

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Luis Hermosillo

Request (A) **Special Use** | Vehicle repair, major within GCOD

Proposed Use Vehicle repair, major

Size 0.60± acres

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

Location **5349 Browns Bridge Road** | Tax Parcel 08080 002058

Commission District Two

Planning Commission Date April 7, 2025

Staff Recommendation (A) **Approval, with conditions**, as the proposed use is consistent with the Business Nodes & Corridors future land use classification within the Comprehensive Plan

Record Number.....(A) HZCU25-0003

Planning Commission Recommendation**Denial**

Vote: 5-0

Excerpts from the minutes of the April 7, 2025 meeting

Applicant’s Presentation:

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

Rick Freeland, 3522 Old Puckett Mill Road, Gainesville presented the request. The applicant has submitted three concurrent requests as part of a proposed commercial development: (A) approval of a special use for vehicle repair, major on a 0.60± acre tract, zoned Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD); (B) a variance request to off-street parking requirements (8.1.2.A); and (C) a variance request to parking lot design standards of the Gateway Corridor Overlay District (GCOD) (6.2.5.C.2.d and e). According to aerial imagery, the property appears to be vacant and wooded until November 2023. In November 2023, imagery shows that the site had been cleared,

graded, and enclosed with a fence and gate, and a shipping container had been placed on the property. There are no records of permits for clearing or grading of the property or for the installation of any of the construction items on the property.

Public Forum:

Two comments in opposition were received electronically.

Planning Commission Comments:

Mr. Braswell asked why the applicant is pursuing this location in the Gateway Corridor Overlay District (GCOD) for the business. Mr. Freeland explained this would be a good location for the tire shop as it is in an area surrounded by commercial activity. Mr. Sosebee and Mr. Varner asked what specific activities the applicant planned to conduct that would qualify as major vehicle repair. The applicant's representative stated that the business would involve tire repairs, replacements, and sales, and that there would also be an area that could be rented to other tenants for light vehicle repairs. Mr. Hunt confirmed with Planning and Zoning Director Beth Garmon that tire repair falls under the classification vehicle repair, major. Ms. Garmon explained that the Unified Development Code (UDC) contains vehicle repair, minor and vehicle repair, major. Based on the descriptions provided in the application, the proposed tire shop is considered vehicle repair, major.

A

Motion: A motion to deny was made by Frank Sosebee and seconded by Shannon Davidson and Johnny Varner. Vote: 5-0

B

Motion: A motion to deny was made by Frank Sosebee and seconded by Shannon Davidson. Vote: 5-0

C

Motion: A motion to deny was made by Frank Sosebee and seconded by Shannon Davidson. Vote: 5-0

Item originally included (B) Variance to section 8.1.2.A – Parking standards and (C) Variance to section 6.2 – GCOD parking lot design standards. These requests were subject to the Planning Commission for final action, and the board voted to deny both.

(A) Staff recommends APPROVAL of the applicant's Special Use request with the following conditions:

1. The property shall be developed in accordance with the site plan dated January 31, 2025, and as described in the project narrative dated February 12, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. 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.
3. Operation of the tire shop and vehicle repair businesses shall commence no earlier than 7:00 am and shall terminate no later than 6:00 pm Monday through Saturday. No business activities shall be conducted on Sundays.

4. All service activities 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 shall be allowed on the property.
5. The building shall comply with the architectural standards of the Gateway Corridor Overlay District and renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning or their designee.
6. 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.
7. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

(B, C) Staff recommends DENIAL of the applicant's requests.

The following are exceptions requested by the applicant, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

1. **Section 6.2.5.C.2.d – Parking Lot Design** - All parking areas must be paved with asphalt, concrete or pervious materials approved by the Director.
 - The applicant proposes gravel surface for parking areas except the entrance driveway and one ADA parking space. **This does not meet the standard.**
2. **Section 6.2.5.C.2.e – Parking Lot Design** - Off-street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street.
 - The applicant proposes a portion of the parking area would be located between the proposed building and Browns Bridge Road. **This does not meet the standard.**
3. **Section 8.1.2.A – Off-Street Parking Requirements** - Off-street parking spaces must be provided with vehicular access to a street or alley and must be equal in number to the minimum requirements as specified in Table 8.1.1.
 - Per Table 8.1.1 for Vehicle repair, major requires 2 spaces per 300 square foot building area. Total required for this application is 21 spaces.
 - The applicant is proposing 13 parking spaces. **This does not meet the standard.**
4. **Section 8.2.2.A.b Fences and Walls** - Nonresidential: Fences and walls in nonresidential districts must be ornamental or decorative and must be constructed of wood, brick, stone, metal, or split rail. The use of chain link fencing, barbed wire, and metal mesh is not permitted.
 - The applicant proposes black or green-coated chain link security fencing around the perimeter of the property, with a gated driveway entrance. The fence height is not specified. **This does not meet the standard.**

Summary Analysis

The applicant has submitted three concurrent requests as part of a proposed commercial development: (A) approval of a special use for vehicle repair, major on a 0.60± acre tract, zoned Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD); (B) a variance request to off-street parking requirements (8.1.2.A); and (C) a variance request to parking lot design standards of the Gateway Corridor Overlay District (GCOD) (6.2.5.C.2.d and e).

According to Google Street View imagery, the property appears to be vacant and wooded until November 2023. By November 2023, imagery shows that the site had been cleared, graded, and enclosed with a fence and gate, and a shipping container had been located on the property. Hall County aerial imagery depicts several items occupying the property, including multiple dumpsters and the same shipping container identified in the Google imagery. There are no permits on file with Hall County for clearing or grading of the property or for the installation of any of the construction items on the property.

The surrounding properties are zoned and developed as outlined below:

- North: Residential 1 (R-1): Developed with single-family residences.
- South: Highway Business (H-B(C)): Undeveloped, approved for outdoor and self-storage (ZON2016-00066) & Agricultural Residential 1 (AR-1): Developed with a single-family residence.
- East: Highway Business (H-B(C)): Undeveloped, approved for outdoor and self-storage (ZON2016-00066)
- West: Highway Business (H-B): Undeveloped

Per the submitted narrative, the applicant is proposing to establish a tire shop and vehicle repair business on the subject parcel. The applicant proposes a 3,200 square foot building with services offered to include tire changes and routine automobile service. No tire recapping will be done on site, and dismantled or wrecked vehicles will not be kept on-site. Per the narrative, operating hours will be from 7:00 am to 6:00 pm, Monday through Saturday. The shop will be closed on Sundays.

Per the submitted site plan, all required building setbacks, perimeter landscaping standards, and buffers will be met. Per the submitted elevations and narrative, the proposed building will feature brick and stucco façade finishes. Additionally, the applicant proposes black or green-coated chain-link security fencing around the perimeter of the property, with a gated driveway entrance.

The applicant is requesting a variance to reduce the required number of parking spaces from 21 to 13. Table 8.1.1 of the UDC requires 2 spaces per 300 square feet of building area for vehicular repair businesses.

The applicant is also requesting variances to the parking lot standards within the Gateway Corridor Overlay District. Per the narrative, the applicant is requesting to use gravel for the parking areas, excluding the driveway and the ADA parking space. Additionally, the applicant requests that a portion of the parking area be permitted between the street and the principal building.

Water service will be provided by the City of Gainesville Department of Water Resources as confirmed in an email dated August 22, 2024. Sanitary sewer service will be provided by an on-site septic system.

GCOD Analysis

<u>Standard</u>	<u>Proposed Work</u>	<u>Notes</u>	<u>Compliance</u>
6.2.5.A.– Transitional buffers	The developed portion of the site is more than 25 feet from the property zoned Agricultural Residential 1 (AR-1).		Complies
6.2.5.B.1 – Additional Landscape and Screening	Foundation plantings.		Complies
6.2.5.B.2 – Additional Landscape and Screening	10-foot-wide landscape strip along street frontage		Complies
6.2.5.C.1 – Parking Lot Design -Required # of Parking Spaces	13 parking spaces	Off-street parking space calculations are governed by Sec. 8.1 of the UDC. 21 parking spaces required: 2 spaces/300 sq ft of building	Deficient
6.2.5.C.2.d – Parking Lot Design - Surface	Gravel surface for parking and circulation areas (Handicapped space & driveway approach will be paved).	All parking areas must be paved with asphalt, concrete or pervious materials.	Deficient
6.2.5.C.2.e – Parking Lot Design - Location	8 of the 13 parking spaces are proposed between the building and the street	Off-street parking must be located to the side or rear of the principal building and may not be located between the building and the street.	Deficient
6.2.5.D – Outdoor lighting	Unknown	Shall comply with GCOD standards.	Unknown
6.2.6 - Architectural Standards	The building will have stucco and brick façade finishes.	Shall comply with GCOD standards	Complies
6.2.7 – Signs	A freestanding sign is identified on the site plan that meets setback requirements.	Signage shall comply with GCOD standards.	Unknown

Based on the future land use plan, staff finds the special use request *is consistent* with the Comprehensive Plan's future land use classification of Business Nodes & Corridors. The intent of this future land use designation is for new development along these major road corridors and intersections to consist of 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 earlier, particularly natural resource protections and high quality landscape installations, to the fullest extent possible.

(A) Zoning Analysis – Special Use

When considering a zoning amendment to the zoning maps, the Planning Commission must 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 must be considered:

- a) 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 (H-B) zoning district and adjacent commercial development.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the use would adversely affect adjacent or nearby property provided required buffers are maintained.**
- c) 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 .**
- d) 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; ; **If approved, the use is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service. The property is served by Hall County sewer and City of Gainesville public water.**
- e) 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 is consistent with the Comprehensive Plan and the Business Nodes & Corridors future land use designation.**
- f) 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 affected by the existing zoning restrictions.**
- g) 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 values 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.**

- h) 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.**
- i) 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; According to Google Street View imagery, the property appears to be vacant and wooded until November 2023. By November 2023, imagery shows that the site had been cleared, graded, and enclosed with a fence and gate, and a shipping container had been located on the property. Hall County aerial imagery depicts several items occupying the property, including multiple dumpsters and the same shipping container identified in the Google imagery. There are no permits on file with Hall County for clearing or grading of the property or for the installation of any of the construction items on the property. One code violation was logged for the site (HENF23-0786); however, the violation appears to have been remedied according to notes in Hall County records.
- j) 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.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **This question is not applicable as there are no proposed changes to the zoning classification.**
- l) 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.**
- m) Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the request is not out of scale with the needs of the county as a whole.**
- n) 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 vehicle repair, major requires approval by the Board of Commissioners for any parcel located in the Highway Business (H-B) zoning district and/or the Gateway Corridor Overlay District (GCOD).**
- o) Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request could not be handled alternatively as a variance.**
- p) 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.**
- q) 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.**

(B) Zoning Analysis – Variance to Section 8.1.2:

The Planning Commission may grant variances in individual cases of unnecessary hardship upon a finding of the board that:

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape, or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **No, there are no extraordinary conditions pertaining to the physical character of the lot to prevent the project design from meeting development standards.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No evidence has been provided that an unusual hardship exists to prevent the development from complying with parking requirements.**
3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **There are no conditions peculiar to the property involved that are not common to other properties in the neighborhood.**
4. Such conditions are not the result of any actions of the property owner; **As the subject parcel is undeveloped, the project can be designed for building size and parking ratio to be met.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission. **Relief, if granted, may impair the purposes and intent of the Unified Development Code of Hall County as insufficient parking could cause congestion along Brown's Bridge Road.**

(C) Zoning Analysis – Variance to Section 6.2

The Planning Commission may grant variances in individual cases of unnecessary hardship upon a finding of the board that:

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape, or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **No, there are no extraordinary conditions pertaining to the physical character of the lot to prevent the project design from meeting development standards.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No evidence has been provided that an unusual hardship exists to prevent the development from complying with parking requirements.**

3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **There are no conditions peculiar to the property involved that are not common to other properties in the neighborhood.**
4. Such conditions are not the result of any actions of the property owner; **As the subject parcel is undeveloped, the project can be designed to comply with development standards.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission. **Relief, if granted, may impair the purposes and intent of the Unified Development Code of Hall County as the intent for the Gateway Corridor Overlay District is to encourage development projects that set standards for landscaping, community design and aesthetics.**

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must 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.**
2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **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 11.2.6.E.2.**
 - b. 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 may 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 as defined in 7.6.9.D.1, 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 must be submitted prior to consideration of the application by the

County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated March 4, 2025, Emily McGahee stated, "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 may be required after review of business plan."

Hall County Fire Marshal

In an email dated February 27, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated:

"The closest fire hydrant is located 595 feet away from the proposed development at the corner of Browns Bridge Road and Beach Haven Drive. The International Fire Code as amended by 120-3-3 requires a new building to be no greater than 500 feet from a fire hydrant as the fire truck travels. If approved a new fire hydrant will be required by code to be installed to meet the 500-foot distance requirement."

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated March 6, 2025, 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:

Access will need to be approved by GDOT.

Utilities:

No comment.

Georgia Department of Transportation

In an email dated March 3, 2025, Henry Stevens, GDOT Civil Engineer 2, stated that GDOT coordination is required.