

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Ramon Carillo Jr.

Request **Amend Conditions of Zoning**

Proposed Use (A) Amend site plan to include additional structure

Size 0.60± acres

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

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

Commission District Three

Planning Commission Date April 21, 2025
March 17, 2025
February 3, 2025

Staff Recommendation **Approval, with conditions**, as the proposed use is consistent with surrounding zoning districts and the Comprehensive Plan’s future land use classification of Business Corridor along Cleveland Highway.

Record Number.....HZCU24-0057

Planning Commission Recommendation.....Withdrawal

Vote: 4-0 (Davidson absent)

Excerpts from the minutes of the April 21, 20225 meeting

Applicant’s Presentation:

Katie Greenway, Planning and Zoning Administrator, stated that the applicant has requested to withdraw the application.

A
Motion: A motion to withdraw was made by Stan Hunt and seconded by Frank Sosebee. Vote: 4-0 (Davidson absent)

B

Motion: A motion to withdraw was made by Stan Hunt and seconded by Frank Sosebee. Vote: 4-0 (Davidson absent)

Memo to Planning Commissioners

Dear Planning Commission,

At the March 17, 2025 Planning Commission meeting, the board voted to table the application of Ramon Carrillo for vehicle repair, major to the April 21, 2025 Planning Commission meeting. The request was tabled to allow the applicant to provide an updated site plan to better illustrate the details of the request and to clarify whether the intended use would be major or minor vehicle repairs.

The applicant has not provided any new information as of the date of this memo.

Excerpts from the minutes of the March 17, 2025 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, stated the applicant requested to table the request to April 21, 2025.

A

Motion: A motion to table to Monday, April 21, 2025 was made by Stan Hunt and seconded by Frank Sosebee and Johnny Varner. Vote: 5-0

B

Motion: A motion to table to Monday, April 21, 2025 was made by Stan Hunt and seconded by Johnny Varner. Vote: 5-0

Memo to Planning Commissioners

Dear Planning Commission,

At the February 3, 2025, Planning Commission meeting the board voted to table the application of Ramon Carrillo for vehicle repair, major to the March 17, 2025 Planning Commission meeting. The request was tabled to allow the applicant to provide an updated site plan to better illustrate the details of the request and to clarify whether the intended use would be major or minor vehicle repairs.

The applicant has requested to further table this application to the April 21, 2025, Planning Commission meeting as he has not yet completed the revisions to the documents.

Excerpts from the minutes of the February 3, 2025 meeting

Applicant's Presentation:

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

Ramon Carrillo Jr., 6180 Dahlonge Highway, Clermont, presented the request. The applicant is requesting to amend zoning conditions on a 0.60± acre tract, currently zoned Highway Business (H-B) and within the Gateway Corridors Overlay District (GCOD), to allow for an addition to the existing building and the proposed use of vehicle repair, major. The subject property was rezoned from Suburban Shopping (S-S) to Highway Business (H-B) on April 23, 2024, by the Hall County Board of Commissioners (HZON24-0005). A concurrent Conditional Use Permit application (HZCU24-0008) was submitted for the establishment of a used automobile sales and repair business. Approval was granted for the automobile sales request, however, the repair request was denied. The approval for automobile sales was granted with 12 conditions.

Public Forum:

Jerry Freeman, 2709 Wayman Drive, Gainesville, spoke in opposition. Concerns raised were the amount of vehicles on the property, the type of repairs that will occur on the property, and the septic system location.

Planning Commission Comments:

Mr. Hunt asked if the site plan accurately shows the proposed parking layout. Mr. Carrillo explained that the engineer drew this area just to show a general parking layout but not specifically how it will be configured. Mr. Carrillo showed on the site plan where the current septic tank is and where the new septic tank would be if required by Environmental Health. Mr. Hunt explained that major vehicle repairs, defined in the Unified Development Code, are not inherently allowed in the Gateway Corridors Overlay District. Mr. Braswell clarified that the repairs would need to be done inside the building. Mr. Braswell asked about the location of the septic system. Mr. Carrillo stated that his engineer said he has spoken with Environmental Health about the location. Mr. Braswell asked what the applicant would do if Environmental Health did not allow the proposed parking area due to the septic system location. Mr. Carrillo stated that he would asphalt the left side of the property to park additional cars. Mr. Hunt brought up the option for Mr. Carrillo to table the application to adjust his site plan to display his request more accurately and to decide if his goal is major or minor repairs.

A

***Motion: A motion to table to March 17, 2025 was made by Stan Hunt and seconded by Johnny Varner.
Vote: 5-0***

B

***Motion: A motion to table to March 17, 2025 was made by Stan Hunt and seconded by Johnny Varner.
Vote: 5-0***

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 17, 2024, and as described in the updated project narrative dated December 6, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Operation of the automobile sales & repair business shall commence no earlier than 9:00 am and shall terminate no later than 6:00 pm Monday through Saturday. No business activities shall be conducted on Sundays.
3. All automotive repair of vehicles is limited to vehicles that will be sold on-site. All automotive repair activity shall be conducted within the building. No outside storage of any equipment or materials related to automotive repair is allowed.
4. Customer and employee parking shall be designated on site in accordance with the site plan submitted as part of the zoning application.
5. All parking in the right-of-way is prohibited.
6. Existing mature landscaping shall be maintained within the 25 foot wide transitional buffer required along the rear property line, and shall be supplemented as necessary as determined during the development review process in compliance with GCOD standards. A 15 foot transitional vegetative buffer with 6 foot tall solid wood fence may be permitted in place of the 25 foot transitional buffer, and shall comply with GCOD standards.
7. All signage, existing and proposed, shall adhere to GCOD standards.
8. All Environmental Health regulations shall be met prior to issuance of occupancy.
9. The following uses listed as permitted in Highway Business (H-B) shall be prohibited: Bus station, drive-in theater, motel/hotel, service station, construction trailer, and adult establishments.
10. 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.
11. 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. 6.2.5.A.2.a Width of transitional buffer - Where a commercial zoning district abuts property zoned for single-family residential, multifamily residential or agricultural use, the width must be at least 25 feet.
 - Applicant proposes a 6 foot fence with no transitional buffer.

Summary Analysis

The applicant is requesting to amend zoning conditions on a 0.60± acre tract, currently zoned Highway Business (H-B) and within the Gateway Corridors Overlay District (GCOD), to allow for an addition to the existing building and the proposed use of vehicle repair, major.

The subject property was rezoned from Suburban Shopping (S-S) to Highway Business (H-B) on April 23, 2024, by the Hall County Board of Commissioners (HZON24-0005). A concurrent Conditional Use Permit application (HZCU24-0008) was submitted for the establishment of a used automobile sales and repair business. Approval was granted for the automobile sales request, but the repair request was denied. The approval for automobile sales was granted subject to the following conditions:

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

The subject property is currently developed with a 2,088 square-foot office building which was constructed in 1970 with a paved parking lot along the front and west sides of the property. Silver Sun Autos is currently licensed by Hall County Business Licenses to operate a used car sales business on the site (HBUSA24-0323).

Surrounding properties are zoned and developed as follows:

- North: Vacation Cottage, single-family residence (across Cleveland Highway)
- West: Suburban Shopping, commercial center with buildings constructed in 1963-1974
- East: Suburban Shopping, used car sales lot with structures constructed in 1980 and 2002
- South: Residential 1 (R-1), single-family residence constructed in 1973

Per the submitted narrative dated December 6, 2024, the applicant is requesting to amend the previously approved conditions to add maintenance for inventory cars (ex. tire changes, brakes, oil changes) and detailing activities. Hall County Unified Development Code defines this use as “vehicle repair, major” which requires Special Use approval by the Board of Commissioners in the Highway Business (H-B) zoning district and Gateway Corridors Overlay District (GCOD). The vehicle repair would be limited to automobiles being sold on-site. An additional 1,700 square-foot building is proposed behind the existing building for the purpose of conducting the described vehicle repair as well as providing space for a showroom.

Per the site plan, the applicant is proposing to add a 10 foot wide landscape strip along both Cleveland Highway and Wayman Drive; no transitional buffer between the rear property line and the adjacent residential property is shown. The site plan also identifies nine (9) parking spaces including one handicapped parking space.

GCOD Analysis

<u>Standard</u>	<u>Compliance</u>	<u>Previous Approval</u>	<u>Current Proposal</u>
6.2.5.A.– Transitional buffers	Deficient	15 foot transitional vegetative buffer with 6-foot solid wood fence	An existing fence is shown on site plan but no transitional buffer is proposed.
6.2.5.B.1 – Other landscape and screening standards	Deficient	No foundational plantings required.	No foundational plantings proposed.
6.2.5.B.2 – Other landscape and screening standards	Complies	10 foot wide landscape strip along street frontage waived	10 foot wide landscape strip along Cleveland Highway and Wayman Drive
6.2.5.C – Parking Lot Design & Table 8.1.1 - Required Parking	Unknown	Maximum 40 spaces for employee, customer and inventory vehicles.	Nine parking spaces identified. Required: 2 spaces/300 sq ft of repair area; 1 space/500 sq ft sales space Breakdown of sales space vs repair space not provided.
6.2.5.D – Outdoor lighting	Unknown	To meet development standards.	Not addressed. UDC requires all outdoor lighting to be semi-cutoff type.

6.2.6 - Architectural Standards	Unknown	Existing brick façade building utilized.	No elevations or building material information has been provided for the new building.
6.2.7 – Signs	Deficient	All signage, existing and proposed, shall adhere to GCOD standards.	Not addressed. Site inspection determined existing freestanding pole sign and wall sign were updated with new sign faces without sign permits. Signs required to come into compliance with GCOD standards.

Staff finds the Special Use request is consistent with surrounding zoning districts and the Comprehensive Plan’s future land use classification of Business Corridor. The intent of this future land use designation is for development along the road corridors and intersections to consist of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, with some higher density residential where appropriate. Site design should use Quality Development Principals, particularly natural resource protections and high-quality landscape installations, to the fullest extent possible. The adjacent properties to the east and west consist of commercial uses.

Zoning Analysis

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:

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 intent of the Business Corridor land use designation and with the current zoning of the property and neighboring commercial/industrial businesses; however, the subject property abuts a residential parcel to the rear.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use of the lot for vehicle repair, major may adversely affect the existing use or usability of adjacent or nearby properties as it may adversely impact the abutting residential property.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned; however, the proposed use of vehicle repair, major cannot occur 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, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed use is not expected to cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service. The property is currently served by an onsite septic system and City of Gainesville water.**

5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed use is consistent with the existing zoning district and the Comprehensive Plan's future land use classification of Business Corridor. The neighboring properties to the east and west consist of commercial uses.**
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 has been developed since 1970 and utilized for various commercial purposes with a business license history dating to the mid 1990's. There is an active business license for used car sales.**
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; **As the property is zoned Highway Business (H-B) and the neighboring properties fronting the south side of Cleveland Highway are also zoned Highway Business or Suburban Shopping (S-S), this would not create an isolated district unrelated to the surrounding districts.**
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; **No, the request is not out of scale with the needs of the county as a whole or the immediate neighborhood or the immediate neighborhood.**
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 Highway Business (H-B) supports the proposed use; however, the proposed use of vehicle repair, major within the Gateway Corridors Overlay District requires approval by the Board of Commissioners.**

15. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request for a special use 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; however, following zoning action on April 23, 2024, the Hall County GIS was not updated to reflect the new H-B zoning district. This has since been corrected to reflect the correct H-B zoning district.**

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 December 27, 2024, 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 relocation will be required after review of business plan."

Hall County Fire Marshal

In an email dated January 2, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "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 January 2, 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:

No comment.

Utilities:

No comment.

Georgia Department of Transportation

In an email dated January 15, 2025, Henry Stevens E.I.T., GDOT Civil Engineer 2, stated GDOT coordination is required.