

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant James and Suzi Lewis

Request **Rezone** | from Planned Commercial Development (PCD) to Agricultural Residential 1 (AR-1)

Proposed Use Uses permitted in AR-1

Size 52.95± acres

Zoning **Current:** Planned Commercial Development (PCD)
Proposed: Agricultural Residential 1 (AR-1)

Location **6249 & 0 Ben Parks Road** | Tax Parcels 11065 000012, 000023

Commission District Three

Commission Date July 23, 2026

Staff Recommendation **Approval**, as the proposed zoning is consistent with the “Rural Neighborhood” future land use classification within the Comprehensive Plan.

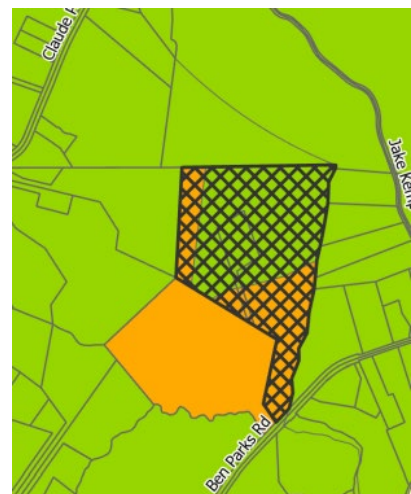
Record Number..... HZON26-0018

Staff recommends APPROVAL of the applicant’s request.

Summary Analysis

The applicant is requesting to rezone a combined 52.95± tract from Planned Commercial Development (PCD) and Agricultural Residential 1 (AR-1) to Agricultural Residential 1 (AR-1) for uses permitted in AR-1.

Per Hall County Tax Assessor records, the site is currently developed with a single-family residence and pool built in 2001, detached garage built in 2005, a pavilion built in 2010, and a barn in 2015. Wahoo Creek runs along the eastern property line and the site is impacted by County-studied and FEMA-designated flood zones and stream buffer requirements.



The surrounding properties are zoned Agricultural Residential 1 (AR-1) and developed with single-family residences and agricultural uses with the exception of 6245 Ben Parks Road which is zoned Planned Commercial Development for the purpose of developing a non-profit retreat center.

Per the submitted narrative, a portion of the subject property was rezoned from AR-1 to PCD on April 9, 2026, as part of a coordinated development plan involving the adjoining property at 6245 Ben Parks Road associated with the Thumbs Up Mission non-profit retreat center (HZON26-0003). Since that approval, the prospective purchaser/developer terminated the purchase agreements with the previous property owners and the proposed development plan is no longer moving forward on the subject property as presented at the time of rezoning. The new owners as of June 15, 2026, seek to restore the property to its prior AR-1 classification in order to preserve the rural and agricultural character of the land and ensure continued compatibility with surrounding uses.

The site is served by well and on site septic.

Based on the future land use plan, staff finds the requested rezoning is consistent with the Hall County Comprehensive Plan and the future land use designation of “Rural Neighborhood”. The intent of this future land use designation is for these areas to consist of active farms and agricultural enterprises and low-density, large-lot single-family residential uses of up to 0.75 dwellings per acre. These areas also consist of undeveloped lands likely to face development pressures for new residential or commercial development. Similar to Rural Agriculture, they should have deep setbacks and incorporate a high percentage of open space. Where it occurs, new development should preserve natural features, including tree canopy, waterways, and waterbodies.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the 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 rezoning to AR-1 is consistent with the use, development and zoning of adjacent and nearby property and is consistent with the future land use designation of Rural Neighborhood.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed rezoning brings the property into compliance with the Comprehensive Plan and will not adversely affect the existing use or usability of adjacent of nearby property.**
- c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The portion of the property zoned PCD does not have reasonable economic use as currently zoned as the previously approved non-profit retreat center no longer proposes use of this property and requires the remaining acreage not part of this parcel.**
- 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 zoning would**

not 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 rezoning is in conformity with the future land use designation of Rural Neighborhood, which supports low-density agricultural or residential development and preservation of natural features.**
- 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.**
- h) The relative gain to the public as compared to the hardship imposed upon the individual property owner; **The previously planned project is no longer moving forward for this portion of property, creating a hardship for the property owner. The AR-1 zoned portion of the site cannot function as intended because it is constrained by the remaining PCD-zoned area.**
- 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 site is currently developed with a single-family residence and residential accessory structures.**
- 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; **The previously approved project for PCD zoned portion of the property is no longer moving forward.**
- k) Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning would not create an isolated district. It aligns with and is compatible with the surrounding AR-1 district, which comprises the majority of nearby properties, ensuring continuity with existing land-use patterns.**
- 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; **The request is not out of scale with the needs of the county as the use is consistent with the intent of the future land use designation Rural Neighborhood, which supports low-density agricultural or residential development and preservation of natural features.**

- n) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **This rezoning restores the property to its previous zoning and allowable uses.**
- 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 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 a memorandum dated June 9, 2026, the Hall County Environmental Health Department stated, "No comment."

Georgia Department of Transportation

In an email dated June 9, 2026, Christopher Hash, D1 Traffic Operations Supervisor, stated, "Off System no impacts expected to the State Route system."

Hall County Public Works and Utilities

In a memorandum dated June 10, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

No comment.

Traffic:

No concerns with traffic volumes.

Utilities:

No comment. Property is in Hall County sewer district, but no sewer facilities are located in the area.

Hall County Fire Marshal

In a memorandum dated June 3, 2026, the Hall County Fire Marshal's Office stated, "The Hall County Fire Marshal's Office has no comments as proposed."