

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant**..... 2156 Athens Hwy, LLC  
**Request**..... Use Subject to County Commission approval  
**Proposed Use**..... Salvage and junkyard  
**Size** ..... 11.16± acres  
**Zoning** ..... I-II  
**Location** ..... On the south side of Athens Highway  
approximately 410 feet from its intersection  
with Morgan Drive; a.k.a. 2156 Athens  
Highway; Tax Parcel 15032D000057B  
**Commission District** ..... Four  
**Planning Commission Date** ..... November 15, 2021  
**Staff Recommendation** ..... **Approval, with conditions**

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*This request was tabled at the November 1, 2021 Planning Commission meeting.*

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

*Conditions:*

1. *The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of site plan approval.*
2. *A 50 foot transitional buffer shall be planted or remain undisturbed along any boundary which abuts residential use. Planting standards shall meet those requirements in §17.260 of the Official Code of Hall County.*
3. *A minimum 8 foot height opaque fence shall be constructed parallel to Athens Highway.*
4. *All inventory shall be parked at least 300 feet from the centerline of Athens Highway. Customer and employee parking shall be allowed in the front of the property (within 300 feet of the centerline of Athens Highway).*
5. *Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.*
6. *All mechanical services shall be conducted within a garage bay.*
7. *All conditions of zoning shall be made part of any plats created for the property.*

**Applicant Proposal**

The applicant is requesting approval from the Board of Commissioners for a junkyard and salvage business. This request is made concurrently by the same applicant for a request for the same business on an adjacent property. That property is zoned Light Industrial (I-I), and in that zoning district, salvage yards and junkyards are a permitted use subject to Planning Commission approval of a site plan.

The subject property is zoned Heavy Industrial (I-II) and in this zoning district, junk yards are a use subject to county commission approval. The narrative describes the proposed business as a salvage/junkyard which allows customers the ability to self-serve vehicle parts and scrap processing. The application states that all vehicles are drained of all fluids on concrete floors inside buildings before entering the yard, where they are set on blocks and organized into neat rows. Fluids, tires, and any hazardous material is disposed of to state-regulated vendors. Stormwater measures are evaluated by environmental agencies and monitored with testing twice per year.

The applicant notes that the vehicles and scrap materials will not be visible from the adjacent road, as the site elevation is significantly higher. The applicant has proffered that all inventory will be at least 300 feet from the centerline of the road and will prevent visibility of vehicles. A fence with screening will be installed at least 300 feet from the centerline of the road as well. Customer parking will be available in the front of the property, and the 300 foot setback will not apply to these vehicles. The existing office building will be remodeled and used for the business.

This site description is reflected in the site plan submitted with the application.

### **History and Existing Land Uses**

The subject property consists of 11.16± acres and is zoned I-II. The rezoning request from I-I to I-II was approved with conditions in October of 2009 for a scrap metal processing facility. The conditions of zoning are as follows:

1. Development of the site shall be in substantial conformance to the existing site layout and narrative as described.
2. Use of the facility is for recycling only. Any other use than the proposed use as described would need to be reviewed and approved by the County Commission. Recycling is limited to paper products, cardboard, plastic, or metals.
3. Hours of operation shall Monday to Saturday 8:00am – 5:00pm.
4. Any new development, enhancement, or signage of the Industrial use of this property shall meet Gateway Overlay District standards.
5. Buffering and landscaping of the site shall be in accordance with Gateway Corridor Overlay standards which includes, but is not limited to the following: the perimeter buffer around the project site shall be at least 10 feet in width planted with a staggered double row of evergreen trees at least 6 feet in height, planted a maximum of 5 feet off center with capacity to reach 30 feet at the time of maturity. This buffer shall be present along the side property lines a distance of at least 25 feet from the frontage of the road.
6. Along the street frontage there shall be a 5 foot wide landscape strip reduced as necessary, continuous along the frontage except for perpendicular crossings for driveways and utilities. The landscape strip shall be planted with shade trees (6 feet tall, 2" caliper DBH at time of planting, and not less than 35 feet tall at maturity).
7. Chain link and wire fencing shall be visually obscured.
8. Semi-cut off luminaries shall be used for all security lighting.
9. Any lighting necessary shall be mounted in such a manner that the cone of light is directed downward.

10. All conditions of zoning shall be made a part of any plat created for the property.
11. If the applicant brings another request before the Commission for a different conditional use covered under section 17.170.010 of the Hall County Zoning Regulations, the County will waive the \$350 application fee.

The property is developed with a 4,900 square foot warehouse constructed in 1973. The adjacent property to the north is zoned I-I and is the subject of another junkyard permissive use request by the same applicant. The properties to the south along Athens Highway are zoned Highway Business (H-B); some are developed with small businesses while others are undeveloped. The property to the south of the rear of the property is zoned Agricultural-Residential-IV (AR-IV) and are undeveloped. There is a property across Athens Highway that is within Gainesville city limits and is zoned Light Industrial.

### **Comprehensive Plan Land Use Designation**

The Comprehensive Plan's future land use designation shows that the subject parcel is included in a "Revitalization Corridor". Revitalization Corridors often link activity centers and neighborhoods. This corridor is characterized by retail activities, office-based employment, civic uses, and single-family residential developments. Low-impact industrial or higher density residential is appropriate where the same is found on adjacent properties.

The property also falls within the Gateway Corridors Overlay District (GCOD). The GCOD is supplemental to the underlying zoning district classifications and governs non-residential property development standards, including architectural standards, buffer and landscape requirements, and signage.

The proposed use is not consistent with the Comprehensive Plan; however, it can be seen that the property is surrounded by other existing similar uses.

### **Development Support and Constraints**

#### **Hall County Environmental Health**

An email received October 18, 2021 from Emily McGahee, Hall County Environmental Health states that the project "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. An existing system evaluation and/or septic system installation/modification may be required."

#### **Hall County Fire Services**

The subject property is located approximately 1.3 miles from Hall County Fire Station #1 located at 2460 Athens Highway. The nearest fire hydrant is located along the property's frontage on Athens Highway.

#### **Hall County Public Works and Utilities**

In a memorandum dated October 20, 2021 Srikanth Yamala, Director of Public Works and Utilities, provided the following comments:

Engineering:

The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater threshold for impervious surfaces and/or disturbed acreage.

Traffic:

No comment

Utilities:

No comment

Hall County Tax Assessors

No comments provided.

Gainesville Water Resources

The parcel has access to the City of Gainesville water system.

Georgia Department of Transportation

In an email dated October 15, 2021 Parker Niebauer, DITO Traffic Operations Supervisor confirmed that GDOT coordination would be required.

**Zoning Analysis**

- The request is inconsistent with the Comprehensive Plan. Should this request and the associated rezoning request be approved, the action would allow a use that is already present in the immediate area.
- §17.170.020.9 of the Official Code of Hall County includes junk yards as a permitted use with approval by the county commission.
- 17.260.030. - Junk yard screening requirements.
  - A. Occupancy permit. No person, firm or corporation shall operate, use or expand a junk yard as defined in this title unless and until a valid occupancy permit has been issued for the site used. Application shall be made on the proper form and a detailed site plan shall be attached. Occupancy permits shall be issued according to the provisions of these requirements.
  - B. Intent. These regulations are intended to shield junk yards from public view of the surrounding occupied properties and the public right-of-way, to reduce noise emitting from the junk yard and to protect the surrounding properties from dangers of fire. Modification of these requirements may be granted by the county planning commission when the requested modification does not contravene the intent of these regulations. Request for a modification shall be made in writing at the time of application for an occupancy permit.
  - C. Vegetation buffer strip.
    - 1. Evergreen buffer required. A vegetation buffer strip shall be planted or existing vegetation on the site, if adequate, may be used to form a hardy screen dense enough to interrupt vision and noise during all months of the year.
    - 2. Height. The vegetation shall attain a height of eight feet within five years of establishment of the buffer. Growth during the five-year period shall be adequate to ensure compliance

by the end of five years. Where the required interim growth has not been attained, the property owner is responsible for replacing the vegetation with new vegetation that will meet the buffer requirement within the remaining portion of the original five years. A detailed description or site plan of a vegetation buffer strip that will meet all requirements within the remainder of the five-year period shall be submitted for review and approval by the planning commission.

3. Setbacks. The vegetation shall be set [back] five feet from the street right-of-way and adjacent to the side and rear property lines. The vegetation shall be planted far enough from the property lines to prevent encroachment over the adjacent property lines.
  4. Planting requirements. Either larger plants or a greater number of plants than will be needed at maturity shall be planted as necessary to attain full screening horizontally while the plants are growing to full height. Spacing shall be the minimum required for mature plants, and two staggered rows shall be used if necessary to attain the required initial screening. New plants shall be nursery-grown and of such size, species, and condition as to ensure the maximum initial screening commensurate with a high rate of survival and a high growth rate.
  5. Plan. A detailed description or site plan of a vegetation buffer strip that meets these requirements shall be submitted for review and approval by the planning commission.
  6. Final approval. Where a certificate of occupancy has been issued for a site prior to the imposition of vegetation buffer requirements, a certificate of zoning compliance may be used to indicate approval of a completed vegetation buffer strip.
  7. Exceptions. Provisions 4 and 5 shall not apply to junk yards for which a vegetation buffer strip has been approved prior to adoption of these provisions.
- D. Parking on public right-of-way. The parking of non-operable motor vehicles or the storage of junk on the public rights-of-way adjacent to a junk yard or outside the fenced enclosure is specifically prohibited and shall be deemed cause for immediate revocation of the occupancy permit by the building official.
- E. Fence requirement. A permanent screened fence not less than six feet in height shall be erected enclosing the junk yard and shall be set back of the vegetation barrier. The minimum setback shall be ten feet from any property line. The fence shall completely obstruct vision. Wood or metal slatted chain-link fencing shall be used unless specifically modified by the planning commission. The slatting used on chain-link fencing must be wide enough to completely fill the area between the links. Gates shall be of the same material and shall obstruct vision when closed.
- F. Modifications.
1. The planning commission may modify the requirements in relation to the vegetation buffer strip for reasons of topography; and
  2. The planning commission may modify the requirements relating to fence screening for reasons of topographic or other unusual conditions.
- The applicant intends to use the existing buildings for the proposed business. The structures will need to be inspected and brought into compliance with regulations if needed, prior to the issuance of an occupancy permit or business license.
    - The applicant does not discuss any vegetated buffers in the narrative and one is not depicted on the site plan, though there is an exterior fence noted.

### **Significant Factors**

- Per §17.380.140, 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.

### **Staff Recommendation**

Staff recommends **approval** of the applicant's request with the following conditions:

1. The development shall conform substantially with the proposed narrative, modified as necessary for compliance with current development standards at time of site plan approval.
2. A 50 foot transitional buffer shall be planted or remain undisturbed along any boundary which abuts residential use. Planting standards shall meet those requirements in §17.260 of the Official Code of Hall County.
3. A minimum 6 foot height opaque fence shall be constructed parallel to Athens Highway.
4. All inventory shall be parked at least 300 feet from the centerline of Athens Highway. Customer and employee parking shall be allowed in the front of the property (within 300 feet of the centerline of Athens Highway).
5. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
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### **Excerpts from minutes from November 15, 2021 Planning Commission meeting:**

**Sarah McQuade, Planning Director**, presented a summary of the request. Ms. McQuade stated that after meeting with the county attorney, this was a use that could be granted to the applicant by the Planning Director even though it was not a permitted use for the zoning. The property would need to be greater than 300 feet from the centerline of Athens Highway and there was over 500 feet, as well as sitting 40 feet below finished level of Athens Highway. An updated site plan was provided.

**Joey Cox, 1605 Lockridge Drive, Cumming**, presented the request. Mr. Cox stated that this property would be a great one for the proposed use. He stated that it was surrounded by landfill property and sat 40 feet below Athens Highway, therefore no one would be able to see the salvage yard from the road. Mr. Cox stated that the property was currently being used as a scrap yard and when he took over it, it would look nicer and be cleaner. Mr. Braswell asked if all fluids would be removed from the vehicles. Mr. Cox stated that all fluids would be removed from all vehicles, on concrete. He stated there were also multiple strict state regulations that he had to meet. Applicant mentioned another property being used in this manner, which is owned by the same company.

### **Public Forum:**

No one spoke in favor or opposition of the request.

**Motion: Mr. Hunt made a motion to recommend approval, with conditions for the**

***request, with a second from Mr. Bell and the motion passed by a 4-1 vote. (Mr. Varner opposed)***

***Conditions:***

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