

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Rochester and Associates, LLC

Request..... Rezone from Agricultural Residential-III (AR-III) and Agricultural Residential-IV (AR-IV) to Planned Industrial Development (PID)

Proposed Use..... Vehicle salvage

Size 24.66± acres

Zoning..... AR-III & AR-IV

Location..... On the west side of Athens Highway at its intersection with Barrett Road; a. k. a. 2562, 2564, 2592, & 2596 Athens Highway; Zoned AR-III & AR-IV; Tax Parcels 15023A000035 (pt.), 000035A - 000035B, & 000036.

Commission District Three

Planning Commission Date September 6, 2022

Staff Recommendation **Denial**

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

Conditions:

1. *The conditions of the March 2, 2012 approval shall continue to apply to the expanded PID:*
 1. *The development is approved according to the specific layout shown in the submitted plans, and the terms outlined in the narrative submitted.*
 2. *The hours of operation are limited from 8:00 a.m. until 6:00 p.m. Monday through Saturday.*
 3. *No residential structures or uses are permitted in the PID zoned portion of this property. PID zoning is only approved for the areas specifically identified on the site plan submitted and the area maps provided by the county.*
 4. *No additional structures shall be added to the property after September 6, 2022.*
 5. *Vinyl siding and chain link fencing are prohibited.*
 6. *Final roadway design and placement are subject to approval by the Hall County Engineering Department and/or the Georgia Department of Transportation.*
 7. *Any access improvements required by either the Georgia Department of Transportation and/or the Hall County Engineering Department for this project shall be the financial responsibility of the applicant/developer.*

8. *A roadway with public road way status shall be constructed with all appropriate standards. No sidewalks are required. This road shall provide road frontage to all existing land locked residential properties along it and shall provide adequate turn around at the terminus. Final roadway design is subject to review and approval by Hall County staff.*
9. *The roadway shall be approved and constructed prior to any Certificate of Occupancy being issued for the business facility.*
10. *A 50 foot buffer shall be established around the entire property with cars that are now in the existing 50 foot buffer to be removed and a registered Georgia Land surveyor or engineer shall permanently stake the 50 foot buffer to assure that no cars are placed in the future and the buffer shall be re-established to current Hall County standards for a non-disturbed buffer.*
11. *Two of the existing poultry houses shall be removed.*
12. *The property owner shall be required to combine all lots to not more than two (2) lots, any existing lots of record shall remain and new lots created shall meet Hall County standards.*
13. *Plats shall be recorded for all lots developed off the public access.*
14. *Vehicles may only be stored in the designated area of the site as shown on the submitted site plan. No vehicles may be stacked at any time on site, except when being loaded onto a transport carrier.*
15. *Both the sales of parts and the dismantling of vehicles are permitted during normal business hours.*
16. *Any vehicle repairs/modifications shall be conducted in a fully enclosed structure.*
17. *Any outdoor lighting on the premises shall be of a non-spill type.*
18. *Vehicle parking areas around buildings shall be paved with either asphalt or concrete.*
19. *All conditions of zoning shall be made a part of any plat created for the property.*
2. *The existing signage for the business shall be removed from the right-of-way of Athens Highway and the applicant shall work with the Hall County Planning Department to permit replacement signage in accordance with §17.420.060, Signs.*
3. *The applicant shall submit a full set of civil plan for review through the Development Review process to ensure the property is in compliance with all applicable standards of the Official Code of Hall County and the listed conditions of zoning.*
4. *No cars shall be parked within 300 feet of GA 129 right of way.*

Applicant Proposal

The applicant is requesting to rezone the subject property from Agricultural Residential III (AR-III) and Agricultural Residential IV (AR-IV) to Planned Industrial Development (PID) to bring into compliance the expansion of the wholesale, re-buildable and wrecked car business currently operating on a parcel 15023A000035.

A portion of parcel 15023A000035 was rezoned to PID in 2007 for the purposed uses of bringing into conformance a wholesale, re-buildable and wrecked business, an auto repair garage, and a

junkyard. As part of the approval, 20 conditions of zoning were applied to the PID. In 2012 an amendment to the PID was approved which modified the original conditions of zoning and increased the approved PID area to 11.7 acres.

Since 2007 the business has expanded outside of the approved PID zoning. The purpose of this application is to bring the underlying property into compliance with its current uses.

According to the applicant's narrative, the existing business purchases abandoned or damaged vehicles through auctions, individuals, and other commercial businesses (such as towing companies). The vehicles are then sold to re-builders and junk yards or repaired on-site and then re-sold to resellers and wholesalers. Additionally, the operator sells salvaged parts with limited (15-20) on-site sales. The business hours are proposed to be 8:00am – 6:00pm, Monday through Saturday, with up to 12 employees.

Per the narrative, the applicant has requested to be exempt from §17.420, the Gateway Corridors Overlay District (GCOD). The requested waiver from the GCOD standards is based on the distance from the highway to the operation area of the site. The narrative continues to explain that no vehicle storage will occur within the portion of the property that falls within the GCOD. Additionally, the applicant has requested to be exempt from §17.280, Tree Protection. In lieu of the requirements of this section, the PID will be surrounded by a 50 foot buffer. No Traffic Impact Study was conducted as part of this request.

The applicant's narrative states that operator's use of the property will be consistent with the previously approved uses and the 19 conditions of zoning for the property as part of the February 23, 2012 rezoning approval, listed below:

2. The development is approved according to the specific layout shown in the submitted plans, and the terms outlined in the narrative submitted.
3. The hours of operation are limited from 8:00 a.m. until 6:00 p.m. Monday through Saturday.
4. No residential structures or uses are permitted in the PID zoned portion of this property. PID zoning is only approved for the areas specifically identified on the site plan submitted and the area maps provided by the county.
5. The overall development is limited to a maximum of 10,000 square feet and buildings shall be limited to one-story in height.
6. Vinyl siding and chain link fencing are prohibited.
7. Final roadway design and placement are subject to approval by the Hall County Engineering Department and/or the Georgia Department of Transportation.
8. Any access improvements required by either the Georgia Department of Transportation and/or the Hall County Engineering Department for this project shall be the financial responsibility of the applicant/developer.
9. A roadway with public road way status shall be constructed with all appropriate standards. No sidewalks are required. This road shall provide road frontage to all existing land locked

residential properties along it and shall provide adequate turn around at the terminus. Final roadway design is subject to review and approval by Hall County staff.

10. The roadway shall be approved and constructed prior to any Certificate of Occupancy being issued for the business facility.
11. A fifty-foot buffer shall be maintained along the zoning boundary where the adjacent property is not owned by the applicant.
12. Two of the existing poultry houses shall be removed.
13. The two lots nearest Athens Highway shall be combined to make one lot. The homes shall meet the building setback requirements of the AR-III zoning district prior to any Certificate of Occupancy being issued by Hall County for the subject facility.
14. Plats shall be recorded for all lots developed off the public access.
15. Vehicles may only be stored in the designated area of the site as shown on the submitted site plan. No vehicles may be stacked at any time on site, except when being loaded onto a transport carrier.
16. Both the sales of parts and the dismantling of vehicles are permitted during normal business hours.
17. Any vehicle repairs/modifications shall be conducted in a fully enclosed structure.
18. Any outdoor lighting on the premises shall be of a non-spill type.
19. The vehicle parking areas around buildings shall be paved with either asphalt or concrete.
20. All conditions of zoning shall be made a part of any plat created for the property.

The submitted site plan shows three (3) vehicle storages expansion areas and a future stormwater management area. Two of the vehicle storage expansion areas appear to already be in use based on aerial imagery in the site plan, the third appears to primarily be undeveloped and has a mature tree canopy. The site plan shows a 50 foot buffer around the development.

History and Existing Land Uses

The subject property is 24.66± acres in size and is zoned Agricultural Residential III (AR-III) and Agricultural Residential IV (AR-IV). The 24 acres is a mixture of undeveloped, forested land, and areas which have been cleared and graded where the business operations have expanded. This portion of Athens Highway has both residential and commercial/industrial development located in close proximity to the subject property zoned AR-IV, O-I and I-I.

The following structures are located on the subject parcels, per Hall County Property Tax Records:

Parcel 15023A000035 – Zoned AR-IV and PID

- 14' x 57' 1980 mobile home
- 22' x 30' 1991 shed/pole shed
- 30' x 40' 1991 shed/pole shed
- 36' x 247' 2014 shed/pole shed
- 160 square foot office constructed in 2000
- 6,000 square foot storage warehouse constructed in 2011

- 2,482 square foot storage warehouse constructed in 2014

Parcel 15023A000035A – Zoned AR-III & AR-IV

- 26' x 56' 1987 mobile home

Parcel 15023A000035B – Zoned AR-IV

- 28' x 28' 2014 lumber shed – 4 sides open

Parcel 15023A000035C – Zoned PID

- 36' x 40' 1990 lumber shed – 2 sides open
- 744 square foot 1990 lumber shed – 4 sides open

Parcel 15023A000036 – Zoned AR-IV

- 2,841 square foot single family residence constructed in 1987
- 20' x 60' 1987 frame utility shed
- 12' x 60' 2000 frame machinery shed
- 40' x 60' 2000 frame detached garage

According to Hall County records, a business license for Kettyle Cars was first issued in 2012 and is active as of the writing of this report. These records also note that a business license violation occurred in 2014, which has since been resolved. There have been no other code violations found in Hall County records.

On December 13, 2007 the Hall County Board of Commissioners approved the rezoning of 7.9± acres from AR-IV to Planned Industrial Development (PID) with the following 20 conditions:

1. The development of the site shall occur as generally depicted and described in the concept and project narrative, modified as necessary for compliance with development standards in force at the time of site plan approval.
2. Hours of operation are limited to 9:00am to 5:00pm Monday through Friday.
3. No residential structures or uses are permitted in the industrial zoned portion of this property. Industrial zoning is only approved for the area specifically identified on the site plan submitted and the area maps provided by the county.
4. The overall development is limited to a maximum of 10,000 sq. ft. and buildings shall be limited to one-story in height.
5. Vinyl siding and chain link fencing are prohibited.
6. Final roadway design and placement are subject to approval by the Hall County Engineering Department and/or the Georgia Department of Transportation.
7. Any access improvements required by either the Georgia Department of Transportation and/or the Hall County Engineering Department for this project shall be the financial responsibility of the applicant/developer.
8. A roadway with public way status shall be constructed with all appropriate standards. No sidewalks are required. This road shall provide road frontage to all existing land locked residential properties along it and shall provide for adequate turn around at the terminus. Final roadway design is subject to review and approval by Hall County staff.

9. The roadway shall be approved and constructed prior to any certificate of occupancy being issued for the business facility.
10. A 50 ft. landscape buffer for screening purposes shall be installed along the entire perimeter of the rear portion of the property where the buildings and industrial activity are planned.
11. Two of the existing poultry houses shall be removed.
12. The two lots nearest Athens Highway shall be combined to make one lot. The homes shall meet the building setback requirements of the AR-III zoning district prior to any Certificate of Occupancy being issued by Hall County for the subject business facility.
13. Plats shall be recorded for all lots developed off of the public access.
14. No more than a total of 200 vehicles may be stored on the subject property at any one time and shall be screened fully from public view. Storage of the vehicles is not permitted within 1,350 ft. from Athens Hwy. 125 of the vehicles shall not be stored on site for longer than 60 days. The additional 75 vehicles may be kept on-site (this includes vehicles for personal use) if they are stored in a fully enclosed structure.
15. No individual auto parts may be sold.
16. Dismantling of vehicles is prohibited.
17. Any vehicle repairs/modifications shall be conducted in a fully enclosed structure.
18. Any outdoor lighting on the premises shall be of a non-spill type.
19. The vehicle parking areas around buildings shall be paved with either asphalt or concrete.
20. All conditions of zoning shall be made a part of any plat created for property.

As stated in the Applicant Proposal section above, on February 23, 2012 the Hall County Board of Commissioners approved an amendment to the PID which modified the original conditions of zoning and increased the area to 11.7 acres. The amended PID had 19 conditions of zoning for the property, listed below:

1. The development is approved according to the specific layout shown in the submitted plans, and the terms outlined in the narrative submitted.
2. The hours of operation are limited from 8:00 a.m. until 6:00 p.m. Monday through Saturday.
3. No residential structures or uses are permitted in the PID zoned portion of this property. PID zoning is only approved for the areas specifically identified on the site plan submitted and the area maps provided by the county.
4. The overall development is limited to a maximum of 10,000 square feet and buildings shall be limited to one-story in height.
5. Vinyl siding and chain link fencing are prohibited.
6. Final roadway design and placement are subject to approval by the Hall County Engineering Department and/or the Georgia Department of Transportation.
7. Any access improvements required by either the Georgia Department of Transportation and/or the Hall County Engineering Department for this project shall be the financial responsibility of the applicant/developer.

8. A roadway with public road way status shall be constructed with all appropriate standards. No sidewalks are required. This road shall provide road frontage to all existing land locked residential properties along it and shall provide adequate turn around at the terminus. Final roadway design is subject to review and approval by Hall County staff.
9. The roadway shall be approved and constructed prior to any Certificate of Occupancy being issued for the business facility.
10. A fifty-foot buffer shall be maintained along the zoning boundary where the adjacent property is not owned by the applicant.
11. Two of the existing poultry houses shall be removed.
12. The two lots nearest Athens Highway shall be combined to make one lot. The homes shall meet the building setback requirements of the AR-III zoning district prior to any Certificate of Occupancy being issued by Hall County for the subject facility.
13. Plats shall be recorded for all lots developed off the public access.
14. Vehicles may only be stored in the designated area of the site as shown on the submitted site plan. No vehicles may be stacked at any time on site, except when being loaded onto a transport carrier.
15. Both the sales of parts and the dismantling of vehicles are permitted during normal business hours.
16. Any vehicle repairs/modifications shall be conducted in a fully enclosed structure.
17. Any outdoor lighting on the premises shall be of a non-spill type.
18. The vehicle parking areas around buildings shall be paved with either asphalt or concrete.
19. All conditions of zoning shall be made a part of any plat created for the property.

The subject property also falls within the Gateway Corridors Overlay District (GCOD), which is supplemental to the underlying zoning district classification. The GCOD governs non-residential property development standards. The original 2007 rezoning application was submitted prior to the Gateway Corridor designation.

Comprehensive Plan Land Use Designation

The subject property is located within a "Mixed-use" corridor according to the Future Land Use component of the Comprehensive Plan. The primary land uses within this type of corridor are for retail, office, higher density residential (including multi-family), civic uses, and open/park spaces. Developments within this corridor should be low-impact industrial or higher-density residential only where the same is found on adjacent properties.

The proposed use is consistent with the Comprehensive Plan, in that the proposed rezoning is an expansion of an existing business, already zoned PID.

Development Support and Constraints

Hall County Environmental Health

In an email dated August 12, 2022 Emily McGahee stated that they has no comment related to this request.

Hall County Fire Rescue

The subject property is located approximately 2.6 miles from Hall County Fire Station #1, located at 3126 Gillsville Highway. There are two fire hydrants shown on the subject property.

In an email dated August 15, 2022, Lieutenant John Hornick, provided the following comments:

1. Expansion shall include provisions for fire department vehicle access.
2. Expansion of existing underground fire line and fire hydrant(s) may be required if new building(s) will be constructed in expanded site.

Hall County Public Works and Utilities

In a memorandum dated August 18, 2022 from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

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.
- Show stream buffers and impervious setback from wretched vegetation not centerline of stream.
- Show flood Hall County studied and FEMA.
- Cannot have any development in flood.

Traffic

No comments.

Utilities

No sanitary sewer at this location.

Gainesville Water and Sewer Resources

No comments were provided in relations to this request.

Per Hall County GIS, there is water available along Athens Highway (US 129). The property is served by an on-site septic system.

Georgia Department of Transportation

In an email dated August 18, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor with GDOT, stated that this project “will require GDOT coordination. Reviewer has not noticed this intersection in the field since US 129/SR 11 widening. Reviewer will field verify.”

Zoning Analysis

- The request to expand the existing business is consistent with the Comprehensive Plan designation of a Mixed-use Corridor in that there is an existing industrial use already established for that parcel.

- On February 23, 2012 the Hall County Board of Commissioners approved an amendment to the PID which modified the original conditions of zoning and increased the area to 11.7 acres. The amended PID had 19 conditions of zoning for the property, listed below:
 1. The development is approved according to the specific layout shown in the submitted plans, and the terms outlined in the narrative submitted.
 - *The business has expanded beyond the 11.7 acres approved. The current request is to bring the entire operation into compliance with the standards of the PID.*
 2. The hours of operation are limited from 8:00 a.m. until 6:00 p.m. Monday through Saturday.
 - *The business hours listed on kettylecars.com are 9:00am – 6:00pm Monday through Friday and 9:00am – 12 Noon on Saturday. The business is closed on Sunday.*
 3. No residential structures or uses are permitted in the PID zoned portion of this property. PID zoning is only approved for the areas specifically identified on the site plan submitted and the area maps provided by the county.
 - *The Hall County Property Tax Records list multiple structures on the subject parcels. The submitted site plans did not include information regarding the uses of these structures. It cannot be determined if there are any residential structures within the PID zoned portion of the property.*
 - *The business operations have expanded outside of the areas specifically identified on the site plan.*
 4. The overall development is limited to a maximum of 10,000 square feet and buildings shall be limited to one-story in height.
 - *This cannot be determined as there was not sufficient information submitted to determine which structures are being utilized by the business.*
 5. Vinyl siding and chain link fencing are prohibited.
 - *It is unknown if chain-link fencing or vinyl siding has been used since the 2007 approval.*
 6. Final roadway design and placement are subject to approval by the Hall County Engineering Department and/or the Georgia Department of Transportation.
 - *The access road was reviewed through the Hall County Development Review process and the permit was issued on March 2, 2009, case number DEV2008-00127.*
 7. Any access improvements required by either the Georgia Department of Transportation and/or the Hall County Engineering Department for this project shall be the financial responsibility of the applicant/developer.
 - *The access road was reviewed through the Hall County Development Review process and the permit was issued on March 2, 2009, case number DEV2008-00127.*
 8. A roadway with public road way status shall be constructed with all appropriate standards. No sidewalks are required. This road shall provide road frontage to all existing land locked residential properties along it and shall provide adequate turn

- around at the terminus. Final roadway design is subject to review and approval by Hall County staff.
- *The access road was reviewed through the Hall County Development Review process and the permit was issued on March 2, 2009, case number DEV2008-00127.*
9. The roadway shall be approved and constructed prior to any Certificate of Occupancy being issued for the business facility.
 - *An Occupancy Permit was issued per Hall County Records on May 9, 2014 for Kettyle Cars (COM2011-00414).*
 10. A fifty-foot buffer shall be maintained along the zoning boundary where the adjacent property is not owned by the applicant.
 - *There appears to be a 50 foot buffer to the rear of the existing PID but it this would need to be confirmed by visual inspection and property survey.*
 11. Two of the existing poultry houses shall be removed.
 - *Two poultry houses were removed from the property.*
 12. The two lots nearest Athens Highway shall be combined to make one lot. The homes shall meet the building setback requirements of the AR-III zoning district prior to any Certificate of Occupancy being issued by Hall County for the subject facility.
 - *It is unknown if this occurred. The parcels appear to be in the same configuration as when the 2007 rezoning occurred.*
 13. Plats shall be recorded for all lots developed off the public access.
 - *It is unknown if this has occurred.*
 14. Vehicles may only be stored in the designated area of the site as shown on the submitted site plan. No vehicles may be stacked at any time on site, except when being loaded onto a transport carrier.
 - *A review of the Hall County GIS aerial photography reveals that vehicles have been store outside of the designated area of the site as shown on the submitted site plan. It is unknown if the vehicles are stacked or not.*
 15. Both the sales of parts and the dismantling of vehicles are permitted during normal business hours.
 - *The business hours listed on kettylecars.com are 9:00am – 6:00pm Monday through Friday and 9:00am – 12 Noon on Saturday. The business is closed on Sunday.*
 16. Any vehicle repairs/modifications shall be conducted in a fully enclosed structure.
 - *This cannot be determined.*
 17. Any outdoor lighting on the premises shall be of a non-spill type.
 - *The type of outdoor lighting is unknown.*
 18. The vehicle parking areas around buildings shall be paved with either asphalt or concrete.
 - *It is unknown if this has been completed.*
 19. All conditions of zoning shall be made a part of any plat created for the property.
 - *It is unknown if this has happened.*

- Per §17.180.090.B.2 of the Official Code of Hall County “The development controls for the district shall be detailed (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the light industrial (I-I) district, together with the screening and buffer requirements, shall apply.”
 - *Outside of the 50 foot buffer, development standards were submitted as part of this request, as such the standards shall default to that of the light industrial (I-I) zoning district.*
- Per §17.250.020, Off-street parking, all off-street parking facilities shall be constructed of dust-free materials which will have a surface resistant to erosion, drained so as to prevent damage to abutting properties or public streets and periodically maintained by the owner, and such facilities shall be arranged for convenient access and safety to pedestrians and vehicles. Further, no parking area shall be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
 - *The narrative and/or site plan does not specify the material which the parking areas will be; it is **unable to be determined** if this condition is met.*
- §17.250.020A of the Official Code of Hall County lists the following minimum parking standards for the development:
 - Office, office building or studio:
 - 3.5 spaces for each 1,000 square feet of gross floor area (§17.250.20A)
 - Warehousing:
 - 1 space for each 2 employees (§17.250.20A)
 - Industrial uses:
 - 1.6 spaces for each 1,000 square feet of gross floor area (§17.250.20A)
 - *The applicant has not proposed any parking standards in the submitted narrative or site plan.*
- §17.420, the Gateway Corridors Overlay District (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 include: self-storage warehouses, vehicle sales lots (new or used), automobile repair and maintenance, commercial outdoor recreation, car wash, and outdoor storage.
 - *The current business operations pre-date the establishment of the GCOD. Additionally, the applicant has requested to be exempt from GCOD standards as the business operates outside of the 300 foot overlay.*
 - *The applicant has also stated that no vehicles are to be stored within the 300 feet of the overlay district.*
 - 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; it is **unable to be determined** if this condition is met.*

- Per §17.420.050.D.4.d, all outdoor storage shall be screened from view from public streets and adjacent property by a permanent opaque enclosure consisting of a minimum eight-foot high solid fence or wall.
 - *The applicant has requested to be exempt from GCOD standards and as such no screening is proposed, outside of the 50 foot vegetated buffer.*
- Per §17.420.050.C.2.C, the transitional buffers where an industrial zoning district abuts property zoned for residential or agricultural use shall be no less than 50 feet and shall be placed along the inside property line of the non-residential property.
 - *A 50 foot vegetated buffer is proposed around the PID.*
- Per §17.420.050.D.3, if a loading or service area is located within 50 feet of a side or rear lot line abutting residentially zoned property, then the loading or service area shall be surrounded by either a six foot height masonry screening wall, or a six foot height solid wooden fence placed on the inside of the required landscaped buffer.
 - *The applicant has requested to be exempt from GCOD standards and as such the site plan does not show or address this use; it is **unable to be determined** if this condition is met.*
- 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 has requested to be exempt from GCOD standards and as such the narrative and/or site plan does not specify the material which the parking areas will be; it is **unable to be determined** if this condition is met.*
- §17.420.060.1, Monument signs, establishes requirements for monument signs, and allows one ground mounted monument sign to be permitted per lot. The maximum sign area and height will be based on the standards set forth in this section and are listed below:

Gross floor area of buildings	Maximum sign area	Maximum sign height
0—10,000 sq. ft.	32 sq. ft. (each side)	8 ft. above street grade
10,001—50,000 sq. ft.	48 sq. ft. (each side)	8 ft. above street grade
50,001—100,000 sq. ft.	64 sq. ft. (each side)	10 ft. above street grade
Over 100,000 sq. ft.	96 sq. ft. (each side)	12 ft. above street grade

- *When using Google Street View, it is possible to see a wooden pole sign for Kettyle’s Used Car & Truck Parks. It appears that the sign is located within the right of way of Athens Highway/US 129. This sign will need to be removed and brought into compliance with the above standards.*

Staff Recommendation

Staff recommends **denial** of the applicant’s request. However, if the board sees fit to recommend approval, staff recommends that the applicant submitted an addendum to the narrative which annotates how all of the conditions of zoning from the March 2, 2012 rezoning approval have

been satisfied prior to final board action. Further, the conditions of the March 2, 2012 approval shall continue to apply to the expanded PID and the following new conditions:

Existing Conditions:

1. The development is approved according to the specific layout shown in the submitted plans, and the terms outlined in the narrative submitted.
2. The hours of operation are limited from 8:00 a.m. until 6:00 p.m. Monday through Saturday.
3. No residential structures or uses are permitted in the PID zoned portion of this property. PID zoning is only approved for the areas specifically identified on the site plan submitted and the area maps provided by the county.
4. The overall development is limited to a maximum of 10,000 square feet and buildings shall be limited to one-story in height.
5. Vinyl siding and chain link fencing are prohibited.
6. Final roadway design and placement are subject to approval by the Hall County Engineering Department and/or the Georgia Department of Transportation.
7. Any access improvements required by either the Georgia Department of Transportation and/or the Hall County Engineering Department for this project shall be the financial responsibility of the applicant/developer.
8. A roadway with public road way status shall be constructed with all appropriate standards. No sidewalks are required. This road shall provide road frontage to all existing land locked residential properties along it and shall provide adequate turn around at the terminus. Final roadway design is subject to review and approval by Hall County staff.
9. The roadway shall be approved and constructed prior to any Certificate of Occupancy being issued for the business facility.
10. A fifty-foot buffer shall be maintained along the zoning boundary where the adjacent property is not owned by the applicant.
11. Two of the existing poultry houses shall be removed.
12. The two lots nearest Athens Highway shall be combined to make one lot. The homes shall meet the building setback requirements of the AR-III zoning district prior to any Certificate of Occupancy being issued by Hall County for the subject facility.
13. Plats shall be recorded for all lots developed off the public access.
14. Vehicles may only be stored in the designated area of the site as shown on the submitted site plan. No vehicles may be stacked at any time on site, except when being loaded onto a transport carrier.
15. Both the sales of parts and the dismantling of vehicles are permitted during normal business hours.
16. Any vehicle repairs/modifications shall be conducted in a fully enclosed structure.
17. Any outdoor lighting on the premises shall be of a non-spill type.
18. The vehicle parking areas around buildings shall be paved with either asphalt or concrete.
19. All conditions of zoning shall be made a part of any plat created for the property.

Proposed Conditions:

1. The existing signage for the business shall be removed from the right-of-way of Athens Highway and the applicant shall work with the Hall County Planning Department to permit replacement signage in accordance with §17.420.060, Signs.
2. The applicant shall submitted a full set of civil plan for review through the Development Review process to ensure the property is in compliance with all applicable standards of the Official Code of Hall County and the listed conditions of zoning.

Excerpts from the minutes of the September 6, 2022 meeting

Applicant's Presentation:

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

Brian Rochester, 425 Oak Street, Gainesville, presented the request. Mr. Rochester stated that they are trying to get back into compliance so they are willing to accept all existing conditions as well as staff conditions. Mr. Rochester stated that the growth of the business mushroomed due to COVID with the need to store more totaled vehicles.

Greg Kettyle, 2592 Athens Highway, Gainesville, presented the request. Mr. Kettyle stated that tax parcel 15023A000036 has a mortgage on it so they would not want to combine that lot due to that reason.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell questioned if the entrance sign was located on GDOT right of way. Mr. Rochester stated that it could be removed. Mr. Braswell questioned if the property was all in one parcel. Mr. Rochester stated that they are not. Mr. Hunt questioned up to how many cars are going to be allowed storage. Mr. Rochester stated that the narrative stated that no cars shall be stored within 300 feet of the Gateway Corridor. Mr. Hunt stated that there are cars being stored within the 50 foot buffer and it needs to be corrected.

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

Conditions:

1. *The conditions of the March 2, 2012 approval shall continue to apply to the expanded PID:*
 1. *The development is approved according to the specific layout shown in the submitted plans, and the terms outlined in the narrative submitted.*
 2. *The hours of operation are limited from 8:00 a.m. until 6:00 p.m. Monday through Saturday.*
 3. *No residential structures or uses are permitted in the PID zoned portion of this property. PID zoning is only approved for the areas specifically identified on the site plan submitted and the area maps provided by the county.*

4. *No additional structures shall be added to the property after September 6, 2022.*
5. *Vinyl siding and chain link fencing are prohibited.*
6. *Final roadway design and placement are subject to approval by the Hall County Engineering Department and/or the Georgia Department of Transportation.*
7. *Any access improvements required by either the Georgia Department of Transportation and/or the Hall County Engineering Department for this project shall be the financial responsibility of the applicant/developer.*
8. *A roadway with public road way status shall be constructed with all appropriate standards. No sidewalks are required. This road shall provide road frontage to all existing land locked residential properties along it and shall provide adequate turn around at the terminus. Final roadway design is subject to review and approval by Hall County staff.*
9. *The roadway shall be approved and constructed prior to any Certificate of Occupancy being issued for the business facility.*
10. *A 50 foot buffer shall be established around the entire property with cars that are now in the existing 50 foot buffer to be removed and a registered Georgia Land surveyor or engineer shall permanently stake the 50 foot buffer to assure that no cars are placed in the future and the buffer shall be re-established to current Hall County standards for a non-disturbed buffer.*
11. *Two of the existing poultry houses shall be removed.*
12. *The property owner shall be required to combine all lots to not more than two (2) lots, any existing lots of record shall remain and new lots created shall meet Hall County standards.*
13. *Plats shall be recorded for all lots developed off the public access.*
14. *Vehicles may only be stored in the designated area of the site as shown on the submitted site plan. No vehicles may be stacked at any time on site, except when being loaded onto a transport carrier.*
15. *Both the sales of parts and the dismantling of vehicles are permitted during normal business hours.*
16. *Any vehicle repairs/modifications shall be conducted in a fully enclosed structure.*
17. *Any outdoor lighting on the premises shall be of a non-spill type.*
18. *The vehicle parking areas around buildings shall be paved with either asphalt or concrete.*
19. *All conditions of zoning shall be made a part of any plat created for the property.*
2. *The existing signage for the business shall be removed from the right-of-way of Athens Highway and the applicant shall work with the Hall County Planning Department to permit replacement signage in accordance with §17.420.060, Signs.*
3. *The applicant shall submit a full set of civil plan for review through the Development Review process to ensure the property is in compliance with all applicable standards of the Official Code of Hall County and the listed conditions of zoning.*
4. *No cars shall be parked within 300 feet of GA 129 right of way.*