

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Tim Karas

Request **Rezone** | from Agricultural Residential 1 (AR-1)
to Highway Business (H-B)

Proposed Use Vehicle sales

Size 0.33± acres

Zoning **Current:** Agricultural Residential 1 (AR-1) |
Proposed: Highway Business (H-B)

Location **2505 Dana Circle** | Tax Parcel 15021A000036B

Commission District Three

Planning Commission Date May 5, 2025

Staff Recommendation **Denial**, as the proposed use is inconsistent with
the future land use designation of “Suburban
Neighborhood, Medium Density” in the
Comprehensive Plan.

Record Number HZON25-0015

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

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated March 6, 2025, and as described in the project narrative dated March 18, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. There shall be no more than 43 parking spaces for the display and sale of vehicle and no more than 12 spaces for vehicles awaiting reconditioning as shown on the site plan dated March 6, 2025 and described in the project narrative dated March 18, 2025
3. All vehicles awaiting reconditioning shall be stored behind the building on the area labeled as gravel parking as shown on the site plan dated March 6, 2025.
4. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for

- all necessary associated costs of improvements. No towing or car transports over 14,000 pounds Gross Vehicle Weight ratings will be allowed on Dana Drive or Dana Circle.
5. All signage shall comply with the Hall County Unified Development Code (UDC).
 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, 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.
 8. A 6 foot tall opaque fence shall be installed along the eastern property line abutting AR-1 zoning in addition to a 15 foot transitional buffer.
 9. A 30 foot front setback shall be maintained along Dana Circle and no parking shall be permitted within this setback.
 10. All parking areas shall be paved with asphalt or concrete.
 11. Any lighting on the premises shall be of a non-spill type.

Excerpts from the minutes of the May 5, 2025 meeting

Applicant's Presentation:

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

Tim Karas, 2505 Dana Circle, Gainesville, presented the request. The applicant is requesting to rezone a 0.33± acre property zoned Agricultural Residential 1 (AR-1) to Highway Business (H-B). The rezoning is intended to allow the property to be combined with the adjacent parcel located at 2511 Dana Circle (tax parcel 15021A000055) for the purpose of operating a used vehicle sales business. The Agricultural Residential 1 (AR-1) zoning of the parcel appears to be the original zoning adopted by the county in 1978. The subject property is currently vacant, and the property located to the north of the subject property with frontage on Old Cornelia Highway is zoned Highway Business (H-B) and is currently developed with a single-family home, constructed in 1958.

Public Forum:

Luke Lovell, 2506 Dana Circle, Gainesville, spoke in opposition. The concern raised was that the rear of the subject property is adjacent to residential properties and these residential properties would be negatively impacted by the security lighting despite the proposed buffer and fencing.

Rebuttal

The applicant explained the back portion would be for staff parking and storage, so there would be lighting but not the security lighting as Mr. Lovell anticipated.

Planning Commission Comments:

Mr. Braswell asked for further explanation of the fencing proposed along the perimeter of the property. The applicant described the fencing would start at the corner of the building and surround the rear of the property, and would include landscaping that would be visible to the properties adjacent to the rear. Mr. Hunt stated the preference would be a PVC opaque fence as an opaque fence is required. Mr. Hunt pointed out that the site plan shows cars parked within the 30 foot setback which he could not support and that he could also not support the proposed gravel parking area. Mr. Braswell asked the applicant to describe the lighting for the rear of the building. The applicant stated the security lighting would be at the front of the building and there would not be lighting at the rear. Mr. Hunt asked for the applicant to describe the intent to “recondition” cars. The applicant explained that this would include cleaning cars after receiving them and installation of GPS tracking systems. If more than simple maintenance is required, the cars would be sent offsite to a mechanic. The applicant asked for Mr. Hunt to clarify his objection to gravel paving. Mr. Hunt stated that he would prefer asphalt or concrete paving be used.

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Shannon Davidson. Vote: 5-0

Conditions:

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4. Access to the development shall be approved by the Hall County Engineering Department and all traffic engineering standards shall be met. The developer shall be responsible for all necessary associated costs of improvements. No towing or car transports over 14,000 pounds Gross Vehicle Weight ratings will be allowed on Dana Drive or Dana Circle.
5. All signage shall comply with the Hall County Unified Development Code (UDC).
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, 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.
8. A 6 foot tall opaque fence shall be installed along the eastern property line abutting AR-1 zoning in addition to a 15 foot transitional buffer.

9. A 30 foot front setback shall be maintained along Dana Circle and no parking shall be permitted within this setback.
10. All parking areas shall be paved with asphalt or concrete.
11. Any lighting on the premises shall be of a non-spill type.

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

1. The property shall be developed in accordance with the site plan dated March 6, 2025, and as described in the project narrative dated March 18, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. There shall be no more than 43 parking spaces for the display and sale of vehicle and no more than 12 spaces for vehicles awaiting reconditioning as shown on the site plan dated March 6, 2025 and described in the project narrative dated March 18, 2025
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7. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

Summary Analysis

The applicant is requesting to rezone a 0.33± acre property zoned Agricultural Residential 1 (AR-1) to Highway Business (H-B). The rezoning is intended to allow the property to be combined with the adjacent parcel located at 2511 Dana Circle (tax parcel 15021A000055) for the purpose of operating a used vehicle sales business.

The Agricultural Residential 1 (AR-1) zoning of the parcel appears to be the original zoning adopted by the county in 1978. The subject property is currently vacant, and the property located to the north of the

subject property with frontage on Old Cornelia Highway is zoned Highway Business (H-B) and is currently developed with a single-family home, constructed in 1958.

The surrounding properties are zoned and developed as outlined below:

North:	Highway Business (H-B): Single-family residence
South:	Agricultural Residential 1 (AR-1): Single-family residences, H.D. Greenway Subdivision
East:	Agricultural Residential 1 (AR-1): Single-family residences, H.D. Greenway Subdivision
West:	Agricultural Residential 1 (AR-1): Single-family residences

Several parcels to the north of the subject lot, located along Old Cornelia Highway, are zoned Highway Business and currently operate commercial uses such as RabbitTown Salvage (tax parcels 15021A000036 & 15021A000035), Stone Lodge #715 Trustees (tax parcel 15021A000041), and Second Hand Goods Thrift Store (tax parcel 15021B000044). All are located within the “Suburban Neighborhood, Medium Density” future land use designation.

The applicant is requesting to rezone the subject parcel and combine it with the adjacent property at 2511 Dana Drive (tax parcel 15021A000055) to allow for a vehicle sales lot. The combined development site would total approximately 1.41 acres. As described in the narrative, the proposed use is a boutique car sales operation with an anticipated volume of 20 to 30 vehicle sales per month. The business will also include minor vehicle repairs to include installation of GPS systems and reconditioning prior to sale.

Access to the site will be from Dana Drive. The development includes a proposed 60-foot by 90-foot building (5,400 square feet total) that would serve as office space and detail bays. However, the narrative and site plan do not specify how the building will be divided between these uses. A total of 66 parking spaces are proposed: 43 for vehicle display, 11 for customers and employees, and 12 for vehicles awaiting reconditioning. Gravel is proposed on the sides and rear of the proposed building, which includes both drive aisles as well as 18 parking spaces; the site plan indicates that the gravel area would be enclosed with a fence, although no details were provided regarding the fence materials or height.

The site plan includes a 10 foot landscape strip around the perimeter, excluding the northern boundary, which adjoins property, zoned Highway Business (H-B) at 2511 Dana Drive. A 15 foot transitional buffer with a fence is proposed along the eastern property line adjacent to land zoned Agricultural Residential 1 (AR-1).

Signage plans include a 150 square foot wall sign, which exceeds allowable limits. Wall signs are restricted to either 64 square feet or one square foot per linear foot of storefront—whichever is greater. Based on the building frontage, only 90 square feet would be permitted. No sign renderings have been provided.

Water service will be provided by the City of Gainesville as confirmed in an email dated April 17, 2025. Sanitary sewer services will be provided by on-site septic system.

Based on the future land use plan, staff finds the requested zoning designation *is inconsistent* with the Hall County Comprehensive Plan future land use designation of “Suburban Neighborhood, Medium Density.” These areas consist of medium-density, single-family housing (attached or detached). They should be located where there is existing water and sewer infrastructure, or where future infrastructure is expected to be located. Future infrastructure may be driven by the Sewer System Master Plan & Rate Study or by developers willing to fund access where it isn't already planned.

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:

- a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The subject lot is part of an existing subdivision, H.D. Greenway Subdivision, and is surrounded by residentially zoned and developed parcels. Adjacent and nearby properties to the north along Cornelia Highway are zoned Highway Business and are partially developed with commercial uses.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is difficult to anticipate whether the proposed rezoning will adversely affect nearby properties, as the commercial uses already established in the area are dissimilar in type.**
- c. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property appears to have 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, or utilities; **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.**
- e. 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 “Suburban Neighborhood, Medium Density” 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 diminished 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 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.**
- 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; **The parcel is currently undeveloped, and appears to be vacant since 2021, per Hall County aerial imagery.**

- 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; **The proposed zoning of Highway Business (H-B) would not create an isolated district as the adjacent property to the north is zoned H-B.**
- 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; **The request does not appear to be out of scale with the needs of the immediate neighborhood or the county as a whole; however, the subject property is located within a residential subdivision.**
- n. 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 commercial uses based on the Future Land Use map.**
- 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 should not be an ecological or pollution impact 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.**

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 shall 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 does provide a narrative outlining the intent of the request; however, the applicant has not prepared a response to each of the criteria listed in 11.2.6.E.2**
 - b. 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 meets this 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.**
3. 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 April 3, 2025, Emily McGahee stated "Must meet all Environmental Health commercial septic systems permitted 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."

Georgia Department of Transportation

In an email dated April 2, 2025, Henry Stevens, E.I.T., GDOT Civil Engineer 2, stated that GDOT coordination is not required.

Hall County Public Works and Utilities

In a memorandum dated April 10, 2025, from Director of Public Works and Utilities, Bill Nash, 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:

Dana Circle is a substandard roadway for commercial use. Improvements will be required by Hall County Engineering. No towing or car transports over 14,000 pounds Gross Vehicle Weight Ratings will be allowed. (4-10-25).

Utilities:

Gainesville w/s

Hall County Fire Marshal

In an email dated April 2, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s has no comments as proposed.”