

**Zoning Amendment Narrative**  
**5937 Union Church Road, Hall County, Georgia 30542**  
**Georgia SR 211 (old Winder Highway) at Union Church Road**

**Request:** Zoning Amendment of 1.343 acres  
 from AR-IV to H-B with conditions

**Owner:** Billy Garrett Credit Shelter Trust B  
 Guerry W. Garrett and Chris Morgan Garrett, Trustees

**Applicant's Representative:** Rochester | DCCM of Gainesville, Georgia  
 Bill Schmid, AICP

Executive Summary

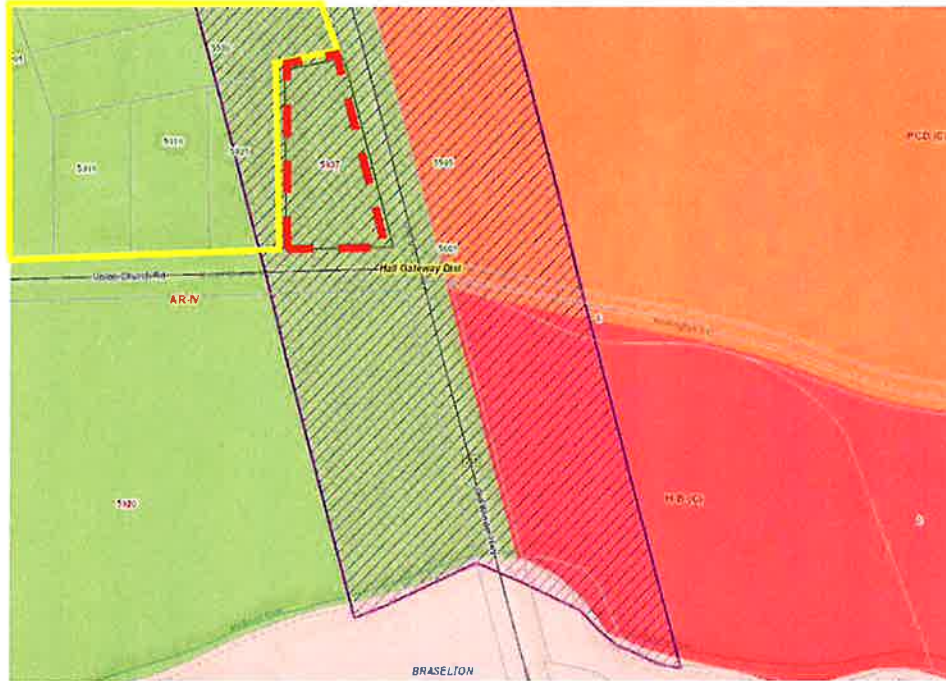
The accompanying application seeks zoning district designation change on the Hall County Official Zoning Map from AR-IV to H-B Highway Business with conditions, but no concurrent variances, for 1.343 acres of undeveloped property in rapidly growing unincorporated southeast Hall County. The Garrett property was platted in 1984 by Billy Garrett as Lot 11 of the 15-lot Mulberry Hills subdivision. The Garrett family have owned the property for almost forty years but have made no prior requests for zoning change. Lot 11 had a mobile home on the lot for several years, but never had a site-built residence constructed. The Garrett site is located at the northwest corner of the intersection of Georgia State Route 211 (Old Winder Highway) and Union Church Road.

Although there have been numerous expressions of interest in commercial uses at this location over time, the property has not been actively marketed. Thus, the Garretts have no current specific development plan or contingent purchase agreement. Continued population and commercial growth in South Hall and increasing interest from potential developers of the property prompts the Garretts to seek rezoning approval at this time.

The intent is for these long-time Owners to be able to secure zoning approval, then market and sell the property to someone else to develop the undeveloped property in an economical manner consistent with the requirements of Hall County for the H-B and Gateway Corridor Overlay districts. The location and proposed uses are consistent with the Hall County Comprehensive Plan's designation of SR 211 as a "Mixed Use Corridor" and appropriate for Hall County's Highway Business (H-B). A date for completion of development is undetermined at this time.

Location/Site Description

The Garrett property is approximately 600 feet north of the city limits of Braselton at the Mulberry River and across the highway from the 508-acre Reveille mixed use development. It is currently zoned AR-IV within the Gateway Corridor Overlay district.







The Garrett property is across the street (80 feet away) from Reveille (first approved as River Walk in 2016), catty-corner to 2.132-acres of undeveloped property zoned H-B with conditions five years ago (November 9, 2017) and 80 feet north of undeveloped floodplain property zoned AR-IV, which is likely to remain undeveloped for some time to come. There are no existing residential structures planned to remain within 700 feet or more of the site.

The very large investment directly across SR 211 at Reveille, for which site development is underway, is described by the developer on the [project's website](#) as follows:

*“Atlanta's Rotunda Land & Development Group presents Reveille, a true Live, Work, Play community including assisted living, office space, apartments, townhomes, cottage homes, a hotel, retail and an event facility to be located in South Hall at Old Winder Highway and Union Church Road. At full build out, this 508-acre site will feature walkable neighborhoods with common architectural themes throughout a historic town center design, along with nearly 100,000 square feet of retail and over 120,000 square feet of office space. A 175-room hotel will provide best in class accommodations at Reveille with convenient access to a host of amenities and attractions offered right on site.”*

### Subject Frontages

The Garrett site has frontage along and access from two roads, both in 80 feet rights-of-way, which are functionally classified by the Hall County Zoning Ordinance as a Major Collector (old Winder Highway from Winder Highway (SR 53) to the Gwinnett County line) and Minor Collector (Union Church from Union Circle to Winder). Both currently have two-lane road improvements. Because of recent and projected continued growth SR 211 is planned for widening to four-lanes by 2030.

The site has approximately 371 LF of frontage along SR 211 and another 215 LF along Union Church Road. Both frontages are along straight portions of roadway and have good sight distance. The number and location of future access drives are controlled by GDOT for SR 211 and by Hall County for Union Church Road. A zoning coordination letter has been requested from GDOT. This application limits the number of drives to two for SR 211 and one for Union Church Road with no more than two overall, which will provide flexibility in design of improvements to the property.



SR 211 - View to the north



Union Church Road - View to the east



Site Suitability for Rezoning and Development

The Garrett site is roughly rectangular in shape and has no streams and no large rock outcroppings to limit its development. The site has rolling topography typical for the area and is wooded with a mixture of regrowth trees. It remains undeveloped and does not represent the on-going significant changes in character of the area or immediate vicinity.

Zoning Requirements	Minimum	Site
Lot Area	15,000 SF	57,630 SF
Lot Frontage	100 Feet	371' and 215'
Front Yard S/B	30' from ROW line	30' from ROW of SR 211 and Union Church Road
Side Yard	20 Feet	20 feet (2) *
Rear Yard	10 Feet	NA *
Vegetated Buffer along PRD	10 Feet	10 feet (2 sides)
GCOD Landscape Strip	10 Feet	10 feet

(\*) - As a commercial corner lot the property will have two front and two side setbacks, rather than the more typical front, two sides and a rear.

Domestic water is provided by the City of Gainesville and is located along the rights-of-way of SR 211 and Union Church Road. A commitment letter from COG has been requested. Public sewer infrastructure and capacity owned by Hall County are within the same basin to the south of the site and will be within the adjacent townhome development when completed. The decision to use an on-site sewage management system or public sewer is a financial one which is a function of the ultimate buyer's needs. No commitment to public sewer has been made at present. All dry utilities are located within a reasonable distance for service extensions. There are no known impediments to the site's successful development for the purposes to be approved by this application.

Proposed Uses

This application does not seek any variances and seeks a limited range of uses. It does not seek approval for any of the otherwise potentially allowed uses described in Sections 17.150.020, 17.150.030 or 17.150.040 of the Hall County Zoning Ordinance. These would be any specific use(s) or combination thereof requiring Planning Commission Approval, Board of Adjustment Approval, or BOC approval, respectively.

Instead, the application seeks approval of the majority, but not all of the Permitted Uses (Uses by Right) lettered A through S, inclusive as found at Section 17.150.010 of the Hall County Zoning Ordinance.

Because of the parcel size, shape, location and topography the following otherwise allowed Uses by Right in straight H-B zoning district are voluntarily eliminated by the Owner from further consideration:

- C. Bus stations,
- E. Drive-in theaters,
- J. Radio and television studios and
- R. Adult establishments

Resulting uses permitted at this H-B district location would include:

- A. Any retail or retail service establishment, including the making of articles sold at retail on the premises providing the conditions of chapter 17.210 are met.
- B. Banks.
- D. Churches and other places of worship.
- F. Motels, hotels.
- G. County uses.
- H. Offices, with a gross floor area not exceeding 25 percent of lot area.
- I. Parks for leisure and scenic appeal.
- L. Restaurants.
- M. Service stations, provided the conditions of chapter 17.210 are met.
- N. Subdivisions.
- O. Family day care home.
- P. Group day care home.
- Q. Construction trailer, provided the conditions of chapter 17.210 are met.
- S. Dental laboratories.

#### Comprehensive Plan Consistency

The project is consistent with the recently updated Hall County Comprehensive Plan (June 2022), incorporated herein by reference, and is not known or believed to conflict with any of its aims.

#### Conceptual Site Plan

Site plan review is not required by ordinance at the zoning amendment stage for the uses requested by the applicant. However, the Garretts want to demonstrate the ability of the site to be developed for the uses contemplated and market the property for sale upon

approval. The accompanying non-binding conceptual Rezoning Plan is drawn to scale and reflects all required setbacks and buffers. It is illustrative of one manner the site might be designed on sewer to concurrently meet requirements for one 8,000 square feet single-story building with 45 parking spaces, open space, vegetated buffers (10'-20'), landscape strip (10'), stormwater, etc. for the contemplated uses in the H-B District. Two buildings, a two-story structure, alternate driveway location(s), building shape, parking lot layout, or similar decisions by an end-user might result in a different final configuration.

The current plan is conceptual in nature, and as such may require modifications during the engineering and development process. Modifications to the locations and arrangement of buildings, roads, and other improvements that do not conflict with specific standards and requirements of Hall County Ordinances may be made by the Owner or subsequent purchaser, so long as such modifications do not change the land use or reduce buffers or setbacks required by Ordinance.

#### Constitutional Issues and Preservation of Rights

Typical for similar applications of this type, as part of the zoning district amendment application review process Georgia law requires the Applicant to point out that refusal by Hall County to approve this zoning amendment (rezoning) would be an arbitrary and unreasonable act and would be arbitrary and capricious, as well as vague, and result in a taking of the Applicant's and Property Owners' constitutional rights.

Potential areas of concern in properly handling this application and resulting actions include, but are not limited to, one or more violations of the:

- US Constitution (Constitution of the United States)
  - Fifth Amendment and Fourteenth Amendment
  - Commerce Clause, Article I, Section 8, Clause 3
  - Just Compensation Clause of the Fifth Amendment

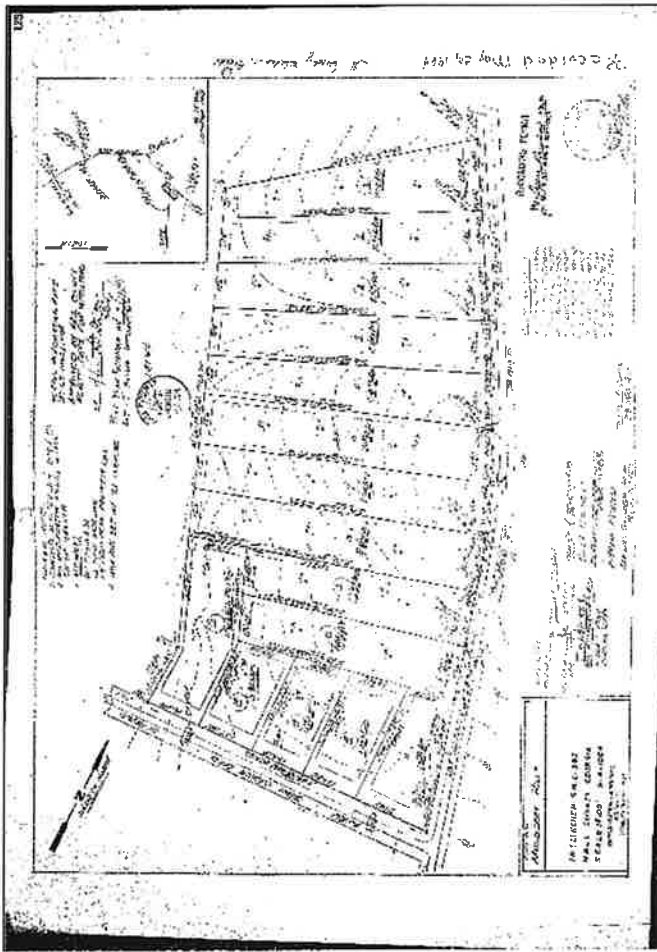
- Georgia Constitution (Constitution of the State of Georgia of 1983)
  - Article I, Section I, Paragraph I
  - Article I, Section I, Paragraph II
  - Article I, Section III, Paragraph I
  - Article IX, Section II, Paragraph IV

- Georgia Statutes (Official Code of Georgia Annotated, as amended)
  - Zoning Procedures Law, O.C.G.A Section 36-66-1 et seq.



Legal Description

The subject parcel is a lot of record known as Lot 11 of Mulberry Hills as recorded May 30, 1984, by Billy Garrett and Phillip Beard in Deed Book 96 Page 124 of the public records of Hall County, Georgia. The bearings and distances from the plat are shown on the accompanying Rezoning Plan, which is incorporated by reference.



Applicant Offered Conditions

1. Site driveway access shall be limited to a maximum of two (2).
2. Allowed uses of the site shall be limited only to the following listed uses of 17.150.010: A, B, D, F-I, K-Q and S.
3. The conceptual site plan is representative but not binding.