

Application for Sewer Availability Letter

Date: 9/27/2023

Name of Applicant: Alliance Engineering and Planning Contact Number: 770.225.4730 ext.819

Address of Applicant: 299 S. Main Street

City: Alpharetta State: GA Zip: 30009 E-mail: tylerl@allianceco.com

Name of Agent: Alliance Engineering and Planning Contact Number: 770.225.4730 ext.819

Address of Agent: 299 S. Main Street

City: Alpharetta State: GA Zip: 30092 E-mail: tylerl@allianceco.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT FOR THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (Please check the purpose of letter request and fill in all applicable information legibly and completely.)

AVAILABILITY: [] General Availability [x] Rezoning [] Conditional Use Permit

Availability letters will require a minimum of one week from the date of application submittal.

Request from AR-III to PRD (Present Zoning) (Requested Zoning)

For the Purpose of Residential Subdivision (Type of Development)

Address of Property: JM Turk Road

Nearest Intersection to Property: JM Turk Road and Stanley Road

Size of Tract: 34.2 acre(s), Lane Lot Number(s): 000027, 000109, 000128, 000035G, 000127, 000035, 000043, 000035B, District(s): 15

Development Estimate Average Daily Sewer Flow (GPD): 65,000GPD (324+1 X 200gpd)

Property Tax Parcel Number: 15043 000027, 15043 000109, 15043 000128, 15044 000035G, 15044 000127, 15044 000035, 15044 000043, Proposed number of Lots: 324

(Below: For properties within protected watershed districts only)

Gross Density: 2.84 units per acre Net Density: units per acre

Estimated amount of impervious surface: Minimum Lot Size:

Notary signature

Signature of Owner(s)/Agent(s)

Holt Persinger Printed Name of Owner(s)/Agent(s)

Planner Title of Agent



Applicant's Letter of Intent

PRD – 324 Units

Parcels:(15043 000027, 000109, 000128, 15044 000035G, 000127, 000035, 000043, 000035B, 000100)

The Applicants requests to rezone an assemblage of nine parcels totaling approximately 114 acres on J M Turk Road to develop a residential community. The site sits between the Grandview Estates subdivision on JM Turk Road, the Quailwood subdivision on Martin Road, and a PRD-zoned subdivision to the east on Union Church Road. To develop the site as proposed, the applicant requests to rezone the subject site from AR-III to PRD.

As planned, the development will include a maximum of 324 units that will be divided into four separate PODs. Throughout, the development will feature a variety of unique lot sizes and housing types including single-family detached homes and attached townhomes. Site access will be provided where Stanley Road currently abuts JM Turk Road. Stanley Road will be abandoned, and the new road will be realigned for vehicular circulation throughout the site. An existing residence that is located on Stanley Road will remain, with shared access through the proposed development. POD A will include a total of 13 single-family detached homes on large lots, which range from at least 21,000 square feet to over an acre in size. The estate lot homes will range between 2,800 square feet to 4,000 square feet. PODs B and C will include a total of 187 single-family detached homes. 174 will be 50-foot wide front entry lots, and 13 will be 40-foot wide rear entry lots. The 50-foot wide lots will have homes ranging from 1,800 square feet to 3,300 square feet. POD D will include 124 townhomes, 38 of which are to be front entry and 86 will be rear entry. The front entry units will be 24-foot wide, and the rear entry will be 22-foot wide. Townhomes will range up to 2,100 square feet. Each unit will have garage and driveway space and will be constructed with a variety of high-end materials consisting of variations of brick, stone, and cement sidings. As illustrated on the plan, the development will include abundant open space. Included in the open space are streams and accompanying buffers, replanted buffers, pocket/linear parks, and the amenity area. Although the site will have sufficient parking and vehicular circulation, the development will also include five-foot-wide sidewalks on both sides of the internal streets, providing safe and efficient walkability for residents to access various parts of the community, including the amenities. Other site improvements will include parking adjacent to the main amenity area, and site access improvements to be determined by the department of transportation. The site is within the residential character area of the Hall County comprehensive plan. The planned development will meet the intent of the character, which encourages moderate density residential uses (around 2 units per acre) with large swaths of open space. As proposed, the subdivision will have a density of 2.8 units per acre and will incorporate approximately 34.7 acres of open space. Further, the site is off the highly desirable 985 corridor, which has produced similar density residential development in proximity of the subject site. The applicants are proposing to use The City of Gainesville as the water provider. The applicants are currently working with Hall County and the City of Oakwood to determine the most appropriate and responsible access to sanitary sewer.

The Applicant looks forward to meeting with staff and the community to answer all questions or concerns and is excited to be able to provide exceptional housing in a highly desirable area of Hall County.

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.

Opponents to the request set forth in the Application, or in any amendments to the Application, have waived their rights to appeal any decision of the Hall County Board of Commissioners because they lack standing, have failed to exhaust administrative remedies, and/or because they failed to assert any legal or constitutional objections."

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.

Sincerely,

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

Holt Persinger, PLA