

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant Ali Sadegh

Request **Special Use** | Amend conditions of zoning

Proposed Use Vehicle repair, major

Size 0.97± acres

Zoning Highway Business (H-B)

Location **5303 Browns Bridge Road** | Tax Parcel 08080
003018

Commission District Two

Planning Commission Date October 6, 2025

Staff Recommendation **Approval, with conditions**, as the proposed use
is consistent with the Highway Business (H-B)
zoning district and the Comprehensive Plan
future land use designation of “Business Nodes
and Corridors.”

Record Number(s) HZCU25-0039

Planning Commission Recommendation..... **Denial**

Vote: 4-0 (Davidson absent)

Excerpts from the minutes of the October 6, 2025 meeting. These minutes have not yet been approved by the Planning Commission.

Applicant’s Presentation:

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

Ali Sadegh, 5303 Browns Bridge Road, Gainesville, presented the request. The applicant is requesting to amend conditions of zoning on a 0.97± acre tract, zoned Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD) to permit the sale and repair of used automobiles and boats. Specifically, the request is for the applicant to utilize the building adjacent to Browns Bridge Road for both retail sales and the repair of automobiles and boats, not restricted to a sales office as previously approved. The subject property was approved for a conditional use on May 10, 2023, for used auto/boat sales and repair (HZCU23-0016) subject to ten conditions.

Public Forum:

Patti Gray, 5383 Whitmire Drive, Gainesville, spoke in opposition. Ms. Gray expressed concern that customers have been using the residential Whitmire Drive for test drives instead of Browns Bridge Road and issues of speeding. She noted that many of the vehicles do not have license plates on them from her observations. Additional concerns included the deteriorating condition of Whitmire Drive due to large transport vehicles accessing the business, increased noise affecting nearby properties, and a negative impact on local wildlife. Ms. Gray also inquired whether a stormwater management report had been completed and requested a condition requiring the closure of the business entrance on Whitmire Drive.

Planning Commission Comments:

Mr. Braswell asked the applicant to clarify whether the application was to amend the previous zoning conditions to allow for auto repair and auto and tire sales. The applicant confirmed that this was the intent of the request. Mr. Braswell then asked the applicant to address concerns about vehicles being test driven on Whitmire Drive. The applicant stated that it did not make sense for test drives to occur on that small street due to its limited access, low speed limit, and the fact that it is a dead end road. He added that customers had access to Browns Bridge Road instead. Mr. Castleberry asked if customers were using Whitmire Drive for test drives. The applicant responded that they were not, reiterating that it was a small road with a low speed limit. Mr. Sosebee asked whether the vehicles being test driven had license plates. The applicant confirmed that they did and clarified that the vehicles belonged to customers. Mr. Sosebee then asked the applicant to explain the special use request. The applicant stated that they wished to allow tire and radio mechanic work, as well as the sale of tires and vehicles.

Mr. Hunt asked whether the property had a tenant operating the business. The applicant explained that they were the property owner, but the shop was operated by a tenant. He added that he had visited the business earlier that day and did not observe any vehicles using Whitmire Drive or speeding. Mr. Braswell commented that the original zoning application had been challenging due to the number of requested uses and the size of the lot. Mr. Braswell stated given the lot size this would be too many uses.

Mr. Sosebee added, as part of his motion, that the business must comply with the original conditions set by the Board of Commissioners at their May 10, 2023 meeting.

Motion: A motion to deny was made by Frank Sosebee and seconded by André Castleberry. Vote: 4-0 (Davidson absent)

Staff recommends APPROVAL of the applicant's requests with the following conditions:

1. The property shall be developed in accordance with the site plans dated June 27, 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. No variances are granted as part of this request except for those listed below:
 - a. Gravel parking shall be permitted only where shown on site plan.
 - b. A 10 foot landscape strip shall be required only between the driveway accessing Browns Bridge Road and the intersection of Browns Bridge Road and Whitmire Drive.

- c. Black or green vinyl-coated chain link fencing shall be permitted around the area designated as a "Sales Lot" at the northwest corner of the lot.
 3. The property shall not be used as a storage facility, other than automobiles or boats being serviced or for sale.
 4. All repair activity must occur within a building or within a screened area behind the primary building.
 5. The development shall be subject to the standards of the Gateway Corridor Overlay District. No variances are granted from these standards, other than those shown on the site plan dated June 27, 2025.
 6. Any outdoor lighting on the premises shall be semi-cutoff type.
 7. The vehicle parking areas shall be paved with either asphalt or concrete.
 8. A 25 foot undisturbed landscape buffer shall be maintained along the property lines adjacent to residentially-zoned property.
 9. A plat shall be submitted to the County for review and approval prior to approval of any building permit or additional business license.
 10. All conditions of zoning shall be made part of any plats created for the property.
-

Summary Analysis

The applicant is requesting to amend conditions of zoning on a 0.97± acre tract, zoned Highway Business (H-B) within the Gateway Corridor Overlay District (GCOD) to permit the sale and repair of used automobiles and boats. Specifically, the request is for the applicant to utilize the building adjacent to Browns Bridge Road for both retail sales and the repair of automobiles and boats, not restricted to a sales office as previously approved.

The subject property was approved for a conditional use on May 10, 2023, for used auto/boat sales and repair (HZCU23-0016) subject to the following conditions:

1. The development shall generally occur as depicted on the site plan modified and dated April 3, 2023 and described in the project narrative, modified for compliance with zoning conditions and Hall County regulations. No variances are granted as part of this request except for those listed below:
 - a. Gravel parking shall be permitted where shown on site plan presented by Planning Commission.
 - b. A 10-foot landscape strip shall be required only between the driveway accessing Browns Bridge Road and the intersection of Browns Bridge Road and Whitmire Drive.
 - c. Black or green vinyl-coated chain link fencing shall be permitted around the area designated as "Sales Lot" at the northwest corner of the lot.
2. The end user shall use the site for either automotive sales and repair or boat sales and repair. The property shall not be used as a storage facility, other than automobiles or boats being serviced or for sale.
3. The development shall be subject to the standards of the Gateway Corridors Overlay District (GCOD, 17.420). No variances are granted from these standards, other than those shown on the site plan with the modified date of April 3, 2023.
4. Any outdoor lighting on the premises shall be full cut-off downlight.
5. The vehicle parking areas shall be paved with either asphalt or concrete.

6. A 25-foot undisturbed landscape buffer shall be maintained along the property lines adjacent to residentially zoned property, per the requirements of 17.420.050.
7. Pursuant to Board of Commissioners' action, 17.380.130.E.8, the approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and/or license, and development plat approval, and proceeding with the building, occupancy or establishment of business.
8. All conditions of zoning shall be made part of any plats created for the property.
9. The following uses shall be deleted from the Highway-Business permitted uses:
 - a. Bus stations
 - b. Drive-in theaters
 - c. Motels, hotels
 - d. Subdivisions
 - e. Family day care home
 - f. Group day care home
 - g. Construction trailers
 - h. Adult establishments

All Hall County development standards, including stormwater management regulations, shall apply. It is the responsibility of the developer to obtain all required permits and approvals.

The primary building on the subject property was constructed in 1966 according to tax records, measures 3,840 square feet per the site plan and is currently vacant. The street-level top floor (approximately 1,920 square feet) is proposed to be used for tire sales and repairs. The lower level of the building is proposed to be used for storage only. A 2,400 square foot building in the southwest corner of the property with an address of 5308 Whitmire Drive was constructed in 1991 with a 336 square foot addition in 1998. An automotive repair business currently operates out of this building.

The surrounding properties are zoned and developed as follows:

North:	Highway Business (H-B): Antique & furniture restoration & sales business Planned Commercial Development (PCD): Developed with a self-storage facility
East:	Residential 1 (R-1): Developed with single family residences
South:	Residential 1 (R-1): Developed with a church
West:	Highway Business (H-B): Undeveloped

Per the submitted narrative, the applicant is requesting to amend conditions of a previously approved conditional use permit (HZCU23-0016) to allow the building adjacent to Browns Bridge Road to be used for both retail sales and repair of automobiles and boats, not just for sales as previously approved. The narrative approved as part of HZCU23-0016 stated that this building would be used only for auto and boat sales and the building at the rear of the property would be used for repair.

The submitted site plans are identical to those from the previous conditional use permit (HZCU23-0016). The building adjacent to Browns Bridge Road is now labeled for "Repair and Sales," rather than only sales. The two site plans illustrate different layouts based on whether boats or vehicles are being repaired or sold.

The development standards for the project as previously approved 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>
6.2.5.A.– Transitional buffers	There is a row of mature evergreen trees along the southern property line.	A 25 foot transitional buffer is required adjacent to residential property.	Complies
6.2.5.B.1 & 2 – Additional Landscape and Screening	Condition 1b of HZCU23-0016 requires a 10-foot wide landscape strip between the edge of the driveway on Browns Bridge Road and the intersection of Browns Bridge Road/Whitmire Drive. Condition 1c of HZCU23-0016 allows black or green vinyl-coated chain link fencing around the area designated as “Sales Lot” at the northwest corner of the lot.	Grass only in this area. Chain link fencing is installed.	Deficient Complies
6.2.5.C.1 – Parking Lot Design - Required # of Parking Spaces as required by Section 8.1	Primary building.: 13 spaces (top floor use only) Secondary building: 16 spaces	A total of 29 parking spaces required; 43 provided.	Complies
6.2.5.C.2 – All parking must be paved with asphalt, concrete or pervious materials and located to the side or rear of the principal building.	Condition 1a of HZCU23-0016 allows gravel parking as shown on the site plan.		Complies
6.2.5.D – Outdoor lighting		All outdoor lighting must be the semi-cutoff type.	Complies

6.2.6 - Architectural Standards	No changes to existing buildings proposed	Any future improvements to the buildings shall comply with GCOD standards.	Deficient
6.2.7 – Signs	Not identified	Signage shall comply with requirements of the UDC	Unknown

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.” 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 Quality Development Principals, particularly natural resource protections and high quality landscape installations, to the fullest extent possible.

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 use is suitable in view of the use and development of adjacent and nearby properties along Browns Bridge Road as there are other commercial uses in the surrounding area.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use does not appear to 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 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 zoning and commercial nature of the surrounding properties.**
- 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 developed with two commercial buildings, one constructed in 1966 and the other in 1991.**
- 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; **There are no known changing conditions affecting the use or development of the property.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **No, this would not create an isolated district unrelated to the surrounding districts as the H-B zoning district is already established.**
- l) Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
- m) Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the request is not out of scale with the needs of the county as a whole.**
- n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The existing zoning of the subject site supports the proposed use; however, the amendment to conditions requires 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 to amend conditions and allow for a special use within the Gateway Corridor Overlay District 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 August 1, 2025, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation/modification may be required after review of business plan."

Georgia Department of Transportation

In an email dated July 28, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is required.

Hall County Public Works and Utilities

In a memo dated August 1, 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:

GDOT access permit required.

Utilities

Gainesville-Hall sewer area. No infrastructure in vicinity.

Hall County Fire Marshal

In an email dated July 25, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Gainesville-Hall Metropolitan Planning Organization

In an email dated July 28, 2025, Joseph Boyd, MPO Director stated, "This parcel is along State Route 369/Browns Bridge Road, which is scheduled for widening (GH-018/PI0013626) to four lanes, with construction currently estimated for FY2034. This project is currently in the Scoping phase, so right-of-way impacts are not yet known. Applicant should coordinate with GDOT District 1."