

HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT

Applicant Kevin Herbert c/o Fast Lube Solutions, LLC,

Request (A) **Rezone** | from Agricultural Residential (AR-1), Residential 1 (R-1) and Highway Business (H-B) to Highway Business (H-B)
(B) **Special Use** | Outdoor storage, major
(C) **Variance to section 6.2** | to reduce the required buffer

Proposed Use Outdoor storage, major

Size 15.49 acres

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

Location 2017 Athens Highway | Tax parcel 15032E002012A (pt)

Commission District Four

County Commission Date January 8, 2026

Staff Recommendation (A) **Denial**, as the proposed zoning is not consistent with the "Suburban Neighborhood, Medium-Density" future land use designation in the Comprehensive Plan.
(B) **Denial**, as the proposed zoning is not consistent with the "Suburban Neighborhood, Medium-Density" future land use designation in the Comprehensive Plan.
(C) **Denial**, as the concurrent variance is subject to approval of the rezone and special use request which are not consistent with the "Suburban Neighborhood, Medium-Density" future land use designation in the Comprehensive Plan.

Record Number HZON25-0050, HZCU25-0055 & HVAR25-0072

(A), (B) & (C) Staff recommends DENIAL of the applicant's request. However, if the County Commission chooses to approve this request, staff recommends the following conditions:

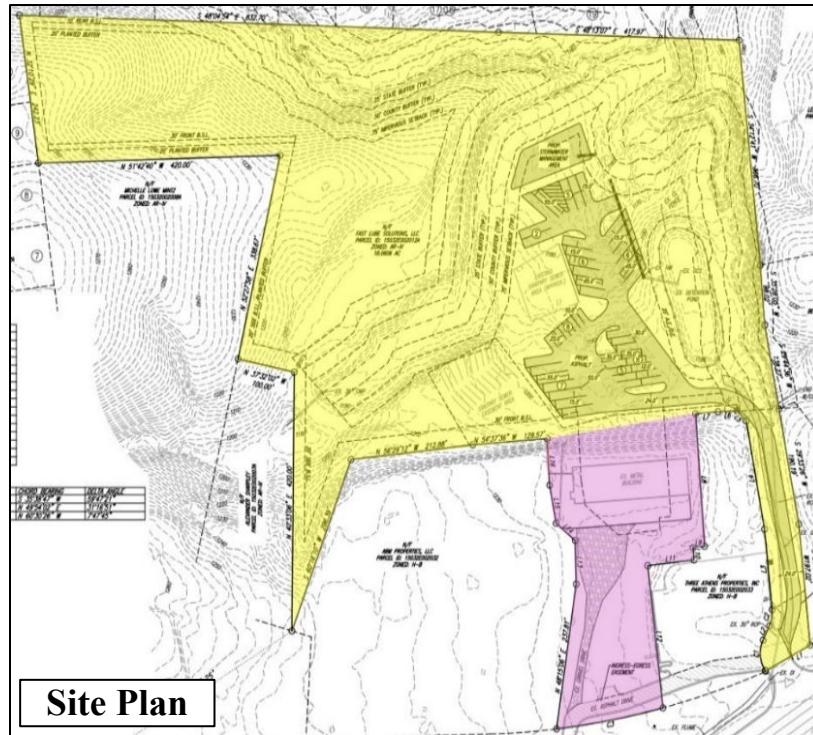
1. The property shall be developed in accordance with the site plan dated September 3, 2025, and as described in the project narrative dated October 6, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.
3. Hours of operation shall be Monday through Saturday, 7:00am to 6:30pm.
4. 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, the Fire Marshal, and Hall County Engineering.
5. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

The following should be considered as exceptions to the Unified Development Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

- **Section 6.2.5.A.2.a – Width of transitional buffer** - Where a commercial zoning district abuts property zoned for single-family residential, multifamily residential or agricultural use, the width must be at least 25 feet.
 - The applicant proposes a 20 foot planted buffer along the western most property lines.
 - The applicant proposes a 0 foot buffer along the eastern property line of the flagpole portion of the lot where the main access drive is located.

Summary Analysis

The applicant has submitted three concurrent requests: (A) a request to rezone a $15.49\pm$ acre tract from Agricultural Residential (AR-1), Residential 1 (R-1), and Highway Business (H-B) to Highway Business (H-B) to allow for outdoor storage, major, (B) a special use to allow for outdoor storage, major within the Gateway Corridor Overlay District (GCOD) and H-B zoning district and (C) a variance to Section 6.2 to reduce the required buffer. The front portion of the site (shown in purple) is currently zoned Highway Business (H-B) and developed with an auto service center. The proposed storage area (shown in yellow) will serve as overflow recreational vehicle (RV) repair parking for the existing auto service center.



A part of the subject property (shown in purple) was approved by the Board of Commissioners to be rezoned to Highway Business (H-B) on July 22, 2021, to allow an auto service center with the following conditions (ZON2021-00032):

1. The development shall occur as described in project narrative and as depicted on site plan, modified for compliance at time of development.
2. The storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.
3. Prior to the issuance of a business license, documentation shall be provided detailing how waste from the maintenance of automobiles is to be disposed of.
4. Any future development shall be subject to the Hall County Development Review process.
5. Any future development shall be subject to the Gateway Corridors Overlay District standards.
6. Hours of operation shall be Monday through Saturday, 7:00am to 6:30pm.
7. All conditions of zoning shall be made part of any plat created for the property.

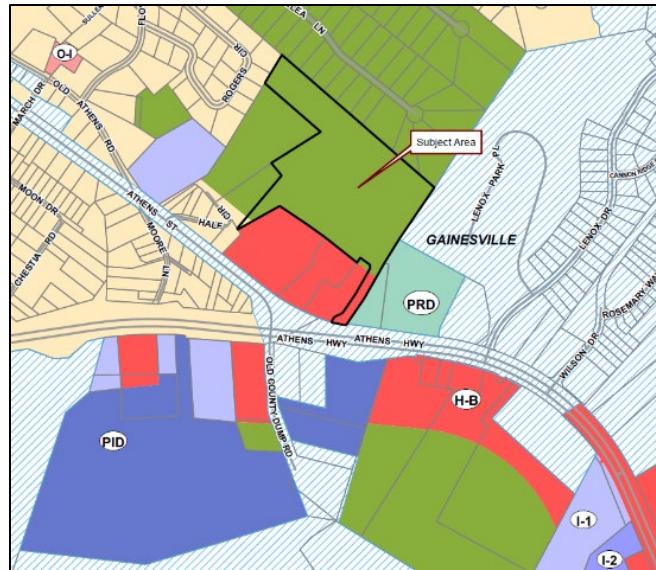
The surrounding properties are zoned and developed as outlined below:

North: Agricultural Residential 1 (AR-1) – Developed with single-family residences, Camelia Heights Subdivision

East: City of Gainesville – Apartment complex; Planned Residential Development (PRD) – Developed with single-family residence

South: Planned Industrial Development (PID) – Developed with service repair garages

West: Agricultural Residential 1 (AR-1) – Developed with single-family residences



Per the submitted narrative, the applicant is requesting to rezone the subject parcel from Agricultural Residential (AR-1), Residential (R-1) and Highway Business (H-B) to Highway Business (H-B) to allow outdoor storage, major for overflow RV repair parking. The applicant is also requesting special use approval to permit the outdoor storage, major within the Gateway Corridor Overlay District (GCOD) and Highway Business zoning district. Concurrently, the applicant requests a variance to reduce the buffer from 25 feet to 0 feet along the eastern property line of the flagpole portion of the lot and from 25 feet to 20 feet along the western property lines.

Per the applicant, the proposed outdoor storage area will serve as overflow parking for the existing business on the property, which provides repair services for RVs, trucks, and trailers. The applicant further states that semi-trailers and other commercial vehicles will not be stored on the property, and that the area will be used solely to support existing business operations.

Per the submitted site plan, existing conditions on the property include a metal building currently used as a repair shop with associated parking spaces. The applicant proposes to locate the outdoor storage area to the rear of the existing business, which would be accessed through an existing secondary driveway off Athens Highway. The proposal includes 47 parking spaces and a new stormwater management area. All proposed parking areas are proposed to be paved with asphalt.

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

GCOD Analysis

<u>Standard</u>	<u>Proposed</u>	<u>Notes</u>	<u>Compliance</u>
6.2.5.A.– Transitional buffers	The submitted site plan indicates 20-foot buffers along the western property line and a 0 foot buffer along the eastern property	Where a commercial zoning district abuts property zoned for single-family residential, multifamily residential or agricultural use, the	Deficient

	line of the flagpole portion of the lot.	width must be at least 25 feet.	
6.2.5.B.5.d – Screening of storage and accessory equipment	No screening is proposed	Outdoor storage or sales displays must be screened from view from public streets and adjacent property by a solid fence or wall at least 8 feet in height	Deficient
6.2.5.C.1 – Parking Lot Design - Required number of Parking Spaces	47 parking spaces on the site plan are proposed as overflow parking spaces for existing business	Outdoor storage does not have parking standards.	N/A
6.2.5.C.2.d – Parking Lot Design - Surface	Paved with asphalt	All parking areas must be paved with asphalt, concrete or pervious materials approved by the director.	Complies
6.2.5.C.2.e – Parking Lot Design - Location	Outdoor storage, 47 parking spaces on the site plan are proposed as overflow parking spaces for an existing business	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.	Complies
6.2.6.A.4 – Architectural Standards	Outdoor storage	Shall comply with GCOD standards.	N/A
6.2.7 – Signs	Unknown	Signage shall comply with GCOD standards.	Unknown

Based on the future land use plan, staff finds the requested rezoning *is not consistent* with the Hall County Comprehensive Plan and the 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. Depending on the character area and what zoning districts they allow, residential densities can be up to 2.5 dwellings per acre or up to 8 units per acre. In some cases, maximum density may be up to the discretion of the BOC.

(A) & (B) Zoning Analysis

When considering a zoning amendment to the zoning maps, the 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 not consistent with the future land use designation identified in the Comprehensive Plan. However, the surrounding**

area contains a mix of residential, agricultural, industrial, and commercial uses, reflecting a diverse development pattern in the vicinity.

- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the use would adversely affect adjacent or nearby property, provided required buffers are maintained.**
- 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 rezoning is not expected 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 not consistent with the Comprehensive Plan future land use designation of Suburban Neighborhood, Medium Density.**
- 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 front portion of the property at tax parcel 15032E002012A, zoned Highway Business (H-B), is currently developed and operating as an auto service center. The remainder of the subject property is currently vacant.**
- 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, Highway Business (H-B), would not create an isolated district as part of the subject parcel and adjacent properties are also 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; **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 Highway Business uses based on the Future Land Use Map and the current zoning map; however, the development as proposed requires rezoning 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 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.**

(C) Zoning Analysis – Variance to Section 6.2

The Commission may grant variances in individual cases of unnecessary hardship upon a finding of the board that:

1. There are extraordinary and exceptional conditions pertaining to the lot in question because of its size, shape, or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **The Parcel is a flag lot due to which the lot is limited in width making it difficult to meet the buffer requirements.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **The existing lot lines were created in 2002 by a deed; the request to rezone and a special use triggers requiring the buffers. If the zoning is approved, a hardship would then exist as the parcel is configured as a flag lot, resulting in a narrow frontage that restricts available width and creates a hardship in meeting the required buffer standard.**

3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **The subject parcel is unique to other surrounding properties as this lot is configured as a flag lot.**
4. Such conditions are not the result of any actions of the property owner; **The existing lot configuration was established prior to the current property owner; However, the proposed development is a direct action by the current property owner.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission; **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC.**

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 the voting meeting of the Hall County Board of Commissioners.**
2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The proposal provides a narrative outlining the intent of the development; however, the applicant has not prepared a response to each of the criteria listed in 11.2.6.E.2.**
 - b. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the Planning Commission and County Commission may evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal meets the requirement.**
 - c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request.**
 - d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a

professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated December 5, 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 December 3, 2025, Christopher Hash, P.E. D1 Traffic Operations Supervisor, stated "Encroachment permit will be needed. Minor improvements to the access to SR 11 will be needed such as signage and striping"

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated December 04, 2025, Assistant Director Jason Skarda stated the following:

Engineering:

This site may require a stormwater management report should the site plan indicate the proposed development that meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show stream buffer and impervious setback from wretched vegetation, not centerline of stream.

Traffic:

Verify if Georgia DOT encroachment permit may be required.

Utilities:

Gainesville Sewer Service Area. Sewer Infrastructure is located on the South side of Athens Highway.

Hall County Fire Marshal

In an email dated December 5, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, "The Hall County Fire Marshal's Office has no comments as proposed."