

Project Narrative for
6804 Spout Springs Road – 1.16 acre

LOCATION – 6804 Spout Springs Road,
Flowery Branch, GA 30542

ACREAGE –21.46 acres +/- total of adjacent properties. This is in two applications– 20.3 acres of parcel 15042 000018 and 1.16 acres of parcel 15042 000140. The narratives in both applications are the same after the summary.

APPLICANT – Walker Anderson Homes, LLC,
Smith Gilliam Williams & Miles

Summary

The accompanying applications seek a change of conditions in the existing PRD zoning classification on parcel 15042-000018, 20.3 acres, concurrent with the rezoning of 1.16 acres (from AR-III to PRD) on parcel 15042 000140 for a total of 21.46 acres of undeveloped property located on Spout Springs Road in south Hall County. The intent is to develop 95 Fee Simple Townhouse units of quality, traditional housing with an amenity area and 65% open space. The adjacent parcel 15042 000018 was rezoned from PCFD to PRD in March of 2022. The proposed rezoning in conjunction with the proposed change in conditions on the adjacent Parcel 15042 000018 will add open space to the larger parcel, with no home construction proposed on this 1.16 acre parcel. This companion rezoning 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. Completion of development is anticipated by 2025. The revised site plan also uses the building foundation layouts to work with the challenges of the site’s topography, as the site falls 100 feet from the front to the back of the buildable area. Since the original rezoning of parcel 15042 000018, the applicant is acquiring an additional acre between Spout Springs Road and the adjoining property to provide additional open space. This narrative is specific to parcel 15042 000140.

Site Description

The overall tract has approximately 570 LF of frontage along Spout Springs Road. The overall tract is mostly rectangular in shape and is approximately 1200 LF deep with an average width of 700 LF. The site has very challenging topography with a 100 foot change in elevation between Spout Springs Road and the rear of the property. In this case, the topography is best handled by adjusting the finished floor elevation of the attached fee simple homesites. Domestic water provided by the City of Gainesville is located Spout Springs Road. Hall County will also serve the site through an existing gravity sanitary sewer easement into the Lancaster subdivision adjacent to the Hall County Water Reclamation Facility. All other dry utilities are located along the frontage of Spout Springs Road. There are no known impediments to its successful development for the purposes intended.

Adjacencies (exhibit B)

The property is zoned AR-III and abuts PRD and AR-III to the North, PRD to the South and West and PCFD to the East.

Access

Access to the property is from Spout Springs Road. Interstate access to I-985 (Exit 12) is approximately 3.3 miles to the north.

Project Dimensional Standards

Parcel Size (both parcels)	21.4 (includes both parcels)
Proposed Number of Lots	95
Proposed Density	4.4 Units per acre
Proposed Open Space	65%
Streets	Public

Water and Sewer Provider	Gainesville City Water and Hall County Sewer
Sidewalks-Both side of Road- Internal Only	4 Ft
Amenities	Cabana, Pool, Dog Park, Walking Trail
Minimum Lot width at Building Line	24 Ft
Minimum Lot Depth	90 ft
Minimum Lot Area	2160 sq Ft
Maximum Height	35 ft
Front setback from R/W	15 ft, 10' on corner street
Minimum Driveway length from back of sidewalk	22ft
Internal Rear Setback	15ft
Internal Side Setback	0ft
Perimeter Front Setback	50ft – transitional
Perimeter Rear Setback	50ft from rear property line
Perimeter Side Setback	50ft – transitional
Side Separation-Foundation to Foundation	20ft between buildings
Garage- % of front Façade	70%, garage to be flush with front wall plane of the unit
Minimum Heated Floor Area	1800 Sq ft

Architectural Materials & Site Improvements

The builder intends to build:

- Single Family Fee Simple attached dwellings with two-car garages (garage width not to exceed 70% of front building width)
- Front facades with a combination of masonry and fiber cement siding materials

- Side & Rear facades with masonry, fiber cement siding, or shake siding
- Sodded yards (4 sides)
- Speed tables in coordination with Hall County Engineering

Amenities

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

- Cabana and pool
- Dog Park
- Parking Lot
- Mailbox kiosk – centrally located as shown on plan between lot 19 and 20. Parking is provided across the street from the kiosk in the visitors' parking spaces.
- Walking Trail

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 Spout Springs Road.

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 ability 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.

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

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.

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, 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 requested modification of an existing PRD zoning be granted as requested by the Applicant. If there are any questions about this request, you may contact:

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