

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Dhaval Patel

Request Rezone from Vacation-Cottage (V-C) to
Planned Commercial Development (PCD)

Proposed Use Auto rentals and outdoor storage

Size 1.13± acres

Zoning PCD and V-C

Location On the west side of McEver Road at its
intersection with Pemmican Run; a. k. a.
1050 McEver Road; Tax Parcel 08005
000044 (pt.).

Commission District Two

Planning Commission Date September 6, 2022

Staff Recommendation **Approval**

Planning Commission Recommendation: Approval, with condition
Vote: 5-0

Condition:

1. *Should the applicant add any additional impervious surface the applicant shall work with Hall County Public Works and utilities to ensure that the property is in compliance with stormwater management requirements prior to the uses being issued and permits to begin operation.*

Applicant Proposal

The applicant is requesting to rezone 1.13± acres from Vacation-Cottage (V-C) to Planned Commercial Development (PCD) so that the entire parcel is zoned PCD. The 1.13± acres is the remaining residential zoning for the parcel, much of this area is part of a 100 foot Georgia Power utility easement.

As this property is currently going through an amendment of the approved uses, the property owner decided to rezone the entire parcel as part of this process.

History and Existing Land Use

The subject property was rezoned from Vacation-Cottage (V-C) to a Planned Commercial Development (PCD) at the October 28, 1991 Hall County Board of Commissioners meeting. The proposed use was a convenience store and strip shopping center.

On February 23, 1995 the Hall County Board of Commissioners approved a request to amend conditions of the PCD and to rezone the portion of the property north of the power line easement back to V-C with the condition that no mobile or modular homes be placed on the V-C portion of the property.

The applicant was approved by the Hall County Board of Commissioners on August 10, 2017 to have 3 Budget rental trucks on the property.

The subject parcel also falls within the Gateway Corridors Overlay District (GCOD) which is supplemental to the underlying zoning district classifications. The GCOD governs non-residential property development standards. Within the GCOD, outdoor storage of inventory items (of which the rental trucks would be considered) requires the approval of the Hall County Board of Commissioners.

Comprehensive Plan Land Use Designation

The subject area falls within the "Lake Area Residential" land use designation of the Comprehensive Plan. The Lake Area Residential category includes low-density residential development and neighborhoods. Land use patterns are similar to Residential Areas, and there is orientation toward Lake Lanier in terms of development and flexibility in use of single-family homes. The area includes the 500-foot buffer around the lake, wherein properties have the potential to be zoned Vacation Cottage District in order for single-family homes to be used as short-term vacation rentals.

The commercial use of the property was developed prior to the current Comprehensive Plan. Although the requested expansion is not consistent with the Lake Area Residential designation, it is consistent with the current use and development trends along this portion of McEver Road/State Route 53.

Development Supports and Constraints

Hall County Environmental Health

In an email dated August 12, 2022, Emily McGahee stated that this project would not require Environmental Health coordination.

Hall County Fire Services

In an email dated August 15, 2022, John Hornick, Lieutenant, Hall County Fire Rescue, stated that there were no comments regarding auto rentals and outdoor storage.

Hall County Tax Assessors

No comments were provided in relation to this request.

Gainesville Water and Sewer Resources

No comments were provided in relations to this request.

Per Hall County GIS, there is City of Gainesville water and sewer service available along McEver Road (SR 53).

Georgia Department of Transportation

In an email dated August 18, 2022, Parker Niebauer, District 1 Traffic Engineer, stated that this project will require GDOT coordination, including bring driveway up to current standards by adding crosswalk between existing ADA ramps.

Hall County Public Works and Utilities

In a memorandum dated August 18, 2022, Srikanth Yamala, Director of Public Works and Utilities, stated the following:

Engineering

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

No comments.

Utilities

Gainesville sewer.

Zoning Analysis

- The applicant is requesting to rezone 1.13± acres from Vacation-Cottage (V-C) to Planned Commercial Development (PCD) so that the entire parcel is zoned PCD.
 - The 1.13± acres is the remaining residential zoning for the parcel, much of this area is part of a 100 foot Georgia Power utility easement.
- The subject area falls within the “Lake Area Residential” land use designation of the Comprehensive Plan. The Lake Area Residential category includes low-density residential development and neighborhoods.
 - The commercial use of the property was developed prior to the current Comprehensive Plan. Although the requested expansion is not consistent with the Lake Area Residential designation, it is consistent with the current use and development trends along this portion of McEver Road/State Route 53.
- The portion of the property subject to this rezoning is not proposed to be developed as part of this application.

Staff Recommendation

Staff recommends **approval** of the applicant's request.

Excerpts from the minutes of the September 6, 2022 meeting

Applicant's Presentation:

Ellis Still, Assistant Planning Director, presented a summary of the request.

Ed Myers, 752 Chattahoochee Place, Gainesville, presented the request. Mr. Myers stated that the truck rentals aren't always parked in the parking lot since they get rented out. Mr. Myers stated that they are trying to get back in compliance. Mr. Myers wanted to point out that the sheds on the right side of the building were noted as part of the site plan.

Dhavel Patel, 1052 McEver Road, Gainesville, presented the request. Mr. Patel stated that at a time he will only have three to four trucks on the lot but he does not only cater to locals. Mr. Patel stated that during the summer more people move therefore there is a higher demand for the truck rentals and the slowest is from February to August but even then they get rented out by FedEx and UPS.

Rebuttal

Mr. Patel stated that the trucks will not just sit in the parking lot. Mr. Patel addressed the public forum comment about having a semi-truck parked in his lot and stated he is just lending a hand in the community when neighbors don't have a place to park. Mr. Patel stated that he tries to be helpful around the community especially when he has a sizable parking area available.

Public Forum:

Angela Zubar, 4318 Marble Arch Way, Flowery Branch, spoke in opposition. Concerns were parking, privacy fence, and landscaping.

Steve Galich, 2625 Pemmican Run, Gainesville, spoke in opposition. Concerns were fencing.

Planning Commission Comments:

Mr. Braswell questioned when the shed storage was placed on the property. Mr. Myers stated that they were added about six months ago by a separate retail company. Ms. Pilcher wanted clarification if the lot was only one parcel or two. Mr. Myers stated it is just one parcel but with two different zonings. Mr. Braswell stated that the semi-truck that was pointed out in the public forum was not to be parked in the property and there was no reason why the applicant can't be required to have a privacy fence installed. Ms. Pilcher stated that a privacy fence would be a great idea to screen out the amount of trucks being parked in the lot from Pemmican Run. Mr. Bell agreed to screen the property. Mr. Hunt stated that he would propose a vegetative screen. Mr. Braswell sketched a fencing plan on a copy of the site plan and presented it to the applicant. Mr. Braswell stated that the sketched copy would need to be supplemented.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Ms. Pilcher. Vote: 5-0

Conditions:

1. *Should the applicant add any additional impervious surface the applicant shall work with Hall County Public Works and utilities to ensure that the property is in compliance with stormwater management requirements prior to the uses being issued and permits to begin operation.*