

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Fast Lube Solutions, LLC c/o Kevin Herbert

**Request** ..... Rezone | from Agricultural Residential IV (AR-IV, 17.120), Highway Business (H-B, 17.150), and Residential II (R-II) to Highway Business (H-B, 17.150) and Gateway Corridors Overlay District (GCOD, 17.420)

**Proposed Use** ..... Truck Terminal

**Size** ..... 18.06± acres

**Zoning** ..... Current: Agricultural Residential IV (AR-IV, 17.120), Highway Business (H-B, 17.150), and Residential II (R-II) | Proposed: Highway Business (H-B, 17.150)

**Location** ..... **2017 Athens Highway** | Tax Parcel 15032E002012A

**Commission District** ..... Four

**Planning Commission Date** ..... September 16, 2024  
December 2, 2024  
January 6, 2025

**Staff Recommendation** ..... **Denial**, as the proposed use is inconsistent with surrounding zoning districts and the “Activity Center” future land use in the Comprehensive Plan

**Record Number**.....HZON24-0022

**Planning Commission Recommendations**.....**Withdrawal**

**Vote: 5-0**

**Excerpts from the minutes of the January 6, 2025 meeting**

**Applicant’s Presentation:**

**Katie Greenway, Planning and Zoning Administrator**, stated that the applicant has requested to withdraw both item A and B.

**A**

**Motion: A motion to withdraw was made by Gina Pilcher and seconded by Stan Hunt. Vote: 5-0**

**B**

**Motion: A motion to withdraw was made by Johnny Varner and seconded by Gina Pilcher. Vote: 5-0**

*Item originally included (B) Use subject to Planning Commission approval. This part of the request was subject to the Planning Commission for final action, and they voted to approve the withdrawal.*

**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, stating that the applicant wishes to table the request to the January 6, 2025 Planning Commission meeting.

**A**

**Motion: A motion to table to January 6, 2025 was made by Gina Pilcher and seconded by Stan Hunt. Vote: (4-0, Johnny Varner Absent)**

**B**

**Motion: A motion to table to January 6, 2025 was made by Gina Pilcher and seconded by Stan Hunt. Vote: (4-0, Johnny Varner Absent)**

*Item originally included (B) Use subject to Planning Commission approval. This part of the request was subject to the Planning Commission for final action, and they voted to approve the withdrawal.*

**Excerpts from the minutes of the September 16, 2024 meeting**

**Applicant's Presentation:**

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

**Kevin Herbert, 2490 GA Highway 105, Demorest**, presented the application with photos of the property's current renovations as well as other finished products to show the quality of his work in other counties. The applicant is requesting to (A) rezone an 18.06± acre tract from Agricultural Residential IIV (AR-III, 17.120), Highway Business (H-B, 17.150), and Residential II (R-II) to Highway Business (H-B, 17.150) within the Gateway Corridors Overlay District (GCOD, 17.420). Concurrent to this request, the applicant is requesting (B) a use subject to Planning Commission approval for a truck terminal consisting of approximately 53 tractor-trailer parking spaces paved with asphalt. The property is currently developed with a metal building on the southern portion, previously approved for automobile repair.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell requested clarification about the truck parking area of the development. Mr. Herbert stated that companies and individuals could lease parking spaces for trucks and trailers. Mr. Varner asked if it would be only for independent and fleet leases and the applicant confirmed. Ms. Pilcher asked if those leasing would have access to stay and sleep in their vehicles which the applicant stated they would not and the lot would be just for parking. Mr. Varner questioned the term “heavy equipment” and what that would entail. The applicant expressed it would be for landscape or construction equipment loaded on a trailer. Mr. Braswell asked if the applicant was intending to construct bathrooms for those leasing the spaces and the applicant stated that he did not intend on doing that as it did not seem necessary for a property without overnight access. Mr. Hunt clarified that only vehicles would be parked and no materials or crates would be stored. The applicant confirmed. The Planning Commission asked for further clarification on operational hours and whether a gate with limited access would be present. The applicant stated there would be a gate and that no one would have access after 6:00 p.m. Mr. Braswell discussed the site plan, emphasizing the stream crossings and stream buffers. The applicant and Planning Commission discussed the existing detention pond on the property. The Planning Commission suggested speaking with an engineer to look into the history of the existing detention pond and if that area could be utilized as an alternative to crossing the stream.

**(A)**

***Motion: A motion to table to the meeting on December 2, 2024 was made by Mr. Varner and seconded by Ms. Pilcher. Vote: 5-0***

**(B)**

***Motion: A motion to table to the meeting on December 2, 2024 was made by Mr. Varner and seconded by Ms. Pilcher. Vote: 5-0***

*Item originally included (B) Use subject to Planning Commission approval. This part of the request was subject to the Planning Commission for final action, and they voted to approve the withdrawal.*

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**Staff recommends DENIAL of the applicant’s request. However, if the Planning Commission sees fit to approve this request, Staff recommends the following conditions:**

1. The property shall be developed in accordance with the site plan dated June 27, 2024, and as described in the project narrative dated August 6, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The long-term storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.
3. Prior to the issuance of a business license, documentation shall be provided which details how the waste from the maintenance of automobiles is to be disposed of.
4. Any future development shall be subject to the Hall County Development Review process.
5. Any future development shall be subject to the Gateway Corridors Overlay District standards.

6. Hours of operation shall be Monday through Saturday, 7:00 am to 6:30 pm.
7. There shall be a 25 foot undisturbed buffer along all property lines, excluding the road frontage, using the existing mature landscape and supplemented with additional planted evergreens with installation height of no less than 6 feet to provide sufficient screening of the development. Final review of the landscape plan shall be subject to the approval of the Director of Planning and Zoning or their designee.
8. Access to the property shall be approved by the Hall County Engineering Department, City of Gainesville, and/or the Georgia Department of Transportation as applicable. The developer shall be responsible for all costs associated with improvements necessary for access to the development.
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 the 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 property.

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**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.C.2– Width of transitional buffers.

- Where a commercial zoning district abuts property zoned for single-family residential or agricultural use, the minimum width shall be 25 feet. Where a commercial zoning district abuts property zoned for multi-family residential use the minimum width shall be 25 feet.
  - The applicant has proposed a 20 foot planted buffer along the property line abutting parcel 15032002008A only. This does not meet the standard.

17.420.050.D.a – 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.
  - No landscape strip has been proposed. This does not meet the standard.

### Summary Analysis

The applicant is requesting to (A) rezone an 18.06± acre tract from Agricultural Residential IIV (AR-III, 17.120), Highway Business (H-B, 17.150), and Residential II (R-II) to Highway Business (H-B, 17.150) within the Gateway Corridors Overlay District (GCOD, 17.420). Concurrent to this request, the applicant is requesting (B) a use subject to Planning Commission approval for a truck terminal consisting of approximately 53 tractor-trailer parking spaces paved with asphalt. The property is currently developed with a metal building on the southern portion, previously approved for automobile repair and maintenance with the following conditions:

1. The development shall occur as described in project narrative and as depicted on site plan, modified for compliance at time of development.
2. The storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.
3. Prior to the issuance of a business license, documentation shall be provided detailing how waste from the maintenance of automobiles is to be disposed of.
4. Any future development shall be subject to the Hall County Development Review process.
5. Any future development shall be subject to the Gateway Corridors Overlay District standards.
6. Hours of operation shall be Monday through Saturday, 7:00am to 6:30pm
7. All conditions of zoning shall be made part of any plat created for the property.

The applicant plans to continue this use while adding a truck terminal.

The property borders two parcels zoned for Highway Business to the south. To the north and west, it is adjacent to several residential parcels with low-density single-family homes, while apartment buildings are located to the east within the Gainesville city limits.

According to the submitted narrative, the applicant is seeking to rezone the subject parcel from Agricultural Residential III (AR-III, 17.120), Highway Business (H-B, 17.150), and Residential II (R-II) to solely Highway Business (H-B, 17.150) to accommodate a truck terminal north of the existing metal building, which will continue to function as an automobile repair and maintenance shop. The proposed truck terminal will include approximately 53 parking spaces, paved with asphalt, designated exclusively for tractor-trailer parking. The narrative also describes plans to enhance the existing detention pond by incorporating underground stormwater detention and to relocate the reserve septic field, subject to the results of a soil study, to better serve the property.

The property is served by two points of ingress and egress: one servicing the existing metal building along Athens Street and another for the proposed truck terminal along Athens Highway. Access from Athens Highway is subject to approval by the Georgia Department of Transportation (GDOT).

According to the site plan, the applicant is proposing a 20 foot planted buffer abutting tax parcel 15032002008A. The Gateway Corridor Overlay District standards require a transitional buffer of a minimum width of 25 feet where a commercial zoning district abuts property zoned for single-family residential or agricultural use or a multi-family residential use. This does not meet the standard.

Furthermore, the narrative states that the hours of operation will be 24 hours a day and 7 days a week, that non-spill lighting will be used along the roadway for access and safety, and further outlines the building setbacks as: front 30 feet from property line or 55 feet from centerline of road (whichever is greatest), side: 10 feet, rear: 20 feet.

Per the submitted narrative, the property will be served by an onsite septic system. No water availability letter was provided.

Several exceptions from GCOD standards are being requested. The development standards for the project are described in the table below and are compared with the GCOD requirements, (17.420.050 & .060):

**GCOD Analysis**

<b>Standard</b>	<b>Compliance</b>	<b>Proposed Work</b>	<b>Notes</b>
17.420.050.C – Transitional buffers	Deficient	20 ft planted buffer	A transitional buffer of 25 feet is required.
17.420.050.D – Other landscape and screening standards	Deficient	None	A 10 foot landscape strip along the frontage is required.
17.420.050.E – Parking lot design - Phase 1	Complies	Asphalt parking for approximately 53 tractor trailers	
17.420.050.F – Outdoor lighting	Unknown	Applicant proposes non-spill lighting along the road frontage, but does not specific any further detail	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	Not applicable	Not applicable	
17.420.060 – Signs	Unknown	Unknown	Shall comply with GCOD standards.

**Based on the future land-use plan, staff finds the request is inconsistent with the Comprehensive Plan and future land use designation of Activity Center.** The intent of the Activity Center is to enhance and create concentrated commercial uses, employment centers and mixed-use development in defined areas that are served by a network of paths and streets suitable for pedestrians as well as cars.

### Zoning Analysis

When considering a zoning amendment to the zoning maps, the following items must be considered:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The proposed zoning district and conditional use for a truck terminal does not permit a use suitable to the use and development of adjacent and nearby properties, and the proposed use abuts several residentially zoned and developed parcels.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use of a truck terminal may adversely affect adjacent residential properties.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has reasonable economic use as currently zoned; however, the proposed use cannot occur as described without rezoning and conditional use approval.**
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; **The proposed use may 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 land use plan; **The proposed use is inconsistent with the Comprehensive Plan and the Activity Center future land use designation. The intent of the activity center is to enhance and create concentrated commercial uses, employment centers and mixed-use development in defined areas that are served by a network of paths and streets suitable for pedestrians as well as cars.**
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 site is currently developed with a metal building previously approved for automobile repair and maintenance.**

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; **No existing or changes conditions have been identified that affect the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**
  11. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning would 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; **In general, the use does not appear to be out of scale with the needs of the county as a whole; however, the use may be out of scale due to its proximity to surrounding residential development.**
  14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the County that support Highway-Business uses; however, as the proposed uses require County Commissioner approval for rezoning and Planning Commission approval for a truck terminal, the applicant would have to make this request on any other property in the county.**
  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 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. 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 both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**



- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section 17.380.060.C of this section [chapter]. **The proposal provides a narrative outlining the intent of the development; 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 meets the requirement.**
- 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 August 13, 2024, Emily McGahee stated "Please be advised that proposed truck parking is over the proposed septic system included in approved civil plan HDV2021-0094."

#### **Hall County Fire Marshal**

In an email dated August 14, 2024, John Hornick, NPQ Fire Service Plans Examiner 1, Lieutenant stated, "The Hall County Fire Marshal's Office has no comments as proposed."

#### **Hall County Public Works and Utilities**

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

**Traffic:**

Any new driveway or existing driveway modifications will require a permit from GDOT and/or the City of Gainesville.

**Utilities:**

Gainesville sewer area. Sewer is on south side of Athens Highway.

**Georgia Department of Transportation**

In an email dated August 12, 2024, Veronica Chavers, D1TO Civil Engineer III, stated that GDOT coordination is required.