

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Gerardo Vargas

Request Conditional Use

Proposed Use Automobile Repair Garage

Size 0.64± acres

Zoning Light Industrial (I-I, 17.160)

Location **1600 Athens Highway, Building C** | Tax Parcel
15032 000050

Commission District Three

Planning Commission Date October 7, 2024

Staff Recommendation **Approval, with conditions**, as the proposed use
is consistent with the Comprehensive Plan and
adjacent land use.

Record Number.....HZCU24-0037

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

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the updated site plan dated September 10, 2024, and as described in the updated project narrative dated September 10, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The previously approved conditions dated March 9, 2023, as amended, shall apply:
 - a. The standards of the Gateway Corridors Overlay District (GCOD, 17.420) shall apply expect as noted:
 - i. No upgrades to the existing building shall be required.
 - ii. Signage on the existing façade is allowed as long as the new signage does not exceed the square footage of the existing sign.
 - iii. An opaque fence shall be required to parallel US-129 which needs to be completed.

- iv. No storage of materials shall be allowed outside of the fenced area.
 - v. Gravel storage and parking is allowed for the area to the rear of the existing building.
 - b. The development shall follow all Hall County Development Review processes and stormwater requirements.
 - c. If the existing driveway is modified, a permit may be required by GDOT.
 - d. The following uses are not allowed: drive-in theaters, hotels, motels, tourist courts, junk yards, service stations, family day care home, group day care home, adult establishments, astrologers, clairvoyants, fortune tellers, and related occupations to this list of occupations.
- 3. The new 1,800 square foot building shall be allowed to match the existing building in materials, color, and type of construction. Standing seam roof panels shall be allowed. Architectural plans shall be submitted for review and are subject to the approval of the Director of Planning and Zoning.
- 4. All automotive repair of vehicles shall be conducted within the buildings. No outside storage of any equipment or materials other than those vehicles awaiting repair is allowed. Additionally, no storage of vehicles, boats, or recreational vehicles shall be allowed in the rear of the property.
- 5. No more than seven (7) inoperable vehicles awaiting repair shall be stored onsite and said vehicles shall be stored at the rear of the property in the designated parking spaces as shown on the site plan. Vehicles awaiting repair shall be stored no longer than thirty (30) days.
- 6. Landscaping shall be added at the northeast corner of the property, as well as in front of the existing building as depicted on the site plan and is subject to approval of the Director of Planning and Zoning.
- 7. Opaque screening shall be added to the existing vinyl-coated fence where it parallels Athens Highway as well as the driveway on the east side of the property.
- 8. Internal illumination shall be permitted for the proposed monument sign and wall sign. Sign plans shall be submitted for review and are subject to the approval of the Director of Planning and Zoning.
- 9. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.
- 10. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.

Excerpts from the minutes of the October 7, 2024 meeting

Applicant's Presentation:

Kristie Turner, Principal Planner, presented a summary of the request.

Gerado Vargas, 5016 Arthur Avenue, Oakwood, presented the application. The applicant is requesting to amend zoning conditions on a 0.64± acre tract, currently zoned Light Industrial (I-I, 17.160) and within the Gateway Corridors Overlay District (GCOD, 17.420), to allow for the re-establishment of an automobile repair garage.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt brought attention to the fact that the condition from the March 9, 2023 meeting for an opaque fence has not been met. Mr. Hunt stated that will still need to be done. Mr. Hunt wanted further clarification on the separation of the cabinetry business from the auto repair and if they would enter from the same door. The applicant explained that there are two roll up doors with one on the side of the business and one at the rear.

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 updated site plan dated September 10, 2024, and as described in the updated project narrative dated September 10, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The previously approved conditions dated March 9, 2023, as amended, shall apply:
 - a. The standards of the Gateway Corridors Overlay District (GCOD, 17.420) shall apply except as noted:
 - i. No upgrades to the existing building shall be required.
 - ii. Signage on the existing façade is allowed as long as the new signage does not exceed the square footage of the existing sign.
 - iii. An opaque fence shall be required to parallel US-129 which needs to be completed.
 - iv. No storage of materials shall be allowed outside of the fenced area.
 - v. Gravel storage and parking is allowed for the area to the rear of the existing building.
 - b. The development shall follow all Hall County Development Review processes and stormwater requirements.

- c. If the existing driveway is modified, a permit may be required by GDOT.
 - d. The following uses are not allowed: drive-in theaters, hotels, motels, tourist courts, junk yards, service stations, family day care home, group day care home, adult establishments, astrologers, clairvoyants, fortune tellers, and related occupations to this list of occupations.
3. The new 1,800 square foot building shall be allowed to match the existing building in materials, color, and type of construction. Standing seam roof panels shall be allowed. Architectural plans shall be submitted for review and are subject to the approval of the Director of Planning and Zoning.
4. All automotive repair of vehicles shall be conducted within the buildings. No outside storage of any equipment or materials other than those vehicles awaiting repair is allowed. Additionally, no storage of vehicles, boats, or recreational vehicles shall be allowed in the rear of the property.
5. No more than seven (7) inoperable vehicles awaiting repair shall be stored onsite and said vehicles shall be stored at the rear of the property in the designated parking spaces as shown on the site plan. Vehicles awaiting repair shall be stored no longer than thirty (30) days.
6. Landscaping shall be added at the northeast corner of the property, as well as in front of the existing building as depicted on the site plan and is subject to approval by the Director of Planning and Zoning.
7. Opaque screening shall be added to the existing vinyl-coated fence where it parallels Athens Highway as well as the driveway on the east side of the property.
8. Internal illumination shall be permitted for the proposed monument sign and wall sign. Sign plans shall be submitted for review and are subject to the approval of the Director of Planning and Zoning.
9. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.
10. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.

Staff recommends APPROVAL of the applicant's request with the following conditions:

1. The property shall be developed in accordance with the site plan dated September 10, 2024, and as described in the updated project narrative dated September 10, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The previously approved conditions dated March 9, 2023, as amended, shall apply:

- a. The standards of the Gateway Corridors Overlay District (GCOD, 17.420) shall apply except as noted:
 - i. No upgrades to the existing building shall be required.
 - ii. Signage on the existing façade is allowed as long as the new signage does not exceed the square footage of the existing sign.
 - iii. An opaque fence shall be required to parallel US-129.
 - iv. No storage of materials shall be allowed outside of the fenced area.
 - v. Gravel storage and parking is allowed for the area to the rear of the existing building.
 - b. The development shall follow all Hall County Development Review processes and stormwater requirements.
 - c. If the existing driveway is modified, a permit may be required by GDOT.
 - d. The following uses are not allowed: drive-in theaters, hotels, motels, tourist courts, junk yards, service stations, family day care home, group day care home, adult establishments, astrologers, clairvoyants, fortune tellers, and related occupations to this list of occupations.
3. The new 1,800 square foot building shall be allowed to match the existing building in materials, color, and type of construction. Standing seam roof panels shall be allowed.
 4. All automotive repair of vehicles shall be conducted within the buildings. No outside storage of any equipment or materials is allowed. Additionally, no storage of vehicles, boats, or recreational vehicles shall be allowed in the rear portion of the property.
 5. No more than seven (7) inoperable vehicles awaiting repair shall be stored onsite and vehicles shall be stored in designated (striped) parking spaces. Vehicles awaiting repair shall not be stored for longer than thirty (30) days.
 6. Landscaping shall be added at the northeast corner of the property, as well as in front of the existing building as depicted on the site plan and is subject to approval by the Director of Planning and Zoning.
 7. Opaque screening shall be added to the existing vinyl-coated fence where it parallels Athens Highway as well as the driveway on the east side of the property.
 8. Internal illumination shall be permitted for the proposed monument sign and wall sign. Sign plans shall be submitted for review and are subject to the approval of the Director of Planning and Zoning.
 9. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, Fire Marshal, and Hall County Engineering.
 10. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.

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.F.4 - Sign illumination.

- Internally illuminated signs, automatic changeable copy signs, and externally mounted neon signs are prohibited
 - The applicant proposes an internally lit monument sign and wall signage (no neon); however, no renderings have been provided.

Summary Analysis

The applicant is requesting to amend zoning conditions on a 0.64± acre tract, currently zoned Light Industrial (I-I, 17.160) and within the Gateway Corridors Overlay District (GCOD, 17.420), to allow for the re-establishment of an automobile repair garage.

The subject property was approved for a conditional use by the Hall County Board of Commissioners on January 27, 2021, to allow the establishment of an auto repair business in the Highway Business (H-B, 17.150) and Gateway Corridors Overlay District (GCOD, 17.420), subject to the following five conditions (ZON2020-10006):

1. All maintenance of vehicles and storage of equipment shall be indoors.
2. All customer and employee parking shall be clearly marked with striping or parking bumpers.
3. No changes or alterations in the existing landscape strip shall be made to ensure continued compliance with the standards of the GCOD.
4. The approval shall only apply to this applicant.
5. No vehicles, boats, or RV storage allowed in the rear portion of the property.

On March 9, 2023, the subject property was approved for rezoning from Highway Business (H-B, 17.150) to Light Industrial (I-I, 17.160) with a conditional use for countertop manufacturing to include outdoor storage subject to the following four conditions (HZON23-0016 & HZCU23-0009):

1. The standards of the Gateway Corridors Overlay District (GCOD, 17.420) shall apply except as noted:
 - a. No upgrades to the existing building shall be required.
 - b. Signage on the existing façade is allowed as long as the new signage does not exceed the square footage of the existing sign.
 - c. An opaque fence shall be required to parallel US-129.
 - d. The new 816 sq. ft. building shall be allowed to match the existing building in materials. Color, and type of construction. Standing seam roof panels shall be allowed.
 - e. No storage of material shall be allowed outside of the fenced area.
 - f. Gravel storage and parking is allowed for the area in the rear of the existing building.
2. The development shall follow all Hall County Development Review processes and stormwater requirements.
3. If the existing driveway is modified, a permit may be required by GDOT.

4. The following uses are not allowed: automobile repair garage, drive-in theaters, hotels, motels, tourist courts, junk yards, planned-unit developments on a minimum of ten acres, service stations, family day care home, group day care home, adult establishments, astrologers, clairvoyants, fortune tellers, and related occupations to this list of occupations.

The property is currently developed with a 5,500 square foot metal building which was constructed in 1983, with a paved parking lot in the front, gravel drive along the west side of the building, and a gravel parking area in the rear. The approved countertop business operates out of a portion of the building.

Per the submitted narrative dated September 10, 2024, the applicant is requesting to amend the previously approved conditions to re-establish the use of an automobile repair garage. Approximately 1,000 square feet of the building is currently used for the existing countertop business. Another 1,100 square feet would be dedicated for the automotive repair business office and customer waiting area with the remaining 3,400 square feet utilized for automobile repair activities. The applicant proposes to construct an approximate 1,800 square foot metal building at the rear of the property to accommodate a paint booth and provide an additional area for automobile repair.

Per the narrative and site plan, the applicant is proposing to add some landscaping where possible on the northeast corner around the monument sign and along the northwest corner of the existing building. Six customer parking spaces are provided in the front parking lot with eleven parking spaces in the back portion of the property for employee and vehicles awaiting repair. Most vehicles being serviced will be kept within the buildings. The existing fencing is black vinyl-coated chain link, and privacy screening will be added to the gate facing Athens Highway and to the fence along the east property line bordering the driveway. Hours of operation are proposed to be Monday-Friday from 8am-7pm and Saturday from 8am-2pm.

Based on the future land use plan, staff finds the conditional use request *is consistent* with the Comprehensive Plan's future land use classification of a mixed-use corridor. Mixed-use corridors are anticipated to include retail activities, office-based employment, and civic uses. Low-impact industrial or higher-density residential only should exist where the same is found on adjacent properties. The adjacent properties to the west, south and east consist of light industrial uses including a truck yard and large automobile storage lot for online auto sales.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision (17.380.060), the 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 requested use is consistent with the previous approval allowing automobile repair (ZON2020-100006) and with the current zoning of the property and neighboring commercial/industrial businesses.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposal will adversely affect adjacent properties.**

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned Light Industrial (I-I, 17.160).**
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, or utilities; **It is not anticipated that the proposed zoning use will result in an excessive or burdensome use of existing infrastructure.**
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 zoning designation has been established by previous Board action. The requested modification does not impact the designated future land use of the area.**
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; **The existing building was constructed in 1983 and a series of businesses have operated from the site including fabrication, embroidery, used car sales, auto repair and the existing countertop business.**
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; **Staff is not aware of any 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 to amend conditions within the existing Light Industrial (I-I, 17.160) zoning district will not create an isolated district.**
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; **The request is not out of scale with the needs of the immediate neighborhood or 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 existing zoning of the subject site supports the proposed use,**

however, being within the Gateway Corridors Overlay District requires the amendment of the existing zoning conditions.

15. Whether the need for rezoning could be handled instead by a variance request to the zoning board of adjustment; **The request could not be handled alternatively as 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 are no anticipated ecological or pollution impacts 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 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]. **Proposal does provide a narrative outlining amendment of conditions requested; however, the applicant has not prepared a response to each of 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 proposal does meet the requirement. The applicant has provided a site plan and included much of the necessary information to properly assess the development. However, information about adjacent parcels is limited.**

- 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 to the applicant's request.**
- 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 standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated September 18, 2024, Emily McGahee stated the following: "No floor drains or process wastewater to be discharged to the existing septic system. Domestic waste only. Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. 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 August 30, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, stated the following: "The project narrative states that a paint booth will be installed inside the building. In order for the paint booth to be approved for installation mechanical drawings will have to be submitted to the Hall County Building Department to be reviewed for approval and permitting by both the Hall County Building and Fire Department, the same requirements will also apply to an outside paint booth. The occupancy will be required to pass a life safety inspection by the Hall County Fire Marshal's Office prior to issuance of a business license."

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated September 6, 2024, Bill Nash, Director of Public Works, stated the following:

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:

No comment.

Utilities:

No comment.

Georgia Department of Transportation

In an email dated September 3, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated GDOT coordination is required.