

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Salomon Sancen

Request Residential-II (R-II) to Highway Business (H-B)

Proposed Use Tire sale/shop

Size 0.17 ± acres

Zoning R-II

Location On the east side of Atlanta Highway
approximately 276 feet from its intersection
with Near Way; a.k.a. 1275 Atlanta Highway;
Tax Parcel 00133 008005.

Commission District Four

Planning Commission Date June 20, 2022

Staff Recommendation **Denial**

Planning Commission Recommendation: Denial

Vote: 4-0 (Varner Absent)

Applicant Proposal

The applicant is requesting to rezone a 0.17 ± acre tract from Residential-II (AR-III) to Highway Business (H-B) for a tire sale and replacement business. The narrative describes the proposed business being open from 9:00am to 6:00pm. The applicant intends to use the existing driveway for customer parking and the tire replacement. The applicant’s site plan shows a 16 foot by 20 foot carport under which the applicant intends to store tires and equipment use to change the tires. There is an existing chain link fence along the side and rear property lines. The applicant’s narrative states that the existing house will not be used for any commercial reason and will be left as is.

History and Existing Land Uses

The subject property zoned Residential-II (R-II) and is developed with a single-family residence constructed in 1940. The zoning appears to be original to the property. The property is a lot of record, being recorded in Plat Book 5, page 89.

The property is bounded to the south by a 1.62 acre undeveloped parcel in the City of

Gainesville, zoned General Business (G-B). To the north and east are properties zoned R-II that are similar shapes and sizes to the subject parcel. Across Atlanta Highway to the west are commercial properties within unincorporated Hall County.

The subject parcel also falls within the Gateway Corridors Overlay District (GCOD). The GCOD is supplemental to the underlying zoning district classifications and governs nonresidential property development standards, including signage.

Comprehensive Plan Land Use Designation

The subject property is located within a Revitalization Corridor land use designation, according to the Future Land Use map. The primary future land uses within this type of corridor are for retail, office, higher density residential (including multi-family), civic uses, and open /park spaces.

This request is consistent with the Hall County Comprehensive Land Use Plan.

Development Support and Constraints

Hall County Environmental Health

In an email dated May 31, 2022, Emily McGahee, with Hall County Environmental Health stated that the proposed development “No public restroom to be permitted. No additional structures or driveway expansions to be permitted. Do not drive, park, or store equipment on top of any part of septic system.”

Hall County Fire Services

No comments were provided as part of this request.

Hall County GIS shows the subject parcel is located approximately 2.5 miles from Hall County Fire Station #5, located at 4187 Falcon Parkway. There are fire hydrants at the two adjacent parcels along Hog Mountain Road.

Hall County Public Works and Utilities

In a memo dated June 2, 2022, Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comments:

Engineering:

Need updated survey showing existing conditions.

The 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 Coordination required. Driveway modifications may be necessary. No parking permitted on the right-of-way.

Utilities:

No comments.

Hall County Tax Assessors

No comments were provided for this request.

Gainesville Water Resources

The Hall County GIS map shows that public water is available to the subject property along Atlanta Highway.

Georgia Department of Transportation

In an email dated June 1, 2022, Parker Niebauer, District 1 Traffic Engineer for the Georgia Department of Transportation, commented “GDOT Coordination required.”

Zoning Analysis

- The proposed use request is consistent with the Comprehensive Plan, as it meets the intention of the “Revitalization Corridor” land use designation.
- The applicant is proposing to operate a tire sale and replacement business by utilizing the existing driveway for work area and a 16 foot by 20 foot carport for equipment and material storage. The existing residence will remain and not be used for commercial purposes.
 - Per §17.150.010, permitted uses within the Highway Business zoning district, a single family residence is not a permitted use.
 - Per §17.150.030, a caretaker or employee residence is a use subject to the approval of the Planning Commission.
 - If the applicant wishes for the residence to remain, an application for a caretakers residence shall be submitted and approved by the Planning Commission.
- Per §17.250.020, of the Official Code of Hall County, no parking area shall be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
 - The applicant is proposing to use the existing driveway for both customer parking and the tire replacement. This **does not meet** the standard.
- The subject property falls within the Gateway Corridor Overlay District (GCOD) (§17.420) and is subject to design standard for non-residential development including: architectural, buffering, landscaping and signage requirements.
- The GCOD provides guidelines for non-residential property development. The guidelines apply to both permitted uses and development standards. Within the GCOD, the following uses are prohibited: adult entertainment, junk yards, and billboard signs. Uses subject to the approval of the Hall County Board of commissioners (BOC) include self-storage warehouses, vehicle sales lots (new or used), automobile repair and maintenance, commercial outdoor recreation, car washes and outdoor storage.
 - The proposed business is only for the sale and replacement of tires. There is no vehicle maintenance or repair proposed.

- Per 17.420.050.2.b. of the Official Code of Hall County, where a commercial zoning district abuts property zoned for residential or agricultural use, the minimum width shall be 25 feet. The adjacent properties to the north and east are zoned RII, therefore there shall be a 25-foot landscape buffer along this boundary.
 - The site plan does not depict any buffers. This **does not meet** the standard.
 - The property is 50 feet in width and the application of the 25 foot buffer along the northern property line cannot be accommodated as the site is currently developed.
- Per §17.420.050.D.2.a, a ten-foot wide landscape strip is required along each street frontage, continuous along the frontage except for perpendicular crossings for driveways and utilities. ○ This is not depicted on the applicant’s submitted site plan; this **does not meet** the standard.
- Per §17.420.050.D.3, in addition to general perimeter landscaping and required buffers, if a loading or service area is located within 50 feet of a side or rear lot line abutting property that is residentially zoned or used for residential purposes, or public or institutional use, then the loading or service areas shall be surrounded by either a six feet high masonry screening wall, or a six feet high solid wooden fence, placed on the inside of the landscaped buffer required in section 17.420.050.C.
 - This is not depicted on the applicant’s submitted site plan; this **does not meet** the standard.
- Per §17.420.050.E.2, all parking areas shall be paved with asphalt or concrete (or other pervious materials approved by the director).
 - The applicant intends to use the existing driveway, which is paved. This **meets** the standard.
- The applicant will need to work with Hall County Public Works and Utilities to ensure the site meets the stormwater management requirements of the Official Code of Hall County.

Staff Recommendation

Staff recommends **denial** of the applicant’s request for the following reasons:

1. Development of the site for commercial purposes will require multiple variance from the Official Code of Hall County in relation to buffers and outdoor storage requirements.
2. Per §17.250.020, of the Official Code of Hall County, no parking area shall be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies. The applicant proposes to change the tires in the existing driveway in conflict with the ordinance.

Excerpts from the minutes of the June 20, 2022 meeting

Applicant’s Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Salomon Sancen, 3569 A L Mangum Road, Gainesville, presented the request. The applicant stated that they are willing to change tires in another part of the property rather than in the existing driveway to follow zoning ordinances.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned if there was anyone living in the existing home. The applicant stated there are tenants that are in the process of moving out. Mr. Braswell stated that the home did not meet the 15,000 square foot minimum requirement to fall under Highway Business.

Motion: A motion to deny was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 4-0 (Varner absent)