

**HALL COUNTY PLANNING COMMISSION
STAFF REPORT**

Applicant Tim Wilbanks

Request **(A) Rezone** | from Agricultural Residential 1 (AR-1)
to Highway Business (H-B)
(B) Variance to section 6.2 | Gateway Corridor
Overlay District

Proposed Use Uses permitted in H-B

Size 10.09± acres

Zoning **Current:** Agricultural Residential 1 (AR-1)
Proposed: Highway Business (H-B)

Location **1731 Friendship Road** | Tax Parcel 15041 000190

Commission District One

County Commission Date August 28, 2025

Staff Recommendation **(A) Approval, with conditions** as the proposed
use is consistent with the “Business Nodes &
Corridors” future land use in the Comprehensive
Plan.
(B) Denial, as no hardship exists pursuant to the
criteria of 11.1.1.D.11.

(A) Staff recommends APPROVAL of the applicant’s request with the following conditions:

1. The property shall be developed in accordance with the site plan dated July 28, 2025, and as described in the project narrative dated July 28, 2025, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Access to the property shall be approved by the Georgia Department of Transportation. The developer shall be responsible for all costs associated with improvements necessary for access to the development.
3. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:
“Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and

nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

4. 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 Hall County Engineering for driveway placement and compliance.
5. All conditions of zoning shall be made a part of any plats or construction plans created for the property.

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

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:

Section 6.2.5.C – 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 parking be located between Friendship Road and the proposed buildings. **This does not meet the standard.**

Summary Analysis

The applicant is requesting to rezone a 10.09± acre tract from Agricultural Residential (AR-1) to Highway Business (H-B) to allow for uses permitted within the Highway Business zoning districts. A variance is also requested from the Gateway Corridor Overlay District standards to allow for parking between the principal building and the street. Currently, the property is undeveloped and bisected by a creek with associated 75-foot stream buffers.

The surrounding properties are zoned and developed as outlined below:

- North: Planned Residential Development (PRD): Reunion Subdivision; developed with single-family homes
- East: Agricultural Residential 1 (AR-1): Vacant
- South: Agricultural Residential 1 (AR-1): Developed with a church
- West: Planned Residential Development (PRD): Reunion Subdivision; developed with single-family homes

According to the submitted narrative, the applicant is requesting to rezone the subject parcel to Highway Business (H-B) to allow for uses permitted in the H-B zoning district, as defined by the Hall County Unified Development Code (UDC). The proposal includes the construction of two commercial buildings with two access points from Friendship Road—one near the center of the property and another at the southeastern corner.

Per the submitted site plan the applicant proposes to construct two buildings. Building A is proposed to be an 11,250 square foot office building located on the southwest portion of the property. The site plan shows 41 parking spaces provided, exceeding the 34 spaces required by the UDC. Building B is a 67,450 square foot office/retail building on the northeast portion of the property. There are 230 parking spaces provided, exceeding the 203 required. A stream bisects the property, separating the two buildings and an access drive is proposed to cross the stream and provide access to Building A from the main driveway at Friendship Road.

The site plan also depicts two stormwater management facilities, which appear to encroach into the required 75 foot impervious surface setback. According to the narrative, stormwater will be managed using a combination of detention ponds and infiltration trenches and discharged into the creek that runs through the property. All stormwater facilities will comply with Hall County regulations.

Additional site features include a 25 foot transitional buffers along all abutting properties, a 10 foot landscape strip along Friendship Road, LED non-spill light fixtures, and professional landscaping throughout the development, in accordance with the UDC.

The proposed development will be served by City of Gainesville water as confirmed in an email on August 7, 2025 and Hall County sanitary sewer as confirmed in a letter dated August 12, 2024.

One (1) **variance** related to the Gateway Corridor Overlay District standards will be required if the site plan, as presented, is approved.

- **Section 6.2.5.C – 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 parking be located between Friendship Road and the proposed buildings. **This does not meet the standard.**

On December 14, 2023, the board denied a previous submittal which included one commercial office building and a 185-unit multi-family development. On July 3, 2025, the Hall County Superior Court issued a court order requiring the request to be remanded for further consideration by the Board of Commissioners. The current application does not include any residential uses.

Based on the future land use plan, staff finds the rezoning 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 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 discussed earlier, particularly natural resource protections and high quality landscape installations, to the fullest extent possible.

(A) Zoning Analysis – Rezone

When considering a zoning amendment to the zoning maps, the board 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 suitable in view of the use, development and zoning of adjacent and nearby properties, as Friendship Road supports a variety of commercial and residential uses on 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 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.**
- 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's future land use classification of "Business Nodes & Corridors."**
- 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; **The property is currently vacant and has no history of development per Hall County records.**
- 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 proposed use is consistent with the Comprehensive Plan's future land use classification of "Business Nodes & Corridors."**
- 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 use as proposed requires rezoning 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.**

(B) Zoning Analysis – Variance to section 6.2.5.C

The board may grant variances in individual cases of unnecessary hardship upon finding 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. The development could be redesigned to meet these standards.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **No. The development could be redesigned to meet these standards.**
3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **No. There are no peculiar features on the property that are not common to other properties in the neighborhood.**
4. Such conditions are not the result of any actions of the property owner; **No.**
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 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 August 5, 2025, Emily McGahee stated, "No comment. Public sewer"

Georgia Department of Transportation

In an email dated August 5, 2025, Henry Stevens, E.I.T., GDOT Civil Engineer 3, stated that GDOT coordination is required.

On August 8, 2025, Christopher Hash, P.E. D1 Traffic Operations Supervisor, provided preliminary review comments on the submitted site plan as follows:

- "Trees cant encroach into L/A (Limited Access)" – Comment at landscape strip in front of building A
- "Verify L/A break and if the drive is able to be constructed inside the break" – Comment at both proposed entrance points.

- “Study for a RCUT” – Comment at access point at center of property.
- “Right Turn Lane” – Comment at both proposed entrance points.
- “Signage and Striping upgrades” – Comment at access point on the south east of the property.
- “Verify sign distance at both entrance” – General comment
- “submit traffic study justifying 2 entrance” – General comment

These comments have been included in the application packet for reference.

Hall County Public Works and Utilities

In an email dated August 8, 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.
Show stream buffer and impervious setback from wrested vegetation not centerline of stream

Traffic:

No Comment

Utilities:

Subject property is in the Hall County Service territory and has access to Hall County Sewer near the East border on the East side of Reunion Way.

Hall County Fire Marshal

In an email dated August 6, 2025, John Hornick, NPQ Fire Service Plans Examiner 1, stated the following:

1. The multi-story building will require a supervised fire protection system.
2. Additional fire hydrants may be required.
3. The proposed multi story building shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction.
4. If approved modifications to plans may be required during the development review process.