

**HALL COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

Applicant America’s Home Place, Inc.

Request (A) **Rezone** | from Agricultural Residential 1 (AR-1) & Residential 1 (R-1) to Highway Business (H-B)
(B) **Special Use** | for fuel sales in H-B
(C) **Variance to Section 6.2** | to GCOD standards

Proposed Use (A), (B), (C) Mixed use commercial development

Size 22.13± acres

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

Location **2714, 2720, 2740 Barker Road & adjacent former Right-of-Way** | Tax Parcels 10071 000007, 10071 000006, 10071 000005 & former GDOT Right-of-Way

Commission District Two

Commission Date September 22, 2026

Staff Recommendation (A) **Approval, with conditions**, as the proposed zoning is consistent with the “Regional Activity Nodes and Corridors” future land use classification within the Comprehensive Plan.
(B) **Approval, with conditions**, as the proposed use meets the standards of the UDC.
(C) **Denial**, as no hardship exists pursuant to the criteria of 11.1.1.D.11.

Record Number..... (A) HZON26-0024
(B) HZCU26-0025
(C) HVAR26-0031

(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 17, 2026, and as described in the project narrative dated July 8, 2026, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.

2. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval.
3. A 25-foot minimum transitional buffer shall be maintained between commercial and residential zoning districts as shown on the submitted site plan.
4. Public Works may require access improvements or modifications along Barker Road at the time of LDP submission subject to determination by the Public Works Director, or their designee.
5. All conditions of zoning shall be made a part of any plats or construction plans created for the properties.

(C) Staff recommends DENIAL as no hardship exists pursuant to Section 11.1.1.D.11.

Summary Analysis

The applicant has submitted three concurrent requests:

- (A) to rezone a 22.13± acre combined tract from Agricultural Residential 1 (AR-1) and Residential 1 (R-1) to Highway Business (H-B) for a mixed use commercial development consisting of a convenience store with fuel sales, a restaurant, and retail and office space.
- (B) a Special Use to allow fuel sales within the Highway Business (H-B) zoning district
- (C) a Variance to UDC Section 6.2, Gateway Corridors Overlay District, specifically Section 6.2.5.C.2.e, to allow parking between the principal buildings and the street.

The parcel at 2740 Barker Road was formerly a mobile home park which units are in the process of being removed. A telecommunication tower is located on the parcel identified as 2714 Barker Road. This facility would remain. The remainder of the property, which includes recently acquired right-of-way from the Georgia Department of Transportation (GDOT) is undeveloped.

The surrounding properties are zoned and developed as outlined below:

- North: Agricultural Residential 1 (AR-1) & Residential 1 (R-1): single-family residences
- East: Agricultural Residential 1 (AR-1), Residential 1 (R-1) & Suburban Shopping (S-S): single-family residences
- South: Highway Business (H-B): self-storage facility; Agricultural Residential 1 (AR-1): undeveloped
- West: Residential 1 (R-1): single-family residences (Lake Ranch Estates Subdivision)



Per the submitted narrative and site plan, the applicant is proposing to develop a mixed-use commercial development that will be developed in phases which will include:

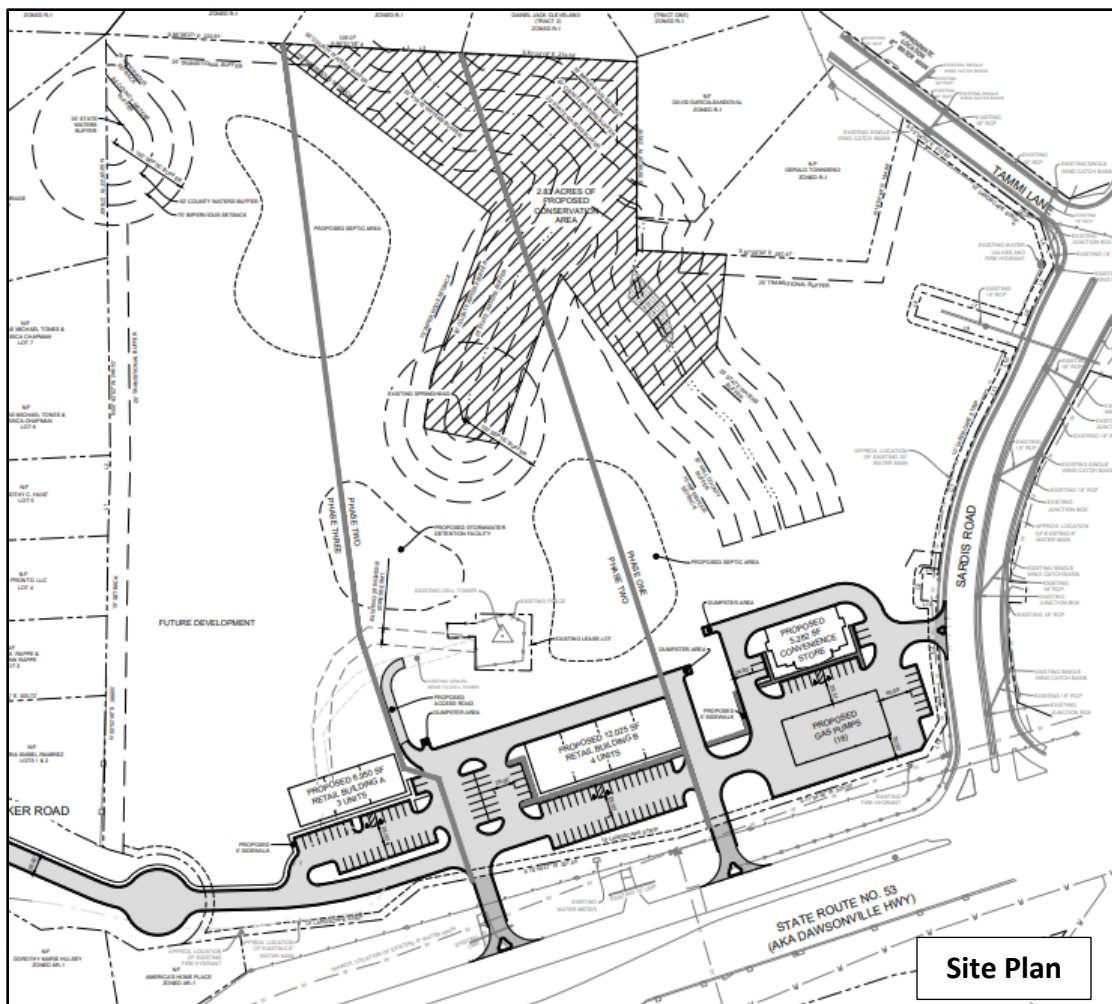
- a 5,282 square-foot convenience store with fuel canopy and 16 fuel pumps
- a 12,025 square-foot multi-tenant commercial building
- a 6,950 square-foot multi-tenant commercial building
- unidentified “future development” on the west side of the site

Access to the site is proposed by one driveway on Sardis Road, two driveways on Dawsonville Highway (SR53), and an additional access point from Barker Road with interparcel access proposed between all parcels. A Traffic study has been provided. Barker Road is under the jurisdiction of Hall County, and Public Works will reserve the right to require improvements or changes to proposed access where appropriate at the time of Land Disturbance Permit submission. Sardis Road and Dawsonville Highway are under the jurisdiction of the Georgia Department of Transportation, and coordination with GDOT is required for consideration and approval of the proposed driveways.

While a transitional buffer of 25 feet is required where commercial property abuts residentially zoned property and as shown on the site plan, the applicant states in the narrative that they will provide a 50-foot undisturbed buffer.

Per the site plan, the development meets the Highway Business (H-B) district setback requirements of 30 feet from the front property line, 20 feet from the side, and 10 feet from the rear. The required 25-foot transitional buffer is provided where the property abuts residentially zoned parcels. A 10-foot landscape strip along all street frontages is included in accordance with GCOD standards. Stream buffer requirements are satisfied, and approximately 2.83 acres are designated as a proposed conservation area. The plan also identifies proposed septic system areas and the location of a stormwater detention facility. The western portion of the project area is labeled for “future development.” There is an existing telecommunication tower on the property which will remain.

Water service will be provided by the City of Gainesville as confirmed in a water availability letter dated January 21, 2026. Sanitary sewer service will be provided by on-site septic.



One (1) variance related to GCOD standards will be required if the site plan as presented is approved.

- **Section 6.2.5.C.2.e** states “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 has proposed off-street parking between the proposed buildings and Sardis Road as well as Dawsonville Highway.

GCOD Analysis

<u>Standard</u>	<u>Proposed</u>	<u>Notes</u>	<u>Compliance</u>
6.2.5.A.2.a – Transitional buffers	25-foot transitional buffer along the north & west site boundary.	Where a commercial zoning district abuts property zoned for residential or agricultural use, the width must be at least 25 feet.	Complies
6.2.5.B.2.a – Frontage landscape	10-foot wide landscape strip along street frontages.	Along each street frontage there must be a landscape strip at least 10 feet in width.	Complies

6.2.5.C.2.d – Parking Lot Design - Surface	Paved parking and circulation.	All parking areas must be paved with asphalt, concrete or pervious materials approved by the Director.	Complies
6.2.5.C.2.e – Parking Lot Design – Off-street parking	Customer parking is proposed between the buildings and the streets.	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.	Deficient
6.2.5.E. – Inter-parcel access	Inter-parcel access proposed.	Multiple standards.	Shall comply
6.2.6.B – Building Materials	Not provided.	Multiple standards.	Shall comply
6.2.7 – Signs	Not specified.	Multiple standards.	Shall comply

Comprehensive Plan Analysis

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 Regional Activity Center within the Murrayville/Sardis Character Area. The intent of this future land use designation is to create areas that either already bring visitors from the region or can support future development with a regional draw. New development in these areas should include a combination of retail, office, civic, and residential uses that can contribute to a live-work-play environment. This range of development types may not always be at the same intensity across the county: new development needs to be scaled in the context of the area's infrastructure capacity. New development should also emphasize high-quality building and site design, including dedicated open/civic space, walkability, and a sense of place.

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

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; **While the area to the north and west is developed with single-family residential uses, the existence of commercially zoned property to the south and east and the Comprehensive Plan's identification of this property as a Regional Activity Center support the rezoning and proposed use.**
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is not anticipated that the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby properties. The proposed development can be appropriately buffered from surrounding residential properties, supporting the continued usability of adjacent and nearby 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, however, the applicant cannot develop the property as proposed without approval by the Board of Commissioners.**
- 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; **If approved and in compliance with all Georgia Department of Transportation and Hall County standards, the 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 intent of the Regional Activity Nodes and Corridors future land use designation in the Comprehensive Plan. The intent of this future land use designation is to create areas that either already bring visitors from the region or can support future development with a regional draw. New development in these areas should include a combination of retail, office, civic, and residential uses that can contribute to a live-work-play environment.**
- 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 parcel at 2740 Barker Road was formerly developed with a mobile home park and a telecommunication tower is located on the parcel at 2714 Barker Road. The remainder of the site is undeveloped.**
- 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 is Highway Business (H-B) which is a compatible zoning district within the Regional Activity Nodes and Corridors future land use designation in the Murrayville/Sardis**

character area. The change would not create an isolated district unrelated to the surrounding area as commercial zoning and uses about the property to the south and east.

- 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. Currently, the former GDOT right-of-way along Sardis Road is not shown on the Hall County GIS map as a separate parcel, but deeds do exist creating these lots.**
- m) Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The request does not appear to be out of scale with the needs of the county.**
- 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 commercial uses based on the Future Land Use Map; however, the current development 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.**

(C) Variance Analysis

The 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); **There are no extraordinary or exceptional conditions related to the size, shape, or topography of the parcel that would necessitate locating parking between the principal building and the street. The parcel appears capable of being developed in a manner that meets GCOD parking placement standards without requiring a variance.**
2. The application of the requirements of this UDC to this particular piece of property would create an unusual hardship; **The application of the UDC requirements does not create an unusual hardship for this property. Alternative site designs could reasonably accommodate parking to the side or rear of the buildings as required by the GCOD. The hardship presented is design-related rather than stemming from physical characteristics of the lot.**

3. Such conditions are peculiar to the property involved and are not common to other properties in the neighborhood; **The circumstances cited in support of the variance are not peculiar to this parcel. While parking has traditionally been located between a principal building and street frontage, this is a design preference that does not meet the standard of the Gateway Corridor Overlay District adopted in November 2024.**
4. Such conditions are not the result of any actions of the property owner; **The site layout as proposed appears to reflect preferred design choices rather than unavoidable physical constraints.**
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, would impair the purpose and intent of the GCOD, which seeks to improve corridor appearance and promote consistent, high-quality development patterns. Allowing parking between the principal building and the street would be inconsistent with these objectives and may create precedent contrary to GCOD standards.**

Development Support and Constraints

Hall County Environmental Health

In a memorandum dated August 25, 2026, the Hall County Environmental Health Department 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/modification may be required after review of business plan. Food Service permit/plan review may be required after review of business plan. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled. Please be advised that any proposed use utilizing an onsite sewage management system for sewage disposal in which 20 or more people are served per day must be submitted to the Georgia Department of Natural Resources' (DNR) Environmental Protection Division (EPD) for a UIC/NDSS permitting review."

Georgia Department of Transportation

In an email dated August 20, 2026, Christopher Hash, D1 Traffic Operations Supervisor, stated, "On-System. Coordination required with Georgia DOT for consideration of drives."

Hall County Public Works and Utilities

In a memorandum dated August 26, 2026, Jorge Gomez, Director of Public Works and Utilities, provided the following comments:

Engineering:

Show stream buffer and impervious setback from wrested vegetation not centerline of stream

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:

Traffic comments are pending review and acceptance of a traffic impact study.

Utilities:

Property is located in the Gainesville-Hall sewer district, but sewer infrastructure is not in this area.

Hall County Fire Marshal

In a memorandum dated August 25, 2026, Hall County Fire Marshal's Office stated, "The Hall County Fire Marshal's Office considers the plan conceptual and if approved may require modifications during the development review process to meet fire code."

Building Inspections

In a memorandum dated August 25, 2026, Barry Shaw, Interim Director of Development Services stated, "There are 4 structures at 2714 Barker Road that will need to have permits pulled for demolition. Numerous permits have been pulled for the cell tower located at 2714 Barker Road including 2025 permits extensively modifying ground based and tower mounted equipment (HCADD25-0019). This permit expired on 09.25.2025 without any inspections. Building Inspections has no other comments."