscape strip along street frontage | Applicant states that they wish to avoid planting shade trees as the trees would hinder the display of merchandise. A buffer is not shown on the submitted site plan. |
| 17.420.050.E – Parking lot design | Unknown | To add additional parking with asphalt surface | Existing site provides parking for cars to be serviced, customers, employees, and inventory. The application does not state how many employees the business will employ so the proper parking ratio cannot be determined. |
| 17.420.050.F – Outdoor lighting | Deficient | Use of existing floodlights | 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 development character and use to warrant compliance at this time. |
| 17.420.060 – Signs | Unknown | Existing sign to be adapted and reused. | Application indicates that a new sign will be installed which will meet GCOD standards. The existing pole sign does not appear to meet the setback requirement of 15 feet from the right-of-way. |

Based on the future land-use plan, staff finds the requested zoning designation ***not consistent*** with the Hall County [Comprehensive Plan](#) future land use designation of “Lake Area Residential”. This land use category is characterized by low-density single-family residences and agricultural uses. The intent of the land use category is to preserve established neighborhoods and create new permanent and vacation residential development. Future development will continue to be detached, single-family homes at low densities. The Lake Area Residential designation envisions a maximum density of 1 dwelling unit per acre. However, the development has proposed a commercial use within an existing commercial area that is not identified in the Comprehensive Plan for the area.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the board 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 of automobile sale is consistent with the use, development and zoning of adjacent and nearby properties, however, the back of the lot abuts a residential parcel. Furthermore, automobile repair is not consistent with the use, development and zoning of adjacent and nearby properties**
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; however, automobile repair may adversely impact the abutting residential property.**
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, Suburban Shopping (S-S, [17.140](#)), but the proposed business cannot occur as described without rezoning and conditional use approval by the Board of Commission within the Gateway Corridor Overlay District .**
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 proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service.**
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 automobile sales and repairs is inconsistent with the [Comprehensive Plan's](#) future land use classification of Lake Area Residential. However, the Comprehensive Plan does not address the established existing commercial area adjacent to the subject property.**
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 parcel 10138 000058 is currently developed with a 2,418 square foot building. The building was constructed in 1970.**
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; **This change would create an isolated district of Highway Business (H-B, [17.150](#)) zoning on the 0.60± acres parcel. However, there is property zoned Suburban Shopping (S-S, [17.140](#)) adjacent to the subject parcel.**
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 automobile repair services. The establishment of a used vehicle sales lot with automobile repair 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; **As the proposed uses require Board of Commissioner approval within the Gateway Corridors Overlay District (GCOD, [17.420](#)). The applicant would have to find a location appropriately zoned and outside of the Gateway Corridors Overlay District.**
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; **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. **Proposal**

meets the requirement. 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 [17.350.120](#).**
 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 proposal does meet the requirement. The applicant has provided a site plan and included the necessary information to properly assess the development.**
- 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 development does not include a slow rate land treatment 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. **This requirement is not applicable, as no residential development has been proposed.**

Development Support and Constraints / Departmental Comments

Hall County Environmental Health

In an email dated February 13, 2024, Emily McGahee 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. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan. Please note that Zoning approval does not imply approval from other county departments."

Hall County Fire Marshal

In an email dated February 15, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated that the Hall County Fire Marshal's Office has no comments as proposed.

Hall County Public Works and Utilities

In a memo dated February 15, 2024, Bill Nash, Director of 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.

Traffic:

Permit for GDOT will be required for driveway access to Cleveland Highway.

Utilities

Hall County sewer - No connection within feasible distance.

Georgia Department of Transportation

In an email dated February 8, 2024, Veronica Chavers, D1TO Civil Engineer 3, confirmed that this project will require GDOT coordination.