

## **PROJECT DESCRIPTION**

The Subject Property contains three existing parcels with a total of +/- 68.83 acres of land on the north side of SR 53 (Winder Highway) in Hall County. The Property is located approximately four miles westbound from Interstate 85 and approximately five miles to the east from Interstate I-985. The only access to the development will be through two entrances on Benefield Road. Benefield Road has abundant access from SR 211 (Tanners Mill Road) to the north and SR 53 (Winder Highway) to the south.

The Applicant seeks to rezone the property to a Planned Residential Development (PRD) with quality residential homes with a full amenity package serving the residents.

The proposed homes will include a mixture of one and two-story detached and attached homes including two-car garages. The front façade of the proposed homes would be constructed of a mixture of brick, stone, and/or fiber-cement shake/siding (including board and batten). The homes proposed would contain a minimum of 1,800 square feet for the one-story homes and a minimum of 2,000 square feet for the two-story homes. The townhomes will have a minimum of 1,800 square feet.

Home prices (detached) will average from the high \$300,000's to mid \$400,000's and townhomes from the mid \$300,000's. Homes with basements and additional finishes will increase the average price.

A pool, cabana, hiking trails, open space areas and a dog park will serve the residents. All of the creeks and streams for the Property will be subject to the State and County buffer standards.

The community is designed to accommodate 302 homes consisting of 186 single family detached homes and 116 townhomes which are adjacent to the PCD zoned property known as Lanier Raceway. A more detailed description of the lot minimum requirements can be found on the site plan. A conceptual site plan is

submitted, but the Applicant reserves the right to amend the plan and develop in accordance with the final zoning conditions.

**PROPOSED**

**PRD DEVELOPMENT STANDARDS:**

<b>TOTAL HOMES:</b>	<b>302 TOTAL 186 SINGLE-FAMILY DETACHED 116 TOWNHOMES ALL W/ENCLOSED TWO CAR GARAGES</b>
<b>TOTAL SITE DENSITY:</b>	<b>4.39 LOTS/ACRE</b>
<b>MINIMUM LOT AREA:</b>	<b>6,000 SQUARE FEET (DETACHED)</b>
<b>MINIMUM LOT WIDTH:</b>	<b>50 FEET</b>
<b>MINIMUM HEATED FLOOR:</b>	<b>1800 SQUARE FEET (TOWNHOMES)  1800 SQUARE FEET (DETACHED ONE STORY HOMES)  2000 SQUARE FEET (DETACHED TWO STORY HOMES)</b>
<b>MAXIMUM BUILDING HEIGHT:</b>	<b>35 FEET</b>
<b>FRONT SETBACK:</b>	<b>25 FEET</b>
<b>REAR YARD SETBACK:</b>	<b>20 FEET</b>
<b>SIDE YARD:</b>	<b>5 FEET</b>
<b>CORNER SIDE</b>	<b>10 FEET</b>
<b>PERIMETER BUFFER (REPLANTED)</b>	<b>50 FEET</b>

## **CURRENT USE AND FUTURE DEVELOPMENT**

The Property is currently zoned AR-IV and PCD in Hall County. A majority of the property was rezoned in 2021 as a Planned Commercial Development (PCD) to consist of residential homes, car condos, RV parking and race day cottages. The existing home (Lot 10 of the PCD zoning) will remain a single-family home and will soon be replated out of the existing parcel number 15028 000090. It is excluded from this Application.

The property will be served by Hall County public sewer and City of Gainesville water. Capacity and service has already been reserved and a commitment letter accompanies this submittal.

The internal roads of the development will be developed and dedicated to Hall County standards and will not be private.

A mandatory Homeowners Association will be recorded with the final plat and govern the development for architectural standards and quality controls for the development as well as mandatory annual assessments for the maintenance of the common areas, signage and amenities.

The project is expected to take four (4) years to build out in three (3) phases of approximately 101 homes per phase.

A traffic impact study has been completed by the Applicant and accompanies this petition. The conclusion and recommendations for this report include the installation of decel lanes on Benefield Road for both entrances to the development and one left hand turn lane entering the Property from the northbound approach from HWY 53. In addition, the report recommends the installation of a right decel lane on HWY 53 (entering Benefield Road) and a right turn lane on the south Benefield Road approach to HWY 53.

The surrounding zonings consist PID, AR-IV, PCD, H-B and I-I.

The project will have monument signage that will not exceed the thirty-two (32) square feet which is permitted under the Hall County Signs Ordinance.

The Applicant is requesting the following variances to the PRD standards in the Development Standards Table listed in this Application. In addition, the Applicant request the following zoning conditions be considered:

1. The minimum lot size for detached homes shall be 6,000 square feet (from 8,000 square feet). (The reduction of lot size is being requested to accommodate the rising cost of housing due to material cost and mortgage interest rates. Homebuyers prefer smaller lots versus paying premiums for larger lots in today's environment).
2. Developer shall be allowed to only install sidewalks on one side of the street to lower the amount of impervious area and improve the aesthetic look of the neighborhood.
3. A variance to the maximum width of the garage wall for detached homes shall not exceed 55% of the width of the front façade of the dwelling. The garages can protrude up to 7.5 feet from the front heated square footage. Garage accents (i.e. eyebrow treatments, etc.) are excluded from this calculation.
4. Detached homes can also have garages set back a minimum of 4 feet from the heated square footage. Garage accents (i.e. eyebrow treatments, etc.) are excluded from this calculation.
5. A variance to the maximum width of the garage wall for townhomes shall not exceed 75% of the width of the front façade of the dwelling. The garages can protrude up to 7.5 feet from the front heated square footage. Garage accents (i.e. eyebrow treatments, etc.) are excluded from this calculation.
6. Developer shall be to allowed up to six model homes shall be permitted prior to the issuance of a final plat for the development.

**HOUSING PRODUCT**

Please see the enclosed photos of proposed housing product that accompany this application.

**ACCOMPANYING MATERIALS**

**INTRODUCTION**

**A. COMPLETED APPLICATION WITH OWNER AFFADAVITS/CONTRIBUTIONS**

**B. PROJECT CONCEPT PLAN**

**C. PROPOSED HOME PRODUCT**

**D. WATER/SEWER CONFIRMATION LETTERS**

**E. LEGAL DESCRIPTION**

**F. TRAFFIC IMPACT STUDY**

**G. CONSTITUTIONAL OBJECTIONS**

**JUSTIFICATION FOR REZONING APPLICATION OF  
EDGE CITY PROPERTIES, INC.**

The portions of the Zoning Resolution of Hall County (the “ZR”) which classify or may classify the property (the "Property") which is the subject of the rezoning application submitted herewith (the “Application”) into any less intensive zoning classification other than as requested by the Applicant, or that prohibit the development of the Property as set forth in the Application, are or would be 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 II 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 ZR as applied to the subject Property, which restricts its use to the present zoning classification is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner’s property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and 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 denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the PRD zoning classification as requested by the Applicant and is not economically suitable for development under the present AR-IV and PCD zoning classification of Hall County. A denial of the Application would constitute an arbitrary and capricious act by the Hall County Commissioner without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II 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 by the Hall County Commissioner to rezone the Property to the PRD classification as set forth in the Application with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of 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 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 subject Property to the PRD classification subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant’s and the Owner’s utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Likewise, a refusal by the Hall County Commissioner to permit the Applicant to withdraw the Application without prejudice would be an arbitrary and capricious act by Hall County Commissioner without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section 1, Paragraph I and Article I, Section I, Paragraph II 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.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

This 12 day of April 2024

Respectfully submitted,

EDGE CITY PROPERTIES, INC., As Applicant



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Michael K. Dye  
President