



August 31, 2022

Hall County Planning and Development  
2875 Browns Bridge Road  
3<sup>rd</sup> Floor  
Gainesville, GA 30504

## LETTER OF INTENT

TAX PARCELS: 15007 000129, 15007 000270, and 15007 000027A

Ridgeline Land Planning, Inc. submits this letter of intent and rezoning application on behalf of the property owner for the tax parcels listed above. The subject property is approximately 116.5 acres situated on the south side of Cornelia Hwy (GA 365), and just south of Cagle Road. The Property is currently zoned AR-IV and AR-III and is in the Employment Corridor as set forth in the Comprehensive Plan for Hall County.

The Applicant is proposing to rezone the Property to Heavy Industrial (I-II) to allow for a development totaling 1,006,700 square feet. The Applicant anticipates a 5 to 10 year build out. Proposed uses will be in conformance with the Permitted Uses in section 17.170.010 of the Official Code of Hall County. Most of the project is expected to be office and warehousing with the potential for 3 shifts with some users. The proposed uses are compatible with the growth along the GA 365 corridor and with the Comprehensive Plan.

The proposed Industrial development will consist of 11 lots ranging from 2.5 to 14 acres. A 50-foot setback will be provided along GA 365 and the 30-foot side and rear setbacks as required by Hall County code will be provided between lots. Signage conforming to the Hall County sign ordinance will be located at the entrance off Hwy 365 and at individual lot entrances within the development. The project will also provide the required 50-foot buffer adjacent to residentially zoned property where practical and outside of any required stream buffers. The proposed

development will be served by Hall County Sewer and City of Gainesville Water. Lighting within the development will be LED style and shielded to minimize light spillage onto adjacent properties.

In conclusion, the proposed development is consistent with existing development patterns within the surrounding area, it is compatible with the policies and intent of the Comprehensive Plan. The Applicant welcomes the opportunity to meet with staff of the Hall County Planning Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application. The Applicant respectfully requests your approval of the Application.

#### Constitutional Objections

Facially and as applied to the Property, the specific portions of the Hall County Comprehensive Plan and zoning ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant are unconstitutional because they would abolish or damage the Applicant's property rights without paying adequate, fair, and just compensation for such rights, in violation of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Facially and as applied to the Property, the application of Hall County ordinances or Comprehensive Plan which restrict the Property to any zoning classification, conditions, uses, or to any development other than that proposed by the Applicant is unconstitutional, illegal, null, and void, constituting a taking and/or damaging of Applicant's Property by denying the Applicant all economically viable use of its land while not substantially advancing legitimate state interests in violation of the United States Constitution's Just Compensation Clause of the Fifth Amendment and the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983.

The denial of this application would be an arbitrary and capricious act by Hall County without any rational basis, thus constituting an abuse of discretion in violation of the Constitution of the State of Georgia of 1983 and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

A refusal by Hall County to approve this application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated property in violation of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

The applicant and stakeholders respectfully request approval of this application and welcome the opportunity to meet with Hall County Planning and Development staff, Planning Commission, and Board of Commissioners to discuss any questions or concerns regarding the application.

Respectfully,

A handwritten signature in black ink, appearing to read 'Holt Persinger', with a stylized flourish at the end.

Holt Persinger, RLA

Ridgeline Land Planning, Inc.