

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Karan Ahuja

**Request** ..... Rezone | Highway Business, (H-B, [17.150](#)) to Suburban Shopping District (S-S, [17.140](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#))

**Proposed Use** ..... Service station, convenience store, and shopping center

**Size** ..... 0.20 ± acres

**Zoning** ..... Current | Highway Business, (H-B, [17.150](#)) Proposed | Suburban Shopping (S-S, [17.140](#)) / Gateway Corridors Overlay District (GCOD, [17.420](#))

**Location** ..... 2852 Atlanta Highway | Tax Parcel 08027 000011

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

**Planning Commission Date** ..... March 18, 2024

**Staff Recommendation** ..... **Approval, with conditions**, as the proposed rezoning request is consistent with the Community Crossroads future land use classification within the [Comprehensive Plan](#).

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

**Planning Commission Conditions:**

1. Development is approved as generally shown on the preliminary site plan dated January 18, 2024 and as described in the project narrative dated March 5, 2024, modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be subject to the requirements of the Gateway Corridors Overlay District (GCOD, [17.420](#)) and no variances are granted as part of this request.

3. Prior to issuance of sign permits, other than general signs permitted pursuant to [17.270.050](#), the owner/developer shall submit a master sign package for street, wall, internal directional, temporary and other signs to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.
4. The developer shall be responsible for all costs associated with street and driveway improvements.
5. The proposed development is subject to the off-street parking requirements of [17.250.020\(A\)](#).
6. The subject property (parcel 08027 000011) shall be combined via recorded plat with parcel 08027 000010 prior to submittal of any development plans.
7. The location and design of any driveway entrances shall be subject to the approval of the County Traffic Engineer and Georgia Department of Transportation.
8. All conditions of zoning shall be made part of any site plan or any plat recorded for the property.

**Excerpts from the minutes of the March 18, 2024 meeting**

**Applicant's Presentation:**

**Katie Greenway, Planning and Zoning Administrator**, presented a summary of the request.

**Mustaq Moosa, 105 Foe Creek Court, Roswell**, presented the request.

**Charan Singh, 325 Crooked Stick Drive, Alpharetta**, presented the request.

**Nick Pesola, 3502 River Circle, Gainesville**, presented the request.

*Rebuttal*

The applicant stated that they will be compliant with the state stormwater regulations and they will have a detention pond to help with the release of storm water.

**Public Forum:**

**Jimmy Campbell, 3011 Meadow Place, Gainesville**, spoke in opposition. Concerns were devaluing property, steepness of the property, storm water runoff, and grading.

**Phuong Le, 4021 Amberleigh Trace, Gainesville**, spoke in opposition. Concerns were water runoff.

**Planning Commission Comments:**

Ms. Pilcher questioned how the storm water management will be put in place. Mr. Pesola stated that they will follow state regulations. Mr. Varner questioned the connection to Oakwood sewer. Mr. Pesola stated that they have not gotten approval to connect to Oakwood sewer but they would like to deal with the rezoning and amendment before pursuing sewer. Ms. Pilcher stated it was concerning to have the property developed flat as it may increase runoff to the neighboring properties. Mr. Moosa stated that the runoff would be controlled with the developments storm water management. Mr. Hunt stated that the property is already zoned for this type of development, they are just voting to allow the gas station as a use.

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

---

**Staff Recommended Conditions:**

1. Development is approved as generally shown on the preliminary site plan dated January 18, 2024 and as described in the project narrative dated March 5, 2024, modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be subject to the requirements of the Gateway Corridors Overlay District (GCOD, [17.420](#)) and no variances are granted as part of this request.
3. Prior to issuance of sign permits, other than general signs permitted pursuant to [17.270.050](#), the owner/developer shall submit a master sign package for street, wall, internal directional, temporary and other signs to be reviewed and approved by the Director of Community Development and Infrastructure, or their designee.
4. The developer shall be responsible for all costs associated with street and driveway improvements.
5. The proposed development is subject to the off-street parking requirements of [17.250.020\(A\)](#).
6. The subject property (parcel 08027 000011) shall be combined via recorded plat with parcel 08027 000010 prior to submittal of any development plans.
7. The location and design of any driveway entrances shall be subject to the approval of the County Traffic Engineer and Georgia Department of Transportation.
8. All conditions of zoning shall be made part of any site plan or any plat recorded for the property.

**Summary Analysis**

The applicant is requesting to rezone a 0.20± acre tract from Highway Business (H-B, [17.150](#)) to Suburban Shopping (S-S, [17.140](#)) for the purpose of including the subject property into the development of the adjacent parcel located at 2860 Atlanta Highway. A concurrent application for the adjacent parcel has been submitted to amend the conditions of approval of the existing Suburban Shopping (S-S) zoning designation. If approved, the subject property will be combined with the adjacent parcel and held to all conditions of the proposed development.

The subject property is undeveloped and appears to be a remnant tract that was created during the construction of Thurman Tanner Parkway.

An analysis and outline of the concurrent application to amend conditions of the adjacent property located at 2860 Atlanta Highway is included in this staff report. It is staff's recommendation that if the rezoning and amended conditions are both approved, all conditions shall be applied to both requests.

Combining the subject property with the adjacent parcel will create a combined 3.72± tract. The development is expected to conform to setback requirements as per [17.240.010](#). Furthermore, the Gateway Corridors Overlay District, (GCOD, [17.420.](#)), which provides supplemental design standards for non-residential development. The proposal aligns with the GCOD standards ([17.420.050](#)) as listed below:

<b>Standard</b>	<b>Compliance</b>	<b>Proposed Work</b>	<b>Notes</b>
<a href="#">17.420.050.C</a> – Transitional buffers	Complies	25-foot transitional buffer.	N/A
<a href="#">17.420.050.D</a> – Other landscape and screening standards	Complies	10-foot landscape strip along both street frontages	N/A
<a href="#">17.420.050.E</a> – Parking lot design	Complies	87 parking spaces are proposed.	87 parking spaces are shown on the proposed site plan. 82 parking spaces are required.
<a href="#">17.420.050.F</a> – Outdoor lighting	Unknown	Not specified.	The applicant has not specified the proposed lighting but has not requested a variance from this standard.
<a href="#">17.420.050.G</a> – Interparcel access	Deficient	Not specified.	Parcels on either side are too dissimilar in development character and use to warrant compliance at this time.
<a href="#">17.420.050.H</a> - Architectural standards for non-residential buildings	Complies	Brick buildings with gas canopy and pumps	Submitted rendering appears to meet standards.
<a href="#">17.420.060</a> – Signs	Deficient	5 wall signs proposed on the 8,000 square-foot retail building. 2 signs proposed on the building containing a 5,100 square-foot convince store and 3,000	The applicant stated their intention to meet Gateway Standards, but the submitted renderings do not appear to comply with this section.

		square-foot retail store.	
--	--	---------------------------	--

Based on the future land use plan, staff finds the request **consistent** with the [Comprehensive Plan’s](#) future land use designation of “Community Crossroad”. The intent of this land use category is to maintain and create access to local goods, employment opportunities and services at major intersections throughout the community. Future land uses include neighborhood commercial uses (smaller-scale retail and services serving nearby residents) and civic benefit uses including places of worship, parks, and community centers.

**Zoning Analysis**

When considering a zoning amendment to the zoning maps, the following items must be considered by the Planning Commission and the County Commission pursuant to [17.380.060](#):

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The proposed zoning district and conditional use for a service station, convenience store, and shopping center is consistent with the development and zoning of the immediate surround properties.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No, it is not anticipated that the proposed rezoning will adversely affect adjacent properties.**
3. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property has limited to no economic use as currently zoned Highway Business (H-B, [17.150](#)) due to its limited size of .20 acres, location as a corner lot, and Gateway Corridor Overlay District standards (GCOD, [17.420](#))**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **The proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service.**
5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use is consistent with the Comprehensive Plan and the “Community Crossroad” future land use designation. The Comprehensive Plan identifies “neighborhood commercial uses (smaller-scale retail and services serving nearby residents)” as appropriate future land uses in this area.**
6. The extent to which property values are diminished by the existing zoning restrictions; **The existing zoning of Highway Business (H-B, [17.150](#)) diminishes the property values due to its limited size of .20 acres, location as a corner lot, and Gateway Corridor Overlay District standards (GCOD, [17.420](#)). With these circumstances, the property cannot be developed unless it is combined with the adjacent parcel and matches the zoning and conditions of zoning.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance.**

8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **The hardship imposed on the property owner is due to its limited size of .20 acres, location as a corner lot, and Gateway Corridor Overlay District standards (GCOD, [17.420](#)). Furthermore, the proposed zoning and development will provide neighborhood commercial uses as envisioned by the Comprehensive Plan.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The site is has been undeveloped since approximately 2001.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any changing conditions that affect the use and development of the property.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **No, as the rezoning of the property to Suburban Shopping would be consistent with the adjacent parcel.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **In general, the use does not appear to be out of scale with the needs of the immediate neighborhood or the county as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The proposed rezoning is to combine a small remnant tract with a larger parcel currently zoned for commercial development. Additionally, any site proposing a shopping center would require either a rezoning or a conditional use approval by the Planning Commission.**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The request could not be handled alternatively as a variance.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and federal regulations. As a result, there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

The **Suburban Shopping District (S-S, [17.140](#))** allows for a variety of retail and community uses, providing support to the local community and broader region. This includes retail, service stations, offices and group homes.

#### **[17.380.050](#) - Submission requirements for a rezoning request**

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized

agent shall appear in person at the public hearing held to consider the district change. **Proposal meets the requirement. The applicant has paid the appropriate fees and understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**

- B. All applications for a change of zoning classification or use subject to approval of the County Commission shall include:
1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section [17.380.060\(C\)](#) of this section [chapter]. **Proposal does provide a narrative outlining the intent of the change; however, the applicant has not prepared a response to each of the criteria listed in [17.380.060\(C\)](#).**
  2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the Planning Commission and County Commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **A concept site plan has been submitted but does not show the necessary details as part of this application.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **The proposed development does not propose the use of a slow rate land treatment system.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **A traffic study was not submitted as part of this request.**

### **Development Support and Constraints – Departmental / Agency Comments**

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

In an email dated February 13, 2024, Emily McGahee stated: “The entire development must be developed on public sewer or EPD permitted sewage treatment system. No onsite sewage management systems to be permitted by Environmental Health. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled. A Food Service permit/plan review may be required depending on businesses proposed.”

#### **Hall County Fire Marshal**

In an email dated February 13, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated: “The Hall County Fire Marshal’s Office has no comments as proposed.”

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

In a memo dated February 15, 2024, Bill Nash, 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 thresholds for impervious surfaces and/or disturbed acreage

**Traffic:**

GDOT permit requires for driveway access to Atlanta Highway. Thurmon Tanner Pkwy driveway will need to meet Hall County commercial requirements.

**Utilities**

City of Oakwood sewer district

**Georgia Department of Transportation**

In an email dated February 12, 2024, Veronica Chavers, D1TO Traffic Operations Civil Engineer 3, provided the following comments: "GDOT coordination required for driveway access on SR 13."