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**Project Narrative for**  
**Union Church Road and Winder Highway**

**LOCATION** - 5166 Union Church Road,  
Flowery Branch, GA 30542

**ACREAGE** – 19.2 acres +/-

**APPLICANT** – Atlas Development Services, Inc.,  
Smith Gilliam Williams & Miles

**Summary**

The accompanying application seeks zoning district change from R-I and AR-III to PRD for 19.2 acres of undeveloped property located on Union Church Road and Winder Highway in south Hall County. The intent is to develop up to 135 Fee Simple Townhouse units of quality, traditional housing with an amenity area and 37.9% open space. The proposed use is consistent with the Hall County Comprehensive Plan for “residential” use and appropriate for Hall County’s Planned Residential Development (PRD) District for this location. Additionally, the above-mentioned area is slated for a “Mixed Use Corridor” in the Future Development Map, which is defined as Retail activities, office-based employment, civic uses, single-family residential, with a low-impact industrial or higher density residential only where the same is found on adjacent properties. Completion of development is anticipated by 2024.

**Site Description**

The overall tract has approximately 630 LF of frontage along Union Church Road and 900 LF along Winder Highway. The overall tract is mostly rectangular in shape and is approximately 800 LF deep with an average width of 1200 LF. These measurements form one large tract that is an assemblage of 10 (ten) smaller tracts combined. The overall tract contains multiple single-family homes and multiple modular homes which is consistent with its current residential and agricultural uses.

The majority of the site is heavily wooded. As such, the Southernmost side of the property, along the south side of Union Church, borders a flood plain hazard zone per Hall County FIRM panel 13157C0100C dated 12/17/2010. The domestic water provided by the City of Gainesville is located along Union Church Road and Winder Highway. Hall County will also serve the site through an existing sanitary sewer lift station that is located on Howington Road. Developer will be responsible for running an outfall line to the existing lift station. All other dry utilities are located within a reasonable distance for service extensions. There are no known impediments to its successful development for the purposes intended.

#### **Adjacencies** (exhibit B)

The property is surrounded by residential zonings (AR-III) to the north, PRD and PCD to the east and consisting of approximately 1600 units, AR-III to the south and R-I and AR-III to the west.

#### **Access**

Access to the property is from Old Winder Highway (SR211), a two lane, paved and state-maintained roadway that connects to Winder Highway (SR 53) to the north and intersects Union Church Road to the southeast. Interstate access to I-85 (Exit 126) is approximately 2.5 miles to the east.

#### **Proximity to Other Uses**

- Nearest distance to undeveloped commercial property – parcel zoned as PCD and PRD, directly across Old Winder Highway.
- Nearest distance to developed commercial property – parcel contains multiple zonings (C-2, Mixed Use, Medical, etc.), approximately 0.5 miles south at Old Winder Highway (SR 211) and Lanier Islands Parkway (SR 347).
- Nearest distance to a single-family development – a single family home

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development is located approximately 1200 feet at 5836 Union Church Road on the southwest side of Union Church Road.

### **Comprehensive Plan Consistency**

The project is consistent with the residential designation of the Future Land Use Map and numerous Goals, Policies and Objectives of the Comprehensive Plan and is not known or believed to be in conflict with any of the above.

### **Aerial View**



**Project Dimensional Standards**

Parcel Size	19.2
Proposed Number of Lots	135
Proposed Density	7.03 UPA
Proposed Open Space	37.9%
Streets	Public
Water and Sewer Provider	Gainesville City Water and Hall County Sewer
Sidewalks-Both side of Road- Internal Only	5Ft
Amenities	Cabana, Pool, Walking Trail
Minimum Lot width at Building Line	20 Ft
Minimum Lot Depth	80ft
Minimum Lots Area	1600 sq Ft
Maximum Height	35 ft
Front setback from R/W	10 ft
Minimum Driveway length from back of sidewalk	20ft
Internal Rear Setback	0ft
Internal Side Setback	0ft
Internal Front Setback	0ft
Perimeter Front Setback	40ft
Perimeter Rear Setback	50ft
Perimeter Side Setback	50ft
Side Separation-Foundation to Foundation	10ft
Garage- % of front Façade	70%
Minimum Heated Floor Area	1400 Sq ft

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## **Architectural Materials & Site Improvements**

The builder intends to build:

- One and Two-car garages (width not to exceed 70% of front building width)
- Front facades with a combination of masonry and hardi-siding materials
- Side & Rear facades with masonry, hardi-plank, or shake siding
- Sodded yards (4 sides)

## **Amenities**

The community amenities will vary depending on the housing option executed but at a minimum will contain the following items:

- Cabana with restrooms
- Pool
- Parking Lot
- Mailbox kiosk

Other amenities, at the sole discretion of the Developer, may include the following items:

- Walking Trails
- Passive Pocket Parks

## **Internal Signage**

The Developer and/or Builder shall be allowed to post permanent directional signs and monuments within the Community to direct traffic to sales and recreation centers and to identify differing residential areas. All permanent internal signage must be outside of any Right of Way or Utility Easement with a Landscape and Signage easement recorded on the Final Plat.

Temporary Sales and Marketing signs not exceeding 32 square feet per sign face and 8 feet in height may be used along property frontage of Union Church Road.

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### **Model Home Permits**

Applicant requests that up to two (2) buildings of model home permits be issued prior to Final Plat recording provided that hard surface (crusher run) access is provided and fire protection (functioning hydrant) is located within 500 feet of any structure under construction. However, no certificate of occupancy permits (CO) will be issued prior to final plat recording.

### **Sales and Construction Trailers**

Applicant is requesting permission to install one sales trailer and one construction trailer with associated parking areas in locations to be determined at the time of final plat approval.

### **Entry Monument Signage**

Applicant is requesting permission for an entry monument type of sign with a natural stone base with a sign size (monument base and signage) totaling approximately 42 SF. Applicant is requesting a modification to the existing zoning conditions for approval of a non-breakaway base, a minimum distance of 5' from the nose of the median and a total sign area of 42 SF.

The entrance may include the following structural items:

- Masonry walls
- Wood or PVC fencing
- Illuminated Signage in accordance with the Hall County Sign Ordinance
- Ornamental Sculpture
- Landscaping and Irrigation

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### Conceptual Master Plan

The development of the community shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications to the locations and arrangement of lots, roads, amenities, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer so long as such modifications do not change the land use, increase the overall density of the project or reduce any established exterior buffers or setbacks. Developer is requesting a variance to allow for the development of lots 39-42 and lots 70-73. Developer is requesting to develop the above referenced lots as shown on the attached site plan.

### REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of Hall County requires the Applicant to raise Federal and State constitutional objections during the PRD master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Hall County Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Hall County Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Hall County Board of Commissioners to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Hall County Board of Commissioners without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the PRD zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Hall County Board of Commissioners to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary,

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capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

**Conclusion**

For the foregoing reasons, the Applicant respectfully requests that this PRD master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

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