

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Dhaval Patel

**Request** ..... Amend conditions of an existing Planned Commercial Development (PCD)

**Proposed Use** ..... Auto rentals and outdoor storage

**Size** ..... 2.68± acres

**Zoning** ..... PCD

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

**Commission District** ..... Two

**Planning Commission Date** ..... September 6, 2022

**Staff Recommendation** ..... **Approval, with one conditions**

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**Planning Commission Recommendation: Approval, with conditions**  
**Vote: 5-0**

**Conditions:**

1. *No tractor trailer parking shall be allowed on site.*
2. *There shall be a total of eight (8) Budget Rental trucks a maximum of ten (10) Avis Rental cars.*
3. *Shall install a 20 foot buffer of fast growing trees to be approved by the county staff along Pemmican Run to the Georgia Power Easement to the rear of the property, also on the right hand lot line from the 40 foot setback line to the beginning of the Georgia Power Easement and a privacy fence a minimum of eight feet tall on the left lot line from the center line of the GA power easement to the northernmost*
4. *There shall be no sale of sheds on the property and shall be removed.*

**Applicant Proposal**

The applicant is requesting to amend the conditions of an existing Planned Commercial Development (PCD) to permit the storage of five (5) additional Budget rental trucks on the property and the addition of ten (10) Avis rental cars. The applicant was approved by the Hall County Board of Commissioners in 2017 to have three (3) Budget rental trucks on the property.

The applicant's proposal states Budget Truck Rentals will operate out of Unit B and have potential to store up to eight (8) trucks on the property. The submitted site plan shows eight (8) truck parking spaces behind the building, with four (4) parked on asphalt and four (4) on existing gravel. The narrative states that the majority of the rental trucks are used by local delivery companies as overflow trucks, As a result, it is likely that only three to four trucks will be at a time.

The applicant is requesting a new use of an automobile rental company for the property. Avis Rental Cars, if approved, will also operate out of Unit B on the property. There will be a maximum of ten (10) cars available on site for rental. When a car is returned it will be washed at a local car wash then parked on-site until it is again rented. This will be a satellite office for Avis. Per the narrative, there is no proposed fencing for either vehicle rental business.

The remaining units in the development (A, C, D, and E) will remain retail uses. The convenience store operates out of Unit A, Unit C is currently vacant but will be a retail business when occupied, Unit D is occupied by a nutrition store and Unit E is a hair salon.

The narrative states that there are no proposed changes or improvements to the stormwater detention facility. Per the narrative, historical imagery shows a mixture of gravel and asphalt in the location of the power easement, which has been added by both Georgia Power and the Georgia Department of Transportation (GDOT) for field offices.

### **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. Since 1999 they have added impervious areas without a permit or stormwater report.

##### **Traffic**

No comments.

## Utilities

Gainesville sewer.

## **Zoning Analysis**

- 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 applicant is requesting approval for the storage of five (5) additional Budget rental trucks on the property for a total of 8 rental trucks on the property.
  - The applicant was approved by the Hall County Board of Commissioners in 2017 to have 3 Budget rental trucks on the property.
  - The submitted site plan shows 8 truck parking spaces behind the building, with four (4) parked on asphalt and four (4) on existing gravel.
- The applicant is requesting a new use of an automobile rental company for the property. Avis Rental Cars.
  - There will be a maximum of ten (10) cars available on site for rental.
- There are no proposed improvements to the site or existing structures. The additional vehicles will utilize existing parking spaces.
- The applicant has proposed to utilize existing parking spaces to accommodate the new vehicles to be stored on site.
  - Per §17.250 (Off-street parking, storage, and loading requirements), retail sales and/or service uses are required to have 1 space for each 200 square feet of sales and/or service area.
  - Per the Hall County Property Tax records the convenience store is 2,440 square feet in area and requires 12 parking spaces.
  - The shopping center is 3,920 square feet in area and requires 20 parking spaces.
  - A total of 32 parking spaces is required for this development.
    - The site plan shows 44 parking spaces in front of the building (33 normal parking spaces, 10 rental parking spaces, and 1 handicap parking space).
    - 8 truck parking spaces are depicted to the rear of the building.

## **Staff Recommendation**

Staff recommends **approval** of the applicant’s request with the following condition:

1. The applicant shall work with Hall County Public Works and Utilities to ensure the property is in compliance with stormwater management requirements prior to the uses being issued permits to begin operation.

## **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:*

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