

HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT

**Applicant** ..... Asif Mistry

**Request** ..... (B) **Special Use** | for fuel sales in H-B

**Proposed Use** ..... Convenience store with fuel sales

**Size** ..... 1.12± acres

**Zoning** ..... **Current:** Light Industrial (I-1)  
**Proposed:** Highway Business (H-B)

**Location** ..... **2978 Athens Highway** | Tax Parcel 15023  
000173

**Commission District** ..... Three

**Planning Commission Date** ..... June 16, 2025

**Staff Recommendation** ..... **(B) Approval, with conditions**, as the proposed  
use is consistent with the Employment or  
Business Nodes & Corridors future land use  
classification within the Comprehensive Plan

**Record Number**..... HZCU25-0021

**Planning Commission Recommendation** ..... **Approval, with conditions**

**Vote: 4-0 (Varner absent)**

**Planning Commission Conditions:**

1. The property shall be developed in accordance with the site plan dated April 16, 2025, and as described in the project narrative dated April 18, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs with improvements necessary for the development.
3. The building shall comply with the architectural standards of the Gateway Corridor Overlay District and renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning or their designee.

4. Hours of operation for the convenience store shall be 6:00 a.m. to 12:00 a.m., seven days a week.
5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall be made a part of any plats created for the property.

**Excerpts from the minutes of the June 16, 2025 meeting**

**Applicant's Presentation:**

**Vamsee Polamarasetty, Planner**, presented a summary of the request.

**Rick Freeland, 3522 Old Duckett Mill Road, Gainesville**, presented the request. The applicant has submitted two concurrent requests as part of a proposed commercial development: (A) to rezone a 1.12+ acre tract from Light Industrial (I-1) to Highway Business (H-B) and (B) a special use for a convenience store with fuel sales. On May 11, 2022, the subject parcel was rezoned from Suburban Shopping (S-S) to Light Industrial (I-1) for a welding shop. A land disturbance permit (HDEV23-0097) was issued and a boundary survey plat (HPLT23-0272) was approved; however, the site was never developed. Hall County GIS map imagery indicates that a residence and accessory structure were demolished between 2012 and 2015.

**Public Forum:**

**Les Johnson, 5479 Fisherman Circle, Gainesville**, spoke in favor of the project as he is working with the applicant.

*Three comments in opposition were received electronically.*

**Planning Commission Comments:**

**A**

***Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 4-0 (Varner absent)***

**B**

***Motion: A motion to approve, with conditions was made by Stan Hunt and seconded by Frank Sosebee. Vote: 4-0 (Varner absent)***

Conditions:

1. The property shall be developed in accordance with the site plan dated April 16, 2025, and as described in the project narrative dated April 18, 2025, modified as necessary for

compliance with conditions herein and development standards enforced at the time of site plan approval.

2. Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs with improvements necessary for the development.
3. The building shall comply with the architectural standards of the Gateway Corridor Overlay District and renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning or their designee.
4. Hours of operation for the convenience store shall be 6:00 a.m. to 12:00 a.m., seven days a week.
5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal, and Hall County Engineering.
6. All conditions of zoning shall be made a part of any plats created for the property.

---

**(A) & (B) Staff recommends APPROVAL of the applicant's requests with the following conditions:**

1. The property shall be developed in accordance with the site plan dated April 16, 2025, and as described in the project narrative dated April 18, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
  2. Access to the development shall be approved by Georgia Department of Transportation (GDOT) and all traffic engineering standards shall be met. The developer shall be responsible for all associated costs with improvements necessary for the development.
  3. The building shall comply with the architectural standards of the Gateway Corridor Overlay District and renovations and/or modifications of the building are subject to approval by the Director of Planning and Zoning or their designee.
  4. Hours of operation for the convenience store shall be 6:00 a.m. to 12:00 a.m., seven days a week.
  5. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Unified Development Code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal, and Hall County Engineering.
  6. All conditions of zoning shall be made a part of any plats created for the property.
-

### **Summary Analysis**

The applicant has submitted two concurrent requests as part of a proposed commercial development: (A) to rezone a 1.12± acre tract from Light Industrial (I-1) to Highway Business (H-B) and (B) a special use for a convenience store with fuel sales within the H-B zoning district.

On May 11, 2022, the subject parcel was rezoned from Suburban Shopping (S-S) to Light Industrial (I-1) for a welding shop. A land disturbance permit (HDEV23-0097) was issued and a boundary survey plat (HPLT23-0272) was approved; however, the site was never developed. Hall County GIS imagery indicates that a residence and accessory structure were demolished between 2012 and 2015.

The surrounding properties are zoned and developed as outlined below:

North: Light Industrial (I-1): Developed with a cold-storage facility (ZON2005-00066).  
 East: Light Industrial (I-1): Developed with a cold storage facility (ZON2021-00066).  
 South: Light Industrial (I-1): Undeveloped (HDEV24-0136); approved for an industrial park and office space (ZON2016-00059).  
 West: Agricultural Residential 1 (AR-1): Developed with single-family residences.

Per the submitted narrative and site plan, the applicant is requesting to rezone the subject parcel to Highway Business (H-B) for a convenience store with fuel sales. The proposed development includes a 4,116 square foot convenience store, a fuel canopy with 6 fuel pumps and 16 parking spaces. The submitted narrative and renderings show that the proposed building elevations will feature brick and stucco finishes.

Per the submitted site plan, a stormwater management pond will be located along the property line adjacent to Athens Highway. In addition to the landscaping strip, the applicant proposes a six-foot metal privacy fence to provide further screening. Per the submitted site plan and narrative, all required building setbacks, perimeter landscaping standards, and buffers will be met.

Per the site plan, two access points are proposed; one right-turn-only entrance on Athens Highway and one full access entrance on Baker Road.

Water service will be provided by the City of Gainesville Department of Water Resources as confirmed in an email dated April 25, 2025. Sanitary sewer service will be provided by an on-site septic system.

The development standards for the project are identified in the table below compared to the GCOD requirements (6.2):

### **GCOD Analysis**

<b><u>Standard</u></b>	<b><u>Proposed Work</u></b>	<b><u>Notes</u></b>	<b><u>Compliance</u></b>
<b>6.2.5.A.–</b> Transitional buffers	The developed portion of the site is approximately 25 feet from the property	A 25-foot transitional buffer is required adjacent to residential property. Buffers shall	Complies

	zoned Agricultural Residential 1 (AR-1).	comply with GCOD standards.	
<b>6.2.5.B.1</b> – Additional Landscape and Screening	Foundation plantings.	Shrubs must be planted within ten feet of the foundation of the primary structure along each building facade at the rate of at least 20 shrubs per 100 lineal feet of building facade except for sides or rear of building used for loading or service areas. Foundation plantings may be clustered to provide visual interest.	Complies
<b>6.2.5.B.2</b> – Additional Landscape and Screening	10 foot wide landscape strip along street frontage	Along each street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.	Complies
<b>6.2.5.C.1</b> – Parking Lot Design -Required # of Parking Spaces	16 parking spaces	Off-street parking space calculations are governed by Sec. 8.1 of the UDC. 16 parking spaces are required.	Complies
<b>6.2.5.C.2.e</b> – Parking Lot Design - Location	Parking is located along the side property line and between the fuel canopy and the front of the convenience store.	Off-street parking must be located to the side or rear of the principal building and may not be located between the building and the street.	Complies
<b>6.2.5.D</b> – Outdoor lighting	Unknown	Shall comply with GCOD standards.	Unknown
<b>6.2.6</b> - Architectural Standards	The building elevations will feature stucco and brick finishes.	Shall comply with GCOD standards	Complies
<b>6.2.7</b> – Signs	A freestanding sign is identified on the site plan that meets setback requirements.	Signage shall comply with GCOD standards.	Unknown
<b>6.2.7</b> - Signs	Conceptual renderings show 3 wall signs on	One wall sign is permitted along each facade	Deficient

	façade adjacent to Athens Highway.	adjacent to a public right of way.	
--	------------------------------------	------------------------------------	--

**Based on the future land use plan, staff finds the special use request is consistent with the Comprehensive Plan's future land use classification of Business Nodes & Corridors.** The intent of this future land use designation is for new development along these major road corridors and intersections to consist of higher-intensity commercial uses, low-intensity, consumer-facing industrial uses that house businesses that serve nearby communities, and with some higher density residential, where appropriate. Site designs should use the Quality Development Principals, particularly natural resource protections and high-quality landscape installations, to the fullest extent possible.

#### **(A) & (B) Zoning Analysis – Rezone and Special Use**

When considering a zoning amendment to the zoning maps, the Planning Commission must study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry must be considered:

- a. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed Highway Business (H-B) zoning district is consistent with the use, development, and zoning of adjacent and nearby properties.**
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the use would adversely affect adjacent or nearby property provided required buffers are maintained.**
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has reasonable economic use as currently zoned.**
- d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; ; **The proposed rezoning and special use is not expected to cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, schools, police protection, fire protection, public facilities, or emergency medical service. The property is served by Hall County sewer and City of Gainesville public water.**
- e. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed use is consistent with the Comprehensive Plan and the Business Nodes & Corridors future land use designation.**
- f. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are affected by the existing zoning restrictions.**
- g. 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 values including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**

- h. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
- i. 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; **According to GIS imagery, a residence and accessory structures were removed between 2012 and 2015. A land disturbance permit (HDEV23-0097) was issued; however, no work has begun.**
- j. 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 affecting the use or development of the property.**
- k. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning, Highway Business (H-B), would create an isolated district; however, the zoning and use are consistent with the Future Land Use designation of "Business Nodes & Corridors" as well as the development of nearby commercially zoned properties.**
- l. 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.**
- m. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the request is not out of scale with the needs of the county as a whole.**
- n. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the County that support highway business uses based on the Future Land Use Map; however, the development as proposed requires rezoning and special use approval by the Board of Commissioners.**
- o. 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.**
- p. 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 are no anticipated ecological or pollution impacts resulting from any modification to the land if the request is granted.**

- q. 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.**

#### **11.2.6.E - Submission requirements**

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the County Commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such person or persons or their authorized agent must appear in person at the public hearing held to consider the district change. **The 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.**
2. All applications for a change of zoning classification or use subject to approval of the County Commission must include:
  - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The proposal provides a narrative outlining the intent of the development; however, the applicant has not prepared a response to each of the criteria listed in 11.2.6.E.2.**
  - b. 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 may evaluate the application based on the most intense possible land use permitted in the proposed district. **The proposal meets the requirement.**
  - c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request**
  - d. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

#### **Development Support and Constraints**

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

In an email dated May 13, 2025, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil



plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan.”

**Georgia Department of Transportation**

In an email dated May 8, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is required.

**Hall County Public Works and Utilities**

In a memo dated May 16, 2025, Bill Nash, Director of Public Works and Utilities, provided the following comments:

**Engineering:**

This 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 required for proposed Athens Hwy (SR 11/ US 129) access.

Proposed Baker Road access will need to meet Hall County commercial standards.

**Utilities:**

Sanitary sewer is only available at this site via a force main. A pump station will be required.

**Hall County Fire Marshal**

In an email dated May 9, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s Office has no comments as proposed.”