



SMITH GILLIAM WILLIAMS & MILES

Website: sgwmfirm.com

Phone: 770.536.3381

Fax: 770.531.1481

Mailing Address: P.O. Box 1098
Gainesville, GA 30503

Amended Project Narrative for 5079 Old Winder Highway – 20.00 Acres **Revised May 17, 2024**

RECEIVED

MAY 17 2024

Planning & Zoning Department

LOCATION – 5079 Old Winder Highway (Hwy 211)

Braselton, GA 30517

APPLICANT – Steven P. Gilliam, Attorney

CURRENT ZONING – R-1

PROPOSED ZONING - PRD

ACERAGE – 20.00 +/- acres

SUMMARY

The accompanying application seeks zoning district change from R-1 to PRD for 20.00 acres of undeveloped property located on Old Winder Highway in Braselton, Hall County. The intent is to develop 97 units of quality, 24'wide traditional single-family fee simple townhomes with an amenity area with the required minimum of 40% 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, which is residential and mixed-use corridor.

SITE DESCRIPTION

The overall tract has approximately 80 ft of frontage along GA Highway 211. The water is provided by the City of Gainesville, and Hall County will provide sewer. There are no known impediments to its successful development for the purposes intended. All roadways within the development shall be designed and constructed to Hall County standards and dedicated to the county for public use. Thereafter, Hall County will maintain the roads.

Street Address:

Smith Gilliam Williams & Miles, P.A.
340 Jesse Jewell Parkway, Suite 300
Gainesville, GA 30501

ADJACENCIES & ACCESS

The property is surrounded by residential zonings (AR-IV) to the north, to the east, and to the south. Access to the property is from Old Winder Highway (SR 211), a two lane, paved and state-maintained roadway that connects to Winder Highway (SR 53).

PROJECT DIMENSIONAL STANDARDS

Parcel Size	20.00 acres
Proposed Number of Lots	97
Proposed Density	4.85 units/acre
Proposed Open Space	8.0 acres (40%)
Streets	Public
Water and Sewer Provider	Gainesville City Water and Hall County Sewer
Minimum Lot Size	1,800 sq ft
Amenities	Dog Park, Picnic Area and Mail Kiosk
Storm Water Management Areas	1
Minimum Lot Width	20 ft
Minimum Sidewalk Setback	22 ft from garage door to back of sidewalk
Internal Side Setback	0 ft
Minimum Rear Yard Setback from Property Line	0 ft
Sidewalks – Both Sides of the Street	5 ft
Garage % of Front Façade	70%
Minimum Lot Depth	100 ft
PRD Buffer	50 ft
Impervious Stream Buffer	50 ft
Stream Setbacks	75 ft
Mail Kiosk (CBU)	1 with 4 additional parking spaces
Minimum Heated Floor Area	1,800 sq ft
Front Setback from Right of Way	15 ft, 10 ft on corner streets
Side Separation from Foundation to Foundation	20 ft between buildings

ARCHITECTURAL MATERIALS & SITE IMPROVEMENTS

All facades of all residences shall be finished with masonry (brick or stone), wood, or fiber cement/Hardi-plank type siding. The garage doors shall not exceed 70% of the front façade. 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 and rear facades with masonry, fiber cement siding, or shake siding
- Sodded yards (4 sides)
- Speed tables in coordination with Hall County Engineering

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 signage must be outside of any Right of Way or Utility Easement with a Landscape and Signage easement recorded on the Final Plat.

AMENITIES

- Dog park
- Picnic area
- Mail Kiosk (CBU) with 5 additional parking spaces
- Guest Parking Spaces _____
 - The 24' townhome product has a 2-car garage and the same driveway as a single-family zoned home.

MODEL HOME PERMITS

The development shall be limited to a maximum of one (1) building obtaining multiple units prior to approval and recording of the final plat. Model home permits may 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. No certificate of occupancy permit shall be issued prior to Final Plat recording.

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

SALES AND CONSTRUCTION TRAILERS

Applicant is requesting the 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.

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.

Traffic Impact Study

The following recommendation is from Southeastern Engineers dated February 22, 2024:

SR 211 Atlas Drive

- Atlas Drive should be full-access, stop-sign controlled.
- Atlas Drive should be two lanes, one entry and one exit lane.
- Install a northbound right-turn storage lane on SR 211. Lane dimensions should meet GDOT minimum requirements.
- Install a southbound left-turn storage lane on SR 211. Lane dimensions should meet GDOT minimum requirements.

No other roadway improvements are recommended for this development.

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 7 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 8 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:

Cameron Henderson

Georgia South Development, LLC

390 Brogdon Road

Suwanee, GA 30024

678-978-6782

cameron@atlaslanddev.com

Steve Gilliam

Smith, Gilliam, Williams and Miles

340 Jesse Jewell Parkway, Suite 300

Gainesville, GA 30501

770-536-3381

sgilliam@sgwmfirm.com