

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Gerardo Vargas

Request **Special Use** | Vehicle repair, major

Proposed Use Vehicle repair, major

Size 0.90± acres

Zoning Residential 1 (R-1) & Highway Business (H-B, GCOD)

Location **1604 & 1608 Whiting Drive and 1790 Browns Bridge Road** | Tax Parcels 00123 007016, 007015 & 007017

Commission District Four

Planning Commission Date July 21, 2025

Staff Recommendation **Approval, with conditions**, as the proposed use is consistent with the “Business Nodes and Corridors” Future Land Use designation in the Comprehensive Plan

Record Number(s) HZCU25-0027

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 from 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 approval of two separate special uses on a 0.90± acre tract zoned Residential 1 (R-1) and Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD) for (A) vehicle repair, major, and (B) outdoor storage. The subject parcels consist of a vacant lot and a vacant commercial building that was constructed in 1964 and 1989, per Hall County tax records.

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

Public Forum:

Jim Hardman, 3244 Dunlap Drive, Gainesville, spoke in opposition. Mr. Hardman explained the history of several properties on Browns Bridge Road and stated that too much of Browns Bridge Road is changing from residential zoning to commercial and that this property should remain zoned residential. Mr. Hunt asked if Mr. Hardman repairs vehicles at his business and Mr. Hardman stated that he does.

Mark Turner, 1786 Browns Bridge Road, Gainesville, spoke in opposition. Concerns raised were increased pests due to storage of vehicles on site, concerns regarding cars parking on his property, maintaining the shared easement between his and the applicant's business, and that the applicant's property is not currently adhering to GCOD (Gateway Corridor Overlay District) standards. Additionally, Mr. Turner stated that due to the sloping topography, a 6 foot tall fence will not provide proper screening for the property from the roadway.

Planning Commission Comments:

Mr. Braswell explained that the GCOD standards in the Unified Development Code apply to new and altered structures but do not apply to buildings constructed before these conditions were adopted into Hall County code. Mr. Hunt asked the applicant if the storage at the rear of the property would be storage of cars for sale or if the storage would consist of cars in need of repairs. The applicant stated the storage is for cars being repaired while waiting for parts and after repair awaiting pickup. Mr. Hunt further discussed the number of parking spaces that would be for storage as well as for employee parking. Mr. Vargas stated the business will have 10 employees. Mr. Braswell explained the parking in front of the business would be for customer parking and not employees or vehicles awaiting repairs. The applicant understood but asked if the spaces could be used for cars that customers drop off outside of business hours. Mr. Braswell stated that the parking spaces in front of the building would be for customer use only. Mr. Braswell asked the applicant if they understood that the easement shared with the neighboring property cannot be blocked. The applicant stated they understood. Mr. Hunt asked how long cars waiting for repairs would be stored. Mr. Vargas stated up to 2 weeks due to the repairs being delayed until a specific part can be found and delivered. Mr. Hunt asked for clarification on the type of repairs the business would be doing. Mr. Vargas stated their volume of car repairs depends on what insurance companies approve to send to their autobody shop with light mechanic work as required by the insurance companies such as suspension and alignments. No engine repair would be conducted.

A

Motion: A motion to approve, with conditions was made by Frank Sosebee and seconded by Stan Hunt. Vote: 3-1 (Davidson opposed)

Amended A

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).
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(A) & (B) Staff recommends APPROVAL of the applicant's requests 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 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.
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Summary Analysis

The applicant is requesting approval of two separate special uses on a 0.90± acre tract zoned Residential 1 (R-1) and Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD) for (A) vehicle repair, major, and (B) outdoor storage. There are two concurrent requests as part of this development: a request to rezone from Residential 1(R-1) to Highway Business (H-B) (HZON25-0028) and variances from the GCOD standards and parking requirements (HVAR25-0030).

The subject parcels consist of a vacant lot and a vacant commercial building that was constructed in 1964 and 1989, per Hall County tax records.

On November 30, 2021, a use subject to county commission was approved for an auto repair and body shop; however, the site was never developed as proposed and the approval expired (ZON2021-00083).

The surrounding properties are zoned and developed as outlined below:

North: Residential 1 (R-1)- Developed with single-family residences and vacant lots
 South: City of Gainesville- Developed with convenience store, restaurants and warehouse
 East: Office Institutional (O-I) – Developed with a single-family residence;
 City of Gainesville – Developed with auto sales lots, carwash and retail
 West: Residential 1 (R-1): Developed with a single-family residences;
 City of Gainesville – Developed with auto sales lots and retail

The applicant is requesting two special uses: (A) vehicle repair, major within the H-B zoning district, and (B) outdoor storage within GCOD. The proposed development includes an existing 8,581 square foot building, a proposed 1,445 square foot building, and 39 parking spaces. The narrative also states that the existing building will serve as a showroom for a countertop business.

The submitted site plan shows that both the existing structure and the proposed addition encroach into the 30 foot front setback along Browns Bridge Road as well as the 30 foot front setback along Whiting Drive. Per the submitted narrative, should this special use be approved, a variance will be applied for to bring the existing structure into compliance. Also, the location of the proposed addition will either comply with setbacks or a variance will be required.

The hours of operation are proposed to be Monday through Friday 8:00 a.m.- 6:00 p.m. and Saturday 8:00 a.m. - 1:30 p.m.

The site will be served by public water and sanitary sewer provided by the City of Gainesville Water Resources Department as confirmed in an email dated June 12, 2025.

The development standards for the project are identified in the table below and compared to the GCOD requirements (6.2):

GCOD Analysis

<u>Standard</u>	<u>Proposed Work</u>	<u>Notes</u>	<u>Compliance</u>
5.3.1. – Highway Business	The existing structure encroaches into the setback along Browns Bridge Road and Whiting Drive.	The required setback along right-of-way in the Highway Business zoning district is 30 feet from property line.	Deficient – If these special uses are approved, the applicant will submit a variance request to bring the existing structure into compliance.

6.2.5.A.– Transitional buffers	A 15 foot transitional buffer and supplemental 6 foot high opaque fence is proposed along the property line abutting the R-1 zoning districts.	A 25 foot transitional buffer is required adjacent to residential property; however, the buffer may be reduced by 10 feet if a 6 foot high solid wood fence or masonry wall is incorporated into the design of the transitional buffer.	Complies
6.2.5.B.2.– Additional Landscape and Screening	No landscape strip is proposed along Browns Bridge Road or Whiting Drive. 7 parking spaces are located within the required 10 foot landscape strip.	Along each street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
6.2.5.C.2.e – Parking Lot Design - Location	Parking spaces are proposed between the principal building and Browns Bridge Road and Whiting Drive.	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 – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
6.2.6.B.3.g. – Building Materials	A 1,445 square feet metal building is proposed.	Architectural metal panels are restricted to no more than 50 percent of the surface area of each side of a building.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
8.1.1 – Required parking	39 parking spaces proposed.	Off-street parking space calculations are governed by Sec. 8.1 of the UDC. 53 parking spaces are required.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)
8.1.3.B.2. – Parking Lot Landscaping	Parking is proposed within the 10 feet landscape strip along Browns Bridge Road	Such landscape strips may not contain any structures, parking areas, patios, stormwater detention facilities, or any other accessory uses except for: a. Retaining walls or earthen berms constructed as part of an overall landscape design.	Deficient – Applicant has submitted a concurrent variance request to address these standards. (HVAR25-0030)

		b. Pedestrian-oriented facilities such as sidewalks and bus stops. c. Underground utilities. d. Driveways required to access the property. e. Signs otherwise permitted by this UDC.	
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Based on the future land use plan, staff finds the requested zoning designation is consistent with the Hall County Comprehensive Plan future land use designation of “Business Nodes and 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.

(A) & (B) 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 proposed special uses are consistent with the use, development, and zoning of adjacent and nearby properties.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed special uses should not adversely affect the existing use or usability of adjacent 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; **The proposed special uses are 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 served by City of Gainesville public water and sanitary sewer.**
- 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 uses are consistent with the future land use designation of “Business Nodes and Corridors” which consists 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.**

- 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 property is currently developed with a vacant commercial building that was established in 1969 and 1984 per Hall County tax 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; **As the request is for special uses within an existing Highway Business (H-B, GCOD) property, this would not create an isolated district.**
- 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; **There are other properties within the County that support permitted uses within the Highway Business zoning district and Future Land Use designations; however, the development lies within the Gateway Corridor Overlay District therefore it requires special use approval by the Board of Commissioners.**
- o. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request for special uses 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, E.I.T., 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."