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Project Narrative for 4610 & 4616 Winder Highway – 31.64 acres **(Revised 12 – 03 - 2024)**

LOCATION – 4610 AND 4616 Winder Highway (Hwy 53)

Flowery Branch, GA 30542

ACERAGE – 31.64 +/- acres

APPLICANT – Georgia South Development, LLC

ZONING – PRD, 74 Single Family Townhomes

Summary

The accompanying application seeks a change of conditions through on the existing PRD zoned parcels 15037A000001 and 15037A000070, on 31.64 acres located on Winder Highway in Flowery Branch, Hall County, Georgia. The intent is to develop 74 Fee Simple Townhouse 24' wide units of quality, traditional housing with an amenity area and a 74% open space. There are no more than six units per building, and the buildings are staggered three to five feet from the right-of-way. Both Parcel 15037A000001 and 15037A000070 were rezoned from AR-III to PRD in August of 2022. The proposed change in conditions will allow a fee simple product to be supplied to the area that 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.

Site Description

The overall tract has approximately 1,316.75 ft of frontage along Georgia State Route 53 (Winder Highway). The overall tract is mostly triangular in shape and is approximately 1,962.66 ft deep. Domestic water is provided by the City of Gainesville. Hall County will serve the site for sewer services. All other dry utilities are located along the frontage of State Route 53 (Winder Highway). There are no known impediments to its successful development for the purposes intended. All roads shall be designed and constructed to Hall County standards and dedicated to Hall County. Thereafter, all roadways within this development shall be designated as public and shall be maintained by Hall County.

Street Address:

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

Adjacencies

The property is already zoned PRD and abuts I-I and AR-III to the North, H-B and PCFD to the South, and State Route 53 is located to the Northeast.

Project Dimensional Standards

Parcel Size	31.64 (includes both parcels)
Proposed Number of Lots	74
Proposed Density	2.34 U/A
Proposed Open Space	74% (23.46 AC)
Streets	Public
Water and Sewer Provider	Gainesville City Water and Hall County Sewer
Sidewalks-Both side of Road-Internal Sidewalks Only	5 ft
Amenities	Outdoor pavilion, picnic area, playground, mail kiosk, and open area with pedestrian bridge
Minimum Lot Depth	100 ft
Minimum Lot Area	2,400 sq ft
Maximum Height	35 ft
Front Setback from R/W	15 ft, 10' on corner street
Minimum Driveway length from back of sidewalk	22 ft
Internal Rear Setback	15 ft
Internal Side Setback	0 ft
Perimeter Front Setback	50 ft – transitional
Perimeter Rear Setback	50 ft – transitional
Perimeter Side Setback	50 ft – transitional
Side Separation – Foundation to Foundation	20 ft between buildings
Garage - % of front façade	70%, garage will be flush with front wall plane of unit
Minimum Heated Floor Area	1,800 sq ft
CBU Kiosk	13 parking spaces
Minimum Lot Size	2,200 sq ft
Unit Size	24 ft x 50 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.~~
- All front and side facades of each townhome pod shall be composed of brick, stone, or a combination of the two, excluding gables which shall be composed of a masonry product. Vinyl siding is prohibited. Homes shall be consistent with the submitted renderings. Final review and approval of building elevations is subject to the Assistant Director of Planning and Development, or their designee.
- Sodded yards (4 sides)
- Speed tables in coordination with Hall County Engineering

Amenities

- Outdoor Pavilion
- Picnic Area
- Playground
- Mail Kiosk (CBU)
- Open area (natural) with a pedestrian bridge leading to it
- Guest Parking Spaces 39
 - The 24' townhome product has a 2-car garage and the same driveway as a single-family zoned home.

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 the property frontage of Spout Springs Road.

Model Home Permits

The development shall be limited to a maximum of one (1) building 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) has 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.

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.

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.

Additional Zoning Conditions See attached letter with conditions.

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

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PLANNING AND DEVELOPMENT
DIRECTOR
Randi Doveton

ASSISTANT DIRECTOR
Beth Garmon

Hall County Government
COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
PLANNING AND DEVELOPMENT

May 24, 2024

Steven P. Gilliam
P.O. Box 1098
Gainesville, GA 30503

Dear Applicant:

On May 20, 2024 the Hall County Planning Commission voted to recommend approval, with conditions for your application for **4610 & 4616 Winder Highway | Amend Conditions of Zoning** | on a combined 31.64± acre tract located on the south side of Winder Highway (GA-53); at its intersection with Plantation Drive | Zoned PRD; Tax Parcels 15037A000070 & 15037A000001 | **Proposed Use: 88-unit townhome development** | Commission District 1 | **Georgia South Development, LLC, applicant**

Conditions:

1. The property shall be developed in accordance with the site plan received on ~~May 20, 2024~~ **July 05, 2024**, and as described in the project narrative received ~~May 17, 2024~~ **December 03, 2024**, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be limited to ~~80~~ **74** townhome units.
3. The minimum heated floor area (HFA) of each residential unit shall be 1,800 square feet.
4. All front and side facades of each townhome pod shall be composed of brick, stone, or a combination of the two, excluding gables which shall be composed of a masonry product. Vinyl siding is prohibited. Homes shall be consistent with the submitted renderings. Final review and approval of building elevations is subject to the Assistant Director of Planning and Development, or their designee.
5. All units shall be designed with a two-car garage. Garage doors shall constitute no more than 70 percent of the width of the individual townhouse unit.
6. All residential driveways shall measure no less than 22 feet from the right-of-way to the front of the garage door.
7. The development shall feature internal sidewalks no less than five (5) feet in width constructed on both sides of all internal streets, and shall also connect to the existing sidewalks along Winder Highway.
8. The development shall be served by public sewer, with the obtainment of all required easements and other construction costs such as a lift station and force main to be the responsibility of the developer.

9. The development shall be limited to a maximum of one (1) townhome building 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 permits shall be issued prior to Final Plat recording.
10. There shall be a mandatory Homeowners' Association (HOA).
11. All roadways within the development shall meet all county standards and be developed for public use.
12. All stream buffers must be fully within the Homeowners' Association (HOA) common space and shall not be included on any individual residential building lot.
13. Vehicle parking for guests shall be ~~no less than the 25 spaces,~~ **39 spaces** and mail kiosk parking shall be ~~no less than 17~~ **13** spaces as shown on the site plan received ~~May 20, 2024~~ **July 05, 2024**. All roadway design and parking configurations shall meet Hall County Traffic standards.
14. The amenity area shall include guest parking, outdoor pavilion, picnic area, playground and open area (natural) with pedestrian bridge, and a mail kiosk. The amenity area shall be completed by 50% of final buildout.
15. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County.
16. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
17. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision
18. The Open Space and lot configuration shall be designed to meet §17.430.110.E and §17.430.110.F, including the requirement that "F. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space." The designed lot layout shall be approved by the Planning Director prior to submission of the application for a Preliminary Plat/ LDP application
19. A minimum 50 foot transitional buffer will be required along all property boundaries, as shown on the site plan received on ~~May 20, 2024~~ **July 05, 2024**. A fence shall be installed along the northern boundary from

Winder Highway to the 50 foot stream buffer and then south to the 50-foot stream buffer of the opposite stream running along the southern property line. The fence shall be installed at 6 feet tall and shall be installed 8 feet inside of the transitional buffer into the subdivision. The remaining 42 feet shall be landscaped and shall include vegetation of 6 foot at planting. Along Winder Highway, the 6 feet fence shall be installed on the inside of the 10 feet and the landscaping buffer would be on the roadside. Fully landscaped with plan submitted to and approved by the Planning and Development Director. The planted buffers shall conform to the requirements as described in section 17.260.020 Vegetation Buffers and Vision Clearance.

20. The proposed Stormwater BMP (pond) shall be on a separate "utility" lot that is not a part of the open space.
21. The proposed sewer lift station shall be on a separate "utility" lot with design, ownership and access to be determined by Hall County Public Works prior to submission of the Preliminary Plat/LDP application.
22. The development shall be designed so that all state waters and required buffers (50' and 75') do not encroach on any individual townhome lot.
23. Townhome facades shall have a minimum 2-foot offset no less than every 2 units to add to the visual interest of the development.
24. All designated open space within the development shall be commonly held, and not held by any individual homeowner(s).
25. There shall be a 50 foot buffer along the access easement which exists on the subject property from Winder Highway to tax parcel 15037A000002_.

The Board of Commissioners will hold a public hearing for final determination of this request at their meeting scheduled for ~~Thursday, June 27, 2024~~, **Thursday, December 12, 2024 at 6:00 p.m.** at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Please remember that removal of all Public Notice signs posted on the property is your responsibility and should be removed within five (5) working days following the Board of Commissioners final decision.

It is necessary that either you or your representative attend this meeting.

If you have any questions, please call this office.

Sincerely,

Beth Garmon,
Assistant Director of Planning and Development

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