

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Gerardo Vargas

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

Proposed Use Vehicle repair, major

Size 0.20± acres

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

Location **1608 Whiting Drive** | Tax parcel 00123 007015

Commission District Four

Planning Commission Date July 21, 2025

Staff Recommendation **Approval, with conditions**, as the proposed development is consistent with the “Business Nodes & Corridors” future land use designation in the Comprehensive Plan.

Record Number..... HZON25-0028

Planning Commission Recommendation **Approval, with conditions**

Vote: 4-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.

4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
5. 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, the Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall be made part of any plats created for the property.
7. The existing 8,581 square foot building and existing carport is approved as shown on the submitted site plan; however, any expansion of the existing structures within the building setback lines shall require approval of a setback variance by the Hall County Planning Commission.
8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
9. The proposed 1,445 square foot building addition, as shown on the submitted site plan, shall be required to meet the minimum 30 foot front yard setback along Whiting Drive unless a separate setback variance is applied for and approved by the Planning Commission.
10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.
11. A 10 foot landscape strip shall not be required along Browns Bridge Road as shown on the submitted site plan.
12. Parking may be permitted between Browns Bridge Road and the primary building as shown on the submitted site plan.
13. A reduction in the required parking spaces is granted from 56 spaces to 36 spaces as shown on the submitted site plan.
14. A 6 foot high PVC opaque fence shall be required along Whiting Drive. All other fencing, as shown on the site plan, shall be 6-foot high vinyl coated chain link fencing either black or green in color. The proposed gate along Whiting Drive shall be vinyl coated chain link at minimum.
15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

Excerpts of the minutes of the July 21, 2025 meeting

Applicant's Presentation:

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

Brad Trotter, 164 Professional Drive, Baldwin, presented the request. The applicant is requesting to rezone a 0.20± acre tract from Residential 1 (R-1) to Highway Business (H-B) for vehicle repair, major. The subject parcel is one of four parcels proposed for the development and lies within the Gateway Corridor Overlay District (GCOD) and is currently undeveloped.

Gerardo Vargas, 5016 Arthur Avenue, Oakwood, presented the request.

Public Forum:

Jim Hardman, 3244 Dunlap Drive, Gainesville, spoke in opposition. Mr. Hardman stated that he would withhold his comments until consideration of the other related requests for the subject property (items #3A/B and #4A/B).

Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Shannon Davidson. Vote: 4-0

Amended Motion: A motion to approve, with amended conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: 4-0

Conditions:

1. The property shall be developed in accordance with the site plan dated June 20, 2025, and as described in the project narrative dated June 27, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The building shall comply with the architectural standards of the Gateway Corridor Overlay District. Any renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning, or their designee.
3. A 15 foot wide transitional buffer adjacent to all residentially zoned properties shall be established. This buffer shall be supplemented with an opaque fence, no less than 6 feet in height, to provide sufficient screening of the development. Final review and approval of the landscape plan is subject to the Director of Planning and Zoning, or their designee.
4. Should the special use request be approved, an application for a setback variance must be submitted prior to the issuance of a business license in order to bring the existing structure into compliance.
5. 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, the Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall be made part of any plats created for the property.
7. The existing 8,581 square foot building and existing carport is approved as shown on the submitted site plan; however, any expansion of the existing structures within the building setback lines shall require approval of a setback variance by the Hall County Planning Commission.
8. Any exterior modifications to the existing building shall meet GCOD standards subject to final review and approval of the director of Planning and Zoning or their designee.
9. The proposed 1,445 square foot building addition, as shown on the submitted site plan, shall be required to meet the minimum 30 foot front yard setback along Whiting Drive unless a separate setback variance is applied for and approved by the Planning Commission.
10. Any new proposed structures shall meet GCOD architectural standards subject to final review and approval of the director of Planning and Zoning or their designee.

11. A 10 foot landscape strip shall not be required along Browns Bridge Road as shown on the submitted site plan.
12. Parking may be permitted between Browns Bridge Road and the primary building as shown on the submitted site plan.
13. A reduction in the required parking spaces is granted from 56 spaces to 36 spaces as shown on the submitted site plan.
14. A 6 foot high PVC opaque fence shall be required along Whiting Drive. All other fencing, as shown on the site plan, shall be 6-foot high vinyl coated chain link fencing either black or green in color. The proposed gate along Whiting Drive shall be vinyl coated chain link at minimum.
15. No parking spaces shall be allowed on the right side of the existing building adjacent to 1786 Browns Bridge Road (parcel 01123 007018).

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 June 20, 2025, and as described in the project narrative dated June 20, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. 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 the Fire Marshal and Hall County Engineering.
3. 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 0.20± acre tract from Residential 1 (R-1) to Highway Business (H-B) for vehicle repair, major.

The subject parcel is one of four parcels proposed for the development and lies within the Gateway Corridor Overlay District (GCOD), and is currently undeveloped. There are four concurrent requests as part of the proposed development: special use for vehicle repair, major in GCOD (HZCU25-0027), special use for outdoor storage in GCOD (HZCU25-0032), and variances from GCOD standards and parking requirements (HVAR25-0030).

The surrounding properties are zoned and developed as outlined below:

- | | |
|--------|---|
| North: | Residential 1 (R-1) – Developed with single-family residences and vacant lots |
| South: | Highway Business (H-B) – Developed with a vacant commercial building |
| East: | Office Institutional (O-I) – Developed with a single family homes; |
| | City of Gainesville – Developed with auto sales lots, carwash and retail |

West: Residential (R-1) – Developed with single-family residences;
City of Gainesville – Developed with auto sales lots and retail

The applicant is requesting to rezone the subject parcel for the purpose of combining it with adjacent property zoned Highway Business (H-B) (1604 Whiting Drive and 1790 Browns Bridge Road) in order to establish a vehicle repair shop and a countertop showroom. The site plan shows that the subject parcel will be primarily utilized for parking and buffer the development from the adjacent Residential 1(R-1) zoned property.

Water service and sanitary sewer services will be provided by the City of Gainesville Water Resources Department as confirmed by an email dated June 12, 2025.

Based on the future land use plan, staff finds the requested rezoning *is consistent* with the future land use designation of Business Nodes & Corridors within Hall County's Comprehensive Plan. This land use designation addresses that many of the county's major roadways have strong connections to infrastructure, employment, and housing, making them desirable for larger scale commercial development. New development along these major road corridors and intersections should 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. Where there is residential development, the density may be up to 16 dwellings per acre.

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, development and zoning of adjacent and nearby property; **The proposed rezoning is suitable in view of the use and development of adjacent and nearby property along Browns Bridge Road. The surrounding area consists of a variety of uses which include residential and commercial uses.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed rezoning will adversely affect nearby properties.**
- 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.**

- 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 intent of the Business Nodes and Corridors future land use designation in the Comprehensive Plan.**
- 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; **The property is currently undeveloped.**
- 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 district of Highway Business (H-B) would not create an isolated district as adjacent and nearby parcels are zoned Highway Business (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.**
- 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 vehicle repair.**
- 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.**

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 June 18, 2025, Emily McGahee stated, “No comment. Public sewer.”

Georgia Department of Transportation

In an email dated June 16, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is required.

Hall County Public Works and Utilities

In a memo dated June 20, 2025, 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.

Traffic:

Commercial driveway.

Utilities

Gainesville sewer. No sewer nearby.

Hall County Fire Marshal

In an email dated June 13, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “If approved the site development plan may require modifications during the development review process.”