

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Ramon Carrillo Jr.

Request Special Use request

Proposed Use Used auto sales and repair

Size 4.41± acres

Zoning Highway Business (H-B) within the Gateway
Corridors Overlay District (GCOD)

Location **4163 Cleveland Highway** | Tax Parcel 12026
000009 (pt.)

Commission District Three

Planning Commission Date December 2, 2024

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

Record Number.....HZCU24-0019

Planning Commission Recommendation.....**Approve, with conditions**

Vote: 4-0 (Johnny Varner absent)

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated November 14, 2024, and as described in the updated project narrative dated November 18, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval. The maximum square footage of the show room shall not exceed five thousand (5,000) square feet in size and the shop shall not exceed eight thousand (8,000) square feet in size.
2. Subdivision of the property shall be subject to the plat review process.
3. Access to the development shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.
4. The new office and shop buildings shall comply with the architectural standards of the Gateway Corridors Overlay District and are subject to approval by the Director of Planning and Zoning or their designee.

5. All maintenance and repair of vehicles shall be conducted within the shop building. No outside storage of any equipment or materials is allowed. Additionally, no storage of vehicles, boats, or recreational vehicles for rental purposes shall be allowed on the property.
6. There shall be a 25 foot wide transitional buffer adjacent to the northern and western property lines.
7. Signage shall comply with Gateway Corridors Overlay District standards and is subject to the approval of the Director of Planning and Zoning or their designee.
8. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
9. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
10. The 10 foot front landscape strip shall be exempt from the shade tree requirement with final review and approval subject to the Director of Planning and Zoning or their designee.
11. Roll-up doors must not be installed on the front of any building or any building facing US Highway 129.
12. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:
"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
13. Gravel shall not be permitted as a paving surface material within the Gateway Corridors Overlay District. All parking areas and driveways within the development shall be paved with asphalt or concrete including other pervious paving materials subject to the final review and approval by the Director of Planning and Zoning or their designee.
14. Although fencing is not required, if the applicant chooses to install a fence, the fencing along Cleveland Highway must contain brick or stone columns every 50 feet as well as ornamental or wrought iron fencing. All other fencing along the side and rear property lines must be vinyl-coated chain link fencing, 6 feet in height.
15. The hours of operation shall be Monday through Friday 9:00 am to 6:00 pm and Saturday 10:00 am to 6:00 pm.

Excerpts from the minutes of the December 2, 2024 meeting

Applicant's Presentation:

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

Ramon Carrillo Jr, 6180 Dahlonge Highway, Clermont, presented the request. The applicant is requesting approval for a use subject to the county commission to establish a used automobile sales and an automobile repair business on a 4.41± acre tract, zoned Highway Business (H-B) and within the

Gateway Corridors Overlay District (GCOD). On August 8, 1983, the subject property was approved by the Board of Commissioners for rezoning from Agricultural Residential IV (AR-IV) to Highway Business (H-B) to allow for a bake shop and catering business located at the front of the property and a grading company located at the rear of the property. The zoning district of H-B allows for automobile sales, however, GCOD standards require the use to be approved by the county commission.

Public Forum:

Matthew Truelove, 4185 Cleveland Highway, Gainesville, spoke in opposition. Concerns raised were the site of this business from his property that his family has owned for over 100 years, the traffic this business would create, as well as the additional traffic from the U-turn on Cleveland Highway.

Planning Commission Comments:

Mr. Braswell asked the applicant what his plan was for the existing structure. The applicant explained it was going to be demolished, the areas graded and then a forty foot by eighty foot show room and one hundred foot by eighty foot shop would be constructed. Mr. Hunt asked which sides of the building would have bay entrances. The applicant stated the front and the back. Mr. Hunt asked if the applicant would be willing to just have bay doors in the back and the applicant agreed. Mr. Hunt asked the applicant if he intends to add fencing to his property. The applicant stated he will have fencing along the right side with the 25 foot buffer. Ms. Pilcher expressed concerns about the U-turn traffic and disturbance it would create to adjacent residential properties. Mr. Braswell brought up elevation differences in the residential area and the applicants property. Mr. Braswell questioned the proposed business hours of Monday through Friday being 9:00 am - 6:00 pm and Saturday being 10:00 am - 6:00 pm. The applicant confirmed the hours.

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: (4-0, Johnny Varner Absent)

Conditions:

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2. Subdivision of the property shall be subject to the plat review process.
3. Access to the development shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.
4. The new office and shop buildings shall comply with the architectural standards of the Gateway Corridors Overlay District and are subject to approval by the Director of Planning and Zoning or their designee.

5. All maintenance and repair of vehicles shall be conducted within the shop building. No outside storage of any equipment or materials is allowed. Additionally, no storage of vehicles, boats, or recreational vehicles for rental purposes shall be allowed on the property.
6. There shall be a 25 foot wide transitional buffer adjacent to the northern and western property lines.
7. Signage shall comply with Gateway Corridors Overlay District standards and is subject to the approval of the Director of Planning and Zoning or their designee.
8. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
9. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.
10. The 10 foot front landscape strip shall be exempt from the shade tree requirement with final review and approval subject to the Director of Planning and Zoning or their designee.
11. Roll-up doors must not be installed on the front of any building or any building facing US Highway 129.
12. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:
"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
13. Gravel shall not be permitted as a paving surface material within the Gateway Corridors Overlay District. All parking areas and driveways within the development shall be paved with asphalt or concrete including other pervious paving materials subject to the final review and approval by the Director of Planning and Zoning or their designee.
14. Although fencing is not required, if the applicant chooses to install a fence, the fencing along Cleveland Highway must contain brick or stone columns every 50 feet as well as ornamental or wrought iron fencing. All other fencing along the side and rear property lines must be vinyl-coated chain link fencing, 6 feet in height.
15. The hours of operation shall be Monday through Friday 9:00 am to 6:00 pm and Saturday 10:00 am to 6:00 pm.

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 November 14, 2024, and as described in the updated project narrative dated November 18, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Subdivision of the property shall be subject to the plat review process.
3. Access to the development shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.
4. The new office and shop buildings shall comply with the architectural standards of the Gateway Corridors Overlay District and are subject to approval by the Director of Planning and Zoning or their designee.
5. All maintenance and repair of vehicles shall be conducted within the shop building. No outside storage of any equipment or materials is allowed. Additionally, no storage of vehicles, boats, or recreational vehicles for rental purposes shall be allowed on the property.
6. There shall be a 25 foot wide undisturbed buffer adjacent to the northern and western property lines.
7. Signage shall comply with Gateway Corridors Overlay District standards and is subject to the approval of the Director of Planning and Zoning or their designee.
8. 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 Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to Environmental Health, the Fire Marshal, and Hall County Engineering.
9. 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:

1. 17.420.050.D.2 – 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. The landscape strip shall be planted with shade trees (six feet tall, two inches caliper, dbh, at time of planting, and

not less than 35 feet tall at maturity) planted not less than 40 feet on center, and shrubbery forming an intermittent hedge not less than three feet in height designed to provide an adequate screen.

- The applicant proposes a 10 foot wide landscape strip along the frontage; however, the applicant is asking for a variance from planting trees in order to maintain visibility of the car lot from the road.
2. 17.420.050.E.3 – Paving materials for parking lots.
- All parking areas shall be paved with asphalt, concrete (or pervious materials approved by the director.)
 - The applicant proposes to pave the driveway with asphalt and requests a variance from the paving requirement for parking areas to allow gravel surface.

Summary Analysis

The applicant is requesting approval for a use subject to the county commission to establish a used automobile sales and an automobile repair business on a 4.41± acre tract, zoned Highway Business (H-B) and within the Gateway Corridors Overlay District (GCOD).

On August 8, 1983, the subject property was approved by the Board of Commissioners for rezoning from Agricultural Residential IV (AR-IV) to Highway Business (H-B) to allow for a bake shop and catering business located at the front of the property and a grading company located at the rear of the property.

Per the submitted narrative, the applicant is proposing to establish a used auto sales and repair business on 4.41± acres of the existing 5.16± acre parcel. The property is currently developed with a 2,664 square foot residence constructed in 1960; the remaining acreage is undeveloped.

Per the narrative, the existing residence will be removed, and a new 3,500 square foot office building will be constructed with the building perimeter being landscaped per GCOD standards. The narrative further states that an 8,000 square foot shop building is proposed to be constructed behind the office and will also meet GCOD architectural standards.

The applicant is requesting an exception from parking lot standards to allow the parking areas to be surfaced with gravel, while the main driveway and drive aisles are to be paved with asphalt. The applicant is proposing a landscape island with shade trees located between the lower and upper parking sections. Per the narrative, the applicant is proposing a 10 foot wide landscape strip along Cleveland Highway; however, the applicant is requesting a variance from shade trees in the landscape strip to avoid obstructing the visibility of the car lot from the road. The applicant states that they intend to preserve as much of the natural vegetation as possible in the transitional buffers and rear of the property.

Per the narrative, the hours of operation are proposed to be Monday through Friday from 9:00 am - 6:00 pm and Saturday from 10:00 am-6:00 pm. Per the applicant, all vehicle repair and maintenance work will be conducted inside the proposed building and all vehicles awaiting repair will be parked behind the shop building.

GCOD Analysis

Standard	Compliance	Proposed Work	Notes
17.420.050.C – Transitional buffers	Complies	25 foot buffer along the northern and western property lines maintaining as much mature vegetation as possible	
17.420.050.D – Other landscape and screening standards	Deficient	Street frontage 10 foot wide landscape strip proposed.	Exception requested to omit shade trees. *
17.420.050.E – Parking lot design	Deficient	Gravel surface requested for parking spaces.	Asphalt paving is proposed for all areas excluding parking spaces. *
17.420.050.F – Outdoor lighting	Unknown	Lights shall comply with 17.420.050	Shall comply with GCOD standards.
17.420.050.G – Interparcel access	Not applicable	Not applicable	
17.420.050.H – Architectural standards for non-residential buildings	Complies	Building materials are not specified but applicant states that building material will comply.	
17.420.060 – Signs	Deficient	Pole sign labeled on site plan; however, narrative states signs will comply.	Signs shall comply with GCOD standards.
Note: Items marked with an asterisk (*) do not conform to 17.420.050 or are unspecified in the application.			

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 Business Nodes & Corridors. Business Nodes & Corridors are anticipated to include higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate. Site designs should use the Quality Development Principals discussed within the plan, particularly natural resource protections and high quality landscape installations, to the fullest extent possible. Retail activities, office-based employment, and civic uses are appropriate. Low impact industrial or higher-density residential only should exist where the same is found on adjacent properties.

The adjacent property to the south is developed with a shopping center. Additionally, there is a commercial development south of the property at the intersection of Cleveland Highway and Jim Hood Road and Nopone Road.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision (11.2.6.F), 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 Highway Business zoning district and adjacent commercial development.**
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; however, vehicle sales and repair cannot occur as described within the Gateway Corridors Overlay District (GCOD) without approval by the Board of Commissioners.**
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 conditional 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 use is consistent with the Comprehensive Plan's future land use classification of Business Nodes & Corridors.**
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 property was rezoned from Agricultural Residential IV (AR-IV) to Highway Business (H-B) in 1983 and is currently developed with a residence constructed in 1960.**
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 for a use subject to county commission approval to establish an automobile sale and repair business within the existing Highway Business (H-B) zoning district and Gateway Corridor Overlay District (GCOD) 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 does not appear to be 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 proposed use of used automobile sales and repair requires approval by the Board of Commissioners for any parcel located in the Gateway Corridor Overlay District (GCOD).**
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.**

11.2.6.E - 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 Table 11.2.1 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 11.2.6.E. **Proposal does provide a narrative outlining the request.**

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 section 11.2.6.E.2.c), 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 October 3, 2024, Emily McGahee stated the following: "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."

Hall County Fire Marshal

In an email dated October 3, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, stated the following: "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated October 3, 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:

GDOT permit required.

Utilities:

Hall County Sewer Service Area.

Georgia Department of Transportation

In an email dated October 1, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is required.