

**HALL COUNTY PLANNING COMMISSION  
RECOMMENDATION REPORT**

**Applicant** ..... Morteza Modaber

**Request** ..... (A) **Special Use** | Vehicle sales

**Proposed Use** ..... (A) Vehicle sales

**Size** ..... 1.19± acres

**Zoning** ..... Highway Business (H-B, GCOD)

**Location** ..... **2353 Athens Highway** | Tax Parcel  
15022C000016

**Commission District** ..... Four

**Planning Commission Date** ..... July 7, 2025

**Staff Recommendation** ..... **(A) Approval, with conditions**, as the proposed zoning is consistent with the commercial nature of the surrounding properties and previous county approval.

**Record Number(s)** ..... HZCU25-0024

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

**Vote: 4-0**

**Planning Commission Conditions:**

1. The property shall be developed in accordance with the site plan and as described in the project narrative, both dated May 25, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval. Notes on the site plan designating “gravel paving” shall be disregarded per condition #2.
2. The total number of parking spaces for sales shall be limited to a total of 34 spaces. All driveways and parking areas shall be paved with asphalt or concrete. No gravel shall be allowed.
3. No servicing or maintenance of vehicles shall be allowed.

4. The hours of operation shall be Monday through Friday 9:30 a.m. to 6:00 p.m., Saturday 9:30 a.m. to 4:00 p.m. and closed on Sunday.
5. Storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.
6. Plans for any improvements or development of the property shall be submitted for review and appropriate permits obtained.
7. 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 of improvements necessary for the development.
8. 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.
9. All conditions of zoning shall be made part of any plats created for the property.
10. Any exterior modifications, improvements, or alterations to the site shall comply with the Unified Development Code as well as those standards outlined within Article 6 - Gateway Corridor Overlay District.

**Excerpts from the minutes of the July 7, 2025 meeting**

**Applicant's Presentation:**

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

**Morteza Modaber, 1130 East Street, Suwanee**, presented the request. The applicant has submitted two concurrent requests as part of a proposed vehicle sales business: (A) special use for vehicle sales within the Gateway Corridor Overlay District (GCOD); and (B) a variance to section 6.2 of the UDC for gravel parking within the GCOD. The property is zoned Highway Business (H-B), measures approximately 1.19± acres, and is currently developed with a single-family residence. The subject property was approved for a conditional use on October 12, 2023 for used vehicle sales (HZCU23-0035) subject to 12 conditions. Per the conditions, the approval expired on April 13, 2025 as no action was taken to implement the use on the subject property.

**Public Forum:**

*There were no comments in support or opposition.*

**Planning Commission Comments:**

Mr. Braswell asked the applicant to clarify if the proposed business would only be auto sales. The applicant confirmed that the application was only for auto sales and there would not be any repair of vehicles.

**A**

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

Conditions:

1. The property shall be developed in accordance with the site plan and as described in the project narrative, both dated May 25, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval. Notes on the site plan designating "gravel paving" shall be disregarded per condition #2.
2. The total number of parking spaces for sales shall be limited to a total of 34 spaces. All driveways and parking areas shall be paved with asphalt or concrete. No gravel shall be allowed.
3. No servicing or maintenance of vehicles shall be allowed.
4. The hours of operation shall be Monday through Friday 9:30 a.m. to 6:00 p.m., Saturday 9:30 a.m. to 4:00 p.m. and closed on Sunday.
5. Storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.
6. Plans for any improvements or development of the property shall be submitted for review and appropriate permits obtained.
7. 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 of improvements necessary for the development.
8. 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.
9. All conditions of zoning shall be made part of any plats created for the property.
10. Any exterior modifications, improvements, or alterations to the site shall comply with the Unified Development Code as well as those standards outlined within Article 6 - Gateway Corridor Overlay District.

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

1. The property shall be developed in accordance with the site plan and as described in the project narrative, both dated May 25, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The total number of parking spaces for sales shall be limited to a total of 34 spaces.
3. No servicing or maintenance of vehicles shall be allowed.
4. The hours of operation shall be Monday through Friday 9:30 a.m. to 6:00 p.m., Saturday 9:30 a.m. to 4:00 p.m. and closed on Sunday.
5. Storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.
6. Plans for any improvements or development of the property shall be submitted for review and appropriate permits obtained.
7. 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 of improvements necessary for the development.
8. 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 Official 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.
9. All conditions of zoning shall be made part of any plats created for the property.

**(B) Staff recommends DENIAL of the applicant's request.**

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**The following should be considered as exceptions to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:**

1. **Section 6.2.5.B.2 – Site Development Standards** – Along street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.
  - The applicant proposes frontage landscape plantings within the ROW. **This does not meet the standard.**
2. **Section 6.2.5.C.1.b. – Parking Lot Design** - The maximum number of parking spaces that may be constructed on impervious surfaces may be no more than 125 percent of the minimum number of parking spaces required in Sec. 8.1.
  - The applicant proposes 9 customer parking spaces. The total parking spaces required is 3 spaces. **This does not meet the standard.**

3. **Section 6.2.5.C.2.a - Parking Lot Design** - Each parking area with at least 20 spaces must include landscaped islands within the parking area equivalent to not less than 10 percent of the total paved area of the parking lot, not including pervious paving surfaces.
    - The applicant proposes 43 total parking spaces. There are no landscape islands shown. **This does not meet the standard.**
  4. **Section 6.2.5.C.2.d - Parking Lot Design** - All parking areas shall be paved with asphalt, concrete or pervious materials approved by the Director.
    - The applicant proposes gravel for parking and outdoor storage areas. **This does not meet the standard.**
  5. **Section 6.2.5.C.e - Parking Lot Design** - Off-street parking must be located to the side or rear of the principal building and may not be located between the principal building and the street. The applicant proposes inventory parking along Athens Highway in front of the principal building. **This does not meet the standard.**
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### **Summary Analysis**

The applicant has submitted two concurrent requests as part of a proposed special use for Vehicle sale: (A) special use for vehicle sales within the Gateway Corridor Overlay District (GCOD); and (B) a variance to section 6.2 of the UDC for gravel parking within the GCOD. The property is zoned Highway Business (H-B), and measures approximately 1.19± acres and is currently developed with a single-family residence.

The subject property was approved for a conditional use on October 12, 2023 for used vehicle sales (HZCU23-0035) subject to the following conditions:

1. The property shall be approved for used vehicle sales only, subject to all conditions herein and development standards enforced at the time of site plan approval. No variances are approved as part of this request other than those stated. No other uses shall be permitted unless approved by the Board of Commissioners.
2. Development is approved as generally shown on the concept plan and described in the project narrative (both dated May 8, 2023), modified as necessary for compliance with the conditions herein and development standards enforced at the time of site plan approval.
3. Plans for any further improvements or development of the property shall be submitted for review and appropriate permits obtained.
4. Storage of wrecked, junk, and/or inoperable vehicles shall be prohibited.
5. Any outdoor storage shall be screened as required by the standards listed in section 17.420 Gateway Corridors Overlay District.
6. Vehicles displayed for sale may be parked on geogrid with gravel as shown on the submitted site plan.
7. Per, 2.60.060. - effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective

for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.

8. All conditions of zoning shall be made part of any plats created for the property.
9. There shall be a vegetative buffer to the east of the property. A landscape plan shall be submitted to be approved by staff.
10. No servicing or maintenance of vehicles shall be allowed.
11. The hours of operation shall be Monday thru Friday 9:30am to 6pm, Saturday 9:30am to 4pm and closed on Sunday.
12. The applicant shall install a 10 foot wide landscape strip along Athens Highway, and shall work with planning staff to determine the appropriate plantings.

Per condition #7, the approval expired on April 13, 2025 as no action was taken to implement the proposed use on the subject property.

The surrounding properties are zoned and developed as follows:

- North: Highway Business (H-B): Developed as a vehicle sales lot.
- East: Highway Business (H-B) and Agricultural Residential 1 (AR-1): Developed with a mobile home park.
- South: Highway Business (H-B): Developed with single-family residences and a business.
- West: Residential 1 (R-1): Developed with single-family residence.

Per the submitted narrative and site plan, the applicant is requesting a special use for vehicle sales and gravel parking within the Gateway Corridor Overlay District (GCOD). The proposed development includes a 1,369 square foot existing residence that will be converted into a sales office. There are 43 parking spaces proposed on gravel parking areas; this area includes customer parking. Per the submitted narrative, the used vehicle sales business will operate Monday through Saturday from 8:00 a.m. to 6:00 p.m.

The applicant states that the property is currently being served by City of Gainesville public water and Hall County sewer; however, staff has not identified a sewer line near the property and no sewer availability letter was submitted as part of this application.

The development standards for the project are identified in the table below and 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	N/A	A 25 foot transitional buffer is required adjacent to residential property.	N/A

<b>6.2.5.B.1 &amp; 2– Additional Landscape and Screening</b>	Unknown. Site plan shows plantings within Hall County right-of-way.	<p>1. 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.</p> <p>2. Along each street frontage there must be a landscape strip at least 10 feet in width except for perpendicular crossings for driveways and utilities.</p>	Deficient
<b>6.2.5.C.1 – Parking Lot Design -Required # of Parking Spaces</b>	9 customer parking spaces are identified on the submitted site plan which includes 2 ADA accessible spaces and a total of 34 inventory car parking spaces.	Off-street parking space calculations are governed by Sec. 8.1 of the UDC. 3 parking spaces required. 4 parking spaces are allowed (per 125 percent maximum)	Deficient
<b>6.2.5.C.2.e – Parking Lot Design - Location</b>	All parking spaces are proposed in front of and beside the building.	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.	Deficient
<b>6.2.5.D – Outdoor lighting</b>	LED lighting is proposed to be located on the building and directed downward.	All outdoor lighting must be the semi-cutoff type.	Complies

6.2.6 - Architectural Standards	Unknown, applicant proposes to convert existing single family residence to sales center by adapting and reusing the building.	Building materials used for all four sides of new or reconstructed buildings are restricted to the following: i. Brick. ii. Stone. Natural stone such as, but not limited to, granite, limestone, and marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is prohibited. iii. Split-face block/concrete masonry unit (CMU) is restricted to 50 percent of the surface area of each side of a principal building. iv. Stucco is restricted to 50 percent of the surface area of each side of a building. v. Glass and glass block. vi. Exposed concrete block, painted concrete block, metal, tilt/up and pre-cast concrete are prohibited materials for any exterior wall.	Unknown
6.2.7 – Signs	One freestanding monument sign and a wall sign is proposed, no renderings submitted.	One wall sign is permitted along each facade adjacent to a public right of way.	Unknown

Based on the future land use plan, staff finds the requested zoning designation *is not consistent* with the Hall County Comprehensive Plan future land use designation of “Employment Nodes and Corridors.” These employment nodes and corridors should consist of industrial and/or office uses housed in either formalized campuses or along major road corridors that have existing or future access to water and sewer. These areas may also include higher density residential uses, where appropriate. Site designs should use the quality development principals discussed earlier to the fullest extent possible.

Although not consistent with the future land use plan, the underlying zoning district does support the proposed use; however, vehicle sales require special use approval within the Gateway Corridor Overlay District.



**(A) Zoning Analysis - 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 use is suitable in view of the use and development of adjacent and nearby properties along Athens Highway as there are other commercial uses in the surrounding area.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed use does not appear to adversely affect the existing use or usability of adjacent properties.**
- 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 use is not anticipated 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.**
- 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 commercial nature of the surrounding properties; however, the existing Highway Business (H-B) zoning is not supported by the current future land use plan.**
- 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 diminished 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 value 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; **The property is developed with a single-family residence built in 1960.**
- 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; **There are no known changing conditions affecting the use or development of the property.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **No, this would not create an isolated district unrelated to the surrounding districts as the H-B zoning district is already established.**
- 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; **The existing zoning of the subject site supports the proposed use; however, the proposed use in the Gateway Corridor Overlay District requires 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 for a special use in the Gateway Corridor Overlay District 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.**

**(B) Zoning Analysis – Variance to section 6.2**

The Planning Commission may grant variances in individual cases of unnecessary hardship upon a finding of the board that:

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape, or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **No, there are no extraordinary or exceptional conditions pertaining to the physical character of the lot to prevent the project design from meeting development standards.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No evidence has been provided that an unusual hardship exists to prevent the development from complying with architectural requirements.**
3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **There are no conditions peculiar to the property involved that are not common to other properties in the neighborhood.**
4. Such conditions are not the result of any actions of the property owner; **The gravel parking area is a direct action of the property owner.**
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this UDC; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this UDC or for a Conditional Use Permit which has been denied by the Planning Commission. **Relief, if granted, will not impair the purposes and intent of the Unified Development Code of Hall County.**

#### **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 June 5, 2025, Emily McGahee stated, "Must meet all Environmental Health commercial septic system permitting requirements as public sewer is not available to this parcel. 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/modification may be required after review of business plan."

#### **Georgia Department of Transportation**

In an email dated May 29, 2025, Nakia Nembhard, GDOT Civil Engineer 3, stated that GDOT coordination is required.

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

In a memo dated June 6, 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:**

Driveway Must be upgraded to commercial and GDOT permit required.

**Utilities**

Gainesville sewer service area gravity sewer is 0.3 miles away on James Simpson Blvd.

**Hall County Fire Marshal**

In an email dated June 5, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated, “The Hall County Fire Marshal’s has no comments on items A or B as proposed.”